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August 22, 1996

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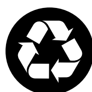

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 800

RIN 0580–AA40

Fees for Official Inspection and Official Weighing Services

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule and Withdrawal of Interim final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS), of the Grain Inspection, Packers and Stockyards Administration (GIPSA), is changing the way it collects user fees for official inspection and weighing services performed in the United States under the United States Grain Standards Act (USGSA), as amended. The new fee structure establishes fees for specific services using hourly rates and/or unit fees. This structure provides customers with information to better assess the cost of specific services, and allows FGIS to pass savings (in the form of fewer billable hours) to customers who invest in operational efficiencies. The new fee structure includes a 4 percent increase to recover salary increases.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: George Wollam, USDA, GIPSA, Room 0623 South Building, STOP 3649, 1400 Independence Avenue, SW, Washington, DC 20250–3649, or telephone (202) 720–0292.

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

The change in the way user fees are collected provides customers with information to better assess the costs of specific inspection services because the fees will be more service specific than under the current hourly rate. Further, it allows savings to be passed on to users of the service who invest in operational efficiencies. Currently, applicants choose only those services they want, but individual service costs are supported by hourly rates without segregation. Fiscal year 1993 financial and volume data were used in developing the new fee structure. While certain fees are increased and new fees are established, the revenue generated using fiscal year 1993 data is equivalent to the $23,192,178 collected that year.

The new fee structure does include a 4 percent increase to recover salary increases since 1993, and would have generated sufficient revenue to cover costs for fiscal year 1994 and the costs for fiscal year 1995. For information, fiscal year 1994 revenues were $20,662,062 with obligations of $21,415,400. For fiscal year 1995, revenues were $23,382,253 with obligations of $24,015,289, and for the first half of fiscal year 1996 revenues were $1,924,516 with obligations of $1,916,609. Obligations include buyout costs, along with costs associated with office consolidations.

Presently, users of the inspection service are charged on an hourly basis. This hourly rate includes the salary and benefits for each service representative providing the service, as well as a portion of overhead and program support costs. The overall cost of a wide variety of services, e.g., grading, weighing, wheat protein measurement, soybean protein and oil measurement, and aflatoxin detection, are averaged together and recovered through an hourly service rate. Under the new system, customers will be charged a lower base hourly rate plus a unit fee to cover the cost of the specific service they request, such as wheat protein. Overhead and program costs will be recovered through a per-metric-ton volume fee assessed on all grain loaded from a facility.

This rule may have an economic impact on infrequent users of the service. FGIS incurs difficulty balancing costs and revenue in some locations where customers desire local FGIS service capacity but use the service infrequently. The new fee schedule is designed to shift the cost of non-revenue producing time to those users responsible for incurring it. Consequently, infrequent users of the service may find the net effect of the new hourly fees and per-metric-ton administrative fee increases their total per-metric-ton cost for inspection service. Conversely, highly efficient and/or high-volume users of the service may realize a decrease in their per-metric-ton cost for inspection service due to the reduced contract hourly rate and the use of an administrative fee to cover overhead and program support expenses.

Most users of the official inspection and weighing services do not meet the requirements for small entities. Further, FGIS is required by statute to make services available and to recover costs of providing such services as nearly as practicable. Therefore, James R. Baker, Administrator, GIPSA, has determined that this final rule does not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action does not have a retroactive effect. The USGSA provides in § 87g that no subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this final rule does not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to provisions of this rule.

Information Collection and Recordkeeping Requirements

In compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 3504), the previously approved information collection and recordkeeping requirements concerning applications for inspection and weighing services have been approved by the Office of Management and Budget under control number 0580–0013.

Background

On November 30, 1995, FGIS proposed in the Federal Register (60 FR 61499) to change the way it collects user fees for official inspection and weighing services performed under the USGSA.

The USGSA fees for inspection and weighing services were last increased and became effective on May 20, 1991 (56 FR 15803). Currently, they appear in 7 CFR § 800.71, Schedule A, Fees for Official Inspection, Weighing, and Appeal Inspection Services Performed in the United States.

FGIS is revising § 800.71, Schedule A—Fees for Official Inspection, Weighing, and Appeal Inspection Services Performed in the United States. Instead of one schedule covering all services, there are now three new tables. The new tables are: Table 1, ''Fees for Official Services Performed at an Applicant's Facility in an Onsite FGIS Laboratory;'' Table 2, ''Services Performed at Other Than an Applicant's Facility in an FGIS Laboratory;'' and Table 3, ''Miscellaneous Services.''

Schedule A, Table 1. This table covers all services performed onsite at an applicant's facility and continues the existing provision for using contract and noncontract hourly rates. The hourly rates are calculated to include only those costs directly related to labor and do not include overhead. The current 1 year contract is retained, but provisions are included for 3- and 6-month contracts. FGIS will evaluate the use of 3- and 6-month contracts after 1-year to determine if they shall be continued. The rate differences between 1-year, 6-month, and 3-month contracts reflect the costs associated with increased staff production under a contract.

1. Hourly Rates

The new hourly rates are divided into four categories related to how FGIS employees are paid: regular time (6 a.m. to 6 p.m.), 10 percent night differential (6 p.m. to 6 a.m.), overtime at 1½ the regular hourly rate (for applicant-caused or requested overtime), and holiday rates at double the regular hourly rate (all hourly rates other than those of regular time are calculated using only the average base hourly rate; this does not include personnel benefits).

2. Additional Tests

Additional unit fees for certain tests such as Aflatoxin, Vomitoxin, Soybean protein and/or oil, Sunflower oil, Wheat protein, Waxy corn, and Class Y weighing are implemented. These fees will recover additional costs incurred such as testing materials, equipment, and hazardous waste disposal which are not recovered through the hourly fee or administrative fee.

3. Administrative Fee

A per-metric-ton administrative charge is implemented to recover the indirect costs of FGIS field offices and headquarters such as the salaries and benefits for office management and support staff, and rent. This charge is assessed on all *outbound* grain inspected and/or weighed at an applicant's facility. Six levels of fees are implemented ranging from 1 metric ton or less to over 7,000,001 metric tons with fees decreasing as the number of metric tons inspected increases. The charge is assessed in addition to the base hourly rate. At the beginning of each fiscal year (October 1), all applicants pay the same per-metric-ton fee. Once a level has been reached, the fee for additional metric tons is reduced until the maximum volume level is reached. Inspections performed on grain that cannot be captured as part of the metric ton charge has a unit fee assessed in addition to the hourly rate to recover overhead costs. Inspections such as submitted samples, factor only, and sacked grain are included.

Schedule A, Table 2, covers fees for inspection and weighing services where FGIS does not have an onsite laboratory at an applicant's facility. The fees in this table are a mixture of hourly rates and unit fees. They cover a vast array of specific services presently provided under the current hourly rates. The hourly rates applied in Table 2 are the appropriate rates from Table 1, unless specific hourly rates are identified. Unit fees cover the time required to perform the service plus a portion for overhead. The types of service provided under these fees include inspection for grade and factor for specific carriers probe sampled or sampled online, additional services and testing (i.e., individual tests), Board appeals and appeals, weighing (Class X and Y), and stowage examinations.

Schedule A, Table 3, provides fees to cover a variety of services not included in the previous tables. As with Table 2, the change in the fee structure from an hourly fee that recovers all costs to a service-specific fee structure requires a listing of specific services currently funded by the hourly rate. These service-specific fees are a mixture of hourly rates and unit fees and apply to Grain Grading Seminars, Certification of Diverter Samplers, Special Services, Scale Testing and Certification, Evaluation of Weighing and Material Handling Systems, National Type Evaluation Program (NTEP) Prototype Evaluation (this hourly rate applies to scales, moisture meters and NIR analyzers), NTEP Prototype Evaluation of Railroad Track Scales, Mass Standards Calibration and Reverification, Special Projects, Foreign Travel, Online Customized Data Export Grain Information System (EGIS) Service, Samples Provided to Interested Parties, Divided-Lot Certificates, Extra Copies of Certificates, Faxing, Special Mailing, and Preparing Certificates Onsite.

Further, FGIS is establishing a unit fee to recover expenses incurred when FGIS employees are requested to provide consulting services outside the United States. Currently, there is no fee for recovering costs of salary, travel, per diem, and related costs which is not related to an official service provided on a shipment of grain at the time of export from the United States. For example, an exporter may ask for an FGIS microbiologist to consult with microbiologists in an importing country to resolve adispute on the presence of grain fungi; or a USDA cooperator may request an FGIS inspector to conduct training for inspectors in an importing country.

FGIS is also changing §§ 800.72 and 800.73 of the regulations to further clarify the application of fees covered in Schedule A. Specifically, service provided under Schedule A covers service provided within 25 miles of the employee's assigned duty point. Travel, per diem, and other related costs are assessed for providing service beyond the 25-mile limit. A minimum fee is established for services identified in Table 2 performed outside of normal business hours Monday through Friday.

Comment Review

FGIS received four comments during the 60-day comment period. Two comments were from grain handling trade associations, one from a State, and one from a steamship association. Both comments from the grain handling trade associations were generally supportive of the proposed rule; however, one commented that under the current hourly fees FGIS field office managers are encouraged to assign more employees to a shift than may be prudent. The commentor went on to say that the proposed fee structure does promote a more fair allocation of costs, but does not go far enough to reduce direct labor costs through job consolidation or by assigning supervisory personnel collateral duty for performing additional tests in those situations where the shift supervisor or journeyman grader are qualified or capable of doing the additional test.

FGIS does not agree that its field office managers are over staffing shifts under the current hourly fees. FGIS further believes that direct labor costs will be reduced through the new lower hourly rate fee structure which includes a lower hourly rate for online supervisory personnel and the recovery of overhead through a per-metric-ton administrative fee. FGIS does utilize its inspection personnel to their maximum potential.

The comment from the State was entirely supportive and encouraged FGIS to adopt a unit fee for direct services provided to the industry with minimum hourly rates.

The comment from the steamship association requested that FGIS maintain the current hourly rate with a small increase, that FGIS increase the number of hours and personnel available for stowage examinations, and that stowage examinations and stowage re-examinations will cost more to the steamship line if the inspections are done in different parts of the country.

FGIS has determined that changing the way it collects fees from an hourly rate to a combination of reduced hourly rates and unit fees is the most equitable way to recover its costs and provide the grain industry quality service. FGIS agrees re-examining ship holds will cost more to the steamship line if the inspections are done in different parts of the country. Therefore, FGIS is modifying the provisions for charging for stowage examinations when the initial examination was performed at a different port. FGIS will not charge the minimum fee and will charge the per hold charge if the ship has moved from one port to another.

While the comment concerning FGIS increasing the hours and personnel available for inspection is not within the scope of this rulemaking, we do note that stowage examination is conducted generally during daylight hours.

Withdrawal of Interim Final Rule

On January 8, 1993 (58 FR 3213), FGIS published an interim rule, which would have implemented fee increases for official inspection and weighing services, effective February 1, 1993. On January 21, 1993, FGIS published in the Federal Register, a document indefinitely postponing the fee increase. This action withdraws the interim final rule published at 58 FR 3213.

October 1, 1996, Effective Date

The changes to the fee schedules made in this final rule are effective October 1, 1996. That date corresponds to the beginning of the 1997 fiscal year and the start of a new accounting cycle.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure; Grain.

For the reasons set out in the preamble, 7 CFR Part 800 is amended as follows:

PART 800—GENERAL REGULATIONS

1. The authority citation for Part 800 continues to read as follows:

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

2. Section 800.71 is amended by revising Schedule A to read as follows:

§ 800.71 Fees assessed by the Service.

(a) * * *

Schedule A.—Fees for Official Inspection and Weighing Services Performed in the United States

TABLE 1.—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT'S FACILITY IN AN ONSITE FGIS LABORATORY [1]

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and Overtime [2]	Holidays
(1) Inspection and Weighing Services Hourly Rates (per service representative)				
1-year contract	$23.00	$24.80	$32.40	$39.00
6-month contract	25.00	26.80	34.40	43.60
3-month contract	28.00	29.80	37.40	46.60
Noncontract	33.00	35.00	42.80	52.60

(2) Additional Tests (cost per test, assessed in addition to the hourly rate) [3]	
(i) Aflatoxin (other than Thin Layer Chromatography)	$8.50
(ii) Aflatoxin (Thin Layer Chromatography method)	20.00
(iii) Soybean protein and oil (one or both)	1.50
(iv) Wheat protein (per test)	1.50
(v) Sunflower oil (per test)	1.50
(vi) Vomitoxin (qualitative)	7.50
(vii) Vomitoxin (quantitative)	12.50
(viii) Waxy corn (per test)	1.50
(ix) Fees for other tests not listed above will be based on the lowest noncontract hourly rate.	
(x) Other services	
(a) Class Y Weighing (per carrier).	
(1) Truck/container	.30
(2) Railcar	1.25
(3) Barge	2.50

(3) Administrative Fee (assessed in addition to all other applicable fees, only one administrative fee will be assessed when inspection and weighing services are performed on the same carrier).	
(i) All outbound carriers (per-metric-ton) [4]	
(a) 1–1,000,000	$0.090
(b) 1,000,001–1,500,000	0.082
(c) 1,500,001–2,000,000	0.042
(d) 2,000,001–5,000,000	0.032
(e) 5,000,001–7,000,000	0.017

(f) 7,000,001–	0.002
(ii) Additional services (assessed in addition to all other fees) [3]	
(a) Submitted sample (per sample-grade and factor)	1.50
(b) Submitted sample—Factor only (per factor)	0.70

[1] Fees apply for original inspection and weighing, reinspection, and appeal inspection service include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72(a).

[2] Overtime rates will be assessed for all hours in excess of 8 consecutive hours that result from an applicant scheduling or requesting service beyond 8 hours, or if requests for additional shifts exceed existing staffing.

[3] Appeal and reinspection services will be assessed the same fee as the original inspection service.

[4] The administrative fee is assessed on an accumulated basis beginning at the start of the Service's fiscal year (October 1 each year).

Table 2.—Services Performed at Other Than an Applicant's Facility in an FGIS Laboratory [1] [2]

(1) Original Inspection and Weighing (Class X) Services	
(i) Sampling only (use hourly rates from Table 1)	
(ii) Stationary lots (sampling, grade/factor, and checkloading)	
(a) Truck/trailer/container (per carrier)	$17.60
(b) Railcar (per carrier)	$27.00
(c) Barge (per carrier)	$173.60
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	$0.02
(iii) Lots sampled online during loading (sampling charge under (i) above plus)	
(a) Truck/trailer container (per carrier)	$9.40
(b) Railcar (per carrier)	$18.80
(c) Barge (per carrier)	$107.60
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	$0.02
(iv) Other services	
(a) Submitted sample (per sample—grade and factor)	$10.00
(b) Warehouseman inspection (per sample)	$17.00
(c) Factor only (per factor—maximum 2 factors)	$4.10
(d) Checkloading/condition examination (use hourly rates from Table 1, plus an administrative fee per hundredweight if not previously assessed) (CWT)	$0.02
(e) Reinspection (grade and factor only. Sampling service additional, item (i) above	$11.00
(f) Class X Weighing (per hour per service representative)	$43.60
(v) Additional tests (excludes sampling)	
(a) Aflatoxin (per test—other than TLC method)	$25.00
(b) Aflatoxin (per test—TLC method)	$100.50
(c) Soybean protein and oil (one or both)	$7.80
(d) Wheat protein (per test)	$7.80
(e) Sunflower oil (per test)	$7.80
(f) Vomitoxin (qualitative)	$25.00
(g) Vomitoxin (quantitative)	$30.00
(h) Waxy corn (per test)	$9.00
(i) Canola (per test—00 dip test)	$9.00
(j) Pesticide Residue Testing [3]	
(1) Routine Compounds (per sample)	$200.00
(2) Special Compounds (per service representative)	$100.00
(k) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1.	
(2) Appeal inspection and review of weighing service.[4]	
(i) Board Appeals and Appeals (grade and factor)	$74.60
(a) Factor only (per factor—max 2 factors)	$38.00
(b) Sampling service for Appeals additional (hourly rates from Table 1).	
(ii) Additional tests (assessed in addition to all other applicable fees)	
(a) Aflatoxin (per test, other than TLC)	$25.00
(b) Aflatoxin (TLC)	$110.00
(c) Soybean protein and oil (one or both)	$15.30
(d) Wheat protein (per test)	$15.30
(e) Sunflower oil (per test)	$15.30
(f) Vomitoxin (per test—qualitative)	$35.00
(g) Vomitoxin (per test—quantitative)	$40.00
(h) Vomitoxin (per test—HPLC Board Appeal)	$125.70
(i) Pesticide Residue Testing [3].	
(1) Routine Compounds (per sample)	$200.00
(2) Special Compounds (per service representative)	$100.00
(j) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1.	
(iii) Review of weighing (per hour per service representative)	$63.50
(3) Stowage examination (service-on- request)[3]	
(i) Ship (per stowage space) (minimum $250 per ship)	$50.00
(ii) Subsequent ship examinations (same as original)[5] (minimum $150 per ship)	
(iii) Barge (per examination)	$40.00
(iv) All other carriers (per examination)	$15.00

[1] Fees apply for original inspection and weighing, reinspection, and appeal inspection service include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles are found in § 800.72 (a).

[2] An additional charge will be assessed when the revenue from the services in Schedule A, Table 2, does not cover what would have been collected at the applicable hourly rate as provided in § 800.72 (b).

[3] If performed outside of normal business, 1½ times the applicable unit fee will be charged.

[4] If, at the request of the Service, a file sample is located and forwarded by the Agency for an official appeal, the Agency may, upon request, be reimbursed at the rate of $2.50 per sample by the Service.

[5] If a ship has had, and passed, a stowage examination at one port location but not loaded all holds examined, then moved to another port, the subsequent stowage examination shall charged the minimum hold fee but only the per hold unit charge.

Table 3.—Miscellaneous Services [1]

(1) Grain grading seminars (per hour per service representative)	$43.60

Table 3.—Miscellaneous Services [1]—Continued

Service	Fee
(2) Certification of diverter-type mechanical samplers (per hour per service representative)	$43.60
(3) Special services (per hour per service representative):.	
(i) Scale testing and certification	$43.60
(ii) Evaluation of weighing and material handling systems	$43.60
(iii) NTEP Prototype evaluation (other than Railroad Track Scales)	$43.60
(iv) NTEP Prototype evaluation of Railroad Track Scales (usage fee per day for test car)	$100.00
(v) Mass standards calibration and reverification	$43.60
(vi) Special projects	$43.60
(4) Foreign travel (per day per service representative)	$416.00
(5) Online customized data EGIS service	
(i) One data file per week for 1 year	$500.00
(ii) One data file per month for 1 year	$300.00
(6) Samples provided to interested parties (per sample)	$2.50
(7) Divided-lot certificates (per certificate)	$1.50
(8) Extra copies of certificates (per certificate)	$1.50
(9) Faxing (per page)	$1.50
(10) Special mailing (actual cost).	
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1).	

[1] Any requested service that is not listed will be performed at the applicable non-contract hourly rate.

[2] Regular business hours-Monday thru Friday- service provided at other than regular hours charged at the applicable overtime hourly rate.

* * * * *

3. Section 800.72 is revised to read as follows:

§ 800.72 Explanation of additional service fees for services performed in the United States only.

(a) When transportation of the service representative to the service location (at other than a specified duty point) is more than 25 miles from an FGIS office, the actual transportation cost in addition to the applicable hourly rate for each service representative will be assessed from the FGIS office to the service point and return. When commercial modes of transportation (e.g., airplanes) are required, the actual expense incurred for the round-trip travel will be assessed. When services are provided to more than one applicant, the travel and other related charges will be prorated between applicants.

(b) In addition to a 2-hour minimum charge for service on Saturdays, Sundays, and holidays, an additional charge will be assessed when the revenue from the services in § 800.71, Schedule A, Table 2, does not equal or exceed what would have been collected at the applicable hourly rate. The additional charge will be the difference between the actual unit fee revenue and the hourly fee revenue. Hours accrued for travel and standby time shall apply in determining the hours for the minimum fee.

4. Section 800.73 is revised to read as follows:

§ 800.73 Computation and payment of service fees; general fee information.

(a) *Computing hourly rates.* The applicable hourly rate will be assessed in quarter hour increments for:

(1) Travel from the FGIS field office or assigned duty station to the service point and return;

(2) The performance of the requested service, less mealtime.

(b) *Application of fees when service is delayed or dismissed by the applicant.* The applicable hourly rate will be assessed for the entire period of scheduled service when:

(1) Service has been requested at a specified location;

(2) A service representative is on duty and ready to provide service but is unable to do so because of a delay not caused by the Service; and

(3 FGIS officials determine that the service representative cannot be utilized to provide service elsewhere without cost to the Service.

(c) *Application of fees when an application for service is withdrawn or dismissed.* The applicable hourly rate will be assessed to the applicant for the entire period of scheduled service if the request is withdrawn or dismissed after the service representative departs for the service point, or if the service request is not canceled by 2 p.m., local time, the business day preceding the date of scheduled service. However, the applicable hourly rate will not be assessed to the applicant if FGIS officials determine that the service representative can be utilized elsewhere or released without cost to the Service.

(d) *To whom fees are assessed.* Fees for inspection, weighing, and related services performed by service representatives, including additional fees as provided in § 800.72, shall be assessed to and paid by the applicant for the service.

(e) *Monthly payment of administrative fee.* At the option of the applicant, an agreement for 12 equal monthly payments may be entered into for payment of the administrative fee. These monthly payments will be based on the previous fiscal year's volume applied to the current year's administrative fee schedule. If the volume of grain inspected is more than the amount of grain agreed upon at the beginning of the fiscal year, at the point the agreed upon volume is exceeded, the current year's administrative fee schedule shall apply to the remaining amount of grain for the rest of the fiscal year. If the volume of grain inspected is less than the agreed upon amount, any excess monies paid to the Service shall be applied to the next fiscal year's administrative fee unless a request for a refund is made by the applicant.

(f) *Advance payment.* As necessary, the Administrator may require that fees shall be paid in advance of the performance of the requested service. Any fees paid in excess of the amount due shall be used to offset future billings, unless a request for a refund is made by the applicant.

(g) *Form of payment.* Bills for fees assessed under the regulations in this part for official services performed by FGIS shall be paid by check, draft, or money order, payable to the U.S. Department of Agriculture, Grain Inspection, Packers and Stockyards Administration.

Dated: August 16, 1996.

Shirley Watkins,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–21391 Filed 8–21–96; 8:45 am]

BILLING CODE 3410–EN–P

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 96–025–2]

Change in Disease Status of Spain Because of African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations by declaring Spain free of African swine fever. This action is appropriate because there have been no confirmed outbreaks of African swine fever in Spain since September 1994. This rule relieves restrictions on the importation of pork and pork products into the United States from Spain. However, because Spain shares common land borders with countries affected by certain swine diseases and because

Spain, as a member state of the European Union, has certain trade practices that are less restrictive than are acceptable to the United States, the importation into the United States of pork and pork products from Spain continues to be subject to certain restrictions.

EFFECTIVE DATE: September 6, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. John Cougill, Staff Veterinarian, Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231, (301) 734–8688; or e-mail: jcougill@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various animal diseases, including rinderpest, foot-and-mouth disease, bovine spongiform encephalopathy, swine vesicular disease, hog cholera, and African swine fever (ASF). These are dangerous and destructive communicable diseases of ruminants and swine.

Section 94.8 of the regulations provides that ASF exists or is reasonably believed to exist in all the countries of Africa, Brazil, Cuba, Haiti, Italy, Malta, Portugal, and Spain. We will consider declaring a country to be free of ASF if there have been no reported cases of the disease in that country for at least the previous 1-year period. The last case of ASF in Spain occurred in September 1994. The Government of Spain has requested that the U.S. Department of Agriculture (USDA) recognize Spain to be free of ASF.

On May 29, 1996, we published in the Federal Register (61 FR 26850–26852, Docket No. 96–025–1) a proposal to amend the regulations by removing Spain from the list of countries where ASF exists or is reasonably believed to exist. This action would relieve certain restrictions on the importation of pork and pork products into the United States from Spain, including restrictions on the importation of live swine and fresh pork and pork products, and would eliminate requirements on the curing time for Spanish hams and other pork products offered for importation into the United States from Spain.

We solicited comments concerning our proposal for 60 days ending July 29, 1996. We received 5 comments by that date. They were from representatives of industry and a foreign government. All responses were in favor of the provisions outlined in the proposed rule.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule without change.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the Federal Register. This rule removes Spain from the list of countries where ASF exists or is reasonably believed to exist. This action relieves certain restrictions on the importation of pork and pork products into the United States from Spain, including restrictions on the importation of live swine and fresh pork and pork products, and eliminates requirements on the curing time for Spanish hams and other pork products offered for importation into the United States from Spain. We have determined that approximately 2 weeks are needed to ensure that the Animal and Plant Health Inspection Service personnel at ports of entry receive official notice of this change in the regulations. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective 15 days after publication in the Federal Register.

Executive Order 12866 and Regulatory Flexibility Act

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

In accordance with 5 U.S.C. 601 *et seq.,* we have performed a Final Regulatory Flexibility Analysis, which is set out below, regarding the impact of this rule on small entities.

In accordance with 21 U.S.C. 111–113, 114a, 115, 117, 120, 123, and 134a, the Secretary of Agriculture has the authority to promulgate regulations and take measures to prevent the introduction into the United States, and the interstate dissemination within the United States, of communicable diseases of livestock and poultry.

This rule amends the regulations in part 94 by removing Spain from the list of countries where ASF exists or is reasonably believed to exist. This action relieves certain restrictions on the importation of live swine, pork, and pork products into the United States from Spain. However, because of Spain's proximity to France and Portugal (countries affected by serious swine diseases) and Spain's trading practices as a member state of the European Union, other requirements continue to restrict the importation of pork and pork products from Spain.

In 1992, the majority (approximately 96.3 percent) of all hog and pig farmers in the United States qualified as small entities. However, we expect the impact of relieving restrictions on live swine imports from Spain on these producers to be minimal because the swine industry of Spain is relatively small compared to the market in the United States. In 1994, swine production in Spain was estimated to be 26.7 million head, compared to swine production in the United States of over 100 million head. Also, in 1994, Spain exported a little more than 0.5 million live swine, or less than 2 percent of its total swine production, and all of those animals were directed to countries in Europe.

Total imports of live swine into the United States are very small relative to domestic production. In 1993, only 1.75 million head were imported into the United States. Due to transportation costs and other factors, nearly all of the live swine imported into the United States (more than 99.8 percent in 1993) are from Canada. Most of the live swine that are imported from Western Europe into the United States are imported in very small numbers, to be used for genetic improvements of domestic stock. We expect that the importation of swine embryos and semen will not increase as a result of this rule. Movement of swine embryos and semen is limited because the technology is not as advanced as it is for other species.

Like domestic swine producers, the majority of pork producers (97 percent of 1367 meat packing establishments and 98 percent of 1264 other processing plants, according to 1992 data) qualify as small entities. We expect the effect of this rule on these entities will be minimal because, while Spain produces a considerable amount of pork (2.107 million metric tons in 1994), its total pork production amounts to only about 26 percent of the total pork production of the United States. Additionally, most of Spain's pork production is consumed within Spain, as its population consumes pork at a rate greater than 1.6 times that of the U.S. population.

In 1994, Spain exported approximately 83,000 metric tons of pork, but more than 97 percent of these exports were to European countries. While Spanish exports of pork are growing and its imports of pork are declining, Spain has historically been a net importer of pork. From 1991 to 1993, Spain imported well over twice as

much pork as it exported. Even if Spain were able to redirect all of its exports of pork to the United States, it would constitute a small portion of the domestic market, as U.S. pork production was 8 million metric tons in 1994.

Since 1985, the United States has expanded its pork exports by more than four times to reach 240,858 metric tons in 1994. Simultaneously, the United States has decreased its pork imports, as exemplified by a decrease of approximately 34 percent in 1994, and the trend is continuing. In an average year, up to 90 percent of pork imported into the United States comes from Canada and Denmark.

Domestic pork producers most likely to be affected by this rule are a small number of domestic producers of specific specialty pork products. We anticipate increased imports into the United States from Spain of dry-cured, ready-to-eat ham; dry-cured, salted, boneless loin; and dry-cured sausages, particularly Serrano ham. Most of these products are similar to Parma and prosciutto hams and other cured pork products being produced domestically and produced in other countries for importation into the United States, but Serrano ham is a specialty product with unique water content, color, aroma, and flavor.

Spain currently produces approximately 350,000 metric tons of all types of cured ham per year. It is estimated that in 1994 more than 975,000 metric tons of all types of cured ham were produced in the United States. While Spanish production of all types of cured ham represents approximately 36 percent of U.S. cured ham production, Spain's domestic consumption of cured pork is considerably higher than consumption in the United States. About 40 percent of Spain's total pork consumption consists of cured pork. In 1994, Spain exported only 4,135 metric tons of cured ham, which amounts to significantly less than 1 percent of total U.S. production of cured pork. These exports were directed primarily to France, Argentina, Portugal, and Germany.

From all indications, only a few of the largest 18 cured pork producers in Spain, which account for 50 percent of Spanish production of cured pork, have an interest in or a capability for penetrating the U.S. market over the foreseeable future. Further, we estimate that the maximum amount of cured pork products that Spain can expect to export to the United States will likely not exceed 500 metric tons annually, and this ceiling will likely not be reached for a period of about 5 years because the imports arriving in the United States from Spain will still be required to meet Food Safety and Inspection Service standards before entering the country.

We estimate that there are approximately 15 companies in the United States producing significant amounts of specialty processed pork products that will compete with the potential imports from Spain. A small portion of these producers are very large, and these specialty products constitute only a small fraction of their overall business. Therefore, we expect the impact of this rule on these large companies will be minimal. However, the small producers may be impacted by additional imports. Yet, without specific information on (1) the quantity of additional imports generated by the rule change, (2) the quantity of domestic production, and (3) the degree to which Spanish imports will displace other imports rather than domestic production, the impact on small domestic producers cannot be predicted.

An alternative to this rule was to make no changes in the regulations. We rejected this alternative because Spain has had no reported cases of ASF since September 1994, and, therefore, we have no scientific reason to continue considering Spain to be a country where ASF exists.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.8 [Amended]

2. In § 94.8, the introductory text is amended by removing the words '', and Spain'' and by adding the word ''and'' immediately preceding the word ''Portugal''.

Done in Washington, DC, this 16th day of August 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–21455 Filed 8–21–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–94–AD; Amendment 39–9722; AD 96–17–12]

RIN 2120–AA64

Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 87–07–01, which currently requires the following on Jetstream Aircraft Limited (JAL) HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes: repetitively inspecting the nose landing gear (NLG) top cap assembly securing bolts for looseness or cracks, retorquing any loose security bolt, and replacing any cracked security bolt. AD 87–07–01 also provides the option of incorporating an NLG modification as terminating action for the repetitive inspections. A report of cracked and loose bolts found on an airplane with the above-referenced NLG modification prompted this action. This action:

retains the repetitive inspections required by AD 87–07–01; increases the AD applicability to include Jetstream Model 3201 airplanes and airplanes that have the NLG top cap assembly modified in accordance with AD 87–07–01; requires replacing two of the NLG top cap assembly securing bolts; and incorporates a new NLG top cap assembly that would eliminate the repetitive inspection requirement of the AD. The actions specified in this AD are intended to prevent failure of the NLG caused by cracked or loose securing bolts, which, if not detected and corrected, could lead to NLG collapse and damage to the airplane.

DATES: Effective October 21, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 21, 1996.

ADDRESSES: Service information that applies to this AD may be obtained from Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44–292) 79888; facsimile (44–292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029; telephone (703) 406–1161; facsimile (703) 406–1469. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–94–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Dorenda Baker, Program Officer, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (322) 508–2715; facsimile (322) 230–6899; or Mr. Jeffrey Morfitt, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to JAL HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes that do not have a modified NLG top cap assembly incorporated (Amendment JA 901040) was published in the Federal Register on March 22, 1996 (61 FR 11786). The action proposed to supersede AD 87–07–01 with a new AD that would:

— retain the requirement contained in AD 87–07–01 of repetitively inspecting the NLG top cap assembly securing bolts for looseness, retorquing any loose security bolt, and replacing any cracked security bolt;
—require replacing two of the NLG top cap assembly securing bolts and checking the other two NLG top cap assembly securing bolts for the correct length; and
—require replacing (at a specified time) the NLG top cap assembly with a part of improved design (Amendment JA 901040) as terminating action for the repetitive inspections.

Accomplishment of the proposed actions would be in accordance with Jetstream Service Bulletin (SB) 32–JA 901040, Revision No. 3, dated August 9, 1995, and AP Precision Hydraulics Ltd SB 32–41, which incorporates the following pages:

Pages	Revision level	Date
1, 2, 6, 7, 8 and 15.	Revision No. 2.	Mar. 9, 1993.
4 and 10	Revision No. 1.	July 11, 1991.
3, 5, 9, 11, 12, 13, and 14.	Original Issue	Nov. 17, 1990.

A report of cracked and loose bolts found on an airplane with the above-referenced NLG modification prompted the proposal.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received in support of the proposed rule and no comments were received regarding the FAA's determination of the cost to the public.

FAA's Determination

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

Cost Impact

The FAA estimates that 150 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 18 workhours (inspection: 6 workhours; replacement: 12 workhours) to accomplish the required actions, and that the average labor rate is approximately $60 an hour. Parts cost approximately $1,200 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $342,000 or $2,280 per airplane. This figure only takes into account the cost of the required initial inspection and required inspection-terminating modification and does not take into account the cost of the required repetitive inspections. The FAA has no way of determining the number of repetitive inspections each of the owners/operators would incur over the life of the affected airplanes.

This figure is also based on the assumption that none of the affected airplane owners/operators have accomplished the required modification. This action eliminates the repetitive inspections required by AD 87–07–01. The FAA has no way of determining the operation levels of each individual operator of the affected airplanes, and subsequently cannot determine the repetitive inspection costs that will be eliminated by this action. The FAA estimates these costs to be substantial over the long term.

In addition, JAL has informed the FAA that parts have been distributed to owners/operators to equip approximately 62 of the affected airplanes. Assuming that each set of parts has been installed on an affected airplane, the cost impact of the required modification upon the public will be reduced $141,360 from $342,000 to $200,640.

FAA's Aging Commuter-Class Aircraft Policy

This action is consistent with the FAA's aging commuter-class airplane policy. This policy simply states that reliance on repetitive inspections of critical areas on commuter-class airplanes carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections.

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class airplanes that are in commercial service without adversely impacting private operators. Of the approximately 150 airplanes in the U.S. registry that are affected by this AD, the FAA has determined that approximately 95 percent are operated in scheduled passenger service by 10 different operators.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 87–07–01, Amendment 39–5582, and adding a new AD to read as follows:

96–17–12 Jetstream Aircraft Limited: Amendment 39–9722; Docket No. 95–CE–94–AD. Supersedes AD 87–07–01, Amendment 39–5582.

Applicability: The following airplane models and serial numbers, certificated in any category, that do not have a modified nose landing gear (NLG) top cap assembly incorporated (Amendment JA 901040) in accordance with Jetstream Service Bulletin (SB) 32–JA 901040, Revision No. 3, dated August 9, 1995:

Model	Serial numbers
HP137 Mk1	All serial numbers;
Jetstream series 200	All serial numbers;
Jetstream Model 3101	All serial numbers; and
Jetstream Model 3201	Serial numbers 790 through 854.

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

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent failure of the NLG caused by cracked or loose securing bolts, which, if not detected and corrected, could lead to NLG collapse and damage to the airplane, accomplish the following:

Note 2: The paragraph structure of this AD is as follows:

Level 1: (a), (b), (c), etc.
Level 2: (1), (2), (3), etc.
Level 3: (i), (ii), (iii), etc.

Level 2 and Level 3 structures are designations of the Level 1 paragraph they immediately follow.

(a) Within the next 300 landings accumulated on the NLG after the effective date of this AD, accomplish the following in accordance with the applicable portion of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 32–JA 901040, Revision No. 3, dated August 9, 1995, and AP Precision Hydraulics Ltd SB 32–41, which incorporates the following pages:

Pages	Revision level	Date
1, 2, 6, 7, 8 and 15.	Revision No. 2.	Mar. 9, 1993.
4 and 10	Revision No. 1.	July 11, 1991.
3, 5, 9, 11, 12, 13, and 14.	Original Issue	Nov. 17, 1990.

(1) Replace two of the NLG top cap assembly securing bolts, and check the other two for correct length in accordance with part 1A of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41. Prior to further flight, replace any NLG top securing bolt that is not the length specified in AP Precision Hydraulics Ltd SB 32–41.

(2) Check the tightness of the four NLG top cap assembly securing bolts and ensure that these bolts are not broken in accordance with part 1b of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41.

(i) Prior to further flight, retorque any bolts with incorrect torque values.

(ii) If any bolts are broken or gaps are found as specified in paragraph A.(4) of part 1b of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41, prior to further flight, replace the NLG in accordance with the applicable maintenance manual.

(b) Within 1,200 landings after the actions required by paragraph (a) of this AD (all paragraph designations), and thereafter at intervals not to exceed 1,200 landings, until the modification required by paragraph (c) of this AD is incorporated, check the tightness of the four NLG top cap assembly securing bolts and ensure that these bolts are not broken in accordance with part 1b of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41.

(1) Prior to further flight, retorque any bolts with incorrect torque values.

(2) If any bolts are broken or gaps are found as specified in paragraph A.(4) of part 1b of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41, prior to further flight, replace the NLG in accordance with the applicable maintenance manual.

(c) Upon accumulating 20,000 landings on the NLG or within the next 2,500 landings accumulated on the NLG after the effective date of this AD, whichever occurs later, install a new NLG top cap assembly or modify the existing NLG top cap assembly in accordance with Part 2 of the ACCOMPLISHMENT INSTRUCTIONS section of AP Precision Hydraulics Ltd SB 32–41, which incorporates the following pages:

Pages	Revision level	Date
1, 2, 6, 7, 8 and 15.	Revision No. 2.	Mar. 9, 1993.
4 and 10	Revision No. 1.	July 11, 1991.
3, 5, 9, 11, 12, 13, and 14.	Original Issue	Nov. 17, 1990.

(d) Incorporating the modification required by paragraph (c) of this AD is considered terminating action for the repetitive torque checks required by this AD and may be incorporated at any time prior to 20,000 landings on a NLG or within the next 2,500 landings accumulated on the NLG after the effective date of this AD, whichever occurs later (at which time it must be incorporated).

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

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels,

Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division. Alternative methods of compliance approved in accordance with AD 87–07–01 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division.

(g) The replacements, check, retorque, and installation required by this AD shall be done in accordance with Jetstream Service Bulletin 32–JA 901040, Revision No. 3, dated August 9, 1995, and AP Precision Hydraulics Ltd Service Bulletin 32–41, which incorporates the following pages:

Pages	Revision level	Date
1, 2, 6, 7, 8 and 15.	Revision No. 2.	Mar. 9, 1993.
4 and 10	Revision No. 1.	July 11, 1991.
3, 5, 9, 11, 12, 13, and 14.	Original Issue	Nov. 17, 1990.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment (39–9722) supersedes AD 87–07–01, Amendment 39–5582.

(i) This amendment (39–9722) becomes effective on October 21, 1996.

Issued in Kansas City, Missouri, on August 15, 1996.

Carolanne L. Cabrini,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–21375 Filed 8–21–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 93–ASW–5]

RIN 2120–AA66

Alteration of VOR Federal Airways; Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: On July 3, 1996, the FAA published a final rule realigning eleven Federal airways supporting the Dallas/Fort Worth, TX, Metroplex Plan. On August 12, 1996, a correction to the final rule was published to correct the airspace designation for Federal Airway V–477. However, the description for V–477 inadvertently omitted ''Leona'' from the existing route. This action corrects that error.

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Bil Nelson, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION: On August 12, 1996, the FAA published a final rule correcting the description of V–477 (61 FR 41736). However, the description for V–477 inadvertently omitted ''Leona'' from the existing route. This action corrects that error.

Correction of Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace designation for V–477, published in the Federal Register on August 12, 1996 (61 FR 41737); Federal Register Document 96–20510, Column 1, is corrected as follows:

* * * * *

V–477 [Corrected]

From Humble, TX, via INT Humble 349° and Leona, TX, 139° radials; Leona; to Cedar Creek, TX.

* * * * *

Issued in Washington, DC, on August 15, 1996.

Jeff Griffith,

Program Director for Air Traffic Airspace Management.

[FR Doc. 96–21478 Filed 8–21–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 93–ASW–4]

RIN 2120–AA66

Alteration of VOR Federal Airways; Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: On July 3, 1996, the FAA published a final rule realigning twelve Federal airways supporting the Dallas/Fort Worth, TX, Metroplex Plan. On August 12, 1996, a correction to the final rule was published to correct the airspace designations for Federal Airways V–63 and V–94. However, the description for V–63 inadvertently referenced the ''Howard MOA'' when it should have referenced the ''Howard West MOA.'' This action corrects that error.

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Bil Nelson, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION: On August 12, 1996, the FAA published a final rule correcting the description of V–63 and V–94 (61 FR 41736). However, the description for V–63 inadvertently referenced the ''Howard MOA'' when it should have referenced the ''Howard West MOA.'' This action corrects that error.

Correction of Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace designation for V–63, published in the Federal Register on August 12, 1996 (61 FR 41736); Federal Register Document 96–20511, Column 2, is corrected as follows:

* * * * *

V–63 [Corrected]

From Bonham, TX, via McAlester, OK; Razorback, AR; Springfield, MO; Hallsville, MO; Quincy, IL; Burlington, IA; Moline, IL; Davenport, IA; Rockford, IL; Janesville, WI; Badger, WI; Oshkosh, WI; Stevens Point, WI; Wausau, WI; Rhinelander, WI, to Houghton, MI. Excluding that airspace at and above 10,000 feet MSL from 5 NM north to 46 NM north of Quincy during the time that the Howard West MOA is activated by NOTAM.

* * * * *

Issued in Washington, DC, on August 15, 1996.

Jeff Griffith,

Program Director for Air Traffic Airspace Management.

[FR Doc. 96–21476 Filed 8–21–96; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF STATE

22 CFR Parts 50 and 51

[Public Notice 2419]

Bureau of Consular Affairs; Passport and Nationality Procedures—Persons Authorized to Issue Passports and Adjudicate Nationality Abroad

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: This rule amends existing nationality and passport regulations to

allow designated U.S. citizen employees of the Department of State to grant, issue and verify U.S. passports and to adjudicate U.S. nationality claims in foreign countries. The extension of this responsibility to designated United States citizen Department of State employees will enable foreign service posts to provide more efficient passport, citizenship and nationality service to the public. Consular officers will be able to concentrate on managing consular resources, but will still provide passport and citizenship services to U.S. citizens as necessary. This rule also updates terminology relating to Consular Reports of Birth Abroad of a Citizen of the United States of America and clarifies the authority of consular Agents and others to administer the oath for passport purposes.

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Carmen A. DiPlacido, or Michael Meszaros, Overseas Citizens Services, Office of Policy, Review and Interagency Liaison, Department of State, 202–647–3666.

SUPPLEMENTARY INFORMATION: The Secretary of State is authorized by 22 U.S.C. 211a to issue passports, and to cause passports to be issued in foreign countries pursuant to rules prescribed by the President. The President's rulemaking authority was delegated to the Secretary of State in Executive Order No. 11295 (August 5, 1966) and is routinely exercised by the Assistant Secretary of State for Consular Affairs. Section 127(a) of the Foreign Relations Authorization Act, Fiscal Years 1994–1995, Pub. L. 103–236 (Apr. 30, 1994), and Section 1(b) of Pub. L. 103–415 (Oct. 25, 1994), amended 22 U.S.C. 211a to allow the Secretary of State to designate certain United States citizen employees of the Department of State stationed abroad to grant, issue and verify passports in foreign countries. (Until now, these passport and adjudicatory functions have been performed abroad only by diplomatic and consular officers.) The authority to designate was delegated to the Assistant Secretary of State for Consular Affairs in Delegation of Authority No. 214 (Sept. 20, 1994), and through these regulations will be further delegated to the Deputy Assistant Secretary for Overseas Citizens Services.

The authority to grant, issue and verify passports implicitly includes the authority to determine a passport applicant's U.S. nationality and U.S. citizenship. Persons designated under the new regulations will therefore generally determine claims to U.S. nationality/citizenship (acquisition and loss) made by persons abroad who apply for passports, registration as a U.S. citizen, cards of identity or other travel documents. Designated persons will also provide advice to consular officers with respect to issuance of Consular Reports of Birth Abroad of a Citizen of the United States of America (Consular Report of Birth Abroad).

Persons designated by the Deputy Assistant Secretary for Overseas Citizens Services must meet criteria relating to necessary training and experience before authorization to perform adjudication responsibilities. Consular officers will supervise all aspects of nationality adjudication performed by persons designated under the new regulations. The Consular Report of Birth Abroad will continue to be solely issued by the consular officer, however, because at present such documents are proof of citizenship under 22 U.S.C. section 2705 only when so issued. The new authority permitting other U.S. citizen employees to perform these functions will relieve consular officers of some of their ministerial functions, so that they may focus more effort on other demands of managing workloads at our overseas posts. Portions of 22 CFR part 50 and 22 CFR part 51 are being amended to reflect this new authority.

The regulations also update the text of regulations relating to the issuance of Consular Report of Birth Abroad of a Citizen of the United States of America. The Consular Report of Birth Abroad was formerly known as a registration of birth abroad. This outdated terminology is replaced where it occurs. In addition, for security and anti-fraud reasons, the regulation is being amended to limit the persons eligible to apply for a Consular Report of Birth Abroad to the citizen's parent(s) and the citizen's legal guardian. See 22 CFR 50.5.

The regulations (51.21) are also being amended to reflect that consular agents and overseas notarial officers may administer the oaths for passport purposes required by 22 U.S.C. 213, and for the Consular Report of Birth Abroad.

Pursuant to 5 U.S.C. Section 553(b)(A), these rules are being promulgated without notice or comment because they are rules of agency organization and procedure. These regulations are not expected to have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). In addition, they will not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35. Nor do these final rules have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. These final rules have been reviewed as required by E.O. 12988. These rules are exempt from review under E.O. 12866 but have been reviewed and found to be consistent with the objectives thereof.

List of Subjects

22 CFR Part 50

Citizenship and naturalization.

22 CFR Part 51

Administrative practice and procedure, Passports and visas.

Accordingly, 22 CFR parts 50 and 51 are amended as follows:

PART 50—NATIONALITY PROCEDURES

1. The authority citation for part 50 is revised to read as follows:

Authority: Sec. 4, 63 Stat. 111, as amended, secs. 104s, 360, 66 Stat. 174, 273; 22 U.S.C. 211a, 22 U.S.C. 2658, 2705, 8 U.S.C. 1104, 1503.

2. Section 50.1 is amended by adding paragraph (g) to read as follows:

§ 50.1 Definitions.

* * * * *

(g) *Designated nationality examiner* means a United States citizen employee of the Department of State assigned or employed abroad (permanently or temporarily) and designated by the Deputy Assistant Secretary of State for Overseas Citizen Services, to grant, issue and verify U.S. passports. A designated nationality examiner may adjudicate claims of acquisition and loss of United States nationality and citizenship as required for the purpose of providing passport and related services. The authority of designated nationality examiners shall include the authority to examine, adjudicate, approve and deny passport applications and applications for related services. The authority of designated nationality examiners shall expire upon termination of the employee's assignment for such duty and may also be terminated at any time by the Deputy Assistant Secretary for Overseas Citizen Services.

3. Section 50.2 is amended by revising ''registration of birth'' to read ''a Consular Report of Birth Abroad of a Citizen of the United States of America'' and by adding the following four sentences after the existing sentence:

§ 50.2 Determination of U.S. nationality of persons abroad.

* * * Such determinations of nationality may be made abroad by a

consular officer or a designated nationality examiner. A designated nationality examiner may accept and approve/disapprove applications for registration and accept and approve/disapprove applications for passports and issue passports. Under the supervision of a consular officer, designated nationality examiners shall accept, adjudicate, disapprove and provisionally approve applications for the Consular Report of Birth Abroad. A Consular Report of Birth Abroad may only be issued by a consular officer, who will review a designated nationality examiner's provisional approval of an application for such report and issue the report if satisfied that the claim to nationality has been established.

4. Section 50.3 is amended by revising paragraph (b) to read as follows:

§ 50.3 Application for registration.

* * * * *

(b) The applicant shall execute the registration form prescribed by the Department and shall submit the supporting evidence required by subpart C of part 51 of this chapter. A diplomatic or consular officer or a designated nationality examiner shall determine the period of time for which the registration will be valid.

5. Section 50.5 is amended by revising the introductory text to read as follows:

§ 50.5 Application for Consular Report of Birth Abroad of a Citizen of the United States of America.

Upon application by the parent(s) or the child's legal guardian, a consular officer or designated nationality examiner may accept and adjudicate the application for a Consular Report of Birth Abroad of a Citizen of the United States of America for a child born in their consular district. In specific instances, the Department may authorize consular officers and other designated employees to adjudicate the application for a Consular Report of Birth Abroad of a child born outside his/her consular district. Under the supervision of a consular officer, designated nationality examiners shall accept, adjudicate, disapprove and provisionally approve applications for the Consular Report of Birth Abroad. The applicant shall be required to submit proof of the child's birth, identity and citizenship meeting the evidence requirements of subpart C of part 51 of this subchapter and shall include:

* * * * *

6. Section 50.7 is revised to read as follows:

§ 50.7 Consular Report of Birth Abroad of a Citizen of the United States of America.

(a) Upon application and the submission of satisfactory proof of birth, identity and nationality, and at the time of the reporting of the birth, the consular officer may issue to the parent or legal guardian, when approved and upon payment of a prescribed fee, a Consular Report of Birth Abroad of a Citizen of the United States of America.

(b) Amended and replacement Consular Reports of Birth Abroad of a Citizen of the United States of America may be issued by the Department of State's Passport Office upon written request and payment of the required fee.

(c) When it reports a birth under § 50.6, the Department shall furnish the Consular Report of Birth Abroad of a Citizen of the United States of America to the parent or legal guardian upon application and payment of required fees.

7. Section 50.8 is revised to read as follows:

§ 50.8 Certification of Report of Birth Abroad of a United States Citizen.

At any time subsequent to the issuance of a Consular Report of Birth Abroad of a Citizen of the United States of America, when requested and upon payment of the required fee, the Department of State's Passport Office may issue to the citizen, the citizen's parent or legal guardian a certificate entitled ''Certification of Report of Birth Abroad of a United States Citizen.''

8. Section 50.9 is revised to read as follows:

§ 50.9 Card of identity.

When authorized by the Department, consular offices or designated nationality examiners may issue a card of identity for travel to the United States to nationals of the United States being deported from a foreign country, to nationals/citizens of the United States involved in a common disaster abroad, or to a returning national of the United States to whom passport services have been denied or withdrawn under the provisions of this part or parts 51 or 53 of this subchapter.

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

Authority: 22 U.S.C. 211a, as amended, 22 U.S.C. 2658, 3926, sec. 122(d)(3), Pub. L. 98–164, 97 Stat. 1017; 31 U.S.C. 9701, E.O. 11295, 36 FR 10603; 3 CFR, 1966–70 Comp., p. 570; Pub. L. 100–690, sec. 129, Pub. L. 102–138, 105 Stat. 661; sec. 503, Pub. L. 102–140, 105 Stat. 820; Title V, Pub. L. 103–317, 108 Stat. 1724, unless otherwise noted.

10. Section 51.1 is amended by adding paragraph (h) to read as follows:

§ 51.1 Definitions.

* * * * *

(h) *Designated nationality examiner* means a person designated under § 50.1(g) of this subchapter.

11. Section 51.21 is amended by revising paragraph (b)(6) as follows:

§ 51.21 Execution of passport application.

