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Briefing on How To Use the Federal Register
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WHO: The Office of the Federal Register.

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

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WASHINGTON, DC

WHEN: June 28 at 9:00 am

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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

[Docket No. FV95–906–2–IFR]

Expenses and Assessment Rate for the Marketing Order Covering Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate for the Texas Valley Citrus Committee (TVCC) under M.O. No. 906 for the 1995–96 fiscal year. Authorization of this budget enables the TVCC to incur expenses that are reasonable and necessary to administer this program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning August 1, 1995, through July 31, 1996. Comments received by July 21, 1995 will be considered prior to issuance of a final rule.

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

FOR FURTHER INFORMATION CONTACT: Charles L. Rush, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone: (202) 690–3670; or Belinda G. Garza, McAllen, Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1313 East Hackberry, McAllen, Texas 78501, telephone: (210) 682–2833.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Order No. 906 (7 CFR part 906) regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, Texas oranges and grapefruit are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable oranges and grapefruit handled during the 1995–96 fiscal year, which begins August 1, 1995, and ends July 31, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 135 handlers of oranges and grapefruit regulated under the marketing order each season and approximately 2,500 orange and grapefruit producers in Texas. Small agricultural producers have been defined by the Small Business Administration (13 CFR § 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of these handlers and producers may be classified as small entities.

The Texas orange and grapefruit marketing order, administered by the Department, requires that the assessment rate for a particular fiscal year apply to all assessable oranges and grapefruit handled from the beginning of such year. Annual budgets of expenses are prepared by the TVCC, the agency responsible for local administration of this marketing order, and submitted to the Department for approval. The members of the TVCC are handlers and producers of Texas oranges and grapefruit. They are familiar with the TVCC's needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate appropriate budgets. The TVCC's budget is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the TVCC is derived by dividing the anticipated expenses by expected shipments of oranges and grapefruit. Because that rate is applied to actual shipments, it must be established at a rate which will provide sufficient

income to pay the TVCC's expected expenses.

The TVCC met on May 16, 1995, and unanimously recommended expenses of $1,035,000 and an assessment rate of $0.10 per 7/10 bushel carton. In comparison, budgeted expenses for the 1994–95 fiscal year were $1,161,244, which is $126,244 more than the $1,035,000 recommended for the 1995–96 fiscal year. The assessment rate of $0.10 is $0.06 less than last season's assessment rate of $0.16.

Major expense categories for the 1995–96 fiscal year include $500,000 for advertising, $180,000 for road guard station operation, and $174,000 for the Mexican Fruit Fly support program.

Assessment income for the 1995–96 fiscal year is estimated at $832,500 based upon anticipated fresh domestic shipments of 8,325,000 cartons of oranges and grapefruit. This, in addition to a withdrawal of $193,500 from the TVCC's reserve fund, and $9,000 estimated interest income should be adequate to cover budgeted expenses. In comparison, the assessment income for the 1994–95 fiscal year was estimated at $960,000 based upon anticipated fresh domestic shipments of 6 million cartons of oranges and grapefruit.

Funds in the reserve at the end of the 1995–96 fiscal year are estimated at $143,890. These reserve funds will be within the maximum permitted by the order of one fiscal year's expenses.

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

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

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The TVCC needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1995–96 fiscal year for the TVCC begins August 1, 1995, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable oranges and grapefruit handled during the fiscal year; (3) handlers are aware of this action which is similar to budgets issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 906

Grapefruit, Marketing agreements and orders, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 906 is amended as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

1. The authority citation for 7 CFR part 906 continues to read as follows:

Authority: 7 U.S.C. 601–674.

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

2. A new § 906.235 is added to read as follows:

§ 906.235 Expenses and assessment rate.

Expenses of $1,035,000 by the Texas Valley Citrus Committee are authorized and an assessment rate of $0.10 per 7/10 bushel carton on assessable oranges and grapefruit is established for the 1995–96 fiscal year ending on July 31, 1996. Unexpended funds may be carried over as a reserve.

Dated: June 15, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–15110 Filed 6–20–95; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 920

[Docket No. FV95–920–1FR]

Kiwifruit Grown in California; Relaxation of Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule relaxes the pack requirements for kiwifruit packed in Size 45 containers under the Federal marketing order (order) for kiwifruit grown in California. This relaxation increases the size variation tolerance for all Size 45 containers of kiwifruit from 5 percent, by count, to 10 percent, by count. This rule reduces grower and handler costs and enables more fruit to be packed and sold. Several editorial changes have been made to clarify the current kiwifruit handling requirements.

EFFECTIVE DATE: August 1, 1995.

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

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 920 (7 CFR part 920), as amended, regulating the handling of kiwifruit grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

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

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

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has

considered the economic impact of this rule on small entities.

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

There are approximately 65 handlers of California kiwifruit subject to regulation under the order and approximately 600 kiwifruit producers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $5,000,000, and small agricultural producers have been defined as those having annual receipts of less than $500,000. A majority of handlers and producers of California kiwifruit may be classified as small entities.

Section 920.52(a)(3) of the order authorizes regulations to establish the pack of the container or containers which may be used in the packaging or handling of kiwifruit. Under the terms of the marketing order, fresh market shipments of California kiwifruit are required to be inspected and are subject to grade, size, maturity, pack and container requirements. Among the pack requirements, is a size variation tolerance requirement which specifies that not more than 5 percent, by count, of kiwifruit in any container may fail to meet the pack requirements of § 920.302 (a)(4). The size variation tolerance does not apply to other pack requirements such as how the fruit fills the cell compartments, cardboard fillers, or molded trays, or any weight requirements.

The Kiwifruit Administrative Committee (committee), the agency responsible for local administration of the marketing order, met on February 8, 1995, and recommended by unanimous vote to relax the current size variation tolerance from 5 percent to 10 percent for bag, volume fill, bulk, cell compartments, cardboard fillers, or molded tray containers of Size 45 kiwifruit for pack under the Federal marketing order for kiwifruit grown in California.

Section 920.52 of the order authorizes the establishment of pack requirements. Section 920.302(a)(4) of the rules and regulations outlines the pack requirements for fresh shipments of California kiwifruit. Section 920.302(a)(4)(i) outlines pack requirements for proper size, and size variation, and contains a table that provides minimum net weights for count designation of kiwifruit packed in containers with cell compartments, cardboard fillers, or molded trays. Section 920.302(a)(4)(ii) outlines pack requirements for fruit size variation in bags, volume fill and bulk containers and includes a table that specifies numerical size designations that are used to determine kiwifruit sizes. These size designations are defined by numerical counts, which establish the maximum number of fruit per 8-pound sample for each of the established sizes.

Packout by fruit size, of Size 45 containers, increased from 1.80 percent for the 1993–94 season to 14.34 percent for the 1994–95 season. This increase in packout, of Size 45 fruit, is a result of blending Size 49 fruit into Size 45 fruit containers and as a result of weather conditions in the central and southern parts of California which produced a larger percentage of smaller and flatter kiwifruit. Generally Size 45 fruit is a rounder fruit. Blending occurs because adjoining size designations have size tolerances that partially overlap and kiwifruit within either size tolerance may be packed in either size designation. In larger sized fruit, handlers see more of a variety of shapes and pack boxes of round fruit and boxes of flat fruit for each size in order to stay within the size variation requirements. For economic and practical reasons, most handlers pack boxes that include both the round Size 45 fruit, as well as smaller flat fruit.

During the past season, a number of handlers experienced increased difficulty in meeting the size variation tolerance in the Size 45 containers. Currently, a variation of ¼-inch (6.4 mm) difference is allowed between the widest and narrowest pieces of fruit in a Size 45 pack for all containers. There is a tolerance of 5 percent for fruit that exceeds the ¼-inch variation, meaning that up to 5 percent of the fruit in any one container could exceed the ¼-inch variation. As the size of the fruit increases, so does the size of the variation allowed. In the larger fruit sizes, failure to meet the required size variation standards results in packs that are visibly irregular in size. In Size 45, however, when the 5 percent tolerance is exceeded, the variation is difficult to detect visually. During the packing operation, a mechanical sizer routinely sorts the fruit by shape and size. The fruit which is missed by the mechanical sizer must be correctly sorted by the handler. Since it is not economically feasible for each handler to be equipped with a caliper to measure size variation, they rely on their visual judgment. During inspection, calipers are utilized by the inspectors to determine if the size variation is met for Size 45 containers. The 5 percent tolerance requirement is seldom met, but the fruit is found to vary slightly above the allowed tolerance of 5 percent (within 6–8 percent tolerance). Handlers have found that it is cost-prohibitive to slow down their operations in an attempt to stay within the current tolerance levels and to recondition the fruit that fails inspection.

The committee's intention in increasing the size variation tolerance is to set an acceptable size variation tolerance that can be visually discerned while the packing operation is in progress and results in a Size 45 container that is uniform in size.

The industry supports the increase in the size variation tolerance to 10 percent, by count, for the fruit in any Size 45 container. An alternative studied by the committee field staff and considered by the committee was to increase the degree, or size of the variation allowed, from ¼-inch to ⅜-inch. Throughout the season, fruit was measured and sample boxes were made up depicting this increased variation. It was the consensus of the field staff, inspection service and industry handlers that such an increase would allow for the blending up of undersize fruit. The end result would be a box that visibly showed a variation of fruit size, including undersize fruit. This was deemed not acceptable as the industry desires to pack a uniform box of fruit.

Another alternative examined and effectuated by this rule increases the 5 percent size variation tolerance level to 10 percent. Throughout the season, field staff observed and polled handlers and inspectors on problems encountered with Size 45. The overwhelming majority of the cases where Size 45 fruit was rejected for size variation, the tolerance level was in the 6 percent to 8 percent range. It was not possible to distinguish a box at 10 percent variation from one at 5 percent, without the use of a caliper. The general consensus was that once a 10 percent tolerance was exceeded, the variation became more visibly apparent and the handlers would recognize the need for repacking before calling for inspection.

This rule relaxes the tolerance for Size 45 packs by increasing the number of Size 45 kiwifruit allowed in the container that are not within the ¼-inch variance. For example, the pieces of fruit, which vary more than 1/4-inch in a 22-pound volume fill container, could increase from 2 pieces to 5 pieces. This

tolerance increase will not permit blending of additional sizes beyond those currently blended, but will grant more flexibility for varying shapes of the fruit. This relaxation is beneficial to both growers and handlers. The 10 percent size variation tolerance decreases the amount of handler repacking and reduces inspection time and cost, thereby making it more cost effective for handlers. This increase will not result in any visual difference in uniformity.

Section 920.302(a)(4) is amended by revising paragraphs (i) through (iv) and adding new paragraphs (v) and (vi). Included in these changes are editorial changes made for clarity. Diameter variances are specified for kiwifruit packed in cell compartments, cardboard fillers or molded trays. These provisions appear in § 51.2338(d) of the United States Standards for Grades of Kiwifruit (7 CFR 51.2338(d)). Also, these changes delete the phrase: "Provided, That for the season ending July 31, 1995, such containers may also hold 23-pounds net weight of kiwifruit" in § 920.320(a)(4)(iv) (59 FR 53565). This phrase is no longer needed as it applied to the 1994–95 season.

The proposed rule concerning this action was published in the April 24, 1995, **Federal Register** (60 FR 20062). That proposed rule provided a 30-day comment period which ended May 24, 1995. No comments were received.

This final rule impacts all handlers in the same manner. The increased size variation tolerance eases some of the burden associated with packing and sizing kiwifruit and enables handlers to pack and sell more kiwifruit. This change reduces costs for handlers and growers.

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

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

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and recordkeeping requirements.

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

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

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

Authority: 7 U.S.C. 601–674.

2. In section 920.302, paragraphs (a)(4) (i) through (iv) are revised and new paragraphs (a)(4) (v) and (vi) are added to read as follows:

§ 920.302 Grade, size, pack, and container regulations.

(a) * * *

(4) * * *

(i) Kiwifruit packed in containers with cell compartments, cardboard fillers, or molded trays shall be of proper size for the cells, fillers, or molds in which they are packed. Such fruit shall be fairly uniform in size.

(ii) Kiwifruit packed in cell compartments, cardboard fillers or molded trays may not vary in diameter more than:

Sizes	Diameter
30 or larger	½-inch (12.7 mm).
31–38	⅜-inch (9.5 mm).
39 or smaller	¼-inch (6.4 mm).

Kiwifruit packed in bags, volume fill or bulk containers, fruit may not vary more than:

Sizes	Diameter
30 or larger	½-inch (12.7 mm).
33, 36, 39, and 42	⅜-inch (9.5 mm).
45 or smaller	¼-inch (6.4 mm).

Not more than 10 percent, by count of the containers in any lot and not more than 5 percent, by count, of kiwifruit in any container, (except that for Size 45 kiwifruit, the tolerance, by count, in any one container, may not be more than 10 percent) may fail to meet the requirements of this paragraph.

(iii) The fruit packed in containers with cell compartments, cardboard fillers, or molded trays shall meet the following minimum weight requirements at the time of initial inspection:

Count designation of fruit	Minimum net weight of fruit (pounds)
34 or larger	7.5
35 to 37	7.25
38 to 40	6.875
41 to 43	6.75
44 and smaller	6.50

The average weight of all sample units in a lot must meet the specified minimum net weight, but no sample unit may be more than 4 ounces less than such weight.

(iv) When kiwifruit is packed in bags, volume fill or bulk containers, the following table specifying the numerical size designation and maximum number of fruit per 8-pound sample is to be used.

Column 1 numerical count size designation	Column 2 maximum number of fruit per 8-pound sample
21	22
25	27
27/28	30
30	32
33	35
36	40
39	45
42	50
45	55

The average weight of all sample units in a lot must weigh at least 8 pounds, but no sample unit may be more than 4 ounces less than 8 pounds.

(v) For shipments in volume fill containers in which the quantity is specified by count, the count must equal three times the size designation in accordance with tolerances specified in the U.S. Standards for Grades of Kiwifruit (7 CFR 51.2328(c)(2)).

(vi) All volume fill containers of kiwifruit designated by weight shall hold 22-pounds (10-kilograms) net weight of kiwifruit unless such containers hold less than 10-pounds or more than 35-pounds net weight of kiwifruit.

Dated: June 15, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–15111 Filed 6–20–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 948

[Docket No. FV95–948–2IFR]

Irish Potatoes Grown in Colorado; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 948 for the 1995–96 fiscal period. Authorization of this budget enables the Colorado Potato Administrative Committee, San Luis Valley Office (Area II) (Committee) to

incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective September 1, 1995, through August 31, 1996. Comments received by July 21, 1995, will be considered prior to issuance of a final rule.

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

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 97 and Marketing Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect, Colorado potatoes are subject to assessments. Funds to administer the Colorado potato marketing order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes during the 1995–96 fiscal period which begins September 1, 1995, and ends August 31, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 285 producers of Colorado Area II potatoes under the marketing order and approximately 118 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of Colorado Area II potato producers and handlers may be classified as small entities.

The budget of expenses for the 1995–96 fiscal period was prepared by the Colorado Potato Administrative Committee, San Luis Valley Office (Area II), the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Colorado Area II potatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Colorado Area II potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

In Colorado, both a State and a Federal marketing order operate simultaneously. The State order authorizes promotion, including paid advertising, which the Federal order does not. All expenses in this category are financed under the State order. The jointly operated programs consume about equal administrative time and the two orders continue to split administrative costs equally.

The Committee met May 18, 1995, and unanimously recommended a 1995–96 budget of $62,328, which is $3,596 less than the previous year. Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Audit fee, $975, ($900), other office, $625 ($500), and utilities, $3,000 ($2,000). Items which have decreased compared to those budgeted for 1994–95 (in parentheses) are: Assistant's salary, $8,256 ($10,320), part-time salary, $3,640 ($3,822), major purchase, $2,125 ($2,250), and ($2,425) for property tax, for which no funding was recommended this year.

The Committee also unanimously recommended an assessment rate of $0.0030 per hundredweight, $0.0006 less than last season. This rate, when applied to anticipated potato shipments of 16,500,000 hundredweight, will yield $49,500 in assessment income. This, along with $12,828 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds of $101,064 in the Committee's authorized reserve at the beginning of the 1994–95 fiscal period were within the maximum permitted by the order of two fiscal periods' expenses.

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

After consideration of all relevant matter presented, including the

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

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

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 948.214 is added to read as follows:

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

§ 948.214 Expenses and assessment rate.

Expenses of $62,328 by the Colorado Potato Administrative Committee, San Luis Valley Office (Area II) are authorized, and an assessment rate of $0.0030 per hundredweight of assessable potatoes is established for the fiscal period ending August 31, 1996. Unexpended funds may be carried over as a reserve.

Dated: June 15, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–15108 Filed 6–20–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 981

[Docket No. FV95–981–1IFR]

Almonds Grown In California; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 981 for the 1995–96 crop year. Authorization of this budget enables the Almond Board of California (Board) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning July 1, 1995, through June 30, 1996. Comments received by July 21, 1995, will be considered prior to issuance of a final rule.

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

FOR FURTHER INFORMATION CONTACT: Mary Kate Nelson, Marketing Assistant, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721, telephone (209) 487–5901, or FAX # (209) 487–5906; or Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2522–S, Washington, DC 20090–6456, telephone (202) 720–1509 or FAX # (202) 720–5698.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Order No. 981 (7 CFR part 981), both as amended, hereinafter referred to as the "order," regulating the handling of almonds grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

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

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, California almonds are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable almonds handled during the 1995–96 crop year, which begins July 1, 1995, and ends June 30, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 7,000 producers of California almonds under this marketing order, and approximately 115 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of

California almond producers and handlers may be classified as small entities.

The budget of expenses for the 1995–96 crop year was prepared by the Board, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Board are producers and handlers of California almonds. They are familiar with the Board's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected receipts of California almonds. Because that rate will be applied to handlers' actual receipts, a rate must be established that will provide sufficient income to pay the Board's budgeted expenses.

The Board met on May 12, 1995, and unanimously recommended a 1995–96 budget of $4,952,591, as compared to the $5,235,262 ultimately budgeted for the previous year. For the 1994–95 year, the Board initially recommended, and the Department approved, expenditures totalling $9,435,262. Of that total amount, $6.575 million was budgeted for promotional activities and $300,000 was intended to be added to the Board's monetary reserve. The assessment rate for the 1994–95 crop year was initially set at 2.25 cents per kernel pound of almonds. However, because of uncertainty created by legal decisions regarding the Board's former advertising and promotion program, the Board ultimately postponed certain advertising activities and recommended reducing its assessment rate on handlers to .25 cents per pound. As approved by the Department, budgeted expenditures for promotional activities were reduced to $2.675 million and the Board curtailed its plans to add $300,000 to its reserve.

For the 1995–96 year, the Board has budgeted $2.358 million for a line item entitled information and research, with the bulk of these funds targeted for public relations, food service and industrial promotional programs, and research. In addition, the Board has budgeted $150,000 for China and Indonesia Consumer Education, thus maintaining a presence in foreign markets. Unlike the 1994–95 crop year, the Board will not be receiving any funds through the marketing promotion program conducted by the Department's Foreign Agricultural Service for the 1995–96 crop year.

Items which have decreased compared to those budgeted for 1994–95 (in parentheses) are: Salaries, $598,251 ($795,318), employee benefits, $37,391 (50,000), retirement benefits, $44,869 ($64,000), payroll taxes, $45,766 ($55,400), travel, $75,000 ($100,000), meetings, $13,000 ($35,000), office rent, $70,000 ($90,000), storage rent, $4,000 ($5,000), equipment rent, $3,000 ($5,000), security, $1,000 ($2,500), utilities, $12,000 ($13,500), alliances with other organizations to provide information on almonds to consumers, $11,000 ($20,000), econometric model and statistical analysis, $10,000 ($40,000), program accountability analyses to assess the effectiveness of the advertising and market development programs, $100,000 ($150,000), furniture and fixtures, $0 ($10,000), and computers and software, $20,000 ($25,000).

Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Research conference, $30,000 ($25,000), contract labor and consultants, $55,000 ($30,000), compliance audits and analysis, $95,000 ($75,000), data processing, $10,000 ($6,000), postage and delivery, $40,000 ($32,000), office supplies, $17,500 ($15,000), printing, $17,500 ($12,000), repairs and maintenance, $15,500 ($12,500), publications, $15,500 ($3,500), dues, subscriptions, and registration fees, $12,000 ($7,500), newsletters and releases, $45,000 ($25,000), production research, $512,650 ($489,134), crop estimate, $90,736 ($85,600), acreage survey, $37,429 ($35,310), nutrition and issues research, $175,000 ($50,000), vehicles, $20,000 ($15,000), office equipment, $20,000 ($15,000), and the addition of $25,000 for aflatoxin monitoring.

The Board also unanimously recommended an assessment rate of .75 cents per kernel pound, .50 cents higher than last year. Revenues for the 1995–96 crop year are expected to be $3,096,000 from administrative assessments (based on an estimate of 412.8 million pounds of marketable almonds), $100,000 from interest, and $16,000 from the almond industry conference, for a total of $3,212,000. The Board plans on using money from its reserve to meet the estimated expenses of $4,952,591 for the year. In addition, any unexpended funds from 1995–96 may be carried over to cover expenses during the first four months of the 1996–97 crop year.

This action will impose an obligation on handlers to pay assessments. The assessments are uniform for all handlers. The assessment cost will be offset by the benefits derived by the operation of the marketing order.

Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

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

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the crop year begins on July 1, 1995, and the marketing order requires that the rate of assessment for the crop year apply to all assessable California almonds handled during the crop year; (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 981

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

For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

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

Authority: 7 U.S.C. 601–674.

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

2. A new § 981.342 is added to read as follows:

§ 981.342 Expenses and assessment rate.

Expenses of $4,952,591 by the Almond Board of California are authorized for the crop year ending June 30, 1996. An assessment rate for the crop year payable by each handler in

accordance with § 981.81 is fixed at .75 cents per kernel pound of almonds.

Dated: June 15, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–15107 Filed 6–20–95; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 93C–0380]

Listing of Color Additives for Coloring Contact Lenses; 1,4-Bis[4-(2-Methacryloxyethyl)Phenylamino] Anthraquinone Copolymers; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of March 30, 1995, of the final rule published in the **Federal Register** of February 27, 1995 (60 FR 10495), that amended the color additive regulations to provide for the safe use of the colored reaction product formed by copolymerizing 1,4-bis[4-(2-methacryloxyethyl)phenylamino] anthraquinone with 3-[tris(trimethylsiloxy)silyl]propyl vinyl carbamate (CAS Reg. No. 134072–99–4) and *N*-vinyl pyrrolidone to form contact lenses.

DATES: Effective date confirmed: March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Helen R. Thorsheim, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3092.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 27, 1995 (60 FR 10495), FDA amended 21 CFR 73.3106 of the color additive regulations to provide for the safe use of 1,4-bis[4-(2-methacryloxyethyl)phenylamino] anthraquinone copolymerized with *N*-vinyl pyrrolidone and 3-[tris(trimethylsiloxy)silyl]propyl vinyl carbamate to form contact lenses.

FDA gave interested persons until March 29, 1995, to file objections or requests for a hearing. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA finds that the final rule published in the **Federal Register** of February 27, 1995, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 401, 402, 403, 409, 501, 502, 505, 601, 602, 701, 721 (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the February 27, 1995, final rule. Accordingly, the amendments promulgated thereby became effective March 30, 1995.

Dated: June 13, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–15083 Filed 6–20–95; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–95–032]

Special Local Regulations for Marine Events; Blackbeard Pirate Jamboree; Town Point, Elizabeth River, Norfolk and Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of 33 CFR 100.501.

SUMMARY: This notice implements 33 CFR 100.501 for the Blackbeard Pirate Jamboree to be held on the Elizabeth River at Town Point Park, Norfolk and Portsmouth, Virginia. The regulations in 33 CFR 100.501 are needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and the expected congestion at the time of the event. The regulations restrict general navigation in the area for the safety of life and property on the navigable waters during the event.

EFFECTIVE DATES: The regulations in 33 CFR 100.501 are effective from 11 a.m. to 2:30 p.m., July 29, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen L. Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004 (804) 398–6204, or Commander, Coast Guard Group Hampton Roads (804) 483–8567.

Drafting Information

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

Discussion of Regulation

Norfolk Festevents, Ltd. submitted an application to hold the Blackbeard Pirate Jamboree on the Elizabeth River at Town Point Park, Norfolk and Portsmouth, Virginia. The event will consist of a parade of sail followed by an orchestrated water drama with cannon fire between two vessels. Since many spectator vessels are expected to be in the area to watch the jamboree, the regulations in 33 CFR 100.501 are being implemented for the safety of life and property. The waterway will not be closed for an extended period, therefore commercial traffic should not be severely disrupted. In addition to regulating the area for the safety of life and property, this notice of implementation also authorizes the Patrol Commander to regulate the operation of the Berkley drawbridge in accordance with 33 CFR 117.1007, and authorizes spectators to anchor in the special anchorage areas described in 33 CFR 110.72aa. 33 CFR 110.72aa establishes the spectator anchorages in 33 CFR 100.501 as special anchorage areas under Inland Navigation Rule 30, 33 U.S.C. 2030(g). 33 CFR 117.1007(b) closes the draw of the Berkley Bridge to vessels during and for one hour before and after the effective period under 33 CFR 100.501, except that the Coast Guard Patrol Commander may order that the draw be opened for commercial vessels.

Dated: June 6, 1995.

W.J. Ecker,

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

[FR Doc. 95–15228 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 100

[CGD 09–95–012]

RIN 2115–AE46

Special Local Regulation; Thomas Graves Memorial Fireworks Display, Lake Ontario, Port Bay, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: A special local regulation is being adopted for the Thomas Graves Memorial Fireworks Display. This event

will be held on Lake Ontario, Port Bay, NY on July 3, 1995, with a rain date of July 8, 1995. This regulation will restrict general navigation on Lake Ontario, Port Bay, NY. Due to the large number of spectator vessels and the falling ash and debris from the fireworks display, this regulation is needed to provide for the safety of life, limb, and property on navigable waters during the event.

EFFECTIVE DATE: This regulation is effective from 9 p.m. through 11 p.m. on July 3, 1995. In case of inclement weather, this regulation will be effective on the rain date of July 8, 1995, at the same times.

FOR FURTHER INFORMATION CONTACT: Marine Science Technician Second Class Jeffrey M. Yunker, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, Room 2083, 1240 East Ninth Street, Cleveland, Ohio, 44199–2060, (216) 522–3990.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received by the Commander, Ninth Coast Guard District, until May 10, 1995, and there was not sufficient time remaining to publish a proposed final rule in advance of the event. The Coast Guard has decided to proceed with a temporary rule for this year's event and publish a NPRM, as part of the Great Lakes annual marine events list, prior to next year's event.

Drafting Information

The drafters of this notice are Lieutenant Junior Grade Byron D. Willeford, Project Officer, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, and Lieutenant Charles D. Dahill, Project Attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulation

The Thomas Graves Memorial Fireworks Display will be conducted on Lake Ontario, Port Bay, NY on July 3, 1995. This regulation will restrict general navigation on Lake Ontario, Port Bay Harbor, NY in the vicinity of Loon Pt within a 500 foot radius of the fireworks barge. This event will have an unusually large concentration of spectator vessels and falling ash and debris, which could pose hazards to navigation in the area. This regulation is necessary to ensure the protection of life, limb, and property on navigable waters during this event. Any vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Commanding Officer, U.S. Coast Guard Station Sodus Point, NY).

This regulation is issued pursuant to 33 U.S.C. 1233 as set out in the authority citation for all of part 100.

Federalism Implications

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

Environment

The Coast Guard is conducting an environmental analysis for this event pursuant to section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B, and the Coast Guard Notice of final agency procedures and policy for categorical exclusions found at (59 FR 38654, July 29, 1994).

Economic Assessment and Certification

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of the DOT is unnecessary.

Collection of Information

This regulation will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 33 CFR Part 100

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

Temporary Regulation

In consideration of the foregoing, part 100 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35–T09–012 is added to read as follows:

§ 100.35–T09–012 Thomas Graves Memorial Fireworks Display, Lake Ontario, Port Bay, NY.

(a) *Regulated area.* That portion of the Lake Ontario, Port Bay Harbor, NY within a 500 ft radius of the anchored fireworks barge, which will be located northeast of Loon Pt, in approximate position 43°17′46″ N, 076°50′02″ W. Datum: NAD 1983.

(b) *Special local regulation.* This section restricts general navigation in the regulated area for the safety of spectators and participants. Any vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander.

(c) *Patrol Commander.* (1) The Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander (Officer in Charge, U.S. Coast Guard Station Sodus Point, NY). The Patrol Commander may be contacted on channel 16 (156.8 MHZ) by the call sign "Coast Guard Patrol Commander."

(2) The Patrol Commander may direct the anchoring, mooring, or movement of any boat or vessel within the regulated area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Any vessel so signaled shall stop and shall comply with the orders of the Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(3) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(4) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(5) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life, limb, or property.

(6) All persons in the area shall comply with the orders of the Coast Guard Patrol Commander.

(d) *Effective date:* This section is effective from 9 p.m. through 11 p.m. on July 3, 1995, unless extended or terminated sooner by the Coast Guard Group Commander, Buffalo, NY. In case of inclement weather, this regulation will be effective on the rain date of July 8, 1995, at the same time.

Dated: June 7, 1995.

Rudy K. Peschel,

Rear Admiral, Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 95–15226 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD05–94–116]

RIN 2115–AE47

Drawbridge Operation Regulations; Wicomico River, Salisbury, MD

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the Main Street and the US 50 drawbridges across the North Prong of the Wicomico River, mile 22.4, in Salisbury, Maryland. This rule will extend the current rush hour restrictions by one hour in the morning and one hour in the afternoon, and require a three hour advance notice for commercial vessels needing a bridge opening during the hours of closure due to emergency situations. The existing 12 noon to 1 p.m. closure period will remain in effect. These changes to the drawbridge regulations are intended to reduce motor vehicle delays and congestion, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This rule is effective on July 21, 1995.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and LCDR Christopher A. Abel, Project Counsel, Fifth Coast Guard District Legal Office.

Regulatory History

On February 10, 1995, the Coast Guard published a notice of proposed rulemaking with request for comments entitled Wicomico River, Salisbury, Maryland, in the **Federal Register** (60 FR 7930). The comment period ended May 11, 1995. The Coast Guard received no comments on the proposed rule. The Commander, Fifth Coast Guard District, also published the proposed rule as a public notice on March 20, 1995, with the comment period ending May 11, 1995, and no comments were received as a result of this notice. A public hearing was not requested and one was not held.

Background and Purpose

The State Highway Administration, Maryland Department of Transportation (MDOT), has requested that openings of the Main Street and US 50 drawbridges across the North Prong of the Wicomico River, mile 22.4, at Salisbury, Maryland, be further restricted during the morning and evening rush hours. This will help to reduce highway traffic congestion problems and relieve public safety and welfare concerns associated with frequent bridge openings caused by commercial boat traffic. Currently, these drawbridges open on signal except from 8 a.m. to 9 a.m., 12 noon to 1 p.m., and 4:30 p.m. to 5:30 p.m., during which time both remain closed to navigation. This rule changes the hours of bridge closures to 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. The existing 12 noon to 1 p.m. closure will remain the same. This rule also includes the provision that commercial vessels needing passage through the bridge during the hours of restriction will be required to give a three hour advance notice for a bridge opening. This advance notice requirement only applies to tugs and barges unable to reach the bridges except during the hours of closure due to severe inclement weather or other emergency or unforeseen circumstances.

MDOT conducted an analysis of highway traffic and marine traffic data, along with a waterway user and property owner survey that was conducted in 1993. It revealed that the excessive drawbridge openings during the morning and evening hours were caused by commercial vessels from two waterfront companies located upstream of the drawbridges. Based on this information and the allowance of the three hour advance notice provision, the Coast Guard believes these regulations should not unduly restrict commercial vessel passage through the bridge since they can plan their vessel transits around the hours of restriction as well as take advantage of the three hour advance notice for bridge openings during the hours of restriction during inclement weather.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

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

Collection of Information

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

Federalism Assessment

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e. (32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist have been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Final Regulations

In consideration of the foregoing, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); § 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.579 is revised to read as follows:

§ 117.579 Wicomico River (North Prong).

The draws of the Main Street and US 50 bridges, mile 22.4, Salisbury, Maryland shall open on signal, except from 7 a.m. to 9 a.m., from 12 noon to 1 p.m., and from 4 p.m. to 6 p.m., the draw need not be opened for the passage of vessels, except for tugs with tows, if at least three hours of advance notice is given, and the reason for passage through the bridges during a closure period is due to delay caused by inclement weather or other emergency or unforeseen circumstances.

Dated: May 22, 1995.

W.J. Ecker,

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

[FR Doc. 95–15230 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD13–93–031]

RIN 2115–AE47

Drawbridge Operation Regulation; Columbia River, OR and WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Oregon State Department of Transportation (ODOT), the Coast Guard is amending the regulations governing the operation of the twin Interstate 5 drawbridges across the Columbia River, mile 106.5, between Portland, Oregon, and Vancouver, Washington. This rule extends the length of the morning and afternoon time periods during which the draws need not open for the passage of vessels and provides for reasonably unobstructed passage of commercial vessels during periods of high water. This rule will relieve vehicular traffic congestion caused by bridge openings immediately before and after the existing morning and evening closed periods while continuing to provide for the reasonable needs of navigation.

EFFECTIVE DATE: This rule is effective on July 21, 1995.

ADDRESSES: Unless otherwise noted, documents referred to in this preamble are available for inspection and copying at Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington, Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 220–7272).

SUPPLEMENTARY INFORMATION:

Drafting Information

The principle persons involved in drafting this document are John E. Mikesell, Project Manager, and Lieutenant Commander John C. Odell, Project Counsel.

Regulatory History

On November 26, 1993, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Columbia River, OR and WA, in the **Federal Register** (58 FR 62302). Comments received from affected commercial navigation interests resulted in the proposed rule being redrafted to address their concerns.