* * * * *

(b) * * *

(6) A diplomatic officer, a consular officer, an overseas nationality examiner, a consular agent or a notarial officer abroad; or

* * * * *

Dated: July 25, 1996.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 96–21468 Filed 8–21–96; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960612171–6227–02; I.D. 060496A]

RIN 0648–AI57

Fisheries of the Exclusive Economic Zone off Alaska; Allowing Quota Shares and Individual Fishing Quota To Be Used on Smaller Vessels

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement Amendment 42 to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska and Amendment 42 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, and a regulatory amendment to the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut and sablefish fisheries in and off Alaska. These FMP and regulatory amendments will allow quota shares (QS) and their associated IFQ assigned to vessels in larger size categories to be used on smaller vessels. This action is necessary to increase the flexibility of QS use and transfer while maintaining the management goals of the IFQ Program. It is intended to relieve certain restrictions in the IFQ Program.

EFFECTIVE DATE: August 16, 1996.

ADDRESSES: Copies of the final rule and the Environmental Assessment/ Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/ RIR/FRFA) for this action may be obtained from Fisheries Management Division, ATTN: Lori Gravel, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: James Hale, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

The Bering Sea and Aleutian Islands and Gulf of Alaska groundfish FMPs and their implementing regulations govern the sablefish fisheries in Federal waters off Alaska. The FMPs were developed by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The Northern Pacific Halibut Act of 1982 (Halibut Act) authorizes the Council to develop, and NMFS to implement, regulations to allocate halibut fishing privileges among U.S. fishermen.

Under these authorities, the Council developed the IFQ Program, a limited access system to manage the fixed gear Pacific halibut and sablefish fisheries. NMFS approved the IFQ Program in November 1993 and fully implemented it beginning in March 1995. The Magnuson Act and the Halibut Act authorize amendments to the IFQ Program as necessary to conserve and manage these fisheries. These amendments allow QS and IFQ assigned to vessels in larger size categories to be used on smaller vessels. A description of these amendments follows.

The IFQ Program assigns QS and IFQ to vessel categories specified by length overall (LOA) and authorization to process IFQ species or not as follows: Category A—which authorizes an IFQ cardholder to catch and process IFQ species on a vessel of any length; Category B—which authorizes an IFQ cardholder to catch IFQ species on a vessel greater than 60 ft (18.3 m) LOA; Category C—which authorizes an IFQ cardholder to catch sablefish on a vessel less than or equal to 60 ft (18.3 m) LOA, and catch halibut on a vessel less than or equal to 60 ft (18.3 m) but greater than 35 ft (10.7 m) LOA; or Category D—which authorizes an IFQ cardholder to catch halibut on a vessel less than or equal to 35 ft (10.7 m) LOA. Current regulations at § 679.42(a) require that IFQ be fished only on vessels in the category to which the pertinent QS have been assigned.

An exception to this rule allows Category B, C, or D IFQ to be fished on a Category A vessel provided its LOA is consistent with the vessel category of the IFQ being fished and it neither processes any species of fish nor concurrently fishes Category A IFQ with the use of Category B, C, or D IFQ (§ 679.42(i)(2)(i)). The Council prohibited QS transfer across vessel categories to preserve the social and cultural character of the small boat fisheries prior to limited access.

During the first year of fishing under the IFQ Program in 1995, IFQ fishermen and their representatives reported to the Council that the prohibition against using or transferring QS across vessel categories limited their ability to improve the profitability of their operations. Many fishermen reported that they had received QS that represented far fewer pounds than their recent catch history prior to the IFQ Program. Small boat fishermen reported the scarcity of medium- and large-size QS blocks greater than or equal to 5,000 lb (2.3 mt) available to smaller vessels and requested that the Council enable them to purchase shares from QS holders in larger vessel size categories. Also, Category B vessel operators reported difficulties in using or marketing small Category B blocks and requested the opportunity either to downsize operations or to sell smaller QS blocks to owners of smaller vessels.

These amendments address the above concerns by allowing QS initially assigned to a larger vessel category to be used on smaller vessels, while continuing to prohibit the use of QS or its associated IFQ assigned to smaller vessel categories on larger vessels. QS will continue to be assigned to vessel categories by existing criteria at § 679.40(a)(5) (i) through (vi) and will retain original vessel category assignments. However, halibut and sablefish QS and their associated IFQ assigned to vessel Category B can be used on vessels of any size; halibut QS assigned to vessel Category C likewise can be used on vessels of categories C and D. The regulations continue to prohibit the use of QS and IFQ on vessels larger than the maximum LOA of the category to which the QS was originally assigned.

This rule does not apply to halibut in IFQ regulatory areas 2C or to sablefish east of 140° W. long. Halibut QS assigned to vessel Category B in IFQ regulatory areas 2C and sablefish QS east of 140° W. long. are prohibited from use on vessels less than or equal to 60 ft (18.3 m) LOA except in QS blocks equivalent to less than 5,000 lb (2.3 mt) based on the 1996 Total Allowable Catch (TAC).

For example, an individual who holds two blocks of QS assigned to vessel Category B in regulatory area 2C (for halibut) or east of 140° W. long. (for sablefish)—one block equivalent to 13,000 lb (5.9 mt) and the other equivalent to 3000 lb (1.4 mt) (according to the 1996 TAC)—would be able to transfer the smaller QS block or use its resulting IFQ on catcher vessels of any size, because the block is equivalent to less than 5,000 lb (2.3 mt). The larger QS block, which would result in IFQ of more than 5,000 lb (2.3 mt), would still be prohibited from use on any vessel other than one in vessel Category B. Unblocked QS of any amount assigned to vessel Category B in areas 2C and east of 140° W. long. would continue to be restricted to transfer or use on vessels in Category B only.

Further information on the amendments may be found in the preamble to the proposed rule (61 FR 32767, June 25, 1996). Written comments on the proposed rule and associated amendments were invited through August 5, 1996, and August 6, 1996, respectively.

Changes From the Proposed Rule to the Final Rule

No substantive changes have been made in the final rule from the proposed rule. Between publication of the proposed and final rules for this action, the regulations governing fisheries in the Exclusive Economic Zone off Alaska have been consolidated into one new CFR part (50 CFR part 679) as part of the President's Regulatory Reform Initiative (see 61 FR 31228, June 19, 1996). This final rule renumbers and otherwise adjusts the changes contained herein to be consistent with the new disposition of regulations in 50 CFR part 679.

Comments on the Proposed Rule

Sixteen letters of comment were received by NMFS regarding Amendments 42/42. Fourteen letters provided comments in support of the amendments. Of these, nine opposed the exception for halibut in regulatory areas 2C and for sablefish east of 140° W. long. Seven letters requested that NMFS expedite the regulatory review process, promoting the opportunity for fishermen with larger QS to take advantage of this action during the summer weather. One letter provided no comment. One letter indicated that these amendments would increase costs for consumers as a result of smaller, rather than larger, vessels delivering QS. These comments, which are summarized and responded to below,

were considered in the formulation of this final rule.

Comment 1: The amendments should improve the profitability of operations for fishermen in the IFQ Program.

Response: NMFS concurs in this comment. These amendments will provide small boat owners opportunity to acquire QS initially assigned to holders with larger vessels, and the amendments will make smaller Category B blocks more marketable.

Comment 2: The exception for the regulatory areas 2C for halibut and east of 140° W. long. is unnecessary.

Response: The exception is necessary. The imbalance in distribution of QS across vessel categories in these regulatory areas, with a predominant amount of shares assigned for use on smaller vessels, requires the exception to prevent excessive consolidation of QS among owners of smaller vessels. This action nevertheless provides some additional flexibility by allowing QS blocks equivalent to less than 5,000 lb (2.3 mt) to be used on smaller vessels.

Comment 3: These amendments will increase costs for consumers, because more small vessels will deliver IFQ catch. The concept of scale economies, in which a processing plant can spread its fixed costs over more quantity permitting it to sell at better prices, is lost. These amendments, therefore, will not be in the best interest of the local economy, the region, or the nation.

Response: Although the commenter may be theoretically correct with respect to any one processor, NMFS does not have information to compare price information with fixed costs in the aggregate for all processors. On balance, these amendments will benefit the Nation. National Standard 1 of the Magnuson Act requires measures, in part, to achieve the optimum yield (OY) from each fishery for the U.S. fishing industry. The determination of OY is a decisional mechanism for balancing the various interests that comprise the national welfare. Among these interests are social factors, including those relevant to small boat fisheries on which local Alaskan communities often depend. NMFS finds that these amendments promote these social factors, resulting in a positive benefit to the Nation.

Comment 4: The majority of letters implored NMFS to expedite the implementation of the amendments.

Response: NMFS notes the comment.

Classification

The Director, Alaska Region, NMFS, determined that Amendment 42 to the Fishery Management Plan for Groundfish of the Gulf of Alaska and Amendment 42 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area are necessary for the conservation and management of the groundfish and halibut fisheries off Alaska and that they are consistent with the Magnuson Act and other applicable laws.

The Assistant Administrator for Fisheries, NOAA finds that this final rule relieves a restriction, because fishermen with vessels in smaller size categories will be able to harvest, in 1996, QS and its associated IFQ assigned to larger vessels prior to the advent of poorer weather, thereby harvesting more of the available quota during safer fishing conditions. A delayed effectiveness under 5 U.S.C. section 553(d)(1), therefore, is not required.

The Council prepared an Initial Regulatory Flexibility Analysis (IRFA) as part of the Regulatory Impact Review (RIR); NMFS prepared an FRFA. These documents provide a statement of the need for and objectives of this rule as stated in the preamble. A maximum of 8,614 small entities, including 6,640 halibut quota share holders and 1,974 sablefish quota share holders, may be affected by this rule. This rule does not include any reporting or recordkeeping requirements. It is designed to relieve certain restrictions in the IFQ program and open new opportunities for owners of smaller vessels to improve the profitability of their operations by increasing the quota share holdings available for trade by 309 percent and the IFQ pounds available for trade by 2,547 percent. The rule is expected to have a positive economic impact on small entities consistent with the objectives of the ITQ program. Alternative 1 (the status quo) was rejected in favor of Alternative 3 (the preferred alternative) because Alternative 3 increases the flexibility of the IFQ program and provides additional economic opportunities to small entities. Alternative 2 (the alternative that would not include the exception for IFQ halibut in regulatory area 2C and for IFQ sablefish east of 140° W. long.) was rejected in favor of Alternative 3 because the preferred alternative would avoid excessive concentration of quota share among owners of smaller vessels, consistent with the objectives of the ITQ program; nonetheless, Alternative 3 does provide some additional flexibility by allowing quota share blocks of certain amounts to be used on smaller vessels. Comments were received on the proposed rule, but none discussed the IRFA or RIR specifically; those comments and responses to them are summarized in the preamble. A copy of the FRFA is available from NMFS (see **ADDRESSES**).

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

List of Subjects in 50 CFR Part 679

Fisheries, Recordkeeping and Reporting.

Dated: August 16, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. In § 679.40, paragraph (a)(5)(ii) is revised to read as follows:

§ 679.40 Sablefish and halibut QS.

* * * * *

(a) * * *

(5) * * *

(ii) *Vessel categories.* QS and its associated IFQ assigned to vessel categories include:

(A) Category A QS and associated IFQ, which authorizes an IFQ cardholder to harvest and process IFQ species on a vessel of any length;

(B) Category B QS and associated IFQ, which authorizes an IFQ cardholder to harvest IFQ species on a vessel of any length;

(C) Category C QS and associated IFQ, which authorizes an IFQ cardholder to harvest IFQ species on a vessel less than or equal to 60 ft (18.3 m) LOA:

(D) Category D QS and associated IFQ, which authorizes an IFQ cardholder to harvest IFQ halibut on a vessel less than or equal to 35 ft (10.7 m) LOA;

* * * * *

3. In § 679.42, paragraph (a) is revised to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

(a) *IFQ regulatory area and vessel category.* The QS or IFQ specified for one IFQ regulatory area must not be used in a different IFQ regulatory area. Except as provided in paragraph (k) of this section or in § 679.41(i)(1) of this part, the IFQ assigned to one vessel category must not be used to harvest IFQ species on a vessel of a different vessel category. Notwithstanding § 679.40(a)(5)(ii) of this part, IFQ

assigned to vessel Category B must not be used on any vessel less than or equal to 60 ft (18.3 m) LOA to harvest IFQ halibut in IFQ regulatory area 2C or IFQ sablefish in the IFQ regulatory area east of 140° W. long. unless such IFQ derives from blocked QS units that result in IFQ of less than 5,000 lb (2.3 mt), based on the 1996 TAC for fixed gear specified for the IFQ halibut fishery and the IFQ sablefish fishery in each of these two regulatory areas.

* * * * *

[FR Doc. 96–21376 Filed 8–16–96; 4:22 pm]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 61, No. 164
Thursday, August 22, 1996

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 102 and 104

[Docket No. 96–055–1]

Viruses, Serums, Toxins, and Analogous Products; Biologics Establishment Licenses and Biological Product Licenses and Permits

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations regarding veterinary biological products to remove the examples of the Animal and Plant Health Inspection Service (APHIS) forms for U.S. Veterinary Biologics Establishment Licenses and U.S. Veterinary Biological Product Licenses and Permits. This action resulted from a review of APHIS regulations in response to President's Regulatory Reform Initiative. The proposed amendments have the effect of removing unnecessary material from the regulations. The APHIS forms for product licenses and permits would still be used and provided by the agency—only the examples would be removed from the regulations.

DATES: Consideration will be given only to comments received on or before October 7, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96–055–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 96–055–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday except holidays. Persons wishing to inspect comments are requested to call ahead at (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. David Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1237, (515) 734–8245.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) conducted a review of the regulations under 9 CFR 101–118 pertaining to veterinary biologics initiated under the President's Regulatory Reform Initiative to remove unnecessary material from the regulations. As part of this initiative, we are proposing to amend the regulations to remove the examples of U.S. Veterinary Biologics Establishment Licenses and U.S. Veterinary Biological Product Licenses and Permits under §§ 102.4, 102.5, and 104.7. The APHIS forms for establishment and product licenses and permits would still be used and provided by the agency—only the examples would be removed from the regulations. It is not necessary to include examples of the APHIS forms in the regulations.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

The proposed rule would remove unnecessary material from the regulations. The APHIS forms for a U.S. Veterinary Biologics Establishment License and U.S. Veterinary Biological Product License and Permit would still be used. Only the examples of the forms would be removed from the regulations. The proposed amendment would not have any adverse economic effect on producers as the APHIS forms are produced by the agency and provided to all qualifying license and permit applicants.

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

Executive Order 12372

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

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.).*

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects

9 CFR Part 102

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 104

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

Accordingly, 9 CFR parts 102 and 104 would be amended to read as follows:

PART 102—LICENSES FOR BIOLOGICAL PRODUCTS

1. The authority citation for part 102 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 102.4, paragraph (c) would be revised to read as follows:

§ 102.4 U.S. Veterinary Biologics Establishment License.

* * * * *

(c) U.S. Veterinary Biologics Establishment Licenses shall be numbered.

* * * * *

3. Section 102.5, paragraph (c) would be removed and paragraphs (d), (e), and (f) would be redesignated as paragraphs (c), (d), and (e).

PART 104—PERMITS FOR BIOLOGICAL PRODUCTS

4. The authority citation for part 104 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.2(d).

5. Section 104.7, paragraph (a) would be revised to read as follows:

§ 104.7 Product permit.

(a) A permit shall be numbered and dated.

* * * * *

Done in Washington, DC this 16th day of August 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–21456 Filed 8–21–96; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–62–AD]

RIN 2120–AA64

Airworthiness Directives; HOAC Austria Model DV–20 Katana Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain HOAC Austria Model DV–20 Katana airplanes. The proposed action would require replacing the muffler with one of improved design, installing a heat shield around the exhaust system endpipe, and adjusting the airplane weight and balance. Reports of cracks in the welding joint that connects the exhaust system endpipe to the muffler on three of the affected airplanes prompted the proposed action. The actions specified by the proposed AD are intended to prevent separation of the exhaust system endpipe from the muffler because of cracks in the welding that connects these parts, which could result in heat damage to the electrical system and engine controls.

DATES: Comments must be received on or before October 28, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–62–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

ADDRESSES: Send comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–62–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from HOAC Austria Ges.m.b.H., N.A. Otto-Strabe 5, A–2700, Wiener Neustadt. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Program Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (32 2) 513.2716; facsimile (32 2) 230.6899; or Mr. Robert Alpiser, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64105; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–62–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–62–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Austro Control GmbH, which is the airworthiness authority for Austria, recently notified the FAA that an unsafe condition may exist on certain HOAC Austria Model DV–20 Katana airplanes. The Austro Control GmbH reports cracking in the welding joint that connects the exhaust system endpipe to the muffler. These conditions, if not detected and corrected, could result in separation of the exhaust system endpipe from the muffler because of cracks in the welding joint that connects these parts, which could result in heat damage to the electrical system and engine controls.

Explanation of the Relevant Service Information

HOAC Austria has issued Service Bulletin (SB) No. 20–7/1, dated May 30, 1994, which specifies replacing the muffler with one that has an endpipe type ''f'', and installing a heat shield around the exhaust system endpipe. This service bulletin references Drawing No. DV2–7800R01–00, which illustrates the heat shield installation.

The Austro Control GmbH classified HOAC Austria SB No. 20–7/1 as mandatory and issued Austro Control GmbH AD No. 77, dated June 24, 1994, in order to assure the continued airworthiness of these airplanes in Austria. Since that time, HOAC Austria has issued SB No. 20–7/2, dated September 8, 1994, which supersedes SB No. 20–7/1.

FAA's Conclusion

This airplane model is manufactured in Austria and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR

21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Austro Control GmbH has kept the FAA informed of the situation described above. The FAA has examined the findings of the Austro Control GmbH; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop in other HOAC Austria Model DV–20 Katana airplanes of the same type design registered in the United States, the proposed AD would require replacing the muffler with one of improved design, installing a heat shield around the exhaust system endpipe, and adjusting the airplane weight and balance. Accomplishment of the proposed muffler replacement would in accordance with the applicable maintenance manual; accomplishment of the proposed heat shield installation would be in accordance with Drawing No. DV2–7800R01–00, as referenced in HOAC Austria SB No. 20–7/2, dated September 8, 1994; and accomplishment of the weight and balance adjustment would be in accordance with HOAC Austria SB No. 20–7/2, dated September 8, 1994.

Compliance Time of the Proposed Rule

The FAA has determined that an interval of three calendar months is an appropriate compliance time to address the identified unsafe condition in a timely manner. This compliance time was deemed appropriate after considering the safety implications, the average utilization rate of the affected fleet, and the availability of the replacement parts.

Cost Impact

The FAA estimates that 5 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 1 workhour per airplane to accomplish the proposed muffler replacement and heat shield installation, and that the average labor rate is approximately $60 per hour. HOAC Austria will provide parts at no cost to the affected airplane owners/operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $300 or $60 per airplane. The FAA is unaware of any affected airplane that already has the proposed muffler replacement and heat shield installation.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

HOAC Austria: Docket No. 95–CE–62–AD.

Applicability: Model DV–20 Katana airplanes, serial numbers 20005 through 20078, certificated in any category.

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

Compliance: Required within the next three calendar months after the effective date of this AD, unless already accomplished.

To prevent separation of the exhaust system endpipe from the muffler because of cracks in the welding that connects these parts, which could result in heat damage to the electrical system and engine controls, accomplish the following:

(a) For any Model DV–20 Katana airplane incorporating a serial number in the range of 20005 through 20078, replace the muffler with one that incorporates a type ''f'' endpipe. The letter ''F'' is stamped on the endpipe of these type ''f'' parts. Accomplish this action in accordance with HOAC Austria Maintenance Manual, Doc No. 4.02.02.

(b) For any Model DV–20 Katana airplane incorporating a serial number in the range of 20005 through 20058, accomplish the following:

(1) Install a heat shield in accordance with Drawing No. DV2–7800R01–00, as referenced in HOAC Austria Service Bulletin (SB) No. 20–7/2, dated September 8, 1994.

(2) Adjust the mass (weight) and center of gravity (CG) in accordance with the instructions in HOAC Austria SB No. 20–7/2, dated September 8, 1994.

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

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division.

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

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to HOAC Austria Ges.m.b.H., N.A. Otto-Strabe 5, A–2700, Wiener Neustadt; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 15, 1996.

Carolanne L. Cabrini,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–21374 Filed 8–21–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–CE–33–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Britten-Norman BN2, BN2A, and BN2B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Pilatus Britten-Norman BN2, BN2A, and BN2B series airplanes that have been modified with a 70 amp direct current (DC) Generation System. The proposed action would require removing the 70 amp terminal diodes and installing new terminal diodes with a higher amp rating. Reports from operators that one or both diodes were failing prompted the proposed action. The actions specified by the proposed AD are intended to prevent loss of electrical power to the navigation, communications and light systems, which could impair the pilots ability to maintain control of the airplane.

DATES: Comments must be received on or before October 21, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–CE–33–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Britten-Norman, Ltd., Bembridge, Isle of Wight, United Kingdom, PO35 5PR. This information also may be examined at the Rules Docket at the address above. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Dorenda Baker, Program Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa and the Middle East Office, c/o American Embassy, b-1000, Brussels, Belgium; telephone (322) 508.27.15, facsimile (322) 230.6899 or Mr. Jeffrey Morfitt, Project Officer, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri, 64106; telephone (816) 426–6934, facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 96–CE–33–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–CE–33–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Pilatus Britten-Norman (Pilatus) BN2, BN2A, and BN2B series airplanes that have been modified with a 70 amp DC Generation System. The CAA reports that several owners/operators of these airplanes have experienced diode failure which leads to generator failure during flight. Further investigation has shown that the diode rating is not sufficient to maintain the generators used to operate the navigation, communication, and light systems. This condition, if not detected and corrected, could result in loss of power to the navigation, communication, and light systems which could impair the pilot's ability to maintain control of the airplane.

Pilatus has issued Service Bulletin (SB) BN–2/SB.228, Issue 2, dated January 17, 1996 which specifies procedures for removing the diodes (type 10B1 or 10D1) and installing diodes (type 60S6) with a higher amp rating.

The CAA classified this service bulletin as mandatory and issued CAA AD No. 004–01–96, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

These airplane models are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement between the United Kingdom and the United States. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information including the service information referenced above, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop in Pilatus BN2, BN2A, and BN2B series airplanes of the same type design registered in the United States, the proposed would require removing the diodes (type 10B1 or 10D1) installed on the terminals of the ''STBD (RIGHT) GEN'' and ''PORT (LEFT) GEN'' switches (SW2 and SW3), and installing new approved diodes that are type 60S6. Accomplishment of the proposed action would be in accordance with Pilatus SB BN–2/SB.228, Issue 2, dated January 17, 1996.

The FAA estimates that one airplane currently on the U.S. registry would be affected by the proposed AD, that it would take approximately one workhour per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $40 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $100.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pilatus Britten-Norman (Pilatus): Docket No. 96–CE–33–AD.

Applicability: BN2, BN2A, and BN2B series airplanes (all serial numbers) that have been modified with a 70 amp direct current (DC) Generation System, certificated in any category.

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

Compliance: Required within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent loss of electrical power to the navigation, communications and light systems, which could impair the pilot's ability to maintain control of the airplane, accomplish the following:

(a) Remove the diodes (quantity 2, part number 340502014, type 10B1 or 10D1) installed on the terminals of the ''STBD (RIGHT) GEN'' and ''PORT (LEFT) GEN'' switches (SW2 and SW3), and install new approved diodes (quantity 2, part number NB–81–5873, type 60S6) in accordance with the Accomplishment Instructions section in Pilatus Britten-Norman Service Bulletin BN–2/SB.228, Issue 2, dated January 17, 1996.

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

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa and the Middle East Office, c/o American Embassy, B–1000, Brussels, Belgium or Mr. Jeffrey Morfitt, Project Officer, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri, 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division or the Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division or the Small Airplane Directorate.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request Pilatus Britten-Norman, Ltd., Bembridge, Isle of Wight, United Kingdom, PO35 5PR; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 15, 1996.

Carolanne L. Cabrini,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–21373 Filed 8–21–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 95–AWA–6]

Proposed Establishment of Myrtle Beach International Airport Class C Airspace Area, SC; and Revocation of the Myrtle Beach AFB Class D Airspace Area; South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a Class C airspace area and revoke the existing Class D airspace area at the Myrtle Beach International Airport, Myrtle Beach, SC. The Myrtle Beach International Airport is a public-use facility with a Level II control tower served by a Radar Approach Control. The establishment of this Class C airspace area would require pilots to maintain two-way radio communications with air traffic control (ATC) while in Class C airspace. Implementation of the Class C airspace area would promote the efficient use of air traffic and reduce the risk of midair collision in the terminal area.

DATES: Comments must be received on or before October 22, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–200, Airspace Docket No. 95–AWA–6, 800 Independence Avenue, SW., Washington, DC 20591. The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, P.O. Box 20636, Atlanta, GA 30320.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments

are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–AWA–6.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, Attention: Airspace and Rules Division, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3075. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the Federal Aviation Administration, Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

Background

On April 22, 1982, the National Airspace Review (NAR) plan was published in the Federal Register (47 FR 17448). The plan encompassed a review of airspace use and procedural aspects of the ATC system. Among the main objectives of the NAR was the improvement of the ATC system by increasing efficiency and reducing complexity. In its review of terminal airspace, NAR Task Group 1–2 concluded that Terminal Radar Service Areas (TRSA's) should be replaced. Four types of airspace configurations were considered as replacement candidates, of which Model B, since redesignated Airport Radar Service Area (ARSA), was recommended by a consensus of the task group.

The FAA published NAR Recommendation 1–2.2.1, ''Replace Terminal Radar Service Areas with Model B Airspace and Service'' in Notice 83–9 (July 28, 1983; 48 FR 34286) proposing the establishment of ARSA's at the Robert Mueller Municipal Airport, Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSA's were designated at these airports on a temporary basis by SFAR No. 45 (October 28, 1983; 48 FR 50038) to provide an operational confirmation of the ARSA concept for potential application on a national basis.

Following a confirmation period of more than a year, the FAA adopted the NAR recommendation and, on February 27, l985, issued a final rule (50 FR 9252; March 6, l985) defining ARSA airspace and establishing air traffic rules for operation within such an area.

Concurrently, by separate rulemaking action, ARSA's were permanently established at the Austin, TX, Columbus, OH, and the Baltimore/Washington International Airports (50 FR 9250; March 6, l985). The FAA stated that future notices would propose ARSA's for other airports at which TRSA procedures were in effect.

Additionally, the NAR Task Group recommended that the FAA develop quantitative criteria for proposing to establish ARSA's at locations other than those which were included in the TRSA replacement program. The task group recommended that these criteria include, among other things, traffic mix, flow and density, airport configuration, geographical features, collision risk assessment, and ATC capabilities to provide service to users. These criteria have been developed and are being published via the FAA directives system.

The FAA has established ARSA's at 121 locations under a paced implementation plan to replace TRSA's with ARSA's. This is one of a series of notices to implement ARSA's at locations with TRSA's or locations without TRSA's that warrant implementation of an ARSA. Airspace Reclassification, effective September 16, 1993, reclassified ARSA's as Class C airspace areas. This change in terminology is reflected in the remainder of this NPRM.

This notice proposes Class C airspace designation at a location which was not identified as a candidate for Class C in the preamble to Amendment No. 71–10 (50 FR 9252). Other candidate locations will be proposed in future notices published in the Federal Register.

The Myrtle Beach International Airport is a public-use airport with an operating Level II control tower served by Radar Approach Control. The FAA assumed responsibility from the U.S. Air Force, for providing air traffic services at the airport in December 1992. The number of general aviation and air taxi aircraft operating in the terminal environment at Myrtle Beach International Airport is increasing. The volume of passenger enplanements reported at Myrtle Beach International Airport were 316,809, 274,531, and 290,295, respectively, for calendar years 1994, 1993, and 1992. Myrtle Beach International Airport qualifies as a Class C airspace candidate based on the volume of enplaned passengers.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR part 71) to establish a Class C airspace area at the Myrtle Beach International Airport and revoke the Class D airspace area at the Myrtle Beach AFB, SC. Myrtle Beach International Airport is a public airport with a Level II operating control tower served by a Radar Approach Control.

The FAA previously has published a final rule (50 FR 9252; March 6, l985) that defines Class C airspace, and prescribes operating rules for aircraft, ultralight vehicles, and parachute jump operations in Class C airspace areas. The final rule provides, in part, that all aircraft arriving at any airport in Class C airspace or flying through Class C airspace must: (1) prior to entering the Class C airspace, establish two-way radio communications with the ATC facility having jurisdiction over the area; and (2) while in Class C airspace, maintain two-way radio communications with that ATC facility. For aircraft departing from the primary airport within Class C airspace, or a satellite airport with an operating control tower, two-way radio communications must be established and maintained with the control tower and thereafter as instructed by ATC while operating in Class C airspace. For aircraft departing a satellite airport without an operating control tower and within Class C airspace, two-way radio communications must be established with the ATC facility having jurisdiction over the area as soon as practicable after takeoff and thereafter maintained while operating within the Class C airspace area (14 CFR section 91.130).

Pursuant to Federal Aviation Regulations section 91.130 (14 CFR part 91) all aircraft operating within Class C airspace are required to comply with

sections 91.129 and 91.130. Ultralight vehicle operations and parachute jumps in Class C airspace areas may only be conducted under the terms of an ATC authorization.

The FAA adopted the NAR Task Group recommendation that each Class C airspace area be of the same airspace configuration insofar as is practicable. The standard Class C airspace area consists of that airspace within 5 nautical miles of the primary airport, extending from the surface to an altitude of 4,000 feet above that airport's elevation, and that airspace between 5 and 10 nautical miles from the primary airport from 1,200 feet above the surface to an altitude of 4,000 feet above that airport's elevation. Proposed deviations from this standard have been necessary at some airports because of adjacent regulatory airspace, international boundaries, topography, or unusual operational requirements.

Definitions and operating requirements applicable to Class C airspace may be found in section 71.51 of part 71 and sections 91.1 and 91.130 of part 91 of the Federal Aviation Regulations (14 CFR parts 71, 91). The coordinates for this airspace docket are based on North American Datum 83. Class C and Class D airspace designations are published, respectively, in paragraphs 4000 and 5000 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class C airspace designation listed in this document would be published subsequently in the Order and the Class D airspace designation listed in this document would be removed subsequently from the Order.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on small entities changes on international trade. In conducting these analyses, the FAA has determined that this NPRM: (1) would generate benefits that justify its minimal costs and is not ''a significant regulatory action'' as defined in the Executive Order; (2) is not significant as defined in Department of Transportation's Regulatory Policies and Procedures; (3) would not have a significant impact on a substantial number of small entities; and (4) would not constitute a barrier to international trade. These analyses are summarized below in the docket.

Cost-Benefit Analysis

The FAA has determined the proposed establishment of the Myrtle Beach Class C airspace area would enhance operational efficiency (through the promotion of additional ATC operating procedures) and aviation safety (in the form of reduced risk of midair collision in the proposed Class C airspace area).

Costs

Those potential cost components (navigational equipment for aircraft operators and operations support equipment for the FAA, including additional cost for air traffic controllers) that could be imposed by the proposed rule are discussed as follows:

Cost Impact on Aircraft Operators

Aircraft operators would incur minimal, if any, cost with compliance from the proposed rule. The assessment is based on the most recent General Aviation and Avionics Survey Report. The report indicates an estimated 82 percent of all General Aviation (GA) aircraft operators are already equipped with two-way radios that are required to enter Class C airspace. As of December 30, 1990, all aircraft (except those without an electrical system, balloons and gliders) flying in the vicinity of the Myrtle Beach Airport have been required to have a Mode C transponder under Federal Aviation Regulations (14 part 91.215). The FAA has traditionally accommodated GA aircraft operators without two-way radio communication equipment and operators of aircraft without electrical systems, via ATC authorized deviations or letters of agreement, when practical to do so without jeopardizing aviation safety. There would be no additional cost for transponder equipage, as a result of the proposed rule, because the regulatory evaluation prepared for the Mode C transponders rule estimated the cost of such equipment for the affected operators. Not all GA aircraft operators may receive authorized deviations or letters of agreement, these operators would be required to circumnavigate the Class C airspace area. The FAA has determined operators could circumnavigate around the proposed airspace (5 miles), over, or in certain cases, under the proposed airspace without significantly deviating from their regular flight paths. Therefore, the FAA has determined the proposed rule would impose minimal, if any, cost impact on aircraft operators.

Cost Impact on the FAA

The FAA assumed responsibility for ATC at the Myrtle Beach AFB from the United States Air Force on December 27, 1992. In that same year, a review of the radar system at Myrtle Beach was conducted. As a result of that review, the FAA decided to expedite the replacement of the computer system in conjunction with the radar scope. Myrtle Beach AFB installed a new computer system, after the FAA's 1992 review; therefore, the agency would not incur any additional cost for equipment (such as consoles) with the proposed establishment of Class C airspace. The proposed Class C airspace area would also be able to function effectively with existing personnel resources. Once an NPRM becomes final, the FAA distributes a Letter to Airmen to pilots residing within 50 miles of the proposed established Class C airspace area. This one-time incurred cost of the established rule would be approximately $535. The FAA systematically revises sectional charts every 6 months; therefore, the proposed rule would not impose any additional charting costs to the agency. The FAA holds an informal public meeting at each proposed Class C airspace area location. These meetings provide pilots with the best opportunity to learn both how a Class C airspace area works and how it would affect their local operations. The expenses associated with these public meetings are incurred regardless of whether a Class C airspace area is ultimately established. Thus, they are more appropriately considered routine FAA costs. If the proposed Class C airspace area becomes a final rule, any subsequent public information costs would be strictly attributed to the proposal. The FAA recognizes that delays might develop at Myrtle Beach following the initial establishment of the Class C airspace area. However, those delays that do occur are typically transitional in nature. The FAA contends that any potential delays that do occur are typically transitional in nature. The FAA contends that any potential delays would eventually be more than offset by the increased flexibility afforded controllers in handling traffic as a result of Class C separation standards. This has been the experience at other Class C airspace areas. Thus, the FAA has determined that the Myrtle Beach facility is already equipped with the necessary personnel, capability, and equipment to provide

Class C services to the maximum extent at minimal cost.

Benefits

Those potential benefit components (enhanced aviation safety and operational efficiency) that are expected to be generated by the proposed rule are discussed as follows:

Impact on Aviation Safety

The proposed rule would enhance aviation safety. The enhancement in aviation safety would be in the form of a reduced probability of midair collisions. The FAA has increased the controlled airspace around Myrtle Beach, due to the increase in passenger enplanements and complexity of operations in that area. The enhancement to aviation safety is based on the fact that the proposed rule would impose equipment (i.e., two-way radio and Mode C transponders) and operational requirements (i.e., separation procedures and safety alerts) on aircraft operators in the proposed Class C airspace area. The FAA Office of Aviation Safety conducted a study of the occurrences of near-midair collisions (NMAC), the byproduct of the study, was that 15 percent of reported NMAC's occur in airspace similar to that at Myrtle Beach.

Impact on Operational Efficiency

The proposed rule would enhance aircraft operational efficiency. This assessment is based on the enhancement in operational efficiency that would accrue from increased operational requirements in the proposed Class C airspace area. Aircraft operators in this type of airspace would receive additional information in the form of traffic advisories and separation and sequencing of arrivals. The proposed rule would not have an adverse impact on satellite airports located within the surface area of the Class C airspace area.

Conclusion

In view of the minimal cost of compliance, enhanced aviation safety and operational efficiency, the FAA has determined that the proposed rule would be cost-beneficial.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a proposed rule would have ''significant economic impact on a substantial number of small entities.'' FAA Order 2100.14A outlines the FAA's procedures and criteria for implementing the RFA.

The small entities that may potentially incur minimal, if any, cost with the implementation of the proposed rule are operators of aircraft who do not meet Class C navigational equipment standards (primarily parts 91, 121 and 135 aircraft without two-way radios and Mode C transponders). The small entities potentially impacted by the proposed rule would not incur any additional cost for navigational equipment and more stringent operating procedures because they routinely fly into airspace where such requirements are already in place. As the result of the Mode C rule, all of these commercial operators are assumed to have Mode C transponders. The FAA has traditionally accommodated GA and other aircraft operators without two-way radio communication equipment and Mode C transponders, via letters of agreement, when practical to do so without jeopardizing safety. Therefore, the FAA has determined that the proposed rule would not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The proposed rule would not constitute a barrier to international trade, including the export of American goods and services to foreign countries and the import of foreign goods and services into the United States. This assessment is based on the fact that the proposed rule would neither impose costs on aircraft operators nor aircraft manufacturers (U.S. or foreign).

Federalism Implications

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 4000—Subpart C—Class C Airspace

* * * * *

ASO SC C Myrtle Beach, SC [New]

Myrtle Beach International Airport
(Lat. 33°40′47″ N., long. 78°55′42″ W.)

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of the Myrtle Beach International Airport, and that airspace extending upward from 1,200 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the Myrtle Beach International Airport. This Class C airspace area is effective during the specific dates and times of operation of the Myrtle Beach Approach Control facility, as established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in Airport/Facility Directory.

* * * * *

Paragraph 5000—Subpart D—Class D Airspace

* * * * *

ASO SC D Myrtle Beach AFB, SC [Removed]

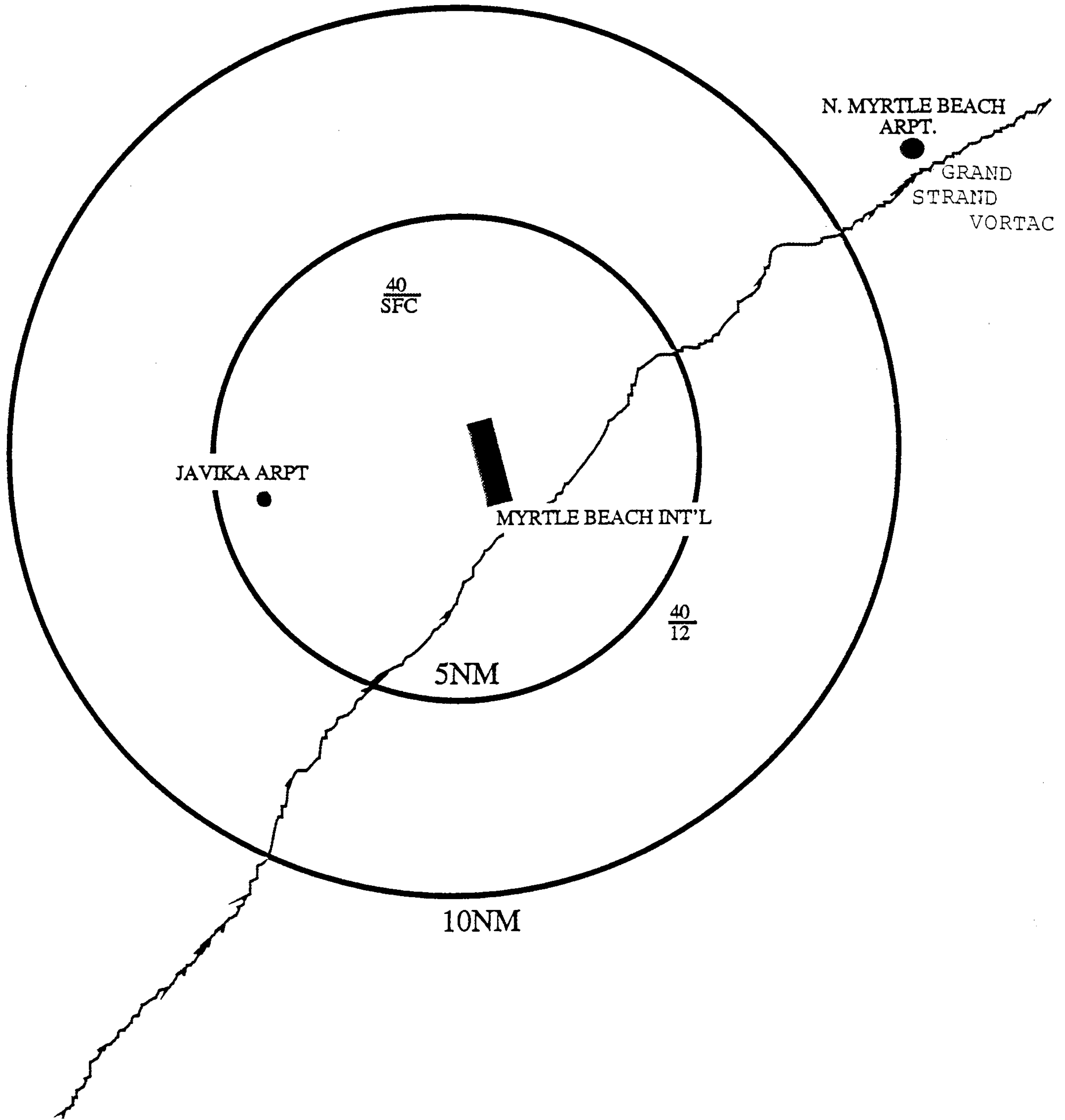
* * * * *

Issued in Washington, DC, on August 15, 1996.

Jeff Griffith,

Program Director for Air Traffic Airspace Management.

BILLING CODE 4910–13–P



[FR Doc. 96–21479 Filed 8–21–96; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960815223–6223–01; I.D. 081296A]

RIN 0648–AI70

Fisheries of the Exclusive Economic Zone off Alaska; Allocations of Pacific Cod in the Bering Sea and Aleutian Islands Area

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 46 to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (FMP). Amendment 46 would allocate the Bering Sea and Aleutian Islands Management Area (BSAI) Pacific cod total allowable catch (TAC) among vessels using trawl gear, fixed gear (hook-and-line and pot), and jig gear. This action also would provide authority for the fixed gear allocation of Pacific cod to be divided into seasonal allowances, and would allow any unused portion of one gear's allocation to be reallocated to other gear types. This action is necessary to respond to socioeconomic needs of the fishing industry that have been identified by the North Pacific Fishery Management Council (Council) and is intended to further the goals and objectives of the FMP.

DATES: Comments must be received by October 3, 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 J. Gravel. Copies of the proposed FMP amendment and the Environmental Assessment/ Regulatory Impact Review (EA/RIR) prepared for Amendment 46 may be obtained from the North Pacific Fishery Management Council, 605 West Fourth Avenue, Suite 306, Anchorage, AK 99501; telephone: 907–271–2809.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907–586–7228.

SUPPLEMENTARY INFORMATION:

The domestic groundfish fisheries in the exclusive economic zone of the BSAI are managed by NMFS under the FMP. The FMP was prepared by the Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations governing the groundfish fishery of the BSAI appear at 50 CFR parts 600 and 679.

Management Background and Need for Action

In 1994, NMFS implemented Amendment 24 to the FMP (59 FR 4009, January 28, 1994), which allocated the BSAI Pacific cod TAC among vessels using trawl gear, fixed gear (hook-and-line and pot) and jig gear. The Council designed Amendment 24 as a 3-year measure that is scheduled to expire at the end of 1996. The percentage allocations established by Amendment 24 for the 1994–96 fishing seasons were: Trawl gear, 54 percent; fixed gear, 44 percent; and jig gear, 2 percent. These percentages represented, roughly, the existing harvest percentages of the two major sectors, trawl, and hook-and-line, while specifically allocating 2 percent to jig gear. The 2 percent allocation to jig gear exceeded the existing harvest percentage taken by that gear type and was intended to allow for growth in the jig sector.

Amendment 24 also authorized NMFS to divide the fixed gear allocation of Pacific cod into three seasons of 4 months duration and allocate the Pacific cod TAC among the three seasons in proportions recommended by the Council. The Council took this action in response to hook-and-line industry representatives who argued for a seasonal allowance of the fixed gear allocation of Pacific cod to allow for a first and third season fishery when halibut bycatch rates, product quality, and markets are most advantageous. The second season (May 1 through August 31) is the least desirable period to harvest Pacific cod with hook-and-line gear based on these same criteria. Trawl industry representatives indicated that seasonal allowances were unnecessary for the trawl sector, because relatively low Pacific halibut bycatch rates, high catch-per-unit-of-effort, and stable market conditions early in the year support the prosecution of the Pacific cod trawl fishery during this period.

Lastly, Amendment 24 established authority for NMFS to reallocate Pacific cod from vessels using trawl gear to vessels using fixed gear and vise versa anytime during the fishing year the Director, Alaska Region, NMFS (Regional Director), determined that one gear group or the other would not be able to harvest its allocation of Pacific cod. Any projected unused portion of the jig gear allocation was to be reallocated to vessels using trawl and fixed gear on or about September 1 of each fishing year.

The intent of Amendment 24 was to provide stability in the trawl, fixed, and jig gear fisheries by establishing designated allocations of the Pacific cod TAC among vessels using these different gear types. The Council believed that the stability provided through both gear type and seasonal allocations of Pacific cod would enable each sector of the industry to increase the net benefits received from the harvest of Pacific cod.

In December 1995, the Council began analysis of Amendment 46, which would extend the management measures authorized by Amendment 24 beyond 1996. Council staff prepared a draft EA/RIR for Amendment 46 to examine a range of possible allocations of Pacific cod to each gear type with specific attention to prohibited species catch (PSC) mortality, impacts on habitat, and discards of Pacific cod by various industry sectors. To guide the analysis of alternatives for Amendment 46, the Council drafted the following problem statement:

> The Bering Sea/Aleutian Islands Pacific cod fishery continues to manifest many of the problems that led the Council to adopt Amendment 24 in 1993. These problems include compressed fishing seasons, periods of high bycatch, waste of resource, and new entrants competing for the resource due to crossovers allowed under the Council's moratorium program. Since the allocation of BSAI Pacific cod TAC between fixed gear, jig, and trawl gear was implemented in January 1994 when Amendment 24 went into effect, the trawl, jig and fixed gear components have harvested the TAC with demonstrably differing levels of PSC mortality, discards, and bycatch of non-target species. Management measures are needed to ensure that the Pacific cod TAC is harvested in a manner which reduces discards in the target fisheries, reduces PSC mortality, reduces nontarget bycatch of Pacific cod and other groundfish species, takes into account the social and economic aspects of variable allocations and addresses impacts of the fishery on habitat. In addition, the amendment will continue to promote stability in the fishery as the Council continues on the path towards comprehensive rationalization.

After contentious testimony from representatives for different sectors of the BSAI Pacific cod fishery during initial consideration of Amendment 46 in April 1996, the Council named an industry negotiating committee composed of representatives for the following sectors: Freezer/longliner, catcher longliner, pot vessel, factory trawler, shoreside delivery trawler, mothership delivery trawler, and shoreside processor. This industry negotiating committee, which convened in May 1996, was given the task of

drafting an allocation to each gear type that would be acceptable to all sectors of the BSAI Pacific cod fishery.

After 2 days of public meetings in Seattle, WA, the negotiating committee arrived at the following percentages: Fixed gear, 51 percent; trawl gear, 47 percent divided equally between catcher vessels and catcher/processors; and jig gear, 2 percent. These percentages were chosen because they closely represented the current harvest percentage taken by the trawl and fixed gear types under current halibut PSC limits while retaining the 2 percent allocation for jig gear.

The 50/50 split of the trawl gear allocation between catcher vessel and catcher/processors was arrived at through a separate negotiation by representatives for the different sectors of the trawl fleet. Catcher vessel representatives argued that directed fishing for Pacific cod by catcher/processors, as well as high levels of Pacific cod taken as bycatch by catcher/processors engaged in other directed fisheries, could preempt the catcher vessel sector, which is more dependent on directed fishing for Pacific cod. A separate allocation of Pacific cod to trawl catcher vessels would prevent preemption of catcher vessels by the catcher/processor sector. From 1992 through 1995, catcher vessels were responsible for 40 percent of the total trawl landings of Pacific cod, but harvested 54 percent of the Pacific cod taken by trawl vessels while engaged in directed fishing for Pacific cod. During the same time period, catcher processors were responsible for 74 percent of the Pacific cod taken as bycatch by trawl vessels while engaged in directed fishing for other species.

Because both the trawl and hook-and-line sectors are constrained by existing halibut PSC limits, the negotiating committee recognized that it would be unlikely that vessels using both gear types could exploit larger allocations of Pacific cod under their existing halibut PSC limits. The negotiating committee expected that operators of vessels using pot gear would be able to harvest the remaining TAC of Pacific cod once vessels using trawl and hook-and-line gear reached their halibut PSC limits.

At its June 1996 meeting, the Council approved unanimously the allocation percentages proposed by the industry negotiating committee as part of Amendment 46 to the FMP. The Council also extended without modification the other management measures established by Amendment 24, except for the date that any projected unused jig gear allocation would be reallocated to other gear types. The Council recommended that NMFS reallocate any projected unused jig allocation to fixed gear on September 15 of each fishing year after hearing industry requests for a predictable date for the reallocation of the projected unused jig gear allocation. In contrast to Amendment 24, the Council chose not to establish a sunset date for Amendment 46.

Regulations Proposed under Amendment 46

The following summarizes the regulations proposed under Amendment 46.

1. The BSAI Pacific cod TAC would be allocated among gear types as follows: Fixed gear, 51 percent; trawl gear, 47 percent; and jig gear, 2 percent.

2. The BSAI Pacific cod TAC allocated to vessels using trawl gear would be further allocated 50 percent to catcher vessels and 50 percent to catcher/processors.

3. The authority for NMFS to divide the fixed gear allocation of Pacific cod into three seasons of 4 months duration would continue unchanged. The criteria to be used for determining the percentage of fixed gear TAC allocated to each season include: The seasonal distribution of prohibited species, the seasonal distribution of Pacific cod relative to prohibited species distribution, the expected variations in Pacific halibut bycatch rates throughout the fishing year, and the economic effects of any seasonal allowance of Pacific cod on the fixed gear fisheries.

4. The authority for NMFS to reallocate Pacific cod from vessels using trawl gear to vessels using fixed gear and vice versa anytime during the fishing year that the Regional Director determines that one gear group or the other would not be able to harvest its allocation of Pacific cod would continue unchanged.

5. Any portion of the Pacific cod TAC allocated to vessels using jig gear and projected by NMFS to be unused by the end of the fishing year would be reallocated to vessels using fixed gear on September 15 of each fishing year.

6. NMFS also proposes to implement a measure that would allow any unused fixed gear seasonal allowance to be reallocated in a manner determined by NMFS in annual consultation with the Council and that promotes the goals and objectives of the FMP. This measure would, for example, allow NMFS to reallocate unused fixed gear allocations from the first season to the third season when halibut bycatch rates, product quality, and markets are most advantageous.

Classification

Section 304(a)(1)(D) of the Magnuson Act requires that regulations proposed by a council be published within 15 days of receipt of the FMP amendment and regulations. At this time, NMFS has not determined that the FMP amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared an EA for this FMP amendment that discusses the impact on the environment as a result of this rule. A copy of this EA is available from the Council (see **ADDRESSES**). The EA concluded that the distribution of fishing effort among different sectors of the fishing industry, as well as the spatial and temporal distribution of fishing effort within each sector of the industry, is unlikely to change as a result of this rule. As a consequence, fishing under this rule will not impact the environment to an extent and in a manner not already considered in the EA prepared for the 1996 TAC specifications.

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration as follows:

> I certify that the attached proposed rule issued under authority of section 304(a) of the Magnuson Fishery Conservation and Management Act will not have a significant economic impact on a substantial number of small entities. The proposed rule would allocate the BSAI Pacific cod total allowable catch among vessels using trawl gear, fixed gear and jig gear. This action also would provide authority for the fixed gear allocation to be divided into seasonal allowances, and would allow any unused portion of one gear's allocation to be reallocated to other gear types. This action is necessary to replace the current Pacific cod allocations which were established by Amendment 24 to the FMP and which are scheduled to expire on January 1, 1997.
>
> The percentage allocations in the proposed rule largely mirror existing harvest patterns and would not result in a change of more than 5 percent in overall gross revenues for any particular operation relative to the status quo. This action is expected to generate largely unquantifiable positive impacts including: Prohibited species bycatch reductions, increased amounts of cod available to cod target fisheries, allowances for growth of relatively clean fishing gears (such as pot gear), and overall stability

within and across industry sectors. The proposed rule would not change compliance costs or impose any additional paperwork or reporting requirements.