On October 4, 1994, the Coast Guard published a supplemental notice of proposed rulemaking entitled Drawbridge Operation Regulation; Columbia River, OR and WA, in the **Federal Register** (59 FR 50531). The Coast Guard received no comments on the supplemental notice of proposed rulemaking. However, subsequent to its publication, the Coast Guard recognized the need for clarification concerning the rule's applicability to commercial and recreational vessels. This resulted in the rule being redrafted to provide necessary clarification.

On March 14, 1995, the Coast Guard published a second supplemental notice of proposed rulemaking entitled Drawbridge Operation Regulation; Columbia River, OR and WA, in the **Federal Register** (60 FR 13653). The Coast Guard received no objections to this second supplemental notice of proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

This rule amends the drawbridge operation regulations for the twin Interstate 5 drawbridges across the Columbia River, mile 106.5, between Portland, Oregon, and Vancouver, Washington. The rule extends the morning and afternoon time periods during which the draws of bridges need not open for the passage of vessels while deliniating clear exceptions based on river flow conditions and the type of vessel traffic involved.

Under the existing regulations, the twin Interstate 5 vertical lift bridges across the Columbia River between Porland, Oregon and Vancouver, Washington, are currently required to open on signal, except that from 6:30 a.m. to 8 a.m. and from 3 p.m. to 6 p.m., Monday through Friday (except Federal holidays), the draws need not open. These closed periods are necessary to accommodate peak morning and afternoon vehicular commute traffic across the bridges. Both bridges also have alternate mid-level fixed spans which provide greater vertical clearance than do the drawspans in the closed position. The alternate fixed spans are routinely used by tug and barge traffic except at higher water surface elevations. Because the number of vehicles crossing the bridge has increased dramatically, particularly during commute times, any opening in close proximity, before or after, results in unacceptable vehicular traffic delays.

Under the amended regulations, when the river gauge at the bridge indicates 6.0 feet, or more, as determined by the drawtender on duty, the draws need not open for the passage of commercial vessels from 6:30 a.m. to 8 a.m. and from 3:30 p.m. to 6 p.m, Monday through Friday, except Federal holidays, and for all other vessels the draws need not open from 5:30 a.m. to 9 a.m. and from 2:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays. When the river gauge at the bridge indicates 5.9 feet, or less, as determined by the drawtender on duty, the draws need not open for the passage of any vessels from 5:30 a.m. to 9 a.m. and from 2:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays. This change will better accommodate the increased level of vehicular traffic and still provide for the reasonable needs of commercial navigation during periods of high water.

Discussion of Comments and Changes

The Coast Guard received two letters in response to the second supplemental notice of proposed rulemaking published on March 14, 1995 (60 FR 13653). One letter, from a federal resource agency who routinely responds to Coast Guard public notices, offered no comments in objection to the proposal. The other letter, from a regional planning organization, offered comments in support of the proposal.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

Most waterway traffic under the bridge can be accommodated by the alternate fixed span channel. Also, with respect to commercial vessels the rule

would revert to its previous less restrictive form when the vertical clearance under the alternate fixed span is less than 52 feet. For these reasons, the Coast Guard expects the economic impact of this action will be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

This rule has been reviewed by the Coast Guard and has been determined to be categorically excluded from further environmental documentation under the authority of 40 CFR 1507.3 and in accordance with paragraph 2.B.2.g.(5) of the NEPA Implementing Procedures, COMDTINST M16475.1B. A copy of the Categorical Exclusion Certification is available for review in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Final Regulations

For the reasons set out in the preamble, the Coast Guard amends part 117 of title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); § 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.869, paragraph (a) is revised to read as follows:

§ 117.869 Columbia River.

(a) The draws of the Interstate 5 highway bridge, mile 106.5 between Portland, OR, and Vancouver, WA, shall open on signal, except that:

(1) When the river gauge at the bridge indicates 6.0 feet, or more, as determined by the drawtender on duty, the draws need not open for the passage of commercial vessels from 6:30 a.m. to 8 a.m. and from 3:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays, and for all other vessels the draws need not open from 5:30 a.m. to 9 a.m. and from 2:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays.

(2) When the river gauge at the bridge indicates 5.9 feet, or less, as determined by the drawtender on duty, the draws need not open for the passage of any vessels from 5:30 a.m. to 9 a.m. and from 2:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays.

* * * * *

Dated: June 2, 1995.

John A. Pierson,

Captain, Coast Guard, Commander, 13th Coast Guard District, Acting.

[FR Doc. 95–15229 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD02–95–014]

RIN 2115–AA97

Safety Zone; Lower Mississippi River, mile 532.0 to mile 529.0

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Lower Mississippi River between mile 532.0 and mile 529.0. The zone is needed to restrict vessel traffic in the regulated areas to provide a safe work area for emergency responders and salvage personnel. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 9 a.m. on May 25, 1995 and terminates at 8 p.m. on December 31, 1995.

FOR FURTHER INFORMATION CONTACT: LT Byron Black, Chief of Port Operations, Captain of the Port Memphis, 200 Jefferson Avenue, Suite 1301, Memphis, TN 38103, Phone: (901) 544–3941.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On May 25, 1995, the Coast Guard was notified of two sunken barges in the vicinity of Lower Mississippi River mile 531.5. After further investigation by Marine Safety Office personnel, it was recommended that a safety zone be issued in order to prevent additional damage that could be caused by a tow striking a submerged barge and to aid in the safe location and salvage of the barges. The barges are believed to be located in the channel and pose a substantial threat to navigation. The safety zone will be limited to Lower Mississippi River mile 532.0 to mile 529.0.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary. Specifically, emergency response crews and salvage personnel require the area to be secured in order to aid in the location and salvage of the sunken barges. As a result, the Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

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

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

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

2. A new temporary § 164.T–02–014 is added to read as follows:

§ 165.T–02–014 Safety Zone; Lower Mississippi River.

(a) *Location.* The following area is a Safety Zone: Lower Mississippi River mile 532.0 to mile 529.0.

(b) *Effective dates.* This section becomes effective at 9 a.m. on May 25, 1995 and terminates at 8 p.m. on December 31, 1995.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port. The Captain of the Port, Memphis, Tennessee, will notify the maritime community of conditions affecting the area covered by this safety zone by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHZ).

Dated: May 25, 1995.

A.L. Thompson, Jr.,

Commander, USCG, Captain of the Port.

[FR Doc. 95–15224 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD01–95–063]

RIN 2115–AA97

Safety Zone: Brick Summerfest Fireworks, Metedeconk River, Brick, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on July 4, 1995, from 8 p.m. until 10 p.m., for the Brick Summerfest fireworks display located in the Metedeconk River, Brick, New Jersey. This safety zone closes all waters of the Metedeconk River within a 300 yard radius from the center of the fireworks platform located on Windward Beach, Brick, New Jersey.

EFFECTIVE DATE: This rule is effective July 4, 1995, from 8 p.m. until 10 p.m., unless extended or terminated soon by the Coast Guard Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Drafting Information

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

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM, and for making it effective less than 30 days after **Federal Register** publication. Due to the date this application was received, there was insufficient time to draft and publish a notice of proposed rulemaking that allows for a reasonable comment period prior to the event. The delay encountered if normal rulemaking procedures were followed would effectively cancel this event. Cancellation of this event is contrary to the public interest.

Background and Purpose

The Brick Township Chamber of Commerce submitted an Application for Approval of Marine Event for a fireworks program on Windward Beach in the Metedeconk River. This regulation establishes a temporary safety zone in the waters of the Metedeconk River on July 4, 1995, from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Coast Guard Captain of the Port, New York. This safety zone prevents vessels from transiting a portion of the Metedeconk River within a 300 yard radius of the fireworks platform located on a pier, on Windward Beach, Brick, New Jersey, in the approximate position 40°03′25″ N latitude, 074°06′47″W longitude (NAD 1983). It is needed to protect mariners from the hazards associated with fireworks exploding in the area.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a portion of the Metedeconk River to vessel traffic on July 4, 1995, from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons: The limited duration of the event; the late hour of the event; that mariners can transit to the south of this area; and the extensive, advance advisories that will be made. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

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

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

Collection of Information

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

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient

federalism implications to warrant the preparation of a Federalism Agreement.

Environment

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

List of Subjects in 33 CFR Part 165

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

Final Regulation

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

PART 165—[AMENDED]

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

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

2. A temporary § 165.T01–063 is added to read as follows:

§ 165.T01–063 Safety Zone; Brick Summerfest Fireworks, Metedeconk River, Brick, New Jersey.

(a) *Location.* All waters of the Metedeconk River within a 300 yard radius of the fireworks platform located on a pier, on Windward Beach, Brick, New Jersey, in the approximate position 40°03′25″N latitude, 074°06′47″W longitude (NAD 1983).

(b) *Effective period.* This section is in effect on July 4, 1995, from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York.

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

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

Dated: June 7, 1995.

T.H. Gilmour,

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

[FR Doc. 95–15227 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CGD01–95–025]

RIN 2115–AA97

Safety Zone: Annual "Fireworks on the Navesink" Fireworks Display, Navesink River, Red Bank, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone for the annual Independence Day "Fireworks on the Navesink" fireworks display located on the Navesink River, Red Bank, New Jersey. The safety zone is effective annually on the third of July, from 8 p.m. until 11 p.m., with a rain date on the fourth of July, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. The safety zone closes all waters between the north and south shores of the Navesink River, including Red Bank Beach, extending approximately 300 yards east and 300 yards west of the fireworks platform anchored off of Red Bank, New Jersey.

EFFECTIVE DATE: This rule is effective on July 3, 1995.

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

SUPPLEMENTARY INFORMATION:

Drafting Information

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

Regulatory History

On April 3, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 16818) concerning this regulatory action. Interested persons were requested to submit comments on or before May 18, 1995. No comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this final rule as proposed.

Due to the NPRM comment period deemed necessary to give adequate public notice, there was insufficient time to publish this final rule 30 days prior to the event. Good cause exists for making this rule effective less than 30 days after publication. Adequate measures are being taken to ensure mariners are made aware of this regulation. This rule will be locally published in the First Coast Guard District's Local Notice to Mariners and announced via Safety Marine Information Broadcasts.

Background and Purpose

For the last several years, the Town of Red Bank, New Jersey, has submitted an Application for Approval of Marine Event for a fireworks program in the waters of the Navesink River. This regulation establishes an annual safety zone in the waters between the north and south shores of the Navesink River, including Red Bank Reach, extending approximately 300 yards east and 300 yards west of the fireworks platform anchored off the Red Bank, New Jersey, at or near 40°21′20″N latitude, 074°04′10″W longitude (NAD 1983). The safety zone is bounded by the following points: 40°21′15″N latitude, 074°03′57″W longitude; to 40°21′43″N latitude, 074°03′57″W longitude; and 40°21′20″N latitude, 074°04′25″W longitude; to 40°21′30″N latitude, 074°04′25″W longitude (NAD 1983). The safety zone is in effect annually on the third of July, from 8 p.m. until 11 p.m., with a rain date on the fourth of July, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. This safety zone prevents vessels from transiting this portion of the Navesink River, from shore to shore, and is needed to protect mariners from the hazardous associated with fireworks exploding in the area.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a portion of the Navesink River, from shore to shore, to vessel traffic annually on the third of July, from 8 p.m. until 11 p.m., with a

rain date on the fourth of July, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons: the limited duration of the event; the late hour of the event; the amount of traffic in this area is minimal; the event has been held annually for the past several years without incident or complaint; and the extensive, advance advisories that will be made. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

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

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

Collection of Information

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

Federalism

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

Environment

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

List of Subjects in 33 CFR Part 165

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

Final Regulation

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

PART 165—[AMENDED]

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

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

2. Section 165.161, is added to read as follows:

§ 165.161 Safety Zone; Annual "Fireworks on the Navesink" Fireworks Display, Navesink River, Red Bank, New Jersey.

(a) *Location.* All waters between the north and south shores of the Navesink River, including Red Bank Reach, extending approximately 300 yards east and 300 yards east and 300 yards west of the fireworks platform anchored off of Red Bank, New Jersey, at or near 40°21′20″N latitude, 074°04′10″W (NAD 1983). The safety zone is bound by the following points: 40°21′15″N latitude, 074°03′57″W longitude; to 40°21′43″N latitude, 074°03′57″W longitude; and 40°21′20″N latitude, 074°04′25″W longitude; to 40°21′30″N latitude, 074°04′25″W longitude (NAD 1983).

(b) *Effective period.* This section is in effect annually on the third of July, from 8 p.m. until 11 p.m., unless extended or terminated sooner by the Captain of the Port, New York. If the fireworks display is cancelled because of bad weather, this section is in effect on the fourth of July, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

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

Dated: June 9, 1995.

T.H. Gilmour,

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

[FR Doc. 95–15225 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AG63

Dependents and Veterans Education: Mitigating Circumstances and Other Miscellaneous Amendments

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Vocational Rehabilitation and Education regulations to standardize the periods for submission of mitigating circumstances justifying a withdrawal from a course. Failure to submit mitigating circumstances within the prescribed time period could result in the creation of overpayments of educational assistance. This final rule applies to eligible persons receiving Dependents' Educational Assistance and veterans and servicemembers receiving educational assistance under the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) and the Montgomery GI Bill—Active Duty. This document also amends such regulations to remove attendance recordkeeping requirements for educational institutions that do not have attendance standards.

EFFECTIVE DATE: July 21, 1995.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, (202) 273–7187.

SUPPLEMENTARY INFORMATION: The proposed rule was published in the **Federal Register** of June 24, 1994 (59 FR 32671). Interested persons were given 60 days to submit comments, suggestions or objections.

VA received one letter from a concerned individual. He urged the department to adopt the proposed rule. For the reasons stated in the proposal, VA is adopting the proposed rule as a final rule without any changes.

The Secretary of Veterans Affairs hereby certifies that these revised regulations will not have a significant economic impact on a substantial number of small entities as they are

defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), the revised regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

Any cost savings for schools which will result from no longer having to maintain attendance records will not have a significant economic impact on such schools. Further, other amendments directly affect only individuals.

These regulations have been reviewed by OMB (the Office of Management and Budget) under provisions of E.O. 12866.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final rule are 64.117, 64.120 and 64.124.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 29, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 21, subparts D and K are amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

1. The authority citation for subpart D of part 21 continues to read as follows:

Authority: 38 U.S.C. 501(a).

2. In § 21.4136, paragraph (k)(1)(ii)(C) is revised to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

* * * * *

(k) *Mitigating circumstances.*

(1) * * *

(ii) * * *

(C) The veteran submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the veteran is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

* * * * *

3. In § 21.4137, paragraph (h)(1)(ii)(C) is revised to read as follows:

§ 21.4137 Rates; educational assistance allowance—38 U.S.C. Chapter 35.

* * * * *

(h) *Mitigating circumstances.*

(1) * * *

(ii) * * *

(C) The eligible person submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the eligible person is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

* * * * *

§ 21.4234 [Amended]

4. In § 21.4234(d)(2)(iii), remove the phrase "§§ 21.4230 and 21.4231", and add, in its place, the phrase "§ 21.4230".

5. In § 21.4253, paragraph (d)(5) is revised and an authority citation is added for paragraph (d) to read as follows:

§ 21.4253 Accredited courses.

* * * * *

(d) *School qualification.* * * *

(5) If the school has a standard of attendance, it maintains records of attendance for veterans and eligible persons enrolled in resident courses which are adequate to show the student meets the school's standard of attendance.

(Authority: 38 U.S.C. 3474, 3675)

* * * * *

§ 21.4262 [Amended]

6. In § 21.4262(c)(10), remove the phrase "as by" and add, in its place, the phrase, "as approved by".

Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)

7. The authority citation for subpart K of part 21 continues to read as follows:

Authority: 38 U.S.C. chapter 30, Pub. L. 98–525; 38 U.S.C 501(a).

§ 21.7042 [Amended]

8. In § 21.7042(b)(9), remove the phrase "subparagraph (8) of this subparagraph", and add, in its place, the phrase "paragraph (b)(8) of this section".

9. In § 21.7042(d)(2)(i)(A), remove the phrase "paragraph (b)(b)" and add, in its place, the phrase "paragraph (b)".

10. In § 21.7139, paragraphs (b)(2), introductory text, and (b)(2)(ii) are revised and paragraph (b)(2)(iii) is added to read as follows:

§ 21.7139 Conditions which result in reduced rates.

* * * * *

(b) *Withdrawals and nonpunitive grades.* * * *

(2) All of the following exist.

(i) * * *

(ii) The veteran or servicemember submits a description of the mitigating circumstances in writing to VA within one year from the date VA notifies the veteran or servicemember that he or she must submit a description of the mitigating circumstances, or at a later date if the veteran or servicemember is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the description of the mitigating circumstances; and

(iii) The veteran or servicemember submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA, or at a later date if the veteran or servicemember is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the evidence supporting the existence of mitigating circumstances.

* * * * *

[FR Doc. 95–15195 Filed 6–20–95; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE

39 CFR Part 241

Discontinuance of Post Offices

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This amendment reflects the current approval authority for post office discontinuance proposals.

EFFECTIVE DATE: June 21, 1995.

FOR FURTHER INFORMATION CONTACT: Kimberly Matalik, (202) 268–3500.

SUPPLEMENTARY INFORMATION: The Postal Service has recently undertaken further refinements to its management structure. Consistent with earlier, more comprehensive, restructuring efforts, this has resulted in the rearrangement of internal functional responsibilities, but does not involve changes in rules or procedures that would adversely affect a member of the public (see 57 FR 49200, October 30, 1992).

As a result of these changes, the chief marketing officer/senior vice president is responsible for reviewing and approving post office discontinuance proposals.

The Postal Service therefore amends part 241 of title 39 of the CFR to set forth, without substantive amendment, the current approval authority for post office discontinuance proposals.

List of Subjects in 39 CFR Part 241

Organization and functions (Government agencies), Postal Service.

1. The authority citation for part 241 continues to read as follows:

Authority: 39 U.S.C. 401.

PART 241—ESTABLISHMENT, CLASSIFICATION, AND DISCONTINUANCE

2. Section 241.3 is amended by revising paragraphs (d)(4) introductory text only, (e)(2)(ii)(A), (f)(1), (f)(2) introductory text only, (f)(3), (f)(4), (f)(5), (g)(1)(i), (g)(2), (g)(3)(i), and (g)(4)(ii).

§ 241.3 Discontinuance of post offices.

* * * * *

(d) * * *

(4) *Record.* The district manager, Customer Service and Sales, must keep as part of the record for his or her consideration and for review by the chief marketing officer/senior vice president all the documentation gathered about the proposed change.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(A) Forward the revised proposal and the entire record to the chief marketing officer/senior vice president for final review.

* * * * *

(f) * * *

(1) *In general.* The chief marketing officer/senior vice president or a designee must review the proposal of the district manager, Customer Service and Sales. This review and the decision on the proposal must be based on and supported by the record developed by the district manager, Customer Service and Sales. The chief marketing officer/senior vice president can instruct the district manager to provide more information to supplement the record. Each such instruction and the response must be added to the record. The decision on the proposal of the district manager, which must also be added to the record, may approve or disapprove the proposal, or return it for further action as set forth below.

(2) *Approval.* The chief marketing officer/senior vice president or a designee may approve the proposal of the district manager, Customer Service and Sales, with or without further revisions. If approved, the term "Final Determination" is substituted for "Proposal" in the title. A copy of the Final Determination must be provided to the district manager. The Final Determination constitutes the Postal Service determination for the purposes of 39 U.S.C. 404(b). The Final Determination must include the following notices:

* * * * *

(3) *Disapproval.* The chief marketing officer/senior vice president or a designee may disapprove the proposal of the district manager, Customer Service and Sales, and return it and the record to the manager with written reasons for disapproval. The manager must post a notice in each affected post office that the proposed closing or consolidation has been determined to be unwarranted.

(4) *Return for further action.* The chief marketing officer/senior vice president or a designee may return the proposal of the district manager, Customer Service and Sales, with written instructions to give additional consideration to matters in the record, or to obtain additional information. Such instructions must be placed in the record.

(5) *Public file.* Copies of each Final Determination and each disapproval of a proposal by the chief marketing officer/senior vice president, must be placed on file in the Postal Service Headquarters Library.

(g) * * *

(1) * * *

(i) Provide notice of the Final Determination by posting a copy prominently in the affected post office or offices. The date of posting must be noted on the first page of the posted copy as follows:

"Date of posting:"

The district manager, Customer Service and Sales, must notify the chief marketing officer/senior vice president in writing of the date of posting.

* * * * *

(2) *Implementation of determinations not appealed.* If no appeal is filed pursuant to 39 U.S.C. 404(b)(5), the official closing date of the office must be published in the Postal Bulletin, effective the first Saturday 90 days after the Final Determination was posted. A district manager, Customer Service and Sales, may request a different date for official discontinuance in the Post Office Change Announcement document submitted to the chief marketing officer/senior vice president. However, the post office may not be discontinued sooner than 60 days after the posting of the notice required by § 241.3(g)(1).

(3) * * *

(i) *Implementation of discontinuance.* If an appeal is filed, only the chief marketing officer/senior vice president may direct a discontinuance before disposition of the appeal. However, the post office may not be discontinued sooner than 60 days after the posting of notice required by § 241.3(g)(1).

* * * * *

(4) * * *

(ii) *Determination returned for further consideration.* If the Commission returns the matter for further consideration, the chief marketing officer/senior vice president must direct that either (A) notice be provided under § 241.3(f)(3) that the proposed discontinuance is determined not to be warranted or (B) the matter be returned to an appropriate stage under these regulations for further consideration following such instructions as the chief marketing officer/senior vice president may provide.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95–15096 Filed 6–20–95; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 133; NJ20–1–6709a; FRL–5218–3]

Approval and Promulgation of Implementation Plans; Gasoline Volatility Regulation State of New Jersey

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today announcing approval of certain revisions to the New Jersey State Implementation Plan (SIP) for ozone. This rule incorporates into the New Jersey SIP revisions to Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuel." These revisions include a modification to the State's volatility standard for vehicular fuels and the addition of a procedure by which persons may apply for an exemption from the Reid Vapor Pressure (RVP) standard that allows the use of gasoline which does not comply with that standard. This action is necessary to keep the State's SIP consistent with changes to its existing regulations.

DATES: This action is effective on August 21, 1995 unless adverse or critical comments are received by July

21, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: All comments should be addressed to: William S. Baker, Chief, Air Programs Branch, Air and Waste Management Division, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the state submittal are available at the following locations for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, 26 Federal Plaza, Room 1034A, New York, New York 10278.

New Jersey Department of Environmental Protection, Bureau of Air Quality Planning, 401 East State Street, CN027, Trenton, New Jersey 08625.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Michael P. Moltzen, Environmental Engineer, Technical Evaluation Section, Air Programs Branch, Environmental Protection Agency, 26 Federal Plaza, Room 1034A, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

Background

On April 21, 1993, the New Jersey Department of Environmental Protection and Energy (NJDEP) submitted to the EPA revisions to the State's ozone SIP. This notice describes EPA's decision to approve as described below, those revisions to New Jersey's motor vehicle fuels volatility regulation, Subchapter 25 "Control and Prohibition of Air Pollution by Vehicular Fuels," Title 7, Chapter 27 of the New Jersey Administrative Code (NJAC). Notice of Adoption of these revisions appeared in the New Jersey Register on September 3, 1991. Subchapter 25 was first adopted by New Jersey on January 27, 1989 and approved by EPA on June 16, 1989 in 54 FR 25572. Approval of that regulation was based in part on NJDEP's commitment at the time to replace its test methodology to an EPA promulgated method (*see* 54 FR 25581). Today's revision to NJAC 7:27–25.4(d) fulfills that commitment.

This EPA action on New Jersey's SIP revision takes into account the interaction of the New Jersey regulations and the federal reformulated gasoline regulations, promulgated by EPA on February 16, 1994. The New Jersey standard for RVP is a maximum of 9.0 psi, which EPA approved on June 16, 1989. New Jersey also is subject to federal reformulated gasoline requirements, which set an RVP maximum of 8.1 psi for the period May 1 through September 15 for calendar years 1995 through 1997. 40 CFR 80.41, 80.65(a), 80.78(a)(1)(v). Starting in 1998, the reformulated gasoline standard changes from an RVP standard to a VOC performance standard. The then applicable federal standard will be a maximum RVP of 9.0 psi. 40 CFR 80.27(a)(2). Thus, the New Jersey RVP standard is identical to the federal standard starting in 1998, but the reformulated gasoline summertime RVP standard is more stringent for the years 1995–1997.

EPA promulgated the reformulated gasoline rules under the authority of both § 211(k) and § 211(c)(1), thereby triggering application of § 211(c)(4). This provision preempts states from prescribing or attempting to enforce any "control or prohibition of the characteristic or component of a fuel or fuel additive" that is nonidentical to one the Administrator has promulgated under § 211(c)(1). There is an exception for a nonidentical standard contained in a state SIP where the standard is "necessary to achieve" the primary or secondary NAAQS that the SIP implements.

New Jersey's volatility regulations include a nonidentical standard for RVP during the annual periods of the three years that the federal RVP standard for reformulated gasoline will be in effect. During these periods, the federal standard preempts the state standard, and the nonidentical standard cannot be enforced. New Jersey has not changed its RVP standard since EPA last approved the state regulations.

New Jersey's submission consists of various amendments to its previously approved State RVP regulations. It has not resubmitted the unamended portions of those regulations, and EPA takes no action on the unamended State regulations, including the RVP standard. EPA approves the amendments to New Jersey's State volatility regulations for purposes other than enforcement of New Jersey's 9.0 RVP standard for the period May 1 through September 15 for calendar years 1995–1997.

NJDEP's submittal contained the following revisions to Subchapter 25:

The revision to NJAC 7:27–25.4(a)1 extends the period during which refiners, importers, blenders and distributors are required to test and prepare test reports documenting the RVP of gasoline they ship. This period, which was previously designated April 15 through September 1, has been extended fifteen days, making it April 15 through September 15. This revision revises the State's required RVP testing period to encompass both the "high ozone season" (the period from June 1 to September 15) as well as the federally mandated "regulatory control period" (the period from May 1 to September 15) as defined in 40 CFR § 80.27, "Controls and prohibitions on gasoline volatility." EPA approves this revision for calendar year 1998 and later.

Another revision to NJAC 7:27–25.4(a)1. allows persons subject to reporting requirements to substitute other documentation, in place of a test report, that certifies that the gasoline invoiced has a maximum RVP of 9.0 psi and complies with all applicable State and federal regulations. This revision is intended to reduce the paperwork burden on affected parties. EPA approves the reporting revision for calendar year 1998 and later.

The revision to NJAC 7:27–25.4(d) replaces the method previously employed by the State to determine the RVP of gasoline with two EPA-promulgated methods published at 40 CFR part 80, appendix E: Method 1—Dry RVP Measurement Method and Method 2—Herzog Semi-Automatic Method. The previous method, the American Society for Testing and Materials (ASTM) Method D–323, was determined by EPA to understate the true RVP of gasoline when oxygenated additives are present in the fuel.

The new section NJAC 7:27–25.7 establishes procedures whereby a waiver may be obtained to use gasoline which does not conform to the RVP standards for research and development purposes. New section 7:27–25.8 establishes service fees for the application of these waivers and annual compliance fees for operations which obtain these waivers. The RVP standard is in effect during the May 1 through September 15 period. In addition to this new regulation, New Jersey has submitted an inventory estimating the excess emissions of volatile organic substances (VOS) from non-conforming gasoline used for research and development purposes. The requirements in NJAC 7:27–25.7, which must be fulfilled before a party can obtain a waiver are at least as stringent as those contained in 40 CFR 80.27(e) "Testing exemptions." EPA approves the revisions to the test procedure regulations, but not for purposes of enforcing the State RVP requirement during calendar years 1995–1997.

The revision to NJAC 7:27–25.2 adds new definitions for the terms: ASTM, EPA, facility, non-conforming gasoline, product development, research, trial use

and volatile organic substances. In addition, five current definitions in NJAC 7:27–25.2 are revised for blender gasoline, person, Reid vapor pressure and standard conditions. In addition a number of minor nonsubstantive definition changes have been incorporated in the State's Response to Comments document included with the SIP submission. These changes and additions are consistent with EPA rules and are, therefore, approvable.

Conclusion

New Jersey's Subchapter 25 was first promulgated to regulate and reduce the volatility of gasoline in order to control the emissions of ozone precursors. Today's action approves revisions to the State's Subchapter 25 as described above. Approval of these revisions brings New Jersey's SIP up to date with its current fuels regulations and incorporates changes necessary for successful implementation of fuel volatility regulations required by EPA.

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

EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. Thus, this direct final action will be effective August 21, 1995 unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this rule will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this rule should do so at this time. If no adverse comments are received, the public is advised that this rule will be effective August 21, 1995. (See 47 FR 27073 and 59 FR 24059).

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

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

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

Under section 307(b)(1) of the Act, petitions for judicial review of this rule must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from date of publication. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This rule may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Ozone, Incorporated by reference, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 2, 1995.

William J. Muszynski,

Deputy Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart FF—New Jersey

2. Section 52.1570 is amended by adding new paragraph (c)(52) to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

(52) Amendments submitted on April 21, 1993 by the New Jersey Department of Environmental Protection and Energy to New Jersey Air Code 7:27–25 revising the testing requirements to gasoline providers in New Jersey are subject.

(i) Incorporation by reference:

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 25, "Control and Prohibition of Air Pollution from Vehicular Fuels," effective September 3, 1991.

3. Section 52.1605 is amended by adding the entry for Subchapter 25 to the table in numerical order as follows:

§ 52.1605 EPA-approved New Jersey State regulations.

State regulation	State effective date	EPA approved date	Comments
Title 7, Chapter 27			
Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels;".	September 3, 1991	[date and citation of this notice].	Approves 1992 revisions except that (1) for calendar years 1995–1997, test procedure revisions in N.J.A.C. 7:27–25.4 (d) are approved for all uses other than to enforce the 9.0 RVP standard; and (2) testing and reporting period and recordkeeping revisions in N.J.A.C. 7:27–25.4 (a) are approved for calendar year 1998 and later.

[FR Doc. 95–15034 Filed 6–20–95; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90–524; RM–7501, RM–7631]

Radio Broadcasting Services; Miami and Sebring, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 298C for Channel 298C1 at Miami, Florida, and modifies the license for Station WQBA(FM) to specify operation on Channel 298C, at the request of Spanish Radio Network (RM–7631), and denies the allotment of Channel 298A to Sebring, Florida, as requested by WJCM, Inc., (RM–7501). *See* 55 FR 47343, November 13, 1990. Channel 298C can be allotted to Miami in compliance with the Commission's minimum distance separation requirements, with a site restriction of 5.8 kilometers (3.6 miles) west, in order to avoid a short-spacing to Station WIRK(FM), Channel 300C1, West Palm Beach, Florida. The coordinates for Channel 298C at Miami are North Latitude 25–47–42 and West Longitude 80–14–36. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 21, 1995.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 90–524, adopted June 8, 1995, and released June 16, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 298C1 and by adding Channel 298C at Miami.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–15146 Filed 6–20–95; 8:45 am]
BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–12; RM–8559]

Radio Broadcasting Services; Hudson, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Phil Parr, allots Channel 242A to Hudson, Texas. *See* 60 FR 05887, January 31, 1995. Channel 242A can be allotted to Hudson, Texas, in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 242A at Hudson are 31–23–50 and 94–46–15. With this action, this proceeding is terminated.

DATES: Effective July 31, 1995. The window period for filing applications will open on July 31, 1995, and close on August 31, 1995.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 95–12, adopted June 7, 1995, and released June 16, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 242A at Hudson.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–15144 Filed 6–20–95; 8:45 am]

BILLING CODE 6712–01–F

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1105

[Ex Parte No. 511]

Petition for Rulemaking—Protection of Surveying Benchmarks in Railroad Abandonments

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is modifying the notice requirements for environmental reports submitted in abandonment and abandonment exemption proceedings by adding to the list of individuals or agencies on which the railroad must serve a copy of the environmental report a single designated agent as representative of both the National Geodetic Survey (formerly the Coast and Geodetic Survey) and the U.S. Geological Survey.

EFFECTIVE DATE: This rule is effective July 21, 1995.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–7245, or Ronald M. Smullian, (202) 927–5292. (TDD for the hearing impaired: (202) 927–5721).

SUPPLEMENTARY INFORMATION: The American Congress on Surveying and Mapping filed a petition with the Commission requesting the institution of a rulemaking proceeding for the purpose of considering the protection and preservation of surveying monuments and markers exposed to possible destruction when, pursuant to a Commission-authorized abandonment, railroad tracks are dismantled. On October 1, 1993, the Commission issued a notice soliciting public comment and/or specific proposals to assist it in determining whether to institute the requested rulemaking. Comments were received and analyzed. A decision denying the request for rulemaking but modifying the notice requirements of 49 CFR 1105.7(b) is being served concurrently with the publication of this notice. Section 1105.7(b) is modified by adding the National Geodetic Survey (formerly known as the Coast and Geodetic Survey), as designated agent for the National Geodetic Survey and the U.S. Geological Survey, to the list of individuals or agencies on which a copy of the railroad's environmental report submitted in abandonment and abandonment exemption proceedings must be served.

Additional information is contained in the Commission's decision in Ex Parte No. 511. To purchase a copy of this decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue NW., Room 2229, Washington, D.C. 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services, (202) 927–5721.)

This action simply broadens the notice requirement of 49 CFR 1105.7(b) by adding one new party to the required railroad environmental report service list. Accordingly, the economic impact of this action, if any, will be minimal and is not likely to be felt by a substantial number of small entities. See 5 U.S.C. 605(b).

Environmental Statement

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1105

Environmental impact statements, Reporting and recordkeeping requirements.

Decided: June 2, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners McDonald and Simmons.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1105 of the Code of Federal Regulations is amended as follows:

PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

1. The authority citation for part 1105 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10901, 10903–10906, and 11343; 16 U.S.C. 470f, 1451, and 1531; 42 U.S.C. 4332 and 6362(b); and 5 U.S.C. 553 and 559.