The Regional Director determined that fishing activities conducted under this rule will not affect endangered and threatened species listed or critical habitat designated pursuant to the Endangered Species Act in any manner not considered in prior consultations on the groundfish fisheries of the BSAI.

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: August 16, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority 16 U.S.C. 773 *et seq.*; 1801 *et seq.*

2. In § 679.20, paragraph (a)(7) is revised to read as follows:

§ 679.20 General limitations.

* * * * *

(a) * * *

(7) *Pacific cod TAC, BSAI*—(i) *TAC by gear.* (A) The BSAI TAC of Pacific cod, after subtraction of reserves, will be allocated 2 percent to vessels using jig gear, 51 percent to vessels using hook-and-line or pot gear, and 47 percent to vessels using trawl gear.

(B) The portion of Pacific cod TAC allocated to trawl gear under paragraph (a)(7)(i)(A) of this section will be further allocated 50 percent to catcher vessels and 50 percent to catcher/processors as defined for the purposes of recordkeeping and reporting at § 679.2.

(C) The Regional Director may establish separate directed fishing allowances and prohibitions authorized under paragraph (d) of this section for vessels harvesting Pacific cod using jig gear, hook-and-line or pot gear, or trawl gear.

(ii) *Unused gear allocation.* If, during a fishing year, the Regional Director determines that vessels using trawl gear or hook-and-line or pot gear will not be able to harvest the entire amount of Pacific cod in the BSAI allocated to those vessels under paragraphs (a)(7)(i) or (a)(7)(iii) of this section, NMFS may reallocate the projected unused amount of Pacific cod to vessels harvesting Pacific cod using the other gear type(s) through notification in the Federal Register.

(iii) *Reallocation of TAC specified for jig gear.* On September 15 of each year, the Regional Director will reallocate any projected unused amount of Pacific cod in the BSAI allocated to vessels using jig gear to vessels using hook-and-line or pot gear through notification in the Federal Register.

(iv) *Seasonal allowances*—(A) *Time periods.* NMFS, after consultation with the Council, may divide the TAC allocated to vessels using hook-and-line or pot gear under paragraph (a)(7)(i) of this section among the following three periods: January 1 through April 30; May 1 through August 31; and September 1 through December 31.

(B) *Factors to be considered.* NMFS will base any seasonal allowance of the Pacific cod allocation to vessels using hook-and-line and pot gear on the following information:

(*1*) Seasonal distribution of Pacific cod relative to prohibited species distribution.

(*2*) Variations in prohibited species bycatch rates in the Pacific cod fisheries throughout the fishing year.

(*3*) Economic effects of any seasonal allowance of Pacific cod on the hook-and-line and pot-gear fisheries.

(C) *Unused seasonal allowances.* Any unused portion of a seasonal allowance of Pacific cod to vessels using hook-and-line or pot gear will be reallocated to the remaining seasonal allowances during a current fishing year in a manner determined by NMFS, after consultation with the Council.

* * * * *

[FR Doc. 96–21393 Filed 8–19–96; 1:41 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 164
Thursday, August 22, 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

Submission for OMB Review; Comment Request

August 16, 1996.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 and to Department Clearance Officer, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7630. Copies of the submission(s) may be obtained by calling (202) 720–6204 or (202) 720–6746.

Food and Consumer Service

Title: Food Stamp Program Store Application(s)

Summary: The Food Stamp Act of 1977, as amended, requires that the Agency determine the eligibility of firms and specified programs to accept and redeem food stamp benefits and to monitor them for compliance and continued eligibility.

Need and Use of the Information: This information is used for determining a firm's eligibility for participation in the program, program administration, compliance monitoring and investigations and for sanctioning stores found to be violating the program.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 80,613.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 18,347.

Title: Federal Collection Methods for Food Stamp Program Recipient Claims.

Summary: This Program is designed to help collect debts owed for overissued food stamp benefits.

Need and Use of the Information: Data is needed to assure unpaid claims are properly noted and efforts to collect monies are valid.

Description of Respondents: Individuals or households; Federal Government; State, Local or Tribal Government.

Number of Respondents: 327,552.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly; Weekly; Annually.

Total Burden Hours: 72,862.

Title: Study of Direct Certification.

Summary: Study will collect nationally representative data on the status of direct certification usage and assess multiple aspects of it. Respondents will be state and local entities involved with the National School Lunch Program.

Need and Use of the Information: Data will be used to inform officials on how direct certification is being implemented nationally, what seems to work best in various settings, the programmatic and/or cost savings resulting from direct certification, and the effect of direct certification on student eligibility and participation in the National School Lunch Program.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 1,376.

Frequency of Responses: Reporting: One-time only.

Total Burden Hours: 2,307.

Forest Service

Title: Application for Prospecting Permit.

Summary: Application information is collected to ensure that a complete, concise description of the proposed geophysical activity is obtained and thereby ensure timely and effective review and decision-making in full compliance with the National Environmental Policy Act and other requirements given in the National Forest Management Act of 1976.

Need and Use of the Information: The information is used by the issuing office to ensure a thorough accurate and timely review of the proposed plan of operations.

Description of Respondents: Business or other for-profit; Non-for-profit institutions.

Number of Respondents: 70.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 18.

Rural Housing Service

Title: 7 CFR 1944–1, ''Self-Help Technical Assistance Grants''.

Summary: Information is collected from non-profit organizations who want to develop a Self-Help program in their area to increase the availability of affordable housing.

Need and Use of the Information: This information is needed by the Rural Housing Service to determine if the organization is capable of successfully carrying out the requirements of the Self-Help program.

Description of Respondents: State, Local, or Tribal Government; Non-for-profit institutions.

Number of Respondents: 100.

Frequency of Responses: Recordkeeping; Reporting: Quarterly, Monthly, Annually.

Total Burden Hours: 2,640.

Farm Service Agency

Title: CCC Conservation Contract.

Summary: These requirements are for the Environmental Quality Incentives Program, the Wildlife Habitat Incentives Program and the Farmland Protection Program.

Need and Use of the Information: Eligible land owners may apply for financial assistance. The agreement or contract must include a conservation plan. Federal cost share payments may be made to the land user upon successful application of the conservation treatment.

Description of Respondents: Farms; Individuals or households.

Number of Respondents: 27,500.

Frequency of Responses: Reporting: One time only.

Total Burden Hours: 43,450.

Emergency processing of this submission has been requested by *August 16, 1996.*

Agricultural Marketing Service

Title: Provisions Regulating the Quality of Domestically Produced Peanuts Handled by Persons not Subject to the Peanut Marketing Agreement.

Summary: Public Law 101–220 amended the Agricultural Agreement

Act of 1937 to require all peanuts handled by persons who have not entered into the Peanut Marketing Agreement to be subject to the same quality and inspection requirements as are in effect under the agreement.

Need and Use of the Information: The information is used to verify compliance with inspection, quality and disposition requirements. This insures that only wholesome peanuts of good quality enter edible market channels.

Description of Respondents: Business or other for-profit.

Number of Respondents: 45.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Weekly; Monthly.

Total Burden Hours: 591.

Rural Housing Service

Title: 7 CFR—1944–B, Housing Application Packing Grants.

Summary: The Rural Housing Service make grants to private and public non-profit organizations and State and local governments to package housing applications in colonies and designated counties.

Need and Use of the Information: The information collected is necessary to assure the organizations participating in this program are eligible entities and have participated in application packaging.

Description of Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 200.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 900.

Foreign Agricultural Services

Title: Sugar to be Imported and Re-exported in Refined Form or in Sugar Containing Products or Used for the Production of Polyhydric Alcohol.

Summary: The proposed regulations revise current regulations to conform them to our obligation under the North American Free Trade Agreement and to implement changes arising out of the adoption of the Uruguay Round Agreement Implementation Act.

Need and Use of the Information: The Licensing Authority will use this information to determine whether the equivalent quantity of sugar entered will be exported by the entering company or by a manufacturer or sugar containing products or used for the production of Polyhydric alcohol. Without this information the Licensing Authority would be unable to identify who would be responsible for exporting or using entered sugar.

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

Number of Respondents: 220.

Frequency of Responses: Reporting: Quarterly.

Total Burden Hours: 3,866.

Title: Regulations covering CCC's Export Credit Guarantee Program (GSM–102) & CCC's Intermediate Export Credit Guarantee Program (GSM–103).

Summary: The GSM–102 and GSM–103 programs of the Commodity Credit Corporation (CCC) were developed to expand U.S. exports by making available export credit guarantees to encourage U.S. private sector financing of foreign purchases of U.S. agricultural commodities on credit terms.

Need and Use of the Information: Collection of information is required in order to become an eligible participant in the program.

Description of Respondents: Business or other for-profit.

Number of Respondents: 365.

Frequency of Responses: Recordkeeping; Reporting: On Occasion.

Total Burden Hours: 6,499.

Agricultural Marketing Service

Title: Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida—Addendum.

Summary: Marketing Order No. 905 authorizes the regulation a certain agricultural commodities for the purpose of providing orderly marketing conditions in interstate commerce and to improve return to growers. Currently the Agricultural Marketing Service is considering a proposal to limit the volume of small Florida red seedless grapefruit. If this proposal is implemented, new information collection would be required.

Need and Use of the Information: To ensure compliance with volume regulation of red seedless grapefruit that would provide the Florida citrus industry and the Department of Agriculture with important information to ensure fair regulation within the industry.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 1,176.

Frequency of Responses: Recordkeeping; Reporting: On Occasion; Weekly.

Total Burden Hours: 204.

Food and Consumer Service

Title: Disaster Food Stamp Program.

Summary: The Food Stamp Act provides that program assistance be provided to all disaster-affected households who make application and are determined eligible for such assistance.

Need and Use of the Information: This information is needed to determine the eligibility of households applying for disaster food stamp assistance and for maintaining records regarding the disaster food stamp program.

Description of Respondents: State, Local, or Tribal Government; Individuals or households.

Number of Respondents: 92,433.

Frequency of Responses: Recordkeeping; Reporting: On Occasion.

Total Burden Hours: 51,132.

Title: Coupon Account and Destruction Report.

Summary: The Food Stamp Act of 1977 requires an appropriate procedure for determining and monitoring the level of coupon inventories under the control of issuance agents for the purpose of maintaining inventories at proper levels. The procedure also involves monitoring coupon deliveries, in-state transfers and return of coupons to inventory and exercising control over the destruction of unusable coupons.

Need and Use of the Information: This collection accounts for coupons received as payment on recipient claims mutilated or improperly manufactured old series coupons for exchange and coupons returned for miscellaneous reasons. FCS–471 is the vehicle that transmits unusable coupons to a destruction point, and in the documentation for destroyed coupons.

Description of Respondents: State, Local, or Tribal Government; Federal Government.

Number of Respondents: 10,276.

Frequency of Responses: Recordkeeping; Reporting: Monthly.

Total Burden Hours: 40,331.

Animal and Plant Health Inspection Service

Title: Application for Inspection & Certification of Animal Byproducts.

Summary: USDA Veterinary Services provide export certification services to U.S. processors desiring to qualify shipment of certain animal byproducts for export to foreign countries.

Need and Use of the Information: Without proper certification importing countries will not accept products, and applicant would be unable to conduct business with that country.

Description of Respondents: Business or other for-profit.

Number of Respondents: 20.

Frequency of Responses: Reporting: On Occasion.

Total Burden Hours: 10.

Forest Service

Title: Commercial Use of ''Woodsy Owl'' Symbol.

Summary: Business can be licensed to use the ''Woodsy Owl'' symbol for commercial purposes.

Need and Use of the Information: Information is needed to collect royalty fees and to gauge effectiveness of licenses in meeting guaranteed sales objectives.

Description of Respondents: Business or other for-profit.

Number of Respondents: 10.

Frequencey of Responses: Recordkeeping; Reporting: Quarterly.

Total Burden Hours: 60.

Animal and Plant Health Inspection Service

Title: Scrapie Flock Certification, Animal Identification, and Indemnification Procedures.

Summary: Legislation allows the Secretary of Agriculture to prevent, control and eliminate domestic diseases such as scrapie, as well as to take action to prevent and to mange exotic diseases such as hog cholera, and African swine fever.

Need and Use of the Information: The information is needed to assist in disease prevention.

Description of Respondents: Farms; Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 1,180.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 15,846.

Title: Horse Protection Regulations.

Summary: The information collection certifies and licenses designated qualified persons and horse industry organizations.

Need and Use of the Information: The information provides the primary means of detacting ''sore'' horses and eliminating them from exhibition or showing.

Description of Respondents: Business or other for-profit.

Number of Respondents: 650.

Frequency of Responses: Recordkeeping; Reporting: Quarterly; Monthly; Annually.

Total Burden Hours: 7,195.

Agricultural Marketing Service

Title: Irish Potatoes Grown in Colorado—Marketing Order 948.

Summary: Marketing Order was designed to permit regulation of certain agricultural commodities for the purpose of providing orderly marketing conditions in interstate commerce and improving returns to growers.

Need and Use of the Information: The information is used for program compliance.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 592.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Biennially; Annually.

Total Burden Hours: 578.

Food and Consumer Service

Title: Federal Collection Methods for Food Stamp Program Recipient Claims.

Summary: This Program is designed to help collect money owed for overissued food stamp benefits.

Need and Use of the Information: Data is needed to assure unpaid claims are properly noted and efforts to collect monies are valid.

Description of Respondents: Individuals or household; Federal Government; State, Local, or Tribal Government.

Number of Respondents: 327,552.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Weekly; Quarterly; Annually.

Total Burden Hours: 72,862.

Farm Service Agency

Title: Conservation Reserve Program (CRP), 7 CFR Parts 704 and 1410.

Summary: The Conservation Reserve Program (CRP) regulations set forth the basic policies, program provisions, and eligibility requirements for owners and operators to enter into and carry out long-term CRP contracts with financial and technical assistance and for making cost-share and annual rental payments under the program.

Need and Use of the Information: The information is needed to implement and provide program benefits under the current legislation.

Description of Respondents: Farms; Individuals or households.

Number of Respondents: 272,500.

Frequency of Responses: Reporting: On occasion; One-time only.

Total Burden Hours: 34,371.

Emergency Processing of This Submission Has Been Requested by: August 23, 1996.

Larry Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 96–21390 Filed 8–21–96; 8:45 am]

BILLING CODE 3410–01–M

Natural Resources Conservation Service

Notice of Request for Nominations for the Task Force on Agricultural Air Quality

SUMMARY: The Secretary of Agriculture is requesting nominations for qualified persons to serve as members of the Task Force on Agricultural Air Quality.

DATES: Nominations must be received in writing or reaffirmed (see Supplementary Information section) by September 23, 1996.

ADDRESSES: Send written nominations to Chief , Natural Resources Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: George C. Bluhm, National Agricultural Meteorologist, NRCS, (916) 752–1018.

SUPPLEMENTARY INFORMATION:

Task Force Purpose

As required by Section 391 of the Federal Agriculture Improvement and Reform Act (FAIR) of 1996, the Chief of the Natural Resources Conservation Service (NRCS) shall establish a task force to review research results by any Federal Agency that addresses air quality issues related to agriculture or agriculture infastructure. Recommendations from the Task Force will be provided to the Secretary of Agriculture for guidance on air policy implementations. NRCS intends to meet all requirements of the Federal Advisory Committee Act (FACA) relative to this Task Force.

The Agricultural Air Quality Task Force will review any policy recommendations issued by any federal agency that would establish controls over farming or ranch operations in behalf of cleaner air. Specifically the task force is to provide insights to potential local impacts of proposed policy changes. The Task Force will:

1. Review research on agricultural air quality supported financially and technically by any federal agency,
2. Base recommendations to the Secretary of Agriculture upon sound scientific findings after adequate peer review and taking into account economic feasibility,
3. Work to ensure intergovernmental (Federal, state, and local) cooperation to establish policy for agriculture air quality and to avoid duplication,
4. To the extent practical, assist any federal agency to correct their erroneous data with respect to agriculture air quality.

Task Force Membership

The Task Force will be made up of United States citizens. The Task Force will be composed of:

1. Individuals with expertise in agricultural air quality and/or agricultural production.
2. Individuals representing regional concerns.
3. Representatives of institutions with expertise in agricultural air quality impacts on human health.
4. Five representatives from commodity groups having expertise in production agriculture.

5. Six representatives from state or local agencies having expertise in agriculture and air quality.

6. An atmospheric scientist.

Task Force nominations must be in writing and provide the the appropriate background documents required by USDA policy. Forms are available from the above contact. Previous nominations should consider the desirability of updating their nominations and must provide the required background disclosures (AD–755) to reaffirm their candidacy. Service as a member of the Task Force shall not constitute employment by, or the holding of an office of the United States for the purpose of any Federal law.

A Task Force member will serve for a term of 2 years, except that members appointed to the initial Task Force shall serve, proportionally for terms of 1 and 2 years, as determined by the Chief of NRCS. No individual may serve more than 2 consecutive 2-year terms as a member of the Task Force. A member of the Task Force shall receive no compensation from the NRCS for the service as a member of the Task Force except as described below.

While away from home or regular place of business of a member of the Task Force, the member will be eligible for travel expenses paid by the NRCS, including per diem in lieu of subsistence, at the same rate as a person employed intermittently in the government service is allowed under section 5703 of title 5, United States code.

Submitting Nominations

Nominations should be typed and should include the following:

1. A brief summary of no more than two pages explaining the nominee's suitability to serve on the Agricultural Air Quality Task Force.

2. Resume.

3. A completed copy of form AD–755.

4. Send nominations to the address listed earlier in this section.

5. Nominations are due post marked no later than 30 days after the date of this announcement.

Richard L. Duesterhaus,

Deputy Chief, Soil Science and Resource Assessment.

[FR Doc. 96–21467 Filed 8–21–96; 8:45 am]

BILLING CODE 3410–16–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts in Education Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L 92–463), as amended, notice is hereby given that a meeting of the Arts in Education Advisory Panel (ArtsEdge Section) to the National Council on the Arts will meet on August 23, 1996 from 3:00 p.m. to 4:00 p.m. The panel will meet in Room M–07, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of application evaluation, under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of June 22, 1995, these sessions will be closed to the public pursuant to subsections (c)(4), (6) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5691.

Dated: August 14, 1996.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 96–21395 Filed 8–21–96; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; National Council on the Arts 128th Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on September 6, 1996 from 9:15 a.m. to 4:30 p.m., in Room M–09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public. The swearing in and introduction of new council members will take place at the opening of the meeting, followed by an address by Attorney General, Janet Reno. Other topics of discussion will include a Congressional Update, the FY 98 Budget, and the Council Letter Committee Report. The Division Coordinators will present an overview of the applications, which will be followed by application review and a report on the American Canvas meetings. Year end updates will be presented by the Deputy Chairman for Grants and Partnership, the Deputy Chairman for Management and Budget, and the Director of Policy, Research and Technology.

If, in the course of discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Additionally, discussion concerning purely personal information about individuals, submitted with grant applications, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested party may attend, as observers, Council discussions and reviews which are open to the public. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY–TDD 202/682–5429, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from the Office of Communications, National Endowment for the Arts, Washington, DC 20506, at 202/682–5570.

Dated: August 15, 1996.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations.

[FR Doc. 96–21396 Filed 8–21–96; 8:45 am]

BILLING CODE 7537–01–M

Combined Arts Advisory Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel (Heritage & Preservation Section) to the National Council on the Arts will be held on September 9–12, 1996. The meeting will be held from 9:00 a.m. to 6:00 p.m. on September 9; from 9:00 a.m. to 7:00 p.m. on September 10; from 9:00 a.m. to 5:00 p.m. on September 11; and from 9:00 a.m. to 4:00 p.m. on September 12. This meeting will be held in Room 716, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 2:00 p.m. to 4:00 p.m. on September 12 for a discussion of guidelines and policy related issues.

The remaining portions of this meeting from 9:00 a.m. to 6:00 p.m. on September 9; from 9:00 a.m. to 7:00 p.m. on September 10; from 9:00 a.m. to 5:00 p.m. on September 11; and from 9:00 a.m. to 2:00 p.m. on September 12 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of June 22, 1995, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5691.

Dated: August 16, 1996.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 96–21397 Filed 8–21–96; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Leadership Initiatives Advisory Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Leadership Initiatives Advisory Panel (Millenium Section) to the National Council on the Arts will be held on August 22, from 3:30 p.m. to 5:00 p.m. This meeting will be held in Room 716, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of application evaluation, under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants.

In accordance with the determination of the Chairman of June 22, 1995, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5691.

Dated: August 16, 1996.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 96–21394 Filed 8–21–96; 8:45 am]

BILLING CODE 7537–01–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Texas Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Texas Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 4 p.m. on Friday, September 20, 1996, at the Crown Plaza St. Anthony Hotel, 300 East Travis Street, San Antonio, Texas 78205. The purpose of the meeting is to discuss civil rights issues and plan project activity for the coming year.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Adolfo Canales, 214–653–6779 or Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 14, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–21420 Filed 8–21–96; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Sensors and Instrumentation Technical Advisory Committee will be held September 20, 1996, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M–2, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Discussion of Export Administration Regulations reform.
3. Presentation on Foreign Policy Report.
4. Update on licensing processing Executive Order.
5. Update on the Nuclear Suppliers Group.
6. Update on the Missile Technology Control Regime.
7. Presentation on The Wassenaar Arrangement.
8. Report on the status of the Export Administration Act.
9. Presentation of papers or comments by the public.

Executive Session

10. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address:

Ms. Lee Ann Carpenter, OAS/EA/BXA—Room 3886C, U.S. Department of Commerce, Washington, D.C. 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on December 13, 1995, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records

Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: August 16, 1996.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 96–21355 Filed 8–21–96; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–557–805]

Extruded Rubber Thread From Malaysia; Antidumping Duty Administrative Review; Extension of Time Limits for Antidumping Duty Administrative Review

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

ACTION: Notice of extension of time limit for antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) is extending the time limits of the preliminary and final results of the third antidumping duty administrative review of the antidumping duty order on extruded rubber thread from Malaysia. The review covers the period October 1, 1994 through September 30, 1995.

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Thomas F. Futtner, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4740 or (202) 482–3814, respectively.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this review within the original time limit, the Department is extending the time limits for the preliminary results until November 27, 1996, and the final results until 180 days after publication of the preliminary results of review, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act. (*See* Memorandum to the file dated July 22, 1996.)

These extensions are in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(3)(A)).

Dated: July 24, 1996.

Jeffrey P. Bialos,

Principal Deputy Assistant Secretary for Import Administration.

[FR Doc. 96–21462 Filed 8–21–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–560–801]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Melamine Institutional Dinnerware Products From Indonesia

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

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger, Everett Kelly, or Barbara Wojcik-Betancourt, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4136, (202) 482–4194, or (202) 482–0629, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act'') are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Rounds Agreements Act (''URAA'').

Preliminary Determination

We preliminarily determine that melamine institutional dinnerware products (''MIDPs'') from Indonesia are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the initiation of this investigation (*Notice of Initiation of Antidumping Duty Investigations: Melamine Institutional Dinnerware Products from Indonesia, Taiwan and the People's Republic of China* (61 FR 8039, March 1, 1996), the following events have occurred:

On March 22, 1996, the United States International Trade Commission (''ITC'') issued an affirmative preliminary injury determination in this case (*see* ITC Investigation Nos. 731–TA–741, –742, and –743).

On April 15, 1996, the Department issued an antidumping duty questionnaire to the following companies identified by petitioners or by the U.S. embassy in Indonesia as possible exporters of the subject merchandise: P.T. Multi Raya Indah Abadi (''Multiraya''), P.T. Meiwa Indonesia (''Meiwa''), P.T. Mayer Crocodile, and P.T. Impack Pratama. The questionnaire is divided into four sections. Section A requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the sales of the merchandise in all of its markets. Sections B and C request home market sales listings and U.S. sales listings, respectively. Section D requests information on the cost of production (''COP'') of the foreign like product and constructed value (''CV'') of the subject merchandise.

On April 24, 1996, Meiwa advised the Department in a fax that it neither produces nor exports the subject merchandise. In a letter dated May 23, 1996, Impack Pratama stated it does not manufacture the subject merchandise. Multiraya filed a timely questionnaire response in this investigation (*see* below). P. T. Mayer Crocodile did not respond to the Department's questionnaire.

On May 30, 1996, petitioner, the American Melamine Institutional Tableware Association (''AMITA''), alleged that Multiraya had made sales in the home market at prices that were below COP, pursuant to section 773(b) of the Act. As a result, the Department began a COP investigation on June 11, 1996 (*see* June 11, 1996, memorandum from MIDP team to Gary Taverman, Acting Office Director, Office of Antidumping Investigations).

On June 6, 1996, the Department postponed the preliminary determination of this investigation and the companion investigations on melamine dinnerware products from the People's Republic of China and Taiwan until August 14, 1996, in accordance with section 733(c)(1)(B) of the Act (61 FR 30219, June 14, 1996).

Multiraya submitted its questionnaire responses in May and June 1996. We issued a supplemental request for information in June and received the response to this request in July 1996. Multiraya submitted additional information supplementing its response during July 1996.

Petitioner filed comments on Multiraya's questionnaire responses in June, July and August 1996.

Postponement of Final Determination

On August 5, 1996, Multiraya requested that, pursuant to section 735(a)(2)(A) of the Act, in the event of an affirmative preliminary

determination in this investigation, the Department postpone its final determination until not later than 135 days after the publication of the affirmative preliminary determination in the Federal Register. In accordance with 19 CFR 353.20(b), inasmuch as our preliminary determination is affirmative, Multiraya accounts for a significant proportion of exports of the subject merchandise, and we are not aware of the existence of any compelling reasons for denying the request, we are granting Multiraya's request and postponing the final determination. Suspension of liquidation will be extended accordingly. *See Preliminary Determination of Sales at Less Than Fair Value: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Japan* (61 FR 8029, March 1, 1996).

Scope of Investigation

This investigation covers all items of dinnerware (*e.g.*, plates, cups, saucers, bowls, creamers, gravy boats, serving dishes, platters, and trays) that contain at least 50 percent melamine by weight and have a minimum wall thickness of 0.08 inch. This merchandise is classifiable under subheadings 3924.10.20, 3924.10.30, and 3924.10.50 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Excluded from the scope of investigation are flatware products (*e.g.*, knives, forks, and spoons).

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Period of Investigation

The period of investigation (''POI'') is January 1, 1995, through December 31, 1995.

Fair Value Comparisons

A. P.T. Mayer Crocodile

We did not receive a response to our questionnaire from P.T. Mayer Crocodile. Section 776(a)(2) of the Act provides that if an interested party withholds information that has been requested by the Department, fails to provide such information in a timely manner and in the form requested, significantly impedes a proceeding, or provides such information but the information cannot be verified, the Department shall use the facts otherwise available in reaching the applicable determination. Because P.T. Mayer Crocodile failed to submit the information that the Department specifically requested, we must base our determination for that company on the facts available.

Section 776(b) of the Act provides that adverse inferences may be used against a party that has failed to cooperate by not acting to the best of its ability to comply with a request for information. The Department has determined that, in selecting from among the facts otherwise available, an adverse inference is warranted.

Section 776(c) of the Act provides that where the Department selects from among the facts otherwise available and relies on ''secondary information,'' the Department shall, to the extent practicable, corroborate that information from independent sources reasonably at the Department's disposal. The Statement of Administrative Action accompanying the URAA, H.R. Doc. No. 316, 103d Cong., 2d Sess. (1994) (hereinafter, the ''SAA''), states that the petition is ''secondary information'' and that ''corroborate'' means to determine that the information used has probative value. *See* SAA at 870.

In this proceeding, we considered the petition as the most appropriate information on the record to form the basis for a dumping calculation for this uncoorperative respondent. In accordance with section 776(c) of the Act, we attempted to corroborate the data contained in the petition. Specifically, the petitioner based both the export price and normal value in the petition on Multiraya's ex-factory prices for nine-inch plates obtained from a market research report. We compared the petitioner's submitted price data to actual prices reported in Multiraya's questionnaire response for products of the same size and shape. We found the Multiraya normal value data from the market research report to be consistent with normal value data in Multiraya's questionnaire response. Thus, we consider the normal value data in the petition to have been corroborated and will therefore utilize such data in our margin calculation for P.T. Mayer Crocodile. We did not, however, consider the export price from the petition to be corroborated because the Multiraya export price data in the market research report was substantially different that the actual data reported by Multiraya in its questionnaire response. Therefore, we have not used the export price in the petition.

In selecting from among the facts otherwise available with regard to export price, we have used the lowest ex-factory export price reported by Multiraya for a nine-inch plate. We found this information to be sufficiently adverse to effectuate the purpose of the statute, and we also note that the number of EP sales to select from was small. We compared that export price to the ex-factory normal value used in the petition in order to calculate a margin for P. T. Mayer Crocodile. This methodology is, of course, subject to Multiraya's verification results.

B. Multiraya

To determine whether Multiraya's sales of the subject merchandise to the United States were made at less than fair value, we compared the export price (''EP'') to the Normal Value (''NV''), as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i), we compared POI-wide weighted-average EPs to weighted-average NVs. In determining averaging groups for comparison purposes, we considered the appropriateness of such factors as physical characteristics and level of trade.

(i) Physical Characteristics

In accordance with section 771(16) of the Act, we considered all products covered by the description in the ''Scope of Investigation'' section of this notice, above, produced in Indonesia by Multiraya and sold in the home market during the POI, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics listed in the Department's antidumping questionnaire. In making the product comparisons, we relied on the following criteria (listed in order of preference): shape type (*i.e.,* flat, *e.g.,* plates, trays, saucers, etc.; or container, *e.g.,* bowls, cups, etc.), specific shape, diameter (where applicable), length (where applicable), capacity (where applicable), thickness, design (*i.e.,* whether or not a design is stamped into the piece), and glazing (*i.e.,* where a design is present, whether or not it is also glazed). *See* also *Model Match Methodology for the Preliminary Determinations* memorandum from MIDP team to Louis Apple, Acting Office Director, dated August 12, 1996.

(ii) Level of Trade

As set forth in section 773(a)(1)(B)(i) of the Act and in the SAA at 829–831, to the extent practicable, the Department will calculate normal values based on sales at the same level of trade as the U.S. sales. When the Department is unable to find sales in the comparison market at the same level of trade as the

U.S. sale(s), the Department may compare sales in the U.S. and foreign markets at different levels of trade. *See*, also, *Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy* (61 FR 30326, June 14, 1996) (''*Pasta from Italy*'').

In accordance with section 773(a)(7)(A), if sales at different levels of trade are compared, the Department will adjust the normal value to account for the difference in level of trade if two conditions are met. First, there must be differences between the actual selling functions performed by the seller at the level of trade of the U.S. sale and the level of trade of the normal value sale. Second, the difference must affect price comparability as evidenced by a pattern of consistent price differences between sales at the different levels of trade in the market in which normal value is determined.

In its questionnaire responses, Multiraya did not specifically identify levels of trade based on its selling activities by customer categories within each market. In order to independently confirm the absence of separate levels of trade within or between the U.S. and home markets, we examined Multiraya's questionnaire responses for indications that Multiraya's function as a seller differed among customer categories. Pursuant to section 773(a)(1)(B)(i) of the Act, and the SAA at 827, in identifying levels of trade for directly observed (i.e., not constructed) export price and normal values sales, we considered the selling functions reflected in the starting price, before any adjustments. Where possible, we further examined whether each selling function was performed on a substantial portion of sales. (*See Notice of Proposed Rulemaking and Request for Public Comments,* (61 FR 7303, 7348, February 27, 1996)) (''Proposed Regulations'').

Multiraya sold to a single customer in the U.S. market. In the home market, Multiraya sold only to one category of customer and performed the same selling functions between sales to the home market customers. Thus, our analysis of the questionnaire response leads us to conclude that sales within each market are not made at different levels of trade. Accordingly, we preliminarily find that no level of trade differences exist between any sales in either the home market or the U.S. market. Therefore, all price comparisons are at the same level of trade and an adjustment pursuant to section 773(a)(7)(A) is unwarranted.

Export Price

We calculated EP, in accordance with subsections 772 (a) and (c) of the Act, where the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and use of constructed export price (''CEP'') was not otherwise warranted based on the facts of record.

We have preliminarily rejected petitioner's request that CEP be used because we do not find the record to indicate that the sole U.S. importer and Multiraya are affiliated parties. Section 771(33)(G) of the Act provides, *inter alia,* that parties will be considered affiliated when one controls the other. A person controls another person ''if the person is legally or operationally in a position to exercise restraint or direction over the other person.'' The SAA further states that a company may be in a position to exercise restraint or direction through, among other things, ''close supplier relationships in which the supplier or buyer becomes reliant upon the other.''

Pursuant to section 771(33) of the Act, we reviewed Multiraya's relationship with its U.S. importer and have determined, subject to verification, that petitioner's claim is unwarranted. The evidence indicates that there is no corporate or familial relationship between the two companies. Multiraya reported in its questionnaire response that it negotiated prices with the importer, that the importer is free to purchase MIDP from sources other than Multiraya (and has done so), and that Multiraya is free to sell to any customer in the United States. Therefore, we have preliminarily determined that Multiraya and the U.S. importer are not affiliated.

For Multiraya, we calculated EP based on packed, ex-works, FOB (''free on board'') port to an unaffiliated customer in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for foreign inland freight expenses, which include foreign brokerage and handling. In accordance with section 772(c)(1)(B), we added amounts for import duties imposed on imported materials and rebated upon export of the subject merchandise (''duty drawback'').

Multiraya reported that it did not borrow in U.S. dollars during the POI. In accordance with the Department's questionnaire instructions and practice (*see, e.g., Pasta from Italy*), Multiraya calculated its reported U.S. imputed credit expense using the average short-term interest rate (*i.e.,* ''prime rate'') in the United States during the POI, as published by the International Monetary Fund in *International Financial Statistics,* for purposes of making circumstance of sale adjustment for this expense.

Multiraya reported that it pays an excise tax on imported melamine powder—a material that Multiraya reports is not produced in Indonesia—and then receives a corporate income tax credit equal to the amount of the excise tax paid on the imported melamine powder content of the exported subject merchandise. As such, Multiraya claims that this tax credit constitutes a duty drawback under section 772(c)(1)(B). The information currently on the record supports Multiraya's claim and we have included this adjustment in our EP calculation. We will, however, examine this claim further at verification.

Normal Value

Cost of Production Analysis

As noted in the ''Case History'' section of this notice above, based on the petitioner's allegations, the Department found reasonable grounds to believe or suspect that Multiraya made sales in the home market at prices below the cost of producing the merchandise. As a result, the Department initiated an investigation to determine whether Multiraya made home market sales during the POI at prices below the COP within the meaning of section 773(b) of the Act.

Before making any fair value comparisons, we conducted the COP analysis described below.

A. Calculation of COP

We calculated the COP based on the sum of Multiraya's reported cost of materials and fabrication for the foreign like product, plus amounts for home market general and administrative expenses (''G&A'') and packing costs in accordance with section 773(b)(3) of the Act.

B. Test of Home Market Prices

We used the respondent's adjusted weighted-average COP for the POI. We compared the weighted-average COP figures to home market sales of the foreign like product as required under section 773(b) of the Act, in order to determine whether these sales had been made at below-cost prices within an extended period of time in substantial quantities, and were not at prices which permit recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges and direct selling expenses. We did not deduct indirect selling expenses from the home market price because these expenses were included in the G&A portion of COP.

C. Results of COP Test

In determining whether to disregard home-market sales made at prices below COP, we examine (1) whether, within an extended period of time, such sales were made in substantial quantities and (2) whether such sales were made at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade. Where less than 20 percent (by quantity) of a respondent's sales of a given product were at prices less than the COP, we do not disregard any below-cost sales of that product. Where 20 percent (by quantity) or more of a respondent's sales of a given product during the POI were at prices less than the COP, we determine such sales to have been made in substantial quantities within an extended period; where we determine that such sales were also not made at prices that permit recovery of cost within a reasonable period, we disregard the below-cost sales.

In this case, we found that some products had no above-cost sales available for matching purposes. Accordingly, export prices that would have been compared to home market prices for these models were instead compared to CV.

D. Calculation of CV

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of Multiraya's cost of materials, fabrication, selling, general, and administrative expenses (''SG&A''), and profit, plus U.S. packing costs as reported in the U.S. sales database. In accordance with section 773(e)(2)(A) of the Act, we based SG&A and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. We calculated Multiraya's CV based on the methodology described above for the calculation of COP. For selling expenses, we used the weighted-average home market selling expenses.

Adjustments to Prices

We calculated NV based on packed, delivered prices to unaffiliated customers. Where appropriate, we made deductions from the starting price (gross unit price) for discounts and inland freight. In addition, where appropriate, we adjusted for differences in circumstances of sale for imputed credit expenses, bank charges (U.S. market), and warranty expenses (home market).

We made adjustments, where appropriate, for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. Where the difference in merchandise adjustment for every comparison product exceeded 20 percent, we based NV on CV. In addition, in accordance with section 773(a)(6)(B), we deducted home market packing costs and added U.S. packing costs.

Price to CV Comparisons

Where we compared CV to export prices, we deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses (where appropriate) in accordance with section 773(a)(8) of the Act.

Currency Conversion

We made currency conversions into U.S. dollars based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Section 773A(a) of the Act directs the Department to convert foreign currencies based on the dollar exchange rate in effect on the date of sale of the subject merchandise, except if it is established that a currency transaction on forward markets is directly linked to an export sale. When a company demonstrates that a sale on forward markets is directly linked to a particular export sale in order to minimize its exposure to exchange rate losses, the Department will use the rate of exchange in the forward currency sale agreement.

Section 773A(a) also directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars unless the daily rate involves a fluctuation. It is the Department's practice to find that a fluctuation exists when the daily exchange rate differs from the benchmark rate by 2.25 percent. The benchmark is defined as the moving average of rates for the past 40 business days. When we determine a fluctuation exists, we substitute the benchmark rate for the daily rate, in accordance with established practice. Further, section 773A(b) directs the Department to allow a 60-day adjustment period when a currency has undergone a sustained movement. A sustained movement has occurred when the weekly average of actual daily rates exceeds the weekly average of benchmark rates by more than five percent for eight consecutive weeks. (For an explanation of this method, *see Policy Bulletin 96–1: Currency Conversions* (61 FR 9434, March 8, 1996)). Such an adjustment period is required only when a foreign currency is appreciating against the U.S. dollar. The use of an adjustment period was not warranted in this case because the Indonesian rupiah did not undergo a sustained movement, nor were there currency fluctuations during the POI.

Verification

As provided in section 782(i) of the Act, we will verify all information determined to be acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all imports of subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the export price, as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

Exporter/manufacturer	Weighted-average margin percentage
P. T. Mayer Crocodile	12.90
P. T. Multi Raya Indah Abadi	5.24
All others	5.24

Pursuant to section 733(d)(1)(A) and section 735(c)(5) of the Act, the Department has not included zero and *de minimis* weighted-average dumping margins and margins determined entirely under section 776 of the Act, in the calculation of the ''all others'' deposit rate.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

Case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than November 13, 1996, and rebuttal briefs, no later than November 20, 1996. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department.

Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on November 26, 1996, at 10:00 a.m. in Room 1414 at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–099, within ten days of the publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by 135 days after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(d) of the Act.

Dated: August 14, 1996.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–21463 Filed 8–21–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–844]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Melamine Institutional Dinnerware Products From the People's Republic of China

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

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Barbara Wojcik-Betancourt, Everett Kelly, David J. Goldberger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0629, (202) 482–4194, or (202) 482–4136, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act'') are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Rounds Agreements Act (''URAA'').

Preliminary Determination

We preliminarily determine that melamine institutional dinnerware products (''MIDPs'') from the People's Republic of China (''PRC'') are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the initiation of this investigation (61 FR 8039, March 1, 1996) the following events have occurred:

On March 22, 1996, the United States International Trade Commission (''ITC'') issued an affirmative preliminary injury determination in this case (*see* ITC Investigation Nos. 731–TA–741, –742, and –743).

On March 8 and 29, 1996, we sent surveys to the PRC's Ministry of Foreign Trade and Economic Cooperation (''MOFTEC'') and to the China Chamber of Commerce of Metals, Minerals, and Chemicals (''China Chamber'') requesting the identification of producers and exporters, and information on production and sales of MIDPs exported to the United States. In April we received responses from the PRC government identifying the following exporters as companies who sold the subject merchandise during the period of investigation (''POI'').

Shenzhen Baon District Foreign Economic Development Corp.
Shenzhen Longang District Foreign Economic Service Corp.
Guandong Light Industrial Products Import & Export Corp. (hereinafter, ''Guandong'')
Xinjian Foreign Trade Corp. (hereinafter, ''Xinjian FTC'')
Shanghai Foreign Corp.
Sam Choan Plastic Co. Ltd. (hereinafter, ''Sam Choan'')
Nian Jing Koto Melamine Products Company Ltd.
Zhejiang Melamine Dinnerware Company Ltd.
Hui Zhou Ziao Cheng Plastic Products Co. Ltd.
Shang Hai Jia Da Plastic Products Co. Ltd.
Dongguan Wan Chao Melamine Products Co., Ltd.
Shin Lung Melamine Guangzhou Co., Ltd.
Dong Guan Hotai Plastic Products Company Ltd.
Ji Nan Fortune Long Melamine Products Co. Ltd.
Kunshan Ever Unison Melamine Products Co. Ltd.
Guang Dong Guan Living Products Co. Ltd.
Tar Hong Melamine Xiamen Co. Ltd. (hereinafter, ''Tar Hong Xiamen'')
Chen Hao (Xiamen) Plastic Industrial Co. Ltd. (hereinafter, ''Chen Hao Xiamen''), and
Gin Harvest Melamine (Heyuan) Enterprises Co. Ltd. (hereinafter, Gin Harvest Heyuan).

On April 8, 1996, the Department received faxes from two of the identified companies, Guandong and Xinjian FTC, stating that they did not export the subject merchandise to the United States during the POI.

On April 15, 1996, the Department issued an antidumping questionnaire to the China Chamber and MOFTEC with instructions to forward the document to all producers/exporters of the subject merchandise and that these companies must respond by the due dates. We also sent courtesy copies of the antidumping duty questionnaire to all identified companies. The questionnaire is divided into four sections. Section A requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the sales of the merchandise in all of its markets. Sections B and C request home market sales listings and U.S. sales listings, respectively (section B does not normally apply in antidumping proceedings involving the PRC). Section D requests information on the factors of production of the subject merchandise.

On May 10, 1996, the Department requested that interested parties provide information for valuing the factors of production and for surrogate country selection. We received comments from the interested parties in June 1996.

On June 6, 1996, the Department postponed the preliminary determination of this investigation and the companion investigations from Indonesia and Taiwan until August 14, 1996, in accordance with section 733(c)(1)(B) of the Act (61 FR 30219, June 14, 1996).

In May and June 1996, the five participating respondents—Chen Hao Xiamen, Sam Choan, Dongguan, Tar Hong Xiamen, and Gin Harvest—submitted questionnaire responses. We issued supplemental questionnaires to these companies on June 26, 1996, and we received responses in July 1996. We did not receive any information from the other thirteen identified companies.

On May 29, 1996, petitioner, the American Melamine Institutional Tableware Association (''AMITA''), requested that the Department consider whether the special rule for certain multinational corporations (''MNC'') set forth in section 773(d) of the Act should be applied in this investigation. Petitioner suggested that this provision should be applied with respect to Chen

Hao Xiamen (for further discussion, *see* the ''Normal Value'' section of this notice, below).

Postponement of Final Determination

On August 5, 1996, all participating respondents requested that, pursuant to section 735(a)(2)(A) of the Act, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until not later than 135 days after the publication of the affirmative preliminary determination in the Federal Register. In accordance with 19 CFR 353.20(b), inasmuch as our preliminary determination is affirmative, these respondents account for a significant proportion of exports of the subject merchandise, and we are not aware of the existence of any compelling reasons for denying the request, we are granting respondents' request and are postponing the final determination.

Scope of the Investigation

This investigation covers all items of dinnerware (*e.g.,* plates, cups, saucers, bowls, creamers, gravy boats, serving dishes, platters, and trays) that contain at least 50 percent melamine by weight and have a minimum wall thickness of 0.08 inch. This merchandise is classifiable under subheadings 3924.10.20, 3924.10.30, and 3924.10.50 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Excluded from the scope of investigation are flatware products (*e.g.,* knives, forks, and spoons).

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Period of Investigation

The POI for all participating companies is January 1, 1995, through December 31, 1995.

Nonmarket Economy Country Status

The Department has treated the PRC as a nonmarket economy country (''NME'') in all past antidumping investigations and administrative reviews (*see, e.g., Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China* 59 FR 22585 (May 2, 1994) (*Silicon Carbide*) and *Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from the People's Republic of China* 60 FR 22544 (May 8, 1995) (*Furfuryl Alcohol*). No party to the proceeding has challenged such treatment. Therefore, in accordance with section 771(18)(C) of the Act, we will continue to treat the PRC as an NME in this investigation.

When the Department is investigating imports from an NME, section 773(c)(1) of the Act directs us to base normal value (NV) on the NME producers' factors of production, valued, to the extent possible, in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the NV section, below.

Surrogate Country

The Department has determined that India, Nigeria, Pakistan, Sri Lanka, Egypt, and Indonesia are countries comparable to the PRC in terms of overall economic development (*see* Memorandum from David Mueller, Director, Office of Policy, to Gary Taverman, Acting Director, Office of Antidumping Investigations, dated May 6, 1996).

According to the available information on the record, we have determined that Indonesia is the only significant producer of MIDPs among these six potential surrogate countries. Accordingly, we have calculated NV using Indonesian prices—except, as noted below in the ''Normal Value'' section of this notice, in certain instances where an input was sourced from a market economy—for the PRC producers' factors of production. We have obtained and relied upon published, publicly available information wherever possible.

Separate Rates

Of the five responding exporters in this investigation, three—Gin Harvest Heyuan, Tar Hong Xiamen, and Chen Hao Xiamen—reported that (1) they are wholly foreign-owned and (2) all sales to the United States of merchandise produced by these companies are made by the Taiwan parent companies. Thus, we consider the Taiwan-based parent to be the respondent exporter in the proceeding. No separate separate rates analysis is required for these exporters. (*See, e.g., Final Determination of Sales at Less Than Fair Value: Disposable Pocket Lighters from the People's Republic of China* (60 FR 22359, 22361 May 5, 1995).)

Dongguan reported that it is a joint venture involving a Hong Kong company. Sam Choan is wholly foreign owned but its sales to the United States are made from its facilities in the PRC. For these respondents, a separate rates analysis is necessary to determine whether they are independent from government control over their export activities.

To establish whether a firm is sufficiently independent from government control to be entitled to a separate rate, the Department analyzes each exporting entity under a test arising out of the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China* 56 FR 20588 (May 6, 1991) and amplified in *Silicon Carbide.* Under the separate rates criteria, the Department assigns separate rates in nonmarket economy cases only if respondents can demonstrate the absence of both de jure and de facto governmental control over export activities.

1. Absence of De Jure Control

Both Dongguan and Sam Choan have submitted for the record the 1994 Foreign Trade Law of the PRC, enacted by the State Council of the central government of the PRC, which demonstrates absence of de jure control. The companies also reported that MIDPs are not included on any list of products that may be subject to central government export constraints.

In prior cases, the Department has analyzed the provisions of the law that the respondents have submitted in this case and found that they establish an absence of de jure control (*see, e.g., Bicycles*). We have no new information in this proceeding which would cause us to reconsider this determination.

However, as in previous cases, there is some evidence that the PRC central government enactments have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. (*See Silicon Carbide* and *Furfuryl Alcohol*). Therefore, the Department has determined that an analysis of de facto control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

2. Absence of De Facto Control

The Department typically considers four factors in evaluating whether each respondent is subject to de facto governmental control of its export functions: (1) Whether the export prices are set by or subject to the approval of a governmental authority; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of

losses (*see Silicon Carbide* and *Furfuryl Alcohol*).

With respect to Dongguan and Sam Choan, each has asserted the following: (1) It establishes its own export prices; (2) it negotiates contracts, without guidance from any governmental entities or organizations; (3) it makes its own personnel decisions and there is no central government control over selection of management; and (4) it retains the proceeds of its export sales, uses profits according to its business needs and has the authority to sell its assets and to obtain loans. In addition, respondents' questionnaire responses indicate company-specific pricing during the POI, which suggests lack of coordination among exporters. This information supports a preliminary finding that there is a de facto absence of governmental control of export functions.

Consequently, we preliminarily determine that Dongguan and Sam Choan have met the criteria for the application of separate rates. We will examine this matter further at verification and determine whether the questionnaire responses are supported by verifiable documentation.

Fair Value Comparisons

A. Non-Responding Exporters

Because some companies did not respond to the questionnaire, we are applying a single antidumping deposit rate—the PRC-wide rate—to all exporters in the PRC (except the five participating exporters) based on our presumption that the export activities of the companies that failed to respond are controlled by the PRC government. *See, e.g., Final Determination of Sales at Less Than Fair Value: Bicycles from the People's Republic of China* (61 FR 19026, April 30, 1996).

This PRC-wide antidumping rate is based on adverse facts available. Section 776(a)(2) of the Act provides that ''if an interested party or any other person—(A) Withholds information that has been requested by the administering authority, (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782, (C) significantly impedes a proceeding under this title, or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority * * * shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title.''

In addition, section 776(b) of the Act provides that, if the Department finds that an interested party ''has failed to cooperate by not acting to the best of its ability to comply with a request for information,'' the Department may use information that is adverse to the interests of that party as the facts otherwise available. The statute also provides that such an adverse inference may be based on secondary information, including information drawn from the petition.

The exporters that did not respond in any form to the Department's questionnaire have not cooperated at all. Further, absent a response, we must presume government control of these and all other PRC companies for which we cannot make a separate rates determination. Accordingly, consistent with section 776(b)(1) of the Act, we have applied, as total facts available the highest margin calculated by the Department for a participating respondent.

B. Participating Exporters

To determine whether respondents' sales of the subject merchandise to the United States were made at less than fair value, we compared the EP to the NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i), we compared POI-wide weighted-average EPs to the factors of production. For Chen Hao Xiamen, in accordance with section 771(16) of the Act, we considered all products covered by the description in the ''Scope of Investigation'' section of this notice, above, produced in the comparison market (Taiwan) by Chen Hao and sold in that market during the POI, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics listed in the Department's antidumping questionnaire. In making the product comparisons, we relied on the following criteria (listed in order of preference): shape type (*i.e.,* flat, *e.g.,* plates, trays, saucers, etc.; or container, *e.g.,* bowls, cups, etc.), specific shape, diameter (where applicable), length (where applicable), capacity (where applicable), thickness, design (*i.e.,* whether or not a design is stamped into the piece), and glazing (*i.e.,* where a design is present, whether or not it is also glazed). *See* also *Model Match Methodology for the Preliminary Determinations* memorandum from MIDP team to Louis Apple, Acting Office Director, dated August 12, 1996.

Export Price and Constructed Export Price

For all responding exporters, when the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and when constructed export price (''CEP'') methodology was not otherwise indicated, we calculated the price of the subject merchandise in the United States in accordance with section 772(a) of the Act. In addition, for Tar Hong Xiamen, where sales to the first unaffiliated purchaser took place after importation into the United States, we based the price in the United States on CEP, in accordance with section 772(b) of the Act.

We made company-specific adjustments as follows:

1. Chen Hao Xiamen

We calculated EP based on packed, FOB Xiamen port prices to unaffiliated purchasers in the United States. We made deductions from the starting price, where appropriate, for foreign inland freight and brokerage and handling. Because all foreign inland freight and brokerage and handling services were provided by PRC suppliers, we based the deduction on surrogate values from valued in Indonesia.

2. Dongguan

We calculated EP based on packed, FOB Hong Kong port or ex-factory port prices to unaffiliated purchasers in the United States, as appropriate. We made deductions from the starting price, where appropriate, for the following services which were provided by market economy suppliers: foreign brokerage and handling. We also deducted from the starting price, where appropriate, an amount for foreign inland freight. Because the foreign inland freight services were provided by PRC suppliers, we based the deduction on surrogate values from valued in Indonesia. We also deducted, where appropriate, discounts.

3. Gin Harvest

We calculated EP based on packed, ex-factory or FOB Hong Kong port prices to unaffiliated purchasers in the United States, as appropriate. We made deductions from the starting price, where appropriate, for the following services: foreign inland freight and foreign brokerage and handling expenses. However, because these movement services were provided by PRC suppliers they were valued in

Indonesia. We also deducted discounts (for freight and brokerage charges).

4. Sam Choan

We calculated EP based on packed, FOB Hong Kong port prices to unaffiliated purchasers in the United States, as appropriate. We made deductions from the starting price, where appropriate, for the following: foreign brokerage and handling expenses, which were provided by market economy carriers and paid for in market economy currencies. We also deducted an amount for foreign inland freight but since this service was provided by a PRC supplier, we valued this expense in Indonesia.

5. Tar Hong Xiamen

We calculated EP and CEP based on packed, FOB PRC port or CIF U.S. port prices to unaffiliated purchasers in the United States. We made deductions from the starting price, where appropriate, for discounts, foreign inland freight, foreign brokerage and handling, ocean freight, marine insurance, U.S. duty, and U.S. movement expenses. For CEP sales, we made additional deductions for indirect selling expenses, inventory carrying expenses, commissions, and imputed credit expenses, and commissions incurred in the United States. We added an amount for CEP profit by applying the surrogate value profit rate to the sum of selling expenses incurred in the U.S. As foreign inland freight and foreign brokerage and handling expenses were incurred in the PRC, the expenses for these services were based on surrogate values. Because all other movement expenses were incurred by market-economy service providers and paid in market economy currencies, we based our deductions on the actual amounts reported.

Normal Value

A. Factors of Production

In accordance with section 773(c) of the Act, where appropriate, we calculated NV based on factors of production reported by the responding exporters. Where an input was sourced from a market economy and paid for in market economy currency, we used the actual price paid for the input to calculate the factors-based NV in accordance with our practice. *See Lasko Metal Products* v. *United States,* 437 F. 3d 1442, 1443 (Fed. Cir. 1994) (''*Lasko*''). Where appropriate, we adjusted the reported market-economy prices for certain inputs to include an amount for a tax that the companies had not included in the reported unit prices; sample documents in the questionnaire responses indicated that each producer had paid this tax. In instances where inputs were sourced domestically, we valued the factors using published publicly available information from Indonesia. Reported unit factor quantities were multiplied by Indonesian values. From the available Indonesian surrogate values we selected the surrogate values based on the quality and contemporaneity of data. As appropriate, we adjusted input prices to make them delivered prices. For those values not contemporaneous with the POI, we adjusted for inflation using wholesale price indices published in the International Monetary Fund's *International Financial Statistics.* For a complete analysis of surrogate values, *see* the Valuation Memorandum, dated August 14, 1996. We then added amounts for overhead, general expenses, interest and profit, based on the experience of an MIDP producer in Indonesia, as well as for packing expenses incident to placing the merchandise in condition packed and ready for shipment to the United States.

B. Multinational Rule

As noted above, petitioner has alleged that section 773(d) of the Act, the special rule for multinational corporations, should be applied to Chen Hao Xiamen. The company did not respond to petitioner's allegation.

The plain meaning of the MNC provision is that it applies, without exception, whenever, in any investigation under Title VII, the statutory criteria are met—regardless of whether the case involves a market or nonmarket economy. In addition, the history of the provision does not make any reference to general limitations on its applicability. Also, the specificity of the MNC rule indicates that, when its prerequisites have been satisfied, it controls the determination of normal value. *See* August 6, 1996, *Memorandum from Jeffrey Bialos to Robert LaRussa Re: Use of Taiwanese Affiliate's Price/Cost Data* for further discussion. Accordingly, the Department would appear to be obligated by law to examine whether the MNC criteria are satisfied and apply the MNC rule where such statutory criteria are met.

For Chen Hao Xiamen, we have preliminarily determined that the record evidence supports a finding that the first criterion of the MNC provision (ownership of the production facilities in the exporting country by an entity with production facilities located in another country) has been met. The second criterion of the MNC provision (concerning viability of the PRC market) has been met, *per se,* because Chen Hao Xiamen, the PRC exporter, did not make any sales at all in the PRC market during the POI.

In addition, the Department requested data to determine whether the third criterion was satisfied in regard to Chen Hao Xiamen. Hence, in addition to calculating NV using the factors of production methodology described above, we also calculated NV for Taiwan-produced merchandise (affiliated party NV) so that we could determine whether affiliated party NV exceeded PRC NV.

In accordance with section 773(d)(3) of the Act, we compared the normal value calculated according to the factors of production methodology, net of packing, to the weighted-average Taiwan price for the most similar product, adjusting for the difference between the PRC cost of production as valued by the factors of production methodology, and the Taiwan cost of production. We defined cost of production as the sum of direct materials, direct labor, and fixed and variable overhead. In order to determine the most similar Taiwan product to the PRC-produced product, we made product comparisons based on shape type (flat or container), specific shape, diameter, length, capacity, thickness, weight, design, and glazing. However, we did not compare products where the COM of the Taiwan product exceeded that of the PRC product by more than 20 percent as a percentage of the COM of the PRC product. We deducted Taiwan movement expenses in order to arrive at a net price equivalent to the PRC factors of production normal value.

In addition, as a cost of production investigation has been initiated on Taiwan sales in the companion proceeding covering *Melamine Institutional Dinnerware Products from Taiwan (''MIDPs from Taiwan''*) investigation, we compared Taiwan prices to the Taiwan cost of production, according to the methodology discussed in our concurrent preliminary determination of *MIDPs from Taiwan.* Where Taiwan prices were below COP, we compared the factors of production in the PRC to COP in Taiwan.

We found the affiliated party NV (price or COP, as appropriate) exceeded the PRC NV for a substantial majority of the sales based both on the number and quantity of sales involved. Therefore, in accordance with section 773(d) of the statute, we determined that affiliated party NVs should be used to calculate the dumping margin for Chen Hao Xiamen. We added to NV an amount for packing for shipment to the United

States, based on the PRC factors of production, as valued in a surrogate country, in accordance with section 773(d)(3) of the Act.

Verification

As provided in section 782(i) of the Act, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all entries of MIDPs from the PRC—except those exported by Dongguan, Gin Harvest, Sam Choan, and Tar-Hong Xiamen—that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service will require a cash deposit or posting of a bond equal to the estimated dumping margins by which the NV exceeds the EP, as shown below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Weighted-average, margin percentage
Chen Hao Xiamen	10.49
Dongguan	0.43 (*de minimis*).
Gin Harvest	0.29 (*de minimis*).
Sam Choan	0.01 (*de minimis*).
Tar Hong Xiamen	0.02 (*de minimis*).
PRC-Wide Rate	10.49

The PRC-Wide rate applies to all entries of subject merchandise except for entries from exporters/factories that are identified individually above.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than November 26, 1996, and rebuttal briefs, no later than December 4, 1996. A list of authorities used and a summary of arguments made in the briefs should accompany these briefs. Such summary should be limited to five pages total, including footnotes. We will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. At this time, the hearing is scheduled for December 6, 1996, at 10:00 a.m. in Room 1412 at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b) oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination 135 days after publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act.

Dated: August 14, 1996.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–21464 Filed 8–21–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–583–825]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Melamine Institutional Dinnerware Products From Taiwan

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

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Everett Kelly, David J. Goldberger, or Barbara Wojcik-Betancourt, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4194, (202) 482–4136, or (202) 482–0629, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act'') are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA'').

Preliminary Determination

We preliminarily determine that melamine institutional dinnerware products (''MIDPs'') from Taiwan are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the initiation of this investigation (*Notice of Initiation of Antidumping Duty Investigations: Melamine Institutional Dinnerware Products from Indonesia, Taiwan and the People's Republic of China* (61 FR 8039, March 1, 1996), the following events have occurred:

On March 22, 1996, the United States International Trade Commission (''ITC'') issued an affirmative preliminary injury determination in this case (*see* ITC Investigation Nos. 731–TA–741, –742, and –743).

In March 1996, through counsel, the Department identified Chen Hao Plastic Industrial Co., Ltd (''Chen Hao Taiwan''); Taiwan Melamine Products Industrial Co., Ltd (''Taiwan Melamine''); Yu Cheer Industrial Co., Ltd (''Yu Cheer''); Gin Harvest Enterprises (''Gin Harvest'') and Tar Hong Melamine (''Tar Hong'') as producers/exporters of the subject merchandise. In addition, Taiwan's Association of Plastic Producers identified to the Department, Gallant Chemical Corporation (''Gallant''); Hao Way Enterprise Co., Ltd (''Hao Way''); Sun Rudder Ind. (''Sun Rudder''); Win Great Trading Co., Ltd (''Win Great''); and IKEA Trading Far East Ltd. (''IKEA''), as producers/exporters of the subject merchandise.

On March 29, 1996, we requested sales information regarding exports of the subject merchandise to the United States from the above-referenced companies. During April and May 1996, Hao Way, Win Great, and Sun Rudder informed the Department that they did not ship the subject merchandise to the United States during the period of investigation (''POI''). In addition, in information submitted in the concurrent MIDP investigation from the People's Republic of China, Gin Harvest and Tar Hong reported that they made no sales of Taiwan-produced MIDP to the United States during the POI.

On April 15, 1996, the Department issued an antidumping duty questionnaire to the following companies, as exporters of the subject

merchandise: Taiwan Melamine, Chen Hao Taiwan, Yu Cheer, IKEA, Gallant, and Sun Rudder. The questionnaire is divided into four sections: Section A requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the sales of the merchandise in all of its markets. Sections B and C request home market sales listings and U.S. sales listings, respectively. Section D requests information on the cost of production (''COP'') of the foreign like product and constructed value (''CV'') of the subject merchandise.

On May 30, 1996, after responding to section A of the antidumping questionnaire, Taiwan Melamine requested that the Department exclude it as a mandatory respondent and not require it to respond to the remainder of the questionnaire in this investigation based on its small volume of exports of the subject merchandise to the United States during the POI. On June 3, 1996, petitioner stated that, based on the small volume of exports and its desire for an expeditious determination, it had no objection to Taiwan Melamine's request. Accordingly, on June 7, 1996, the Department excluded Taiwan Melamine as a mandatory respondent and excused it from completing the antidumping questionnaire.

On May 31, and June 12, 1996, IKEA requested that the Department exclude it as a mandatory respondent in this investigation and excuse it from the obligation to respond to the questionnaire because it had shipped only a small volume of Taiwan-produced MIDPs to the United States during the POI. IKEA's request came after IKEA had already missed the deadline for responding to section A of the antidumping questionnaire. Further, petitioner did not indicate that it had no objection to IKEA's request. Accordingly, the Department has not granted IKEA's request.

On June 6, 1996, the Department postponed the preliminary determination of this investigation and the companion investigations on MIDPs from the People's Republic of China and Indonesia until August 14, 1996, in accordance with section 733(c)(1)(B) of the Act (61 FR 30219, June 14, 1996).

Based on a timely allegation by the petitioner, the American Melamine Institutional Tableware Association (''AMITA''), the Department began an investigation into whether Chen Hao Taiwan had made sales in the home market at prices that were below COP, pursuant to section 773(b) of the Act (*see* July 11, 1996, Memorandum from MIDP Team to Louis Apple).

Yu Cheer and Chen Hao Taiwan submitted questionnaire responses in May and June 1996. We issued a supplemental request for information in June 1996, and received the supplemental responses to this request in July 1996, respectively. Chen Hao Taiwan provided its response to the COP section of the questionnaire on July 26, 1996.

Petitioner filed comments on the Chen Hao Taiwan and Yu Cheer questionnaire responses in May and July 1996.

Postponement of Final Determination

On August 5, 1996, Chen Hao Taiwan and Yu Cheer requested that, pursuant to section 735(a)(2)(A) of the Act, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until not later than 135 days after the publication of the affirmative preliminary determination in the Federal Register. In accordance with 19 U.S.C. 1673d(a)(2) and 19 CFR 353.20(b), inasmuch as our preliminary determination is affirmative, the respondents account for a significant proportion of exports of the subject merchandise, and we are not aware of the existence of any compelling reasons for denying the request, we are granting the respondents' request and postponing the final determination. Suspension of liquidation will be extended accordingly. *See Preliminary Determination of Sales at Less Than Fair Value: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Japan* (61 FR 8029, March 1, 1996).

Scope of Investigation

This investigation covers all items of dinnerware (*e.g.*, plates, cups, saucers, bowls, creamers, gravy boats, serving dishes, platters, and trays) that contain at least 50 percent melamine by weight and have a minimum wall thickness of 0.08 inch. This merchandise is classifiable under subheadings 3924.10.20, 3924.10.30, and 3924.10.50 of the Harmonized Tariff Schedule of the United States (HTSUS). Excluded from the scope of investigation are flatware products (*e.g.*, knives, forks, and spoons).

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Period of Investigation

The POI is January 1, 1995, through December 31, 1995.

Fair Value Comparisons

A. IKEA and Gallant

We did not receive a response to our questionnaire from either IKEA or Gallant. Section 776(a)(2) of the Act provides that if an interested party withholds information that has been requested by the Department, fails to provide such information in a timely manner and in the form requested, significantly impedes a proceeding, or provides such information but the information cannot be verified, the Department shall use the facts otherwise available in reaching the applicable determination. Because IKEA and Gallant failed to submit the information that the Department specifically requested, we must base our determinations for those companies on the facts available.

Section 776(b) of the Act provides that adverse inferences may be used against a party that has failed to cooperate by not acting to the best of its ability to comply with a request for information. The Department has determined that, in selecting from among the facts otherwise available, an adverse inference is warranted.

Section 776(c) of the Act provides that where the Department selects from among the facts otherwise available and relies on ''secondary information,'' the Department shall, to the extent practicable, corroborate that information from independent sources reasonably at the Department's disposal. The Statement of Administrative Action accompanying the URAA, H.R. Doc. No. 316, 103d Cong., 2d Sess. (1994) (hereinafter, the ''SAA''), states that the petition is ''secondary information'' and that ''corroborate'' means to determine that the information used has probative value. *See* SAA at 870.

In this proceeding, we considered the petition as the most appropriate information on the record to form the basis for a dumping calculation for these uncooperative respondents. In accordance with section 776(c) of the Act, we sought to corroborate the data contained in the petition.

The petitioner based its allegation of both normal value and export price in the petition on a market research report which utilized price quotations from a manufacturer/exporter of MIDPs in Taiwan. The petitioner also submitted a published price list of comparable merchandise sold during the POI in Taiwan. The Department has determined that the price list corroborates normal value used in the petition.

The export price in the petition is consistent with export prices reported

by responding companies on the record of this investigation. Therefore, we determine that further corroboration of the facts available margin is unnecessary.

B. Chen Hao Taiwan and Yu Cheer

To determine whether sales of the subject merchandise by Chen Hao Taiwan and Yu Cheer to the United States were made at less than fair value, we compared the Export Price (''EP'') to the Normal Value (''NV''), as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i), we compared POI-wide weighted-average EPs to weighted-average NVs. In determining averaging groups for comparison purposes, we considered the appropriateness of such factors as physical characteristics and level of trade.

(i) Physical Characteristics

In accordance with section 771(16) of the Act, we considered all products covered by the description in the *Scope of Investigation* section, above, produced in Taiwan and sold in the home market during the POI, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics listed in the Department's antidumping questionnaire. In making the product comparisons, we relied on the following criteria (listed in order of preference): shape type (*i.e.,* flat—*e.g.,* plates, trays, saucers etc.; or container—*e.g.,* bowls, cups, etc.), specific shape, diameter (where applicable), length (where applicable), capacity (where applicable, thickness, design (*i.e.,* whether or not a design is stamped into the piece), and glazing (*i.e.,* where a design is present, whether or not it is also glazed). *See* also *Model Match Methodology for the Preliminary Determinations,* memorandum from MIDP team to Louis Apple, Acting Office Director, dated August 12, 1996.

(ii). Level of Trade

As set forth in section 773(a)(1)(B)(i) of the Act and in the SAA at 829–831, to the extent practicable, the Department will calculate normal values based on sales at the same level of trade as the U.S. sales. When the Department is unable to find sales in the comparison market at the same level of trade as the U.S. sale(s), the Department may compare sales in the U.S. and foreign markets at different levels of trade. *See* also *Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy* (61 FR 30326, June 14, 1996) (''*Pasta from Italy*''). *See,* also, *Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy* (61 FR 30326, June 14, 1996) (''*Pasta from Italy*'').

In accordance with section 773(a)(7)(A), if sales at different levels of trade are compared, the Department will adjust the normal value to account for the difference in level of trade if two conditions are met. First, there must be differences between the actual selling functions performed by the seller at the level of trade of the U.S. sale and the level of trade of the normal value sale. Second, the difference must affect price comparability as evidenced by a pattern of consistent price differences between sales at the different levels of trade in the market in which normal value is determined.

Pursuant to section 773(a)(1)(B)(i) of the Act, and the SAA at 827, in identifying levels of trade for directly observed (*i.e.,* not constructed) export price and normal values sales, we considered the selling functions reflected in the starting price, before any adjustments. Where possible, we further examined whether the selling function was performed on a substantial portion of sales.

Chen Hao Taiwan and Yu Cheer reported that sales within both the home and U.S. markets involve essentially the same selling functions. We examined the record evidence and confirmed that selling functions in the aggregate are the same despite customer categories—trading company and distributor—being somewhat different (*see Notice of Proposed Rulemaking and Request for Public Comments,* 61 FR 7303, 7348 (February 27, 1996)) (''Proposed Regulations''). Accordingly, we preliminarily find that no level of trade differences exist for either company between any sales in either the home market or the U.S. market. Therefore, all price comparisons are at the same level of trade and an adjustment pursuant to section 773(a)(7)(A) is unwarranted.

Export Price

We calculated EP, in accordance with subsections 772(a) and (c) of the Act, where the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and where CEP was not otherwise warranted based on the facts of record.

We made company-specific adjustments as follows:

Chen Hao Taiwan

We calculated EP based on packed, ex-works, FOB port, and delivered prices to unaffiliated customers in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for foreign inland freight and Taiwan brokerage and handling. We also deducted reported discounts.

Yu Cheer

We calculated EP based on packed, FOR customer's warehouse prices to unaffiliated customers in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for foreign inland freight.

Normal Value

Cost of Production Analysis

As noted in the ''Case History'' section above, based on the petitioner's allegation, on July 11, 1996, the Department found reasonable grounds to believe or suspect that Chen Hao Taiwan sales in the home market were made at prices below the cost of producing the merchandise. As a result, the Department initiated an investigation to determine whether Chen Hao Taiwan made home market sales during the POI at prices below their respective cost of production within the meaning of section 773(b) of the Act.

Before making any fair value comparisons, we conducted the COP analysis described below.

A. Calculation of COP

We calculated the COP based on the sum of Chen Hao Taiwan's cost of materials and fabrication for the foreign like product, plus amounts for home market general and administrative expenses (''G&A'') and packing costs in accordance with section 773(b)(3) of the Act.

B. Test of Home Market Prices

We used Chen Hao Taiwan's adjusted weighted-average COP for the POI. We compared the weighted-average COP figures to home market sales of the foreign like product as required under section 773(b) of the Act in order to determine whether these sales had been made at below-cost prices within an extended period of time in substantial quantities, and were not at prices which permit recovery of all costs within a reasonable period of time. On a model-specific basis, we compared the COP to the home market prices, less any applicable movement charges and direct selling expenses. We did not deduct indirect selling expenses from the home

market price because these expenses were included in the G&A portion of COP.

C. Results of COP Test

In determining whether to disregard home-market sales made at prices below COP, we examine (1) whether, within an extended period of time, such sales were made in substantial quantities and (2) whether such sales were made at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade. Where less than 20 percent (by quantity) of a respondent's sales of a given product were at prices less than the COP, we do not disregard any below-cost sales of that product. Where 20 percent (by quantity) or more of a respondent's sales of a given product during the POI were at prices less than the COP, we determine such sales to have been made in substantial quantities within an extended period; where we determine that such sales were also not made at prices that permit recovery of cost within a reasonable period, we disregard the below-cost sales.

In this case, we found that some products had no above-cost sales available for matching purposes. Accordingly, export prices that would have been compared to home market prices for these models were instead compared to CV.

D. Calculation of CV

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of a respondent's cost of materials, fabrication, selling, general, and administrative expenses (''SG&A''), profit and U.S. packing costs as reported in the U.S. sales databases. In accordance with section 773(e)(2)(A) of the Act, we based SG&A and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the foreign country. Where appropriate, we calculated each respondent's CV based on the methodology described in the calculation of COP above.

Adjustments to Prices

We made company-specific adjustments to prices used as NV, as follows:

Chen Hao Taiwan

We calculated NV based on packed, delivered prices to unaffiliated customers. Where appropriate, we made deductions from the starting price (gross unit price) for discounts and inland freight. In addition, where appropriate, we adjusted for differences in circumstances of sale for imputed credit expenses, and royalty expenses (home market).

Yu Cheer

We calculated NV based on packed, delivered prices to unaffiliated customers. Where appropriate, we made deductions from the starting price (gross unit price) for inland freight. In addition, where appropriate, we adjusted for differences in circumstances of sale for imputed credit expenses. Yu Cheer's sales to the United States as well as those in the home market, were made in Taiwan dollars. Accordingly, Yu Cheer calculated its credit expenses in both markets by applying the average short term interest rates in Taiwan.

For each respondent, we made adjustments, where appropriate, for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. Where the difference in merchandise adjustment for every comparison product exceeded 20 percent, we based NV on CV. In addition, in accordance with section 773(a)(6)(B), we deducted home market packing costs and added U.S. packing costs for all respondents.

Price to CV Comparisons

Where we compared CV to export prices, we deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses (where appropriate) in accordance with section 773(a)(8) of the Act.

Currency Conversion

We made currency conversions into U.S. dollars based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Section 773A(a) of the Act directs the Department to convert foreign currencies based on the dollar exchange rate in effect on the date of sale of the subject merchandise, except if it is established that a currency transaction on forward markets is directly linked to an export sale. When a company demonstrates that a sale on forward markets is directly linked to a particular export sale in order to minimize its exposure to exchange rate losses, the Department will use the rate of exchange in the forward currency sale agreement.

Section 773A(a) also directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars unless the daily rate involves a fluctuation. It is the Department's practice to find that a fluctuation exists when the daily exchange rate differs from the benchmark rate by 2.25 percent. The benchmark is defined as the moving average of rates for the past 40 business days. When we determine a fluctuation to have existed, we substitute the benchmark rate for the daily rate, in accordance with established practice. Further, section 773A(b) directs the Department to allow a 60-day adjustment period when a currency has undergone a sustained movement. A sustained movement has occurred when the weekly average of actual daily rates exceeds the weekly average of benchmark rates by more than five percent for eight consecutive weeks. (For an explanation of this method, *see Policy Bulletin 96–1: Currency Conversions* (61 FR 9434, March 8, 1996).) Such an adjustment period is required only when a foreign currency is appreciating against the U.S. dollar. The use of an adjustment period was not warranted in this case because the New Taiwan dollar did not undergo a sustained movement, nor were there currency fluctuations during the POI.

Verification

As provided in section 782(i) of the Act, we will verify all information determined to be acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all imports—with the exception of those exported by Chen Hao Taiwan, Yu Cheer, or any other company except IKEA and Gallant—of subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the export price, as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

Exporter/manufacturer	Weighted-average margin percentage
Chen Hao Taiwan	1.53 (de minimis).
Yu Cheer	0.
IKEA	53.13.
Gallant	53.13.
All Others	1.55 (*de minimis*).

Pursuant to section 733(d)(1)(A) and section 735(c)(5) of the Act, the Department normally may not include zero and *de minimis* weighted-average dumping margins and margins determined entirely under section 776 of the Act, in the calculation of the ''all-others'' deposit rate. However, such rates were the only margins available in this determination. Accordingly, the Department may, pursuant to section 735(c)(5)(B) of the Act, use ''any reasonable method'' to calculate the all-others rate. In this case, the Department calculated the all-others rate by using a weighted average of the rates applicable to Chen Hao Taiwan, Yu Cheer, and IKEA (Gallant's deposit rate was not included in the all-others rate calculation because no weighting factor was available and our examination of PIERS import data and other record evidence indicates that Gallant's exports—if any—do not appear to be significant). *See* SAA at 873.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

Case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than November 26, 1996, and rebuttal briefs, no later than December 3, 1996. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on December 5, 1996, at 10:00 a.m. in Room 1412 at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by 135 days after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(d) of the Act.

Dated: August 14, 1996.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–21465 Filed 8–21–96; 8:45 am]

BILLING CODE 3510–DS–P

National Institute of Standards and Technology

[Docket No. 95–015]

Notice of Government Owned Inventions Available for Licensing

SUMMARY: The inventions listed below are owned by the U.S. Government, as represented by the Department of Commerce, and are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: Marcia Salkeld, National Institute of Standards and Technology, Office of Technology Partnerships, Building 820, Room 213, Gaithersburg, MD 20899; Fax 301–869–2751. Any request for information should include the NIST Docket No. and Title for the relevant invention as indicated below.

SUPPLEMENTARY INFORMATION: The inventions available for licensing are:

Title: Photoinitiators for Free-Radical and Cationic Polymerization.

Description: Photoinitiators based on the interaction of diaryliodonium salts and acylphosphine oxides activated by visible light radiation effectively polymerize both acrylic and non-acrylic monomers so that hybrid monomer systems can be polymerized by concurrent free-radical and cationic modes of polymerization. Fabrication of improved acrylic resin-based dental materials results.

Dated: August 19, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96–21480 Filed 8–21–96; 8:45 am]

BILLING CODE 3510–13–M

Computer System Security and Privacy Advisory Board; Meeting

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Computer System Security and Advisory Board will meet on Wednesday, September 18 and Thursday, September 19, 1996 from 9:00 a.m. to 5:00 p.m. The Advisory Board was established by the Computer Security Act of 1987 (P.L. 100–235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to federal computer systems. All sessions will be open to the public.

DATES: The meeting will be held on September 18 and 19, 1996 from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will take place at the National Institute of Standards and Technology, Gaithersburg, Maryland 20899–0001.

AGENDA:

—Welcome and Overview
—Issues Update
—Encryption/Key Escrow
—Privacy/Data Protection
—Pending Business
—Public Participation
—Agenda development for December meeting
—Wrap-Up

PUBLIC PARTICIPATION: The Board agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the public who are interested in speaking are asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board at any time. Written statements should be directed to the Computer Systems Laboratory, Building 820, Room 426, National Institute of Standards and Technology, Gaithersburg, MD 20899–0001. It would be appreciated if fifteen copies of written material were submitted for distribution to the Board by September 6, 1996. Approximately 20 seats will be available for the public and media.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward Roback, Board Secretariat, Computer Systems Laboratory, National Institute of Standards and Technology, Building 820, Room 426, Gaithersburg, MD 20899–0001, telephone: (301) 975–3696.

Dated: August 19, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96–21470 Filed 8–21–96; 8:45 am]

BILLING CODE 3510–CN–M

National Oceanic and Atmospheric Administration

[I.D. 081596H]

New England Recovery Plan Implementation Team Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Recovery Plan Implementation Team (Team) for the Northern Right Whale and Humpback Whale Recovery Plans will hold a 1-day public meeting to consider whale recovery plan implementation actions, particularly for the northern right whale.

DATES: The meeting will begin at 9:15 a.m. and end by 5:00 p.m., September 25, 1996.

ADDRESSES: The Team meeting will be held at the office of the New England Fishery Management Council, at 5 Broadway (Route One), Saugus, MA 01906–1097.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas French, Team Chairperson, (508) 792–7270 (X163), or Sal Testaverde, NMFS, Northeast Regional Office, (508) 281–9368.

SUPPLEMENTARY INFORMATION: The Team is made up of state and Federal agencies from New England identified in each of the recovery plans as having a role in recovery of these two whale species. The September 25, 1996, Team meeting will include a discussion on the Team composition, a report from the subcommittee on vessel interaction conflicts, redrafting of the recovery plans, a response plan for retrieving stranded or dead whales, and the construction of the Massachusetts Water Resource Authority's outfall tunnel.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: August 16, 1996.

P. Michael Payne,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–21377 Filed 8–21–96; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Assistance to Local Educational Agencies (LEAs)

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of a program for providing financial assistance to LEAs.

SUMMARY: Pursuant to Section 386 of Pub. L. No. 102–484, as amended by Section 373 of Public Law 103–160, the ''National Defense Authorization Act for Fiscal Year 1994'' and Section 1074 of Public Law 104–106, the ''National Defense Authorization Act for Fiscal Year 1996,'' February 10, 1996, notice is hereby given of a program to provide financial assistance to eligible LEAs that are impacted by the presence of military dependent children or by the base closure process.

DATE: August 22, 1996.

ADDRESSES: Deputy Assistant Secretary of Defense (Personnel Support, Families & Education), room 3E784, The Pentagon, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: Dr. Hector O. Nevarez or Mr. Norman R. Heitzman, Domestic Dependent Elementary and Secondary Schools, 4040 North Fairfax Drive, Arlington, VA 22203–1635; telephone (703) 696–4354 or 4361; facsimile number (703) 696–8920.

SUPPLEMENTARY INFORMATION:

Program Announcement

During fiscal year (FY) 1996, the Department of Defense (DoD) is authorized to 35 million dollars to assist eligible Local Education Agencies (LEAs) affected by the impact of military dependent students or by reductions in the size of the Armed Forces. DoD shall rely on data from the Department of Education for the purpose of determining eligibility of an LEA.

Pursuant to subsection 386(c) of Pub. L. No. 102–484, as amended, 30 million dollars will be provided to eligible LEAs for educational agency assistance if without such assistance, that LEA would be unable to provide its students with a level of education equivalent to the minimum available in other LEAs in the same state, and

(1) At least 20 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools of that LEA in that fiscal year are military dependent students counted under subsection 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a));

(2) There has been a significant increase, as determined by the Secretary, in the number of military dependent students in average daily attendance in the LEA's schools as a result of relocation of Armed Forces personnel or civilian employees of the Department of Defense or as a result of a realignment of one or more military installations; or

(3) An LEA is a successor of one or more LEAs that was eligible for payments in Fiscal Year 1992 under DoD Directive 1342.18, and satisfies one of the two previously listed criteria.

Pursuant to subsection 386(d) of Public Law 102–484; as amended, 5 million dollars is authorized for the Secretary to make educational agency payments to LEAs that are impacted by reductions in the size of the Armed Forces. Eligible LEAs are those that during the period between the end of the school year preceding the fiscal year for which the payments are authorized and the beginning of the school year immediately preceding that school year, had an overall reduction of not less than 20 percent of military dependent students, as a result of closure or realignment of military installations.

Any funds provided under this notice shall be available only for eligible LEAs who (1) exercise due diligence in obtaining State and other financial assistance; (2) are treated the same as other LEAs under State law for the purpose of receiving State aid for public education; and (3) file with the Under Secretary of Defense for Personnel and Readiness, a letter of application (see Sample Letter at the end of this notice) and a copy of an independently audited financial report on the LEA for the preceding fiscal year.

Applications for financial assistance in response to this notice must be received no later than August 30, 1996.

Definitions

For the purposes of this program, the following definitions are applicable: (a) Applicant. Any LEA requesting assistance under this notice. (b) Local Education Agency (LEA). A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such

combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school. (c) Military Dependent Student. A student that is a dependent child of a member of the Armed Forces or a dependent child of a civilian employee of the Department of Defense.

Amount of Assistance

An applicant requesting assistance under this notice shall submit a letter of application (see sample letter at the end of this notice) and a copy of an independently audited financial report of the applicant LEA for the second preceding FY, requesting a DoD contribution and assuring the ASD(FMP) that the LEA has applied for, has received or shall receive all financial assistance from other sources for which it is qualified. Letters of application must be addressed as follows: Assistant Secretary of Defense, (Force Management Policy), 4000 Defense Pentagon, Washington, D.C. 20301–4000.

The applicant shall also file a copy of the letter of application for financial assistance and required supportive information with the State educational agency (SEA). The SEA may submit comments on the LEA's application to the Department of Defense (at the above address) by August 30, 1996. Such comments shall be considered when applications are reviewed by the OSD. The LEA's application and all required supporting information must reach the ASD(FMP) no later than August 30, 1996. No assurances of confidentiality are being made, other than the assurance that the audits will not be released.

This information collection has been approved as OMB Control Number 0704–0389, with an expiration date of 09/30/96. The public reporting burden for this collection of information is estimated to average 20 minutes 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 the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704–0389), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

Sample Letter of Application for Financial Assistance

Assistant Secretary of Defense (Force Management Policy),
4000 Defense Pentagon, Washington, DC 20301–4000.

Dear Mr. Assistant Secretary: Pursuant to this ''Notice of a Program for Providing Financial Assistance to LEAs,'' ______ Federal Register ______ (______, 1996), the (name of the local educational agency (LEA)) requests financial assistance for the LEA for school year 1995–1996. We certify that the LEA has applied for financial assistance from all sources, including the State/Commonwealth of (name). We understand that funds available for that purpose shall be paid on a per-pupil basis for military dependent students, as in the ''Notice of a Program for Providing Financial Assistance to LEAs.'' Enclosed find a copy of our independent audit ''(Title)'' prepared by (name of firm or agency). We have submitted a complete and timely application for Section 3 impact aid assistance to the Secretary of Education and have submitted applications for all other assistance for which the LEA may be entitled. This LEA is treated the same as other LEAs under state law for the purpose of state aid for public education. A copy of this letter, with the above supporting information, is being submitted to the State educational agency.

Sincerely,

(Authorized LEA Official)

Dated: August 16, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–21402 Filed 8–21–96; 8:45 am]

BILLING CODE 5000–04–M

Department of the Air Force

Record of Decision (ROD) for the Disposal and Reuse of Wurtsmith Air Force Base (AFB), Michigan

On June 7, 1996, the Air Force issued the Supplemental Record of Decision (SROD) for the Disposal and Reuse of Wurtsmith AFB, Michigan. The decisions included in this Supplemental ROD have been made in consideration of, but not limited to, the information contained in the Final Environmental Impact Statement (FEIS) for the Disposal and Reuse of Wurtsmith AFB, filed with the Environmental Protection Agency and made available to the public on September 24, 1993.

Wurtsmith AFB closed on June 30, 1993, pursuant to the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. § 2687 note) and the recommendations of the Defense Base Closure and Realignment Commission. The FEIS analyzed potential environmental impacts of the Air Force's disposal options by portraying a variety of potential land uses to cover a range of reasonably foreseeable future uses of the property and facilities by others.

The Air Force issued a ROD on December 12, 1994 which documented a series of decisions regarding the intended disposal of Government-owned property for public airport use, the intended termination of certain leases of improved real property with the Township of Oscoda, the disposal of the base electrical, gas, and telephone systems, both on Government and Township-owned land, and the disposal of property for homeless assistance. At the time of the ROD, the Air Force deferred decisions regarding the parcelization and disposal of the remaining Air Force-controlled Government property as well as the termination of the remaining Air Force leases and permits.

This SROD modifies certain decisions made in the ROD and addresses the decisions deferred from the ROD, thus completing the disposal decisions for Wurtsmith AFB. The Air Force has decided to modify the boundary of the airport conveyance and revise the disposition of utility systems. It will also make property available for Economic Development Conveyance (EDC), recreation and education public benefit conveyance, and public sale. Property at the base which the Air Force leases from the State of Michigan and the Charter Township of Oscoda will be returned to those entities. Property included in the proposed EDC includes housing, office and industrial facilities, and utility systems.

The implementation of these conversion activities and associated mitigation measures will proceed with minimal adverse impact to the environment. This action conforms with applicable Federal, State and local statutes and regulations, and all reasonable and practical efforts have been incorporated to minimize harm to the local public and the environment.

Any questions regarding this matter should be directed to Ms. Teresa Pohlman, Program Manager at (703) 696–5240. Correspondence should be sent to: AFBCA/DD, 1700 North Moore

Street, Suite 2300, Arlington, VA 22209–2802.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–21422 Filed 8–21–96; 8:45 am]

BILLING CODE 3910–01–W

Intent To Grant an Exclusive Patent License

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96–517, the Department of the Air Force announces its intention to grant an exclusive license to Polychip, Inc. of Chevy Chase MD, under U.S. Patent Application S/N 08/442,041 for ''System and Method for Enhanced Visualization of Subcutaneous Structures.''

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within (60) days from the date of publication of this notice. Copies of the patent application may be obtained, on request, from the same addressee.

All communications concerning this notice should be sent to: Mr. Samuel B. Smith, Jr., 1501 Wilson Blvd, Suite 805, Arlington VA 22209–2403, Telephone No: (703) 696–9033.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–21365 Filed 8–21–96; 8:45 am]

BILLING CODE 3910–01–P

Performance Review Boards List of Members

Below is a list of additional individuals who are eligible to serve on the Performance Review Boards for the Department of the Air Force in accordance with the Air Force Senior Executive Appraisal and Award System.

Secretariat

Mr. William A. Davidson
Mr. Richard M. McCormick
Brig Gen Lansford E. Trapp, Jr.
Brig Gen Timothy P. Malishenko

Air Staff and ''Others''

Lt Gen George T. Babbitt, Jr.
Ms. Karla W. Corcoran
Mr. John T. Manclark
Mr. William C. James
Mr. Harlan G. Wilder
Mr. Thomas F. Bachman
Ms. Sandra G. Grese
Mr. Horst R. Kelly

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–21366 Filed 8–21–96; 8:45 am]

BILLING CODE 3910–01–P

Department of the Army

Armed Forces Institute of Pathology, Scientific Advisory Board; Meeting

AGENCY: Armed Forces Institute of Pathology (AFIP).

ACTION: Notice of open meeting.

SUMMARY: In accordance with 10(a)(2) of the Federal Advisory Committee Act, Public Law (92–463) announcement is made of the following open meeting:

Name of Committee: Scientific Advisory Board (SAB).

Dates of Meeting: 7–8 November 1996.

Place: Armed Forces Institute of Pathology, Building 54, 14th St. & Alaska Ave, NW, Washington, DC 20306–6000.

Time: 8:00 a.m.—4:30 p.m. (7 November 1996); 8:00 a.m.—12:00 p.m. (8 November 1996).

FOR FURTHER INFORMATION CONTACT: Mr. Ridgely Rabold, Center for Advanced Pathology (CAP), AFIP, Building 54, Washington, DC 20306–6000, phone (202) 782–2553.

SUPPLEMENTARY INFORMATION:

General function of the board: The Scientific Advisory Board provides scientific and professional advice and guidance on programs, policies, and procedures of the AFIP.

Agenda: The Board will hear status reports from the AFIP Deputy Directors, Center for Advanced Pathology Director, the National Museum of Health and Medicine, and each of the pathology departments. Board members will visit several of the pathology departments.

Open board discussions. Reports will be given on all visited departments. The reports will consist of findings, recommended areas of further research, and suggested solutions. New trends and/or technologies will be discussed and goals established. The meeting is open to the public.

Paul E. Bluteau,

Col, MS, USA, Executive Officer.

[FR Doc. 96–21370 Filed 8–21–96; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers

Notice of Availability of Surplus Land and Buildings Located at Fort McClellan, AL

AGENCY: Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: This Notice identifies surplus real property located at Fort McClellan, Alabama. These properties are projected to be surplus to Federal requirements on or before closure of Fort McClellan. They are not necessarily immediately available. Fort McClellan is located in northeast Alabama, immediately North of the City of Anniston. Interstate Highway 20 lies approximately 9 miles to the south. The installation is served by commercial rail, a limited service commercial airport is approximately 10 miles to the south and a full service commercial airport is located 60 miles west in Birmingham, Alabama.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Phillips, U.S. Army Engineer District, Mobile, ATTN: CESAM–RE–MD, P.O. Box 2288, Mobile, Alabama 36628–0001 (telephone 334/694–3681); or Mr. Gary Harvey, Base Transition Coordinator, ATTN: ATZN–PTS Fort McClellan, Alabama 36205–5000 (telephone 205/848–3588).

SUPPLEMENTARY INFORMATION: This surplus property is available under the provisions of the Federal Property and Administrative Services Act of 1949 and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994. Notices of interest should be forwarded to Fort McClellan Reuse and Redevelopment Authority, Attention: Mr. Robert H. Richardson, Executive Director, 1702 Noble Street, Suite 101, P.O. Box 306, Anniston, Alabama 36202 (telephone 205/231–1724).

The surplus real property consists of approximately 17,200 acres and includes 62 administration buildings, 85 storage buildings, 230 residential structures (containing 571 dwelling units) and 322 miscellaneous support buildings. The current range of uses includes administrative, educational, storage, maintenance, industrial, barracks, residential and recreational. Building and infrastructure construction spans from the 1940s to present and may contain lead based paint and/or asbestos. Some facilities are historic and may be eligible for listing on the National Register of Historic Places. Infrastructure includes roads, storm water, and utility systems. Utility systems available include electric, gas, water, sewer, telephone and central heating/cooling plants. Property and facilities are not anticipated to be available for final disposal until after October 1999 when active Army

missions have been relocated from Fort McClellan.

Donald L. Burchett,

Chief, Real Estate Division, U.S. Army Engineer District, Mobile.

[FR Doc. 96–21423 Filed 8–21–96; 8:45 am]

BILLING CODE 3710–CR–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC–567]

Agency Information Collection Under Review by the Office of Management and Budget

August 16, 1996.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of request submitted for review to the Office of Management and Budget.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission, as explained below. The Commission is also responding in this submission to comments it received to an earlier Federal Register notice of April 22, 1996 (61 FR 17692).

DATES: Comments must be filed on or before September 23, 1996.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Commission Desk Officer, 726 Jackson Place NW., Washington, DC 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Division of Information Services, Attention: Mr. Michael Miller, 888 First Street, NE., Washington DC 20426. Mr. Miller may be reached by telephone at (202) 208–1415 and by e-mail at mmiller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Description: The energy information collection submitted to OMB for review contains:

1. Collection of Information: FERC–567, ''Annual Reports of System Flow Diagrams and System Capacity''.
2. Sponsor: Federal Energy Regulatory Commission.
3. Control No.: 1902–0005. The Commission is now requesting that OMB approve a three year extension of these mandatory collection requirements.
4. Necessity of Collection of Information: Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of both the Natural Gas Act and the Natural Gas Policy Act. The Commission uses the information collected to obtain accurate data on pipeline facilities and the peak day capacity of these facilities. Specifically, the FERC–567 is used in determining the configuration and location of installed pipeline facilities; evaluating the need for proposed facilities to serve market expansions; determining pipeline interconnections and receipt and delivery points; and developing and evaluating alternatives to proposed facilities as a means to mitigate environmental impact of new pipeline construction. The FERC–567 also contains valuable information that could be used to assist federal officials in maintaining adequate natural gas service in times of national emergency.
5. Respondent Description: The respondent universe currently comprises approximately 89 natural gas pipeline companies that are engaged in the transportation and storage of natural gas.
6. Estimated Burden: 11,747 total burden hours, 89 respondents, 144 responses annually, 81.58 hours per response (average).

Statutory Authority: Sections 4–10, 16 of the Natural Gas Act, Pub. L. 75–688, and Sections 301(a), 303(a), 304(d), 401, 402, and 508 of the Natural Gas Policy Gas Policy Act (Pub. L. 95–621).

Lois D. Cashell,

Secretary.

[FR Doc. 96–21383 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–273–028]

Alabama-Tennessee Natural Gas Company; Notice of Motion To Amend Approved Settlement

August 16, 1996.

Take notice that on August 12, 1996, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) and the Tennessee Valley Municipal Gas Association (TVMGA) filed a motion to amend the Stipulation and Agreement (Settlement) approved by the Commission on December 20, 1993, in Docket No. RP92–273–010, *et al.* (65 FERC ¶ 61,441). Alabama-Tennessee and TVMGA request Commission approval to eliminate the provision under the Settlement requiring Alabama-Tennessee to file a general case under Section 4 of the Natural Gas Act on or before September 1, 1996. The parties agreed that the Settlement be amended and that Alabama-Tennessee file revised tariff sheets implementing a 6% reduction in its transportation rates, to be effected on the first day of the month following a Commission order.

The parties request that the Commission grant all necessary waivers and other authorizations so that the decreased rates can become effective as soon as possible.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426 in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed on or before August 23, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–21379 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2150–000]

Edison Source; Notice of Issuance of Order

August 16, 1996.

Edison Source filed an application for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, Edison Source requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by Edison Source. On August 13, 1996, the Commission issued an Order Conditionally Accepting For Filing Proposed Market-Based Rates And Consolidating Proceedings (Order), in the above-docketed proceeding.

The Commission's August 13, 1996 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (H), (I), and (K):

(H) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Edison

Source 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.

(I) Absent a request to be hard within the period set forth in Ordering Paragraph (H) above, Edison Source is hereby authorized, pursuant to section 204 of the FPA, to issue securities and to assume obligations and liabilities as guarantor, endorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Edison Source, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(K) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Edison Source's issuances of securities or assumptions of liabilities. * * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 12, 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. 96–21384 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1731–000]

Engineered Energy Systems Corporation; Notice of Issuance of Order

August 16, 1996.

Engineered Energy Systems Corporation (EESC) submitted for filing a rate schedule under which EESC will engage in wholesale electric power and energy transactions as a marketer. EESC also requested waiver of various Commission regulations. In particular, EESC requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by EESC.

On August 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 EESC 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, EESC 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 EESC'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 September 9, 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. 96–21388 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 2555; 2556; 2557; 2559]

Kennebec Water District and Central Maine Power Company; Notice of Availability of Navigability Report for the Messalonskee Stream, Request for Comments, and Notice of Pending Jurisdictional Inquiry

August 16, 1996.

Kennebec Water District and Central Maine Power Company filed applications for subsequent licenses to continue operating Automatic Project No. 2555, Union Gas Project No. 2556, Rice Rips Project No. 2557, and Oakland Project No. 2559. The projects are located on the Messalonskee Stream near the city of Waterville, Kennebec County, Maine. As part of its review of these relicense applications, the Commission staff is investigating the jurisdictional status of the projects and has prepared a navigability report for the Messalonskee Stream. The navigability report concludes that the Messalonskee Stream is not navigable in the vicinity of the projects. If the Commission accepts the staff's conclusions regarding navigability, the likely outcome will be a Commission determination that the projects are not required to be licensed pursuant to Section 23(b)(1) of the Federal Power Act (FPA). Because this determination may affect the resolution of matters at issue in the relicensing proceedings, all parties and interested persons are being given notice of the pending jurisdictional inquiry and an opportunity to comment on the navigability report. Comments may be filed within 30 days of the above date.

Jurisdiction

The Commission recently explained its licensing jurisdiction as follows: [1]

Under the FPA, the Commission has two types of licensing jurisdiction: permissive and mandatory. Permissive licensing is authorized rather than required, and is governed by Section 4(e) of the FPA. Mandatory licensing is governed by Section 23(b)(1) of the FPA, which prohibits the unlicensed construction and operation of certain hydroelectric projects Thus, it is possible for a voluntary applicant to obtain a license under Section 4(e) of the FPA for a project that would not require a license under Section 23(b)(1).

Under Section 23(b)(1) of the FPA, a license is required for a hydroelectric project if it: (1) is located on "navigable waters of the United States"; (2) occupies lands or reservations of the United States; (3) uses the surplus water or water power from a government dam; or (4) is located on a non-navigable Commerce Clause stream, affects the interests of interstate or foreign commerce, and has undergone construction or major modification after August 26, 1935.[2] If those conditions are not met, Section 4(e) of the FPA would permit licensing of a hydroelectric project in response to a voluntary application if the project is located on a Commerce Clause water.

The Commission staff has determined that the Messalonskee Stream projects would not be located on federal lands or make use of a government dam. Therefore, if licensing is required depends on whether conditions (1) or (4) above are met.

Regarding (4) above, the Commission staff has concluded that the Messalonskee Stream projects are located on a non-navigable Commerce Clause stream within the meaning of Section 23(b)(1) of the FPA.[3] Because

[1] Swanton Village, Vermont, 70 FERC ¶ 61,325 at pp. 61,992–93 (1995) (citations omitted). *See* Cooley v. FERC, 843 F.2d 1464, 1471 (D.C. Cir. 1988), *cert. denied,* 109 S.CT. 327 (1988).

[2] *See* Farmington River Power Co. v. Federal Power Commission, 455 F.2d 86 (2d Cir. 1972).

[3] The Messalonskee Stream flows into the navigable Kennebec River. It is well-settled that Commerce Clause streams include the headwaters and tributaries of navigable rivers. *See* 70 FERC ¶ 61,325 at p. 61,994.

the Messalonskee Stream projects generate power for the interstate electric grid, the project affects the interests of interstate commerce within the meaning of Section 23(b)(1).[4] However, the projects were constructed between 1918 and 1924, and the Commission staff has found no evidence of any significant construction or major modification of the projects after 1935.

Navigability

In these circumstances, if licensing is required depends on whether the Messalonskee Stream projects are located on a ''navigable river of the United States.'' The staff's navigability river of the United States.'' The staff's navigability report concludes that the Messalonskee Stream is not navigable in the vicinity of the four Messalonskee Stream projects. It finds that, although recreational boaters use portions of the Messalonskee Stream in a continuous manner, from above, past and below the project sites. The staff's navigability report finds no evidence that the Messalonskee Stream, from the project sites to the Kennebec River, was ever used or suitable for use for the transportation of persons or property in interstate or foreign commerce.

If licensing is not required, a hydroelectric licensee may, following expiration of its original license, withdraw its relicense application or reject a new or subsequent license and continue to operate the project without a license under the FPA, subject only to whatever other federal, state, or local laws may be applicable.[5]

Comments are invited on the staff's navigability report. If the Commission accepts the staff's conclusions regarding navigability, the likely outcome will be a Commission determination that the Messalonskee Stream projects are not required to be licensed under Section 23(b)(1) of the FPA.

Concurrent with publication of this notice, all persons whose names appear on the official service list for the Central Maine and Kennebec Water District relicensing proceedings will receive a copy of the navigability report. Additional copies are available for review in the Public Reference Branch, Room 2A, of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426. Comments should be filed within 30 days of the above date, and should reference Projects No. 2555, 2556, 2557, and 2559. For further information, please contact John Blair at (202) 219–2845.

Lois D. Cashell,

Secretary.

[FR Doc. 96–21382 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–M

[4] *See* Federal Power Commission v. Union Electric Co. (''Taum Sauk''), 381 U.S. 90, 97 (1965).

[5] *See* Pennsylvania Electric Co., 56 FERC ¶ 61,435 (1991) (hydroelectric licensee with a voluntary license under Section 4(e) of the FPA need not file a relicense application and may continue operating without a license following expiration of the original license).

[Docket No. ER96–2143–000]

Monterey Consulting Associates, Inc.; Notice of Issuance of Order

August 16, 1996.

Monterey Consulting Associates, Inc. (Monterey) submitted for filing a rate schedule under which Monterey will engage in wholesale electric power and energy transactions as a marketer. Monterey also requested waiver of various Commission regulations. In particular, Monterey requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Monterey.

On August 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 30 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 Monterey 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, Monterey 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 Monterey'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 September 9, 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. 96–21387 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–200–007]

NorAm Gas Transmission Company; Notice of Filing

August 16, 1996.

Take notice that on August 1, 1996, NorAM Gas Transmission Company (NGT) tendered for filing to become part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets, to become effective August 1, 1996:

Fourth Revised Sheet No. 7

NGT states that the tariff sheet is being filed to reflect specific negotiated rate transactions for the month of August 1996.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rule of Practice and Procedure (18 CFR 385.211). All such protest 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.

Lois D. Cashell,

Secretary.

[FR Doc. 96–21380 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–200–005]

NorAm Gas Transmission Company; Notice of Filing

August 16, 1996.