2. Section 1105.7, paragraph (b) is amended as follows:

(a) In paragraph (b)(9) after the semicolon, remove the word "and";

(b) Paragraph (b)(10) is redesignated as paragraph (b)(11); and

(c) A new paragraph (b)(10) is added to read as follows:

§ 1105.7 Environmental reports.

* * * * *

(b) * * *

(10) The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and

* * * * *

[FR Doc. 95–15020 Filed 6–20–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 950426116–5116–01; I.D. 060195D]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; Inseason Adjustments

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

ACTION: Inseason adjustments.

SUMMARY: NMFS announces that the commercial salmon fishery in the area from Sisters Rocks to House Rock, OR, opened 7 days a week beginning May 18, 1995. This adjustment is intended to provide additional fishing opportunity to commercial fishermen and maximize the harvest of chinook salmon without exceeding the ocean share allocated to the commercial fishery in this area. NMFS also announces that the gear restriction in the recreational fishery between Cape Falcon and Humbug Mountain, OR, is modified to be consistent with state regulations.

DATES: The modification of fishing days per week was effective at 0001 hours local time, May 18, 1995, until July 1, 1995. The modification of the gear restriction is effective on June 16, 1995 until July 1, 1995. Comments will be accepted through July 3, 1995.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Director, Northwest Region, National Marine Fisheries

Service, NOAA, 7600 Sand Point Way NE., BIN C15700–Bldg. 1, Seattle, WA 98115–0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

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

SUPPLEMENTARY INFORMATION: In the annual management measures for ocean salmon fisheries (60 FR 21746, May 3, 1995), NMFS announced that the 1995 commercial fishery in the area between Sisters Rocks and House Rock, OR, would open on May 1 and fishing would be allowed on designated days (May 1-2, 5-6, 10-11, 14-15, 18-19, 23-24, 27-28, and 31) or until attainment of the quota. The preseason objective for implementing the open/closure cycle was to dampen catch rates and extend the fishing season for as long as possible.

The best available information on May 16 indicated that commercial catch and effort rates have been low, with catches totaling 155 chinook salmon. The fishery is scheduled to close the earlier of May 31 or attainment of the 1,000–chinook salmon quota. The preseason management measure that opened this fishery for 2-day periods is being rescinded because its use as a catch dampening measure is now considered to be too restrictive. Conversion to a 7-day fishing week would provide additional fishing opportunity to commercial fishermen to increase access to chinook salmon.

In the annual management measures (60 FR 21746, May 3, 1995), NMFS announced a gear restriction in the 1995 recreational fishery in the area between Cape Falcon and Humbug Mountain, OR, that included the provision that all attractors, including divers, are prohibited. The State of Oregon has implemented regulations with a less restrictive provision that allows use of uncolored divers. Therefore, to make Federal regulations consistent with State regulations, in note C.2. of Table 2, on page 21756, the last phrase starting with "all attractors" is amended to read: "all attractors, such as flashers or colored divers, are prohibited; uncolored divers are not considered attractors."

Modifications of fishing seasons and gear restrictions are authorized by regulations at 50 CFR 661.21(b)(1)(i) and (iv), respectively. All other restrictions that apply to these fisheries remain in effect as announced in the annual management measures.

The Director Northwest Region, NMFS, consulted with representatives of the Pacific Fishery Management Council and the Oregon Department of Fish and Wildlife regarding these adjustments affecting the commercial fishery between Sisters Rocks and House Rock and the recreational fishery between Cape Falcon and Humbug Mountain. The State of Oregon will manage the commercial and recreational fisheries in state waters adjacent to these areas of the exclusive economic zone in accordance with this Federal action. In accordance with the inseason notice procedures of 50 CFR 661.23, actual notice to fishermen of the fishing season action was given prior to 0001 hours local time, May 18, 1995, by telephone hotline number (206) 526–6667 or (800) 662–9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action in order to take advantage of the opportunity to harvest the quota, and to conform Federal regulations with state regulations, NMFS has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. This notice does not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 661.21 and 661.23 and is exempt from review under E.O. 12866.

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

Dated: June 13, 1995.

Richard W. Surdi,

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

[FR Doc. 95–14949 Filed 6–16–95; 4:31 pm]

BILLING CODE 3510–22–F

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50 CFR Part 675

[Docket No. 950206040–5040–01; I.D. 051595J]

Groundfish of the Bering Sea and Aleutian Islands Area; Apportionment of Reserve

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

ACTION: Apportionment of reserve.

SUMMARY: NMFS is apportioning reserve to certain target species in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow for ongoing harvest and account for previous harvest of the total allowable catch (TAC).

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), June 20, 1995, until 12 midnight, A.l.t., December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Nick Hindman, 907–586-7228.

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

The Director, Alaska Region, NMFS, has determined that the initial TACs specified for the following species need to be supplemented from the nonspecific reserve to continue fishing operations and account for prior harvest: Pollock, Greenland turbot, and Pacific ocean perch (POP) in the Bering Sea subarea (BS); pollock, Greenland turbot, POP, and sharpchin/northern rockfish in the Aleutian Islands subarea (AI); Atka mackerel in the combined Eastern Aleutian District and BS subarea; Atka mackerel in the Central and Western Aleutian Island Districts; and Pacific cod, arrowtooth flounder, and the "other species" category in the BSAI.

Therefore, in accordance with § 675.20(b), NMFS is apportioning to TACs from the reserve for the following species: (1) For the BS - 93,750 metric tons (mt) to pollock, 700 mt to Greenland turbot, and 277 mt to POP; (2) for the AI - 4,245 mt to pollock, 350 mt to Greenland turbot, 1,575 mt to POP, and 765 mt to sharpchin/northern rockfish; (3) for the combined Eastern Aleutian District and BS - 2,025 mt to Atka mackerel; (4) for the Central Aleutian District - 7,500 mt to Atka mackerel; (5) for the Western Aleutian District - 2,475 mt to Atka mackerel; and (6) for the BSAI - 37,500 mt to Pacific cod, 1,534 mt to arrowtooth flounder, and 3,000 mt to the "other species" category.

These apportionments are consistent with § 675.20(a)(2)(i) and do not result in overfishing of a target species or the "other species" category, because the revised TACs are equal to or less than specifications of acceptable biological catch.

Pursuant to § 675.20(a)(3)(i), the apportionments of pollock are allocated between the inshore and offshore components: (1) For the BS - 32,812 mt

to vessels catching pollock for processing by the inshore component and 60,938 mt to vessels catching pollock for processing by the offshore component; (2) for the AI - 1,486 mt to vessels catching pollock for processing by the inshore component and 2,759 to vessels catching pollock for processing by the offshore component.

Pursuant to 50 CFR 675.20(a)(3)(iv), the apportionment of the BSAI Pacific cod TAC is allocated 750 mt to vessels using jig gear, 16,500 mt to vessels using hook-and-line or pot gear, and 20,250 mt to vessels using trawl gear.

In accordance with the BSAI final 1995 specifications for groundfish (FR 60 8479, February 14, 1995), the allocation to hook-and-line/pot gear will result in seasonal apportionments as follows: For the period January 1 through April 30 - 80,300 mt, for the period May 1 through August 31 - 20,900 mt, and for the period September 1 through December 31 - 8,800 mt.

This apportionment was proposed in the **Federal Register** (60 FR 27488, May 24, 1995) requesting public comment. The public comment period ended on June 7, 1995, and no comments were received.

Classification

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

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

Dated: June 14, 1995.

Richard W. Surdi,

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

[FR Doc. 95–15093 Filed 6–20–95; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 60, No. 119
Wednesday, June 21, 1995

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[Docket No. FV95–989–3PR]

Change of Desirable Carryout Used in Computing Trade Demand

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the desirable carryout levels which are used in computing the yearly trade demand for California raisins. The trade demand is used to help determine the volume regulation percentages for each crop year, if necessary. The desirable carryout would be reduced from the current two and one-half months of shipments to two and one-fourth months of shipments during the 1995–96 crop year and to two months of shipments in subsequent crop years. The Raisin Administrative Committee (Committee), which is responsible for local administration of the Federal marketing order, believes that the current desirable carryout level results in excessive supplies of marketable tonnage early in the crop year. This proposal would contribute to the orderly marketing of California raisins by mitigating the oversupply of raisins early in the crop year, thus stabilizing the market conditions for producers and handlers.

DATES: Comments must be received by July 6, 1995.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456, or faxed to (202) 720–5698. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mark Hessel, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901, or fax (209) 487–5906; or Valerie L. Emmer, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 205–2829, or fax (202) 720–5698.

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Agreement and Order No. 989 (7 CFR Part 989), as amended, regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

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

This proposal has been reviewed under Executive Order 12778, Civil Justice Reform. This proposal would reduce the desirable carryout for the 1995–96 crop year, beginning August 1, 1995, through July 31, 1996, and for subsequent crop years. This proposal will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 20 handlers of California raisins who are subject to regulation under the marketing order and approximately 4,500 producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts (from all sources) are less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. No more than eight handlers and a majority of producers of California raisins may be classified as small entities. Twelve of the 20 handlers subject to regulation have annual sales estimated to be at least $5,000,000, and the remaining eight handlers have sales less than $5,000,000, excluding receipts from any other sources.

This proposed rule would change section 989.154 of the administrative rules and regulations of the raisin marketing order. The Committee recommended by a vote of 31 to 15 at its April 28, 1995, meeting, to adjust the desirable carryout level in section 989.154 from the current two and one-half months of shipments to two and one-fourth months of shipments during the 1995–96 crop year and to two months of shipments in subsequent crop years. The crop year includes the 12-month period August 1 through July 31.

The desirable carryout level is the amount of tonnage from the prior crop year needed during the first part of the succeeding crop year to meet market needs, before new crop raisins are harvested and available for market.

Currently, section 989.154 provides that the desirable carryout levels shall be equal to the shipments of free tonnage to all outlets for each varietal type during the months of August, September, and one-half of the total shipments for the month of October of the prior crop year.

The desirable carryout figure is used in marketing policy calculations to determine trade demand. The trade demand is 90 percent of prior year's shipments, adjusted by the carryin and desirable carryout. The trade demand is then used to help determine the volume regulation percentages for each crop year, if necessary.

Beginning in the 1991–92 crop year the desirable carryout was reduced from three months of shipments to two and one-half months of shipments. It was determined that the use of the three month desirable carryout level resulted in excessive supplies of marketable tonnage early in the season.

The Committee has used the two and one-half month desirable carryout figure for four crop years and has determined that the use of this figure also results in an excessive supply of free tonnage at the beginning of the marketing season. A majority of the Committee members believes that this causes unstable market conditions during the early part of the crop year.

To correct the oversupply of marketable raisin tonnage early in the season, the Committee has recommended that the desirable carryout levels be revised from two and one-half months of the prior year's shipments to two and one-fourth months of the prior year's shipments for the 1995–96 crop year and to two months of the prior year's shipments for subsequent crop years.

The change in the desirable carryout levels would reduce the trade demand and the free tonnage percentage, and would make less free tonnage available to handlers for immediate use. However, handlers would still be provided an opportunity to increase their inventories, if necessary, by purchasing raisins from the reserve pool under order-mandated 10 plus 10 offers during November and other releases of reserve pool raisins available under the marketing order. The 10 plus 10 offers are two simultaneous offers of reserve pool raisins which are made available to handlers each season. For each such offer, a quantity of raisins equal to 10 percent of the prior year's shipments is made available for free use. Although this proposed rule would tighten the supply of raisins early in the season, handlers would still have the opportunity to obtain additional supplies to meet market needs, if needed later in the season.

This proposal is intended to stabilize the early season raisin market. Bringing early season supplies in line with market needs is expected to stabilize market prices. This price stabilization should make raisin buyers less likely to postpone their purchases. Thus, decreasing the desirable carryout could strengthen the market and increase shipments, which would benefit raisin producers and handlers.

One alternative that was discussed by the Committee prior to recommending this proposed change was to immediately set the desirable carryout level at two months of the prior year's shipments. It was determined that this was too rapid an adjustment and that first setting the desirable carryout levels at two and one-quarter months for the 1995–96 season and two months in subsequent crop years would be a more prudent approach.

Another alternative considered was setting the desirable carryout at a fixed tonnage. However, this alternative does not allow the desirable carryout to fluctuate with changing market conditions from year to year.

Those voting in opposition to the recommendation to reduce the desirable carryout level believed that the marketing order should not further restrict supplies during the early part of the crop year. However, the following table shows that adequate supplies of Natural (sun-dried) Seedless raisins have been available early in the crop year to meet demand. Natural (sun-dried) Seedless raisins represent about 90 percent of all raisins produced in California. The other two varieties which had reserve pools for the 1994–95 crop year, Zante Currant raisins and Other Seedless raisins, had carryins far exceeding the annual trade demand. "Carryin" is synonymous with the "carryout" of the preceding crop year. All figures are in natural condition tons.

Crop year	Desirable carryin (Aug, Sept and 1/2 Oct shipments) (tons)	Physical carryin (tons)	Aug/Sept shipments (tons)
1994–95	84,671	92,248	64,374
1993–94	81,867	93,752	67,784
1992–93	82,591	115,440	65,495
1991–92	84,541	109,306	65,613

The desirable carryin is set to meet the demand for the early part of the crop year (August and September) before the new crop becomes available. The actual physical carryin has far exceeded the desirable carryin and has resulted in an oversupply of free tonnage during the early part of the crop year. The reduction in desirable carryout would contribute to correcting the problem by adjusting the free tonnage market supply, which would bring it more in line with demand.

The desirable carryout levels that would be established by this proposed rule would apply uniformly to all handlers in the industry, whether small or large, and there would be no known additional costs incurred by small handlers. The stabilizing effects of the revised desirable carryout levels would impact both small and large handlers positively by helping them maintain and expand markets.

In the event that the prior year's shipments are limited because of crop conditions, a proviso in section 989.154 allows the committee to select the total shipments during the months of August, September and one-half of the total shipments for October during one of the three years preceding the prior crop year. Consistent with the need to reduce early season supplies, this proposed rule would make a corresponding revision to this proviso, by changing the total shipments from August, September, and one-half of the total shipments for October to the total shipments from August and September only.

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

Interested persons are invited to submit their views and comments on this proposal. A 15-day comment period is considered appropriate because the order requires that the committee meet on or before August 15 to compute and announce the trade demand. As indicated earlier, the desirable carryover is an important factor in that calculation. Thus, a decision on whether to issue the Committee's recommendation must be made prior to that date. A longer comment period would not provide an adequate amount of time to complete this rulemaking by that date. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 989

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

For the reasons set forth in the, preamble, 7 CFR part 989 is proposed to be amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 989.154 is revised to read as follows:

§ 989.154 Desirable carryout levels.

The desirable carryout levels to be used in computing and announcing a crop year's marketing policy shall be equal to the total shipments of free tonnage of the prior crop year during the months of August and September, for each varietal type, converted to a natural condition basis: *Provided*, That the desirable carryout levels to be used in computing and announcing the 1995–96 crop year's marketing policy shall be equal to the total 1994 shipments of free tonnage for the months of August and September, and one-fourth of the total shipments for the month of October: *Provided further*, That should the prior year's shipments be limited because of crop conditions, the Committee may select the total shipments during the months of August and September during one of the three crop years preceding the prior crop year.

Dated: June 15, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–15106 Filed 6–20–95; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Parts 1124 and 1135

[Docket Nos. AO–368–A25, AO–380–A15; DA–95–01]

Milk in the Pacific Northwest and Southwestern Idaho-Eastern Oregon Marketing Areas; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider proposals to modify the pooling standards in the Pacific Northwest and Southwestern Idaho-Eastern Oregon Federal milk orders. The hearing will also consider proposals to amend the Pacific Northwest order by expanding the marketing area to include two additional counties, modifying the multiple component pricing plan, providing the market administrator with authority to revise pooling standards and issue a "call" for milk if needed, and modifying the producer-handler definition. The hearing was requested by Darigold Farms, a cooperative association that represents a large portion of the producers on the two orders.

DATES: The hearing will convene at 9 a.m. on July 11, 1995.

ADDRESSES: The hearing will be held at the Red Lion Hotel, Lloyd Center, 1000 N.E. Multnomah, Portland, Oregon 97232 (503) 281–6111.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Order Formulation Branch, USDA/AMS/Dairy Division, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9368.

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

Notice is hereby given of a public hearing to be held at the Red Lion Hotel, Lloyd Center, 1000 N.E. Multnomah, Portland, Oregon 97232, beginning at 9 a.m., on Tuesday, July 11, 1995, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Pacific Northwest and Southwestern Idaho-Eastern Oregon marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Actions under the Federal milk order program are subject to the Regulatory Flexibility Act (Pub. L. 96–354). This Act seeks to ensure that, within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. For the purpose of the Act, a dairy farm is a "small business" if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The information collection requirements in the order provisions proposed to be amended in this notice of hearing have been previously approved by the Office of Management and Budget (OMB) under the provisions of Title 44 U.S.C. chapter 35 and have been assigned OMB control number 0581–0032.

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

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

Interested parties who wish to introduce exhibits should provide the Presiding Officer at the hearing with six copies of such exhibits for the Official Record. Also, it would be helpful if additional copies are available for the use of other participants at the hearing.

List of Subjects in 7 CFR Parts 1124 and 1135

Milk marketing orders.

The authority citation for 7 CFR Parts 1124 and 1135 continue to read as follows:

Authority: 7 U.S.C. 601–674.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Darigold Farms

Proposal No. 1

1. Amend § 1135.7 by adding a new paragraph (d) to read as follows:

§ 1135.7 Pool plant.

* * * * *

(d) The market administrator may increase or decrease the shipping requirements if the market administrator finds that such revision is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for revision either on the market administrator's own initiative or at the request of interested parties. If the investigation shows that a revision of the shipping requirements might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and invite data, views, and arguments. Any request for revision of shipping percentages shall be filed with the market administrator no later than the 15th day of the month prior to the month for which the requested revision is desired to be effective.

2. Amend § 1135.13 by revising paragraphs (f)(2) and (f)(3), revising the first sentence of paragraph (f)(4), revising the second sentence of paragraph (f)(5) and by adding a new paragraph (f)(7) to read as follows:

§ 1135.13 Producer milk.

* * * * *

(f) * * *

(2) During each of the months of September through November milk of a dairy farmer shall not be eligible for diversion unless during the month one day's production of milk of such dairy farmer is physically received as producer milk at a pool plant.

(3) The total quantity of milk diverted by a cooperative association during any month may not exceed 80 percent during the months of September through April and 90 percent during the months of May through August of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month. * * *

(4) The total quantity of milk diverted during the month by a proprietary bulk tank handler described in § 1135.9(d) may not exceed 80 percent during the months of September through April and 90 percent during the months of May through August of the producer milk that the handler causes to be delivered to or diverted from pool plants during the month;

(5) * * * The total quantity so diverted during any month may not exceed 80 percent during the months of September through April and 90 percent during the months of May through August of the producer milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator; and

(6) * * *

(7) The market administrator may increase or decrease the diversion limitations in paragraphs (f)(3), (f)(4) and (f)(5) of this section if the market administrator finds that such revision is necessary to prevent uneconomic handling or shipments of milk. Before making such a finding the market administrator shall investigate the need for revision either on the market administrator's own initiative or at the request of interested parties. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and invite data, views, and arguments. Any request for revision of diversion limitations shall be filed with the market administrator no later than the 15th day of the month prior to the month for which the requested revision is desired effective.

Proposed by Darigold Farms

Proposal No. 2

1. Amend § 1124.2, Pacific Northwest marketing area, to include the two additional Washington counties of Clallam and Jefferson.

2. Amend § 1124.7 by revising paragraph (c) to read as follows:

§ 1124.7 Pool plant.

* * * * *

(c) The market administrator may increase or decrease the shipping requirements if the market administrator finds that such revision is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding the market administrator shall investigate the need for revision either on the market administrator's own initiative or at the request of interested parties. If the investigation shows that a revision of the shipping requirements might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and invite data, views, and arguments. Any request for revision of shipping percentages shall be filed with the market administrator no later than the 15th day of the month prior to the month for which the requested revision is desired effective.

* * * * *

3. Amend § 1124.13 by revising paragraph (c) and adding a new paragraph (e) to read as follows:

§ 1124.13 Producer milk.

* * * * *

(c) The following conditions shall apply to diverted producer milk:

(1) A cooperative association or its agent may divert for its account the milk of any producer. The total quantity of milk diverted may not exceed 80 percent during the months of September through April and 90 percent during the months of May through August of the total quantity of producer milk which the association or its agent causes to be delivered to pool distributing plants or diverted. The percentage limits on diversions specified in this paragraph shall not apply to a cooperative reserve supply unit defined in § 1124.11;

(2) A handler other than a cooperative association that operates a pool plant may divert milk for its account to other plants or pursuant to § 1124.40(b)(3). The total quantity of milk so diverted may not exceed 80 percent during the months of September through April and 90 percent during the month of May through August of the milk received at such handler's pool plant or diverted by such handler from any producer other than a member of a cooperative association which markets milk under paragraph (c)(1) of this section and for which the operator of such plant is the handler during the month;

* * * * *

(e) The market administrator may increase or decrease the diversion limitations (c)(1) and (c)(2) of this section if the market administrator finds that such revision is necessary to prevent uneconomic handling or shipments of milk. Before making such a finding the market administrator shall investigate the need for revision either on the market administrator's own initiative or at the request of interested parties. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and invite data, views, and arguments. Any request for revision of diversion limitations shall be filed with the market administrator no later than the 15th day of the month prior to the month for which the requested revision is desired to be effective.

4. Amend § 1124.30 by revising paragraphs (a)(1)(i), (a)(1)(ii) and (c)(1) through (c)(3) as follows:

§ 1124.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(1) * * *

(i) Milk received directly from producers (including such handler's own production) and the pounds of protein and pounds of nonfat milk solids other than protein (other solids) contained therein;

(ii) Milk received from a cooperative association pursuant to § 1124.9(c) and the pounds of protein and of nonfat milk solids other than protein (other solids) contained therein;

* * * * *

(c) * * *

(1) The pounds of skim milk, butterfat, protein, and nonfat milk solids other than protein (other solids) received from producers;

(2) The utilization of skim milk, butterfat, protein, and nonfat milk solids other than protein (other solids) for which it is the handler pursuant to § 1124.9(b); and

(3) The quantities of skim milk, butterfat, protein, and nonfat milk solids other than protein (other solids) delivered to each pool plant pursuant to § 1124.9(c).

* * * * *

5. Amend § 1124.31 by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 1124.31 Payroll reports.

* * * * *

(a) * * *

(1) The total pounds of milk received from each producer, the pounds of butterfat, the pounds of protein, and nonfat milk solids other than protein (other solids) contained in such milk, and the number of days on which milk was delivered by the producer during the month;

* * * * *

(b) * * *

(1) The total pounds of milk received from each producer and the pounds of butterfat, pounds of protein, and nonfat milk solids other than protein (other solids) contained in such milk;

* * * * *

6. Amend § 1124.50 by revising paragraph (g) and adding a new paragraph (h) to read as follows:

§ 1124. 50 Class and component prices.

* * * * *

(g) Protein price. The protein price per pound, rounded to the nearest one-hundredth cent, shall be 1.32 times the average monthly price per pound for 40-pound block Cheddar cheese on the National Cheese Exchange as reported by the Department.

(h) Other solids price. Other solids are herein defined as nonfat milk solids other than protein. The other solids price per pound, rounded to the nearest one-hundredth cent, shall be the skim milk price times .965, less the average protein test of the basic formula price as reported by the Department for the month times the protein price, and dividing the resulting amount by the market average nonfat milk solids other than protein (other solids) test of producer milk. If the resulting price is less than zero, then the protein price will be reduced so that the other solids price equals zero.

7. Revise § 1124.53 to read as follows:

§ 1124.53 Announcement of class and component prices.

On or before the 5th day of each month, the market administrator shall announce publicly the following prices:

(a) The Class I price for the following month.

(b) The Class II price for the following month.

(c) The Class III price for the preceding month.

(d) The Class III–A price for the preceding month.

(e) The skim milk price for the preceding month.

(f) The butterfat price for the preceding month.

(g) The protein price for the preceding month.

(h) The butterfat differential price for the preceding month.

8. Amend § 1124.60 by revising paragraph (e), renaming paragraphs (f) through (m) as paragraphs (g) through (n), adding a new paragraph (f), changing the reference in the introductory text of paragraph (g) from (f)(6) to (g)(6), revising paragraph (g)(3), renumbering paragraphs (g)(4) through (g)(6) as (g)(5) through (g)(7), adding a new paragraph (g)(4), revising paragraph (h)(3), renumbering paragraphs (h)(4) through (h)(6) as paragraphs (h)(5) through (h)(7), adding a new paragraph (h)(4), and revising paragraph (h)(7), to read as follows:

§ 1124.60 Computation of handler's obligations to pool.

* * * * *

(e) Multiply the protein price for the month by the pounds of protein associated with the pounds of producer skim milk in Class II and Class III during the month. The pounds of protein shall be computed by multiplying the producer skim milk pounds so assigned by the percentage of protein in the handler's receipts of producer skim milk during the month for each report filed separately;

(f) Multiply the other solids price for the month by the pounds of nonfat milk solids other than protein (other solids) associated with the pounds of producer skim milk in Class II and Class III during the month. The pounds of nonfat milk solids other than protein (other solids) shall be computed by multiplying the producer skim milk pounds so assigned by the percentage of nonfat milk solids other than protein (other solids) in the handler's receipts of producer skim milk during the month for each report filed separately;

(g) * * *

(3) Multiply the pounds of protein associated with the skim milk pounds assigned to Class II and III by the protein price;

(4) Multiply the pounds of nonfat milk solids other than protein (other solids) associated with the skim milk pounds assigned to Class II and III by the other solids price;

* * * * *

(h) * * *

(3) Multiply the pounds of protein associated with the skim milk pounds assigned to Class II and III by the protein price;

(4) Multiply the pounds of nonfat milk solids other than protein (other solids) associated with the skim milk pounds assigned to Class II and III by the other solids price;

* * * * *

(7) Subtract the Class III value of the milk at the previous month's protein, other milk solids, and butterfat prices;

* * * * *

9. Revise § 1124.61 to read as follows:

§ 1124.61 Computation of statistical uniform price.

A statistical uniform price for each month shall be computed by the market administrator as follows:

(a) Multiply the butterfat price computed pursuant to § 1124.50(f) times 3.50;

(b) Multiply the protein price computed pursuant to § 1124.50(g) times the market average protein test;

(c) Multiply the producer other solids price computed pursuant to § 1124.62 times the market average other solids test; and

(d) Add paragraphs (a) through (c) of this section. The result shall be the statistical uniform price for milk containing 3.50 percent butterfat and market average protein and other solids.

10. Revise § 1124.62 to read as follows:

§ 1124.62 Computation of producer other solids price.

The producer other solids price shall be computed by the market administrator each month as follows:

(a) Combine into one total the value computed pursuant to § 1124.60 (a) through (c) and (f) through (n) for all handlers who filed the reports prescribed by § 1124.30 for the month and who made the payments pursuant to § 1124.71 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(c) Divide the resulting amount by the total pounds of other solids in producer milk; and

(d) Subtract not less than 4 cents per hundredweight nor more than 5 cents per hundredweight of the total pounds of milk used in § 1124.61(c).

11. Revise § 1124.63 to read as follows:

§ 1124.63 Announcement of producer prices.

On or before the 14th day after the end of each month, the market administrator shall announce the following prices and information:

(a) The protein price;

(b) The other solids price;

(c) The producer other solids price;

(d) The butterfat price;

(e) The average protein test and other solids test of producer milk; and

(f) The statistical uniform price for milk containing 3.5 percent butterfat.

12. Amend § 1124.71 by revising paragraph (b)(3) to read as follows:

§ 1124.71 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(3) The value at the statistical uniform price adjusted for the location of the plant(s) at which received (not to be less than zero) with respect to the total hundredweight of skim milk and butterfat in other source milk for which a value was computed or such handler pursuant to § 1124.60(k); and

* * * * *

13. Amend § 1124.73 by revising paragraphs (a)(2)(ii), (a)(2)(iii), (c), (c)(1), and (f)(2)to read as follows:

§ 1124.73 Payments to producers and to cooperative associations.

(a) * * *

(2) * * *

(ii) Add the amount that results from multiplying the protein price for the month by the total pounds of protein in the milk received from the producer;

(iii) Add the amount that results from multiplying the producer other solids price for the month by the total pounds of other solids in the milk received from the producer;

* * * * *

(c) Each handler shall pay to each cooperative association which operates a pool plant, or the cooperative's duly authorized agent, for butterfat, protein, and other milk solids received from such plant in the form of fluid milk products as follows:

(1) On or before the second day prior to the date specified in paragraph (a)(1) of this section, for butterfat, protein, and other milk solids received during the first 15 days of the month at not less than the butterfat, protein, and other milk solids prices, respectively for the preceding month; and

* * * * *

(f) * * *

(2) The total pounds of milk delivered by the producer, the pounds of butterfat, protein, and other milk solids contained therein, and, unless previously provided, the pounds of milk in each delivery;

* * * * *

14. Amend § 1124.75 by revising paragraphs (a)(1)(i) to read as follows:

§ 1124.75 Payments by a handler operating partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1124.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price, estimated uniform price or statistical uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. No obligation shall apply to Class I milk transferred to a pool plant or another order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which an equivalent amount of milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1124.60(k) and a credit in the amount specified in § 1124.71(b)(3) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in paragraph (a)(1)(ii) of this section; and

* * * * *

Proposed by Farmers Cooperative Creamery

Proposal No. 3

Amend § 1124.7 by revising paragraph (b)(1) to read as follows:

§ 1124.7 Pool plant.

* * * * *

(b) * * *

(1) With respect to a supply plant operated by a cooperative association, the producer milk of its members which it caused to be delivered directly from their farms to pool distributing plants, for the purpose of this paragraph, may, upon written request to the market administrator prior to the month in which it is effective, have such deliveries considered as a receipt at the cooperative's supply plant and a shipment from the supply plant to pool distributing plants;

Proposed by National All-Jersey Inc.

Proposal No. 4

Modify the multiple component pricing plan in Order 1124 from the current two components (fat and solids-not-fat) to a three component plan (fat, protein, and other solids) as follows:

1. Butterfat. The butterfat price per pound, rounded to the nearest one-hundredth cent, is the Class II price plus an amount computed by multiplying the butterfat differential by 965 and dividing the resulting amount by one hundred.

2. Protein. The protein price per pound, rounded to the nearest one-hundredth cent, is 1.32 times the average monthly price per pound for 40-pound block Cheddar cheese on the National Cheese Exchange as reported by the Department plus 1.95 times the average monthly price per pound for whey powder (West) as reported by Dairy Market News.

3. Other solids price. This is a residual price. The other solids price per pound, rounded to the nearest one-hundredth cent, is computed by subtracting from the basic formula price, 3.5 times the butterfat price per pound and the protein price per pound times the M–W average protein content. The result is divided by Order 124 other solids content.

4. Weighted average differential per hundredweight. The weighted average differential includes each producer's share of the Class I, II, and III–A differentials. Any differences in component levels of milk used in Class I versus Class II and III will be reconciled in the weighted average differential price. The result is that both the handler protein and other solids prices would be identical. There would be no need for a protein or other solids pool.

5. Handler obligations. Handler obligations only change for milk allocated to Class II, III, and III–A. There is no change in a handler's obligation for milk allocated to Class I. Handlers' obligations are as follows:

Class I Handler Obligations

A. Skim milk price per cwt. x total cwt. of skim purchased.

B. Butterfat price per pound x total pounds of butterfat purchased.

C. Class I differential price per cwt. x total cwt of milk purchased.

Class II Handler Obligations

A. Protein price per pound x total pounds of protein purchased.

B. Other solids price per pound x total pounds of other solids purchased.

C. Butterfat price per pound x total pounds of butterfat purchased.

D. Class II differential price per cwt. x total cwt. of milk purchased.

Class III Handler Obligations

A. Protein price per pounds x total pounds of protein purchased.

B. Other solids price per pound x total pounds of other solids purchased.

C. Butterfat price per pound x total pounds of butterfat purchased.

Class III–A Handler Obligations

A. Protein price per pound x total pounds of protein purchased.

B. Other solids price per pound x total pounds of other solids purchased.

C. Butterfat price per pound x total pounds of butterfat purchased.

D. The difference between the Class III price and the Class III–A price x the total cwt. of milk purchased.

6. Producer payments. Producers would be paid for their milk production based on four factors as follows:

A. Protein price per pound x the total pounds of protein production.

B. Other solids price per pound x total pounds of other solids production.

C. Butterfat price per pound x total pounds of butterfat production.

D. Weighted average differential per cwt. (each producer's share of Class I, II, and III–A differentials) x total cwt. of milk production.

7. Change any other order provisions needed to implement this MCP plan.

Proposed by Oregon Washington Dairy Processors Association

Proposal No. 5

1. Amend § 1124.7 by adding a new paragraph (d)(7) to read as follows:

§ 1124.7 Pool plant.

* * * * *

(d) * * *

(7) A government agency plant.

2. Amend § 1124.8 by adding a new paragraph (f) to read as follows:

§ 1124.8 Nonpool plant.

* * * * *

(f) Governmental Agency plant means a plant owned and operated by a government institution from which fluid milk products are distributed as route dispositions to state institutions not for resale. Such plants shall be exempt from all provisions of this part regarding dispositions to state correctional institutions not for resale. All other fluid milk products shall be subject to § 1124.76(b).

3. Amend § 1124.10 by removing the last sentence from the introductory text, revising paragraphs (c)(2) and (c)(2)(i), and deleting paragraph (c)(2)(ii) to read as follows:

§ 1124.10 Producer-handler.

* * * * *

(c) * * *

(2) The producer-handler handles fluid milk products derived from sources other than the milk production and resources specified in paragraph (b) of this section, except as specified below:

(i) A producer-handler may receive fluid milk products from pool plants if such receipts do not exceed a daily average of 100 pounds during the month.

* * * * *

4. Amend § 1124.12 by adding a new paragraph (b)(6) to read as follows:

§ 1124.12 Producer.