Take notice that on July 11, 1996, NorAm Gas Transmission Company (NGT) tendered for filing to become part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets, to be effective as shown:

Effective April 1, 1996:
  Second Substitute First Revised Sheet No. 7
Effective May 1, 1996:
  Substitute Second Revised Sheet No. 7
Effective June 1, 1996:
  First Revised Substitute Second Revised Sheet No. 7

NGT states that the revised tariff sheets are being filed in compliance with the Commission's June 26, 1996, order in Docket Nos. RP96–200–002 and 003.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rule of Practice and Procedure (18 CFR 385.211). All such protest 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.

Lois D. Cashell,

Secretary.

[FR Doc. 96–21381 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2141–000]

Preferred Energy Services, Inc.; Notice of Issuance of Order

August 15, 1996.

Preferred Energy Services, Inc. (PESI) submitted for filing a rate schedule under which PESI will engage in wholesale electric power and energy transactions as a marketer. PESI also requested waiver of various Commission regulations. In particular, PESI requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by PESI.

On August 13, 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 PESI 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, PESI 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 PESI'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 September 12, 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. 96–21385 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2343–000]

Sonat Power Marketing L.P.; Notice of Issuance of Order

August 16, 1996.

Sonat Power Marketing L.P. (Sonat) submitted for filing a rate schedule under which Sonat will engage in wholesale electric power and energy transactions as a marketer. Sonat also requested waiver of various Commission regulations. in particular, Sonat requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Sonat.

On August 12, 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, an person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Sonat 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, Sonat 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 wit 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 Sonat'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 September 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. 96–21386 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER91–195–025, et al.]

Western Systems Power Pool, et al.; Electric Rate and Corporate Regulation Filings

August 15, 1996.

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

1. Western Systems Power Pool

[Docket No. ER91–195–025]

Take notice that on July 30, 1996, the Western Systems Power Pool (WSPP) filed certain information as required by May 13, 1993, letter order in the above-referenced proceeding. Copies of WSPP's informational filing are on file with the Commission and are available for public inspection.

2. North American Energy Conservation, Eastern Power Distribution, Inc., Coastal Electric Services Company, Calpine Power Services Company, CNG Power Services Corporation, Citizens Lehman Power Sales, and Howard Energy Marketing, Inc.

[Docket Nos. ER94–152–010, ER94–964–010, ER94–1450–011, ER94–1545–007, ER94–1554–009, ER94–1685–008 and ER95–252–006 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for public inspection and coping in the Commission's Public Reference Room:

On July 30, 1996, North American Energy Conservation filed certain information as required by the Commission's February 10, 1994, order in Docket No. ER94–152–000.

On August 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 July 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 July 31, 1996, Calpine Power Services Company filed certain information as required by the Commission's March 9, 1995, order in Docket No. ER94–1545–000.

On July 31, 1996, CNG Power Services Corporation filed certain information as required by the Commission's October 25, 1994, order in Docket No. ER94–1554–000.

On July 31, 1996, Citizens Lehman Power Sales filed certain information as required by the Commission's February 2, 1995, order in Docket No. ER94–1685–000.

On August 5, 1996, Howard Energy Marketing, Inc. filed certain information as required by the Commission's February 24 1995, order in Docket No. ER94–252–000.

3. Cincinnati Gas & Electric Company

[Docket No. ER95–625–002]

Take notice that on August 9, 1996, Cincinnati Gas & Electric Company tendered for filing a letter advising the Commission that no refunds are due to its Ohio wholesale customers group which include the Villages of Bethel, Blanchester, Georgetown, Hamersville, Ripley and the City of Lebanon.

Comment date: August 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Massachusetts Electric Company, New England Power Company

[Docket No. ER96–1626–002]

Take notice that on July 29, 1996, Massachusetts Electric Company and New England Power Company tendered for filing a compliance filing in this docket.

Comment date: August 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Niagara Mohawk Power Corporation

[Docket No. ER96–1687–001]

Take notice that on July 26, 1996, Niagara Mohawk Power Corporation (NMPC) tendered for filing with the Federal Energy Regulatory Commission the following: (1) an Amended and Restated Service Agreement between NMPC and Plum Street Enterprises, Inc. (PSE), and (ii) two revised pages to NMPC's Wholesale Power Sales Tariff No. 2 in compliance with the Order issued on June 26, 1996.

NMPC has served copies of the filing on the New York Public Service Commission and customers authorized to receive service under the sales tariff.

Comment date: August 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Pacific Gas and Electric Company

[Docket No. ER96–1703–000]

Take notice that on August 1, 1996, Pacific Gas and Electric Company tendered for filing additional information requested by FERC in its letter dated July 2, 1996.

Comment date: August 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Southwestern Public Service Company

[Docket No. ER96–1969–000]

Take notice that on July 31, 1996, Southwestern Public Service Company tendered for filing an amendment in the above-referenced docket.

Comment date: August 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Southern Company Services, Inc.

[Docket No. ER96–2566–000]

Take notice that on July 30, 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 (collectively referred to as ''Southern Companies'') submitted a report of short-term transactions that have occurred under the Market Based Rate Power Sales Tariff (FERC Electric Tariff, Original Volume No. 4) during the period April 30, 1996 through June 30, 1996.

Comment date: August 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Cumberland Power, Inc.

[Docket No. ER96–2624–000]

Take notice that on August 5, 1996, Cumberland Power, Inc. tendered for filing a request for blanket authorization under the Commission's Regulations for approval to sell electricity for resale in interstate commerce.

Comment date: August 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Plains Electric Generation and Transmission Cooperative, Inc.

[Docket No. TX96–11–000]

On August 6, 1996, Plains Electric Generation and Transmission Cooperative, Inc. (Plains), filed an application requesting that the Commission order Public Service Company of New Mexico (PNM) to provide transmission services pursuant to Section 211 of the Federal Power Act.

The transmission service sought by Plains in the Application is 56 MW of firm, point-to-point transmission service over PNM's San Juan-ojo 345 Kv transmission line, which extends from the San Juan 345 Kv switchyard in the Four Corners area of Northwestern New Mexico to the ojo 345 Kv Switching Station near Espanola, New Mexico, beginning on December 10, 1996 and continuing thereafter on a long-term basis.

Comment date: September 16, 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, NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before 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. 96–21389 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–P

[Project Nos. 11580–000, et al.]

Hydroelectric Applications [Cascade Energy Limited Partnership, et al.]; Notice of Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. Type of Application: Preliminary Permit.

b. Project No.: 11580–000.

c. Date filed: June 3, 1996.

d. Applicant: Cascade Energy Limited Partnership.

e. Name of Project: Lewis River Pumped Storage Project.

f. Location: On the Lake Merwin section of the Lewis River, approximately 19 miles southeast of the

city of Longview, in Cowlitz and Clark Counties, Washington. Sections 9, 10, 15, 16, 22, 33, and 34 in T6N, R3E; sections 3 and 4 in T5S, R3E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Applicant Contact: Ms. Carol H. Cunningham, Consolidated Pumped Storage, Inc., 680 Washington Blvd., 5th Floor, Stamford, CT 06901, (203) 425–8850.

i. FERC Contact: Mr. Michael Strzelecki, (202) 219–2827.

j. Comment Date: October 24, 1996.

k. Description of Project: The applicant is exploring two alternative schemes for the proposed pumped storage project. Both alternatives would utilize PacifiCorp's existing Lake Merwin (FERC Project No. 935) as a lower reservoir. The first alternative would also consist of: (1) a 240-foot-high dam and 105-acre upper reservoir; (2) a 26-foot-diameter, 6,800-foot-long penstock; (3) a powerhouse containing four generating units with a total installed capacity of 700 MW; (4) two 26-foot-diameter, 1,500-foot-long tailraces; and (5) appurtenant facilities.

The second alternative would also consist of: (1) a 150-foot-high dam, a 100-foot-high dam, and an 84-acre upper reservoir; (2) a 24-foot-diameter, 3,800-foot-long penstock; (3) a powerhouse containing three generating units with a total installed capacity of 500 MW; (4) two 24-foot-diameter, 1,350-foot-long tailraces; and (5) appurtenant facilities.

No new access roads will be needed to conduct the studies.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

2 a. Type of Application: Preliminary Permit.

b. Project No.: 11589–000.

c. Date filed: July 19, 1996.

d. Applicant: United Power Corporation.

e. Name of Project: Bryant Mountain Hydroelectric Pumped Storage Project.

f. Location: Partially on lands administered by the Bureau of Land Management, approximately 3 miles northeast of the town of Malin, in Klamath County, Oregon. Sections 1, 2, 11, 12, and 14 in T41S, R12E; Sections 22, 23, 26, 27, 35, and 36 in T40S, R13E; Sections 19, 20, 29, 30, and 31 in T40S, R13E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Applicant Contact: United Power Corporation, Mr. Bart O'Keeffe, P.O. Box 245, Byron, CA 94514, 510–634–1550.

i. FERC Contact: Mr. Michael Strzelecki, (202) 219–2827.

j. Comment Date: October 24, 1996.

k. Description of Project: The proposed pumped storage project would consist of: (1) an 80-foot-high dam and 40-foot-high dam forming a 500-acre upper reservoir; (2) a 35-foot-diameter, 16,570-foot-long power tunnel connecting the upper reservoir with a lower reservoir; (3) a 65-foot-high dam forming the 570-acre lower reservoir; (4) a powerhouse containing four generating units with a combined installed capacity of 1,000 MW; (5) a 4-mile-long transmission line interconnecting with an existing Pacific Southwest transmission line; and (6) appurtenant facilities.

Water for the project will come from the Bureau of Reclamation's and Klamath Irrigation District's ''D'' Canal.

No new access roads will be needed to conduct the studies.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

3 a. Type of Application: Transfer of License.

b. Project No.: 2506–018.

c. Date filed: July 22, 1996.

d. Applicant: Mead Corporation, Publishing Paper Division.

e. Name of Project: Escanaba.

f. Location: On the Escanaba River, near the township of Escanaba in Delta and Marquette Counties, Michigan.

g. File Pursuant to: Federal Power Act, 16 USC 791(a)–825(r).

h. Applicant Contact:

Mr. Max Curtis, Upper Peninsula Power Co., 600 Lakeshore Drive, P.O. Box 130, Houghton, Michigan 49931, (906) 487–5063.

Ms. Amy S. Koch, McKenna LLP, 1800 M Street, N.W., Suite 600 South Lobby, Washington, D.C. 20036, (202) 466–9270.

i. FERC Contact: Thomas F. Papsidero (202) 219–2715.

j. Comment Date: September 30, 1996.

k. Description of Filing: Application to transfer the license for the Escanaba Project to the Upper Peninsula Power Company.

l. This notice also consists of the following standard paragraphs: B, C2 & D2.

4 a. Type of Application: Amendment of License.

b. Project No.: 2697–007.

c. Date filed: May 13, 1996.

d. Applicant: Northern States Power Company.

e. Name of Project: Cedar Falls.

f. Location: On the Red Cedar River, in Dunn County, Wisconsin.

g. File Pursuant to: Federal Power Act, 16 USC 791(a)–825(r).

h. Applicant Contact:

Lloyd Everhart, Northern States Power Company—Wisconsin, 100 North Barstow Street, Eau Claire, WI 54701, (715) 839–2692.

William J. Madden, Jr., John A. Whittaker, IV, Winston & Strawn, 1400 L Street, N.W., Washington, DC 20005, (202) 371–5700.

i. FERC Contact: Tom Papsidero, (202) 219–2715.

j. Comment Date: September 30, 1996.

k. Description of Proposed Action: The licensee requests an amendment to extend the expiration date of the license for the Cedar Falls Project from January 31, 2001 to March 31, 2005. The licensee makes this request so that the expiration date coincides with the expiration date for its Menomonie Project, located on the Red Cedar River approximately six miles downstream of the Cedar Falls Project.

Concurrent expiration dates for both projects would be more efficient for all interested parties, including the Commission and state and federal resource agencies, because environmental and other relicensing issues could be addressed concurrently. The licensee has coordinated its request with the State of Wisconsin Department of Natural Resources and the U.S. Fish and Wildlife Service, who have no objection.

l. This notice also consists of the following standard paragraphs: B, C1, D2.

5 a. Type of Application: Joint Application for Transfer of License.

b. Project No.: 8864–012.

c. Date Filed: July 16, 1996.

d. Applicants: Weyerhaeuser Company and Calligan Hydro, Inc.

e. Name of Project: Calligan Creek Hydroelectric Project.

f. Location: On Calligan Creek in King County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 USC §§ 791 (a)–825 (r).

h. Contacts:

Mr. Richard A. Ryon, 7001–396th S.E., Snoqualmie, WA 98065, (206) 888–2511 ext. 251.

Mr. Martin W. Thompson, 19515 North Creek Parkway, Suite 310, Bothell, WA 98011–8200, (206) 487–6541.

i. FERC Contact: Mr. Lynn R. Miles, (202) 219–2671.

j. Comment Date: September 27, 1996.

k. Description of the Proposed Action: The licensee, Weyerhaeuser Company, seeks to transfer the project license to Calligan Hydro, Inc.

l. This notice also consists of the following standard paragraphs: B, C2, and D2.

6 a. Type of Application: Joint Application for Transfer of License.

b. Project No.: 9025–008.
c. Date Filed: July 16, 1996.
d. Applicants: Weyerhaeuser Company and Hancock Hydro, Inc.
e. Name of Project: Hancock Creek Hydroelectric Project.
f. Location: On Hancock Creek in King County, Washington.
g. Filed Pursuant to: Federal Power Act, 16 USC §§ 791 (a)–825 (r).
h. Contacts:

Mr. Richard A. Ryon, 7001–396th S.E., Snoqualmie, WA 98065, (206) 888–2511 ext. 251.

Mr. Martin W. Thompson, 19515 North Creek Parkway, Suite 310, Bothell, WA 98011–8200, (206) 487–6541.

i. FERC Contact: Mr. Lynn R. Miles, (202) 219–2671.
j. Comment Date: September 27, 1996.
k. Description of the Proposed Action: The licensee, Weyerhaeuser Company, seeks to transfer the project license to Hancock Hydro, Inc.
l. This notice also consists of the following standard paragraphs: B, C2, and D2.

7a. Type of Application: Preliminary Permit.
b. Project No.: 11588–000.
c. Date filed: July 15, 1996.
d. Applicant: Alaska Power and Telephone Company.
e. Name of Project: Otter Creek.
f. Location: On the Kasidaya Creek, within City of Skagway City Limits (S.E. Alaska), Alaska, partially within the Tongass National Forest.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C., § 791(a)–825(r).
h. Applicant Contact: Mr. Robert S. Grimm, President, Alaska Power and Telephone Company, P.O. Box 222, Port Townsend, WA 98368, (206) 385–1733.
i. FERC Contact: Mr. Hector M. Perez, (202) 219–2843.
j. Comment Date: October 24, 1996.
k. Description of Project: The proposed project would consist of: (1) a 30-foot-long, 15-foot-high concrete or wood crib diversion structure and a screened intake; (2) a small impoundment with a surface area of about 5 acres; (3) a 42-inch-diameter and 3,000-foot-long penstock; (4) a prefabricated metal powerhouse with an installed capacity of 4.5 Kw; (5) a short tailrace; (6) a 35–Kv transmission line connecting the project to the distribution system of the Dewey Lakes Project No. 1051; and (6) other appurtenances.
l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

8 a. Type of filing: Notice of Intent to File An Application for a New License.
b. Project No.: 2589.
c. Date filed: July 29, 1996.
d. Submitted By: Board of Light and Power, City of Marquette, Michigan, current licensee.
e. Name of Project: Marquette.
f. Location: On the Dead River, in Marquette County, Michigan.
g. Filed Pursuant to: Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.
h. Effective date of original license: April 1, 1962.
i. Expiration date of original license: July 30, 2001.
j. The project consists of three developments:
(1) Development No. 1, comprising: (a) Dam No. 2 (Upper Dam), a 425-foot-long, 55-foot-high concrete structure consisting of a 202-foot-long overflow section with spillway crest elevation 770.98 feet NGVD, a short closed section, a 33-foot-wide penstock intake section with trash racks, headgates, and a gate house, and an abutment wall; (b) the Forestville Reservoir, having a 106-acre surface area; and (c) appurtenant facilities;
(2) Development No. 2, comprising: (a) A 90-inch-diameter, 4,167-foot-long woodstave pipeline from Dam No. 2 to a 30-foot-diameter concrete surge tank, and two 78-inch-diameter, 450-foot-long steel penstocks from the surge tank to Plant No. 2; (b) Plant No. 2, a powerhouse containing an installed generating capacity of 3,200-kW; (c) generator leads to the 2-phase switchyard; (d) one 2-phase bus and one 3-phase bus; (e) two 2,000-kVA transformers; and (f) appurtenant facilities.
(3) Development No. 3, comprising: (a) Dam No. 3 (Lower Dam), a 970-foot-long, 20-foot-high structure, consisting of a 79-foot-long concrete overflow section with spillway crest elevation 638.0 feet NGVD, a gated section having two 10-foot-wide, 10-foot-high tainter gates, an embankment section having continuous reinforced concrete corewalls, and a 21-foot-wide penstock intake section with trashracks and a headgate; (b) a one-mile-long, 110-acre surface area reservoir; (c) a 96-inch-diameter, 139-foot-long steel penstock; (d) Plant No. 3, a powerhouse containing an installed generating capacity of 700-kW; (e) generator leads; (f) a bank of 2,400/7,200-volt transformers; (g) a 1.66-mile-long, 7,200-volt transmission line to the 3-phase side of the switchyard at Plant No. 2; and (h) appurtenant facilities.
The project has a total installed capacity of 3,900-kW.
k. Pursuant to 18 CFR 16.7, information on the project is available at: Marquette Board of Light and Power, 2200 Wright Street, Marquette, Michigan 49855, (906) 228–0320.
l. FERC contact: Charles T. Raabe (202) 219–2811.
m. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by July 30, 1999.

9 a. Type of Action: Proceeding Pursuant to Article 408, Proposed Amendment of License for Whitewater Boating.
b. Project No: 9690–025.
c. License Issued: April 14, 1992.
d. Licensee: Orange and Rockland Utilities, Inc.
e. Name of Project: Rio Project.
f. Location: Mongaup River in Orange and Sullivan Counties, New York.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r) and Article 408 of project license.
h. Licensee Contact: Mr. Hans Hasnay, Orange and Rockland Utilities, Inc., One Blue Hill Plaza, Pearl River, NY 10965, (914) 577–2648.
i. FERC Contact: Heather Campbell, (202) 219–3097.
j. Comment Date: September 23, 1996.
k. Description of Proposal: Pursuant to article 408, the Commission staff is considering revising the approved whitewater boating release schedule to provide for scheduled two-turbine releases. These two-turbine releases are currently taking place at the discretion of the licensee when ample water is present.
A public notice was issued on July 17, 1996 with a comment date of August 23, 1996. On August 5, 1996, the Upper Delaware Council requested an extension of 30 days for comments. This notice is to inform all parties that comments on the proposal to amend the license will be accepted until September 23, 1996.
l. This notice also consists of the following standard paragraphs: B, C1, and D2.

Standard Paragraphs

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after

the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

C2. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS,'' ''RECOMMENDATIONS FOR TERMS AND CONDITIONS,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and the Project Number of the particular application to which the filing refers. Any of these documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of a notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: August 16, 1996 Washington, D. C.

Lois D. Cashell,

Secretary.

[FR Doc. 96–21411 Filed 8–21–96; 8:45 am]

BILLING CODE 6717–01–P

Office of Hearings and Appeals

Notice of Cases Filed; Week of May 27 Through May 31, 1996

During the week of May 27 through May 31, 1996, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585–0107.

Dated: August 15, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 27 through May 31, 1996]

Date	Name and location of applicant	Case No.	Type of submission
May 28, 1996	Anibal L. Taboas, Argonne, Illinois	VFA–0171	Appeal of an information request denial. If granted: The May 17, 1996 Freedom of Information Request Denial issued by Chicago Operations Office would be rescinded, and Anibal L. Taboas would receive access to certain DOE information.
May 29, 1996	Bradley S. Tice, Cupertino, California.	VFA–0172	Appeal of an information request denial. If granted: The May 8, 1996 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Bradley S. Tice would receive access to certain DOE information.
Do	M. Spiegel & Sons, Inc., Washington, DC.	RR265–4	Request for modification/rescission in the Getty Refund Proceeding. If granted: The May 3, 1993 Decision and Order, Case Number RF265–2300, issued to M. Spiegel & Sons, Inc., would be modified regarding the firm's application for refund submitted in the Getty refund proceeding.
May 30, 1996	Lyondell Petrochemical Co., Washington, DC.	RR272–239	Request for modification/rescission in the crude oil refund proceeding. If granted: The May 3, 1996 Decision and Order, Case No. RG272–532, issued to Lyondell Petrochemical Co. would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.
May 31, 1996	Lovelace Gas Service, Inc., Washington, DC.	VCX–0008	Supplemental Order. If granted: The May 11, 1995 Decision and Order, Case Number LEE–0131, issued to Lovelace Gas Service, Inc. by the Office of Hearings and Appeals would be modified in connection with a May 21, 1996 Order issued by the Federal Energy Regulatory Commission.
Do	Middleton Oil Company, Inc., Greenville, AL.	VEE–0025	Exception to the reporting requirements. If granted: Middleton Oil Company, Inc. would not be required to file Form EIA–782B, Resellers'/Retailers' Monthly Petroleum Product Sales Report.
Do	Mystic Fuel, Inc., Washington, DC	RR300–284	Request for modification/rescission in the Gulf Refund Proceeding. If granted: The March 6, 1996 Dismissal Letter, Case Number RF300–20396, issued to Mystic Fuel, Inc. would be modified regarding the firm's application for refund submitted in the Gulf refund proceeding.

REFUND APPLICATIONS RECEIVED

[Week of May 27 through May 31, 1996]

Date received	Name of refund proceeding/name of refund applicant	Case No.
5/27/96 thru 5/31/96	Citronelle Refund Applications	RF345–51 thru RF345–68.
5/27/96 thru 5/31/96	Crude Oil Refund Applications	RK272–3566 thru RK272–3578.
5/27/96 thru 5/31/96	Vessels Gas Refund Applications	RF354–8 thru RF354–9.

[FR Doc. 96–21406 Filed 8–21–96; 8:45 am]
BILLING CODE 6450–01–P

Office of Hearing and Appeals

Notice of Cases Filed; Week of June 3 Through June 7, 1996

During the Week of June 3 through June 7, 1996, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585–0107.

Dated: August 15, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 3 through June 7, 1996]

Date	Name and location of applicant	Case No.	Type of submission
June 4, 1996	Association of Public Agency Customers, Portland, Oregon.	VFA–0174	Appeal of an information request denial. If granted: The Association of Public Agency Customers would receive a waiver of all fees incurred in the processing of their Freedom of Information Request for certain DOE information.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of June 3 through June 7, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Do	David W. Smith, Borger, Texas	VFA–0173	Appeal of an information request denial. If granted: The May 9, 1996 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and David W. Smith would receive access to certain DOE information.
June 5, 1996	Marlene Flor, Albuquerque, New Mexico.	VFA–0175	Appeal of an information request denial. If granted: Marlene Flor would receive a waiver of all fees incurred in the processing of her Freedom of Information Request for certain DOE information.
June 6, 1996	Pittsburgh Naval Reactors Office, West Mifflin, Pennsylvania.	VSA–0082	Request for review of opinion under 10 CFR part 710. If granted: The April 22, 1996 Opinion of an Office of Hearings and Appeals Hearing Officer, Case No. VSO–0082, would be reviewed at the request of an individual employed at the Pittsburgh Naval Reactors Office.
Do	Savannah River Operations Office, Aiken, South Carolina.	VSO–0098	Request for hearing under 10 CFR. part 710. If granted: An individual employed at the Savannah River Operations Office would receive a hearing under 10 CFR Part 710.

REFUND APPLICATIONS RECEIVED

[Week of June 3 through June 7, 1996]

Date received	Name of refund proceeding/name of refund applicant	Case No.
6/3/96 thru 6/7/96	Crude Oil Refund Applications	RK272–3579 thru RK272–3589.

[FR Doc. 96–21407 Filed 8–21–96; 8:45 am]

BILLING CODE 6450–01–P

Notice of Cases Filed With the Office of Hearings and Appeals; Week of June 10 Through June 14, 1996

During the Week of June 10 through June 14, 1996, the appeals, and applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585–0107.

Dated: August 15, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 10 through June 14, 1996]

Date	Name and location of applicant	Case No.	Type of submission
June 10, 1996	Burlin McKinney, Oliver Springs, Tennessee	VFA–0177	Appeal of an information request denial. If granted: The May 20, 1996 Freedom of Information Request Denial issued by the Office of Human Radiation Experiments would be rescinded, and Burlin McKinney would receive access to certain DOE information.
Do	C. Lawrence Cornett, Washington, DC	VWX–0009	Order to show cause. If granted: OHA will convene a hearing to permit C. Lawrence Cornett to show cause why his complaint to the Office of Contractor Employee Protection and Request for Hearing pursuant to 10 CFR Part 708 should not be dismissed.
Do	Tenaska Washington Partners II, Portland, Oregon	VFA–0176	Appeal of an information request denial. If granted: The May 21, 1996 Freedom of Information Request Denial issued by the Bonneville Power Administration would be rescinded, and Tenaska Washington Partners II would receive access to certain DOE information.
Do	J. Enterprises, Inc., Swansea, Massachusetts	VEE–0027	Exception to the reporting requirements. If granted: J. Enterprises, Inc. would not be required to file Form EIA–782B, ''Resellers'/Retailers' Monthly Petroleum Product Sales Report.''
June 11, 1996	R.W. Hays Co., Medford, Oregon	VEE–0026	Exception to the reporting requirements. If granted: R.W. Hays Co. would not be required to file Form EIA–782B, ''Resellers'/Retailers' Monthly Petroleum Product Sales Report.''
June 10, 1996	William H. Payne, Albuquerque, New Mexico	VFA–0178	Appeal of an information request denial. If granted: The March 18, 1996 Freedom of Information Request Denial issued by the Kirtland Area Office would be rescinded, and William H. Payne would receive access to all of the investigation reports requested.
Do	Albuquerque Operations Office, Albuquerque, New Mexico	VSO–0099	Request for hearing under 10 CFR. Part 710. If granted: An individual employed at Albuquerque Operations Office would receive a hearing under 10 CFR Part 710.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of June 10 through June 14, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Do	Ronny J. Escamilla, Washington, D.C	VWA–0012	Request for hearing under DOE contractor employee protection program. If granted: A Hearing under 10 CFR Part 708 would be held concerning the complaint of Mr. Ronny J. Escamilla that reprisals were taken by management officials of Systems Engineering & Management Associates, Incorporation, as a consequence of the disclosure to the Office of the Inspector General of certain safety/health concerns.
Do	Glen Milner, Seattle, Washington	VFA–0179	Appeal of an information request denial. If granted: The May 29, 1996 Freedom of Information Request Denial issued by the Office of Defense Programs would be rescinded, and Glen Milner would receive access to certain DOE information.

[FR Doc. 96–21408 Filed 8–21–96; 8:45 am]

BILLING CODE 6450–01–P

Notice of Cases Filed With the Office of Hearings and Appeals; Week of June 17 Through June 21, 1996

During the week of June 17 through June 21, 1996, the appeals, and applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585–0107.

Dated: August 15, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 17 through June 21, 1996]

Date	Name and location of applicant	Case No.	Type of submission
June 17, 1996	Burns Concrete, Inc., Idaho Falls, Idaho.	VFA–0182	Appeal of an information request denial. If granted: April 26, 1996 Freedom of Information Request Denial issued by the Pittsburgh Naval Reactors Office would be rescinded, and Burns Concrete, Inc. would receive access to certain DOE information.
Do	U.S. Solar Roof, Bothell, Washington.	VFA–0180 and VFA–0181	Appeal of an information request denial. If granted: The June 5, 1996 Freedom of Information Request Denial issued by the Office of Utility Technologies would be rescinded, and U.S. Solar Roof would receive access to certain DOE information.
June 18, 1996	Laney Oil Co., Inc., Monroe, North Carolina.	VEE–0028	Exception to the reporting requirements. If granted: Laney Oil Co., Inc. would not be required to file Form EIA–782B Reseller's/Retailer's Monthly Petroleum Product Sales Report.
June 20, 1996	Charlie Nichols Contractor, Globe, Arizona.	LFA–0409	Request for modification/rescission in the crude oil refund proceeding. If granted: The April 18, 1994 Dismissal, Case No. RF272–92955, issued to Charlie Nichols Contractor would be modified regarding the firm's application for refund submitted in the crude oil refund proceeding.
June 21, 1996	Oak Ridge Operations, Oak Ridge, Tennessee.	VSO–0100	Request for hearing under 10 CFR part 710. If granted: An individual employed at Oak Ridge Operations Office would receive a hearing under 10 CFR part 710.
Do	Oak Ridge Operations, Oak Ridge, Tennessee.	VSO–0101	Request for hearing under 10 CFR part 710. If granted: An individual employed at Oak Ridge Operations Office would receive a hearing under 10 CFR part 710.
Do	Richard Joslin, Portland, Oregon	VFA–0183	Appeal of an information request denial. If granted: The June 17, 1996 Freedom of Information Request Denial issued by the Bonneville Power Administration would be rescinded, and Richard Joslin would receive access to certain DOE information.

[FR Doc. 96–21409 Filed 8–21–96; 8:45 am]

BILLING CODE 6450–01–P

Notice of Cases Filed With the Office of Hearings and Appeals; Week of June 24 Through June 28, 1996

During the Week of June 24 through June 28, 1996, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585–0107.

Dated: August 15, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 24, through June 28, 1996]

Date	Name and location of applicant	Case No.	Type of submission
June 24,1996	Marlene Flor, Albuquerque, New Mexico.	VFA–0184	Appeal of an information request denial. If granted: The May 16, 1996 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Marlene Flor would receive access to certain DOE information.
Do	Mississippi, Jackson, Mississippi	RQ23–610	Application for second stage charter refund. If granted: The second stage refund application submitted by Mississippi in the Charter Refund Proceeding would be granted.
Do	Motor Transport Company, Memphis, Tennessee.	RR272–241	Request for modification/rescission in the crude oil refund proceeding. If granted: The May 17, 1996 Decision and Order, Case Number RF272–78490, issued to Motor Transport Company would be modified regarding the firm's application for refund submitted in the Crude Oil Refund Proceeding.
June 26, 1996	Albuquerque Operations Office, Albuquerque, New Mexico.	VSO–0102	Request for hearing under 10 CFR part 710. If granted: An individual employed at Albuquerque Operations Office would receive a hearing under 10 CFR part 710.
Do	Greenpeace, Washington, D.C	VFA–0186	Appeal of an information request denial. If granted: The June 5, 1996, Freedom of Information Request Denial issued by the Office of the Assistant Secretary for Defense Programs would be rescinded, and Greenpeace would receive access to certain DOE information.
Do	Vernon J. Brechin, Mountain View, California.	VFA–0185	Appeal of an information request denial. If granted: The June 10, 1996 Freedom of Information Request Denial issued by Nevada Operations Office would be rescinded, and Vernon J. Brechin would receive access to certain DOE information.
June 27, 1996	Albuquerque Operations Office, Albuquerque, New Mexico.	VSA–0077	Request for review of opinion under 10 CFR part 710. If granted: The May 23, 1996 Opinion of the Office of Hearings and Appeals, Case No. VSO–0077, would be reviewed at the request of an individual employed at Albuquerque Operations Office.
June 28, 1996	Betty B. Plank, Vancouver, Washington.	VFA–0187	Appeal of an Information request denial. If granted: The May 29, 1996 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Betty B. Plank would receive access to certain DOE information.

[FR Doc. 96–21410 Filed 8–21–96; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

Renewal Application Designated for Hearing

1. The Assistant Chief, Audio Services Division, has before him the following application for renewal of broadcast license

Licensee	City/State	File No.	MM docket No.
Chester Broadcasting Company, Inc.	Chester, South Carolina	BR–950726YG	96–169

(seeking renewal of the license for WGCD(AM))

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above application has been designated for hearing in a proceeding upon the following issues:

(a) To determine whether Chester Broadcasting Company, Inc. has the capability and intent to expeditiously resume the broadcast operations of WGCD(AM), consistent with the Commission's Rules.

(b) To determine whether Chester Broadcasting Company, Inc. has violated Sections 73.1740 and/or 73.1750 of the Commission's Rules.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether grant of the subject renewal of license application would service the public interest, convenience and necessity.

A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, NW., Suite 140, Washington, DC 20037 (telephone 202–857–3800).

Federal Communications Commission.

Stuart B. Bedell,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 96–21352 Filed 8–21–96; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight

forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Armando's Freight Forwarders, 3446 W. Irving Park, Chicago, IL 60618, Armando L. Rosales, Jr., Sole Proprietor

KFS, Inc., 756 Port America Place, Suite 700, Grapevine, TX 76051, Officers: James F. Keller, President, Matthew J. Keller, Vice President

Cortina & Roth, Inc., 2801 N.W. 74th Avenue, Suite 204, Miami, FL 33122, Officers: Carlos E. Cortina, President, Linda Roth-Cortina, Vice President

Alpi USA Inc., 156–15 146th Avenue, Suite 110, Jamaica, NY 11434, Officers: Piero Albini, President, Cathy Ingebrethsen, Secretary/Treasurer

Global Marine Services, Inc., 12705 Caron Drive, Jacksonville, FL 32258, Officer: Julie A. Fernandez, President.

Dated: August 16, 1996.

Joseph T. Farrell,

Acting Secretary.

[FR Doc. 96–21372 Filed 8–21–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 16, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. 1st United Bancorp, Boca Raton, Florida; to acquire 100 percent of the voting shares of Park Bancshares, Inc., Boca Raton, Florida, and thereby indirectly acquire First National Bank of Lake Park, Lake Park, Florida.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Kerkhoff L.P., to become a bank holding company by acquiring 34.60 percent of the voting shares of Southwest Financial Group of Iowa, Inc., and thereby indirectly acquire Houghton State Bank, all of Red Oak, Iowa.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. River Valley Bancorp, to become a bank holding company by acquiring 100 percent of the voting shares of Citizens National Bank of Madison, both of Madison, Indiana.

In connection with this application, River Valley Bancorp also has applied to acquire Madison First Federal Savings and Loan Association, Madison, Indiana, and thereby engage in the operation of a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y; and to engage in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

D. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. First International Bancshares, Inc., Corpus Christi, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Delaware International Bancshares, Inc., Dover, Delaware, and thereby indirectly acquire The International Bank, Corpus Christi, Texas.

2. Delaware International Bancshares, Inc., Dover, Delaware; to become a bank holding company by acquiring 100 percent of the voting shares of The International Bank, Corpus Christi, Texas.

Board of Governors of the Federal Reserve System, August 16, 1996.

Jennifer J. Johnson

Deputy Secretary of the Board

[FR Doc. 96–21413 Filed 8–21–96; 8:45 am]

BILLING CODE 6210–01–F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 96-17095) published on page 35215 - 35216 of the issue for Friday, July 5, 1996.

Under the Federal Reserve Bank of San Francisco heading, the entry for Eggemeyer Corp., Castle Creek Capital Partners Fund—I, L.P., Castle Creek Capital, L.L.C., is revised to read as follows:

1. Eggemeyer Advisory Corp., Castle Creek Capital Partners Fund—I, L.P., and Castle Creek Capital, L.L.C., all of Chicago, Illinois; to become bank holding companies by acquiring more than 25 percent of the voting shares of Monarch Bancorp, Laguna Niguel, California, and thereby indirectly acquire control of Monarch Bank, Laguna Niguel, California, and Western Bank, Los Angeles, California.

Comments on this application must be received by September 3, 1996.

Board of Governors of the Federal Reserve System, August 16, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–21415 Filed 8–21–96; 8:45 am]

BILLING CODE 6210–01–F

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That are Engage in Permissible Nonbanking Activities; Correction

This notice corrects a notice (FR Doc. 96-20678) published on pages 42251 - 42252 of the issue for Wednesday, August 14, 1996.

Under the Federal Reserve Bank of Chicago heading, the entry for Capitol Bankshares, Inc., is revised to read as follows:

1. Capitol Bankshares, Inc., Madison, Wisconsin; to engage *de novo* through its subsidiary Capitol Mortgage Corporation, Madison, Wisconsin, in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Comments on this application must be received by August 23, 1996.

Board of Governors of the Federal Reserve System, August 16, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–21414 Filed 8–21–96; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 072996 AND 080996

Name of acquiring person, name of acquired person, and name of acquired entity	PMN No.	Date terminated
Baxter International Inc., Nestle, S.A. (a Swiss company), Clintec Nutrition Company	96–2373	07/29/96
Philip F. Anschutz, Union Pacific Corporation, Union Pacific Corporation	96–2375	07/29/96
FrontierVision Partners, L.P., VS&A Communications Partners, L.P., Triax Southeast Associates, L.P	96–2382	07/29/96
Nationwide Mutual Insurance Company, Lane Investment Limited Partnership, Secret Communications Limited Partnership	96–2394	07/29/96
Assurance Generales de France, ACI Holding, Inc., ACI Holding Inc	96–2396	07/29/96
Bay Networks, Inc., Penril DataComm Networks, Inc., Penril DataComm Networks, Inc	96–2417	07/29/96
MascoTech, Inc., The Estate of David J. McGrath, Jr., Pioneer Acquisition Corporation	96–2420	07/29/96
A. Jerrold Perenchio, A. Jerrold Perenchio, The Univision Network Holding Limited Partnership	96–2425	07/29/96
Anheuser-Busch Companies, Inc., Glenn Goodman, Twin City Distributors, Inc	96–2445	07/29/96
Anheuser-Busch Companies, Inc., Robert E. Goodman, Twin City Distributors, Inc	96–2446	07/29/96
Casino America, Inc., Edward J. DeBartolo, Jr., Louisiana Riverboat Gaming Partnership	96–2449	07/29/96
Casino America, Inc., Casino America, Inc., Louisiana Riverboat Gaming Partnership	96–2450	07/29/96
General Re Corporation, National Re Corporation, National Re Corporation	96–2460	07/29/96
VEBA AG, Nalco Chemical Company, Nalco Chemical Company	96–2462	07/29/96
Moorman Manufacturing Company, Randall A. Gormley, Gormley & Company, Inc	96–2473	07/29/96
Bankers Trust New York Corporation, Dorothy D. Park, RHP Incorporated	96–2487	07/29/96
Michael Wilkinson, McLouth Steel Products Corporation, McLouth Steel Products Corporation	96–2493	07/29/96
Advance Voting Trust, Media/Communications Partners Limited Partnership, CityMedia, Inc	96–2344	07/30/96
El Paso Natural Gas Company, Tenneco Inc., Tenneco Inc.-Post Spinoff	96–2366	07/30/96
Polymer Group, Inc., Petropar S.A. (a Brazilian company), Petropar North America Corp	96–2481	07/30/96
ShopKo Stores, Inc., FoxMeyer Health Corporation, Healthcare Connect, Inc., Health Care Pharmacy Provider	96–2442	07/31/96
Republic Industries, Inc., Addington Resources, Inc., Addington Resources, Inc	96–2472	07/31/96
U.S. Office Products Company, American Loose Leaf/Business Products, Inc., American Loose Leaf/Business Products, Inc	96–2260	08/02/96
Fuji Photo Film Co., Ltd., Wal-Mart Stores, Inc., Wal-Mart Stores, Inc	96–2367	08/02/96
GS Capital Partners II, L.P., Global Financial Information Corporation, Global Financial Information Corporation	96–2381	08/02/96
General Electric Company, Latin Communications Group Inc., Latin Communications Group Inc	96–2387	08/02/96
Lane Investment Limited Partnership, Joseph M. Field, Entertainment Communications, Inc	96–2395	08/02/96
Letitia Corporation, T. Lynn Morris, TVM Group, Inc	96–2443	08/02/96
First Chicago NBD Corporation, The Sherwin-Williams Company, Pierce & Stevens Corporation	96–2453	08/02/96
Harold C. Simmons Family Trust No. 2, DeSoto, Inc., DeSoto, Inc	96–2479	08/02/96
George S. Hofmeister, MascoTech, Inc., Taylor Building Products Co., Eagle Window & Door, Inc	96–2482	08/02/96
Citation Corporation, Interstate Forging Industries, Inc., Interstate Forging Industries, Inc	96–2491	08/02/96
SYGNET Communications, Inc., Horizon Cellular Telephone Company, L.P., Horizon Cellular Telephone Company of Chautauqua, L.P	96–2510	08/02/96
Marmon Holdings, Inc., FMI Holdings Corporation, FMI Holdings Corporation	96–2521	08/02/96
Broderbund Software, Inc., Deluxe Corporation, T/Maker Company	96–2451	08/05/96
Moore Corporation Limited, Aetna Life and Casualty Company, Aetna Life Insurance Company	96–2474	08/05/96
United Asset Management Corporation, Clay Finlay Inc., Clay Finlay Inc	96–2498	08/05/96
D. Francis K. Finlay, United Asset Management Corporation, United Asset Management Corporation	96–2499	08/05/96
John P. Clay, United Asset Management Corporation, United Asset Management Corporation	96–2500	08/05/96
David A. Beckerman, Galt Sand Company, Galt Sand Company	96–2519	08/05/96
Legal & General Ventures 1996 Unquoted Equity Fund, LP, Mannesman AG (a German company), Mannesman Tally GmbH	96–2537	08/05/96
Swiss Reinsurance Company, ACI Holding Inc., ACI Holding Inc	96–2404	08/06/96
Pharmaceutical Product Development, Inc., Applied Bioscience International Inc., Applied Bioscience International Inc	96–2410	08/06/96
UGI Corporation, Phillips Petroleum Company, Phillips 66 Propane Company	96–2452	08/06/96

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 072996 AND 080996—Continued

Name of acquiring person, name of acquired person, and name of acquired entity	PMN No.	Date terminated
Trump Hotels & Casino Resorts, Inc., Donald J. Trump, Trump's Castle Associates & Trump's Castle Hotel & Casi	96–2492	08/06/96
Charterhouse Equity Partners II, L.P, Cencom Cable Income Partners II, L.P., Cencom Partners, L.P.,	96–2368	08/07/96
Steven L. Volla, Richmond Heights General Hospital, Richmond Heights General Hospital	96–2439	08/07/96
Dr. Rajendra Singh, LCC International, Inc., LCC International, Inc	96–2448	08/07/96
Tractebel, S.A., Thomas A.V. Cassel, Northeastern Power Company	96–2480	08/07/96
FS Equity Partners III, L.P., The Pantry, Inc., The Pantry, Inc	96–2485	08/07/96
Framatome S.A., Robert G. Patricia M. Peterson (spouses), Interlock Corporation	96–2486	08/07/96
Steven M. Estrick, Paychex, Inc., Paychex, Inc	96–2504	08/07/96
Paychex, Inc., National Business Solutions, Inc., National Business Solutions, Inc	96–2505	08/07/96
Stuart G. Lasher, Paychex, Inc., Paychex, Inc	96–2506	08/07/96
Golder, Thoma, Cressey, Rauner Fund IV, L.P., Matthew Coleman, GNWC Wire, Cable and Network Products, Inc	96–2507	08/07/96
Wang Laboratories, Inc., Kaval Bajaj, I–NET, Inc	96–2508	08/07/96
Brunswick Corporation, Roadmaster Industries, Inc., Roadmaster Industries, Inc. and Roadmaster Corporation	96–2516	08/07/96
First USA, Inc., Golder Thoma Cressey Fund III Limited Partnership, Bensar Holdings Inc	96–2523	08/07/96
Global Universal Systems, Inc., Scientific-Atlanta, Inc., Scientific-Atlanta, Inc	96–2538	08/07/96
The Harper Group, Inc., TDS Logistics, Inc., TDS Logistics, Inc	96–2545	08/07/96
Mr. John M. Rudey, Weyerhaeuser Company, Weyerhaeuser Company	96–2556	08/07/96
PriCellular Corporation, Vanguard Cellular Systems, Inc., Orange County Cellular Telephone Corp	96–2527	08/08/96
Vanguard Cellular Systems, Inc., PriCellular Corporation, Chill Cellular Corporation	96–2528	08/08/96
Mississippi Chemical Corporation, Arie Genger, New Mexico Potash Corporation and Eddy Potash, Inc	96–2171	08/09/96
First Data Corporation, Electronic Data Systems Corporation, EDS Fleet Services, Inc	96–2454	08/09/96
United Magazine Company, Ohio Periodical Distributors, Inc., Ohio Periodical Distributors, Inc	96–2520	08/09/96
Compagnie de Saint-Gobain, The Benderson 1993–3 Trust, Bufftech Inc	96–2532	08/09/96
Compagnie de Saint-Gobain, The Benderson 1993–2 Trust, Bufftech, Inc	96–2542	08/09/96
Promotora El Gallo, S.A. de C.V., M.G. Products, Inc., M.G. Products, Inc	96–2547	08/09/96
Cortec Group Fund II, L.P., Uniroyal Technology Corporation, Uniroyal Technology Corporation	96–2548	08/09/96
MAIC Holdings, Inc., MOMED Holding Company, MOMED Holding Company	96–2551	08/09/96
Prideaux & Associates Limited, AT&T Corp., AT&T Capital Corporation	96–2563	08/09/96
The Nomura Securities Co., Ltd., AT&T Corp., AT&T Capital Corporation	96–2564	08/09/96
Nicolas Lethbridge, AT&T Corp., AT&T Capital Corporation	96–2566	08/09/96
Occidental Petroleum Corporation, Laurel Industries, Inc., Laurel Industries, Inc	96–2568	08/09/96
Carlisle Companies Incorporated, Virgil Scherping, Sherping Systems, Inc	96–2574	08/09/96
Raycom Media, Inc., Federal Enterprises, Inc., Federal Enterprises, Inc	96–2577	08/09/96
Golden Books Family Entertainment, Inc., Mr. Lorne Michaels, Broadway Video Entertainment, L.P	96–2579	08/09/96
Three Cities Fund II, L.P., Salem Corporation, Salem Corporation	96–2585	08/09/96
Entergy Corporation, WestSphere Equity Holdings III, Ltd., 280 Security Holdings, Inc	96–2591	08/09/96
SCOR, The Allstate Corporation, Allstate Insurance Company-Barrington Division	96–2594	08/09/96
The Goldman Sachs Group, L.P., Joseph E. Robert, Jr., JER Venture Management, Inc	96–2598	08/09/96
Guinness Peat Group plc, Citation Insurance Group, Citation Insurance Group	96–2599	08/09/96
Kirk Kerkorian, P&F Acquisition Corp., P&F Acquisition Corp	96–2608	08/09/96
Seven Network Limited, P&F Acquisition Corporation, P&F Acquisition Corporation	96–2609	08/09/96

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–21417 Filed 8–22–96; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Statement of Organization, Functions and Delegations of Authority; Assistant Secretary for Management and Budget

Part A, Office of the Secretary, Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services is being amended at Chapter AM, HHS Management and Budget Office, Chapter AMG, Office of Grants and Acquisition Management, as last amended at 57 FR 37813–15, 8/20/92. The changes are to reflect a realignment of functions within the Office of Grants and Acquisition Management.

Delete Chapter AMG in its entirety and replace with the following:

Section AMG.00 Mission

The Office of Grants and Acquisition Management (OGAM) provides functional management direction in the areas of grants management, acquisition and logistics. Formulates cost principles and grant and contract cost reimbursement policy. Resolves cross-cutting audit findings. Provides Department-wide leadership in these areas through policy development, oversight and training. Awards and administers contracts in support of the program needs of the Office of the Secretary, and provides administrative management and support to the Small and Disadvantaged Business Utilization Program for the Department. Represents the Department in dealings with OMB, GSA and other Federal agencies and Congress in the areas of mandatory and discretionary grants, procurement and

logistics. Fosters creativity and innovation in the administration of these functions throughout the Department.

Section AMG.10 Organization

The Office of Grants and Acquisition Management (OGAM), headed by a Deputy Assistant Secretary for Grants and Acquisition Management who reports to the Assistant Secretary for Management and Budget, consists of the following components:

A. Immediate Office (AMG)
B. Logistics Policy Staff (AMG–1)
C. Office of Acquisition Management (AMG1)
D. Office of Small and Disadvantaged Business Utilization (AMG12)
E. Office of Grants Management (AMG2)
F. Office of Audit Resolution and Cost Policy (AMG3)

Section AMG.20 Functions

A. Office of the Deputy Assistant Secretary (AMG). The Office of the Deputy Assistant Secretary for Grants and Acquisition Management provides leadership, policy, guidance and supervision, as well as coordinating long and short-range planning to constituent organization.

B. Logistics Policy Staff (AMG–1). Serves as the Department's focal point and liaison with the Operating and Staff Divisions for policy development, technical assistance, oversight and training in the area of logistics. The Staff is responsible for the following:

a. Formulates Department-wide logistics policies governing the management of personal property throughout the Department.

b. Provides advice and technical assistance on logistics activities and policy matters to the Department's Operating Divisions.

c. Monitors the adoption of logistics policies by the Department's Operating Divisions to ensure consistent policy interpretation and application.

d. Oversees the implementation of logistics functions throughout the Department.

e. Develops, participates in and evaluates logistics training programs for Department staff.

f. Researches, analyzes and tests innovative ideas, techniques and policies in the area of logistics.

g. Serves as the Department's liaison in the area of logistics and maintains working relationships with OMB, GSA and other Federal agencies to coordinate and assist in the development of policy.

C. Office of Acquisition Management (AMG1). The Office of Acquisition Management provides leadership in the area of acquisition through policy development, oversight and training. The Office awards and administers contracts in support of the program needs of the Office of the Secretary. The office is responsible for the following:

a. Formulates Department-wide acquisition policies governing procurement activities. Publishes these in regulations and manuals. Recommends and participates in development of government-wide acquisition policy.

b. Provides advice and technical assistance on procurement activities and policy matters to the Department's Operating and Staff Divisions.

c. Develops, participates in and evaluates the procurement training and certification program for Department's procurement staff; develops and participates in training activities for the Department's program staff who act as project officers on the Department's contracts.

d. Monitors the adoption of acquisition policies by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application.

e. Conducts Performance Measurement of the Department's procurement system to ensure compliance with procurement laws and policies and efficient acquisition of the Department's program needs.

f. Makes studies of problems requiring creation of new policies or revision of current policies, including the application of Departmental management controls and reports related to the Department's procurement activities; resolves issues arising from implementation of those policies; maintains similar relationships and associations with public and private contractor organizations.

g. Researches, analyzes and tests innovative ideas, techniques and policies in the area of acquisitions. Establishes and directs ad hoc teams to work on special projects to develop creative approaches to problems in the area of acquisition.

h. Serves as the Department's liaison in the area of acquisitions and maintains working relationships with OMB, GSA, GAO, and other Federal agencies to coordinate and assist in the Development of policy and to participate in government-wide tests of procurement innovations.

i. Conducts special projects to develop improved mechanisms for Department-wide management of procurement.

j. Plans, directs, and carries out the centralized contracting program for the Office of the Secretary, the Office of Consumer Affairs, and the Administration on Aging. In the case of certain consolidated and centralized commodities and services (including information technology) also provides contract support for the Administration on Children and Families as well as other components of the Department.

k. Administers and manages performance of the contracts of the Office of the Secretary to ensure that it receives the timely and quality performance and the products for which it has contracted.

l. Is responsible for award and administration of contracts. Is authorized to enter into contracts at the micro-purchase, simplified acquisition, and major purchase (purchases in excess of $100,000.00) levels.

m. Tests innovative ideas and techniques to develop improved procurement methodologies.