* * * * *

(b) * * *

(6) Any government institution which produces milk in conjunction with the operation of a plant exempt from provisions of this part pursuant to § 1124.8(f).

5. A new § 1124.19 is added under the title "Definitions" to read as follows:

§ 1124.19 Call for milk.

Call for milk means the response undertaken by any cooperative association, including one qualified as a cooperative reserve supply unit pursuant to § 1124.11, to supply producer milk to a distribution plant in accordance with a request made by the market administrator. The market administrator may issue a request for specific cooperatives to supply bulk fluid milk to one or more distributing plants whenever he finds that such supplies are needed at such plant(s) to fulfill their needs for milk for Class I purposes:

(a) Before making a finding that additional supplies are needed for Class I purposes the market administrator shall investigate such need in accordance with the procedures set forth in § 1124.11(b)(1).

(b) Any cooperative with an adequate supply of producer milk within 125 miles of distribution plants included in the call may be requested by the market administrator to respond on a timely basis. Producer milk being directed to other plants for manufacturing purposes will be considered to constitute an appropriate alternative supply for Class I use.

(1) Failure of a cooperative reserve supply unit to comply with any announced shipping requirements, including making any significant change in the unit's marketing operation that the market administrator determines has the impact of evading or forcing such an announcement, shall result in immediate loss of cooperative reserve supply unit status until such time as the unit has been a handler pursuant to § 1124.9 (b) and (c) for at least 12 consecutive months.

(2) Failure of other cooperatives to comply with a call for milk will result in a loss of producer milk status for an equivalent volume of milk that is delivered to manufacturing plants during the period when the call is effective.

(3) Cooperatives, other than cooperative reserve supply units, notified of a loss of producer milk status for violation of this provision shall identify those producers and the amount of their milk not eligible for diversion during the call period. Failure of the cooperative to designate such producers and the respective amounts of milk shall result in the forfeiture of producer milk status for all milk diverted to nonpool manufacturing plants during the month.

Proposed by Dairy Division, Agricultural Marketing Service

Proposal No. 6

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with

any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator of the aforesaid marketing areas, or from the Hearing Clerk, Room 1083, South Building, United States Department of Agriculture, Washington, DC 20250, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangements may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington office) and the Offices of all Market Administrators.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Dated: June 15, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–15105 Filed 6–20–95; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–ANE–13]

Airworthiness Directives; Royal Inventum Company DR1 and DR6 Series Galley Water Heaters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Royal Inventum Company DR1 and DR6 series galley water heaters. This proposal would require the installation of new pressure relief valves, and 3-phase safety devices on each Royal Inventum Company DR1 and DR6 series galley water heater. This proposal is prompted by a report of a Royal Inventum DR6 water heater explosion in the aircraft galley during an overheat test at a maintenance facility. The actions specified by the proposed AD are intended to prevent explosions of Royal Inventum Company DR1 and DR6 series galley water heaters, which could cause personal injury or galley damage to the aircraft.

DATES: Comments must be received by August 21, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95- ANE–13, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from B/E Aerospace, Inventum Galley Products Division (Royal Inventum Company), P.O. Box 250, 3430 AG Nieuwegin, The Netherlands. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Terry Fahr, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA , 01803–5299; telephone (617) 238–7155, fax (617) 238–7199.

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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95–ANE–13." 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, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–13, 12 New England Executive Park, Burlington, MA, 01803–5299.

Discussion

The Director-General of Civil Aviation of the Netherlands, which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on Royal Inventum Company DR1 and DR6 series galley water heaters, and is likely to exist or develop on other water heaters of the same or similar design. A Royal Inventum Company Model DR6 water heater exploded during a simulated overheat test in a maintenance facility. The water heater was of an earlier design, which did not have a pressure relief valve installed, and did not have a 3-phase safety device installed on the water tank, resulting in a thermostat failure which caused an explosion of the aircraft galley water heater.

Inventum Bilthoven-Holland has issued Service Bulletin's (SB's) 25–330, Revision 1, dated July 8, 1976; SB 25–331, Revision 1, dated September 28, 1977; and Inventum Alert Service Bulletin (ASB) DR1/DR6–25–4, Revision A, dated December 6, 1993, that specify the installation of a pressure relief valve; and Inventum Bilthoven-Holland SB's 25–340, dated July 7, 1977; SB 25–344, dated January 18, 1978; SB 25–345, dated February 16, 1978; SB 25–346, dated February 16, 1978; and Inventum ASB DR1/DR6–25–5, Revision A, dated December 6, 1993, that specify the installation of 3-phase safety devices. The Director-General of Civil Aviation of the Netherlands has classified these service bulletins as mandatory and issued Airworthiness Directive BLA 93–168 (AB), dated December 17, 1993, in order to assure the airworthiness of these water heaters.

This water heater is manufactured in the Netherlands. The FAA has examined the findings of the Director-General of Civil Aviation of the Netherlands, reviewed all information, and determined that AD action is necessary for products of this design that are approved for use on aircraft registered in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other water heaters of the same design approved for use on aircraft registered in the United States, the proposed AD would require the installation of a pressure relief valve and two 3-phase safety devices on these water heaters. The actions would be required to be accomplished in accordance with the service bulletin's described previously.

There are approximately 250 water heaters of the affected design that are on aircraft of U.S. registry that would be affected by this proposed AD, and that it would take approximately six and one half work hours per aircraft to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $250 per aircraft. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $94,500.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Royal Inventum Company: Docket No. 95–ANE–13.

Applicability: Royal Inventum Company DR1 and DR6 series galley water heaters, installed on but not limited to Boeing 727 and 737 series, McDonnell Douglas DC–9 series; and Fokker F.28 series (except Mk. 0100) aircraft.

Note: This airworthiness directive (AD) applies to each water heater 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 Royal Inventum water heaters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any Royal Inventum water heater from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously. To prevent possible explosion of water heaters that could cause personal injury and aircraft damage, accomplish the following:

(a) Within 90 days after the effective date of this AD install a pressure relief valve in accordance with Inventum Alert Service Bulletin (ASB) DR1/DR6–25–4, Revision A, dated December 6, 1993, or Inventum Service Bulletin (SB) 25–330, Revision 1, dated July 8, 1976; or SB 25–331, Revision 1, dated September 28, 1977; and two 3-phase safety devices in accordance with Inventum ASB DR1/DR6–25–5, Revision A, dated December 6, 1993, or SB 25–340, dated July 7, 1977; SB 25–344, dated January 18, 1978; or SB 25–345, dated February 16, 1978; or SB 25–346, dated February 16, 1978.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Boston Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Boston Aircraft Certification Office.

(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 aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on June 11, 1995.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95–15150 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–13–U

Coast Guard

33 CFR Part 100

[CGD 09–95–005]

RIN 2115–AE46

Special Local Regulations; Great Lakes Annual Marine Events

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise its list of annual marine events which occur within the Ninth Coast Guard District. Publication of this list will establish permanent special local regulations for marine events within the Ninth Coast Guard District which recur on an annual basis and which have been determined by the District Commander to require the issuance of special local regulations. This action is being taken to ensure the safety of life and property during each event, while avoiding the necessity of publishing a separate temporary regulation each year for each event. The list reflects the approximate dates and locations of each annual marine event.

DATE: Comments must be received on or before August 7, 1995.

ADDRESSES: Comments should be mailed to Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199–2060. The comments will be available for inspection and copying at the Aids to Navigation and Waterways Management Branch, Room 2083, 1240 East 9th Street, Cleveland, Ohio. Normal office hours are between 8 a.m. and 4 p.m.

(EDT), Monday through Friday, except holidays. Comments may also be hand delivered to this address. Annual notice of the exact dates and times of the effective period of the regulation with respect to each event, the geographical area, and details concerning the nature of the event and the number of participants and type(s) of vessels involved will also be published in local notices to mariners. To be placed on the mailing list for such notices, write to Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199–2060.

FOR FURTHER INFORMATION CONTACT: Marine Science Technician Second Class Jeffrey M. Yunker, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, 1240 East Ninth Street, Cleveland, Ohio 44199–2060, (216) 522–3990.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking [CGD09–95–005] and the specific section of this proposal to which each comment applies, and give a reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Officer at the address under **ADDRESSES**. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The drafters of this regulation are Lieutenant Junior Grade Byron D. Willeford, Project Officer, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, and Lieutenant Karen E. Lloyd, Project Attorney, Ninth Coast Guard District Legal Office.

Discussion of Proposed Regulations

If adopted, this rulemaking will update an existing list of anticipated annual events. Each year various public and private organizations sponsor marine events on the navigable waters of the United States within the Ninth Coast Guard District. These events include slow-moving boat parades, sailboat races, high-speed hydroplane races, fireworks displays, and other water-related events. The listed events are held in approximately the same location during the same general timeframe each year. Exact times and dates will be published in this final rule. This method streamlines the marine event process for those regattas and marine events which have little variation from year to year. Additionally, it significantly reduces the Coast Guard's administrative burden for managing these events, with no reduction in services to the maritime community. The nature of each event is such that special local regulations are deemed necessary to ensure the safety of life, limb, and property on and adjacent to navigable waters during the events. Group Commanders have consulted and will continue to consult with parties potentially affected by any significant changes to the nature, date, time, and location proposed by an event sponsor for each of the events covered in this rule.

Table 1 gives the approximate dates, times, and locations for the annual events listed. Each year, one or more Local Notice to Mariners will be published giving the exact dates, times, and locations for the annual events. It should be noted that Table 1 in the regulation is not a complete list of all marine events that will occur in the Ninth Coast Guard District. It does not include events which do not require special local regulations for the safety of life, limb, and property on or adjacent to navigable waters. It also does not include nonannual events or events which have not been scheduled in time for this publication.

Federalism Implications

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

Environment

The Coast Guard is simply proposing to revise its list of annual marine events. The listing itself will not affect the environment. Upon receipt of applications, the Coast Guard will conduct appropriate environmental analysis for each event in accordance with section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B, and the Coast Guard Notice of final agency procedures and policy for categorical exclusions found at 59 FR 38654 (July 29, 1994).

Economic Assessment and Certification

These regulations are not a significant regulatory action under section 3(f) of Executive Order 12866 and do not require an assessment of potential costs and benefits under section 6(a)(3) of that order. They have been exempted from review by the Office of Management and Budget under that order. They are not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of these regulations to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of the DOT is unnecessary.

Collection of Information

These regulations will impose no collection information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 33 CFR Part 100

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

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.901 is amended by revising Table 1 at the end of the section to read as follows:

§ 100.901 Great Lakes Annual Marine Events.

Table 1

Group Buffalo, NY

Fireworks by Grucci

Sponsor: New York Power Authority.
Date: Last weekend of July.
Location: Lake Ontario, Wright's Landing/ Oswego Harbor, NY within an 800 foot radius of the fireworks launching platform located in approximate position 43° 29′ 10″N, 076° 31′ 04″W (NAD 83).

Flagship International Kilo Speed Challenge

Sponsor: Presque Isle Powerboat Racing Association.
Date: 3rd or 4th weekend of June.
Location: That portion of Lake Erie, Presque Isle Bay, south of a line drawn from 42° 08′ 54″N, 080° 05′ 42″W; to 42° 07′N, 080° 21′W (NAD 83) will be a regulated area. That portion of Lake Erie, Presque Isle Bay, north of a line drawn from 42° 08′ 54″N, 080° 05′ 42″W; to 42° 07′N, 080° 21′W (NAD 83)

will be a " caution area". All vessels transiting the caution area will be operated at bare steerageway, keeping the vessel's wake at a minimum, and will exercise a high degree of caution in the area. The bay entrance will not be affected.

Flagship International Offshore Challenge

Sponsor: Presque Isle Powerboat Racing Association.
Date: 3rd or 4th weekend of June.
Location: That portion of Lake Erie, Presque Isle Bay, Entrance Channel, and the enclosed area from Erie Harbor Pier Head Light (LLNR 3430) northeast to 42° 12′ 48″N. 079° 57′ 24″W (NAD 83), thence south to shore just east of Shades Beach.

Friendship Festival Airshow

Sponsor: Friendship Festival.
Date: 4th of July holiday.
Location: That portion of the Niagara River and Buffalo Harbor from:

Lotitude	*Longitude*
42° 54.4′N	078° 54.1′W, thence to
42° 54.4′N	078° 54.1′W, thence

along the International Border to:

42° 52.9′N	078° 54.9′W, thence to
42° 52.5′N	078° 54.3′W, thence to
42° 52.7′N	078° 53.9′W, thence to
42° 52.8′N	078° 53.8′W, thence to
42° 53.1′N	078° 53.6′W, thence to
42° 53.2′N	078° 53.6′W, thence to
42° 53.3′N	078° 53.7′W, thence

along the breakwall to

42° 54.4′N	078° 54.1′W.

(NAD 83)

Geneva Offshore Grand Prix

Sponsor: Great Lakes Offshore Powerboat Racing Association.
Date: 3rd or 4th weekend of May.
Location: That portion of Lake Erie from:

Lotitude	*Longitude*
41° 51.5′N	080° 58.2′W, thence to
41° 52.4′N	080° 53.4′W, thence to
41° 53′N	080° 53.4′W, thence to
41° 52.2′N	080° 58.2′W, thence to
41° 51.5′N	080° 58.2′W.

(NAD 83)

Sodus Bay 4th of July Fireworks

Sponsor: Sodus Bay Historical Society.
Date: 4th of July holiday.
Location: Lake Ontario, within a 500 foot radius around a barge anchored in approximate position 43° 15.73′N, 076° 58.23′W (NAD 83), in Sodus Bay.

Tallship Erie

Sponsor: Erie Maritime Programs, Inc.
Date: 1st or 2nd weekend of July.
Location: That portion of Lake Erie, Presque Isle Bay Entrance Channel and Presque Isle Bay from:

Lotitude	*Longitude*
42° 10′N	080° 03′W, thence to
42° 08.1′N	080° 07′W, thence to
42° 07.9′N	080° 06.8′W, thence east

along the shoreline and structures to:

42° 09.2′N	080° 02.6′W, thence to
42° 10′N	080° 03′W.

(NAD 83)

Thomas Graves Memorial Fireworks Display

Sponsor: Port Bay Improvement Association.
Date: 1st or 2nd weekend of July.
Location: That portion of Lake Ontario, Port Bay Harbor, NY within a 500 foot radius surrounding a barge anchored in approximate position 47° 17′ 46″N, 076° 50′ 02″W. (NAD 83)

Thunder Island Offshore Challenge

Sponsor: Thunder on the Water Inc.
Date: 3rd or 4th weekend of June.
Location: That portion of Lake Ontario, Oswego Harbor from the West Pier Head Light (LLNR 2080) north to:

Latitude	*Longitude*
43° 29′ 02″N	076° 32′ 04″W, thence to
43° 26′ 18″N	076° 39′ 30″W, thence to
43° 24′ 55″N	076° 37′ 45″W, thence

along the shoreline to the West Pier Head Light (LLNR 2080).

(NAD 83)

We Love Erie Days Fireworks

Sponsor: We Love Erie Days Festival, Inc.
Date: 3rd weekend of August.
Location: That portion of Lake Erie, Erie Harbor, within a 300 foot radius, surrounding the Erie Sand and Gravel Pier, located in position 42° 08′ 16″N, 080° 05′ 40″W (NAD 83).

Group Detroit, MI

Bay City Fireworks Display

Sponsor: Bay City Fraternal Order of Police, Lodge 103.
Date: 4th of July holiday.
Location: Saginaw River, from the Veterans Memorial Bridge to approximately 1000 yards south of the River Walk Pier, near Bay City, MI.

Detroit APBA Gold Cup Race

Sponsor: Spirit of Detroit Association.
Date: 1st or 2nd weekend of June.
Location: Detroit River, between Belle Isle and the U.S. shoreline, near Detroit, MI. Bound on the west by the Belle Isle Bridge and on the east by a north-south line drawn through the Waterworks Intake Cribe Light (LLNR 1022).

Buick Watersports Weekend

Sponsor: Adore Ltd. and APBA.
Date: 3rd or 4th weekend of July.
Location: That portion of the Saginaw River from the Liberty Bridge on the north to the Veterans Memorial Bridge on the south, near Bay City, MI.

Cleveland Charity Classic

Sponsor: Lake Erie Offshore Racing, Ltd.
Date: 3rd or 4th weekend of July.
Location: That portion of Lake Erie, Cleveland Harbor from the Cleveland Waterworks Intake Crib Light (LLRN 4030) to:

Lotitude	*Longitude*
41° 30.7′N	081° 43.1′W (West) Pierhead Light, LLNR 4160), thence

along the breakwater to,

41° 30.4′N	081° 42.9′W (West Breakthrough Light, LLNR 4175), thence to,
41° 30.2′N	081° 42.8′W (West Pier Light, LLNR 4185), thence

along the shoreline and structure to,

41° 32.5′N	081° 38.3′W (Disposal Light B, LLNR 4045), thence to,
41° 33′N	081° 45′W (Cleveland Waterworks Intake Crib Light LLNR 4030).

(NAD 83)

Cleveland National Air Show

Sponsor: Cleveland National Air Show.
Date: Labor Day Weekend.
Location: That portion of Lake Erie and Cleveland Harbor (near Burke Lakefront Airport) from shore position 41° 31′ 52″N, 081° 39′ 17.5″W, northwest to 41° 32′ 19″N, 081° 39′ 42.3″W, then southwest to the East Pierhead Light (LLNR 4075), thence southeast on a bearing of 145 degrees true to shore (NAD 83).

Cleveland Offshore Grand Prix

Sponsor: Great Lakes Offshore Powerboat Racing Association.
Date: 1st or 2nd weekend of August.
Location: That portion of Lake Erie, Cleveland Harbor from the Cleveland Waterworks Intake Crib Light (LLNR 4030) to:

Lotitude	*Longitude*
41° 30.7′N	081° 43.1′W (West) Pierhead Light, LLNR 4160), thence

along the breakwater to,

41° 30.4′N	081° 42.9′W (West Breakwater Light, LLNR 4175), thence to,
41° 30.2′N	081° 42.8′W (West Pier Light, LLNR 4185), thence

along the shoreline and structures to:

41° 32.5′N	081° 38.3′W (Disposal Light B, LLNR 4045), thence to,
41° 33′N	081° 45′W (Cleveland Waterworks Intake Crib Light LLNR 4030).

(NAD 83)

Flatsfest

Sponsor: Flats Riverfest Corporation.
Date: 3rd or 4th weekend of July.
Location: Cuyahoga River, Conrail Railroad Bridge at Mile 0.8 above the mouth of the river to the Eagle Avenue Bridge, near Cleveland, OH.

International Bay City River Road

Sponsor: Bay City River Roar, Inc.
Date: 3rd or 4th weekend of June.
Location: That portion of the Saginaw River from the Liberty Bridge on the north to the Veterans Memorial Bridge on the south, near Bay City, MI.

International Freedom Festival Fireworks

Sponsor: Detroit Renaissance Foundation.
Date: 3rd or 4th week of June.

Location: The Detroit River between 083° 03′W (Cobo Hall) and 083° 01′ 27″W (NAD 83) (Huron Cement).

International Freedom Festival Tug Across the River

Sponsor: Detroit Renaissance Foundation.
Date: 3rd or 4th week of June.
Location: That portion of the Detroit River bounded on the south by the International Boundary, on the west by 083° 03′W, on the east by 083° 02′W, (NAD 83) and on the north by the U.S. shoreline.

Port Clinton Offshore Grand Prix

Sponsor: Great Lakes Offshore Powerboat Racing Association.
Date: 1st or 2nd weekend of July.
Location: That portion of western Lake Erie:

Latitude	*Longitude*
41° 31.2′N	082° 56.1′W, thence
along the shoreline and structure to	
41° 33.3′N	082° 51.3′W, thence to
41° 33.3′N	082° 52.8′W, thence to
41° 31.2′N	082° 56.1W.

(NAD 83)

Port Huron to Mackinac Island Race

Sponsor: Bayview Yacht Club.
Date: 2nd or 3rd weekend of July.
Location: That portion of the Black River, St. Clair River, and Lower Lake Huron from:

Latitude	*Longitude*
42° 58.8′N	082° 26′W, to
42° 58.4′N	082° 24.8′W, thence
northward along the International Boundary to	
43° 02.8′N	082° 23.8′W, to
43° 02.8′N	082° 26.8′W, thence
southward along the U.S. shoreline to	
42° 58.9′N	082° 26′W, thence to
42° 58.8′N	082° 26′W

(NAD 83)

Thunder on the River Hydroplane Race

Sponsor: Toledo Prop Spinners.
Date: 3rd or 4th weekend of August.
Location: Maumee River, between the Martin Luther King and Anthony Wayne bridges, near Toledo, OH.

Toledo 4th of July Fireworks

Sponsor: City of Toledo.
Date: 4th of July weekend.
Location: Maumee River, between the Martin Luther King and Anthony Wayne bridges, near Toledo, OH.

Toledo Labor Day Fireworks

Sponsor: Reams Broadcasting Corporation.
Date: Labor Day.
Location: Maumee River, between the Martin Luther King and Anthony Wayne bridges, near Toledo, OH.

Group Sault Ste. Marie, MI

Bridgefest Regatta

Sponsor: Bridgefest Committee.
Date: 2nd weekend of June.
Location: Keweenaw Waterway, from the Houghton Hancock Lift Bridge to 1000 yards west of the bridge, near Houghton, MI.

Duluth Fourth Fest Fireworks

Sponsor: Office of the Mayor, Duluth, MN.
Date: 4th of July weekend.
Location: That portion of the Duluth Harbor Basin Northern Section bounded in the south by a line drawn on a bearing of 087° true from the Cargill Pier through Duluth Basin Lighted by Buoy #5 (LLNR 15905) to the opposite shore on the north by the Duluth Aerial Bridge. That portion of Duluth Harbor Basin Northern Section within 600 yards of position 46° 46′ 47″N, 092° 06′ 10″W (NAD 83).

July 4th Fireworks

Sponsor: City of Sault Ste Marie, MI.
Date: 4th of July weekend.
Location: That portion of the St. Marys River, Sault Ste. Marie, MI within a 1000 foot radius of Brady Park, located on the south shore of the river. These waters are enclosed by the Locks to the west and to the east from a line drawn from the pier light of the east center pier to the U.S. Coast Guard Base to the southeast.

National Cherry Festival Blue Angels Air Demonstration

Sponsor: National Cherry Festival Inc.
Date: 1st week of July.
Location: That portion of the Western arm of the Grand Traverse Bay, Traverse City, MI, enclosed by straight lines connecting the following geographic coordinates.

Latitude	*Longitude*
44° 46.8′N	085° 38.3′W, to
44° 46.5′N	085° 35.5′W, to
44° 46′N	085° 35.8′W, to
44° 46.5′N	085° 38.5′W, thence to
44° 46.8′N	085° 38.3′W.

(NAD 83)

Venetian Festival Yacht Parade

Sponsor: Charlevoix Chamber of Commerce.
Date: 3rd or 4th weekend of July.
Location: That portion of the upper and lower section of the Pine River, to include Round Lake, from:

Latitude	*Longitude*
45° 19.3′N	085° 15.9′W, (North Pierhead Light, LLNR 17920) thence to,
45° 18.9′N	085° 14.7′W, (Pine River Light 3, LLNR 17945) thence to,
45° 18.8′N	085° 14.7′W, (Pine River Channel Lighted Buoy 2, LLNR 17950) thence to,
45° 19′N	085° 15.9′W, (South Pierhead Light, LLNR 17925) thence to,
45° 19.3′N	085° 15.9′W.

(NAD 02)

Group Grand Haven, MI

Coast Guard Festival Fireworks

Sponsor: Grand Haven Coast Guard Festival, Inc.
Date: 1st weekend of August.
Location: That portion of the Grand River, Grand Haven, MI, from a north-south line drawn from the North Pierhead Light Number 1 (LLNR 18045) on the north to the South Pierhead Entrance Light (LLNR 18035) on the south, thence down river to the US 31 Bascule Bridge (mile 2.89).

Grand Haven Area Jaycees Annual 4th of July Fireworks Display

Sponsor: Grand Haven Area Jaycees.
Date: 1st week of July.
Location: That portion of the Grand River, Grand Haven, MI from the pier heads (mile 0.0) to the US 31 Bascule Bridge (mile 2.89).

Tulip Time Fireworks and Water Ski Show

Sponsor: Holland Tulip Time Festival Inc.
Date: 1st weekend of May.
Location: That portion of Lake Macatawa, Holland Harbor, east of a north-south line, from shore to shore, at position 086° 08′W. (NAD 83)

Tulip Time Water Ski Show

Sponsor: Holland Tulip Time Festival Inc.
Date: 2nd weekend of May.
Location: That portion of Lake Macatawa, Holland Harbor, east of a north-south line, from shore to shore, at position 086° 08′W. (NAD 83)

Waves of Thunder Offshore Race

Sponsor: Michigan Offshore Powerboat Racing Association.
Date: 3rd weekend of June.
Location: That portion of Lake Michigan, from the South Pierhead Light (LLNR 18520) south along the shoreline to:

Latitude	*Longitude*
42° 19′N	086° 19.3′W, thence to
42° 19.5′N	086° 19.8′W, thence to
42° 23.9′N	086° 18.7′W, thence to
42° 23.9′N	086° 17′W.

(NAD 83)

West Michigan Offshore Powerboat Challenge

Sponsor: Michigan Offshore Powerboat Racing Association.
Date: 1st or 2nd weekend of September.
Location: That portion of Lake Michigan from:

Latitude	*Longitude*
43° 03.4′N	086° 15.3′W (Grand Haven South Pierhead Entrance Light, LLNR 18965), thence
along the breakwater and shoreline to	
42° 54.8′N	086° 13′W, thence to
42° 54.8′N	086° 15.7′W, thence to
43° 03.4′N	086° 15.7′W, thence to
43° 03.4′N	086° 15.3′W (Grand Haven) South Pierhead Entrance Light, LLNR 18965).

(NAD 83)

Group Milwaukee, WI

Chicago Air and Water Show

Sponsor: Chicago Park District.
Date: 3rd or 4th weekend of August.
Location: That portion of Lake Michigan from 41° 55′ 54″N at the shoreline, then east to a point at 41° 55′ 54″N, 87° 37′ 12″W, thence southeast to a point at 41° 54′N, 87° 36′W, (NAD 83) then a line drawn southwestward to the northeast corner of the Central District Filtration Plant Breakwall, thence due west to shore.

Festa Italiana

Sponsor: The Italian Community Center.

Date: 3rd weekend of July.

Location: The uncharted lagoon or basin in Milwaukee Harbor north of the mouth of the Milwaukee River and directly adjacent to the Summerfest grounds, enclosed by shore on the west and a "comma" shaped man-made rock wall on the east. The construction of the lagoon is such that a small "basin" has been created with one entrance located at the northwest end, thus, there is no "thru traffic".

Milwaukee Summerfest

Sponsor: Milwaukee World Festival, Inc.

Date: Last week of June through 2nd weekend of July.

Location: The uncharted lagoon or basin in Milkwaukee Harbor north of the mouth of the Milwaukee River and directly adjacent to the Summerfest grounds, enclosed by shore on the west and a "comma" shaped man-made rock wall on the east. The construction of the lagoon is such that a small "basin" has been created with one entrance located at the northwest end, thus, there is no "thru traffic". Four special buoys will be set by the sponsor to delineate the entrance to the lagoon.

Racine on the Lakefront Airshow

Sponsor: Rotary Club of Racine.

Date: 2nd weekend of June.

Location: That portion of Racine Harbor, Lake Michigan bounded by the following corner points:

Southeast Corner—42°41.95′N 87° 45.5′W
Southwest Corner—42°41.95′N 87° 47.2′W
Northwest Corner—42°45.6′N 87° 46.2′W
Northeast Corner—42°45.6′N 87° 45.5′W.
(NAD 83)

Dated: May 17, 1995.

Rudy K. Peschel,

Rear Admiral, Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 95–15223 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 133; NJ20–1–6709b; FRL–5218–4]

Approval and Promulgation of Implementation Plans; Gasoline Volatility Regulation State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of New Jersey which incorporates into the New Jersey SIP revisions to Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuel." These revisions include a modification to the State's volatility standard for vehicular fuels and the addition of a procedure by which persons may apply for an exemption from the Reid Vapor Pressure (RVP) standard that allows the use of gasoline which does not comply with that standard. This action is necessary to keep the State's SIP consistent with changes to its existing regulations. In the final rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the action is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this proposed rule. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received on or before July 21, 1995.

ADDRESSES: All comments should be addressed to: William S. Baker, Chief, Air Programs Branch, Air and Waste Management Division, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the State submittal are available at the following locations for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Library, 26 Federal Plaza, room 402, New York, New York 10278.

New Jersey Department of Environmental Protection, Bureau of Air Quality Planning, 401 East State Street, CN027, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: Michael P. Moltzen, Environmental Engineer, Technical Evaluation Section, Air Programs Branch, Environmental Protection Agency, 26 Federal Plaza, Room 1034A, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

Background

For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: May 2, 1995.

William J. Muszynski,

Deputy Regional Administrator.

[FR Doc. 95–15035 Filed 6–20–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[FL01; FRL–5225–2]

Clean Air Act Proposed Interim Approval of Operating Permit Program; Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed interim approval.

SUMMARY: EPA proposes interim approval of the operating permit program submitted by the State of Florida for the purpose of complying with Federal requirements which mandate that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

DATES: Comments on this proposed action must be received in writing by July 21, 1995.

ADDRESSES: Written comments on this action should be addressed to Carla E. Pierce, Chief, Air Toxics Unit/Title V Program Development Team, Air Programs Branch, at the EPA Region 4 office listed below. Copies of Florida's submittal and other supporting information used in developing the proposed interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, GA 30365.

FOR FURTHER INFORMATION CONTACT: Kim Gates, Title V Program Development Team, Air Programs Branch, Air Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, GA 30365, (404) 347–3555, Ext. 4146.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under title V of the Clean Air Act ("the Act") as amended by the 1990 Clean Air Act Amendments, EPA promulgated rules on July 21, 1992 (57 FR 32250), that define the minimum elements of an approvable state operating permit program and the corresponding standards and procedures by which EPA will approve, oversee, and withdraw approval of state operating permit programs. These rules

are codified at 40 Code of Federal Regulations (CFR) part 70. Title V and part 70 require that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources.

The Act requires states to develop and submit these programs to EPA by November 15, 1993, and EPA to approve or disapprove each program within one year after receiving the submittal. If the State's submission is materially changed during the one-year review period, 40 CFR 70.4(e)(2) allows EPA to extend the review period for no more than one year following receipt of the additional materials. EPA received Florida's title V operating permit program submittal on November 16, 1993. The State provided EPA with additional materials in supplemental submittals dated July 8, 1994, November 28, 1994, December 21, 1994, December 22, 1994, and January 11, 1995. Because these supplements materially changed the State's title V program submittal, EPA has extended the one-year review period.

EPA reviews state operating permit programs pursuant to section 502 of the Act and 40 CFR part 70, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by November 15, 1995, or by the end of an interim program, it must establish and implement a Federal operating permit program for that state.

B. Federal Oversight and Sanctions

If EPA grants interim approval to Florida's program, the interim approval would extend for two years following the effective date of final interim approval, and could not be renewed. During the interim approval period, the State of Florida would not be subject to sanctions, and EPA would not be obligated to promulgate, administer, and enforce a Federal operating permit program for the State. Permits issued under a program with interim approval are fully effective with respect to part 70. The 12-month time period for submittal of permit applications by sources subject to part 70 requirements and the three-year time period for processing the initial permit applications begin upon the effective date of final interim approval.

Following the granting of final interim approval, if Florida fails to submit a complete corrective program for full approval by the date six months before expiration of the interim approval, EPA will start an 18-month clock for mandatory sanctions. If Florida then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA is required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that Florida has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of Florida, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determines that Florida has come into compliance. In any case, if, six months after application of the first sanction, Florida still has not submitted a corrective program that EPA determines to be complete, a second sanction will be required.

If, following final interim approval, EPA disapproves Florida's complete corrective program, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date Florida has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of Florida, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determines that Florida has come into compliance. In all cases, if six months after EPA applies the first sanction, Florida has not submitted a revised program that EPA determines to have corrected the deficiencies that prompted disapproval, a second sanction will be required.

In addition, discretionary sanctions may be applied where warranted any time after the end of an interim approval period if a state has not timely submitted a complete corrective program or EPA has disapproved a submitted corrective program. Moreover, if EPA has not granted full approval to a state program by the expiration of an interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer, and enforce a Federal operating permit program for that state upon interim approval expiration.

II. Proposed Action and Implications

A. Analysis of State Submission

EPA has concluded that the operating permit program submitted by Florida substantially meets the requirements of title V and part 70, and proposes to grant interim approval to the program. For detailed information on the analysis of the State's submission, please refer to the Technical Support Document (TSD) contained in the docket at the address noted above.

1. Support Materials

Pursuant to section 502(d) of the Act, each state must develop and submit to the Administrator an operating permit program under state or local law or under an interstate compact meeting the requirements of title V of the Act. On November 16, 1993, EPA received the title V operating permit program submitted by the State of Florida. The Florida Department of Environmental Protection (FDEP) requested, under the signature of the Florida Governor's designee, approval of its operating permit program with full authority to administer the program in all areas of the State of Florida, with the exceptions of Indian reservations and tribal lands. The State supplemented the program submittal on July 8, 1994, November 28, 1994, and December 22, 1994.

The Florida submittal addresses, in Section II entitled "Complete Program Description," the requirement of 40 CFR 70.4(b)(1) by describing how the State intends to carry out its responsibilities under the part 70 regulations. EPA has deemed the program description to be sufficient for meeting the requirement of 40 CFR 70.4(b)(1).

Pursuant to 40 CFR 70.4(b)(3), each state is required to submit a legal opinion from the Attorney General (or the attorney for the state air pollution control agency that has independent legal counsel) demonstrating adequate authority to carry out all aspects of the title V operating permit program. The State of Florida submitted a General Counsel Opinion and a Supplementary General Counsel Opinion demonstrating adequate legal authority as required by Federal law and regulation.