D. Office of Small and Disadvantaged Business Utilization (AMG12).

a. Has responsibility within the Department for policy, plans, and oversight of execution of the functions under section 8 and 15 of the Small Business Act as amended and Executive Order 12073 an 12138, relating to preference programs for small businesses, disadvantaged businesses, labor surplus area concerns, and women-owned businesses. Under provision of Public Law 95–507, the Director reports directly to the Deputy Secretary. Pursuant to Deputy Secretarial direction, the day-to-day operational review will be provided by the Deputy Assistant Secretary for Grants and Acquisition Management to ensure effective departmental coordination and execution of these programs.

b. Acts as the advocate for the Secretary and Deputy Secretary within the Department for matters relating to sections 8 and 15 of the Small Business Act and Executive Orders 12073 and 12138 and represents the Department in dealing with other Federal agencies on those matters.

c. Acts as focal point and advocate for the small business, disadvantaged business, labor surplus area and women-owned business firms in their dealing with the Department.

d. Formulates, recommends and monitors implementation of policies for the Department's small business, Small Business Innovation Research, disadvantaged business, labor surplus area, and women-owned business programs.

e. Coordinates and prepares the Department's goals for assigned programs, recommends Secretarial approval of such goals and subsequent to Secretarial approval, negotiates,

establishes and reports on goals for the assigned programs with the cognizant Federal agencies.

f. Encourages the awarding of contracts and subcontracts to small business, disadvantaged business, labor surplus area, and women-owned business firms by providing information and assistance to all of the Department's organizational units.

g. Prepares documentation and reports to the Executive Office of the President, the Congress, Office of Management and Budget, the Small Business Administration, and other agencies, as required.

h. Ensures effective implementation by the Department of mandatory plans and/or contract clauses as required by Public Law 95–507 for small business and disadvantaged business firms and monitors the activities relating to such plans.

i. Provides input for coordinated Departmental positions on proposed legislation and Government regulations on matters affecting cognizant socioeconomic programs and maintain liaison with Congress through established Departmental channels.

j. Manages the Department's Small Business Innovation Research Program (SBIR) established under Public Law 97–219 and provides liaison between the Department and the Small Business Administration on SBIR matters.

k. Oversees and monitors the Departmental review and screening of planned procurement by programs and procurement offices to ensure that preference programs are given thorough consideration throughout the decision-making process.

E. Office of Grants Management (AMG2).

The Office of Grants management provides leadership in the area of mandatory and discretionary grants through policy development, oversight and training. The Office has functional responsibility for Department-wide grants policies and grant regulations. In addition, the Office is responsible for oversight of the HHS grants management operations and the following:

a. Manages oversight of the award and administration of mandatory and discretionary grants and other forms of Federal financial assistance throughout the Department.

b. Formulates Department-wide grant policies governing the award and administration of grant activities. Publishes these in regulations and other directives.

c. Monitors the adoption of grant policies and procedures by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application.

d. Provides advice and technical assistance to the Department's Operating and Staff Divisions and to the general public on matters relating to the administration of grants and other forms of Federal financial assistance.

e. Develops, participants in and evaluates grants management training programs for Department staff.

f. Serves as the Department's liaison in grants and maintains working relationships with OMB and other Federal agencies to coordinate and assist in the development of government-wide grant policies.

g. Conducts special studies of grants management issues to identify and implement improvements in the way the Department awards and administers grants and other forms of Federal financial assistance; designs and assists in execution of demonstrations, experimentation and tests of innovative approaches to grants management.

h. Develops, analyzes and tests innovative ideas, techniques and policies in grants management. Fosters creativity in the administration of grants.

i. Establishes and manages improved grants management information and monitoring systems.

j. Establishes and manages training and certification programs for grants management professionals throughout the Department.

F. Office of Audit Resolution and Cost Policy (AMG3). The Office of Audit Resolution and Cost Policy provides leadership in the areas of resolving audits and managing cost policy. The Office has functional responsibility for cost principles and Department-wide cost policies and procedures affecting grants and contracts. In addition, the Office is responsible for resolving cross-cutting audit findings and the following:

a. Formulates cost principles and Department-wide cost policies and procedures affecting grants and contracts.

b. Formulates Department-wide cost policy for resolving audit findings on grantee and contractor organizations.

c. Serves as the Departmental liaison and maintains working relationships with OMB other Federal agencies in the development of government-wide cost principles and audit resolution policies; maintains similar relationships with associations of States, universities and other grantee and contractor organizations.

d. Provides advice and technical assistance to the Operating and Staff Divisions, grantee and contractor organizations, and other Federal agencies on the financial or cost management of grants and contracts.

e. Reviews audit reports containing monetary findings or findings involving deficiencies in the management systems of grantee and contractor organizations which affect the programs of more than one Operating or Staff Division or Federal agency and resolves the findings. Conducts or arranges for additional reviews or acquires additional information to the extent necessary to determine the actions required to resolve the findings and correct the deficiencies.

f. Coordinates where necessary with other affected Federal agencies to establish a uniform Federal position on the actions needed to be taken to resolve the findings and correct the deficiencies.

g. Negotiates and determines the settlement of the findings and the actions needed to correct the deficiencies with grantee and contractor organizations. As designated by OMB, performs these functions on behalf of all Federal Departments and Agencies.

h. When deemed necessary to protect the interests of the Department, makes recommendations to the Secretary, the ASMB/CFO and other officials on safeguards or other actions against a grantee or contractor, where the organization is unwilling to correct serious deficiencies in a timely manner or fails to comply with previous agreements on corrective actions.

i. Provides and arranges for technical assistance to grantees and contractors on the correction of deficiencies and on other matters related to the financial management of grants and contracts.

j. Upon request, reviews and approves accounting or other systems developed by grantees and contractors to comply with Federal cost principles and policies.

k. Provides advice and technical assistance to Operating and Staff Divisions' audit resolution staffs on the resolution of audit reports assigned to them and on other matters related to the financial management of grants and contracts.

l. Develops and presents training programs for Department staff and grantee and contractor organizations on audit resolution, and other areas related to the financial management of grants and contracts.

Dated: August 24, 1996.

John J. Callahan,

Assistant Secretary for Management and Budget.

[FR Doc. 96–21360 Filed 8–21–96; 8:45 am]

BILLING CODE 4150–04–M

Centers for Disease Control and Prevention

National Center for Environmental Health Advisory Committee

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2), the Centers for Disease Control and Prevention (CDC) announces the establishment by the Secretary of Health and Human Services, August 2, 1996, of the following Federal advisory committee:

Designation: Advisory Committee to the Director, National Center for Environmental Health.

Purpose: The Advisory Committee to the Director, National Center for Environmental Health (NCEH), will provide advice and guidance to the Secretary, HHS; the Assistant Secretary for Health; the Director, CDC; and the Director, NCEH, CDC, regarding program goals and objectives, strategies, and priorities. The Committee will provide advice on: (1) Environmental public health problems that potentially pose the greatest risks to human health and may not be receiving adequate attention; (2) the primary prevention of birth defects and developmental and other disabilities; (3) the prevention of secondary conditions in those with a primary disability; and (4) the research agenda needed to improve the science base relative to human health effects and environmental exposures, which will ultimately provide sound human health data for policy and decision-making.

Authority for this committee will expire on August 2, 1998, unless the Secretary of Health and Human Services, with the concurrence of the Committee Management Secretariat, General Services Administration, formally determines that continuance is in the public interest.

Dated: August 16, 1996.

Nancy C. Hirsch,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–21392 Filed 8–21–96; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

Request for Nominations for Representatives of Consumer and Industry Interests on Public Advisory Panels or Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for consumer representatives and industry representatives to serve on certain device panels of the Medical Devices Advisory Committee and on the National Mammography Quality Assurance Advisory Committee in the Center for Devices and Radiological Health. Nominations will be accepted for current vacancies and for those that will or may occur through June 30, 1997.

FDA has a special interest in ensuring that women, minority groups, individuals with disabilities, and small businesses are adequately represented on advisory committees and, therefore, encourages nominations for appropriately qualified candidates from these groups, as well as nominations from small businesses that manufacture medical devices subject to the regulations.

DATES: Nominations should be received by October 21, 1996, for vacancies listed in this notice.

ADDRESSES: All nominations and curricula vitae for consumer representatives should be submitted in writing to Annette Funn (address below). All nominations and curricula vitae (which includes nominee's office address and telephone number) for the industry representatives should be submitted in writing to Kathleen L. Walker (address below).

FOR FURTHER INFORMATION CONTACT:

Regarding consumer representatives: Annette Funn, Office of Consumer Affairs (HFE–88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006.

Regarding industry representatives: Kathleen L. Walker, Food and Drug Administration, Center for Devices and Radiological Health (HFZ–17), 2098 Gaither Rd., Rockville, MD 20850, 301–594–1283, ext. 114.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for members representing consumer and industry interests for the vacancies listed below:

Committee or Panel	Approximate Date Representative is Needed	
	Consumer	Industry
Circulatory System Devices Panel	NV	July 1, 1997
Dental Products Panel:		
Devices	November 1, 1996	NV
Cosmetics	NV	November 1, 1996
Ear, Nose, and Throat Devices Panel	NV	November 1, 1996
Immunology Devices Panel	NV	March 1, 1997
Neurological Devices Panel	December 1, 1996	December 1, 1996
Obstetrics and Gynecology Devices Panel	February 1, 1997	NV
Orthopedic and Rehabilitation Devices Panel	NV	IMMED
Radiological Devices Panel	NV	February 1, 1997
National Mammography Quality Assurance Advisory Committee	February 1, 1997	NA

NV = No vacancy
NA = Not applicable
IMMED = Immediate vacancy

Functions

Medical Device Panels

The functions of the panels are to: (1) Review and evaluate data on the safety and effectiveness of marketed and investigational devices and make recommendations for their regulation; (2) advise the Commissioner of Food and Drugs regarding recommended classification or reclassification of these devices into one of three regulatory categories; (3) advise on any possible risks to health associated with the use of devices; (4) advise on formulation of product development protocols; (5) review premarket approval applications for medical devices; (6) review guidelines and guidance documents; (7) recommend exemption to certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; (8) advise on the necessity to ban a device; (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices; and (10) make recommendations on the quality in the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

The Dental Products Panel also functions at times as a dental drug advisory panel. The functions of the drug panel are to: (1) Evaluate and recommend whether various prescription drug products should be changed to over-the-counter status; (2) evaluate data and make recommendations concerning the approval of new dental drug products for human use; (3) evaluate data and make recommendations concerning drug products that may also be cosmetics; and (4) using the Plaque Subcommittee, review and evaluate data concerning the safety and effectiveness of active ingredients, and combinations thereof, of various currently marketed dental drug products for human use, and the adequacy of their labeling. The subcommittee will advise on the promulgation of monographs establishing conditions under which these drugs are generally recognized as safe and effective and not misbranded.

National Mammography Quality Assurance Advisory Committee

The functions of the committee are to advise the Food and Drug Administration on: (1) Developing appropriate quality standards and regulations for mammography facilities; (2) developing appropriate standards and regulations for bodies accrediting mammography facilities under this program; (3) developing regulations with respect to sanctions; (4) developing procedures for monitoring compliance with standards; (5) establishing a mechanism to investigate consumer complaints; (6) reporting new developments concerning breast imaging which should be considered in the oversight of mammography facilities; (7) determining whether there exists a shortage of mammography facilities in rural and health professional shortage areas and determining the effects of personnel or other requirements on access to the services of such facilities in such areas; (8) determining whether there will exist a sufficient number of medical physicists after October 1, 1999; and (9) determining the costs and benefits of compliance with these requirements.

Consumer and Industry Representation

Medical Device Panels

Section 520(f)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(f)(3)), as amended by the Medical Device Amendments of 1976, provides that each medical device panel include as members one nonvoting representative of consumer interests and one nonvoting representative of interests of the medical device manufacturing industry.

National Mammography Quality Assurance Advisory Committee

Section 354n of the Public Health Service Act (42 U.S.C 263b), as amended by the Mammography Quality Standards Act of 1992, provides that at least four of the individuals nominated for membership should be from among national breast cancer or consumer health organizations with expertise in mammography. The committee may include one technically qualified member who is identified with consumer interests.

Nomination Procedures

Consumer Representatives

Any interested person may nominate one or more qualified persons as a member of a particular advisory committee or panel to represent consumer interests as identified in this notice. Self-nominations are also accepted. To be eligible for selection, the applicant's experience and/or education will be evaluated against Federal civil service criteria for the position to which the person will be appointed.

Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory committee or panel or in any advisory committee or panel. The term of office is up to 4 years, depending on the appointment date.

Industry Representatives

Any organization in the medical device manufacturing industry (industry interests) wishing to participate in the selection of an appropriate member of a particular panel may nominate one or more qualified persons to represent industry interests. Persons who nominate themselves as industry representatives for the panels will not participate in the selection process. It is, therefore, recommended that all nominations be made by someone with an organization, trade association, or firm who is willing to participate in the selection process.

Nominees shall be full-time employees of firms that manufacture products that would come before the panel, or consulting firms that represent manufacturers. Nominations shall include a complete curriculum vitae of each nominee. The term of office is up to 4 years, depending on the appointment date.

Selection Procedures

Consumer Representatives

Selection of members representing consumer interests is conducted through procedures which include use of a consortium of consumer organizations which has the responsibility for recommending candidates for the agency's selection. Candidates should possess appropriate qualifications to understand and contribute to the committee's work.

Industry Representatives

Regarding nominations for members representing the interests of industry, a letter will be sent to each person that has made a nomination, and to those organizations indicating an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. This letter will state that it is the responsibility of each nominator or organization indicating an interest in participating in the selection process to consult with the others in selecting a single member representing industry interests for the panel within 60 days after receipt of the letter. If no individual is selected within 60 days, the agency will select the nonvoting member representing industry interests.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14 relating to advisory committees.

Dated: August 13, 1996.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 96–21356 Filed 8–21–96; 8:45 am]

BILLING CODE 4160–01–F

Request for Nominations for Voting Members on Public Advisory Panels or Committees in the Center for Devices and Radiological Health

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on certain device panels of the Medical Devices Advisory Committee and on the National Mammography Quality Assurance Advisory Committee in the Center for Devices and Radiological Health (CDRH). Nominations will be accepted for current vacancies and those that will or may occur through June 30, 1997.

FDA has a special interest in ensuring that women, minority groups, and individuals with disabilities are adequately represented on advisory committees and, therefore, encourages nominations of qualified candidates from these groups.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 6 months before the date of scheduled vacancies for each year, as indicated in this notice.

ADDRESSES: All nominations and curricula vitae for the panels should be sent to Nancy J. Pluhowski, Office of Device Evaluation (HFZ–400), Center for Devices and Radiological Health, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850.

All nominations and curricula vitae for the National Mammography Quality Assurance Advisory Committee should be sent to Charles K. Showalter, Center for Devices and Radiological Health (HFZ–240), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850.

FOR FURTHER INFORMATION CONTACT: Kathleen L. Walker, Center for Devices and Radiological Health (HFZ–17), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–1283, ext. 114.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations of voting members for vacancies listed below.

1. *Anesthesiology and Respiratory Therapy Devices Panel*: One vacancy occurring November 30, 1996; anesthesiologists, pulmonary medicine specialists, or other experts who have specialized interests in ventilatory support, pharmacology, physiology, or the effects and complications of anesthesia.

2. *Circulatory System Devices Panel*: Two vacancies occurring June 30, 1997; interventional cardiologists, electrophysiologists, invasive (vascular) radiologists, vascular and cardiothoracic surgeons, and cardiologists with special interest in congestive heart failure.

3. *Dental Products Panel*: Two vacancies occurring October 31, 1996; dentists who have experience with lasers, endosseous implants, and temporomandibular joint implants; or experts in bone physiology relative to the oral and maxillofacial area.

4. *Gastroenterology and Urology Devices Panel*: Three vacancies immediately; nephrologists, urologists, and gastroenterologists with expertise in diagnostic and therapeutic management of adult and pediatric patient populations.

5. *General and Plastic Surgery Devices Panel*: One vacancy immediately, one vacancy occurring August 31, 1996; general surgeons, plastic surgeons, biomaterials experts, laser experts, wound healing experts, or endoscopic surgery experts.

6. *General Hospital and Personal Use Devices Panel*: One vacancy immediately, four vacancies occurring December 31, 1996; internists, pediatricians, neonatologists, gerontologists, nurses, biomedical engineers, or microbiologists/infection control practitioners or experts.

7. *Hematology and Pathology Devices Panel*: Two vacancies occurring February 28, 1997; cytopathologists and histopathologists; hematologists (blood banking, coagulation, and hemostatis); molecular biologists (nucleic acid amplification techniques), and hematopathologists (oncology).

8. *Immunology Devices Panel*: Three vacancies immediately, two vacancies occurring February 28, 1997; persons with experience in medical, surgical, or clinical oncology, internal medicine, clinical immunology, allergy, or clinical laboratory medicine.

9. *Microbiology Devices Panel*: Two vacancies occurring February 28, 1997; infectious disease clinicians; clinical microbiologists with expertise in antimicrobial and antimycobacterial susceptibility testing and chemotherapy; clinical virologists with expertise in diagnosis and assays; clinical oncologists experienced with antitumor resistance and susceptibility; and molecular biologists.

10. *Neurological Devices Panel*: Two vacancies occurring November 30, 1996; neurologists, epileptologists, biomedical engineers, interventional neuroradiologists, neurosurgeons with interest in medical devices, or persons experienced with neurological devices with a strong background in biostatistics.

11. *Obstetrics and Gynecology Devices Panel*: Two vacancies immediately, one vacancy occurring January 31, 1997; experts in reproductive endocrinology, endoscopy, electrosurgery, laser surgery, assisted reproductive technologies, and contraception.

12. *Ophthalmic Devices Panel*: One vacancy immediately, one vacancy occurring October 31, 1996; ophthalmologists specializing in glaucoma, surgical pediatric ophthalmology (experienced in correction of aphakia), retinal diseases or corneal diseases; optometrists with expertise in contact lenses, or specialists in clinical study design.

13. *Orthopedic and Rehabilitation Devices Panel*: Two vacancies immediately; orthopedic surgeons experienced with prosthetic ligament devices, joint implants, or spinal instrumentation; physical therapists experienced in spinal cord injuries, neurophysiology, electrotherapy, and joint biomechanics; rheumatologists; or biomedical engineers.

14. *Radiological Devices Panel*: One vacancy occurring January 31, 1997; physicians and scientists with expertise in nuclear medicine, diagnostic or therapeutic radiology, mammography, thermography, transillumination, hyperthermia cancer therapy, bone densitometry, magnetic resonance, computed tomography, or ultrasound.

15. *National Mammography Quality Assurance Advisory Committee*: Five vacancies immediately, six vacancies occurring January 31, 1997; physicians, practitioners, and other health professionals whose clinical practice, research specialization, or professional expertise include a significant focus on mammography.

Functions

Medical Device Panels

The functions of the panels are to: (1) Review and evaluate data on the safety and effectiveness of marketed and investigational devices and make recommendations for their regulation; (2) advise the Commissioner of Food and Drugs regarding recommended classification or reclassification of these devices into one of three regulatory categories; (3) advise on any possible risks to health associated with the use of devices; (4) advise on formulation of product development protocols; (5) review premarket approval applications for medical devices; (6) review guidelines and guidance documents; (7) recommend exemption to certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; (8) advise on the necessity to ban a device; (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices; and (10) make recommendations on the quality in the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

The Dental Products Panel also functions at times as a dental drug advisory panel. The functions of the drug panel are to: (1) Evaluate and recommend whether various prescription drug products should be changed to over–the–counter status; (2) evaluate data and make recommendations concerning the approval of new dental drug products for human use; (3) evaluate data and make recommendations concerning drug products that may also be cosmetics; and (4) using a Plaque Subcommittee, review and evaluate data concerning the safety and effectiveness of active ingredients, and combinations thereof, of various currently marketed dental drug products for human use, and the adequacy of their labeling. The subcommittee will advise on the promulgation of monographs establishing conditions under which these drugs are generally recognized as safe and effective and not misbranded.

National Mammography Quality Assurance Advisory Committee

The functions of the committee are to advise FDA on: (1) Developing appropriate quality standards and regulations for mammography facilities; (2) developing appropriate standards and regulations for bodies accrediting mammography facilities under this program; (3) developing regulations with respect to sanctions; (4) developing procedures for monitoring compliance with standards; (5) establishing a mechanism to investigate consumer complaints; (6) reporting new developments concerning breast imaging which should be considered in the oversight of mammography facilities; (7) determining whether there exists a shortage of mammography facilities in rural and health professional shortage areas and determining the effects of personnel or other requirements on access to the services of such facilities in such areas; (8) determining whether there will exist a sufficient number of medical physicists after October 1, 1999; and (9) determining the costs and benefits of compliance with these requirements.

Qualifications

Medical Device Panels

Persons nominated for membership on the panels shall have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering, biological and physical sciences, statistics, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the panel. The particular needs at this time for each panel are shown above. The term of office is up to 4 years, depending on the appointment date.

National Mammography Quality Assurance Advisory Committee

Persons nominated for membership should be physicians, practitioners, and other health professionals, whose clinical practice, research specialization, or professional expertise include a significant focus on mammography. Prior experience on Federal public advisory committees in the same or similar subject areas will also be considered relevant professional expertise. The particular needs for this committee are shown above. The term of office is up to 4 years, depending on the appointment date.

Nomination Procedures

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory panels or the National Mammography Quality Assurance Advisory Committee. Self–nominations are also accepted. Nominations shall include a complete curriculum vitae of each nominee, current business address and telephone number, and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: August 13, 1996.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 96–21357 Filed 8–21–96; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a

meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. September 26, 1996, 8 a.m., Holiday Inn—Bethesda, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; Kathleen R. Reedy or LaNise S. Giles, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Endocrinologic and Metabolic Drugs Advisory Committee, code 12536. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 18, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will hear presentations and discuss the safety and efficacy of a new drug application (NDA) 20–632, sibutramine hydrochloride monohydrate, (Meridia™, Knoll Pharmaceutical Co.) for weight loss in obesity.

Blood Products Advisory Committee

Date, time, and place. September 26 and 27, 1996, 8 a.m., Holiday Inn—Bethesda, Versailles Ballrooms II and III, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open committee discussion, September 26, 1996, 8 a.m. to 9:15 a.m.; open public hearing, 9:15 a.m. to 9:45 a.m., unless public participation does not last that long; open committee discussion, 9:45 a.m. to 11:30 a.m.; open public hearing, 11:30 a.m. to 12 m., unless public participation does not last that long; open committee discussion, 12 m. to 3 p.m.; open public hearing, 3 p.m. to 3:30 p.m., unless public participation does not last that long; open committee discussion, 3:30 p.m. to 5 p.m.; open committee discussion, September 27, 1996, 8 a.m. to 9:30 a.m.; open public hearing, 9:30 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 12 m.; Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM–350), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–3514, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area) Blood Products Advisory Committee, code 12388. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 16, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On the morning of September 26, 1996, the committee will hear informational presentations on detection of the human immunodeficiency virus (HIV)–1 Group ''O'' and on the possible transmission of hepatitis C (HCV) by Immune Globulin. In the afternoon, the committee will review issues concerning recombinant Factor VIIa, Novo Nordisk. On September 27, 1996, the committee will sit as a Medical Device Panel to review and make recommendations on the reclassification of the Autopheresis-C System, a rotating membrane filtration blood separator, Fenwal Division, Baxter Healthcare Corp.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page.

The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: August 15, 1996.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 96–21358 Filed 8–21–96; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

Oncologic Drugs Advisory Committee

Date, time, and place. September 11, 1996, 8:30 a.m., Holiday Inn—Gaithersburg, Ballroom, Two Montgomery Village Ave., Gaithersburg, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 4:30 p.m.; Jannette O'Neill-Gonzalez, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Oncologic Drugs Advisory Committee, code 12542. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of cancer.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before August 28, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss: (1) New drug application (NDA) 19–297/S–014 Novantrone® for injection concentrate (mitoxantrone, Immunex Corp.), for use in combination with corticosteroids as initial chemotherapy for treatment of patients with prostate cancer after failure of primary hormonal therapy; and (2) NDA 20–660 Remisar® tablets (bropirimine, Pharmacia & Upjohn Co.), for treatment of patients with bladder carcinoma in situ (CIS) after failure of Bacillus Calmette-Guerin (BCG) therapy.

Peripheral and Central Nervous System Drugs Advisory Committee

Date, time, and place. September 19, 1996, 8:30 a.m., Holiday Inn—Gaithersburg, Ballroom, Two Montgomery Village Ave., Gaithersburg, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; Ermona B. McGoodwin or Danyiel D'Antonio, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Peripheral and Central Nervous System Drugs Advisory Committee, code 12543. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in neurological disease.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 12, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the safety and effectiveness of COPAXONE® (copolymer-1), NDA 20–622, TEVA Pharmaceuticals USA, as a treatment for patients with exacerbating-remitting multiple sclerosis.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures

for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: August 15, 1996.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 96–21359 Filed 8–21–96; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

[Document Identifier: HCFA–9026]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summaries of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. HCFA–9026 *Type of Information Collection Request*: Reinstatement, without change, of previously approved collection for which approval has expired; *Title of Information Collection*: Intermediary Request to Hospitals for Medical Information on Inpatient Claims for Statutorily Excluded Services/SSA 1862; 42 CFR 411.15; FR Vol. 60 No. 181; *Form No.*: HCFA–9026; *Use*: This information request is to enable intermediaries to obtain hospital medical records for inpatient claims involving statutorily excluded services and other non-covered services and devices. 42 CFR 411.15 is the regulation supporting this collection of information; *Frequency*: On occasion; *Affected Public*: Business or other for profit, not for profit institutions, State, local, or tribal governments, Federal government; *Number of Respondents*: 5,258; *Total Annual Responses*: 20,355; *Total Annual Hours*: 5,088.

2. HCFA–R–30 *Type of Information Collection Request*: Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection*: ICR in the Hospice Care Regulation for 42 CFR@418.22, 418.24, 418.28, 418.56(b), 418.56(e)(1), 418.56(e)(3), 418.58, 418.70(d), 418.70(e), 418.74, 418.83, 418.96(b) and 418.100(b); *Form No.*: HCFA–R–30; *Use*: The HCFA–R–30 establishes standards for hospices who wish to participate in the Medicare program. The regulations establish standards for eligibility, reimbursement standards and procedures, and delineate conditions that hospices must meet to be approved for participation in Medicare. *Frequency*: On occasion; *Affected Public*: Business or other for-profit and Not-for-profit institutions; *Number of Respondents*: 1,927; *Total Annual Responses*: 1,927; *Total Annual Hours Requested*: 3,977,762. As a note, this collection was inadvertently announced in the Federal Register, on 8/8/96, as a 30 day comment request.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at http://www.hcfa.gov, or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: John Burke, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: August 14, 1996.

Edwin J. Glatzel,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–21425 Filed 8–21–96; 8:45 am]

BILLING CODE 4120–03–P

[HCFA–0301]

Submitted for Collection of Public Comment: Submission for OMB Review

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of

the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Request:* Revision of a currently approved collection; *Title of Information Collection:* Certification of Medicaid Eligibility Quality Control (MEQC) Payment Error Rates and supporting regulations 42 CFR 431.802–822 and 42 CFR 431.865; *Form No.:* HCFA–301; *Use:* This certification is the new form by which States will report their MEQC payment error rate findings. This form represents aggregate data which were formerly collected through the Integrated Review Schedule. Regulations 42 CFR 431.802–822 and 42 CFR 431.865 requires the States to submit this data in the MEQC program; *Frequency:* Semi-annually; *Affected Public:* State, local, or tribal government; *Number of Respondents:* 51; *Total Annual Responses:* 102; *Total Annual Hours:* 22,515.

To request copies of the proposed paperwork collection referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: August 14, 1996.

Edwin J. Glatzel,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–21424 Filed 8–21–96; 8:45 am]

BILLING CODE 4120–03–P

[HCFA R–44]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection*: Title Conditions of Participation for Rehabilitation Agencies and Conditions for Coverage for Physical Therapists in Independent Practice; *Form No.*: HCFA R–44; *Use*: This information is needed to determine if an agency or therapist is in compliance with published health and safety requirements. Respondents are outpatient clinics, rehabilitation agencies, public health agencies, and therapists in independent practice. *Frequency*: On occasion; *Affected Public*: Business or other for-profit; *Number of Respondents*: 9,634; *Total Annual Responses*: 9,634; *Total Annual Hours Requested*: 26,397.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at http://www.hcfa.gov, or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: August 14, 1996.

Edwin J. Glatzel,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–21426 Filed 8–21–96; 8:45 am]

BILLING CODE 4120–03–P

Health Resources and Services Administration

Cooperative Agreement With the George Mason University Center for Health Policy

AGENCY: Health Resources and Services Administration (HRSA), Health and Human Services (HHS).

SUMMARY: The Office of Rural Health Policy (ORHP), Health Resources and Services Administration, announces its intent to award funds in FY 1996 to support a grant to the George Mason University Center for Health Policy, in Fairfax, Virginia.

The Office of Rural Health Policy works closely with numerous national organizations with rural health policy and program interests. Virtually all of these groups are either headquartered in the Washington, DC area, or locate their principal policy office here. The involvement of these associations, foundations and other organizations in addressing rural health concerns is limited by the lack of availability of readily available information on rural health policy and programs, by the lack of any educational forum for building common understanding of current directions in rural health policy, and by the lack of any facilitation of sharing among the rural health representatives of these organizations. The office intends, through this grant, to sponsor invitational meetings three or four times per year which would be high quality educational forums that would encourage the development and exchange of ideas and approaches to rural health problems solving, and would encourage the growth of expertise on rural health among the invited participants. The grant would also provide for ongoing communication on rural health issues meetings, conferences etc., as well as background papers as needed.

HRSA plans to award this grant to the George Mason Center, because of its unique characteristics, skills and superior qualifications in the Washington area in rural health issues as well as its mandate and ability to conduct conferences and forums health policy leadership workshops, research and position papers, and collaboration with professional and community based organizations. Accordingly, HRSA has determined that there is adequate basis for awarding this grant to the George Mason Center without competition.

Authority: This grant is authorized under Section 301 of the Public Health Service Act. With funds appropriated under Public Law 103–112 (Omnibus Budget Reconciliation Act of 1996).

AVAILABILITY OF FUNDS: Approximately $150,000 will be made available to support the grant for a budget period of one year, beginning FY 1996. The project period will be four years at a total cost of approximately $600,000.

OTHER AWARD INFORMATION: This program is not subject to the provision of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented by 45 CFR Part 100).

FOR FURTHER INFORMATION: Contact Jeffrey Human, Director, Office of Rural Health Policy, 5600 Fishers Lane, Room 9–05, Rockville, MD 20857, (301) 443–0835, jhuman@hrsa.ssw.dhhs.gov.

Dated: August 16, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–21399 Filed 8–21–96; 8:45 am]

BILLING CODE 4160–15–P

Final Project Requirements and Review Criteria for Cooperative Agreements for Partnerships for Health Professions Education for Fiscal Year 1996

The Health Resources and Services Administration (HRSA) announces the final project requirements and review criteria for cooperative agreements for Partnerships for Health Professions Education. This model/demonstration program will be jointly funded under sections 738(b) (Minority Faculty Fellowship Program), 739 (Centers of Excellence in Minority Health Professions Education), and 740 (Health Careers Opportunity Program) of the Public Health Service Act, as amended by the Health Professions Education Extension Amendments of 1992, Pub. L. 102–408, dated October 13, 1992.

Purpose

The purposes of this program are to: (1) Assist schools in supporting programs of excellence in health professions education for minority students, (2) assist individuals from disadvantaged backgrounds to undertake education to enter and graduate from a health professions school and (3) to assist schools in increasing the number of underrepresented minority faculty members at such schools.

A proposed notice was published in the Federal Register on April 29, 1996 at 61 FR 18750 for public comment. No comments were received during the 30-day comment period. Therefore, the proposed project requirements and review criteria will be retained as follows:

Final Project Requirements

The following project requirements are final:

1. The Partnerships for Health Professions Education cooperative agreement is to include efforts to increase the numbers and quality of:

(a) Minority and disadvantaged health professionals who provide health services to underserved populations and

(b) Minority faculty serving in health professions schools. This would be accomplished through comprehensive geographically defined cooperative initiatives involving several educational and community-based institutions and organizations. Specifically, the project is to establish and test a model comprehensive program in a defined geographic area (e.g., region, state, metropolitan or rural area). The project would bring together a variety of educational and community entities into a formal educational continuum that addresses:

(a) The needs of minority and disadvantaged students through graduation from a health professions school, and

(b) Junior minority faculty aspiring to senior faculty positions in health professions schools.

2. The proposed model must encompass formulation of academic-community educational partnerships including:

(a) Formal linkages among health profession and prehealth profession schools, where both have strong histories and established administrative infrastructures for addressing the types of purposes proposed in this model program;

(b) Linkages among health professions schools and community based health care entities serving underserved populations. This would allow targeted health professions school students to be offered experiences in the delivery of health services in community-based facilities located at sites remote from the institution; and

c. Consortium arrangements (where appropriate) among participating health professions schools.

4. The Partnerships for Health Professions Education Programs shall, for a geographically prescribed area establish:

(a) An educational and non-educational support system designed to improve the quality of the minority applicant pool involving preliminary education, facilitating entry (including post baccalaureate projects where appropriate) and retention activities at the health professions school level. There should be an uninterrupted continuum to assist students through graduation from a health professions school. This would be accomplished through development and implementation of activities related to all the purposes identified in sections 738(b), 739, and 740 of the PHS Act.

(b) Minority faculty development initiatives designed to recruit and provide a formal structured program of preparation in such areas as pedagogical skills, program administration, grant writing and publication skills, research methodology, development of research proposals and community service abilities under a senior faculty mentor. It should involve pre-faculty appointment, faculty fellowship opportunities and retention for junior minority faculty in health professions schools;

(c) Information resources and curricula addressing minority health issues and clinical education at community based sites remote from the health professions school that predominantly serve underserved populations; and

(d) Faculty and student research on health issues particularly affecting minority groups.

5. Measurable, outcome oriented and time framed performance outcome standards will be used to evaluate the project.

6. All award recipients must agree to maintain institutional expenditures of non-Federal funds in an amount not less than the previous fiscal year.

7. Program activities and experiences related to the establishment of the Partnerships for Health Professions Education Program must be documented in a format that would allow for future duplication by other institutional organizations.

Final Review Criteria

The following criteria are final:

1. The relationship of the applicants proposal to the purposes stated for the Partnerships for Health Professions Education Program, the comprehensiveness and geographic base of the proposed project, the extent to which linkages with community entities and institutions are documented, and the degree to which the proposed project plans are transferable to other institutions.

2. The extent, institutional commitment and outcomes of past efforts and activities of the institution in conducting minority/disadvantaged programs, the extent to which applicant data indicate trends, the numbers and type (race/ethnicity, gender) of individuals that can be expected to benefit from the project, and suitability

of participant eligibility requirements, selection criteria, and process.

3. The relevance of objective(s) to the stated problem and need, and to model purposes; their measurability and attainability within a specific time frame; and the extent to which they represent outcome measures.

4. The scope of specific activities and their relevance to the stated objectives and projected outcomes; their appropriateness for a Partnership for Health Professions Education Program; their soundness in terms of the extent and nature of the academic content and non-academic services; and their validity as to the methodologies, logic and sequencing proposed.

5. The administrative and managerial capability of the applicant to conduct the project, qualifications of the staff and faculty, their academic and experiential background and time commitment, the nature and degree of their involvement, and their experience in working with the proposed target group.

6. The appropriateness of the budget for assuring effective utilization of cooperative agreement funds and the institutional or organizational plan for phasing-in income from other sources and developing self-sufficiency for continuing the program after Federal funding.

7. The degree to which the applicant has made significant efforts to increase the number of minority individuals serving in faculty or administrative positions at the health professions school.

8. Techniques and methods to be employed in evaluating the project.

Additional Information

Requests for technical or programmatic information should be directed to: Dr. Ciriaco Q. Gonzales, Director, Division of Disadvantaged Assistance, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8A–09, 5600 Fishers Lane, Rockville, Maryland 20857.

This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is also not subject to the Public Health System Reporting Requirements.

Dated: August 16, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–21400 Filed 8–21–96; 8:45 am]

BILLING CODE 4160–15–P

Substance Abuse and Mental Health Services Administration

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Center for Substance Abuse Prevention (CSAP) National Advisory Council in September 1996.

The agenda includes the review, discussion and evaluation of individual grant applications and contract proposals. Therefore, a portion of this meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c) (3), (4) and (6) and 5 U.S.C. App. 2 10(d).

On September 12, additional agenda items will include a presentation from the Department of Education and Department of HUD, discussions of administrative matters and announcements, and reports by workgroups of the SAMHSA National Advisory Council and the CSAP National Advisory Council.

A summary of this meeting and roster of committee members may be obtained from Ms. Vera Jones, Acting Committee Management Officer, CSAP, Rockwall II Building Suite 7A140, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–9542.

Substantive program information may be obtained from the contact whose name, room number and telephone number is listed below.

Committee Name: Center for Substance Abuse Prevention National Advisory Council.

Meeting Date(s): September 11–12, 1996.

Place: Bethesda Marriott Residence Inn, 7335 Wisconsin Avenue, Bethesda, Maryland 20814.

Closed: September 11, 1996, 1:00 p.m. to 5:00 p.m.

Open: September 12, 1996, 8:30 a.m. to 5:00 p.m.

Contact: Yuth Nimit, Ph.D., Rockwall Building, Suite 7A–140; Telephone: (301) 443–8455.

Dated: August 16, 1996.

Jeri Lipov,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 96–21401 Filed 8–21–96; 8:45 am]

BILLING CODE 4162–20–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–960–1120–00]

Notice of Meeting

AGENCY: Bureau of Land Management (BLM), Montana, Miles City District, Interior.

ACTION: Notice of Meeting.

SUMMARY: The Miles City District Resource Advisory Council will have a meeting Tuesday, September 24, 1996 at 10:00 a.m. in the Miles City District Office Conference Room located at 111 Garryowen Road, just west of Miles City. The meeting is called primarily to discuss proposed plan amendments related to block management and off-highway vehicles, Bureau of Reclamation divestiture proposal, water rights, and an update on the status of development of Rangeland Health Standards and Guidelines. The meeting is expected to last until 4:00 p.m.

The meeting is open to the public and the public comment period is set for 1:00 p.m. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying during regular business hours.

FOR FURTHER INFORMATION CONTACT: Marilyn Krause, Public Affairs Specialist, Miles City District, 111 Garryowen Road, Miles City, Montana 59301, telephone (406) 232–4331.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management. The 15 member Council includes individuals who have expertise, education, training or practical experience in the planning and management of public lands and their resources and who have a knowledge of the geographical jurisdiction of the Council.

Dated: August 13, 1996.

Todd Christensen,

Acting District Manager.

[FR Doc. 96–21368 Filed 8–21–96; 8:45 am]

BILLING CODE 4310–DN–P

[ID–933–1430–01; IDI–18881, IDI–18512]

Termination of Desert Land Entry and Carey Act Classifications and Opening Order; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates a Desert Land Entry and Carey Act Classification on 80.00 acres and a non-suitable Desert Land Entry Classification on 40.00 acres so the lands can be exchanged under Sec. 206 of the Federal Land Policy and Management Act of 1976. The lands will be open to surface entry and mining. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706–2500, 208–384–3166.

SUPPLEMENTARY INFORMATION: On May 16, 1982, 80.00 acres were classified suitable for entry and on March 30, 1983, 40.00 acres were classified unsuitable for entry under the authority of the Desert Land Act of March 3, 1877, as amended and supplemented (43 U.S.C. 321, et. seq.) and the Carey Act of August 18, 1894 (28 Stat. 422), as amended (43 U.S.C. 641 et seq.), the classifications are hereby terminated and the segregation for the following described lands are hereby terminated:

Boise Meridian

(IDI–18881)

T. 6 S., R. 3 E.,
Sec. 5, N½SE¼.

(IDI–18512)

T. 1 N., R. 2 W.,
Sec. 13, SE¼SE¼.

The areas described above aggregate 120.00 acres in Owyhee and Canyon Counties.

At 9:00 a.m. on August 22, 1996, the above described lands will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m., on August 22, 1996, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

At 9:00 a.m. on August 22, 1996, the lands will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: August 12, 1996.

Jimmie Buxton,

Branch Chief, Lands and Realty.

[FR Doc. 96–21427 Filed 8–21–96; 8:45 am]

BILLING CODE 4310–GG–P

[MT–924–1430–01; MTM 82176]

Conveyance of Public Lands and Order Providing for Opening of Public Lands; Broadwater and Gallatin Counties; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order informs the public and interested state and local governmental officials of the conveyance of 750.27 acres of public lands out of Federal ownership and will open 251.74 acres of surface estate reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.* (1988) to the operation of the public land laws. The lands acquired in the exchange contain significant riparian habitat and provide public fishing and river access. The public is well served through completion of this land exchange.

EFFECTIVE DATE: November 11, 1996.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2949.

SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that in an exchange of lands made pursuant to Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716 (1988), the following described lands were transferred to Huem Holding, Inc.:

Principal Meridian, Montana

T. 3 N., R. 2 E.,
Sec. 12, lots 6 and 7, and SW¼NW¼.
T. 4 N., R. 2 E.,
Sec. 12, lot 6;
Sec. 26, W½;
Sec. 34, E½.

Total acreage conveyed: 750.27 acres.

2. In the exchange for the above lands, the United States acquired the following described lands from Huem Holding, Inc., and Michael S. and Cynthia Huempfner:

Principal Meridian, Montana

T. 4 N., R. 2 E.,
Sec. 11, lots 1, 5, and 6, and SE¼NE¼.
T. 4 N., R. 3 E.,
Sec. 7, S½SE¼;
Sec. 18, lot 1 and NE¼NE¼, excepting therefrom, however, a strip of land extending through the same, or so much of such strip of land as may be within said described premises, of the width of 400 feet, lying between two lines each drawn parallel to and distant 200 feet from the center line of the main track of the Northern Pacific Railway Company, as the same is now located, constructed and operated on, over and across said described premises, or within 200 feet of same.

Total acreage acquired: 251.74 acres.

3. The value of the Federal land was appraised at $52,000.00 and the private land was appraised at $52,150.00. The difference in value was waived and no equalization payment was made.

4. At 9 a.m. on November 11, 1996, the lands described in paragraph 2 will be opened only to the operation of the public land laws generally, subject to valid exiting rights and requirements of applicable law. All valid applications received at or prior to 9 a.m. on November 11, 1996, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: August 13, 1996.

Thomas P. Lonnie,

Deputy State Director, Division of Resources.

[FR Doc. 96–21430 Filed 8–21–96; 8:45 am]

BILLING CODE 4310–DN–P

[ID–030–06–1430–01; IDI–29465]

Exchange of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action; Exchange of Public Lands in Bonneville, Clark, Fremont, and Jefferson Counties, Idaho.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716;

Boise Meridian, Idaho

Parcel A

T. 6 N., R. 35 E.,
Sec. 13, SE¼;
Sec. 24, lots 1, 3, 5, 7.
T. 6 N., R. 36 E.,
Sec. 3, lots 4, 6 to 9, inclusive, and lots 12 to 15, inclusive, S½NW¼, SW¼;

Sec. 4, lot 1, S½N½, S½;
Sec. 8, E½;
Sec. 9, All;
Sec. 10, lots 2 to 5, inclusive, and lots 8 to 11, inclusive, W½;
Sec. 15, lots 2 to 5, inclusive, and lots 8 to 11, inclusive, W½, SW¼SE¼;
Sec. 17, All;
Sec. 18, lots 3, 4, E½SW¼, E½;
Sec. 19, lots 5, 7, 9, 11;
Sec. 20, lots 1, 3, 5, 7;
Sec. 21, lots 1, 2, 5, 7, N½NE¼;
Sec. 22, lots 9 to 12, inclusive, and lots 14 to 17 inclusive, W½NE¼, W½, SW¼SE¼;
Sec. 23, NW¼SW¼.

Parcel B

T. 2 N., R. 37 E.,
Sec. 12, lots 9, 10.

The areas described contain 5,288.29 acres.

In exchange for these lands, the United States will acquire the following described lands from the State of Idaho:

Boise Meridian, Idaho

Parcel I

T. 13 N., R. 32 E.,
Sec. 36, N½NE¼, NE¼NW¼, SW¼.

Parcel II

T. 12 N., R. 33 E.,
Sec. 16, N½, E½SW¼, SE¼.

Parcel III

T. 12 N., R. 33 E.,
Sec. 36, lots 1 to 4 inclusive, N½, N½S½.

Parcel IV

T. 13 N., R. 33 E.,
Sec. 16, All.

Parcel V

T. 13 N., R. 33 E.,
Sec. 36, All.

Parcel VI

T. 11 N., R. 34 E.,
Sec. 16, N½, S½SW¼, SE¼.

Parcel VII

T. 12 N., R. 34 E.,
Sec. 16, N½NE¼, SE¼NE¼, W½, SW¼SE¼.

Parcel VIII

T. 12 N., R. 34 E.,
Sec. 36, lot 4, SW¼NW¼, NW¼SW¼, N½N½.

Parcel IX

T. 9 N., R. 37 E.,
Sec. 16, All.

Parcel X

T. 9 N., R. 37 E.,
Sec. 17, SE¼SW¼, W½SE¼;
Sec. 19, SE¼SE¼;
Sec. 20, W½NE¼, E½NW¼, S½SW¼, NE¼SW¼, SE¼;
Sec. 29, N½, N½S½.

Parcel XI

T. 9 N., R. 37 E.,
Sec. 21, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 28, NE¼, E½NW¼, NE¼SW¼, N¼SE¼, SE¼SE¼.

Parcel XII

T. 8 N., R. 38 E.,
Sec. 36, All.

Parcel XIII

T. 4 N., R. 40 E.,
Sec. 36, unsurveyed portion.

Parcel XIV

T. 8 N., R. 40 E.,
Sec. 16, All.

Parcel XV

T. 9 N., R. 40 E.,
Sec. 36, lots 1 to 4, inclusive, W½E½, W½.

The areas described contain 8,264.08 acres.

DATES: The publication of this notice in the Federal Register will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

ADDRESSES: Detailed information concerning the exchange is available for review at the Idaho Falls Bureau of Land Management Office, 1405 Hollipark Dr., Idaho Falls, Idaho 83401.

SUPPLEMENTARY INFORMATION: The purpose of the land exchange is to facilitate more efficient management of the public lands through consolidation of ownership and to benefit the public interest by obtaining important resource values. The exchange is consistent with the local Bureau of Land Management's land use plans and the public interest will be well served by making this exchange. An environmental assessment, prepared to analyze impacts of the proposed exchange, is available for public review.

The value of the lands to be exchanged will be of equal value. Acreages will be adjusted to equalize values upon completion of a final appraisal of both the state and BLM-administered public lands.

The exchange will be subject to:

1. All valid existing rights, including any rights-of-way, easements, permits, or lease of record.

2. A reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. A recreational easement over and across a 100 foot strip parallel to the high water line of the left bank of the Snake River along Lots 9 and 10, T. 2 N., R. 37 E., B.M.

For a period of 45 days from the date of publication of this notice in the Federal Register interested parties may submit comments to the District Manager at the above address. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: August 12, 1996.

Joe Kraayenbrink,

Area Manager, Medicine Lodge Resource Area.

[FR Doc. 96–21428 Filed 8–21–96; 8:45 am]

BILLING CODE 4310–GG–P

Minerals Management Service

Agency Information Collection Activities: Submission for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension for five currently approved information collections.

SUMMARY: The Department of the Interior has submitted five proposals for the collections of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995 (Act). The Act provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ADDRESSES: Submit comments and suggestions directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0044, 1010–0045, 1010–0046, 1010–0039, or 1010–0017), Washington, DC 20503.

Send a copy of your comments to the Chief, Engineering and Standards Branch, Mail Stop 4700, Minerals Management Service, 381 Elden Street, Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Engineering and Standards Branch, Mail Stop 4700, Minerals Management Service, 381 Elden Street, Herndon, Virginia 22070–4817; telephone (703) 787–1600. You may obtain copies of the proposed collection of information and related forms by contacting MMS's Clearance Officer at the telephone number listed below.

SUPPLEMENTARY INFORMATION:

Titles: Application for Permit to Drill, Form MMS–123; Sundry Notices and Reports on Wells, Form MMS–124; Well Summary Report, Form MMS–125; Well Potential Test Report and Request for Maximum Production Rate (MPR), Form MMS–126; and Semi-Annual Well Test Report, Form MMS–128.

OMB Control Numbers (Form Numbers): 1010–0044 (MMS–123); 1010–0045 (MMS–124); 1010–0046 (MMS–125); 1010–0039 (MMS–126); 1010–0017 (MMS–128).

Abstract: Section 3506 of the Act (44 U.S.C. Chapter 35) requires that OMB provide interested Federal agencies and the public an opportunity to comment on information collection requests.

The Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 *et seq.*, requires the Secretary of the Interior to preserve, protect, and develop oil and gas resources in the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on the resources offshore; preserve and maintain free enterprise competition, and ensure that the extent of oil and natural gas resources of the OCS is assessed at the earliest practicable time. To carry out these responsibilities, the MMS issued rules governing oil and gas and sulphur operations in the OCS. These rules and the associated information collection requirements are contained in 30 CFR Part 250, Subpart D, Drilling Operations; Subpart E, Well-Completion Operations; Subpart F, Well-Workover Operations; Subpart G, Abandonment of Wells; Subpart K, Production Rates; and Subpart P, Sulphur Operations. Various sections of these Subparts require lessees to submit several MMS forms.

Failure to collect this information would prevent the Director from carrying out the mandate of the OCSLA and implementing the provisions contained in 30 CFR Part 250. The following explains how MMS uses the information collected and the consequences if MMS did not collect the information.

a. Form MMS–123, Application for Permit to Drill: MMS uses the information to determine the conditions of a drilling site in order to avoid hazards inherent in drilling operations and to decide whether the drilling operations are safe and environmentally sound. If MMS did not collect this information, we could not ensure that drilling operations were planned to minimize the risks to personnel and the environment.

b. Form MMS–124, Sundry Notices and Reports on Wells: MMS District Supervisors use the information to evaluate the adequacy of the equipment, materials, and/or procedures that the lessee plans to use for drilling, production, well-completion, and well-workover operations. These include deepening and plugging back and well-abandonment operations, including temporary abandonments where the wellbore will be reentered and completed or permanently abandoned. If MMS did not collect this information, we could not review lessee plans to require changes to drilling procedures or equipment to ensure that levels of safety and environmental protection are maintained. Nor could we review information concerning requests for approval or subsequent reporting of well-completion or well-workover operations to ensure that procedures and equipment are appropriate for the anticipated conditions.

c. Form MMS–125, Well Summary Report: MMS District Supervisors use the information to ensure that they have accurate data on the wells under their jurisdiction and to ensure compliance with approved plans. It is also used to evaluate remedial action in well-equipment failure or well-control loss situations.

d. Form MMS–126, Well Potential Test Report and Request for Maximum Production Rate (MPR): MMS District Supervisors use this form to determine the MPR for an oil or gas well. The form contains information concerning the conditions and results of a well-potential test. This requirement carries out the conservation provisions of the OCSLA and 30 CFR Part 250. Failure to collect this information could result in waste of energy resources in the OCS by production at imprudent rates, jeopardizing the ultimate full recovery of hydrocarbons.

e. Form MMS–128, Semi-annual Well Test Report: MMS Gulf of Mexico and Pacific Regional Supervisors use this information to evaluate the results of well tests to find out if reservoirs are being depleted in a way that will lead to the greatest ultimate recovery of hydrocarbons. The form is designed to present current well data on a semiannual basis to allow the updating of permissible producing rates and to provide the basis for estimates of currently remaining recoverable gas reserves.

Description of Respondents: Federal OCS oil and gas lessees.

Frequency: Forms MMS–123, MMS–124, MMS–125, and MMS–126, are on occasion; Form MMS–128 is semi-annual.

Estimated Number of Respondents: 130 respondents for each form.

Estimate of Annual Burden:

MMS–123 1,013 responses @ 2 hrs per response = 2,026 hours.

MMS–124 9,950 responses @ 1 hr per response = 9,950 hours.

MMS–125 2,118 responses @ 1 hr per response = 2,118 hours.

MMS–126 4,040 responses @ 1.4 hr per response = 5,656 hours.

MMS–128 1,716 responses @ 2 hrs per response = 3,432 hours.

Comments: The OMB is required to make a decision concerning the proposed collection of information between 30 and 60 days after publication of this notice in the Federal Register. Therefore, a comment to OMB is best ensured of having its full effect if OMB receives it within 30 days of publication.