Section 70.4(b)(4) requires the submission of relevant permitting program documentation not contained in the regulations, such as permit application forms, permit forms, and relevant guidance to assist in the State's implementation of its permit program. Appendix I of Florida's submittal includes the permit application form, and EPA has determined that the application form meets the requirements of 40 CFR 70.5(c).

2. Regulations and Program Implementation

The State of Florida developed Chapter 62–213 of the Florida Administrative Code (F.A.C.) for the implementation of the substantive requirements of 40 CFR part 70: The State also made changes to Chapters 62–

103 and 62–210, F.A.C. to implement other part 70 requirements. These rules, and several other rules and statutes providing for State permitting and administrative actions, were submitted by Florida with sufficient evidence of procedurally correct adoption as required by 40 CFR 70.4(b)(2).

The Florida program, in Rules 62–213.100 and 62–213.200, F.A.C., substantially meets the requirements of 40 CFR 70.2 and 70.3 with regards to applicability. However, the portion of the State's definition of "major source" in Rule 62–213.200(19)(a), F.A.C., implies that emissions of criteria pollutants from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station will not be aggregated with emissions of criteria pollutants from other similar units. Since the State's definition of "major source" conflicts with the part 70 definition, Florida has initiated rulemaking to clarify that the non-aggregation in the described situations applies only to hazardous air pollutants (HAPs). Finalization of this rulemaking is a condition of full program approval.

Florida's program, in Rules 62–210.900 and 62–213.420, F.A.C., substantially meets the requirements of 40 CFR 70.5 for complete permit application forms. However, the State's program, in Rule 62–4.090, F.A.C., requires renewal applications to be submitted 60 days prior to expiration of existing operating permits. This requirement conflicts with the requirement of 40 CFR 70.5(a)(1)(iii) because the State's timeframe does not ensure that a permit will not expire prior to renewal. Florida has initiated rulemaking to require submittal of renewal applications six months prior to expiration of existing operating permits. Finalization of this rulemaking is a condition of full program approval.

Section 70.4(b)(2) requires states to include in their part 70 programs any criteria used to determine insignificant activities or emission levels for the purposes of determining complete applications. Section 70.5(c) states that an application for a part 70 permit may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate appropriate fee amounts. Section 70.5(c) also states that EPA may approve, as part of a state program, a list of insignificant activities and emissions levels which need not be included in permit applications. Under part 70, a state must request and EPA may approve as part of that state's program any activities or emission levels that the state wishes to consider insignificant. Part 70, however, does not establish emissions thresholds for insignificant activities. EPA has accepted emissions thresholds of five tons per year for criteria pollutants, and the lesser of 1000 pounds per year or section 112(g) de minimis levels for HAPs, as reasonable.

Florida's title V program includes three different approaches to establishing insignificant activities and emissions levels. Rule 62–213.420(3)(c), F.A.C., establishes threshold levels for reporting emissions of pollutants for which no standard applies. Rule 62–210.300(3), F.A.C., provides for the exemption of certain facilities, emissions units, or pollutant-emitting activities from the title V permitting process. Rule 62–4.040(1)(b), F.A.C., allows the State to determine insignificant activities on a case-by-case basis during the permitting process.

The threshold levels in Rule 62–213.420(3)(c), F.A.C., do not exempt any units or activities from permitting requirements or any other requirements, except the reporting of emissions below the thresholds established. Rule 62–213.420(3)(c)2., F.A.C., provides for the reporting of emissions if the title V source emits or has the potential to emit at the following aggregate thresholds: 50 tons/year for carbon monoxide; 500 lbs/year for lead and lead compounds (expressed as lead); and five tons/year for particulates (PM–10), sulfur dioxide, nitrogen oxides, and volatile organic compounds (VOCs). Once these aggregate thresholds have been met, emissions are reported on a per unit basis for units which have a potential to emit at the following thresholds: 10 tons/year for carbon monoxide; 100 lbs/year for lead and lead compounds (expressed as lead); and one ton/year for particulates (PM–10), sulfur dioxide, nitrogen oxides, and VOCs. Fugitive emissions and emissions from units with the potential to emit less than the unit thresholds mentioned above shall be considered as source-wide emissions and shall be reported as source-wide emissions if, in the aggregate, the source-wide emissions equal or exceed the following thresholds: 10 tons/year for carbon monoxide; 100 lbs/year for lead and lead compounds (expressed as lead); and one ton/year of particulates (PM–10), sulfur dioxide, nitrogen oxides, and VOCs.

Rule 62–213.420(3)(c)3.b., F.A.C., provides for the reporting of HAPs when a title V source emits or has the potential to emit eight tons or more per year of any single HAP, or 20 tons or more per year of any combination of HAPs. Once these thresholds have been met, emissions are identified and reported from each emissions unit with the potential to emit one ton per year of any individual HAP. All fugitive emissions not associated with any specific emissions units are also reportable when such emissions exceed one ton per year of any individual HAP.

In the State's Supplement 1 (dated July 8, 1994) to the original title V program submittal, Florida noted that the emissions thresholds in its program were based on the presumption that reporting requirements need to be stringent enough to identify applicable requirements and to suffice for inventorying emissions to evaluate the impact on ambient air concentrations. The aggregate threshold for carbon monoxide of 50 tons/year appears to be inconsistent with this objective. Since the aggregate threshold of 50 tons/year must be met prior to the reporting of carbon monoxide in the application, the potential exists for carbon monoxide to be inappropriately excluded because of miscalculations. EPA proposes that, as a condition of full approval, the State provide EPA with an acceptable justification for establishing an aggregate carbon monoxide emissions threshold of 50 tons/year rather than five tons/year. Otherwise, the State must establish aggregate and individual unit thresholds that trigger the reporting of carbon monoxide emissions consistent with the emissions levels established for particulates (PM–10), sulfur dioxide, nitrogen oxides, and volatile organic compounds.

Moreover, since insignificant emissions levels are reviewed relative to threshold levels for determining major source status, as well as levels at which applicable requirements are triggered, Florida's thresholds for the reporting of HAP emissions must be revised as a condition of full program approval. For other state and local programs, EPA has accepted HAPs emission thresholds of the lesser of 1000 lbs/year or section 112(g) de minimis levels as sufficient for full approval.

Rule 62–210.300(3), F.A.C., exempts specific facilities, emissions units, or pollutant-emitting activities from the title V permitting process. As a condition of full approval, the State must revise Rule 62–210.300(3), F.A.C. to provide that (1) no insignificant activities or emissions units subject to applicable requirements (as defined in Rule 62–213.200(6), F.A.C.) will be exempted from title V permitting requirements; (2) insignificant activities or emissions units exemptions will not be used to lower the potential to emit below major source thresholds; and (3) emissions thresholds for individual

activities or units that are exempted will not exceed five tons per year for criteria pollutants, and the lesser of 1000 pounds per year or section 112(g) de minimis levels for HAPs.

In addition, several of the specific exemptions in Rule 62–210.300(3), F.A.C. must either be removed from the rule or revised as a condition of full approval. Specifically, Rule 62–210.300(3)(a), F.A.C. exempts "[s]team and hot water generating units located within a single facility and having a total heat input, individually or collectively, equaling 50 million BTU/hr or less, and fired exclusively by natural gas except for periods of natural gas curtailment during which fuel oil containing no more than one percent sulfur is fired * * *" However, during the periods fuel oil is fired, these sources could potentially emit sulfur dioxide in excess of major source thresholds. Since the potential emissions from these sources would not be "insignificant," this exemption must be removed from Rule 62–210.300(3), F.A.C. as a condition of full approval.

Rule 62–210.300(3)(r), F.A.C. exempts "[p]erchloroethylene dry cleaning facilities with a solvent consumption of less than 1,475 gallons per year." However, at the annual consumption rate of 1,475 gallons of perchloroethylene, these facilities could potentially emit over eight tons per year of perchloroethylene. Since the potential HAPs emissions from these sources is not "insignificant," this exemption must be removed from Rule 62–210.300(3), F.A.C. as a condition of full approval.

Rule 62–210.300(3)(u), F.A.C. exempts "[e]mergency electrical generators, heating units, and general purpose diesel engines operating no more than 400 hours per year * * *" These sources could potentially have emissions in excess of major source thresholds, depending on the fuel used and the unit's size. Since the potential emissions from these sources would not be "insignificant," this exemption must be removed from Rule 62–210.300(3), F.A.C. as a condition of full approval.

Rule 62–210.300(3)(x), F.A.C. exempts "[p]hosphogypsum disposal areas and cooling ponds." This exemption potentially includes phosphogypsum stacks, which emit radon and are subject to the radionuclide National Emissions Standards for Hazardous Air Pollutants (NESHAPS) found in 40 CFR 61, Subpart R. Therefore, as a condition of full approval, this exemption must be revised to exclude phosphogypsum stacks.

Rule 62–4.040(1)(b), F.A.C., allows Florida to determine insignificant activities on a case-by-case basis during the permitting process. As a condition of full approval, the State must revise Rule 62–4.040(1)(b), F.A.C. to provide that (1) no insignificant activities or emissions units subject to applicable requirements (as defined in Rule 62–213.200(6), F.A.C.) will be exempted from title V permitting requirements; (2) no insignificant activities or emissions units exemptions will be used to lower the potential to emit below major source thresholds; and (3) emissions thresholds for individual activities or units that are exempted will not exceed five tons per year for criteria pollutants, and the lesser of 1000 pounds per year or section 112(g) de minimis levels for HAPs.

Florida's program, in Rules 62–4.130, 62–4.160, 62–210.700, 62–213.410, and 62–213.440, F.A.C., substantially meets the requirements of 40 CFR 70.4, 70.5, and 70.6 for permit content (including operational flexibility). The State's program does not provide for off-permit changes as described in 40 CFR 70.4(b)(14).

Part 70 requires prompt reporting of deviations from the permit requirements. Section 70.6(a)(3)(iii)(B) requires the permitting authority to define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements. Although the permit program regulations should define "prompt" for purposes of administrative efficiency and clarity, an acceptable alternative is to define "prompt" in each individual permit. EPA believes that "prompt" should generally be defined as requiring reporting within two to ten days of the deviation. Two to ten days is sufficient time in most cases to protect public health and safety as well as to provide a forewarning of potential problems. For sources with a low level of excess emissions, a longer time period may be acceptable. However, prompt reporting must be more frequent than the semiannual reporting requirement, given this is a distinct reporting obligation under section 70.6(a)(3)(iii)(A). Where "prompt" is defined in the individual permit but not in the program regulations, EPA may veto permits that do not contain sufficiently prompt reporting of deviations.

Florida has not defined "prompt" in its program with respect to the reporting of deviations. Rule 62–213.440(1)(b)3.b., F.A.C., requires reporting, in accordance with the requirements of Rules 62–210.700(6) and 62–4.130, F.A.C., of deviations from permit requirements. Rule 62–210.700(6), F.A.C., requires notification in accordance with Rule 62–4.130, F.A.C. Rule 62–4.130, F.A.C., requires immediate notification "if the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause." This requirement is reiterated in Rule 62–4.160(8), F.A.C., which is a general condition of each permit that extends the requirement to include immediate reporting if, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in the permit. Florida has stated that "immediately" is not reasonably interpreted to mean a time beyond the next workday.

Florida has the authority to issue variances from requirements imposed by State law. Rule 62–103.100, F.A.C., allows Florida discretion to grant relief from compliance with State statutes and rules. EPA regards this provision as wholly external to the program submitted for approval under part 70, and consequently proposes to take no action on this provision of State law. EPA has no authority to approve provisions of state law, such as the variance provision referred to, that are inconsistent with title V. EPA does not recognize the ability of a permitting authority to grant relief from the duty to comply with a Federally enforceable part 70 permit, except where such relief is granted through the procedures allowed by part 70. A part 70 permit may be issued or revised (consistent with part 70 permitting procedures) to incorporate those terms of a variance that are consistent with applicable requirements. A part 70 permit may also incorporate, via part 70 permit issuance or modification procedures, the schedule of compliance set forth in a variance. However, EPA reserves the right to pursue enforcement of applicable requirements notwithstanding the existence of a compliance schedule in a permit to operate. This is consistent with 40 CFR 70.5(c)(8)(iii)(C), which states that a schedule of compliance "shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based."

Florida's program, in Rules 62–210.360, 62–213.400, 62–213.412, 62–213.420, and 62–213.430, F.A.C., substantially meets the permit processing requirements of 40 CFR 70.7 (including minor permit modifications) and 70.8. However, the State's regulations do not provide for permit reopenings for cause consistent with 40 CFR 70.7(f)(1)(i), (iii), and (iv). As a condition of full approval, the State's program must provide the following: (1)

if a permit is reopened and revised because additional applicable requirements become applicable to a major source with a remaining permit term of 3 or more years, such a reopening shall be completed within 18 months after promulgation of the applicable requirement; (2) a permit shall be reopened and revised if EPA or the State determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; and (3) a permit shall be reopened if EPA or the State determine that the permit must be revised or revoked to assure compliance with the applicable requirements.

The public participation requirements of 40 CFR 70.7(h) were addressed in Rules 62–103.150, 62–210.350, 62–213.430, and 62–213.450, F.A.C. The program also, in Sections 403.131, 403.141, and 403.161 of the Florida Statutes (F.S.), substantially meets the requirements of 40 CFR 70.11 with respect to enforcement authority.

The aforementioned TSD contains the detailed analysis of Florida's program and describes the manner in which the State's program meets all of the operating permit program requirements of 40 CFR part 70.

3. Permit Fee Demonstration

Section 502(b)(3) of the Act requires each permitting authority to collect fees sufficient to cover all reasonable direct and indirect costs necessary for the development and administration of its title V operating permit program. Each title V program submittal must contain either a detailed demonstration of fee adequacy or a demonstration that aggregate fees collected from title V sources meet or exceed $25 per ton of emissions per year (adjusted from 1989 by the Consumer Price Index (CPI)). The $25 per ton is presumed, for program approval, to be sufficient to cover all reasonable program costs and is thus referred to as the "presumptive minimum."

The State of Florida has elected to assess a title V operating permit fee below the Federal presumptive minimum fee amount. The State's program submittal, therefore, included a detailed fee demonstration in accordance with 40 CFR 70.9(b)(5). The fee demonstration showed that the fees collected will adequately cover the anticipated costs of the operating permit program for the years 1995 through 1999.

In Rule 62–213.205, F.A.C., the State established a 1995 license fee for title V sources of $25 per ton of each regulated air pollutant allowed to be emitted annually. Rule 62–213.205(1)(a), F.A.C., provides that the license fee may be increased beyond $25 per ton in years succeeding 1995 if the Secretary of FDEP finds that a shortage of revenue will occur in the absence of a fee adjustment. The State asserts that since one of the program's mandates is that it be self-supporting, it is expected that the Secretary's discretionary power will be exercised as the need arises to adjust the fee accordingly.

The program activities that will constitute the State's title V operating permit program are consistent with the activities described in 40 CFR 70.9(b)(1). Rule 62–213.205(3), F.A.C., provides that an audit of the State's operating permit program will be conducted 2 years after EPA has given full approval of the program or by December 31, 1996, whichever comes later, to ascertain whether the annual fees collected are used solely to support reasonable direct and indirect costs of the title V program. After the first audit, the program will be audited biennially. And though Rule 62–213.205(1)(a), F.A.C., provides that the annual fee may not exceed $35 per ton without legislative approval, Florida has assured EPA that it will seek legislative action to raise the fee amount above the $35 per ton limit if it becomes necessary.

4. Provisions Implementing the Requirements of Other Titles of the Act

a. *Authority for section 112 implementation.* In its program submittal, Florida demonstrates adequate legal authority to implement and enforce all section 112 requirements through the title V permit. This legal authority is contained in the Florida Statutes (i.e., Section 403.0872), and in the Florida Administrative Code in regulatory provisions defining "applicable requirements" and stating that permits must address all applicable requirements. Moreover, Florida has initiated rulemaking to clearly state that each permit shall incorporate all applicable requirements for the title V source. EPA has determined that this legal authority is sufficient to allow the State to issue permits that assure compliance with all section 112 requirements.

EPA is interpreting the above legal authority to mean that Florida is able to carry out all section 112 activities with respect to part 70 and non-part 70 sources. For further rationale on this interpretation, please refer to the TSD.

b. *Implementation of section 112(g) upon program approval.* EPA issued an interpretive notice on February 14, 1995 (60 FR 8333), which outlines EPA's revised interpretation of section 112(g) applicability. The notice postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. The notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretative notice explains that EPA is considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow states time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), Florida must have a Federally enforceable mechanism for implementing section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations.

EPA is aware that Florida lacks a program designed specifically to implement section 112(g). However, Florida does have a preconstruction review program that can serve as an adequate implementation vehicle during the transition period because it would allow the State to select control measures that would meet the maximum achievable control technology (MACT), as defined in section 112, and incorporate these measures into a Federally enforceable preconstruction permit.

For this reason, EPA proposes to approve the use of Florida's preconstruction review program found in Rule 62–212, F.A.C., under the authority of title V and part 70, solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between section 112(g) promulgation and adoption of a State rule implementing EPA's section 112(g) regulations. Although section 112(l) generally provides authority for approval of state air programs to implement section 112(g), title V and section 112(g) provide for this limited approval because of the direct linkage between the implementation of section 112(g) and title V. The scope of this approval is narrowly limited to section 112(g) and does not confer or imply approval for purpose of any other provision under the Act (e.g., section 110). This approval will be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until State regulations are adopted. The duration of this approval is limited to 18 months following promulgation by EPA of the section 112(g) rule to provide

adequate time for the State to adopt regulations consistent with the Federal requirements.

c. *Program for delegation of section 112 standards as promulgated.* The requirements for part 70 program approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a state program for delegation of section 112 standards promulgated by EPA as they apply to title V sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA also proposes to grant approval, under section 112(l)(5) and 40 CFR 63.91, of Florida's program for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated. In addition, EPA proposes delegation of all existing standards and programs under 40 CFR parts 61 and 63 for part 70 sources and non-part 70 sources.[1]

Florida has informed EPA that it intends to accept the delegation of future section 112 standards using the mechanisms of adoption-by-reference and case-by-case delegation. The details of the State's use of these delegation mechanisms are set forth in a letter dated January 11, 1995, submitted by the State as a title V program addendum.

d. *Commitment to implement title IV of the Act.* Florida has committed to take action, following promulgation by EPA of regulations implementing sections 407 and 410 of the Act, or revisions to either part 72 or the regulations implementing sections 407 or 410, to either incorporate the revised provisions by reference or submit, for EPA approval, State regulations implementing these provisions. On January 3, 1995, Florida's acid rain rule for the permitting of Phase II sources became state-effective. On March 10, 1995, the State submitted proposed changes to its acid rain rule to address discrepancies between the State's rule and the Federal requirements in part 72. The State is expediting rule revisions to ensure that an acid rain rule that is acceptable to EPA will be state-effective before November 15, 1995.

B. Proposed Actions

EPA proposes interim approval of the operating permit program submitted by the State of Florida on November 16, 1993, and as supplemented on July 8, 1994, November 28, 1994, and December 22, 1994. If promulgated, the State must make the changes discussed below to receive full program approval.

1. Definition of "Major Source"

As a condition of full approval, Florida is revising the definition of "major source" in Rule 62–213.200(19)(a), F.A.C. for consistency with the Federal definition. This rulemaking, when state-effective, will clarify that the non-aggregation in the situations described previously in section II.A.2. applies only to HAPs.

2. Timely Application for Permit Renewal

As a condition of full approval, Florida is revising Rule 62–4.090, F.A.C., to require submittal of permit renewal applications six months prior to expiration of existing title V permits. This rulemaking, when state-effective, will address the Federal requirement in 40 CFR 70.5(a)(1)(iii) for timely application for purposes of permit renewal.

3. Insignificant Activities Provisions

As a condition of full program approval, Florida must complete the following:

(a) Provide EPA with an acceptable justification for establishing an aggregate carbon monoxide emissions threshold of 50 tons/year rather than five tons/year. Otherwise, the State must establish aggregate and individual unit thresholds that trigger the reporting of carbon monoxide emissions consistent with the emissions levels established for particulates (PM–10), sulfur dioxide, nitrogen oxides, and volatile organic compounds. The State must also reduce the thresholds for HAP emissions to the lesser of 1000 lbs/year or section 112(g) de minimis levels.

(b) Revise Rule 62–210.300(3), F.A.C. to provide that (1) no insignificant activities or emissions units subject to applicable requirements (as defined in Rule 62–213.200(6)) will be exempted from title V permitting requirements; (2) insignificant activities or emissions units exemptions will not be used to lower the potential to emit below major source thresholds; and (3) emissions thresholds for individual activities or units that are exempted will not exceed five tons per year for criteria pollutants, and the lesser of 1000 pounds per year or section 112(g) de minimis levels for HAPs. In addition, as discussed previously in section II.A.2., several exemptions in Rule 62–210.300(3), F.A.C. must either be removed from the rule or revised.

(c) Revise Rule 62–4.040(1)(b), F.A.C. to provide that (1) no insignificant activities or emissions units subject to applicable requirements (as defined in Rule 62–213.200(6), F.A.C.) will be exempted from title V permitting requirements; (2) no insignificant activities or emissions units exemptions will be used to lower the potential to emit below major source thresholds; and (3) emissions thresholds for individual activities or units that are exempted will not exceed five tons per year for criteria pollutants, and the lesser of 1000 pounds per year or section 112(g) de minimis levels for HAPs.

4. Permit Reopenings Provisions

As a condition of full approval, Florida must provide for permit reopenings for cause consistent with 40 CFR 70.7(f)(1)(i), (iii), and (iv).

This interim approval, which may not be renewed, extends for a period of up to two years. During the interim approval period, Florida is protected from sanctions for failure to have a program, and EPA is not obligated to promulgate a Federal operating permit program in the State. Permits issued under a program with interim approval are fully effective with respect to part 70, and the one-year time period for submittal of permit applications by subject sources begins upon interim approval, as does the three-year time period for processing the initial permit applications.

The scope of Florida's part 70 program that EPA proposes to interimly approve in this notice would apply to all part 70 sources (as defined in the approved program) within the State, except any sources of air pollution over which an Indian Tribe has jurisdiction. *See, e.g.*, 59 FR 55813, 55815–18 (Nov. 9, 1994). The term "Indian Tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." *See* section 302(r) of the CAA; *see also* 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

As discussed previously in section II.A.4.b., EPA proposes to approve

[1] The radionuclide National Emission Standards for Hazardous Air Pollutant (NESHAP) is a section 112 regulation and therefore, also an applicable requirement under the State operating permits program for part 70 sources. There is not yet a Federal definition of "major" for radionuclide sources. Therefore, until a major source definition for radionuclide is promulgated, no source would be a major section 112 source solely due to its radionuclide emissions. However, a radionuclide source may, in the interim, be a major source under part 70 for another reason, thus requiring a part 70 permit. EPA will work with the State in the development of its radionuclide program to ensure that permits are issued in a timely manner.

Florida's preconstruction review program found in Rule 62–212, F.A.C., under the authority of title V and part 70 solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between 112(g) promulgation and adoption of a State rule implementing EPA's section 112(g) regulations.

In addition, as discussed in section II.A.4.c., EPA proposes to grant approval under section 112(l)(5) and 40 CFR 63.91 to Florida's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. EPA also proposes to delegate existing standards under 40 CFR parts 61 and 63 for both part 70 sources and non-part 70 sources.

III. Administrative Requirements

A. Request for Public Comments

EPA requests comments on all aspects of this proposed interim approval. Copies of the State's submittal and other information relied upon for the proposed interim approval are contained in docket number FL–95–01 maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed interim approval. The principal purposes of the docket are:

(1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process; and

(2) To serve as the record in case of judicial review. EPA will consider any comments received by July 21, 1995.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permit programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act of 1995

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed interim approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 9, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–15174 Filed 6–20–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–125, RM–8534; RM–8575]

Radio Broadcasting Services; Fredericksburg, Helotes, Castroville, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial of.

SUMMARY: The Commission denies the petition filed by October Communications Group, Inc., requesting the reallotment of Channel 266C from Fredericksburg, TX, to either Helotes or Castroville, TX, as their first local aural transmission service, and the modification of Station KONO-FM's license accordingly.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 94–125, adopted June 8, 1995, and released June 16, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 95–15145 Filed 6–20–95; 8:45 am]

BILLING CODE 6712–01–F

Notices

Federal Register
Vol. 60, No. 119
Wednesday, June 21, 1995

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

June 16, 1995.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) Who will be required or asked to report; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, D.C. 20250, (202) 690–2118.

Revision

Animal and Plant Health Inspection Service
7 CFR 330 & 360 & 9 CFR 94.5—Federal Plant Pest and Noxious Weeds Regulations
PPQ 525A, PPQ 526, PPQ 526–1, & PPQ 519
Business or other for-profit; Individuals or households; Federal Government; State, Local or Tribal Government; 45,480 responses; 36,383 hours
Althea Langston, (302) 734–7633

Reinstatement

Federal Crop Insurance Corporation
7 CFR 402, Catastrophic Risk Protection Plan, Crop Insurance
Application And Continuous Contract And Related Requirements FCI–6, FCI–12, FCI–12–A, FCI–19, FCI–19–A(APH), FCI–19–C, FCI–549, and FCI–553
Individuals or households; Farms; 6,360,000 responses; 1,793,750 hours
Jerry Frank, (202) 690–1324.

New Collection

Food and Consumer Service
Evaluation of the Application of Regulation E to Electronic Benefit Transfer (EBT) Systems
Individuals or households; State, Local or Tribal government; 40,009 responses; 2,477 hours
Carol Olander, (703) 305–2133.

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 95–15192 Filed 6–20–95; 8:45 am]

BILLING CODE 3410–01–M

Animal and Plant Health Inspection Service

[Docket No. 95–007–2]

Availability of Determination of Nonregulated Status for Genetically Engineered Corn

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that Ciba Seeds' corn designated as Event 176 Corn that has been genetically engineered for insect resistance is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by Ciba Seeds in its petition for a determination of nonregulated status, an analysis of other scientific data, and our review of comments received from the public in response to a previous notice announcing our receipt of the Ciba Seeds petition. This notice also announces the availability of our written determination document and its associated environmental assessment and finding of no significant impact.

EFFECTIVE DATE: May 17, 1995.

ADDRESSES: The determination, an environmental assessment and finding of no significant impact, the petition, and all written comments received regarding the petition 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 those documents are asked to call in advance of visiting at (202) 690–2817.

FOR FURTHER INFORMATION CONTACT: Dr. Ved Malik, Biotechnologist, Biotechnology Permits, BBEP, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1237; (301) 734–7612. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734–7612.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1994, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 94–319–01p) from Ciba Seeds of Research Triangle Park, NC, seeking a determination that corn designated as Event 176 Corn that has been genetically engineered for insect resistance does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On February 21, 1995, APHIS published a notice in the **Federal Register** (60 FR 9656–9657, Docket No. 95–007–1) announcing receipt of the Ciba Seeds petition and announcing that the petition was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject corn and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether the subject corn posed a plant pest risk. The comments were to have been received by APHIS on or before April 24, 1995.

APHIS received 37 comments on the Ciba Seeds petition. Comments were received from farm-related businesses, universities, national and State associations, farmers cooperatives, farmers, individuals, a cooperative extension research center, and a member of the U.S. House of Representatives. Thirty-five commenters either expressed support for the Event

176 Corn petition for nonregulated status or endorsed the concept of an insect-resistant corn variety without specific reference to the petition. Two of the 37 commenters expressed reservations about a determination in favor of the subject petition based on their concerns about resistance management. APHIS has provided a summary and discussion of the comments in the determination document, which is available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Analysis

Ciba Seeds' Event 176 Corn has been genetically engineered to express an insect control protein representing a truncated form of the CryIA(b) protein that occurs naturally in *Bacillus thuringiensis* subsp. *kurstaki* (*Btk*), a common gram-positive soil bacterium. *Btk* proteins are very effective against certain lepidopteran insects, including European corn borer (ECB). Event 176 Corn has been modified to produce the CryIA(b) protein in green tissues and pollen cells. During field tests of Event 176 Corn, ECB infestations were significantly reduced as compared to the nontransgenic control plants.

The subject corn has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains certain gene sequences derived from plant-pathogenic sources. However, evaluation of field data reports from field tests of the subject corn conducted since 1992 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the subject corn plants' release into the environment.

Determination

Based on its analysis of the data submitted by Ciba Seeds and a review of other scientific data, comments received from the public, and field tests of the subject corn, APHIS has determined that Event 176 Corn: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than lepidopteran-insect-resistant corn developed through traditional breeding techniques; (3) is unlikely to increase the weediness potential of any other cultivated plant or native wild species with which it can interbreed; (4) should not cause damage to raw or processed agricultural commodities; (5) is unlikely to harm organisms beneficial to the agricultural ecosystem; and (6) when cultivated, should not reduce the ability to control insects in corn and other crops. APHIS has also concluded that there is a reasonable certainty that new varieties developed from Event 176 Corn will not exhibit new plant pest properties, i.e., properties substantially different from any observed in the field tested Event 176 Corn, or those observed in corn in traditional breeding programs.

The effect of this determination is that insect-resistant corn designated as Event 176 Corn is no longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the permit and notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject corn or its progeny. However, the importation of the subject corn or seeds capable of propagation is still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine the potential environmental impacts associated with this determination. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that the subject corn and lines developed from it are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 13th day of June 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–15112 Filed 6–20–95; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket Nos. 5103–01; 5104–01; 5105–01]

Decision and Order

In the matter of: Waldemar Znamierowski, Krzwinska Str., 16/1, 03–324, Warsaw, Poland; Paul A. Prandecki a/k/a Paul Prand, 3178 El Centro Circle, Las Vegas, Nevada 89121 and Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lin Square #06–67, Singapore 0718; Respondents.

On May 31, 1955, the Administrative Law Judge (ALJ) entered his Recommended Decision and Order in the above-referenced matters. The Recommended Decision and Order, a copy of which is attached hereto and made a part hereof, has been referred to me for final action. After describing the facts of the case and his findings based on those facts, the ALJ found that the Respondents Znamierowski and Prandecki had violated Section 787.2 of the Export Administration Regulations (EAR) by causing, aiding and abetting the export of three U.S.-origin Apollo computer workstations from the United States through Singapore to Poland without obtaining the validated export licenses required by Section 772.1 of the EAR. The ALJ also found that the Respondent Beta Computer Trading PTE, Limited reexported three U.S.-origin Apollo computer workstations from Singapore to Poland without obtaining from the Department of Commerce the reexport authorization required by Section 774.1 of the EAR.

The ALJ found that the appropriate penalty for the violations should be that the Respondents and all successors, assignees, officers, representatives, agents and employees be denied for a period of ten years from this date all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving commodities or technical data exported or to be exported from the United States and subject to the Export Administration Regulations.

Based on my review of the entire record, I affirm the Recommended Decision and Order of the Administrative Law Judge.

This constitutes final agency action in this matter.

Dated: June 13, 1995.

William A. Reinsch,

Under Secretary for Export Administration.

Recommended Decision and Order

On December 9, 1993, the Office of Export Enforcement, Bureau of Export Administration, U.S. Department of Commerce (Department), issued separate charging letters against Paul A. Prandecki, also known as Paul Prand (Prandecki); Beta Computer Trading Pte. Limited (Beta Computer); and Waldemar Znamierowski (Znamierowski) (hereinafter collectively referred to as respondents). None of the respondents

answered or otherwise responded to the charging letters.

On April 17, 1995, I issued an Order finding that Znamierowski was in default for failing to file an answer to the charging letter and directing the Department to make the submission required by Section 788.8 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768–799 (1995)) (the Regulations), by May 17, 1995. On April 18, 1995, I issued separate Orders against Prandecki and Beta Computer, finding both of them in default for failing to answer the charging letters issued against them and directing the Department to make the submission required by Section 788.8 of the Regulations by May 18, 1995. On April 19, 1995, I issued Corrected Orders in Prandecki and Beta Computer directing the Department to make its submissions by May 19, 1995.

On May 5, 1995, the Department filed a motion to consolidate these matters and requested that it be provided to May 19, 1995 to file a single default submission addressing the allegations against all three respondents in a single pleading. On May 8, 1995, I granted the Department's motion. In accordance with that Order, on May 19, 1995, the Department submitted its Default Submission, together with supporting evidence.

Background

In the December 9, 1993 charging letters, the Department alleged that Prandecki and Znamierowski caused, aided, and abetted the export of three U.S.-origin Apollo computer workstations from the United States through Singapore to Poland without obtaining from the Department the validated export license required by Section 772.1(b) of the Regulations. The Department charged that, by causing, aiding, and abetting the doing of an act prohibited by the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401–2420 (1991, Supp. 1993, and Pub. L. No. 103–277, July 5, 1994)) (the Act),[1] or any regulation, order, or license issued under the Act, Prandecki and Znamierowski each committed one violation of Section 787.2 of the Regulations, involving commodities controlled for reasons of national security under Section 5 of the Act.

In the December 9, 1993 charging letter issued against Beta Computer, the Department alleged that Beta Computer reexported three U.S.-origin Apollo computer workstations from Singapore to Poland without obtaining from the Department the reexport authorization required by Section 774.1 of the Regulations. The Department charged that, by reexporting commodities to any person or destination in violation of or contrary to the terms of the Act, or any regulation, order, or license issued under the Act, Beta Computer committed one violation of Section 787.6 of the Regulations, involving commodities controlled for reasons of national security under Section 5 of the Act.

On the basis of the Department's submission and all of the supporting evidence presented, I have determined that Prandecki, Znamierowski, and Beta Computer committed the violations alleged in the separate charging letters issued against them.

For those violations, the Department urged as a sanction that the export privileges of Prandecki, Znamierowski, and Beta Computer be denied for 10 years. In light of the nature of the violations, I concur in the Department's recommendation.

Accordingly, *it is Therefore Ordered,*

First, that all outstanding individual validated licenses in which Waldemar Znamierowski, Krzwinska Str., 16.1, 03–32, Warsaw, Poland; Paul A. Prandecki, a/k/a Paul Prand, 3178 El Centro Circle, Las Vegas, Nevada 89121; and Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lim Square #06–67, Singapore 0718, appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of the privileges of Prandecki, Znamierowski, and Beta Computer to participate, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, that Waldemar Znamierowski, Krzwinska Str., 16/1, 03–32, Warsaw, Poland; Paul A. Prandecki, a/k/a Paul Prand, 3178 El Centro Circle, Las Vegas, Nevada 89121; and Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lim Square #06–67, Singapore 0718 (collectively referred to as respondents), and all of their successors, assigns, officers, representatives, agents, and employees, shall for a period of 10 years from the date of final agency action, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) as a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in Section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to any of the respondents by affiliation, ownership, control, or position of responsibility in the conduct of trade related services may also be subject to the provisions of this Order.

C. As provided by Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

[1] The Act expired on August 20, 1994. Executive Order No. 12924 (59 FR 43437, August 23, 2994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701–1706 (1991)).

Third, that a copy of this Order shall be served on each of the respondents and on the Department.

Fourth, that this Order, as affirmed or modified, shall become effective upon entry of the final action by the Under Secretary for Export Administration, in accordance with the Act (50 U.S.C.A. app. § 2412(c)(1)) and the Regulations (15 CFR 788.23).

Dated: May 31, 1995.

Edward J. Kuhlmann,

Administrative Law Judge.

To be considered in the 30 day statutory review process which is mandated by Section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Ave., N.W., Room 3898B, Washington, D.C., 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 788.23(b), 50 FR 53134 (1985). Pursuant to Section 13(c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

Certificate of Mailing

I certify that I have sent the attached document by first class U.S. mail, postage prepaid, to the following persons:

By Registered Mail to:

R 861 601 782

Waldemar Znamierowski, Krzwinska Str., 16/1, 03–324, Warsaw, Poland

By Registered Mail to:

R 861 601 783

Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lim Square #06–67, Singapore 0718, attn: Kelvin C.S. Teo, Managing Director

By Certified Mail to:

P 067 861 636

Paul A. Prandecki a/k/a Paul Prand, 3178 El Centro Circle, Las Vegas, Nevada 89121

By Certified Mail to:

P 067 861 637

Thomas C. Barbour, Senior Trial Attorney, Office of Chief Counsel for Export Administration, U.S. Department of Commerce, Room H–3839, 14th & Constitution Avenue NW., Washington, D.C. 20230.

Dated: May 31, 1995.

Williemae Waddell,

Support Services Assistant.

[FR Doc. 95–15126 Filed 6–20–95; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–570–835]

Notice of Antidumping Duty Order: Furfuryl Alcohol From the People's Republic of China (PRC)

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

EFFECTIVE DATE: June 21, 1995.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Donna Berg, Office of Antidumping Duty Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–5288 or (202) 482–0114, respectively.

Scope of Order

The merchandise covered by this order is furfuryl alcohol ($C_4H_3OCH_2OH$). Furfuryl alcohol is a primary alcohol, and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes.

The product subject to this order is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Antidumping Duty Order

On June 14, 1995, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that imports of furfuryl alcohol from the PRC materially injure a U.S. industry. Therefore, in accordance with section 736 of the Act, the Department will direct United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of furfuryl alcohol from the PRC. These antidumping duties will be assessed on all unliquidated entries of furfuryl alcohol from the PRC entered, or withdrawn from warehouse, for consumption on or after December 16, 1994, the date on which the Department published its preliminary determination notice in the **Federal Register** (59 FR 65009).

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise:

Manufacturer/producer/exporter	Weighted-average margin percentage
Qingdao Chemicals & Medicines Import and Export Corporation .	50.43
Sinochem Shandong Import and Export Group Corporation	43.54
China-Wide	45.27

This notice constitutes the antidumping duty order with respect to furfuryl alcohol from the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: June 14, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–15222 Filed 6–20–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–791–802]

Notice of Amended Final Antidumping Duty Determination and Order: Furfuryl Alcohol From South Africa.

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

ACTION: Notice.

EFFECTIVE DATE: June 21, 1995.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Donna Berg, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5288 or (202) 482–0114, respectively.

Amended Final Determination

We presented counsel for the respondent, Illovo Sugar Limited, and counsel for the petitioner, QO Chemicals, with the calculations and disclosure materials concerning the final determination on May 4, and 8, 1995, respectively.

The respondent and the petitioner filed timely submissions alleging ministerial errors in the Department of Commerce's (Department) final determination calculations. On May 5,

1995, the respondent alleged that the Department made an inadvertent spreadsheet error which resulted in the revised figures for certain ESP observations being moved to the wrong columns. On May 15, 1995, the petitioner alleged that we departed from our established practice and, for certain U.S. observations, applied a daily exchange rate instead of the quarterly rate to convert South African Rand to U.S. dollars. (For specific details of these allegations and our analysis thereof, *see* Memorandum from Gary Taverman to Barbara R. Stafford dated May 25, 1995).

We have reviewed the respondent's allegation and agree that we erred in moving the revised figures for certain variables to the adjacent spreadsheet columns. In accordance with 19 CFR 353.28, we have corrected the calculations for the final determination.

With respect to the petitioner's allegation, however, we disagree that our reliance on the daily exchange rate constitutes a departure from our established practice. It is the Department's practice to make currency conversions at the Federal Reserve certified quarterly exchange rate except where the daily exchange rate varies by five percent or more from the quarterly rate.

Inasmuch as the variance between the daily and quarterly rates equaled five percent, we followed our established practice and used the daily rate in the final determination. Accordingly, we determined that petitioner's allegation does not constitute a ministerial error.

Pursuant to 19 CFR 353.28, we have corrected the final dumping margins. The final dumping margin for Illovo Sugar Limited and "All Others" has been amended from 15.48 to 11.55 percent.

Scope of Order

The merchandise covered by this order is furfuryl alcohol ($C_4H_3OCH_2OH$). Furfuryl alcohol is a primary alcohol, and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes.

The product subject to this order is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Antidumping Duty Order

On June 14, 1995, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that imports of furfuryl alcohol from South Africa materially injure a U.S. industry. Therefore, in accordance with section 736 of the Act, the Department will direct United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of furfuryl alcohol from South Africa. These antidumping duties will be assessed on all unliquidated entries of furfuryl alcohol from South Africa entered, or withdrawn from warehouse, for consumption on or after December 16, 1994, the date on which the Department published its preliminary determination notice in the **Federal Register** (59 FR 65012).

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise:

Manufacturer/producer/exporter	Weighted-average margin percentage
Illovo Sugar Company	11.55
All others	11.55

This notice constitutes the antidumping duty order with respect to furfuryl alcohol from South Africa, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: June 14, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–15221 Filed 6–20–95; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

[I.D. 061495B]

Endangered and Threatened Wildlife and Plants; Public Hearing

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

ACTION: Notice of additional public hearing.

SUMMARY: On April 18, 1995, NMFS published a notice of availability of a proposed recovery plan for Snake River salmon listed under the Endangered Species Act (ESA). Eleven public hearings were announced in the same notice. An additional public hearing was announced in May to be held in Idaho Falls, ID. NMFS is announcing one additional public hearing.

DATES: The public hearing is scheduled as follows:

June 29, 1995, 6:30 p.m. to 9:30 p.m., Spokane, WA.

ADDRESSES: The hearing will be held at the following location:

Spokane—Spokane Community College Auditorium, 1810 N. Greene Street, Bldg. 6, Spokane, WA 99212.

FOR FURTHER INFORMATION CONTACT: Robert Jones, Recovery Plan Coordinator, NMFS, (503) 230–5400.

Dated: June 15, 1995.

Russell J. Bellmer,

Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95–15088 Filed 6–15–95; 4:56 pm]

BILLING CODE 3510–22–F

[I.D. 061395B]

Marine Mammals and Endangered Species; Permits

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

ACTION: Receipt of application for a scientific research permit (P368F).

SUMMARY: Notice is hereby given that Dr. James T. Harvey, has applied in due form for a permit to take the marine mammals listed below for the purpose of scientific research.

DATES: Written comments must be received on or before July 21, 1995.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West

Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Director, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (310/980–4001);

Written data or views, or requests for a public hearing on this request, should be submitted to the Chief, Permits Division, F/PR1, Office of Protected Resources, Silver Spring, MD 20910, within 30 days of the publication of this notice.

FOR FURTHER INFORMATION CONTACT: Gary Barone, (301/713–2289).

SUPPLEMENTARY INFORMATION: Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant seeks authorization to instrument up to 150 harbor seals (*Phoca vitulina*) with radio tags, heart monitors, and time depth recorders annually. These animals will be subjects in a low frequency sound experiment. The applicant seeks authorization to take by inadvertent harassment up to 810 harbor porpoise annually incidental to the sound experiments and related activities.

The work will be conducted over a 5-year period. During the course of the field work small numbers of other species may be inadvertently harassed by the low frequency sounds. The requested species under NMFS jurisdiction are California sea lions (*Zalophus californianus*), harbor porpoise (*Phocoena phocoena*), and Pacific bottlenose dolphins (*Tursiops truncatus*).

Dated: June 6, 1995.

Ann D. Terbush,

Chief, Permits & Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95–15094 Filed 6–20–95; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 061395A]

Marine Mammals

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

ACTION: Receipt of application for a scientific research permit (P5H) and applications to modify permits (P129J and P281C).

SUMMARY: Notice is hereby given that Dr. Donald B. Siniff, Department of Ecology, Evolution and Behavior, University of Minnesota, 1987 Upper Buford Circle, St. Paul, MN 55108 (P5H), has applied in due form for a permit to take Antarctic pinnipeds for purposes of scientific research.

Dr. Bruce R. Mate, Hatfield Marine Science Center, Oregon State University, Newport, OR 97365–5296 (P129J) has applied for a modification to Permit No. 841 to increase the number of blue whales (*Balaenoptera musculus*) to be tagged over the next 4 years from 50 to 55.

Mr. Jonathan Stern, Marine Mammal Research Program, Texas A&M University, Galveston, TX 77551 (P281C), has applied for a modification to Permit No. 934 to biopsy sample up to 90 killer whales (*Orcinus orca*) in the inland waters of Washington State and to inadvertently harass up to 300.

DATES: Written comments must be received on or before July 21, 1995.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289).

Application P5H. Director, Northeast Region, One Blackburn Drive, Gloucester, MA 01930–2298 (508/281–9250).

Modifications P129J and P281C. Director, Southwest Region, NMFS, 501 West Ocean Blvd., Long Beach, CA 90802–4213 (310/980–4001); and

Director, Northwest Region, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0070 (206/526–6150).

Written data or views, or requests for a public hearing on this request, should be submitted to the Director, Office of Protected Resources, NMFS, NOAA, U.S. Department of Commerce, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of these applications to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject permit and requests to modify permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222).

Dr. Siniff (P5H) requests a permit to: Tag/release annually, up to 900 Weddell seal (*Leptonychotes weddellii*) and take by harassment up to 2000; tag/release up to 20 each of leopard seal (*Hydrurga leptonyx*), crabeater seal (*Lobodon carcinophagus*), Ross seal (*Ommatophoca rossii*), southern elephant seal (*Mirounga leonina*), and Antarctic fur seal (*Arctocephalus gazella*); collect blood samples from up to 100 Weddell seals and collect tissue and tooth samples from seals found dead.

Dr. Bruce R. Mate (P129J) was issued Permit No. 841 on June 4, 1994, to inadvertently harass annually up to 200 blue whales (*Balaenoptera musculus*), 200 fin (*B. physalus*), 200 humpback whales (*Megaptera novaeangliae*), and 200 gray whales (*Eschrichtius robustus*). Up to 50 each of these species may be satellite-tagged, biopsy sampled, photographed, and observed over a 5-year period. Research is authorized to be conducted along the western coast of the United States and in Hawaiian waters.

Mr. S. Jonathan Stern was issued Permit No. 934 on August 3, 1994, to inadvertently harass annually up to 1000 minke whales (*Balaenoptera acutorostrata*), 400 blue whales (*Balaenoptera musculus*), 100 fin (*B. physalus*), 50 sei whales (*B. borealis*), 600 humpback whales (*Megaptera novaeangliae*), and 500 gray whales (*Eschrichtius robustus*), and 300 killer whales (*Orcinus orca*). Up to 150 minke whales and 30 each of the other species are authorized to be photographed and biopsy sampled. Minke whales may be taken from the Gulf of Alaska to the California/Mexican border. All other species are taken only off central California.

Dated: June 13, 1995.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95–15095 Filed 6–20–95; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Hong Kong; Correction

June 15, 1995.

On page 17323 of the notice published on April 5, 1995 in the table under the heading "Twelve-month restraint limit," delete the following references to sublevels in Categories 347/348:

"not more than 3,027,891 dozen shall be in Category 347 (other than W); not more than 4,662,390 dozen shall be in Category 348 (other than W)."

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–15127 Filed 6–20–95; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board; Notice of Partially Closed Meeting

AGENCY: Armed Forces Epidemiological Board, DOD.

ACTION: Notice of partially closed meeting.

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–462), announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board, DOD.

Date of Meeting: 06–07 July 1995.

Time: 0800–1630.

Place: Great Lakes Naval Training Center, Illinois.

Proposed Agenda: Service preventive medicine reports, meningococcal, typhoid and varicella vaccine updates, emerging infections, health promotion in the workplace, and report of the Injury Prevention Working Group Subcommittee.

2. A portion of this meeting will be closed to the public for an intelligence briefing in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof and title 5, U.S.C., appendix 1, subsection 10(d). Should additional information be desired, please contact the Executive Secretary, AFEB, Skyline Six, 5109 Leesburg Pike, Room 667, Falls Church, Virginia 22041–3258.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–15098 Filed 6–20–95; 8:45 am]

BILLING CODE 3710–08–M

Military Traffic Management Command Rules and Accessorial Services Governing the Movement of Department of Defense Freight Traffic by Motor or Railroad Carriers

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice of proposed change.

SUMMARY: The Military Traffic Management Command (MTMC), for the Department of Defense, is updating MTMC Freight Traffic Rules Publication (MFTRP) No. 1A for transport of military freight by motor carriers and MFTRP No. 10 for railroads. These changes include the new, standardized American National Standards Institute (ANSI) codes for accessorial and protective security services. When these rules publications are reissued, carriers must file tenders with ANSI codes, which are necessary to support the Department of Defense Electronic Data Interchange capabilities. Carriers will receive, on request, a copy of the initial draft of these revised publications. Suggestions from carriers for needed changes or additions to these publications will be considered, if received at Headquarters, MTMC, by July 27, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Julian Jolkovsky, Headquarters, Military Traffic Management Command, ATTN: MTOP–T–SR, 5611 Columbia Pike, Falls Church, VA 22041–5050; or telephone (703) 681–3440.

SUPPLEMENTARY INFORMATION: Revisions to MFTRP No. 1A and No. 10 will include the current classification of munitions, such as ammunition, explosives, and fireworks formerly designated as Class A, B, or C. MFTRP No. 1A will, for the first time, include rules applying to driveway and towaway service.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–15099 Filed 6–20–95; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning a Test for Antibodies In Stool Specimens

AGENCY: U.S. Army Medical Research and Materiel Command, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of U.S. Patent Application SN 08/376,977, entitled "Test for Antibodies in Stool Specimens," and filed January 23, 1995, for licensing. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, Fort Detrick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Moran, Patent Attorney, 301–619–2065 or telefax 301–619–7714.

SUPPLEMENTARY INFORMATION: This invention provides a method for testing clinical samples suspected of containing systemic or mucosal antibodies to V. cholerae by coupling specific antigen to magnetic beads and exposing said beads to specimens suspected of containing specific antibodies. The method is particularly valuable for detecting mucosal antibodies in stool and can be used for detection of infection, indicating the immune status of individuals, and for epidemiological tracking.

While assays such as ELISA are available for quantitating a systemic immune response, means for evaluating mucosal immune responses are less well developed when though it is believed that the immune response to V. cholerae is predominantly controlled by the mucosal immune system. Because of the rapid nature of the assay and the immediate treatment of the sample with protease inhibitors, problems related to specimen processing are minimized. The method of invention is rapid, inexpensive, can be performed by minimally trained personnel, and provides a means for testing of clinical samples in either a laboratory or field setting.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–15100 Filed 6–20–95; 8:45 am]

BILLING CODE 3710–08–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Lake Okeechobee Regulation Schedule Study (LORSS) of the Central and Southern Florida Project for Flood Control and Other Purposes.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers, intends to prepare a Draft Environmental Impact Statement (DEIS) upon completion of the feasibility study and prior to implementation of an alternative regulation schedule for Lake Okeechobee, Florida.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and draft EIS can be answered by: Mark Ziminske, U.S. Army Engineer District, P.O. Box 4970, Jacksonville, Florida 32232–0019; Telephone 904–232–1786.

SUPPLEMENTARY INFORMATION: Lake Okeechobee is a large, shallow, subtropical lake, of 1,732 km² surface area located in Central-South Florida. Lake Okeechobee's drainage basin covers almost 12,000 km² much of which is agricultural land, dairy and beef cattle to the north, and the 280,000 ha Everglades Agricultural Area (EAA; mostly sugar, rice, and winter vegetable crops) to the south. Major surface water inflows to the lake are from the Kissimmee River, Harney Pond and Indian River basins, Fisheating Creek, and Taylor Creek/Nubbin Slough. Major outflows include evapotransporation, the Caloosahatchee River to the west, the St. Lucie Canal to the east, and several canals draining into the EAA and south to the Water Conservation Areas and ultimately to the Everglades and Florida Bay.

The scope of this study is to consider a range of regulation schedule alternatives for Lake Okeechobee in order to optimize environmental benefits at minimal or no impact to the competing project purposes, primarily flood control and water supply. The alternatives to be considered include: The existing Run 25–3, Run 25–3 with Natural System Model (NSM) demands, Run 22 AZE, Run 22 AZE with NSM demands, and the Lower East Coast Regional Water Supply Plan (LECRWSP) Alternative 1.

The current regulation schedule (Run 25–3) maintains lake surface water elevations ranging from 15.65 feet to 16.75 feet and releases water to the estuaries at relatively high lake stages, in a more graduated fashion. Run 22 AZE is basically Run 25–3 with the addition of a large Zone E, which allows for low level discharges at low stages of 13.75 feet to 15.60 feet. The NSM demands put an additional water supply demand on Lake Okeechobee by establishing targets for delivering water to restore the Everglades to their pre-drainage condition. Runs 25–3 and 22 AZE with NSM demands would tend to lower the water surface in the lake without changing the regulated water levels. The LECRWSP Alternative 1 schedule varies from 14.0 feet to 17.0 feet and differs significantly from the other schedules described above.

The scoping process as outlined by the Council on Environmental Quality will be utilized to involve Federal, State, and local agencies and other interested persons and organizations. A scoping letter will be sent to interested Federal, State, and local agencies requesting their comments and concerns regarding issues they feel should be addressed in the EIS. Interested persons and organizations wishing to participate in the scoping process should contact the Corps of Engineers at the address above. Significant issues anticipated include concern for: water supply, continued flood control, agricultural impacts, protection of the lake's environmental resources and its downstream estuaries, water quality, and fish and wildlife habitat enhancement. Public scoping meetings will be conducted in the future, the exact location, dates, and times will be announced in public notices and local newspapers.

It is estimated that the DEIS will be available to the public in July 1997.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–15104 Filed 6–20–95; 8:45 am]

BILLING CODE 3710–AJ–M

Department of the Army Corps of Engineers

Intent To Prepare a Draft Supplement I to the Final Environmental Impact Statement (FEIS) for the Wilimington Harbor Channel Widening, New Hanover and Brunswick Counties, NC

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Wilimington Harbor is an approximately 31-mile-long Federal navigation project located along the Cape Fear and Northeast Cape Fear Rivers in southeastern North Carolina. Local interests, represented by the North Carolina State Ports Authority, the North Carolina Division of Water Resources, and the Cape Fear River Pilots Association, have requested that the U.S. Army Corps of Engineers study the following improvements for Wilmington Harbor: (1) construction of a 6.2-mile-long passing lane at a central location between the North Carolina State Port and the mouth of the Cape Fear River; and (2) widening of five turns. This recommended plan may require the blasting of nondredgeable rock. Possible adverse impacts could occur to endangered species, primary nursery areas, and anadromous fish migrations. This Draft Supplement I to the Final Environmental Impact Statement (FEIS) will address the effects of blasting on the estuarine environment and develop a post-blast monitoring plan. Additionally, the U.S. Army Corps of Engineers is looking at alternative disposal areas for dredged material.

FOR FURTHER INFORMATION CONTACT: Questions about the Draft Supplement I to the FEIS can be answered by: Mr. Hugh Heine, Environmental Resources Section, at the U.S. Army Engineer District, Wilmington, Post Office Box 1890, Wilmington, North Carolina 28402–1890; telephone: (910) 251–4070.

SUPPLEMENTARY INFORMATION: This study was conducted under authority of a resolution adopted 8 September 1988 by the Committee on Public Works and Transportation of the United States House of Representatives. The authorizing resolution directs studies of the entire Wilmington Harbor-Northeast Cape Fear River navigation system. A Draft Environmental Impact Statement (DEIS) was filed with the U.S. Environmental Protection Agency (USEPA) on August 13, 1993, and was circulated for a 45-day public review period. Comments received on the DEIS were addressed in the FEIS. The FEIS was filed with USEPA in April 1994. The Record of Decision was signed on August 25, 1994.

1. As indicated in both the DEIS and FEIS, the principal adverse environmental impacts associated with the proposed action stem primarily from the blasting required to remove any nondredegeable rock. Possible adverse impacts could occur to endangered species, primary nursery areas, and anadromous fish migrations. Since the publication of the DEIS and FEIS, it is estimated from core borings, the most recent geophysical surveys, and historical data that the top of rock is below minus (−) 41 feet mean lower low water (mllw) for Turn 1, the 6.2-mile-long passing lane (which includes Turn 5), and Turn 6. However, this same data indicates that the top of rock is located above −41 feet mllw for Turns

2, 3, and 4 (from Keg Island Channel to Lower Brunswick Channel). As a worst case, it is estimated that such nondredgeable rock comprises less than 35,000 cubic yards or about 5 percent of all material to be dredged in Turns 2, 3, and 4. Approximately 122 blasts would be required to remove the nondredgeable rock. This assumes that the maximum number of holes per day would be drilled and then fired together as a unit making up one blast. Additionally, the U.S. Army Corps of Engineers is looking at alternative disposal areas for dredged material originally planned to be placed in disposal island Nos. 4, 11, 12, and 13. The Draft Supplement I to the FEIS will address these environmental issues and develop a post-blast monitoring plan.

2. The project will utilize mechanical dredging with disposal in the USEPA designated Wilmington Ocean Dredged Material Disposal Site (Wilmington ODMDS) and hydraulic pipeline dredge with disposal in existing upland disposal islands.

3. All private interests and Federal, State, and local agencies having an interest in the project are hereby notified of project authorization and are invited to comment at this time. The scoping process will consist of public notification to explain and describe the proposed action, early identification of resources that should be considered during the study, and public review periods. Coordination with the public and with other agencies will be carried out through public announcements, letters, report review periods, telephone conversations, and meetings. A scoping letter requesting input to the study will be sent to all known interested parties in June 1995. As previously stated, the significant issues to be addressed in the Draft Supplement I to the Final EIS are the blasting impacts on endangered species, primary nursery areas, and anadromous fish migrations and the development of a post-blast monitoring plan. Also to be considered will be the effect of alternative disposal areas for the project.

The lead agency for this project is the U.S. Army Engineer District, Wilmington. Cooperating agency status has not been assigned to, nor requested by, any other agency.

The Draft Supplement I to the Final EIS is being prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended, and will address the project's relationship to all other applicable Federal and State laws and Executive Orders.

4. No formal scoping meetings are planned at this time but, based on the responses received, scoping meetings may be held with specific agencies or individuals as required.

5. The Draft Supplement I to the Final EIS is currently scheduled for distribution to the public in October 1995 and the Final Supplement I to the Final EIS is scheduled for distribution in December 1996.

Dated: June 9, 1995.

Robert J. Sperberg,

Colonel, U.S. Army, District Engineer.

[FR Doc. 95–15194 Filed 6–20–95; 8:45 am]

BILLING CODE 3710–ON–M

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 28, 1995. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 11:30 a.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

An informal conference among the Commissioners and staff will be held at 10 a.m. at the same location and will include discussion of proposed Delaware Estuary toxics management issues, plans for DRBC's 35th anniversary and an opportunity for public dialogue.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact

1. *Homestead Water Utility Co., Inc. D–81–73 CP RENEWAL–2.* An application for the renewal of a ground water withdrawal project to supply up to 12.8 million gallons (mg)/30 days of water to the applicant's distribution system from Well Nos. 1 and 2. Commission approval on September 28, 1988 was limited to five years. The applicant requests that the total withdrawal from all wells remain limited to 12.8 mg/30 days. The project is located in Mansfield Township, Burlington County, New Jersey.

2. *Delaware County Solid Waste Authority D–89–18 CP (Revised).* An application to revise the applicant's 0.08 million gallons per day (mgd) capacity landfill leachate treatment plant project by relocation of the proposed outfall, with effluent diffuser, to a point in Oley Township, one mile further downstream on the Manatawny Creek than previously considered for a total dissolved solids (TDS) determination in Docket No. D–89–18 CP. A new TDS determination has been requested for the new location. The tertiary treatment system will continue to serve the Colebrookdale Landfill site situated along Schenkel Road in Earl Township, Berks County, Pennsylvania. The Colebrookdale Landfill accepts non-hazardous municipal solid wastes generated in Delaware and Berks Counties, Pennsylvania.

3. *Logan Wells Water Company D–94–38 CP.* An application for approval of a ground water withdrawal project to supply up to 41 mg/30 days of water to the applicant's distribution system from existing Well Nos. 2 and 3 and from new Well Nos. 4 and 5, and to increase the existing withdrawal limit of 35.1 mg/30 days from all wells to 41 mg/30 days. The project is located in Logan Township, Gloucester County, New Jersey.

4. *Logan Township Municipal Utilities Authority D–95–7 CP.* A project to upgrade and expand the applicant's existing 1.0 mgd sewage treatment plant (STP) to 2.0 mgd and provide service for growth in portions of Logan and Woolrich Townships. The project STP is located in the Township of Logan, Gloucester County, New Jersey, approximately 2,000 feet west of High Hill Road and just south of the Pennsylvania-Reading Railroad right-of-way through Maple Swamp. The applicant's discharge will continue to be on the Delaware River in Water Quality Zone 4 via an existing outfall pipe.

5. *Doylestown Township Municipal Authority D–95–9 CP.* An application for approval of a ground water withdrawal project to supply up to 1.2 mg/30 days of water to the applicant's public water distribution system from new Well No. CK–1 (previously owned by Cross Keys Development Corporation); and to increase the existing withdrawal limit of 32.2 mg/30 days from all wells to 45.9 mg/30 days. The project is located in Doylestown Township, Bucks County, in the Southeastern Pennsylvania Ground Water Protected Area.

6. *Trigen-Philadelphia Energy Corporation D–95–10.* A project entailing operation of an existing oil-fired steam turbine formerly owned and operated by PECO Energy at the Schuylkill Generation Station located on Christian Street on the east bank of the Schuylkill River in the City of Philadelphia, Pennsylvania. The applicant will continue to utilize PECO's existing intake and discharge facilities on the Schuylkill River (which

will remain PECO's), sell steam energy to the City of Philadelphia and electrical power to PECO. The power facilities (55 megawatts) utilize approximately 7 mgd of water, withdrawn from the Schuylkill River, of which approximately 1 percent is consumptive.

7. *KidsPeace Corporation, Inc. D–95–14.* A project to expand an existing 0.062 mgd STP to 0.15 mgd to serve the applicant's Orchard Hills Camp in North Whitehall Township, Lehigh County, Pennsylvania. The STP will continue to provide secondary biological treatment with the activated sludge process. After disinfection, the treated effluent will continue to discharge to Jordan Creek, a tributary of the Lehigh River, near the southwest corner of North Whitehall Township.

8. *C & M Developers, Inc. D–95–18 CP.* An application for approval of a ground water withdrawal project to supply up to 4.32 mg/30 days of water to the applicant's distribution system from new Well No. 3, and to increase the existing withdrawal limit from all wells to 6 mg/30 days. The project, which will serve the Cabin Run and proposed Landis Greene Estates residential communities, is located in Plumstead Township, Bucks County, in the Southeastern Pennsylvania Ground Water Protected Area.

9. *Chester Cogeneration Limited Partnership (CCLP) D–95–30.* An application for operation of an existing 66 megawatt cogeneration plant currently owned and operated by Scott Paper Company (Scott) to continue to serve Scott's paper mill operation with both steam and electricity. The applicant, CCLP, will continue to provide Scott's steam and electricity needs, and will provide PECO with electric power not used by Scott. No new withdrawal or discharge is proposed. CCLP will be provided approximately 0.81 mgd of water via Scott's existing intake on the Delaware River. Consumptive use will remain at approximately 0.36 mgd. The project is located in the City of Chester, Delaware County, Pennsylvania.

10. *Grays Ferry Cogeneration Partnership D–95–32.* A proposed cogeneration project to provide 173 megawatts of electric power utilizing a combustion turbine and steam turbine. Steam energy will be supplied to a steam host projected to be Trigen-Philadelphia Energy Corporation, which distributes steam to buildings in the Philadelphia area. Situated on a portion of the Schuylkill Generation Station formerly owned by PECO, the project site is located at 2600 Christian Street just east of the Schuylkill River in the City of Philadelphia, Pennsylvania. Electric power will be purchased by PECO. For once-through cooling, the project will use up to 80 mgd of surface water withdrawn via PECO's existing Schuylkill River intake and approximately 3.8 mgd of water supplied by the City of Philadelphia. Maximum consumptive use is expected to be 0.24 mgd. Wastewaters will be discharged to the Schuylkill River via PECO's existing discharge facilities with no significant change expected in the discharge characteristics.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Dated: June 13, 1995.

Susan M. Weisman,

Secretary.

[FR Doc. 95–15101 Filed 6–20–95; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 11539–000, et al.]

Hydroelectric Applications [Willliams Water Power Company, 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.: 11539–000.

c. Date Filed: May 5, 1995.

d. Applicant: Williams Water Power Company, Inc.

e. Name of Project: Williams Dam Water Power Project.

f. Location: On the East Fork of the White River near the Town of Williams, Lawrence County, Indiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. Applicant Contact: Mr. Thomas J. Reiss, Jr., Williams Water Power Company, Inc., P.O. Box 553, 315 Hart Street, Watertown, WS 53094, 414–261–7975.

i. FERC Contact: Michael Dees, 202–219–2807.

j. Comment Date: August 14, 1995.

k. Description of Project: The proposed project would consist of: (1) an existing dam approximately 525 feet long; (2) an existing 200 acre reservoir with a median water surface elevation of 474.2 feet NGVD; (3) an existing powerhouse, 128 feet long housing hydropower units with a total capacity of 2,700 Kw; (4) a proposed 12.5 Kv transmission line 250 feet long; and (5) appurtenant facilities. The applicant estimates that the annual energy generation would be 12 GWh and that the cost of the studies to be performed under the permit would be $25,000. The energy would be sold to the local electric utility company.

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.: 11540–000.

c. Date Filed: May 12, 1995.

d. Applicant: Joyner Enterprises Corporation.

e. Name of Project: Berry Shoals.

f. Location: On the South Tyger River near Reidville in Spartanburg, South Carolina.

g. Filed Pursuant to: Federal Power Act 17 U.S.C. §§ 791(a)–825(r).

h. Contact Person: V.J. Miller, President, Joyner Enterprises Corporation, Box 13, Powder Horn Mountain, Deep Gap, NC 28618, (704) 265–1228.

i. FERC Contact: Ms. Julie Bernt, (202) 219–2814.

j. Comment Date: August 14, 1995.

k. Description of Project: The proposed project would consist of: (1) An existing 27-foot-high, rock and mortar dam owned by Bluestone Energy Design, Inc.; (2) an impoundment with a surface area of 40 acres at elevation 708.9 m.s.l., with no storage capability; (3) a 3,438-foot-long headrace canal with two headgates at the end of the canal; (4) an intake structure; (5) two 8-foot-diameter, 137-foot-long penstocks; (5) an existing powerhouse containing two generating units with a total capacity of 2000 kW; and, (6) a 200-foot-long tailrace. The applicant estimates the average annual energy production to be 4,200,000 kWh and the cost of the work to be performed under the preliminary permit to be $35,000.

l. Purpose of Project: The power produced would be sold to a local utility company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

3 a. Type of Application: Conduit Exemption.

b. Project No.: 10893–002.

c. Date Filed: February 21, 1995, and supplemented on April 27, 1995.

d. Applicant: HY Power Energy Company.

e. Name of Project: Inglis Lock By-pass.

f. Location: On the Inglis Lock By-pass, Withlacoochee River, Levy County, Florida.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. Applicant Contact: Mr. Robert Karow, 7008 Southwest 30th Way, Gainesville, FL 32601, (904) 336–4727.

i. FERC Contact: Charles T. Raabe, (202) 219–2811.

j. Comment Date: August 8, 1995.

k. Description of Project: The proposed project would utilize the existing State of Florida's Inglis Lock By-pass Conduit and would consist of: (1) an open intake channel; (2) a reinforced concrete powerhouse with dimensions of 115 feet by 28 feet and containing one 3.0-megawatt (MW) pit turbine and generator unit, rated at a head of 22.5 feet and a hydraulic capacity of 1,667 cubic feet per second; (3) a short tailrace lined with concrete and rip-rap; and (4) appurtenant equipment and facilities. The project would have an estimated annual output of 15.7 Gwh. Power generated would be sold to Florida Power Corporation.

l. With this notice, we are initiating consultation with the *State Historic Preservation Officer (SHPO),* as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, SHPO, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merits, the resource agency, SHPO, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

4 a. Type of Application: Minor License.

b. Project No.: 11291–000.

c. Date filed: March 6, 1995.

d. Applicant: Star Mill, Inc.

e. Name of Project: Star Milling and Electric Minor Water Power Project.

f. Location: T38N, R10E, Section 13 (Fawn River, LaGrange County, Indiana—approximately 2 miles north and .5 miles west of unincorporated Howe, Indiana).