Bureau Clearance Officer: Carole deWitt (703) 787–1242.

Dated: July 11, 1996.

Henry G. Bartholomew,

Deputy Associate Director for Operations and Safety Management.

[FR Doc. 96–21431 Filed 8–21–96; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Jimmy Carter National Historic Site; Advisory Commission Meeting

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Jimmy Carter National Historic Site Advisory Commission will be held at 8:30 a.m. to 4:00 p.m., at the following location and date.

DATE: October 1, 1996.

LOCATION: Plains High School Visitor Center/Museum, North Bond Street, Plains, Georgia 31780.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Boyles, Superintendent, Jimmy Carter National Historic Site, Route 1, Box 800, Andersonville, Georgia 31711, (912) 924–0343.

SUPPLEMENTARY INFORMATION: The purpose of the Jimmy Carter National Historic Site Advisory Commission is to advise the Secretary of the Interior or his designee on achieving balanced and accurate interpretation of the Jimmy Carter National Historic Site.

The members of the Advisory Commission are as follows:

Dr. Steven Hochman
Dr. James Sterling Young
Dr. Donald B. Schewe
Dr. Henry King Stanford

Dr. Barbara Fields

Director, National Park Service, Ex-Officio member

The matters to be discussed at this meeting include the status of park development and planning activities. This meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the commission a written statement concerning the matters to be discussed. Written statements may also be submitted to the Superintendent at the address above. Minutes of the meeting will be available at Park Headquarters for public inspection approximately 4 weeks after the meetings.

Dated: July 30, 1996.

Jean Belson,

Acting Field Director.

[FR Doc. 96–21363 Filed 8–21–96; 8:45 am]

BILLING CODE 4310–70–M

Mojave National Preserve, Advisory Commission; Notice of Meetings

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Mojave National Preserve Advisory Commission will be held September 11, 1996; assemble at 9:30 AM at the Hole-in-the-Wall Campground, Mojave National Preserve, California. September 12, 1996, leave at 9:30 AM from the Hole-in-the-Wall Information Center, Mojave National Preserve; travel by vehicle to Zzyzx at Soda Dry Lake.

The agenda: Project Agreement for Northern and Eastern Mojave Planning Effort; Status Report update; Wild Horse and Burro Management and Soda Springs Management Options (Zzyzx).

The Advisory Commission was established by Public Law 103–433 to provide for the advice on the development and implementation of the General Management Plan.

Members of the Commission are: Micheal Attaway, Irene Ausmus, Rob Blair, Peter Burk, Dennis Casebier, Donna Davis, Nathan 'Levi' Esquerra, Gerald Freeman, Willis Herron, Eldon Hughes, Claudia Luke, Clay Overson, Norbert Riedy, Mal Wessel.

This meeting is open to the public.

Mary G. Martin,

Superintendent, Mojave National Preserve.

[FR Doc. 96–21362 Filed 8–21–96; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil Action No. 96–389–BMZ]

United States v. Woman's Hospital Foundation and Woman's Physician Health Organization; Public Comments and United States' Response to Public Comments

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States publishes below the comments received on the proposed Final Judgment in *United States* v. *Woman's Hospital Foundation and Woman's Physician Health Organization*, Civil Action 96–389–BMZ, United States District Court for the Middle District of Louisiana, together with the response of the United States to the comments.

Copies of the response and the public comments are available on request for inspection and copying in Room 200 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Washington, DC 20530, and for inspection at the Office of the Clerk of the United States District Court for the Middle District of Louisiana, United States Courthouse, 777 Florida Street, Suite 208, Baton Rouge, Louisiana 70801.

Rebecca P. Dick,

Deputy Director of Operations, Antitrust Division.

United States' Response to Public Comments

Pursuant to the requirements of the Antitrust Procedures and Penalties Act (commonly referred to as the ''Tunney Act''), 15 U.S.C. 16(b)–(h), the United States hereby responds to public comments regarding the Consent Decree proposed to settle this proceeding in the public interest. The United States received several comments from a single source, General Health, Inc. (''General Health''). General Health does not oppose entry of the Consent Decree. Rather, one of its comments points out an inadvertent mistake in the language of the Decree which has been corrected to reflect the original intent of the parties. (A revised Final Judgment will be filed shortly with the Court as an attachment to a motion for entry of the Judgment.) General Health's two other comments suggest additional prophylactic relief. After careful consideration of these comments, the United States concludes that the additional relief suggested by General Health is not necessary because the proposed Consent Decree, as amended, will provide an effective and appropriate remedy for the antitrust violations alleged in the Complaint. Once the public comments and this Response have been published in the Federal Register, pursuant to 15 U.S.C. 16(d), the United States will move the Court to enter the Consent Decree.

On April 23, 1996, the United States filed a Complaint alleging that Defendants Woman's Hospital Foundation and Woman's Physician Health Organization (''WPHO'') violated sections 1 and 2 of the Sherman Act, 15 U.S.C. 1, 2. At the same time, the United States filed a proposed Consent Decree, a Stipulation signed by all parties agreeing to entry of the Decree following compliance with the Tunney Act, and a Competitive Impact Statement (''CIS''). On May 6, 1996, the United States filed a Notice of Amendment of Competitive Impact Statement and an Amended Competitive Impact Statement.

Pursuant to the Tunney Act, on May 3, 1996, the Defendants filed the required description of certain written and oral communications made on their behalf. A summary of the terms of the proposed Decree and the CIS and directions for the submission of written comments were published in the *Washington Post* for seven consecutive days, from April 28, through May 4, 1996, and in the *Baton Rouge Advocate* from April 30, through May 7, 1996. The proposed Consent Decree and the CIS were published in the Federal Register on May 10, 1996. 61 FR 21,489 (1996).

The 60-day period for public comments began on May 10, 1996, and expired on July 9, 1996. General Health submitted several comments; the United States is filing them as attachments to this Response. The United States has concluded that the Consent Decree, as amended, reasonably, adequately, and appropriately addresses the harm alleged in the Complaint. Therefore, following publication of the comments and this Response, the United States will move this Court to hold that entry of the proposed Consent Decree, as amended, is in the public interest.

I. Background

Woman's Hospital Foundation owns and operates Woman's Hospital, a facility with 149 staffed acute care beds. Woman's Hospital provides a range of care, including inpatient, outpatient, and home health services, to women and infants in the Baton Rouge area. It is the dominant provider of private inpatient obstetrical care in Baton Rouge.

In the late 1980's, competition among doctors for participation in managed care plans created the opportunity for the entry of other Baton Rouge area

hospitals into the market for inpatient obstetrical care. Woman's Hospital viewed the new entrants, particularly the Health Center, owned by General Health, as a serious competitive threat because General Health also owned the Gulf South Health Plans, Inc. (''Gulf South''), the largest managed care plan in Baton Rouge.

In June 1992, in an effort to stave off competition from the new Health Center, Woman's Hospital entered into negotiations with General Health offering to continue contracting at discounted hospital rates with Gulf South in return for General Health's agreement not to provide inpatient obstetrical services for the next 5 to 7 years. Woman's Hospital eventually retreated from this particular attempt to foreclose competition from the Health Center.

In 1993, Woman's Hospital made another effort to prevent new entrants from becoming significant competitors. Woman's Hospital formed an economic alliance with its medical staff in the form of defendant WPHO, a physician hospital organization. WPHO's purpose was to establish a minimum physician fee schedule and serve as a joint bargaining agent on behalf of Woman's Hospital and participating doctors with managed care payers. Through WPHO, Woman's Hospital hoped to assure the continued ''loyalty'' of its medical staff. Nearly every OB/GYN on Woman's Hospital's medical staff joined WPHO. The physicians' agreement with WPHO authorized it to contract with managed care plans on behalf of doctors at or above a minimum fee schedule. WPHO did not develop utilization review standards, and the agreement to limit price competition was not reasonably necessary to further any efforts by WPHO to encourage physicians to practice more cost effectively.

Defendants and WPHO physicians collectively obtained higher fees for OB/GYNs, deprived managed care plans of the ability to selectively contract with OB/GYNs, and prevented the development of competition for inpatient obstetrical services.

These actions, along with the additional conduct alleged in the Complaint, violated Sections 1 and 2 of the Sherman Act.

II. Response to Public Comments

The comments on the Consent Decree are from a single source, General Health, whose relationship with Woman's Hospital is discussed above. General Health does not object to the entry of the proposed Decree, rather its comments suggest changes or additions to the relief set forth. Each of General Health's comments is discussed separately below.

1. General Health's first comment refers to the language used in the definition of ''qualified managed care plan'' (''QMCP''). General Health proposes that the last phrase of Section II (G)(1)(b) be amended to add the underscored word ''or'' as follows: ''so long as Woman's Hospital *or* WPHO and they do not own an interest in another physician network * * *.'' (''They'' refers to any single physician or single pre-existing physician practice group.) The rationale for the proposed change is to make clear that the prohibition against ownership in another physician network applies to any physician network in which Woman's Hospital and ''they'' or WPHO and ''they'' are involved, rather than only to physician networks in which all three entities are involved. The United States discussed this comment with Defendants' counsel who concurs that the proposed change actually clarifies the original intent of the parties.

2. General Health's second comment suggests adding two provisions to the proposed Decree. First, General Health would add a prohibition against Woman's Hospital and WPHO participating in ''any agreement relating to prices, terms, or conditions upon which physician services are provided to patients'' except in connection with a QMCP or messenger model. Second, General Health would add a provisions enjoining consenting physicians from participating in ''any agreement relating to the prices, terms or conditions upon which Woman's Hospital provides hospital services to patients'' except in connection with a QMCP or messenger model. The rationale asserted for these proposed changes is that the Final Judgment will not prevent the defendants and consenting physicians from ''informally'' engaging in the same types of anticompetitive conduct alleged in the Complaint.

The United States believes that the Court should enter the proposed Consent Decree without these additions. The proposed ''addition'' to the injunctive relief against Woman's Hospital and WPHO neither differs substantively from, nor adds to, the relief already provided. Contrary to General Health's contention, the proposed Final Judgment does not permit Woman's Hospital and WPHO to engage in ''informal'' anticompetitive conduct. Specifically, Section IV(A)(1) enjoins Woman's Hospital and WPHO from ''directly, or through any agent, organization or other third party, expressing views on, or conveying information on, competing physicians' prices or other terms and conditions, or negotiating on behalf of competing physicians.'' Any attempt by Woman's Hospital or WPHO informally to enter into an agreement relating to prices or other terms and conditions for the provision of competing physicians' services would violate this Section of the proposed Decree.

General Health's suggestion to prohibit consenting physicians from participating in agreements involving Woman's Hospital's fees would add a substantive provision that is inappropriate and unnecessary. This additional injunctive relief would prevent a single consenting physician from participating in a managed care plan controlled solely by another area hospital for the purpose of competing with other managed care companies simply because Woman's Hospital was also participating in the other hospital's plan. Such circumstances do not necessarily raise competitive concerns. In fact, to the extent that formation of such a plan offers consumers additional choice in the marketplace, its formation could be procompetitive.

Moreover, the allegations in the Complaint directed at physicians involve agreements among competing physicians concerning the prices charged for physician services. The United States has not alleged any anticompetitive conduct resulting from an agreement by physicians regarding the fees charged for Woman's Hospital services. The injunctive relief against consenting physicians in Section IV(B)(2) provides appropriate and adequate relief by prohibiting them from ''participating in or facilitating any agreement among competing physicians on fees or other terms and conditions for physician services, including the willingness of physicians to contract on any terms with particular payers or to use facilities competing with Woman's Hospital's facilities * * *.'' In sum, the proposed Decree provides appropriate and adequate relief for the violations alleged in the Complaint.

3. General Health's third comment suggests that any network operated by Defendants based on a messenger model should be subject to the 30% physician participation limitation placed on a QMCP and the requirement of prior written approval for its formation from the Department of Justice.

These additional limitations are inappropriate. The messenger model in the proposed Consent Decree uses an agent or third party to facilitate the transfer of information concerning prices and other competitively sensitive information between individual physicians and purchasers of physician

services. The critical feature of a properly devised and operated messenger model, as defined by the Decree, is that individual providers make their own separate decisions about whether to accept or reject a purchaser's proposal, independent of the other physicians' decisions and without any influence by the messenger. Thus, the messenger model in the Decree already contains adequate safeguards against its being used as a vehicle for organizing a physician boycott. As explained in the CIS, the messenger may not coordinate individual providers' responses to a particular proposal, disseminate to physicians the messenger's or other physician's views or intentions concerning the proposal, act as an agent for collective negotiation and agreement, or otherwise serve to facilitate collusive behavior. CIS at 18.

Because a QMCP, in contrast to a messenger model, allows for some collective decision-making among competing physicians, including agreements among competitors on the prices for their services, a QMCP presents a greater risk of collusive behavior. For this reason, in the circumstances of this case, the proposed Decree requires that defendants obtain prior approval from the Department of Justice to operate a QMCP and limits physician ownership participation to no more than 30% in any relevant market.

III. The Legal Standard Governing the Court's Public Interest Determination

The Tunney Act directs the Court to determine whether entry of the proposed Decree ''is in the public interest.'' 15 U.S.C. § 16(e). In making that determination, ''the court's function is not to determine whether the resulting array of rights and liabilities is one that will *best* serve society, but only to confirm the resulting settlement is within the *reaches* of the public interest.'' *United States* v. *Western Elec. Co.,* 993 F.2d 1572, 1576 (D.C. Cir.), *cert. denied*, 114 S. Ct. 487 (1993) (internal quotation and citation omitted).[1]

The Court should evaluate the relief set forth in the Decree in light of the claims alleged in the Complaint and should enter the Decree if it falls within the Government's ''rather broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995).

[1] The *Western Electric* decision concerned a consensual modification of an existing antitrust decree. The Court of Appeals assumed that the Tunney Act was applicable.

The Court is not ''to make *de novo* determination of facts and issues.'' *Western Elec.,* 993 F.2d at 1577. Rather, ''[t]he balancing of competing social and political interests affected by a proposed antitrust decree must be left, in the first instance, to the discretion of the Attorney General.'' *Id.* (internal quotation and citation omitted throughout). In particular, the Court must defer to the Department's assessment of likely competitive consequences, which it may reject ''only if it has exceptional confidence that adverse antitrust consequences will result—perhaps akin to the confidence that would justify a court in overturning the predictive judgments of an administrative agency.'' *Id*[2]

The Tunney Act does not empower the Court to reject the remedies in the proposed Decree based on the belief that ''other remedies were preferable.'' *Microsoft*, 56 F.2d at 1460. To a great extent it is the realities and uncertainties of litigation that constrain the role of courts in Tunney Act proceedings. *See United States* v. *Gillette Co.,* 406 F. Supp. 713, 715–16 (D. Mass. 1975). As Judge Greene has observed:

> If courts acting under the Tunney Act disapproved proposed consent decrees merely because they did not contain the exact relief which the court would have imposed after a finding of liability, defendants would have no incentive to consent to judgment and this element of compromise would be destroyed. The consent decree would thus as a practical matter be eliminated as an antitrust enforcement tool, despite Congress' directive that it be preserved.

United States v. *American Tel. & Tel. Co.,* 552 F. Supp. 131, 151 (D.D.C. 1982), *aff'd sub nom., Maryland* v. United States, 460 U.S. 1001 (1983) (Mem.). Indeed, where, as here, the Consent Decree comes before the Court at the time the Complaint is filed, ''the district judge must be even more deferential to the government's predictions as to the effect of the proposed remedies * * *.'' *Microsoft*, 56 F.3d at 1461.

IV. Conclusion

As required by the Tunney Act, the United States will publish the public comments and this Response in the Federal Register. After such publication, the United States will notify this Court and move for entry of the proposed Consent Decree based on this Court's determination that the Decree is in the public interest.

[2] The Tunney Act does not give a court authority to impose different terms on the parties. *See, e.g., United States* v. *American Tel. & Tel. Co.,* 552 F. Supp. 131, 153 n.95 (D.D.C. 1982), *aff'd sub nom. Maryland* v. *United States*, 460 U.S. 1001 (1983) (Mem.); *accord* H.R. Rep. No. 1463, 93d Cong., 2d Sess. 8 (1974). A court, of course, may condition entry of a decree on the parties' agreement to a different bargain, *see, e.g., AT&T,* 552 F. Supp. at 225, but if the parties do not agree to such terms, the court's only choices are to enter the decree the parties proposed or to leave the parties to litigate.

Respectfully submitted,

Mark J. Botti, Pamela C. Girardi,

U.S. Department of Justice, Antitrust Division, Liberty Place—Suite 400, 325 7th St., N.W., Washington, D.C. 20530, (202) 307–0827.

L.J. Hymel,

United States Attorney.

By: ____________

John J. Gaupp LBN # 14976,

Assistant United States Attorney, 777 Florida St., Suite 208, Baton Rouge, LA 70801, (504) 389–0443, Local Counsel.

June 25, 1996

Pam Girardi
United States Department of Justice
Health Care Task Force
Room 434
325 7th St., N.W.
Washington, D.C. 20530

Dear Ms. Girardi: As we discussed over the phone last week, we would like to comment, on behalf of our client General Health, Inc., on the Department's proposed consent order with Woman's Hospital and Woman's Physician Hospital Organization. We will formally submit our comments before the comment period expires on July 9th. However, I have attached a draft of our comments for your information, and to facilitate an informal discussion of our proposed comments. I would appreciate having an opportunity to discuss our comments with you before we formally submit them. I can be reached at (202) 861–1888. Thank you very much for your consideration.

Sincerely,

Michael R. Bissegger

II.

Definitions

(C) ''Qualified managed care plan'' means an organization that is owned, in whole or in part, by either or both of the defendants, offers a provider panel and satisfies each of the following criteria:

(1) Its owners or not-for-profit members (''members'') who compete with other owners or members or with subcontracting physicians participating in the plan, (a) [NO CHANGE] and (b) in combination with the owners and members of all other physician networks in which Woman's Hospital, WPHO or any of them who own an interest constitute no more than 30% of the physicians in any relevant physician market, except that it may include any single physician, or any single preexisting physician practice group for each relevant physician market, so long as Woman's Hospital or WPHO and they

do not own an interest in another physician network;

(2) [NO CHANGE]

(3) [NO CHANGE]

(4) [NO CHANGE]

(5) [NO CHANGE]

The organization * * * [NO CHANGE]

[RATIONALE FOR CHANGE]

The word ''or'' (at the bottom of page 7) is needed to make it clear that the prohibition identified after the phrase ''so long as'' (at the bottom of page 7) is against any physician network in which two of the three parties (*e.g.*, Woman's Hospital and the single physician or preexisting physician group practice, but not WPHO), rather than only prohibiting a physician network in which all three are involved (*e.g.*, Woman's Hospital, WPHO, and a single physician or preexisting physician group).

IV.

Injunctive Relief

(A) Woman's Hospital and WPHO are enjoined from:

(7) Directly, or indirectly, entering into, or participating in, any agreement relating to the prices, terms, or conditions upon which physician services are provided to patients; unless such an agreement is necessary for the formation, organization, or operation of a qualified managed care plan or messenger model as defined herein, and approved in writing by the Department of Justice. Nothing in this paragraph IV(A)(7) prevents Woman's Hospital or WPHO from entering an agreement with a managed care plan or network for the provision of hospital services, provided that such managed care plan or network is not owned or controlled by Woman's Hospital, WPHO, or any consenting physician.

(B) Each consenting physician is enjoined from:

(3) Directly, or indirectly, entering into, or participating in, any agreement relating to the prices, terms, or conditions upon which Woman's Hospital provides hospital services to patients; unless such an agreement is necessary for the formation, organization, or operation of a qualified managed care plan or messenger model as defined herein, and approved in writing by the Department of Justice.

[RATIONALE FOR CHANGE]

The formation of WPHO and the other acts included in the complaint represent the continuation of a long-standing pattern of concerted action among many of the physicians in the community and Woman's Hospital. The restrictions and limitations placed on the defendants and consenting physicians go a long way toward preventing future agreements on price, concerted refusals to deal, and other forms of anticompetitive concerted action undertaken through a formal agreement or organization such as WPHO. However, without the type of prohibition or fencing in provision suggested above, the defendants and consenting physicians will remain relatively free to informally engage in the same types of anticompetitive conduct as alleged in the complaint through other means.

Given the fact that the defendants and consenting physicians have a history of coordinating their actions and have already ironed out a lot of the mechanics of concerted action, it would be particularly easy for these defendants and consenting physicians to continue their previous course of conduct without creating the formal agreements and organizational structure prohibited by the Final Order. Consequently, we believe it is imperative that the Final Order address the potential for the traditional, informal price agreements, boycotts, etc. that have been such a significant part of antitrust enforcement for almost a century.

(D) Nothing in this Final Judgment prohibits the defendants or the consenting physicians from

(1) Forming, operating, owning an interest in, or participating in (a) a messenger model (provided such messenger model satisfies each of the criteria used to define a qualified managed care plan in II.(G)), or (b) a qualified managed care plan, if defendants obtain prior written approval from the Department of Justice, which will not be withheld unreasonably, or

(2) [NO CHANGE]

[RATIONALE FOR CHANGE]

The Department's complaint alleges that the defendants engaged in two types of anticompetitive behavior: an agreement on price among and between physicians and Woman's Hospital; and an agreement among and between physicians and Woman's Hospital regarding with whom physicians would deal (only those payers willing to negotiate with WPHO), and would not deal (General Health's Health Center). The provisions in the Final Judgement relating to qualified managed care plans clearly address both the potential for price fixing and for collective agreements not to deal. However, while the messenger model provisions contain in the Final Judgement do apparently address the potential for price fixing agreements, the Final Judgement is ambiguous as to whether or not the messenger model provisions are subject to the limitations placed on qualified managed care plans that prevent or hinder the formation of collective agreements not to deal. Without similar limitations, a messenger model could be a vehicle for providers to collectively agree not to deal.

The Competitive Impact Statement would apparently allow Women's Hospital and WPHO to use a messenger model that is not subject to the limitations, including the percentage of physicians that can participate, that are placed on the defendants' development of a qualified managed care plan. We believe that any negotiating organization developed by the defendants using the messenger model should be subject to the same constraints as those placed on a qualified managed care plan, and that the language of the Final Judgement and Competitive Impact Statement should be modified to make that limitation explicit.

The price-fixing protections contained in the definition of the messenger model do not adequately protect against the messenger model becoming the means for boycott activity. A physician network organized and operating according to the messenger model defined in the Final Judgement is indeed, less likely to lead to price fixing behavior, but it is wholly inadequate to prevent or even significantly hinder attempts among the participants to collectively refuse to deal. For example, the messenger model as defined would not prohibit the messenger from informing participating physicians about the number of physicians that have agreed to participate in a given plan, as long as the messenger does not covey any information about prices or terms. Similarly, the messenger would not be prohibited from communicating to physicians how many other physicians were generally participating in the network. The messenger would also be allowed to provide physicians with a comparison of offers from various payers, which could easily become a means for conveying to physicians which payer contracts are favored, and which ones are not.

Obviously, the language of the messenger model provisions could be modified to address the problems noted above. However, it would be extremely difficult to ascertain whether defendants are complying with the substantive protections included in the messenger model provisions. Ensuring or verifying compliance is particularly important given the fact that WPHO has already

been used as a vehicle to boycott the new Health Center. Subjecting a messenger model network to a 30% limit on participation, as well as to the other qualified managed care plan limitations, is not only the most effective way to prevent a boycott from being effective, but also makes compliance easily verifiable.[1] Allowing defendants to operate a messenger model that does not require DOJ approval and does not limit the number of physicians who can participate, would be imprudent and would jeopardize the efficacy of the Final Judgment. Consequently, we believe that any network operated by defendants based on a messenger model should be subject to all the limitations placed on a qualified managed care plan.

A 30% participation limitation on the messenger model would also have a significant deterrent effect on any attempts to use the messenger model as a means to coordinate pricing because managed care plans competing with the Woman's Hospital/WPHO qualified managed care plan could exclude the 30% of the doctors involved in the price fix. Consequently, there would be little incentive for only 30% of the physicians to agree on prices. Therefore, the 30% participation limit goes a long way toward preventing such an agreement from taking place.

If it is important to prevent both price fixing and boycott activity via the formation of a managed care plan, it is illogical to address only the price fixing potential inherent in a negotiating organization of physician and hospital providers. The use of the messenger model alone does not address the potential for such a negotiating organization to be the vehicle for organizing a boycott. Without limitations such as those placed on qualified managed care plans, a messenger model could be a vehicle for providers to collectively agree not to deal. Similarly, we cannot see any distinction between a messenger model and qualified managed care plan that justifies not requiring prior written DOJ approval for operating a messenger model. Consequently, we believe that the messenger model should be limited to participation by 30% of the physicians in any relevant market, and should be subject to the other restrictions placed on qualified managed care plans. Finally, we recommend that the defendants and consenting physicians also be required to obtain prior written approval from the DOJ before forming, operating, owning an interest in, or participation in a messenger model.

[1] While 30% of the physicians in a market could attempt a boycott, it is unlikely they would try because a boycott consisting of only 30% of the physicians in any relevant market would undoubtedly, and obviously fail.

Certificate of Service

I, Pamela Girardi, hereby certify that copies of the United States' Response to Public Comments in *U.S.* v. *Women's Hospital Foundation and Woman's Physician Health Organization,* Civ. No. 96–389–B–MZ were served on the 15th day of August 1996 by first class mail to counsel as follows:

John J. Miles,
Ober, Kaler, Grimes & Shriver, Fifth Floor, 1401 H Street, NW., Washington, DC 20005.

Toby G. Singer,
Jones, Day, Reavis & Pogue, 1450 G Street, NW., Washington, DC 20005.

Pamela C. Girardi.

[FR Doc. 96–21432 Filed 8–21–96; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Mitchell F. West, D.O., Denial of Application

On January 24, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Mitchell F. West, D.O., (Respondent) of Bethel Park, Pennsylvania, notifying him of an opportunity to show cause as to why DEA should not deny his application, dated July 7, 1993, for a DEA Certificate of Registration pursuant to 21 U.S.C. 823(f), as being inconsistent with the public interest. The order also notified the Respondent that, should no request for a hearing be filed within 30 days, the hearing right would be deemed waived. The order was mailed by certified mail, and a signed return receipt dated January 30, 1996, was received by the DEA. However, no request for a hearing or any other reply was received by the DEA from the Respondent or anyone purporting to represent him in this matter. Subsequently, on March 25, 1996 the investigative file was transmitted to the Deputy Administrator for final agency action.

Therefore, the Deputy Administrator, finding that (1) thirty days have passed since the issuance of the Order to Show Cause, and (2) no request for a hearing has been received, concludes that the Respondent is deemed to have waived his hearing right. After considering relevant material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.54(e) and 1301.57.

The Deputy Administrator finds that, in July of 1992, the Respondent voluntarily surrendered his DEA Certificate of Registration prior to receiving a misdemeanor conviction in the Court of Common Pleas of Allegheny County, Pennsylvania, for prescribing controlled substances ''not in good faith in the course of this professional practice.'' On July 7, 1993, the Respondent applied for a new Certificate of Registration, disclosing his prior voluntary surrender and for circumstances surrounding that event.

Further investigation disclosed that on September 23, 1993, and on October 8, 1993, the Respondent unlawfully wrote prescriptions without a legitimate medical purpose, and obtained possession of Schedule II controlled substances containing oxycodone. Consequently, on May 16, 1994, the Respondent pleaded guilty to two counts of unlawful possession of controlled substances by misrepresentation, in violation of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, (Drug Act) resulting in a state felony conviction. The investigation revealed that the Respondent had a substance abuse problem, and as part of his court sentence, he was ordered to seek evaluation for substance abuse and to ''follow all treatment recommendations.''

Also, on July 20, 1994, the Respondent pleaded guilty to one count of delivering a controlled substance in violation of the Drug Act, again a felony offense. Consequently, on December 5, 1994, the State Board of Osteopathic Medicine (Board) ordered the Respondent to ''cease and desist immediately from the practice of osteopathic medicine in the Commonwealth of Pennsylvania'' because of his felony convictions. From these facts, the Deputy Administrator infers that, since the Respondent is not authorized to practice medicine in Pennsylvania, he also lacks authorization to handle controlled substances in that state.

The Drug Enforcement Administration cannot register a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts his business. *See* 21 U.S.C. 823(f) (authorizing the Attorney General to register a practitioner to dispense controlled substances only if the applicant is authorized to dispense controlled substances under the laws of the state in which he or she practices); and 802(21) (defining ''practitioner'' as one

authorized by the United States or the state in which he or she practices to handle controlled substances in the course of professional practice or research). This prerequisite has been consistently upheld. *See* Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992); Myong S. Yi, M.D., 54 FR 30,618 (1989); Bobby Watts, M.D., 53 FR 11,919 (1988).

Further, pursuant to 21 U.S.C. 823(f), the Deputy Administrator may deny an application for a DEA Certificate of Registration if he determines that granting the registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety. These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration denied. *See* Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989).

In this case, all five factors are relevant in determining whether granting the Respondent's application would be inconsistent with the public interest. As to factor one, ''recommendation of the appropriate State licensing board * * *'', the Board, after reviewing the Respondent's unlawful professional conduct, ordered the Respondent to cease the practice of osteopathic medicine in Pennsylvania. It is therefore reasonable to infer, and the Respondent does not deny, that because he is not authorized to practice medicine, he is not authorized to handle controlled substances in Pennsylvania as a result of the Board's order.

As to factor two, the Respondent's ''experience in dispensing * * * controlled substances,'' factor three, the Respondent's ''conviction record under Federal or State laws relating to * * * controlled substances'', and factor four, the Respondent's ''[c]ompliance with applicable State, Federal, or local laws relating to controlled substances,'' it is undisputed that the Respondent has received two state felony convictions since September of 1993, for violating the Drug Act by unlawfully possessing controlled substances, and unlawfully delivering controlled substances. Such conduct directly violates the public's interest in the continuation of lawful and safe handling of controlled substances.

Finally, as to factor five, ''[s]uch other conduct which may threaten the public health and safety,'' the Deputy Administrator finds it significant that the Respondent demonstrated a blatant disregard of Federal legal requirements by knowingly handling controlled substances without possessing a DEA Certificate of Registration; in fact, he engaged in such conduct while his application for a registration was pending. Further, the Respondent's failure to respond to the Order to Show Cause, either by requesting a hearing or by submitting a written response, indicates that he is either unwilling or unable to proffer support at the present time for his application.

Therefore, the Deputy Administrator finds that the public interest is best served by denying the Respondent's application. Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823, and 28 CFR 0.100(b) and 0.104, hereby orders that the Respondent's application for a DEA Certificate of Registration be, and it hereby is, denied. This order is effective September 23, 1996.

Dated: August 13, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–21416 Filed 8–21–96; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

August 16, 1996.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley ((202) 219–5095). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OAW/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the Federal Register.

The OMB is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment and Training Administration.

Title: Quarterly Determinations, Allowance activities and Employability Services Under the Trade Act; Training Waivers Issued and Revoked.

OMB Number: 1205–0016.

Agency Number: ETA–563. ETA–9027.

Frequency: Quarterly.

Affected Public: State, Local or Tribal Government.

Form	Responses	Average time per response (minutes)	Total burden
ETA–563.	45 (average 95 reports per quarter).	12	3,420
ETA–9027.	52	15	52

Total Burden Hours: 3,472.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: Quarterly data on trade adjustment assistance and the North American Free Trade Agreement (NAFTA) activity is needed for timely program evaluation necessary for competent administration; and for providing legally mandated reports to the Congress on the Trade Adjustment Assistance Program. Quarterly number of waivers of training issued and removed by reasons are needed for proper administration and to provide statutorily required reports to the Congress.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–21437 Filed 8–21–96; 8:45 am]

BILLING CODE 4510–30–M

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the collection of the ETA 203, Characteristics of the Insured Unemployed. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before October 21, 1996. The Department of Labor is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSEE: Cynthia Ambler, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, Room S–4231, 200 Constitution Ave., NW., Washington, DC, 20210; telephone number (202) 219–9204; fax (202) 219–8506 (these are not toll free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

This report serves a variety of socio-economic needs at both the State and National offices because it provides the only demographic information on the insured unemployed. Among these needs are promoting employment opportunities, improving utilization of manpower resources, evaluation of the unemployment insurance program and projecting workloads and budgets. These areas can be tracked not just nationally but on a State by State basis. This report becomes particularly useful during economic downturns when interest in the composition of the insured unemployed is particularly high.

II. Current Actions

This report continues to be needed as it is the only source of demographic information on the insured unemployed.

Type of Review: Extension without change.

Agency: Employment and Training Administration.

Title: Characteristics of the Insured Unemployed.

OMB Number: 1205–0009.

Agency Number: ETA 203.

Affected Public: State Government.

Cite/Reference/Form/etc: ETA 203.

Total Respondents: 53.

Frequency: Monthly.

Total Responses: 636.

Average Time per Response: .34 hours.

Extimated Total Burden Hours: 212.

Total Burden Cost (capital/startup): $4,240.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 16, 1996.

Mary Ann Wyrsch,

Director, Unemployment Insurance Service.

[FR Doc. 96–21436 Filed 8–21–96; 8:45 am]

BILLING CODE 4510–30–M

Pension and Welfare Benefits Administration

Working Group on Guidance for Selecting and Monitoring Service Providers, Advisory Council on Employee, Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Guidance for Selecting and Monitoring Service Providers of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Sept. 10, 1996, in Room S3215 A&B, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the meeting, which will run from 9:30 a.m. to noon, is to receive testimony from mutual funds and insurance industry officials on how to guide plans in selecting investment consultants and advisers.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Aug. 28, 1996, to Sharon Morrissey, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group on Guidance for Selecting and Monitoring Service Providers should forward their request to the Acting Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by Sept. 3, 1996, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Acting Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before Aug. 28.

Signed at Washington, D.C., this 16th day of August 1996.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 96–21438 Filed 8–21–96; 8:45 am]

BILLING CODE 4510–29–M

Pension and Welfare Benefit Administration

Working Group Studying Third Party Trustees To Protect Plan Participants, Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Protections for Benefit Plan Participants of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Sept. 10, 1996, in Room S–3215 A&B, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the meeting, which will be held from 1 to 3:30 p.m., is to receive testimony on the issue.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Aug. 28, 1996 to Sharon Morrissey, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group on Protections for Benefit Plan Participants of the Advisory Council should forward their request to the Acting Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by Sept. 3, at the address indicated in the notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Acting Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before Aug. 28, 1996.

Signed at Washington, DC this 16th day of August, 1996.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 96–21439 Filed 8–21–96; 8:45 am]

BILLING CODE 4510–29–M

Pension and Welfare Benefits Administration Full Council Meeting; Advisory Council on Employee Welfare and Benefits Plans

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a full council meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Sept. 11, 1996, in Room S–3215 A&B, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

The purpose of this meeting, which will be from 1 to 2 p.m., is to brief Assistant Secretary Berg on the status of the Working Groups' progress in meeting the challenges they agreed to accept this year. The council will also be briefed by Assistant Secretary Berg on the activities and accomplishments of the agency and the department.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Aug. 28, 1996, to Sharon Morrissey, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives or organizations wishing to address the Advisory Council should forward their request to the Acting Executive Secretary of telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by Sept. 3 at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Acting Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before Aug. 28, 1996.

Signed at Washington, DC this 16th day of August, 1996.

Olena Berg,

Assitant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 96–21440 Filed 8–21–96; 8:45 am]

BILLING CODE 4510–29–M

Working Group on the Impact of Alternative Tax Reform Proposals on ERISA Employer-Sponsored Plans; Advisory Council on Employee Welfare and Pension Benefits Plans Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on the Impact of Alternative Tax Proposals on ERISA Employer-Sponsored Plans of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Sept. 11, 1996, in Room S–3215 A&B, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the meeting, which will be held from 9:30 a.m. to noon, is to take public testimony on various federal tax reform proposals and the impact they may have on employer-sponsored ERISA plans.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Aug. 28, 1996, to Sharon Morrissey, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group on the Impact of Alternative Tax Proposals on ERISA Employer-Sponsored Plans should forward their request to the Acting Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by Sept. 3 at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Acting Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before Aug. 28, 1996.

Signed at Washington, DC this 16th day of August, 1996.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 96–21441 Filed 8–21–96; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to establish a new information collection for submitting requests for copies of pages of Federal land entry case files that are in the National Archives of the United States. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before October 28, 1996 to be assured of consideration.

ADDRESSES: Comments should be sent to: Paperwork Reduction Act Comments (PIRM–POL), Room 4100, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740–6001; or faxed to 301–713–7270; or electronically mailed to nancy.allard@arch2.nara.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Nancy Allard at telephone number 301–713–6730, ext. 226, or fax number 301–713–7270.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed collection information is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (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 the use of information technology. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

Title: National Archives Order for Land Claim Records.

OMB number: New collection; number to be assigned.

Agency form number: NATF 84.

Type of review: Regular.

Affected public: Individuals who wish to order copies of land claim records in the National Archives of the United States.

Estimated number of respondents: 14,000.

Estimated time per response: 10 minutes.

Frequency of response: On occasion (when respondent wishes to search for or order copies of land claim records).

Estimated total annual burden hours: 2,334 (rounded off number).

Abstract: The NATF form 84 will be used by researchers to request that NARA search for and make copies of pages from Federal land entry case files (land claim records) in the custody of the National Archives. These records generally date from 1800 to approximately 1965. Submission of requests on a form is necessary to handle in a timely fashion the volume of requests received for these records (approximately 14,000 per year) and the need to obtain specific information from the researcher to search for the records sought. The form will be printed on carbonless paper as a multi-part form to allow the researcher to retain a copy if his request and NARA to respond to the researcher on the results of the search or to bill for copies if the researcher wishes to order the copies. As a convenience, the form will allow researchers to provide credit card information to authorize billing and expedited mailing of the copies. NARA is not able at present to accept electronic submission of requests; however, we intend to address security of financial information and other issues as we continue our efforts to increase electronic access to NARA and its holdings.

Dated: August 16, 1996.

L. Reynolds Cahoon,

Assistant Archivist for Policy and IRM Services.

[FR Doc. 96–21433 Filed 8–21–96; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL COMMUNICATIONS SYSTEM

National Communications System Directive; Communications Resource Information Sharing Initiative

AGENCY: National Communications System (NCS).

ACTION: Notice of NCS Directive.

SUMMARY: This directive establishes National Communications System (NCS) policies pertaining to administering and using the NCS Communications Resource Information Sharing (CRIS) initiative.

Information: Telephone (703) 607–6104 or write the Manager, National Communications System, 701 S. Courthouse Rd., Arlington, VA 22204–2198.

Dennis Bodson,

Chief, Technology and Standards Division.

NCS Directive 3–9

Telecommunications Operations

Communications Resource Information Sharing Initiative

1. *Purpose.* This directive establishes National Communications System (NCS) policies pertaining to administrating and using the NCS Communications Resource Information Sharing (CRIS) initiative.

2. *Applicability.* This directive is binding upon NCS and other Executive entities that voluntarily elect to participate in the CRIS initiative.

2. *Authority.* This directive is issued under the authority of Executive Order No. 12472, ''Assignment of National Security and Emergency Preparedness Telecommunications Functions,'' April 3, 1984; 49 Federal Register 13471, April 5, 1984; and NCS Directive 1–1, ''National Communications System (NCS) Issuance System,'' November 30, 1987.

4. *References.*

a. Executive Order No. 12472, ''Assignment of National Security and Emergency Preparedness Telecommunications Functions,'' April 3, 1984, 49 Federal Register 13471.

b. Executive Order No. 12656, ''Assignment of Emergency Preparedness Responsibilities,'' November 18, 1988.

c. ''A Concept of Operations for the NCS Communications Resource Information Sharing (CRIS) Initiative,'' April 2, 1994.

5. *General.*

a. Many Federal departments and agencies possess communications resources in the form of assets, services, and capabilities which could be shared

voluntarily with other Federal departments and agencies. The NCS CRIS initiative establishes an information source which provides resource points of contact, associated communications resources, and supporting information for use by CRIS participants.

b. The CRIS information source will facilitate on a voluntary basis the sharing of communications resources in non-Presidentially declared disasters, emergencies, or as necessary for critical needs.

c. Use of CRIS shall not interfere with departmental or agency missions and operations.

d. Participants will identify resource points of contact to facilitate the rapid coordination and sharing of resources.

e. Participants having centralized control points or operations centers for managing communications assets may elect to identify only the control point as the point of contact. If the resources are regionally based and administered, the controlling entity may elect to decentralize CRIS participation and identify regional control points as the points of contact.

f. Identification of CRIS resources may include government-owned and -leased or otherwise government-controlled communications resources.

g. Supporting information in the CRIS information source will include minimum coordination guidance to ensure non-interference.

h. Providers of CRIS resources may establish terms and conditions related to the sharing of CRIS resources.

6. *Responsibilities.*

a. The NCS Committee of Principals is the approving body for the CRIS Initiative. The Office of the Manager, NCS (OMNCS), will provide technical, administrative, and maintenance support in developing and implementing CRIS. Upon implementation, the OMNCS will also act as a coordinator for CRIS.

b. The Federal Emergency Management Agency (FEMA), General Services Administration (GSA), and OMNCS will coordinate on implementing and maintaining the CRIS information source, and distributing the information to ensure CRIS activities do not conflict with the disaster and emergency management responsibilities of FEMA and GSA during Presidentially declared emergencies.

c. CRIS participants will:

(1) Help develop the CRIS information source and maintain the currency and accuracy of their information contained in the information source.

(2) Use CRIS in conjunction with other activities (e.g., national security and emergency preparedness exercises) to assess its effectiveness.

(3) Ensure that the missions and operations of departments and agencies are not adversely impacted when using CRIS.

(4) Coordinate the use of existing radio frequency authorizations to ensure that interference with other authorized radio services does not occur when loaning spectrum-dependent resources.

7. *Authorizing Provisions.* An NCS Handbook to support this directive is authorized.

8. *Effective Date.* This Directive is effective immediately.

9. *Expiration.* This Directive is in effect until superseded or canceled.

Dated: February 12, 1996.

John H. Gibbons,

Director, Office of Science and Technology Policy.

[FR Doc. 96–21369 Filed 8–21–96; 8:45 am]

BILLING CODE 5000–03–M

NATIONAL SCIENCE FOUNDATION

Committee of Visitors Meeting in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Committee of Visitors in Design, Manufacture, and Industrial Innovation—(1194).

Date and Time: September 10–11, 1996, 8:30 a.m.–5:00 p.m.

Place: Rooms 530 and 580, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Georgia-Ann Klutke, Program Director, Operations and Productions Systems Program, (703) 306–1330, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Closed Session: September 10–11, 1996, 8:30 a.m.–5:00 p.m., to provide oversight review of the Operations and Production Systems Program.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: August 19, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–21445 Filed 8–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—(1194).

Date and Time: September 10, 1996, 8:30 a.m.–5:00 p.m.

Place: Room 380, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Darryl Gorman, SBIR Program Manager, SBIR Office, (703) 306–1391, Liselotte Schioler, Program Officer, Materials Research, (703) 306–1836, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate SBIR Phase I proposals concerning Materials Research and NanoMaterials as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 USC 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 19, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–21446 Filed 8–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub L. 92–

463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—(1194).
Date and Time: September 11, 1996, 8:30 a.m.–5:00 p.m.
Place: Room 380, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.
Type of Meeting: Closed.
Contact Person: Sara Nerlove, SBIR Program Manager, SBIR Office, (703) 306–1391, Lawrence Scadden, Program Officer, Education and Human Resources, HRD, (703) 306–1636, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.
Agenda: To review and evaluate SBIR Phase I proposals concerning Education and Human Resources as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 USC 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 19, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–21447 Filed 8–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—(1194).
Date and Time: September 11–12, 1996, 8:30 a.m.–5:00 p.m.
Place: Rooms 360 and 375, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.
Type of Meeting: Closed.
Contact Person: Sara Nerlove, SBIR Program Manager, SBRI Office, (703) 306–1391, Chalmers, Sechrist, Program Officer, Education and Human Resources, HRD, (703) 306–1667, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.
Agenda: To review and evaluate SBIR Phase I proposals concerning Education and Human Resources, Undergraduate Education as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary of confidential nature including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: August 19, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–21448 Filed 8–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Elementary, Secondary and Informal Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Elementary, Secondary and Informal Education (#59).
Date and Time: Monday, September 9, 1996; 8:00 a.m. until 6:00 p.m.
Place: National Science Foundation, 4201 Wilson Blvd. 3rd Fl., Arlington, VA 22230.
Type of Meeting: Closed.
Contact Person: Dr. Roger Mitchell, Program Director, Division of Elementary, Secondary and Informal Education, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1616.
Purpose of Meeting: To provide advice and recommendations concerning Preliminary proposals for the Parent Involvement in Science, Mathematics, and Technology Education Program submitted to NSF for financial support.
Agenda: To review and evaluate proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 19, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–21450 Filed 8–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geosciences: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in the Geosciences (1756).
Date and Time: September 9 and September 10, 1996; 8:30 am to 5:00 pm.
Place: Room 770, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.
Type of Meeting: Closed.
Contact Person: Dr. Sunanda Basu, Program Director, Aeronomy; Dr. Robert M. Robinson, Program Director, Upper Atmosphere Facilities; Division of Atmospheric Sciences; Room 775; 4201 Wilson Boulevard; Arlington, VA 22230; telephone number (703) 306–1518.
Purpose of Meeting: To provide and make recommendations concerning the Coupling, Energetics and Dynamics of Atmospheric Regions (CEDAR) proposals.
Agenda: To review and evaluate the Coupling, Energetics and Dynamics of Atmospheric Regions (CEDAR) proposals.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, and personal information concerning individuals associated with the proposals. These matters are exempted under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 19, 1996.

M. Rebecca Winkler,

Committee Management Office.

[FR Doc. 96–21449 Filed 8–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Polar Programs (1209).
Date and Time: September 11–13, 1996, 8:00 am–5:00 pm.
Place: Room 730, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.
Type of Meeting: Closed.
Contact Person: Scott Borg, Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1033.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate Antarctic Geology and Geophysics Program proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 19, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–21451 Filed 8–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Polar Programs (1209).

Date and Time: September 11–13, 1996, 8:00 am–5:00 pm.

Place: Room 1120, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Julie Palais, Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1033.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Antarctic Glaciology Program proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 19, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–21452 Filed 8–21–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Social, Behavioral, and Economic Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Social, Behavioral, and Economic Sciences (1766).

Date and Time: September 12 and 13, 1996; 8:30 am–5:00 pm.

Place: Room 920, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Persons: Rose Gombay and Christine French, Division of International Programs, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1702.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate U.S. research proposals for international collaboration in materials research as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 19, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–21453 Filed 8–21–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–237 and 50–249]

Commonwealth Edison Company; Notice of Consideration of Issuance of Amendment to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–19 and DPR–25 issued to Commonwealth Edison Company (the licensee) for operation of the Dresden Nuclear Power Station, Units 2 and 3, respectively, located in Grundy County, Illinois.

The proposed amendment would delay the implementation of an amendment issued on June 28, 1996. The implementation of the June 28, 1996, license amendment was scheduled to take place 90 days after issuance of the amendment, prior to September 26, 1996. The amendment was the last in a series of amendments issued as part of the licensee's Technical Specification Upgrade Program (TSUP). Both Dresden units have been in forced maintenance outages and, as a result, the licensee has not been able to implement all of the Technical Specifications associated with the TSUP program.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed schedule changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because:

In general, the Technical Specification provisions approved under TSUP represent the conversion of current requirements to a more generic format, or the addition of requirements which are based on the current safety analysis. The delay of implementation of TSUP will result in delay in the incorporation of provisions that provide increased reliability of equipment assumed to operate in the current safety analysis, or provide continued assurance that specified parameters remain within their acceptance limits. A deferral in the implementation of the TSUP will not result in alteration of the precursors associated with the transients and accidents that the current technical specifications and TSUP are based on. Therefore, the deferral of TSUP implementation does not significantly increase the probability or consequences of a previously evaluated accident.

Create the possibility of a new or different kind of accident from any previously evaluated because:

In general, the Technical Specification provisions approved under TSUP represent the conversion of current requirements to a more generic format, or the addition of requirements which are based on the current safety analysis. TSUP provisions also represent minor curtailments of the current requirements which are based on generic guidance or previously approved provisions for other licensees. The changes to the Technical Specification approved under TSUP have not required design changes to the plant nor will the deferral of TSUP result in the creation of any design changes to Dresden Station. No new modes of equipment operation are introduced by the deferral of TSUP implementation. The deferral of TSUP implementation will maintain at least the present level of operability.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

Involve a significant reduction in the margin of safety because:

Some individual changes under TSUP included the adoption of new requirements which will provide enhancement of the

reliability of the equipment assumed to operate in the safety analysis, or provide enhanced assurance that specified parameters remain with their acceptance limits. The deferral of TSUP implementation will result in delay of realization of the addition of the enhanced provisions, but in no way creates an inadequacy of the current Technical Specifications to maintain the existing margin of safety. The margin of safety in the current Technical Specifications is adequate and is not reduced by the deferral of TSUP.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 23, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by

the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248–5100 (in Missouri 1-(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Robert A. Capra: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 16, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450.

Dated at Rockville, Maryland, this 19th day of August 1996.

For the Nuclear Regulatory Commission.

Robert M. Pulsifer,

Project Manager, Project Directorate III–2 Division of Reactor Projects—III/IV Office of Nuclear Reactor Regulation.

[FR Doc. 96–21403 Filed 8–21–96; 8:45 am]

BILLING CODE 7590–01–P

Proposed Generic Communication; Primary Water Stress Corrosion Cracking of Control Rod Drive Mechanism and Other Vessel Head Penetrations

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of public comment period.

SUMMARY: On August 1, 1996 (61 FR 40253), the NRC published for public comment a proposed generic letter concerning primary water stress corrosion cracking in control rod drive mechanisms and other vessel head penetrations of nuclear power reactors that requested addressees to describe their program for ensuring the timely inspection of PWR control rod drive mechanism (CRDM) and other vessel head penetrations. The comment period for this proposed generic letter was originally scheduled to expire on September 3, 1996. In a letter dated August 6, 1996, the Nuclear Energy Institute requested a 30-day extension of the comment period to permit sufficient time for the industry to assemble and develop comments. In response to this request, the NRC has decided to extend the comment period 30 days.

DATES: The comment period has been extended and now expires October 3, 1996. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Mail Stop T–6D–69, 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, N.W. (Lower Level), Washington, D.C.

FOR FURTHER INFORMATION CONTACT: C. E. (Gene) Carpenter (301) 415–2169.

Dated at Rockville, Maryland, this 14th day of August, 1996.

For the Nuclear Regulatory Commission.

Brian K. Grimes,

Acting Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 96–21405 Filed 8–21–96; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–37576; File No. SR–CHX–96–23]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by The Chicago Stock Exchange, Incorporated Relating to Limited Partnership Rollups, Depository Eligibility Requirements and Nasdaq/NM Securities

August 15, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 9, 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 CHX proposes to amend Rule 7(J), Article XXVIII of its rules, regarding the listing of securities related to limited partnership rollups and the depository eligibility requirement for issuers of domestic securities. The rule change also proposes to amend the following rules each relating to the trading of Nasdaq/NM Securities (i) Article XX, Rule 2, (ii) Article XX, Rule 37(a), interpretations and policies, .01, (iii) Article XX, Rule 43, (iv) Article XXVIII, Rule 18(b), (v) Article XXX, Rule 1, interpretations and policies .02, .03, (vi) Article XXX, Rule 23, interpretations and policies .01, (vii) Article XXXI, Rule 5, interpretations and policies .01, and (viii) Article XXXI, Rule 9(b).

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

[1] 15 U.S.C. 78s(b)(1).

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

On December 16, 1994, the Commission approved a proposed change to Exchange Rule 7, Article XXVIII relating to the listing of securities related to limited partnership rollups.[2] One purpose of this proposal is to update a citation referred to in this limited partnership rollup transaction rule. Specifically, because the NASD has overhauled its rules and has adopted a new numbering system, the NASD rule cited in the Exchange's limited partnership rollup transaction rule, Section 34 of Article III of the NASD's Rules of Fair Practice, should be replaced with its new cite, NASD Rule 2810.

On June 1, 1996, the Commission approved another proposed change to Rule 7, Article XXVIII of the Exchange's rules relating to the depository eligibility requirement for issuers who desire to list their securities on the Exchange.[3]

Another purpose of this proposed rule change is to renumber the limited partnership rollup rule as Rule 1(f) of Article XXVIII and the depository eligibility rule as Rule 1(g) of Article XXVIII. Specifically, because the Exchange has recently overhauled Article XXVIII in the process of creating Tier I and Tier II securities listing standards, the rules should be renumbered and placed appropriately within the new listing requirements.[4]

Finally, in response to a Commission request,[5] an additional purpose of the rule change is to update several of the citations in the Exchange's rule to NASDAQ/NMS Securities, with its new term Nasdaq/NM Securities. Because the Exchange currently has several proposed rule changes on file with the SEC relating to Nasdaq/NM Securities, the text of those rule filings should be deemed to be amended to reflect this new terminology.[6]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act[7] in general and furthers the objectives of Section 6(b)(5)[8] in particular in that it is designed to prevent fraudulent and manipulative acts and practices and to perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed change does not impose any burden on competition that is 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

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 a stated policy, practice or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(e) thereunder.[9]

At any time within 60 days of the filing of the 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, 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 also will be available for inspection and copying at the principal office of the Chicago Stock Exchange. All submissions should refer to File No. SR–CHX–96–23 and should be submitted by September 12, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–21371 Filed 8–21–96; 8:45 am]

BILLING CODE 8010–01–M

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[2] Securities Exchange Act Release No. 35111 (Dec. 16, 1994), 59 FR 66388 (Dec. 23, 1994) (order approving File No. SR–CHX–94–24).

[3] Securities Exchange Act Release No. 35798 (June 1, 1995), 60 FR 30909 (June 12, 1995) (order approving File No. SR–CHX–95–12).

[4] Securities Exchange Act Release No. 37481 (July 26, 1996), 61 FR 40270 (Aug. 1, 1996) (order approving File No. SR–CHX–95–26).

[5] *See*, Securities Exchange Act Release Nos. 37327 (June 19, 1995), 61 FR 32870 (June 25, 1996) (notice of File No. SR–CHX–96–15), and 37369 (June 25, 1996), 61 FR 34462 (July 2, 1996) (notice of File No. SR–CHX–96–16).

[6] *Id.*

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 17 CFR 240.19b–4(e).

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 2430]

Bureau for Oceans and International Environmental and Scientific Affairs; Information Collection Under Review

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register and allowed 60 days for public comment.

The purpose of this notice is to allow 30 days for public comments from the date listed at the top of this page in the Federal Register. This process is conducted in accordance with 5 Code of Federal Regulation, Part 1320.10.

1. *Summary:* The Department of State has established guidelines that require each shipment of shrimp shipped to the U.S. have a certification that shipments of shrimp have been harvested in a manner which does not harm sea turtles, pursuant to Section 609 of P.L. 101–162. The revised DSP–121 is necessary for that certification.

The following summarizes the information collection proposal submitted to OMB:

Type of request—Revision of a currently approved collection.

Originating office—Bureau for Oceans and International Environmental and Scientific Affairs.

Title of information collection—Shrimp Exporter's Declaration.

Frequency—Each shipment.

Form No.—DSP–121.

Respondents—Business or others for profit.

Estimated number of respondents—10,000.

Average hours per response—0.5.

Total estimated burden hours—5,000.

44 U.S.C. 3405(h) does not apply.

Additional Information or Comments: Copies of the proposed forms and supporting documents may be obtained from Charles S. Cunningham (202) 647–0596. Comments and questions should be directed to (OMB) Jefferson Hill (202) 395–3176.

Dated: August 14, 1996.

Patrick F. Kennedy,

Assistant Secretary for Administration.

[FR Doc. 96–21459 Filed 8–21–96; 8:45 am]

BILLING CODE 4710–24–M

[Public Notice No. 2432]

State Department Advisory Committee Study Group Meeting on Cross-Border Insolvency

The Study Group on Cross-Border Insolvency of the Secretary of State's Advisory Committee on Private International Law (ACPIL) will hold its next meeting on Saturday, September 7 from 10 a.m. to 4 p.m. in Houston, Texas, to review international efforts to harmonize rules on cross-border insolvency cases involving commercial entities.

The meeting will review draft United Nations rules for procedural aspects of cross-border insolvency, as set out in the recent Report of the U.N. Commission on International Trade Law (UNCITRAL) Working Group on Insolvency Law, which met for the second time in April 1996 (U.N. Doc. A/CN.9/422, April 25, 1996). No decision has been made as to the form the proposed rules should take, i.e. whether to prepare UN guidelines, a UN model law, or a multilateral treaty.

The Advisory Committee Study Group meeting will provide guidance for possible United States positions for the next meeting of the UNCITRAL intergovernmental Working Group in October 1996, and consider other possible United States initiatives as well.

UNCITRAL decided at its Plenary session in May, 1995 to work primarily on procedural, rather than substantive, rules. Based on the Report referenced above, this is likely to cover judicial cooperation; jurisdiction; access to proceedings for foreign representatives; the relationship between primary and other proceedings; the scope and effect of a possible stay; the scope of ''national treatment''; and related matters.

Other procedural concerns may be taken up at this stage in the U.N. process, depending on the interests of participating countries. Future issues, such as substantive law involving priorities of claims, distribution, discharge etc., might possibly be considered at a later stage, after an assessment of the current focus on procedural matters.

The effects of the UNCITRAL project generally on U.S. interests, and its impact on facilitation of commerce and trade will be considered, as well as its relationship to the work of the National Bankruptcy Review Commission. Current projects by other organizations will also be referred to, including the American Law Institute's project exploring possible harmonization of bankruptcy law between the NAFTA states, the International Bar Association's Concordat, the recent European Union proposed treaty on cross-border insolvency, as well as work by the International Association of Insolvency Practitioners (INSOL), the American Bankruptcy Institute, and others.

Background documents include the Report of the first UNCITRAL Working Group (UN Doc. A/CN.9/419, Dec. 1, 1995) and a Report by INSOL on the Joint Project of UNCITRAL and INSOL, March 1, 1995. Copies of these documents, as well as the IBA and European Union documents referred to, are available from the Legal Adviser's Office at the address indicated below.

The meeting will be held in Houston at the Chevron Tower, 51st floor conference room, 1301 McKinney Street, from 10 a.m. to 4 p.m., and is open to the public up to the capacity of the meeting room and subject to the rulings of the Chair. Since space may be limited, persons wishing to attend should advise either John Barrett at (713) 651–5202 or 8223, fax 651–5246, or Ms. Gonzales of the Office of Legal Adviser (L/PIL) at (202) 776–8420, or fax (202) 776–8482.

Persons who cannot attend the meeting are welcome to submit comments to the Legal Adviser's Office, L/PIL Suite 355 South Building, 2430 ''E'' Street, NW., Washington, DC 20037–2800, or by fax to (202) 776–8482. For further information on the United Nations Commission on International Trade Law or this project, please contact Harold S. Burman, Advisory Committee Executive Director, at the above address or fax number.

Peter H. Pfund,

Assistant Legal Adviser and Advisory Committee Co-Chair.

[FR Doc. 96–21566 Filed 8–21–96; 8:45 am]

BILLING CODE 4710–08–M

Office of the Secretary

[Public Notice 2429]

Extension of the Restriction on the Use of United States Passports for Travel To, In, or Through Lebanon

On January 26, 1987, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.73(a)(3), all United States passports, with the exception of passports of immediate family members of hostages in Lebanon, were declared invalid for travel to, in, or through Lebanon unless specifically validated for such travel. This action was taken because the situation in Lebanon was such that American citizens there could not be considered safe from terrorist acts.

Although the security situation continues to improve, the situation there has led me to conclude that Lebanon still continues to be an area ''. . . where there is imminent danger to the public health or the physical safety of United States travelers'' within the meaning of 22 U.S.C. 221a and 22 CFR 51.73(a)(3).

Accordingly, all United States passports shall remain invalid for travel to, in, or through Lebanon unless specifically validated for such travel under the authority of the Secretary of State.

This Public Notice shall be effective upon publication in the Federal Register and shall expire at midnight February 28, 1997, unless extended or sooner revoked by Public Notice.

Dated: August 7, 1996.

Warren Christopher,

Secretary of State.

[FR Doc. 96–21460 Filed 8–21–96; 8:45 am]

BILLING CODE 4710–10–M

[Public Notice 2423]

Bureau of Oceans and International Environmental and Scientific Affairs; Certifications Pursuant to Section 609 of Public Law 101–162

August 7, 1996.

SUMMARY: On April 30, 1995, the Department of State certified, pursuant to section 609 of Public Law 101–162, that 36 countries with commercial shrimp trawl fisheries have adopted programs to reduce the incidental capture of sea turtles in such fisheries comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States, or that the fishing environment in the countries does not pose a threat of the incidental taking of

species of sea turtles protected under U.S. law and regulations. The Department was unable to issue a certification on April 30 for Honduras and, as a result, imports of shrimp harvested in Honduras in a manner harmful to sea turtles were prohibited effective May 1, 1996, pursuant to Public Law 101–162. The Department of State subsequently issued a certification for Honduras on August 1, 1996 and, as a result, the ban on shrimp imports that had been in effect since May 1, 1996, was lifted. In a related matter, the Department has determined that, beginning September 1, 1996, all shipments of shrimp and shrimp products, regardless of the date of export, will be subject to the provisions of section 609 of Public Law 101–162 and the Revised State Department Guidelines implementing that law.

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Hollis Summers, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520–7818; telephone: (202) 647–3940.

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101–162 prohibits imports of shrimp from certain nations unless the President certifies to the Congress by May 1 of each year either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department Guidelines for making the required certifications were published in the Federal Register on April 19, 1996 (61 FR 17342).

On April 30, 1996, the Department of State certified that 36 shrimp harvesting nations have met, for the current year, the requirements of the law. The Department of State was unable to certify Honduras at that time. As a result, imports of shrimp from Honduras that were harvested in ways harmful to sea turtles were prohibited pursuant to Public Law 101–162 effective May 1, 1996, due solely to substantial evidence that the requirement imposed on commercial shrimp trawl vessels in Honduras to use turtle excluder devices was not being properly enforced.

More recent evidence demonstrates that a credible, reliable enforcement regime is once again in place in Honduras. The Department of State, therefore, was able to certify to Congress that Honduras has a regulatory program governing the incidental capture of sea turtles that is comparable to the program in effect in the United States.

In another matter related to section 609 of Public Law 101–162, the Revised State Department Guidelines published in the Federal Register on April 19, 1996 (61 FR 17342) contained determination that import prohibitions imposed in 1996 pursuant to the law shall not apply to shipments of shrimp and products of shrimp with a date of export prior to May 1, 1996. Accordingly, such shipments that were in transit prior to May 1, 1996 have been permitted to enter the United States. The Department of State has now determined that, by August 31, 1996, sufficient time will have elapsed in which such shipments should have reached the United States. Beginning September 1, 1996, therefore, all shipments of shrimp and shrimp products to the United States will be subject to the provisions of section 609 of Public Law 101–162 and the Revised Guidelines, regardless of the date of export. These provisions require, among other things, that each such shipment be accompanied by a completed Shrimp Exporter's/Importer's Declaration (DSP–121, revised).

Dated: August 7, 1996.

R. Tucker Scully,

Acting Deputy Assistant Secretary for Oceans.

[FR Doc. 96–21461 Filed 8–21–96; 8:45 am]

BILLING CODE 4710–09–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Settlement on Import Limits and Guaranteed Access Levels and Adjusting an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in El Salvador

August 16, 1996.

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

ACTION: Issuing a directive to the Commissioner of Customs amending restraint period and limit, adjusting limit and announcing signing of ITA–370P form.

EFFECTIVE DATE: August 23, 1996.

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

SUPPLEMENTARY INFORMATION:

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

In a Memorandum of Understanding (MOU) dated July 18, 1996, the Governments of the United States and El Salvador agreed, pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC), to establish limits for Categories 342/642 for a three-year term—March 29, 1996 through December 31, 1996; January 1, 1997 through December 31, 1997; January 1, 1998 through December 31, 1998; and January 1, 1999 through March 28, 1999. The two governments also agreed to establish Guaranteed Access Levels (GALs) for Categories 342/642 for the periods January 1, 1997 through December 31, 1997; January 1, 1998 through December 31, 1998; and January 1, 1999 through March 28, 1999.

In a separate MOU dated July 18, 1996, the two governments agreed to increase the base level for Categories 352/652 for the period January 1, 1996 through December 31, 1996.

Beginning on August 23, 1996, the U.S. Customs Service will start signing the first section of the form ITA–370P for shipments of U.S. formed and cut parts in Categories 342/642 that are destined for El Salvador and subject to the GAL established for Categories 342/642 for the period beginning on January 1, 1997 and extending through December 31, 1997. These products are governed by Harmonized Tariff item number 9802.00.80.8015 and chapter 61 Statistical Note 5 and chapter 62 Statistical Note 3 of the Harmonized Tariff Schedule. Interested parties should be aware that shipments of cut parts in Categories 342/642 must be accompanied by a form ITA–370P, signed by a U.S. Customs officer, prior to export from the United States for assembly in El Salvador in order to qualify for entry under the Special Access Program.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to amend the restraint period for Categories 342/642

to end on December 31, 1996 at an increased level and to increase the 1996 limit for Categories 352/652. In addition, U.S. Customs Service is being directed to start signing the ITA–370P form for shipments of U.S. formed and cut parts in Categories 342/642 that are destined for El Salvador and re-exported to the United States on and after January 1, 1997.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 65296, published on December 19, 1995; 61 FR 34492, published on July 2, 1996.

Requirements for participation in the Special Access Program are available in Federal Register notices 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; 54 FR 50425, published on December 6, 1989; and 60 FR 2740, published on January 11, 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

August 16, 1996.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directives issued to you on December 13, 1995 and June 26, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. Those directives concern imports of certain cotton and man-made fiber textile products, produced or manufactured in El Salvador and exported during the periods January 1, 1996 through December 31, 1996, in the case of Categories 352/652; and March 29, 1996 through March 28, 1997, in the case of Categories 342/642.

Effective on August 23, 1996, you are directed to amend the restraint period for Categories 342/642 to end on December 31, 1996 and increase the limit for Categories 352/652, as provided for under Memoranda of Understanding (MOUs) dated July 18, 1996 between the Governments of the United States and El Salvador, the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC), as follows:

Category	Adjusted limit [1]
342/642	500,000 dozen.
352/652	8,103,774 dozen.

[1] The limits have not been adjusted to account for any imports exported after March 28, 1995 (Categories 342/642) and December 31, 1995 (Categories 352/652).

Beginning on August 23, 1996, the U.S. Customs Service is directed to start signing the first section of the form ITA–370P for shipments of U.S. formed and cut parts in Categories 342/642 that are destined for El Salvador and re-exported to the United States on and after January 1, 1997.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–21398 Filed 8–21–96; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF TRANSPORTATION

[Docket 37554]

Notice of Order Adjusting the Standard Foreign Fare Level Index

Section 41509(e) of Title 49 of the United States Code requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile (ASM). Order 80–2–69 established the first interim SFFL, and Order 96–6–41 established the currently effective two-month SFFL applicable through July 31, 1996.

In establishing the SFFL for the two-month period beginning August 1, 1996, we have projected non-fuel costs based on the year ended March 31, 1996 data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 96–8–21 fares may be increased by the following adjustment factors over the October 1979 level:

Atlantic—1.4533

Latin America—1.5470

Pacific—1.5278

For further information contact: Keith A. Shangraw.

By the Department of Transportation.

Patrick V. Murphy,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 96–21353 Filed 8–21–96; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

RTCA, Inc.; Special Committee 159/Working Group 4; Minimum Operational Performance Standards for Airborne Navigation Equipment Using Global Positioning System (GPS); Precision Approach and Landing (CAT II/III)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee (SC) 159 meeting to be held September 9–11, 1996, starting at 9:00 a.m. The meeting will be held at Boeing's Facilities, Seattle, Washington. To ensure meeting access, contact Tim Murphy at (206) 294–1034.

The agenda will be as follows: September 9–10: (1) Introductory Remarks and Introductions; (2) Review/Approval of Minutes of Previous Meeting; (3) FANS/LAAS Vision; (4) Proposed CAT II/III LAAS Requirements: Review of Draft MASPS Section 2.2; (5) Discussion of Other MASPS Sections and Schedules; (6) Other Business; (7) Date Location of Next Meeting. September 11: Joint Meeting with SC–159/Working Group (WG)–2.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact Keith McDonald, Chair of WG–4, at (703) 578–0700; Dr. George Ligler, Co-chair of WG–4A, at (301) 983–4388; or Harold Moses, RTCA Program Director, at (202) 833–9339. Members of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on August 16, 1996.

Janice L. Peters,

Designated Official.

[FR Doc. 96–21477 Filed 8–21–96; 8:45 am]

BILLING CODE 4810–13–M

Federal Highway Administration

Environmental Impact Statement: Pointe Coupee, Louisiana, West Feliciana Parish, Louisiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Withdrawal of Draft Environmental Impact Statement.

SUMMARY: The FHWA is issuing this notice to advise the public that the Draft Environmental Impact Statement (DEIS) prepared for the proposed highway project, crossing the Mississippi River between Pointe Coupee and West Feliciana Parishes, Louisiana, has been withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Farr, Program Operations Manager, Federal Highway Administration, P.O. Box 3929, 750 Florida Street, Baton Rouge, Louisiana 70821–3929, or Vince Pizzolato, Environmental Engineer Administrator, Louisiana Department of Transportation and Development, P.O. Box 94245, Baton Rouge, Louisiana 70804–9245.

SUPPLEMENTARY INFORMATION: A DEIS was being prepared on a proposal to build a new bridge and associated approaches and roadway across the Mississippi River between Pointe Coupee Parish and West Feliciana Parish. Work on the DEIS has been suspended due to funding availability and will be resumed when appropriate funding is identified.

Issued on: August 13, 1996.

William A. Sussmann,

FHWA Division Administrator.

[FR Doc. 96–21419 Filed 8–21–96; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

Research and Development Programs Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which the ITS Joint Program Office (JPO) of the Federal Highway Administration and the Office of Crash Avoidance Research, National Highway Traffic Safety Administration (NHTSA), plan to conduct a dialogue primarily with industry to discuss the crash avoidance research program. Topics of interest will include the value and direction of the crash avoidance program and methods for improving the cooperation between DOT and industry on this program. Further, the notice requests suggestions for topics to be presented by the ITS JPO and NHTSA involved in the ITS crash avoidance research program.

DATES AND TIMES: The ITS Joint Program Office of the Federal Highway Administration and NHTSA will hold jointly a public meeting devoted primarily to establish a two-way dialogue on topics of mutual interest with the automotive industry on September 12, 1996, beginning at 1:30 p.m. and ending at approximately 4 p.m. Interested parties are encouraged to suggest agenda topics prior to 4:15 p.m. on September 6, 1996. Questions may be submitted in advance regarding the ITS/JPO Programs, NHTSA's ITS research and development projects, and other topics. They should be submitted in writing by August 29, 1996, to the address given below. If sufficient time is available, questions received after the August 29 date will be answered at the meeting in the discussion period. Topics and questions may also be provided at the meeting. The individual, group, or company asking a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by August 29 will be available at the meeting and will be mailed to requesters after the meeting.

ADDRESSES: The meeting will be held at the Tysons Westpark Hotel, 8401 Westpark Drive, McLean, Virginia 22101. Suggestions for specific topics for the September 12, 1996, meeting relating to the research and development programs should be submitted to the Office of the Director, Office of Crash Avoidance Research NRD–50, National Highway Traffic Safety Administration, Room 6220, 400 Seventh St., SW., Washington, DC 20590, telephone 202–366–5662, fax number 202–366–7237, or Program Coordinator, ITS/JPO, HVH–1, 400 Seventh St., SW., Washington, DC 20590, telephone 202–366–2182, fax number 202–366–8712.

SUPPLEMENTARY INFORMATION: The ITS JPO and NHTSA intend to provide an overview about their research and development programs in this public meeting. The purpose is to make available information regarding the ITS research and development programs related to crash avoidance research and establish a channel for sharing information which is of interest to all parties concerned.

The primary goal of the ITS crash avoidance research program is to facilitate the introduction of collision avoidance products into the motor vehicle fleet. Towards achieving this, NHTSA has undertaken research to analyze accident data, identify crash avoidance opportunities, develop countermeasure concepts and establish performance specifications for crash avoidance, and develop research tools to evaluate technical performance of the countermeasures and their effectiveness. In the next phase of our research program, while continuing our efforts to understand the system capabilities of crash avoidance products, the agency also plans to pursue research to fully understand the products' potential for user acceptance, considering factors such as system performance, usability, product cost, and overall safety benefits. Involvement of automobile manufacturers and suppliers are critical to the success of meeting this objective. The development and deployment of crash avoidance products will be facilitated by increased cooperation between JPO, NHTSA, and the automobile industry, and other innovators and suppliers of safety-related products. With this in mind, we seek your response to questions such as:

- Are there other research areas beyond what is currently being done for crash avoidance that NHTSA should pursue?
- How can JPO and NHTSA accelerate/facilitate the deployment of crash avoidance countermeasures?
- How can we best transfer our knowledge and technologies to you to meet your needs?
- How could the products and countermeasures identified thus far become affordable to the consumer?
- Would any mechanism for standardization of performance requirements of safety systems be helpful? If so, what vehicle could be used for the purpose?

ITS/JPO and NHTSA also request suggestions from interested parties on the specific agenda topics and questions to be discussed. The ITS/JPO and NHTSA will base its decision about the final agenda, in part, on the suggestions it receives by close of business at 4:15 p.m. on September 6, 1996.

Questions regarding research projects that have been submitted in writing not later than close of business on August 29, 1996, will be answered. A transcript of the meeting, copies of materials handed out at the meeting, if any, and copies of the suggestions offered by commenters will be available for public inspection in the NHTSA's Technical Reference Division, Room 5108, 400 Seventh St., SW., Washington, DC 20590, or the ITS Joint Program Office, Room 3422, 400 Seventh St., SW., Washington, DC 20590. Copies of the

transcript will then be available at 10 cents a page, upon request to NHTSA's Technical Reference Division. The Technical Reference Division is open to the public from 9:30 a.m. to 4 p.m.

The organizers of the meeting will provide technical aids to participants as necessary, during the meeting. Thus, any person desiring the assistance of ''auxiliary aids'' (e.g., sign-language interpreter, telecommunication devices for deaf persons (TTDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device, please contact Rita Gibbons on 202–366–4862 by close of business September 4, 1996.

FOR FURTHER INFORMATION CONTACT: Ray Resendes, ITS/JPO, HVH–1, 202–366–2182, or Joseph Kanianthra, Office of Crash Avoidance Research, NHTSA, 202–366–5662, 400 Seventh St., SW., Washington, DC 20590. Fax number: 202–366–7237.

Issued: August 15, 1996.

Dr. Joseph N. Kanianthra,

Director, Office of Crash Avoidance Research.

[FR Doc. 96–21237 Filed 8–21–96; 8:45 am]

BILLING CODE 4910–59–P

Surface Transportation Board [1]

[Finance Docket No. 32684]

Willamette Valley Railway Company—Acquisition Exemption—Certain Lines of the Southern Pacific Transportation Company

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Board exempts from the prior approval requirements of 49 U.S.C. 11343–45 the acquisition by Willamette Valley Railway Company (WVR) of several railroad line segments totaling 67.66 miles, in Marion and Linn Counties, OR, from the Southern Pacific Transportation Company, subject to standard labor protective conditions. WVR has operated the line segments under lease since 1993, and does not plan a change in operations.

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323. Therefore, this notice applies the law in effect prior to the ICCTA and citations are to the former sections of the statute, unless otherwise indicated.

DATES: This exemption is effective on September 21, 1996. Petitions to stay must be filed September 6, 1996. Petitions to reopen must be filed by September 16, 1996.

ADDRESSES: Send pleadings referring to Finance Docket No. 32684, to Surface Transportation Board, Office of the Secretary, 1201 Constitution Ave., NW., Washington, DC 20423; and petitioner's representative, Fritz R. Kahn, Suite 750 West, 1100 New York Ave., NW., Washington, DC 20005–3934.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5660. [TDD for the hearing impaired (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., Room 2229, 1201 Constitution Ave., NW., Washington, DC 20423. Telephone: (202) 289–4357–4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: August 13, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–21361 Filed 8–21–96; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Secret Service

Proposed Collection; Comment Request

August 9, 1996.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(C)(2)(A)). Currently, the United States Secret Service, within the Department of the Treasury is soliciting comments concerning the SSF 86A, Supplemental Investigative Data.

DATES: Written comments should be received on or before October 22, 1996.

ADDRESS: Direct all written comments to United States Secret Service, Special Investigations and Security Division, Robin Deprospero, 1800 G. St., NW., Washington, DC 20223, Room 924, 202/435–5830.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to (Same as above).

SUPPLEMENTARY INFORMATION:

Title: Supplemental Investigative Data.

OMB Number: 1555–0001.

Form Number: SSF 86A.

Abstract: Respondents are all Secret Service applicants. These applicants, if approved for hire, will require a Top Secret Clearance, and possible SCI Access. Responses to questions on the SSF 86A yields information necessary for the adjudication for eligibility of the clearance, as well as ensuring that the applicant meets all internal agency requirements.

Type of Review: Extension.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 7,500.

Estimated Time Per Respondent: 1.

Estimated Total Annual Burden Hours: 7,500.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) The annual cost burden to respondents or record keepers from the collection of information (a total capital and start-up cost and a total operation and maintenance cost).

Dated: August 9, 1996.

John Machado,

Branch Chief—Policy Analysis and Records System Branch.

[FR Doc. 96–21443 Filed 8–21–96; 8:45 am]

BILLING CODE 4810–42–M

Corrections

Federal Register
Vol. 61, No. 164
Thursday, August 22, 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 COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 960417113-6186-02]

RIN 0651-AA82

Revision of Patent Fees for Fiscal Year 1997

Correction

In rule document 96–19309 beginning on page 39585 in the issue of Tuesday, July 30, 1996 make the following corrections:

1. On page 39586, in the second column, in the first line, ''statue'' should read ''statute''. And in the third column, in the heading for section 1.17, ''*Procession*'' should read ''*Processing*''.

§1.16 [Corrected]

2. On page 39587, in the third column, in §1.16(m), in the ninth line, ''rely'' should read ''reply''.

§1.21 [Corrected]

3. On page 39588, in the second column, in §1.21(a)(1), in the first line, ''administration'' should read ''admission''.

Roman Heading

Roman Heading

On page 39588, in the second column, in §1.21(a)(1), in the first line, ''administration'' should read ''admission''.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 240, 250, 270, 275

[Release Nos. 33-7293; 34-37220; 35-26517; IC-21961; IA-1563; File No. S7-14-96]

RIN 3235-AG79

Proposal to Eliminate Fees Previously Adopted by the Commission Pursuant to the Independent Offices Appropriations Act of 1952

Correction

In proposed rule document 96–12777 beginning on page 25601 in the issue of Wednesday, May 22, 1996 make the following correction:

On page 25604, in the table, under the ''Fee cite'' heading, the footnote ''[1](First/subseq.).'' should be removed.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Comparator Systems Corp; Order of Suspension of Trading

Correction

In notice document 96–12468 appearing on page 24843 in the issue of Thursday, May 16, 1996 make the following correction:

In the second column, under the subject heading ''Comparator Systems Corp; Order of Suspension of Trading'' insert ''May 14, 1996.''.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-37237; File No. SR-NYSE-96-11]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Procedures for Public Release of Information by its Listed Companies

Correction

In notice document 96–13387 beginning on page 26943 in the issue of Wednesday, May 29, 1996 make the following correction:

On page 26944, in the second column, in the third paragraph, in the penultimate line ''[INSERT DATE 21 DAYS FROM DATE OF PUBLICATION]'' should read ''June 19, 1996''.

BILLING CODE 1505–01–D / Corrections

federal register

Thursday
August 22, 1996

Part II

Department of Transportation

Federal Highway Administration

National Highway System Route Marker Study; Request for Comments; Notice

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No.96–22]

National Highway System Route Marker Study; Request for Comments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; request for comments.

SUMMARY: This is a request for information to assist the Secretary of Transportation in responding to section 359(b) of the National Highway System Designation Act of 1995 (NHS Act) which requires a study be conducted to determine the cost, need, and efficacy of establishing a highway sign for identifying routes on the National Highway System. The study results must be submitted to Congress by March 1, 1997. All the responses and comments will be fully considered before the study report is submitted.

DATES: Responses to this request must be received on or before October 21, 1996.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 96–22, Federal Highway Administration, Room 4232, HCC–10, Office of the Chief Counsel, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

FOR FURTHER INFORMATION CONTACT: Mr. Peter J. Hartman, Office of Highway Safety (HHS–10), (202) 366–8977, or Ms. Gloria Hardiman-Tobin (HCC–32), Office of the Chief Counsel (202) 366–1397, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Section 359(b) of the National Highway System Designation Act of 1995 directs the Secretary of Transportation to conduct a study to determine the cost, need, and efficacy of establishing a highway sign for identifying routes on the National Highway System. This section also specifies that the Secretary shall make a determination concerning whether to identify National Highway System route numbers. The Secretary is required to submit a report to Congress on the results of the study not later than March 1, 1997.

Background

A proposed NHS was submitted to Congress by the Department of Transportation in December 1993 in response to a legislative mandate contained in the Intermodal Surface Transportation Efficiency Act of 1991. On November 28, 1995, President Clinton signed the National Highway System Designation Act of 1995. This Act designated a 161,108-mile National Highway System (NHS).

The NHS consists of the most important rural and urban roads and streets in the country, including the Interstate System and other principal arterials. Although the system includes only 4 percent of total rural and urban highways, it serves about 42 percent of total highway vehicle travel and nearly 70 percent of commercial vehicle travel. Ninety-eight percent of NHS routes are under the jurisdictional control of the State transportation agencies. In addition to the Interstate System, the NHS includes some, but not all, U.S. numbered routes, important State routes and, in urban areas, some unnumbered roads and streets. In effect, the system cuts across the full spectrum of existing route numbering systems—Interstate, U.S. numbered routes, and State, county and city routes.

Under existing Federal law, FHWA's role in route numbering is limited to the Interstate System. Although the American Association of State Highway and Transportation Officials (AASHTO) plays an important role in Interstate route numbering actions, the final approval authority rests with the Federal Highway Administrator.

The U.S. numbered system does not have any basis in Federal law. The States adopted the system in November 1926 and AASHTO (formerly AASHO) has since handled the numbering without involvement by FHWA.

For many years, routes on the U.S. numbered highway system were considered the most important in the country. This gradually changed with the completion of segments of the Interstate System and, in some cases, the construction of major State routes. This change in the relative importance of U.S. numbered routes as a national system is also reflected in Federal laws and regulations related to the operation of commercial motor vehicles. The Surface Transportation Assistance Act of 1982 required the States to identify routes for use by larger-dimensioned vehicles without regard to numbering system. The resulting network (called the National Network) includes all of the Interstate System, as well as many U.S. numbered highways and State routes.

Federal law does not require compatibility between the National Network and the NHS although they are compatible to a large extent in many States.

A work group from the Federal Highway Administration was formed to conduct the study and prepare the report to Congress. The following list of signing options was developed by the work group. It is not intended to be comprehensive. Minor variations could be applied to any of the options, but the FHWA position is that these options capture the basic alternatives.

Options

1. Status Quo. Maintain the existing route numbering systems. No action is taken. This option would cost nothing. This option would not change the current route numbering systems, so there should be no driver confusion associated with a name/number change. There would be no costs to businesses related to a change in name/numbering (advertising, letterheads, etc.).

2. Add a sticker to existing route markers. Maintain the existing route numbering systems and place some type of marker on the existing route number signs which are on highway segments that are part of the NHS. The marker could be as simple as an asterisk, a logo of some type, simply a letter, or other unique symbol. The presence of the identifying marker on the route number shield would indicate that this highway section is part of the NHS. The cost to implement this option, if it is mandatory, would be approximately 8 to 12 million dollars. If it were an optional feature, like the use of the Eisenhower Sign on the Interstate or the National Network Sign, the cost could be lower. This option would not change the current route numbering systems. Therefore, there should be no driver confusion which often accompanies a name/number change. Additionally, there would be no costs to businesses (advertising, letterheads, etc.) related to a change in name/numbering. There may be a problem with the location of such a sticker because the useable area on a sign face is restricted. There may be a potential benefit to a community located on the NHS as a result of the recognition gained from being connected by the NHS.

3. Delineate the NHS with a unique sign. Maintain the existing route numbering systems and erect a unique sign at various intervals along highway sections that are part of the NHS. The sign could also be included, optionally, with appropriate route markers at

junctions and intersections. A new sign may be more recognizable than a sticker or symbol. The cost to implement this option, if it were mandatory, would be approximately 10 to 30 million dollars. The cost is dependent upon sign spacing and whether or not the sign is included with existing route markers at intersections. If it were an optional feature, like the Eisenhower Sign or the National Network Sign, the cost could be lower. This option would not change the current route numbering systems. Therefore, there should be no driver confusion which often accompanies a name/number change. There would also be no costs to businesses related to a change in name/numbering (advertising, letterheads, etc.). There may be a potential benefit to a community located on the NHS as a result of the recognition gained from being connected by the NHS.

4. Delineate the NHS with a new route marker sign. Maintain the existing route numbering systems, but phase in a newly designed route marker sign, such as a new shape and/or color, to be used on those highway sections that are part of the NHS. NHS sections would then be identified by the new route marker sign. The cost of this option would depend on the length of time allowed for the phase-in. If a quick conversion is required, the cost would be approximately 30 to 40 million dollars. Since signs must be replaced periodically anyway, the cost of this option could be lowered through an extended phase-in period. This option would not change the current route numbering system. Therefore, there should be no driver confusion which often accompanies a name/number change. There could, however, be some driver confusion related to a new sign design, in the interim conversion period. There would also be no costs to businesses related to a change in name/numbering (advertising, letterheads, etc.). There may be a potential benefit to a community located on the NHS as a result of the recognition gained from being connected by the NHS.

5. Delineate the NHS with a new route marker sign and new numbering system. This numbering system would simply be added to the existing numbering systems. The cost of this option would be similar to option four with additional costs for the development of the numbering system and maintenance costs for more signs. The cost to develop and install a new route numbering system on the NHS would be approximately 40 to 50 million dollars.

Driver confusion is a potential problem because of the layering of routes. A roadway might be on many different systems in addition to the NHS. This option adds another layer. There are potential costs to businesses related to a change in name/numbering (advertising, letterheads, etc.), but since this is only another layer, a business would have the option of making changes if it so desired. There may be a potential benefit to a community located on the NHS as a result of the recognition gained from being connected by the NHS. Drivers might recognize that roadways marked as NHS routes are interconnected and that these roadways might be more capable of facilitating through-traffic than other local roadways.

6. Redesign route numbering systems to eliminate or minimize duplication of route marking systems. Identify the NHS with its own route numbering and marker. This new system would be coordinated to the extent possible with existing route numbering systems to minimize route duplication. For example, numbers for U.S. and State routes could be replaced by the NHS numbering system. The Interstate numbering would not be changed under this option. Any highways not on the NHS could retain their existing designations or be revised at a State's discretion. This would be the most expensive option. Ultimately, it may have the most benefits to the driver with regards to system continuity, but could be very confusing in the interim. Since the NHS does not have a specific standard, like the Interstate System, it could confuse the driver who is expecting a certain type of roadway. Drivers might recognize, though, that roadways marked as NHS routes are interconnected and that these roadways might be more capable of facilitating through-traffic than other local roadways.

The cost of this option would be approximately 50 to 80 million dollars. There could be substantial costs to businesses related to a change in name/numbering (advertising, letterheads, etc.). There may be a potential benefit to a community located on the NHS as a result of the recognition gained from being connected by the NHS. There could also be negative effects on communities that rely on recognition related to other systems, such as the U.S. Highway System, which could be changed by a renumbering effort. A variation on this option would be to include the Interstate System in the re-numbering process.

Questions

The FHWA invites comments on all aspects of the study requirements and is particularly interested in comments on the following questions:

1. Should highway segments that comprise the NHS be physically marked via trailblazers, unique route numbers or some other identifying symbol?

2. If your basic response is ''No,'' is it because you believe:

a. The anticipated benefits do not outweigh the costs involved? Please explain.

b. The existing guidance systems are adequate? Please explain.

c. The Federal government should not be involved in this issue? Please explain.

d. There are possible safety implications? Please explain.

e. There is another reason, which we have not identified? Please explain.

If your basic response is ''Yes,'' then please respond to the following questions.

3. Do you believe the anticipated benefits to drivers and communities outweigh the costs involved? Please explain.

4. Should marking the NHS be voluntary on the part of each State or local jurisdiction, or should all States and local jurisdictions be required to mark the system?

5. Of the options discussed, which would provide the greatest benefits relative to cost? Please explain.

6. Is there another option for marking the NHS, not covered above, that you feel has merit? If so, please describe the method.

7. What level(s) of government should bear the cost of marking of the NHS?

a. Federal Government at 100% of the cost.

b. Cost sharing between the Federal & State Governments at some predetermined percentage split, i.e., 50–50, 80–20, 90–10, etc.

8. If a marking system is ultimately selected and if it involves the development of a new numbering system, what agencies or groups should be responsible for its development?

a. The American Association of State Highway and Transportation Officials (AASHTO). (The AASHTO currently makes the decisions concerning U.S. routes.)

b. The Federal Government directly through the FHWA.

c. AASHTO and FHWA jointly.

d. Some other national group which focuses on transportation issues, not directly connected with either the Federal or State governments.

9. Is there another way to develop, install and maintain an NHS marking system not covered by the questions included above? If so, please describe the process.

10. Do you have any other thoughts on this issue?

Authority: 23 U.S.C. 315; 49 CFR 1.48; Sec. 359(b) of Pub. L. 104–59 (Nov. 28, 1995), 109 Stat. 626.

Issued on: August 14, 1996.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 96–21354 Filed 8–21–96; 8:45 am]

BILLING CODE 4910–22–P

federal register

Thursday
August 22, 1996

Part III

Nuclear Regulatory Commission

10 CFR Parts 2 and 51

Domestic Licensing: Technical Amendments; Final Rule and Proposed Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 51

RIN 3150–AF43

Deletion of Outdated References and Minor Change

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to delete all references to Appendix C, of 10 CFR Part 2. Appendix C ''General Statement of Policy and Procedures for Enforcement Actions,'' was removed from the Code of Federal Regulations because it is a Policy Statement, not a regulation, and the enforcement policy was published as a Policy Statement on June 30, 1995. This direct final rule also provides that the NRC may use discretion when determining whether to require a written explanation or statement in reply to a notice of violation. When the NRC believes that the licensee or other person who receives the notice of violation has already adequately addressed all the issues contained in that notice, at the discretion of the NRC, further written responses may not be required.

DATES: This final rule is effective on October 21, 1996, unless significant adverse comments are received by the NRC. Comments should be submitted by September 23, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001. ATTN: Docketing and Service Branch.

Hand deliver comments to: 11555 Rockville Pike, Rockville, MD, between 7:30 am and 4:15 pm Federal workdays.

For information on submitting comments electronically, see the discussion under Electronic Access in the Supplementary Information Section.

Copies of comments received may be examined or copies for a fee, at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: M.L. Au, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6181. E-Mail: INTERNET:MLA@NRC.GOV.

SUPPLEMENTARY INFORMATION:

Background

The NRC has removed Appendix C, ''General Statement of Policy and Procedures for NRC Enforcement Actions,'' from 10 CFR Part 2 (60 FR 34380; June 30, 1995) inasmuch as the Enforcement Policy is a Policy Statement, not a regulation. The enforcement policy, ''General Statement of Policy and Procedures for NRC Enforcement Actions—Enforcement Policy,'' was published as a Policy Statement on June 30, 1995 (60 FR 34381). It was also published as NUREG–1600 in July 1995. There are two sections (10 CFR 2.8(b) and 51.10(d)) in the Commission's regulations that still reference Appendix C to Part 2. This rulemaking deletes both outdated references.

This rulemaking also amends § 2.201, ''Notice of Violation,'' to provide that the NRC may use discretion when determining whether to require a written explanation or statement in reply to a notice of violation. When the NRC believes that the licensee or other person who received the notice of violation has already adequately addressed all the issues contained in that notice, further written responses may not be required.

Discussion

I. Deletion of Outdated Reference to Appendix C to 10 CFR Part 2

Section 2.8 Information Collection Requirements: OMB Approval

Section 2.8(a) currently states that the Office of Management and Budget (OMB) has approved the information collection requirements contained in Part 2. Section 2.8(b) states that the approved information collection requirements appear in Appendix C to 10 CFR Part 2. Because Appendix C has been removed from Part 2, there are no longer any information collection requirements in this part. Thus, § 2.8 is amended to state that there are no information collection requirements contained in this part. It should be noted that any burden for the information collections related to enforcement actions is currently associated with the policy statement (June 30, 1995; 60 FR 34380), rather than with Part 2.

Section 51.10 Purpose and Scope of Subpart; Application of Regulations of Council on Environmental Quality

Section 51.10(d) currently states, ''These actions include issuance of notices, orders, and denials of requests for action pursuant to Subpart B of Part 2 of this chapter, matters covered by Part 15 and Part 160 of this chapter, and any other matters covered by Appendix C to Part 2 of this chapter.'' Because Appendix C to 10 CFR Part 2 has been deleted, this sentence is incorrect. Thus, § 51.10(d) is amended by deleting the reference to Appendix C to 10 CFR Part 2. Enforcement-related actions identified in the former Appendix C to 10 CFR Part 2 will be added as examples to the list of actions in § 51.10(d).

II. Grant of Discretion to Commission To Require a Written Explanation in Reply to a Notice of Violation

Section 2.201 Notice of Violation

Section 2.201(a) states that, in response to a notice of violation, a licensee or other person subject to the jurisdiction of the Commission to whom a notice of violation has been sent will be required to submit a written statement in reply, including corrective steps that have been taken, and the date when full compliance will be achieved. However, when a licensee or other person has already adequately addressed the issues contained in the notice of violation in writing, the licensee or other person has already, in effect, responded to the violation and a further written statement may be unnecessary. Therefore, § 2.201(a) is amended to replace the existing phrase ''will require'' with ''may require.'' This change grants the NRC discretion when determining whether to require the submittal of a written explanation or statement when the NRC believes that a licensee or other person has already adequately addressed all the issues contained in that notice of violation.

Electronic Access

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' For further information

about options available for NRC at FedWorld, consult the ''Help/Information Center'' from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and data bases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

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If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is included. There is a 15-minute limit for FTP access.

Although FedWorld can be accessed through the World Wide Web, like FTP, that mode only provides access for downloading files and does not display the NRC Rules Menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, NRC, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov.

Procedural Background

Because NRC considers this action noncontroversial and routine, we are approving it without seeking public comments on proposed amendments. This action will become effective on October 21, 1996. However, if the NRC receives significant adverse comments by September 23, 1996, then the NRC will publish a document that withdraws this action and will address the comments received in response to the requested revisions which have been proposed for approval and are being concurrently published in the proposed rules section of this Federal Register. Comments will be addressed in the final rule on this proposal. The NRC will not initiate a second comment period on this action.

Environmental Impact: Categorical Exclusion

The NRC has determined that this direct final rule is the type of action described as a categorical exclusion in §§ 51.22(c)(1) and 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this direct final rule.

Paperwork Reduction Act Statement for Direct Final Rule

This direct final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing information collections were approved by the Office of Management and Budget, approval numbers 3150–0136 and 3150–0021.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Regulatory Analysis

This direct final rule deletes outdated references to an appendix which previously has been deleted from the Commission regulations and provides that the NRC may use discretion regarding the submittal of a written response from a licensee if the NRC believes that the licensee or other person has already adequately addressed all the issues contained in a notice of violation. Deleting the outdated references will have no impact on licensees, the NRC, or the public. The NRC's discretion on requiring reports responding to a notice of violation will reduce the burdens of preparing unnecessary reports by licensees and of reviewing these reports by the NRC without compromising the public health and safety. However, it is impossible to quantify the amount of reduction in burden because the number of discretions to be authorized cannot be estimated. Therefore, the burden under the direct final rule would be at most equal, but probably less than, the burden under the existing regulations. This constitutes the regulatory analysis for the direct final rule.

Small Business Regulatory Enforcement Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this rule, because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1). Therefore, a backfit analysis is not required for this direct final rule.

List of Subjects

10 CFR Part 2

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

10 CFR Part 51

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

For reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 2 and 51.

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

1. The authority citation for part 2 is revised as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97–425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec.

102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 161b, i, o, 182, 186, 234, 68 Stat. 948–951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201(b),(i),(o), 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1473 (42 U.S.C. 2135). Appendix B also issued under sec. 10, Pub. L. 99–240, 99 Stat. 1842 (42 U.S.C. 2021b et seq.).

2. Section 2.8 is revised to read as follows:

§ 2.8 Information collection requirements: OMB approval.

This part contains no information collection requirements and therefore is not subject to requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

3. In § 2.201, paragraph (a) is revised to read as follows:

§ 2.201 Notice of violation.

(a) In response to an alleged violation of any provision of the Act or this chapter or the conditions of a license or an order issued by the Commission, the Commission may serve on the licensee or other person subject to the jurisdiction of the Commission a written notice of violation; a separate notice may be omitted if an order pursuant to § 2.202 or demand for information pursuant to § 2.204 is issued that otherwise identifies the apparent violation. The notice of violation will concisely state the alleged violation and may require that the licensee or other person submit, within 20 days of the date of the notice or other specified time, a written explanation or statement in reply if the Commission believes that the licensee has not already addressed all the issues contained in the notice of violation, including:

(1) Corrective steps which have been taken by the licensee or other person and the results achieved;

(2) Corrective steps which will be taken; and

(3) The date when full compliance will be achieved.

* * * * *

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

4. The authority citation for Part 51 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953, (42 U.S.C. 2201, 2297f); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842). Subpart A also issued under National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853–854, as amended (42 U.S.C. 4332, 4334, 4335); and Pub. L. 95–604, Title II, 92 Stat. 3033–3041; and sec. 193, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243). Sections 51.20, 51.30, 51.60, 51.80, and 51.97 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241, and sec. 148, Pub. L. 100–203, 101 Stat. 1330–223 (42 U.S.C. 10155, 10161, 10168). Section 51.22 also issued under sec. 274, 73 Stat. 688, as amended by 92 Stat. 3036–3038 (42 U.S.C. 2021) and under Nuclear Waste Policy Act of 1982, sec. 121, 96 Stat. 2228 (42 U.S.C. 10141). Sections 51.43, 51.67, and 51.109 also under Nuclear Waste Policy Act of 1982, sec. 114(f), 96 Stat. 2216, as amended (42 U.S.C. 10134(f)).

5. In § 51.10, paragraph (d) is revised to read as follows:

§ 51.10 Purpose and scope of subpart: Applications of regulations of Council on Environmental Quality.

* * * * *

(d) Commission actions initiating or relating to administrative or judicial civil or criminal enforcement actions or proceedings are not subject to Section 102(2) of NEPA. These actions include issuance of notices of violation, orders, and denials of requests for action pursuant to subpart B of part 2 of this chapter; matters covered by part 15 and part 160 of this chapter; and issuance of confirmatory action letters, bulletins, generic letters, notices of deviation, and notices of nonconformance.

Dated at Rockville, Maryland, this 8th day of August, 1996.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 96–21167 Filed 8–21–96; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 51

RIN 3150–AF43

Deletion of Outdated References and Minor Change

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to delete all references to Appendix C, of 10 CFR Part 2. Appendix C ''General Statement of Policy and Procedures for Enforcement Actions,'' was removed from the Code of Federal Regulations because it is a Policy Statement, not a regulation, and the enforcement policy was published as a Policy Statement on June 30, 1995. This proposed rule also provides that the NRC may use discretion when determining whether to require a written explanation or statement in reply to a notice of violation. When the NRC believes that the licensee or other person who receives the notice of violation has already adequately addressed all the issues contained in that notice, at the discretion of the NRC, further written responses may not be required.

DATES: Comments on the proposed rule must be received on or before September 23, 1996.

ADDRESSES: Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001. ATTN: Docketing and Service Branch.

Hand deliver comments to: 11555 Rockville Pike, Rockville, MD, between 7:30 am and 4:15 pm Federal workdays.

For information on submitting comments electronically, see the discussion under Electronic Access in the Supplementary Information Section.

Copies of comments received may be examined or copies for a fee, at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: M.L. Au, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6181. E-Mail: INTERNET:MLA@NRC.GOV.

SUPPLEMENTARY INFORMATION: For additional information see the Direct Final Rule published in the rules section of this Federal Register.

Procedural Background

Because NRC considers this action noncontroversial and routine, we are publishing this proposed rule concurrently as a Direct Final Rule in the final rule section of this Federal Register. The Direct Final Rule will become effective on October 21, 1996. However, if the NRC receives significant adverse comments on the Direct Final Rule by September 23, 1996, then the NRC will publish a document that withdraws the Direct Final Rule. If the Direct Final Rule is withdrawn, the NRC will address in a Final Rule the comments received in response to this proposed rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the Direct Final Rule is withdrawn.

Electronic Access

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' For further information about options available for NRC at FedWorld, consult the ''Help/ Information Center'' from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and data bases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

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For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, NRC, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov.

List of Subjects

10 CFR Part 2

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

10 CFR Part 51

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

For reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 as amended, and 5 U.S.C. 552 and 553, the NRC is proposing the amendments to 10 CFR parts 2 and 51 that are set forth in the direct final rule published elsewhere in this issue.

Dated at Rockville, Maryland, this 8th day of August, 1996.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 96–21166 Filed 8–21–96; 8:45 am]

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Oranges and grapefruit grown in Texas; published 8-21-96

LABOR DEPARTMENT

Occupational Safety and Health Administration

Shipyard employment safety and health standards:
  Personal protective equipment; published 5-24-96

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Grants and cooperative agreements; uniform administrative requirements:
  Institutions of higher education, hospitals, and other non-profit organizations; published 7-23-96

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Nationality and passports:
  Passports and U.S. nationality claims in foreign countries; persons authorized to issue and adjudicate; published 8-22-96

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

VOR Federal airways; correction; published 8-22-96

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Agricultural Marketing Service

Almonds grown in California; comments due by 8-30-96; published 7-31-96

Onions grown in--
  Idaho and Oregon; comments due by 8-30-96; published 7-31-96

Potatoes (Irish) grown in--
  Idaho and Oregon; comments due by 8-28-96; published 7-29-96

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AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

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National Oceanic and Atmospheric Administration

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  Gulf of Alaska groundfish; comments due by 8-30-96; published 7-5-96
  Gulf of Mexico reef fish; comments due by 8-30-96; published 8-15-96
  Ocean salmon off coasts of Washington, Oregon and California; comments due by 8-27-96; published 8-13-96

EDUCATION DEPARTMENT

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  Indian fellowship and professional development programs; comments due by 8-26-96; published 7-26-96

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  Nonmetallic mineral processing plants; comments due by 8-26-96; published 6-27-96
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    Architectural coatings; comments due by 8-30-96; published 6-25-96

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    New York; comments due by 8-29-96; published 7-30-96

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    Enhanced surface water treatment requirements for waterborne pathogens and viruses; comments due by 8-30-96; published 5-29-96

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Hazardous waste:
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    National priorities list update; comments due by 8-26-96; published 7-26-96
    National priorities list update; comments due by 8-28-96; published 7-29-96

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    Short- and intermediate-term credit; FCS (System) and non-System lenders; comments due by 8-30-96; published 7-17-96

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INTERIOR DEPARTMENT

Endangered and threatened species:

Coastal dunes milkvetch, etc. (five plants and lizard from Monterey County, CA); comments due by 8-30-96; published 7-10-96

INTERIOR DEPARTMENT

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TRANSPORTATION DEPARTMENT

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