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Applicant Contact: Mr. Richard K. Muntz, 109 South Detroit Street, LaGrange, Indiana 46761, (219) 463–2151.

i. FERC Contact: Mr. Michael Strzelecki, (202) 219–2827.

j. Deadline Date: August 8, 1995.

k. Status of Environmental Analysis: This application is ready for environmental analysis—see attached paragraph D4.

l. Intent to Prepare an Environmental Assessment and Invitation for Written Scoping Comments: The Commission staff intends to prepare an environmental assessment (EA) for the Star Milling and Electric Minor Water Power Project in accordance with the National Environmental Policy Act. The EA will objectively consider both site-specific and cumulative environmental impacts of the project and reasonable alternatives, and will include economic, financial, and engineering analyses.

A draft EA will be issued and circulated to all interested parties for review. All timely filed comments on the draft EA will be analyzed by the staff and considered in the final EA. The staff's conclusions and recommendations will then be considered in reaching the final licensing decision.

Scoping: Interested individuals, organizations, and agencies with environmental expertise are invited to assist the staff in identifying the scope of environmental issues that should be analyzed in the EA by submitting written scoping comments. To help focus these comments, a scoping document outlining subject areas to be addressed in the EA will be mailed to all agencies and interested individuals on the Commission mailing list. Copies of the scoping document may also be requested from the staff.

Persons who have views on the issues or information relevant to the issues may submit written statements for inclusion in the public record. Those written comments should be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, by the deadline date shown in item (j) above. All written correspondence should clearly show the following caption on the first page: Star Milling and Electric Minor Water Power Project, FERC No. 11291–000.

Intervenors are reminded of the Commission's Rules of Practice and Procedure requiring parties filing documents with the Commission to serve a copy of the document on each person whose name appears on the official service list for the project. Further, if a party or intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

m. Description of the Project: The proposed project would consist of: (1) a 250-foot-long, 5.5-foot-high embankment; (2) a 5.5-foot-high, 47-foot-long concrete spillway consisting of seven flashboard-equipped bays (upper dam); (3) a 76-acre-foot impoundment; (4) a 27-foot-long by 22- foot-high brick powerhouse housing two Westinghouse Electric generators and two Type Z Leffel turbines that give the plant an installed capacity of 232 kilowatts (kW); (5) a 65-foot-long embankment abutting the west end of the spillway and the east end of the powerhouse; (6) a 400-foot-long tailrace returning flow to the Fawn River; (7) a 1,000-foot-long bypassed natural river reach; (8) three 6-foot-diameter culverts that channel spillway flow underneath a gravel service road (located about 150 feet downstream of the upper dam); (9) a 30-foot-long by 3.5-foot-high lower dam (its function is unknown); (10) 2.35-kilovolt (kV) transmission lines extending from the powerhouse to a campground (1,320 feet), utility transformers (1,000 feet), project operator home (600 feet), and main house/campground store (400 feet) and (11) appurtenant facilities.

n. This notice contains the standard paragraphs A2, A9, B, D4.

o. Locations of the Application: A copy of the application is available for inspection or reproduction at the Commission's Public Reference and Files Maintenance Branch, 941 North Capitol Street, N.E., Room 3104, Washington, D.C. 20426, or by calling (202) 208–1371.

5 a. Type of Application: Minor License.

b. Project No.: 11547–000.

c. Date Filed: June 5, 1995.

d. Applicant: Summit Hydropower.

e. Name of Project: Hale.

f. Location: On the Quinebaug River in the Town of Putnam, Windham County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. Applicant Contact: Mr. Duncan S. Broatch, 92 Rocky Hill Road, Woodstock, CT 06281, (203) 974–1620.

i. FERC Contact: Charles T. Raabe (dt), (202) 219–2811.

j. Comment Date: August 4, 1995.

k. Description of Project: The proposed project would consist of: (1) the existing dam; (2) a refurbished intake; (3) the forebays; (4) the canal; (5) the penstock; (6) a turbine; (7) a speed increaser; (8) a 440 Kw generator; (9) a powerhouse; (10) a tailrace; (11) a transmission line; and (12) appurtenant facilities.

l. With this notice, we are initiating consultation with the *State Historic Preservation Officer (SHPO)*, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, SHPO, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merits, the resource agency, SHPO, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

6 a. Type of Application: New Major License.

b. Project No.: P–2663–004.

c. Date Filed: May 12, 1995.

d. Applicant: Minnesota Power and Light Company.

e. Name of Project: Pillager Hydro Project.

f. Location: On the Crow Wing River in Cass and Morrison Counties, near Pillager, Minnesota.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. §§ 791 (a)–825(r).

h. Applicant Contact: Mr. Christopher D. Anderson, Minnesota Power and Light Company, 30 West Superior Street, Duluth, MN 55802, (218) 723–3961.

i. FERC Contact: Ed Lee, (202) 219–2809.

j. Comment Date: August 14, 1995.

k. Description of Project: The existing project would consist of: (1) an existing concrete dam and intake structure; (2) an existing 770-acre reservoir; (3) a powerhouse containing two generating units for a total installed capacity of 1,520 Kw; (4) a 200-foot-long 34.5–Kv transmission line; and (5) appurtenant facilities. The applicant estimates that the total average annual generation would be 1,900 Mwh for the project. All lands and project works are owned by the applicant.

l. With this notice, we are initiating consultation with the *Minnesota State Historic Preservation Officer (SHPO)*, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's Regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the comment date and serve a copy of the request on the applicant.

7 a. Type of Application: Minor License.

b. Project No.: 11545–000.

c. Date filed: May 26, 1995.

d. Applicant: Allen Ross.

e. Name of Project: Book Mill Hydroelectric Project.

f. Location: on the Sawmill River, in Franklin County, Massachusetts.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. Applicant Contact: Jay Boeri, P.E., RR 1 Box 798, Woodstock, VT 05091, (802) 436–2521.

i. FERC Contact: Mary C. Golato, (202) 219–2804.

j. Comment Date: 60 days from the filing date.

k. Description of Project: The proposed project would consist of the following facilities: (1) an existing dam. 108 feet long and 14.2 feet high; (2) an existing reservoir having a surface area of .8 acres, a gross storage capacity of 3.7 acre-feet, and a negligible storage capacity; (3) an existing steel penstock 4.5 feet in diameter and 45 feet long; (4) an existing powerhouse containing two existing turbine-generator units having a total generating capacity of 100 kilowatts; (5) a proposed overhead 4,800-volt transmission line; and (6) appurtenant facilities. The applicant estimates that the total average annual generation would be 375,000 kilowatthours. The owner of the dam is Allen Ross.

l. With this notice, we are initiating consultation with the *Massachusetts State Historic Preservation Officer (SHPO)*, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's Regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

Standard Paragraphs

A2. Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

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, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, Room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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.

D4. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (August 8, 1995 for Project No. 11291–000). All reply comments must be filed with the Commission within 105 days from the date of this notice. (September 22, 1995 for Project No. 11291–000.)

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: June 15, 1995.

Lois D. Cashell,

Secretary.

[FR Doc. 95–15154 Filed 6–20–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. GT95–43–000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

June 15, 1995.

Take notice that on June 9, 1995, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following tariff sheets to its FERC Gas Tariff:

Effective November 1, 1993

Original Volume No. 2
Second Revised Sheet No. 681

Effective July 10, 1995

Second Revised Volume No. 1
Seventh Revised Sheet No. 7
Original Volume No. 2
Twentieth Revised Sheet No. 4A

Columbia states that these tariff sheets are being filed to cancel in its entirety Rate Schedule X–70, which embodies a transportation agreement between Columbia and Equitrans, Inc. (Equitrans) as authorized by an individual NGA Section 7(c) certificate issued in Docket No. CP78–41. (3 FERC ¶ 61,038 1978).

Columbia states further that service under Rate Schedule X–70 was assigned to Equitable Gas Company (Equitable) effective September 1, 1993. Such service to Equitable was then converted to open access firm transportation service under Columbia's Rate Schedule FTS effective November 1, 1993.

Columbia states that a copy of this filing was served upon Equitable and have been mailed to all firm customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 22, 1995.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filings

are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–15121 Filed 6–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP95–339–000 and CP95–563–000]

Natural Gas Pipeline Company of America; Notice of Petition for Approval of Settlement

June 15, 1995.

Take notice that on June 9, 1995, Natural Gas Pipeline Company of America (Natural) filed a petition pursuant to Rule 207 of the Commission's Rules of Practice and Procedure for an order approving the Stipulation entered into by Natural and Columbia Gulf Transmission Company (Columbia Gulf) on May 15, 1995.

Natural states that the stipulation terminates Natural's contractual obligations under a transportation and exchange agreement between Natural and Columbia Gulf dated September 30, 1980 (Columbia Gulf's Rate Schedule X–81) and a transportation agreement between Natural and Columbia Gulf dated March 14, 1983 (Columbia's Gulf Rate Schedule X–105) through the payment of a negotiated Exit Fee by Natural to Columbia Gulf (Exit Fee) in consideration for Columbia Gulf's agreement to the termination and abandonment of Columbia Gulf's transportation services performed for Natural under Columbia Gulf's Rate Schedules X–81 and X–105.

Natural notes that the stipulation is contingent upon the Commission's approval, including Commission approval of Natural's full recovery from Natural's customers of the Exit Fee.

Comments on the settlement, as well as motions to intervene or protests should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 29, 1995. Reply comments should be filed on or before July 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–15122 Filed 6–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–49–000]

Paiute Pipeline Company; Notice of Settlement Conference

June 15, 1995.

Pursuant to the Commission order which issued on January 19, 1993, and a notice of extension of time which issued on May 13, 1993, a settlement conference will be held to resolve the issues raised in the above-captioned proceeding.

The conference will be held on Friday, June 23, 1995 at 10 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.W., Washington, D.C. 20426.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 95–15123 Filed 6–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–340–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

June 15, 1995.

Take notice that on June 13, 1995, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, with the proposed effective date of July 8, 1995:

Second Revised Sheet No. 278
Second Revised Sheet No. 282

Panhandle states that this filing is being made to comply with Order No. 577–A, the Commission's Order Granting Rehearing in Docket No. RM95–5–001 issued May 31, 1995.

Panhandle states that the revised tariff sheets reflect the revisions in the term and character of capacity releases that are exempt from advance posting and bidding requirements. Specifically, the tariff sheets clarify that the maximum term of pre-arranged capacity releases, at less than the maximum rate, that are exempt from advance posting and bidding requirements is 31 days.

Panhandle states that copies of this filing have been served on all customers subject to the tariff sheets and applicable state regulatory agencies.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before June 22, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–15124 Filed 6–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–564–000]

Texas Eastern Transmission Corporation; Notice of Application

June 15, 1995.

Take notice that on June 13, 1995 Texas Eastern Transmission Corporation (Applicant), 5400 Westheimer Court, Houston, Texas, 77056–5310, filed an application in Docket No. CP95–564–000, under Section 7(c) of the Natural Gas Act and Section 157.7 of the Commission's Regulations for a certificate to replace, operate and maintain 0.12 miles of 30-inch line.

The line to be replaced is part of Applicant's Line No. 16, crossing the Copano Creek in Refugio and Aransas Counties, Texas. The pipeline segment extends from Mile Post 172.40 to Mile Post 172.52 on Line No. 16. The cost of the replacement is $347,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1995, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

motion to intervene in accordance with the Commission's Rules.

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

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

Lois D. Cashell,

Secretary.

[FR Doc. 95–15120 Filed 6–20–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5224–8]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces the Office of Management and Budget's (OMB) responses to Agency PRA clearance requests.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer (202) 260–2740, Please refer to the EPA ICR No.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agenda PRA Clearance Requests

OMB Approvals

EPA ICR No. 1749.01; (New assigned ICR No. 1755.01); Solicitation for Proposals for Facility-Based Reinvention Pilot Project (Project XL); was approved 06/07/95; OMB No. 2010–0026; expires 09/30/95.

EPA ICR No. 0226.11; Application for National Pollution Discharge Elimination System (NPDES) Facilities Affected by the Land Disposal Restrictions Phase III Rule; was approved 05/05/95; OMB No. 2040–0086; expires 05/31/98.

EPA ICR No. 1728.02; Municipal Water Pollution Prevention Program Evaluation (Self-Audit; was approved 04/05/95; OMB No. 2040–0181; expires 05/31/98.

EPA ICR No. 1597.02; Hazardous Waste Management Systems Modification of the Hazardous Waste Recycling Regulatory Program, Standards for Universal Waste Management—40 CFR Part 273; was approved 05/05/95; OMB No. 2050–0145; expires 05/31/98.

EPA ICR No. 0596.05; Application and Summary Report for an Emergency Exemption for Pesticides; was approved 05/02/95; OMB No. 2070–0032; expires 05/31/98.

EPA ICR No. 1747.01; Report and Database on Ecosystem Research in the Pacific Northwest; was approved 05/16/95; OMB No. 0280–0052; expires 05/31/98.

EPA ICR No. 0595.09; Facility Ground-Water Monitoring Requirements; was approved 05/05/95; OMB No. 2050–0033; expires 05/31/98.

EPA ICR No. 1639.02; Water Quality Guidance for Great Lakes System; was approved 03/28/95; OMB No. 2040–0180; expires 03/31/98.

EPA ICR No. 0229.10; Discharge Monitoring Report; was approved 05/05/95; OMB No. 2040–0004; expires 05/31/98.

EPA ICR No. 0827.04; Construction Grants Program Information Collection Request; was approved 05/18/95; OMB No. 2040–0027; expires 05/31/98.

EPA ICR No. 1442.08; Land Disposal Restriction Program; was approved 05/05/95; OMB No. 2050–0085; expires 05/31/98.

OMB Disapproval

EPA ICR No. 1730.01; NSPS for Medical Waste Incinerators; was disapproved 04/21/95.

OMB Extensions of Expiration Dates

EPA ICR No. 0143.04; Recordkeeping Requirements for Producers of Pesticides; OMB No. 2070–0028; expiration date was extended to 12/31/95.

EPA Withdrawal

EPA ICR No. 1682.02; California Federal Implementation Plans (FIP's) for Sacramento, Ventura, and South Coast under Clean Air Act Section 110(c); was withdrawn from OMB review by EPA.

Dated: June 15, 1995.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 95–15171 Filed 6–20–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5225–3]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 21, 1995.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740, please refer to EPA ICR #1755.02.

SUPPLEMENTARY INFORMATION:

Office of Policy, Planning and Evaluation

Title: Implementation of XL Projects—Regulatory Reinvention Pilot Projects, EPA ICR #1755.02. This ICR requests amendment of a currently approved collection (OMB #2010–0026).

Abstract: This information collection amends the previously approved collection (ICR #1755.01, OMB approval #2010–0026) to extend that proposed Project XL solicitation phase beyond the 9/30/95 approval period. In addition, this information collection covers the burden for implementation of XL projects from the point of project selection onward: development of the Final Project Agreement (FPA), project implementation, and evaluation.

The Project XL Pilot Projects are a set of pilot projects to test performance-based environmental management systems as alternatives to command and control regulatory approaches. The XL Projects are divided into four categories: facility-based projects, industry- or sector-based projects, community-based projects, and government agency-based projects. Under these projects, regulated entities will be given flexibility to depart from existing regulatory requirements in exchange for enforceable commitments to achieve environmental results that, on the

whole, go beyond what would have been achieved through full compliance with those regulations.

The primary users of this information will be EPA and our partners in the state and tribal environmental agencies, as well as facilities, sectors, communities, and government agencies that are project participants. The information will be used to assist in the development of Final Project Agreements that meet the needs of EPA, the states, and the participating entities. The information will also be used to gauge our success at implementing the XL projects, and the success of the projects themselves at demonstrating the usefulness of a performance-based approach. The information will allow EPA to better assure environmental performance and project feasibility, and may provide communities with greater opportunities to participate in environmental protection at the local level.

Burden Statement: Annual public reporting burden for this collection of information is estimated to average 232,000 hours for all respondents, including time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and reviewing the collection of information. This burden includes 105,000 hours for the application phase, 38,300 hours for the Final Project Agreements, 160 hours for tracking, and 88,000 hours for determining environmental performance. There is no recordkeeping burden.

Respondents: Any one of the entities regulated by EPA, as organized by individual facility, sector (group of facilities), community (facilities within a defined place and represented with local government), or government agency facilities.

Estimated No. of Respondents: 60.

Estimated Total Annual Burden on Respondents: 232,000 hours.

Frequency of Collection: Varies, one-time Final Project Agreements, quarterly tracking reports, and a verification of final environmental performance.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, (please refer to EPA ICR# 1755.02, and OMB #2010–0026) to:

Sandy Farmer, EPA ICR #1755.02, U.S. Environmental Protection Agency, Regulatory Information Division (Mail Code: 2136), 401 M Street, S.W., Washington, D.C. 20460

and

Timothy Hunt, OMB #2010–0026, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, N.W., Washington, D.C. 20530

Dated: June 15, 1995.

Rick Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 95–15211 Filed 6–20–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5224–6]

California State Nonroad Engine and Equipment Pollution Control Standards; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of an opportunity for public hearing and public comment.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has adopted regulations for exhaust emission standards and test procedures for nonroad recreational vehicles and engines (recreational vehicles) for 1997 and subsequent calendar years. CARB has requested that EPA authorize CARB to enforce these regulations pursuant to section 209(e) of the Clean Air Act (Act), as amended, 42 U.S.C. 7543, and EPA's regulation "Air Pollution Control; Preemption of State Regulation for Nonroad Engine and Vehicle Standards" (section 209(e) Rule) (40 CFR part 85; 59 FR 26969–36983). This notice announces that EPA has tentatively scheduled a public hearing to consider CARB's request and to hear comments from interested parties regarding CARB's request for EPA's authorization and CARB's determination that its regulations, as noted above, comply with the criteria set forth in the 209(e) Rule. In addition, EPA is requesting that interested parties submit written comments. Any party desiring to present oral testimony for the record at the public hearing, instead of, or in addition to, written comments, must notify EPA by July 26, 1995. If no party notifies EPA that it wishes to testify on the recreational vehicles regulations, then no hearing will be held and EPA will consider CARB's authorization request based on written submissions to the record.

DATES: EPA has tentatively scheduled a public hearing for August 8, 1995, beginning at 9:00 a.m., if any party notifies EPA by July 26, 1995, that it wishes to present oral testimony regarding CARB's request. Any party may submit written comments regarding CARB's request by September 11, 1995. After July 26, 1995, any person who plans to attend the hearing may call David Dickinson of EPA's Manufacturers Operations Division at (202)233–9256 to determine if a hearing will be held.

ADDRESSES: If a request is received, EPA will hold the public hearing announced in this notice at the Channel Inn Hotel, 650 Water Street SW., Washington, DC. Parties wishing to present oral testimony at the hearing should notify in writing, and if possible, submit ten (10) copies of the planned testimony to: Charles N. Freed, Director, Manufacturers Operations Division (6405J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. In addition, any written comments regarding the authorization request, should be sent, in duplicate, to Charles N. Freed at the same address to the attention of Docket A–95–17. Copies of material relevant to the authorization request (Docket A–95–17) will be available for public inspection during normal working hours of 8 a.m. to 4 p.m. Monday through Friday, including all non-government holidays, at the U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, S.W., Washington, DC 20460. Telephone: (202)260–7548. FAX Number: (202)260–4000.

FOR MORE INFORMATION CONTACT: David Dickinson, Attorney/Advisor, Manufacturers Operations Division (6405J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Telephone: (202)233–9256.

SUPPLEMENTARY INFORMATION:

I. Background

Section 209(e)(1) of the Act as amended, 42 U.S.C. 7543(e)(1), provides in part: "No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from either of the following new nonroad engines or nonroad vehicles subject to regulation under this Act—(A) New engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower. (B) New locomotives or new engines used in locomotives."

For those new pieces of equipment or new vehicles other than those a State is not permanently preempted from regulating under section 209(e)(1), the State of California may regulate such new equipment or new vehicles provided California complies with Section 209(e)(2). Section 209(e)(2) provides in part that the Administrator shall, after notice and opportunity for

public hearing, authorize California to adopt and enforce standards and other requirements relating to the control of emissions from such vehicles or engines "[i]f California determines that California standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. No such authorization shall be granted if the Administrator finds that—(i) the determination of California is arbitrary and capricious, (ii) California does not need such California standards to meet compelling and extraordinary conditions, or (iii) California standards and accompanying enforcement procedures are not consistent with this section."

EPA has issued a final regulation titled "Air Pollution Control; Preemption of State Regulation for Nonroad Engine and Vehicle Standards" (section 209(e) Rule) that sets forth several definitions, as explained below, and the authorization criteria EPA must consider before granting California an authorization to enforce any of its nonroad engine standards.[1] As described in the section 209(e) Rule, in order to be deemed "consistent with this section", California standards and enforcement procedures must be consistent with section 209. In order to be consistent with section 209 California standards and enforcement procedures must reflect the requirements of sections 209(a), 209(e)(1), and 209(b). Section 209(a) prohibits states from adopting or enforcing emission standards for new motor vehicles or new motor vehicle engines.[2] Section 209(e)(1) identifies the categories preempted from state regulation. As stated above, the preempted categories are (a) new engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower, and (b) new locomotives or new engines used in locomotives. The section 209(e) Rule defines construction equipment or vehicle to mean "any internal combustion engine-powered machine primarily used in construction and located on commercial construction sites. The section 209(e) Rule defines farm equipment or vehicle to mean "any internal combustion engine-powered machine primarily used in the commercial production and/or commercial harvesting of food, fiber, wood, or commercial organic products or for the processing of such products for further use on the farm. The section 209(e) rule defines "primarily used" to mean "used 51 percent or more."[3] Therefore, California's proposed emission regulations would be considered inconsistent with section 209 if they applied to these permanently preempted categories. Additionally, the section 209(e) Rule requires EPA to review nonroad authorization requests under the same "consistency" criterion that it reviews motor vehicle waiver requests. Under section 209(b)(1)(C), the Administrator shall not grant California a motor vehicle waiver if she finds that California standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. California's nonroad standards are not consistent with section 202(a) if there is inadequate lead time to permit the development of technology necessary to meet those standards, giving appropriate consideration to the cost of compliance within that time frame. Additionally, California's nonroad accompanying enforcement procedures would be inconsistent with section 202(a) if the Federal and California test procedures were inconsistent, that is, manufacturers would be unable to meet both the State and Federal test requirements with one test vehicle or engine.

Once California has been granted an authorization, under section 209(e)(2), for its standards and accompanying enforcement procedures for a category or categories of equipment, it may adopt other conditions precedent to initial retail sale, titling or registration of the subject category or categories of equipment without the necessity of receiving further EPA authorization.

By letter dated March 6, 1995, CARB submitted to EPA a request that EPA authorize California to enforce regulations for standards and test procedures for 1997 and subsequent calendar year recreational vehicles. These regulations, which apply to off-road motorcycles, all-terrain vehicles (ATVs), golf carts, go-karts, and specialty vehicles:

a. Establish an exhaust emission standard for off-road motorcycles and ATV engines produced after December 31, 1996, measured in grams-per-kilometer.

b. Establish a zero-emission requirement for golf carts produced after December 31, 1996.

c. Require that specialty vehicles less than 25 horsepower comply with the exhaust emission standards applicable to utility equipment engines as set forth in Title 13, California Code of Regulation, Section 2403.

d. Establish an exhaust emission standard for specialty vehicles 25 horsepower and greater produced after December 31, 1996 that is equivalent to the 1999 utility exhaust emission standards.

e. Require that no new engines produced for sale to replace pre-controlled off-road motorcycle, ATV, go-kart (25 horsepower and greater), golf cart, and specialty vehicle engines after the implementation of the exhaust emission standards, unless those new replacement engines comply with the applicable exhaust emission standards.

f. Adopt the current federal on-road motorcycle test procedures for off-road motorcycles and ATVs, with an option for ATVs to certify using CARB's utility engine test procedure. For go-karts 25 horsepower and above and specialty vehicles CARB's current utility engine testing procedures will apply. Require certification of engines including compliance and assembly-line quality audit test procedures.

g. Establish a labeling requirement for off-road motorcycles, ATVs, go-karts, and specialty vehicles.

h. Require that CARB's on-road vehicle recall procedures and program apply to off-road motorcycles and ATVs.

i. Establish a requirement that off-road motorcycles and ATVs be encoded with a vehicle identification number in order that such vehicles may be properly registered with California's Department of Motor Vehicles.

j. Require manufactures of specialty vehicles and go-karts 25 horsepower and above to comply with the two year warranty regulations that are part of California's utility engine regulations.

California states in its March 6, 1995 letter that it has determined that its standards for recreational vehicles are, in the aggregate, at least as protective of the public health and welfare as the applicable Federal standards. Further, California states that it needs separate standards to meet compelling and extraordinary conditions. Finally, California states that its standards and test procedures are consistent with section 209 of the Act. California's request will be considered according to the criteria for an authorization request as set forth in the section 209(e)

[1] *See* 59 FR 36969, July 20, 1994 (to be codified at 40 C.F.R. Part 85, Subpart Q, §§ 85.1601–85.1606). § 85.1604(a) states "California shall request authorization to enforce its adopted standards and other requirements relating to the control of emissions from new nonroad vehicles * * *." As explained in the preamble to the 209(e) rule, California may first adopt a nonroad exhaust emission standard and then seek an authorization from EPA to enforce such standard.

[2] EPA believes CARB's authorization request for recreational vehicles does not raise an issue with regard to whether such vehicles are motor vehicles. EPA anticipates that it will utilize both its definitions of motor vehicles and nonroad engines to resolve this issue.

[3] *See* 40 CFR part 85, subpart Q, § 85.1602.

regulation.[4] Any party wishing to present testimony at the hearing or by written comment should address, as explained in the section 209(e) rule, the following issues:

(1) Whether California's determination that its standards are at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious;

(2) Whether California needs separate standards to meet compelling and extraordinary conditions; and,

(3) Whether California's standards and accompanying enforcement procedures are consistent with (i) section 209(a), which prohibits states from adopting or enforcing emission standards for new motor vehicles or engines, (ii) section 209(e)(1), which identifies the categories preempted from state regulation, and (iii) section 202(a) of the Act, which requires adequate lead time to permit the development of technology necessary to meet the standards, giving appropriate consideration to the cost of compliance within that time frame, and consistent Federal and California test procedures, that is, manufacturers would be able to meet both the State and federal test requirements with one test vehicle or engine.

II. Public Participation

If the scheduled hearing takes place, it will provide an opportunity for interested parties to state orally their views or arguments or to provide pertinent information regarding the issues as noted above and further explained in the section 209(e) Rule. Any party desiring to make an oral statement on the record should file ten (10) copies of its proposed testimony and other relevant material along with its request for a hearing with the Director of EPA's Manufacturers Operations Division at the Director's address listed above not later than July 26, 1995. In addition, the party should submit 50 copies, if possible, of the proposed statement to the presiding officer at the time of the hearing.

In recognition that a public hearing is designed to give interested parties an opportunity to participate in this proceeding, there are no adverse parties as such. Statements by participants will not be subject to cross-examination by other participants without special approval by the presiding officer. The presiding officer is authorized to strike from the record statements which he deems irrelevant or repetitious and to impose reasonable limits on the duration of the statement of any participant.

If a hearing is held, the Agency will make a verbatim record of the proceedings. Interested parties may arrange with the reporter at the hearing to obtain a copy of the transcript at their own expense. Regardless of whether a public hearing is held, EPA will keep the record open until September 11, 1995.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest extent possible and label it as "Confidential Business Information." To ensure that proprietary information is not inadvertently placed in the docket, submissions containing such information should be sent directly to the contact person listed above and not to the public docket. If a person making comments wants EPA to base its final decision in part on a submission labeled as confidential business information, then a non-confidential version of the document which summarizes the key data or information should be placed in the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it may be made available to the public without further notice to person making comments.

Dated: June 8, 1995.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation

[FR Doc. 95–15165 Filed 6–20–95; 8:45 am]

BILLING CODE 6560–50–P

[4] "Air Pollution Control; Preemption of State Regulation for Nonroad Engine and Vehicle Standards" at 59 FR 36969, July 20, 1994 and 40 CFR Part 85, Subpart Q, §§ 85.1601–85.1606).

[FRL–5221–3]

Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Public Review of a Notification of Intent To Certify Equipment

AGENCY: Environmental Protection Agency.

ACTION: Notice of agency receipt of a notification of intent to certify equipment and initiation of 45 day public review and comment period.

SUMMARY: The Agency has received a notification of intent to certify urban bus retrofit/rebuild equipment pursuant to 40 CFR Part 85, Subpart O from the Cummins Engine Company, Inc. (Cummins). Pursuant to § 85.1407(a)(7), today's **Federal Register** notice summarizes the notification below, announces that the notification is available for public review and comment, and initiates a 45-day period during which comments can be submitted. The Agency will review this notification of intent to certify, as well as comments received, to determine whether the equipment described in the notification of intent to certify should be certified. If certified, the equipment can be used by urban bus operators to reduce the particulate matter of urban bus engines.

The Cummins notification of intent to certify, as well as other materials specifically relevant to it, is contained in category VIII–A of Public Docket A–93–42, entitled "Certification of Urban Bus Retrofit/Rebuild Equipment." This docket is at the address below.

Today's notice initiates a 45-day period during which the Agency will accept written comments relevant to whether or not the equipment included in this notification of intent to certify should be certified. Comments should be provided in writing to Public Docket A–93–42, Category VIII–A, at the address below. An identical copy should be submitted to Anthony Erb, also at the address below.

DATES: Comments must be submitted on or before August 7, 1995.

ADDRESSES: Submit separate copies of comments to the two following addresses:

1. U.S. Environmental Protection Agency, Public Docket A–93–42 (Category VIII–A), Room M–1500, 401 M Street SW., Washington, D.C. 20460.
2. Anthony Erb, Technical Support Branch, Manufacturers Operations Division (6405J), 401 "M" Street SW., Washington, D.C. 20460.

Docket items may be inspected from 8:00 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by the Agency for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Anthony Erb, Manufacturers Operations Division (6405J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Telephone: (202) 233–9259.

SUPPLEMENTARY INFORMATION:

I. Background

On April 21, 1993, the Agency published final Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (58 FR 21359). The retrofit/rebuild program is intended to reduce the ambient levels of

particulate matter (PM) in urban areas and is limited to 1993 and earlier model year (MY) urban buses operating in metropolitan areas with 1980 populations of 750,000 or more, whose engines are rebuilt or replaced after January 1, 1995. Operators of the affected buses are required to choose between two compliance programs: Program one sets particulate matter emissions requirements for each urban bus engine in an operator's fleet which is rebuilt or replaced; Program two is a fleet averaging program that establishes specific annual target levels for average PM emissions from urban buses in an operator's fleet.

Certification of retrofit/rebuild equipment is a key element of the retrofit/rebuild. To show compliance under either of the compliance programs, operators of the affected buses must use equipment that has been certified by the Agency. Emissions requirements under either of the two compliance programs depend on the availability of certified retrofit/rebuild equipment for each engine model. To be used for Program one, equipment must be certified as meeting a 0.10 g/bhp-hr PM standard or as achieving a 25 percent reduction in PM. Equipment used for Program two must be certified as providing some level of PM reduction that would in turn be claimed by urban bus operators when calculating their average fleet PM levels attained under the program. For Program one, information on life cycle costs must be submitted in the notification of intent to certify in order for certification of the equipment to initiate (or trigger) program requirements. To trigger program requirements, the certifier must guarantee that the equipment will be available to all affected operators for a life cycle cost of $7,940 or less at the 0.10 g/bhp-hr PM level, or for a life cycle cost of $2,000 or less for the 25 percent or greater reduction in PM. Both of these values are based on 1992 dollars.

II. Notification of Intent To Certify

By a notification of intent to certify signed March 13, 1995, Cummins has applied for certification of equipment applicable to its LTA10–B model engines that were originally manufactured between November 1985 and December 1992. The pending equipment certification is applicable to the following configurations:

Family	Control parts list (CPL)	Manufacture dates [1]	
		Start	End
343B	0780	11/20/85	12/31/87
343C	0781	11/20/85	12/31/87
	0774	11/20/85	12/31/89
	0777	11/20/85	12/31/89
	0996	12/04/87	08/19/88
	1226	07/26/88	12/31/90
343F	1226	07/12/90	08/26/92
	1441	12/18/90	12/31/92
	1622	04/24/92	12/31/92
	1624	04/24/92	12/31/92

[1] Equipment certification will be applicable to those engines originally built between the start and end dates for the appropriate configuration.

Two separate horsepower/torque ratings are to apply for each CPL listed, either 240 horsepower and 750 foot-pounds of torque or 270 horsepower and 860 foot-pounds of torque. The notification of intent to certify states that the candidate equipment will reduce PM emissions 25 percent or more, on petroleum-fueled diesel engines that have been rebuilt to Cummins specifications. Pricing information has been submitted with the notification, along with a guarantee that the equipment will be offered to all affected operators for less than the incremental life cycle cost ceiling. Therefore, this equipment may trigger program requirements for the 25% reduction standard. If certified as a trigger of this standard, urban bus operators will be required to use this retrofit/rebuild equipment or other equipment certified to provide a PM reduction as discussed below.

All components of the candidate equipment are contained in combination of two kits. The first kit is common to both horsepower/torque ratings and consists of a camshaft, cam key, cylinder kits, and a fuel plumbing kit. The second kit contains the injectors, cylinder head, turbocharger and fuel pump and is ordered based on the horsepower/torque rating that is wanted. The first kit in combination with one of the second kits is required to rebuild an engine.

Cummins presents exhaust emission data from testing a new engine that was selected directly from the assembly and built to a configuration to which all rebuilt engines that are included under this certification will be made identical. Two tests were conducted, one test was performed on the engine with the 240/750 (horsepower/torque) rating and a second test was conducted on the same engine after retrofit with the components needed to achieve the 270/860 rating. The test data show a PM level of 0.28 g/bhp-hr for the 240/750 rating and a PM level of 0.24 g/bhp-hr for the 270/860 rating with the candidate equipment installed.

Cummins has also provided new engine certification and other emissions data providing the baseline PM level for each engine configuration. The test data show that with candidate equipment installed, PM is reduced between 38% and 61% depending upon the engine and rating being compared. The test data also show that hydrocarbon (HC), carbon monoxide (CO), and oxides of nitrogen (NO_X) are less than applicable standards. Fuel consumption is not affected when the candidate equipment is installed according to Cummins. Cummins presents smoke emission measurements for the engine demonstrating compliance with applicable standards.

Cummins indicates that the candidate equipment will have an incremental fleet purchase price increase over the standard rebuild of $1435.29 due to the increased cost for the components. Cummins states that there will be no incremental installation cost, fuel cost, or maintenance cost compared to the currently available standard rebuild. Therefore, the candidate equipment will be offered to all affected operators for less than a life cycle cost of $2,000 (1992 dollars). This information may trigger the 25 percent reduction standard if the equipment is certified.

If the Agency certifies the candidate Cummins equipment as a trigger of program requirements, operators will be affected as follows. Under Program 1, all rebuilds of applicable engines performed six months following the effective date of certification, must use the Cummins equipment or other equipment certified to provide at least a 25 percent reduction. This requirement would continue for the applicable engines until such time that equipment was certified to trigger the 0.10 g/bhp-hr emission standard for less than a life cycle cost of $7,940 (in 1992 dollars). If the Agency certifies the candidate Cummins equipment as a trigger of program requirements, operators who choose to comply with Program 2 and install this equipment, will use the PM emission level(s) established during the certification review process, in their calculations for target or fleet level as specified in the program regulations.

At a minimum, EPA expects to evaluate this notification of intent to certify, and other materials submitted as applicable, to determine whether there is adequate demonstration of compliance with: (1) the certification requirements of § 85.1406, including whether the testing accurately proves the claimed emission reduction or

emission levels; and, (2) the requirements of § 85.1407 for a notification of intent to certify, including whether the data provided by Cummins complies with the life cycle cost requirements.

The Agency requests that those commenting also consider these regulatory requirements, plus provide comments on any experience or knowledge concerning: (a) problems with installing, maintaining, and/or using the candidate equipment on applicable engines; and, (b) whether the equipment is compatible with affected vehicles.

The date of this notice initiates a 45-day period during which the Agency will accept written comments relevant to whether or not the equipment described in the Cummins notification of intent to certify should be certified pursuant to the urban bus retrofit/rebuild regulations. Interested parties are encouraged to review the notification of intent to certify and provide comment during the 45-day period. Please send separate copies of your comments to each of the above two addresses.

The Agency will review this notification of intent to certify, along with comments received from interested parties, and attempt to resolve or clarify issues as necessary. During the review process, the Agency may add additional documents to the docket as a result of the review process. These documents will also be available for public review and comment within the 45-day period.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 95–15216 Filed 6–20–95; 8:45 am]

BILLING CODE 6560–50–P

[OPPTS–140233; FRL–4953–6]

Access to Confidential Business Information; Advanced Resources Technologies, Inc. and USATREX International

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Advanced Resources Technologies, Inc. (ARTI) of Alexandria, Virginia and ARTI's subcontractor, USATREX, International (USA) of McLean, Virginia for access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than July 6, 1995.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–W5–0058, contractor ARTI, of 4900 Seminary Road, Suite 1200, Alexandria, VA and subcontractor USA of 7926 Jones Branch Drive, Suite 410, McLean, VA, will assist the Office of Pollution Prevention and Toxics (OPPT) in providing information for EPA's efforts in planning, organizing, and managing a comprehensive physical and information security program (classified and proprietary documents) and in providing information and data for EPA's efforts in developing physical and information security policy for implementation throughout the Agency.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–W5–0058, ARTI and USA will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. ARTI and USA personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide ARTI and USA access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters only.

Clearance for access to TSCA CBI under this contract may continue until January 2, 2000.

ARTI and USA personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Access to confidential business information.

Dated: June 13, 1995.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 95–15168 Filed 6–20–95; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5224–7]

Open Meetings on Alternative Approaches To Fund Water and Wastewater Projects on July 19, 1995

The Environmental Protection Agency's Office of Water will hold an open meeting to discuss alternative sources for clean water project funding on July 19, 1995. The meeting will be held at the Airlie Center in Warrenton, Virginia from 8:00 a.m. until 5:00 p.m.

This meeting is being held to allow stakeholders to share their views in support of a Congressional requirement to conduct a study of alternative sources for clean water project funding. Congress provided $250,000 in EPA's FY 1995 Appropriations Bill for this study. The study is being conducted by the Office of Water with assistance from the Environmental Finance Center at Syracuse University.

Participants at the meeting will be encouraged to provide their views on a number of different alternatives for funding clean water projects, including water and wastewater projects. Participants will be asked to examine possible sources of funding, delivery mechanisms for this funding, and eligible categories for funding, along with other related issues.

All interested parties who wish to speak at the meeting should contact Ronda Garlow in the Environmental Finance Center at Syracuse University at (315) 443–5612. Those who wish to speak at the meeting are encouraged to notify Ms. Garlow in advance. Ten minutes will be available for each presentation.

All other inquiries concerning the meeting should be directed to Mr. James Smith at (202) 371–9770.

Dated: June 14, 1995.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 95–15172 Filed 6–20–95; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180973; FRL 4957–7]

Propamocarb Hydrochloride; Receipt of Applications for Emergency Exemptions, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from state lead agricultural agencies of Delaware, Florida, Georgia, Maine, Maryland, Michigan, Minnesota, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Virginia, and Wisconsin (hereafter referred to as the "Applicants"), for the use of the pesticide propamocarb hydrochloride (CAS 25606–41–1) to potentially treat the following acreages of potatoes to control immigrant strains of late blight which are resistant to historically used control materials: DE, 5,000; FL, 40,000; GA, 610; ME, 80,000; MD, 3,000; MI, 58,000; MN, 60,000; NJ, 3,400; NY, 30,000; ND, 109,000; OH, 6,000; OR, 50,000; PA, 24,000; SD, 6,000; VA, 7,500; and WI, 30,000 (potential total acreage of 543,110 acres). The Applicants propose the first food use of an active ingredient; therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemptions.

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

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP–180973," should be submitted by mail to: Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–180973]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Libby Pemberton, Registration Division (7505W), Office of Pesticide Programs, Environmental Profection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station I, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8326; e-mail: pemberton.libby@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a state agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicants have requested the Administrator to issue specific exemptions for the use of propamocarb hydrochloride on potatoes to control late blight. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

Recent failures to control late blight in potatoes with the registered fungicides, have been caused almost exclusively by immigrant strains of late blight *Phytophthora infestans*, which are resistant to the historically used pesticides. Before the immigrant strains of late blight arrived, all of the strains in the U.S. were previously controlled by treatment with registered materials. The Applicants state that presently, there are no fungicides registered in the U.S. that will provide adequate control of the immigrant strains of late blight. The Applicants state that propamocarb hydrochloride has been shown to be effective against these strains of late blight. This material holds current registrations throughout many European countries for control of this disease. The Applicants state that losses in some states have been greater than $10 million per year for the past 3 years, due to these new strains of late blight, and some growers have completely lost their crops and will go out of business. These costs do not include the increased amount of money spent on fungicides in attempts to control this disease. Under appropriate conditions, it is possible that this disease could develop to epidemic proportions, causing major changes and losses to the U.S. potato industry.

The Applicants have all previously submitted requests for exemptions for two other unregistered materials, dimethomorph and cymoxanil, to address this disease problem. These requests were issued on May 18, 1995. A notice of receipt for these two chemicals was published in the **Federal Register** on May 3, 1995.

The Applicants propose to apply propamocarb hydrochloride at a maximum rate of 0.898 lb. a.i. (2.3 pts. of product) per acre, by ground or air, with a maximum of 5 applications per season, to a maximum of the following acreages of potatoes: DE, 5,000; FL, 40,000; GA, 610; ME, 80,000; MD, 3,000; MI, 58,000; MN, 60,000; NJ, 3,400; NY, 30,000; ND, 109,000; OH, 6,000; OR, 50,000; PA, 24,000; SD, 6,000; VA, 7,500; and WI, 30,000. Therefore, use under this exemption could potentially amount to the following maximum amounts of propamocarb hydrochloride: DE, 22,463 lbs. a.i., 7,188 gal. product; FL, 179,688 lbs. a.i., 57,500 gal. product; GA, 2,741 lbs. a.i., 877 gal. product; ME, 359,375 lbs. a.i., 115,000 product; MD, 13,478 lbs. a.i., 4,313 gal. product; MI, 260,547 lbs. a.i., 83,375 gal. product; MN, 269,531 lbs. a.i., 86,250 gal. product; NJ, 152,734 lbs. a.i., 48,875 gal. product; NY, 134,764 lbs. a.i., 43,125 gal. product; ND, 489,650 lbs. a.i., 156,688 gal. product; OH, 26,953 lbs. a.i., 8,625 gal. product; OR, 224,609 lbs. a.i., 71,875 gal. product; PA, 107,813 lbs. a.i., 34,500 gal. product; SD, 26,953 lbs. a.i., 8,625 gal. product; VA, 33,691 lbs. a.i., 10,781 gal. product; and WI, 134,764 lbs. a.i., 43,125 gal. product.

This notice does not constitute a decision by EPA on the applications. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing the first food use of an active ingredient. Such notice provides for opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received

during the comment period in determining whether to issue the emergency exemptions requested by the above-named state lead agricultural agencies.

A record has been established for this notice under docket number "OPP–180973" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: June 2, 1995.

Stephen L. Johnson,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 95–15166 Filed 6–20–95; 8:45 am]

BILLING CODE 6560–50–F

[OPPTS–44618; FRL–4961–3]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on 1,3,5-trimethylbenzene (CAS No. 108–67–8), submitted pursuant to a final test rule under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received.

I. Test Data Submissions

Test data for 1,3,5-trimethylbenzene were submitted by Koch Industries, Inc. pursuant to a test rule at 40 CFR 799.5075. They were received by EPA on May, 11, 1995. The submission includes a final report for a 90-Day Oral Gavage Toxicity Study of 1,3,5-trimethylbenzene in Rats with a Recovery Group. This chemical is used as an intermediate in the production of an antioxidant for plastics.

EPA has initiated its review and evaluation process for this data submission. At this time, the Agency is unable to provide any determination as to the completeness of the submission.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPPTS–44618). This record includes copies of all studies reported in this notice. The record is available for inspection from 12 noon to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. B–607 Northeast Mall, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

List of Subjects

Environmental protection, Test data.

Dated: June 8, 1995.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 95–15167 Filed 6–20–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1054–DR]

Missouri; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Missouri, (FEMA–1054–DR), dated June 2, 1995, and related determinations.

EFFECTIVE DATE: June 12, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Missouri dated June 2, 1995, is hereby amended to include Individual Assistance in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 2, 1995:

The counties of Benton, Boone, Cole, Gasconade, Franklin, Jefferson, Johnson, Miller, St. Charles, St. Clair, Ste. Genevieve, and St. Louis for Individual Assistance. (already designated for Public Assistance.)

The counties of Callaway, Cape Girardeau, Carroll, Clark, Lincoln, Mississippi, Montgomery, Osage, Ray, Scotland, Scott, Vernon, and the City of St. Louis for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Craig Wingo,

Division Director, Infrastructure Support Division Response and Recovery Directorate.

[FR Doc. 95–15183 Filed 6–20–95; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1057–DR]

Tennessee; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1057–DR), dated June 14, 1995, and related determinations.

EFFECTIVE DATE: June 14, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 14, 1995, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:.

I have determined that the damage in certain areas of the State of Tennessee, resulting from severe storms and tornadoes on May 14–19, 1995, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Hazard Mitigation Assistance may be provided at a later date if requested and warranted. Consistent with the requirement that Federal assistance be supplemented, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Glenn Woodard of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Tennessee to have been affected adversely by this declared major disaster:

The counties of Cumberland, Houston and Lawrence for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.512, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 95–15184 Filed 6–20–95; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–1056–DR]

Texas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Texas (FEMA–1056–DR), dated June 13, 1995, and related determinations.

EFFECTIVE DATE: June 13, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 13, 1995, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Texas, resulting from severe thunderstorms, flooding, hail and tornadoes on May 28–31, 1995, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Texas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance. Public Assistance and/or Hazard Mitigation Assistance may be provided at a later date if requested and warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153. shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Dell Greer of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following area of the State of Texas to have been affected adversely by this declared major disaster:

The county of Tom Green for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 95–15185 Filed 6–20–95; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL RESERVE SYSTEM

First National of Nebraska, Inc.; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 5, 1995.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. First National of Nebraska, Inc., Omaha, Nebraska; to engage *de novo* through its subsidiary, First Technology Solutions, Inc., Omaha, Nebraska, in providing to others data processing services, pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 15, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–15131 Filed 6–20–95; 8:45 am]

BILLING CODE 6210–01–F

KeyCorp, et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than July 5, 1995.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. KeyCorp, Cleveland, Ohio; to acquire AutoFinance Group, Inc., Westmont, Illinois, and thereby engage in the business of making, acquiring, and servicing loans made on the security of automobiles, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Associated Banc-Corp, Green Bay, Wisconsin; to acquire Great Northern Mortgage, Rolling Meadows, Illinois, and thereby engage in mortgage banking activities, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 15, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–15132 Filed 6–20–95; 8:45 am]

BILLING CODE 6210–01–F

SouthTrust Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 14, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. SouthTrust Corporation, Birmingham, Alabama, and SouthTrust of Florida, Inc., Jacksonville, Florida; to merge with First Commercial Financial Corporation, Bradenton, Florida, and thereby indirectly acquire First Commercial Bank of Manatee County, Bradenton, Florida.

B. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. KeyCorp, Cincinnati, Ohio; to acquire 100 percent of the voting shares of Key Bank USA, National Association, Cleveland, Ohio, a *de novo* bank.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. BOK Financial Corporation, Tulsa, Oklahoma; to acquire 9.9 percent of the voting shares of Liberty Bancorp, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire Liberty Bank and Trust Company, Oklahoma City, Oklahoma, and Liberty Bank and Trust Company, Tulsa, Oklahoma.

2. Pony Express Bancorp, Inc., Elwood, Kansas; to acquire at least 100 percent of the voting shares of Farmers State Bank, Lucas, Kansas.

Board of Governors of the Federal Reserve System, June 15, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–15133 Filed 6–20–95; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

[Dkt. C–3265]

Arkla, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: The order reopens a 1989 consent order that settled allegations that Arkla's acquisition of natural gas pipeline assets from TransArk Transmission Co. could reduce competition in the transportation of natural gas out of the Arkoma basin and the transmission of gas to consumers in the Russellville, Arkansas, area. This order modifies the consent order by deleting the divestiture requirement, because changed market conditions, such as regulatory changes and new entry in the market, make it no longer necessary.

DATES: Consent order issued October 10, 1989. Modifying order issued April 5, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Elizabeth Piotrowski, FTC/S–2115, Washington, DC 20580. (202) 326–2623.

[1] Copies of the Modifying Order are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue, N.W., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: In the Matter of Arkla, Inc. The prohibited trade practices and/or corrective actions as set forth at 55 FR 7565, are changed, in part, as indicated in the summary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.s.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95–15187 Filed 6–20–95; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3573]

Boston Scientific Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order permits, among other things, Boston Scientific Corporation, a Massachusetts-based manufacturer and marketer of catheters, to proceed with the proposed acquisitions of Cardiovascular Imaging Systems, Inc., and SCIMED Life Systems, Inc., but requires the respondent to grant a nonexclusive license to a specified package of patents and technology related to the manufacture, production and sale of intravascular ultrasound (IVUS) imaging catheters to the Hewlett-Packard Company or another Commission-approved licensee. In addition, the consent order requires the respondent to obtain Commission approval, for ten years, before acquiring an interest greater than one percent in a company engaged in researching, developing or manufacturing IVUS catheters for sale in the United States.

DATES: Complaint and Order issued April 28, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Howard Morse or Robert Tovsky, FTC/S–3627, Washington, D.C. 20580. (202) 326–2949 or 326–2634.

SUPPLEMENTARY INFORMATION: On Thursday, March 9, 1995, there was published in the **Federal Register**, 60 FR 12948, a proposed consent agreement with analysis In the Matter of Boston Scientific Corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95–15188 Filed 6–20–95; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3576]

Lockheed Corporation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order allows, among other things, the completion of the merger between Lockheed Corporation and Martin Marietta Corporation, and requires the merged firm to open up the teaming arrangements that each individual firm has with infrared sensor producers in order to restore competition for certain types of military satellites. The consent order also prohibits certain divisions of the merged firm from gaining access through other divisions to competitively sensitive information about competitors' satellite launch vehicles or military aircraft.

DATES: Complaint and Order issued May 9, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Ann Malester or Laura Wilkinson, FTC/S–2224, Washington, D.C. 20580. (202) 326–2682.

SUPPLEMENTARY INFORMATION: On Friday, January 27, 1995, there was published in the **Federal Register**, 60 FR 5408, a proposed consent agreement with analysis In the Matter of Lockheed Corporation, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95–15189 Filed 6–20–95; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3572]

Sensormatic Electronics Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, Sensormatic Electronics Corporation, a Florida-based manufacturer of electronic-article surveillance systems from acquiring patents and other exclusive rights for manufacturer installed disposable anti-shoplifting labels from Knogo Corporation, as they pertain to the United States and Canada. Also, the consent order requires Sensormatic, for ten years, to obtain Commission approval before acquiring certain rights in connection with Knogo's SuperStrip, or any significant acquisitions of entities engaged in, or assets used for, the research, development or manufacture of disposable labels, or acquisitions of patents or other intellectual property for such purposes.

DATES: Complaint and Order issued April 18, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Ann Malester or Arthur Strong, FTC/S–2224, Washington, D.C. 20580. (202) 326–2682 or 326–3478.

SUPPLEMENTARY INFORMATION: On Friday, January 27, 1995, there was published in the **Federal Register**, 60 FR 5428, a proposed consent agreement with analysis In the Matter of Sensormatic Electronics Corporation, for the purpose of soliciting public comment. Interested

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[1] Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's statement are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

[1] Copies of the Compliant and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

[1] Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's statement are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95–15190 Filed 6–20–95; 8:45 am]

BILLING CODE 6750–01–M

[File No. 942–3263]

WLAR Co., et al.; Proposed Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Falls Church, Virginia weight-loss company from making false or unsubstantiated representations for their weight-loss booklets or other weight-loss products or program, and would require respondent and its owner to disclose in future ads making weight-related claims for these or similar booklets that the products consist solely of booklets or pamphlets.

DATES: Comments must be received on or before August 21, 1995.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Richard L. Cleland, FTC/S–4002, Washington, DC 20580. (202) 326–3088.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order to Cease and Desist

In the matter of WLAR Co., a corporation, and Michael K. Craig, individually and as an officer of said corporation. File No. 942 3263.

The Federal Trade Commission, having initiated an investigation of certain acts and practices of WLAR Co., a corporation, and Michael K. Craig, individually and as an officer of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appears that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It Is Hereby agreed by and between WLAR Co., by its authorized officer, and Michael K. Craig, individually and as an officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent WLAR Co. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 5622 Columbia Pike #106, in the City of Falls Church, State of Virginia, 22041.

Proposed respondent Michael K. Craig is or was at relevant times herein the sole owner, officer, and employee of said corporation. Individually or in concert with others, he participated in and/or formulated, directed, and controlled the acts and practices of said corporation and his address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered into pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents of facts, other than jurisdictional facts, or of violations of law as alleged in the draft of complaint.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents, addressed to Arnold & Porter, 1200 New Hampshire Avenue, N.W., Washington, D.C. 20036–6885, shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this Order:

1. "Clearly and prominently" shall mean as follows:

(a) In a television or videotape advertisement, the disclosure shall be presented simultaneously in both the audio and video portions of the advertisement. The audio disclosure shall be delivered in a volume and cadence and for a duration sufficient for an ordinary consumer to hear and comprehend it. The video disclosure shall be of a size and shade, and shall appear on the screen for a duration, sufficient for an ordinary consumer to read and comprehend it.

(b) In a print advertisement, the disclosure shall be in close proximity to the representation that triggers the disclosure and given in at least twelve (12) point type.

(c) In a radio advertisement, the disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it.

2. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

3. "Weight-loss product" shall mean any product or program designed or used to prevent weight gain or to produce weight loss, reduction or elimination of fat, slimming, or caloric deficit in a user of the product or program.

I

It is ordered that respondents, WLAR Co., a corporation, its successors and assigns, and its officers; and Michael K. Craig, individually and as an officer of WLAR Co.; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the manufacturing, advertising, packaging, labeling, promotion, offering for sale, sale, or distribution of Swedish 19, Swedish System, BM Program, New Shape, Body Maker, or any substantially similar product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that:

A. Such product is new or is a new weight-loss discovery; or

B. Such product does not require dieting.

II

It is further ordered that respondents, WLAR Co., a corporation, its successors and assigns, and its officers; and Michael K. Craig, individually and as an officer of WLAR Co.; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the manufacturing, advertising, packaging, labeling, promotion, offering for sale, sale, or distribution of any weight-loss product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that:

A. Such product causes fast or easy weight loss;

B. Such product is more effective than other products or programs in controlling appetite or causing weight loss;

C. Purchasers of such products are successful in controlling appetite, losing weight, or reducing body fat;

D. Such product causes users to develop a new set of eating habits, thereby reducing caloric intake and causing significant and long-term or permanent weight loss; or

E. Such product has any effect on users' weight, body size or shape, body measurements, or appetite,

unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

III

It is further ordered that respondents, WLAR Co., a corporation, its successors and assigns, and its officers; and Michael K. Craig, individually and as an officer of WLAR Co.; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the manufacturing, advertising, packaging, labeling, promotion, offering for sale, sale, or distribution of any weight-loss product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that such product has been used successfully by any number of persons unless, at the time of making such representation, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

IV

Nothing in Parts I through III of this Order shall prohibit respondents from making representations which promote the sale of books and other publications, *provided that*, the advertising only purports to express the opinion of the author or to quote the contents of the publication; the advertising discloses the source of the statements quoted or derived from the contents of the publication; and the advertising discloses the author to be the source of the opinions expressed about the publication. This Part shall not apply, however, if the publication or its advertising is used to promote the sale of some other product as part of a commercial scheme.

V

It is further ordered that respondents, WLAR Co., a corporation, its successors and assigns, and its officers; and Michael K. Craig, individually and as an officer of WLAR Co.; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the manufacturing, advertising, packaging, labeling, promotion, offering for sale, sale, or distribution of Swedish 19, Swedish System, BM Program, New Shape, Body Maker, or any substantially similar product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, in any manner, directly or by implication, that any such product has any effect on weight or body size, unless respondents disclose, clearly and prominently, and in close proximity to such representation, that such product consists solely of a booklet or pamphlet containing information and advice on weight loss.

VI

It is further ordered that respondents, WLAR Co., a corporation, its successors and assigns, and its officers; and Michael K. Craig, individually and as an officer of WLAR Co.; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the manufacturing, advertising, packaging, labeling, promotion, offering for sale, sale, or distribution of any weight-loss product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any

representation, in any manner, directly or by implication, that any such weight-loss product has any effect on weight or body size, unless they disclose, clearly and prominently, and in close proximity to such representation, that diet and/or increasing exercise is required to lose weight; *provided however*, that this disclosure shall not be required if respondents possess and rely upon competent and reliable scientific evidence demonstrating that the weight-loss product is effective without either dieting or increasing exercise.

VII

It is further ordered that respondent, WLAR Co., shall:

A. Within thirty (30) days after service of this Order, provide a copy of this Order to each of respondent's current principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order; and

B. For a period of five (5) days from the date of issuance of this Order, provide a copy of this Order to each of respondent's future principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order who are associated with respondent or any subsidiary, successor, or assign, within three (3) days after the person assumes his or her responsibilities.

VIII

It is further ordered that for five (5) years after the last date of dissemination of any representation covered by this Order, respondents, or their successors and assigns, shall maintain and upon request make available to the Federal Trade Commission or its staff for inspection and copying:

A. All materials that were relied upon in disseminating such representation; and

B. All tests, reports, studies, surveys, demonstrations or other evidence in their possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

IX

It is further ordered that respondent, WLAR Co., shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in its corporate structure, including but not limited to dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or affiliates, the planned filing of a bankruptcy petition, or any other corporate change that may affect compliance obligations arising out of this Order.

X

It is further ordered that respondent, Michael K. Craig, shall, for a period of three (3) years from the date of issuance of this Order, notify the Commission within thirty (30) days of the discontinuance of his present business or employment and of his affiliation with any new business or employment involving the advertising, offering for sale, sale, or distribution of any weight-loss product. Each notice of affiliation with any new business or employment shall include respondent's new business address and telephone number, current home address, and a statement describing the nature of the business or employment and his duties and responsibilities.

XI

It is further ordered that respondents shall, within sixty (60) days after service of this Order, and at such other times as the Federal Trade Commission may require, file with the Commission's report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from proposed respondents WLAR Co. and Michael K. Craig.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns advertising for five weight-loss products, marketed under the names "Swedish 19," "Body Maker," "BM Program," "New Shape," and "Swedish System" (collectively referred to herein as "the Swedish 19 products"). These products are booklets or pamphlets containing advice on dieting and exercise.

The Commission's Complaint charges that proposed respondents WLAR Co. and Michael K. Craig falsely represented that users of the Swedish 19 products are not required to consciously diet to lose weight and that BM Program, New Shape, and Body Maker are new weight-loss discoveries. The Complaint also alleges that the proposed respondents falsely represented that they possessed a reasonable basis when they made the following claims: (1) the Swedish 19 products cause fast and easy weight loss; (2) the Swedish 19 products are more effective than other products or programs in controlling appetite and causing weight loss; (3) purchasers of the Swedish 19 products are successful in controlling appetite, losing weight, and reducing body fat; (4) Swedish 19, Swedish System, BM Program, and Body Maker cause users to develop a new set of eating habits, thereby reducing caloric intake and causing significant and long-term or permanent weight loss; and (5) thousands of girls have successfully lost weight by using Swedish 19, Swedish System, New Shape, and Body Maker. Finally, the Complaint alleges that respondents' failure to disclose in advertisements that the Swedish 19 products consist only of booklets or pamphlets containing advice concerning techniques for reducing caloric intake and/or exercise, and that reducing caloric intake and/or increasing exercise is required to lose weight was a deceptive practice.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent proposed respondents from engaging in similar acts in the future.

Part I of the proposed order prohibits proposed respondents from representing that the Swedish 19 products, or substantially similar products, are new or are a new weight-loss discovery, or that such products do not require dieting. Part II requires proposed respondents to possess competent and reliable scientific evidence before making representations that any weight-loss product causes fast or easy weight loss; is more effective than other products or programs in controlling appetite or causing weight loss; causes users to develop a new set of eating habits, thereby reducing caloric intake and causing significant and long-term or permanent weight loss; or has any effect on users' weight, body size or shape, body measurements, or appetite; or that purchasers of such products are successful in controlling appetite, losing weight, or reducing body fat. Part III requires proposed respondents to have substantiation for any representation that any weight-loss product has been used successfully by any number of persons.

Part IV of the proposed order provides that nothing in Parts I through III

prohibits proposed respondents from making representations which promote the sale of books and other publications, provided that, the advertising only purports to express the opinion of the author or to quote the contents of the publication; the advertising discloses the source of the statements quoted or derived from the contents of the publication; and the advertising discloses the author to be the source of the opinions expressed about the publication. The proposed order further provides that Part IV does not apply to any publication or its advertising that is used to promote the sale of some other product as part of a commercial scheme.

Part V prohibits proposed respondents from representing that the Swedish 19 products, or any substantially similar product, has any effect on weight or body size, unless respondents disclose prominently that the product consists solely of a booklet or pamphlet containing information and advice on weight loss. Part VI requires proposed respondents to disclose that diet or exercise are required to lose weight in connection with any representation about the effect of a weight-loss product on weight or body size, unless they have competent and reliable scientific evidence to the contrary.

Part VII requires WLAR Co. to distribute a copy of the order to certain current and future company personnel. Part VIII requires proposed respondents to maintain, for five (5) years, all materials that support, contradict, qualify, or call into question any representations they make that are covered by the proposed order. Under Part IX of the proposed order, WLAR Co. is required to notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in its corporate structure that may affect compliance with the order's obligations. Part X requires that Michael K. Craig, for a period of three (3) years, notify the Commission of any change in his business or employment or of his affiliation with any new business or employment involving the advertising, offering for sale, sale, or distribution of any weight-loss product. Part XI obligates proposed respondents to file compliance reports with the Commission.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95–15191 Filed 6–20–95; 8:45 am]

BILLING CODE 6750–01–M

OFFICE OF GOVERNMENT ETHICS

Submission of Updated Model Qualified Trust Documents for OMB Approval Under the Paperwork Reduction Act

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice.

SUMMARY: The Office of Government Ethics has submitted updated qualified trust documents for extension of Office of Management and Budget (OMB) approval under the Paperwork Reduction Act. A model qualified blind trust (for multiple fiduciaries) and two model confidentiality agreements have also been submitted for review and approval for the first time.

DATES: Comments on this proposal should be received by July 21, 1995.

ADDRESSES: Comments should be sent to Joseph F. Lackey, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; telephone: 202–395–7316.

FOR FURTHER INFORMATION CONTACT: Judith A. Kim or William E. Gressman, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005–3917; telephone 202–523–5757, FAX 202–523–6325. A copy of OGE's request for extension and approval from OMB, including the certificates and model documents, may be obtained by contacting Ms. Kim or Mr. Gressman.

SUPPLEMENTARY INFORMATION: There are two categories of information collection requirements being submitted, each with its own related reporting certificates or model documents which are subject to review and approval by OMB under the Paperwork Reduction Act (44 U.S.C. chapter 35). The OGE regulatory citations for these two categories, together with identification of the forms used for their implementation, are as follows:

i. Qualified trust administration—5 CFR 2634.401(d)(2), 2634.403(b)(11), 2634.404(c)(11), 2634.406(a)(3) & (b), 2634.408, 2634.409 and appendixes A & B of part 2634 (the two implementing forms, the Certificate of Independence and Certificate of Compliance, are codified respectively in the cited appendixes; see also the Privacy Act and Paperwork Reduction Act notices thereto in appendix C); and

ii. Qualified trust drafting—5 CFR 2634.401(c)(1)(i) & (d)(2), 2634.403(b), 2634.404(c), 2634.408 and 2634.409 (the nine implementing forms are the (A) Model Qualified Blind Trust Provisions, (B) Model Qualified Diversified Trust Provisions, (C) Model Qualified Blind Trust Provisions (For Use in the Case of Multiple Fiduciaries), (D) Model Qualified Blind Trust Provisions (For Use in the Case of an Irrevocable Pre-Existing Trust), (E) Model Qualified Diversified Trust Provisions (Hybrid Version), (F) Model Qualified Diversified Trust Provisions (For Use in the Case of Multiple Fiduciaries), (G) Model Qualified Diversified Trust Provisions (For Use in the Case of an Irrevocable Pre- Existing Trust), (H) Model Confidentiality Agreement Provisions (For Use in the Case of a Privately Owned Business), and (I) Model Confidentiality Agreement Provisions (For Use in the Case of Investment Management Activities).

The Office of Government Ethics is seeking three-year OMB paperwork approval of the Model Qualified Blind Trust Provisions (For Use in the Case of Multiple Fiduciaries) and the two model confidentiality agreements listed in items #'s ii.C., H. & I. above, and a three-year extension of OMB approval on the remaining six model trust drafts, also listed in item # ii, as well as the two certificates listed in item # i. The model confidentiality agreements are used for drafting documents prohibiting communications between the employee/settlor of the qualified trust and other persons not parties to the qualified trust but who are or may be privy to information which indicates the activities occurring in the trust portfolio during the term of the qualified trust. These agreements are publicly available upon request.

The total annual public reporting burden represents the time for trust certificates and model documents processed by OGE. The burden is based on the amount of time imposed on private citizens.

Virtually all filers/document users are private trust administrators and other private representatives helping to set up and maintain the qualified blind and diversified trusts. The detailed paperwork estimates below for the various trust certificates and model documents are based primarily on OGE's experience with administration of the qualified trust program.

i. Trust Certificates:

A. Certificate of Independence: Total filers (executive branch): 10; Private citizen filers (100%): 10; OGE-processed certificates (private citizens): 10; OGE burden hours (20 min./certificate): 3.

B. Certificate of Compliance: Total filers (executive branch): 35; Private citizen filers (100%): 35; OGE-processed certificates (private citizens): 35; OGE burden hours (20 minutes/certificate): 12; and

ii. Model Qualified Trust Drafts:

A. Model Qualified Blind Trust Draft: Total Users (executive branch): 10; Private citizen users (100%): 10; OGE-processed drafts (private citizens): 10; OGE burden hours (100 hours/draft): 1,000.

B. Model Qualified Diversified Trust Draft: Total users (executive branch): 15; Private citizen users (100%): 15; OGE-processed drafts (private citizens): 15; OGE burden hours (100 hours/draft): 1,500.

C.–G. Each of the five remaining model qualified trust modified drafts involves: Total users (executive branch): 2; Private citizen users (100%): 2; OGE-processed drafts (private citizens): 2; OGE burden hours (100 hours/draft): 200, multiplied by 5 (five different drafts): 1,000.

H.–I. Each of the two model confidentiality agreements involves: Total users (executive branch): 2; Private citizens users (100%): 2; OGE-processed agreements (private citizens): 2; OGE burden hours (50 hours/agreement): 100, multiplied by 2 (two different drafts): 200. The total number of forms expected annually is 84, with a cumulative total of 3,715 burden hours.

As required by the Paperwork Reduction Act, the Office of Government Ethics is submitting to OMB a request that it approve, or extend the approval of, these information collection requirements in the forms themselves as well as in the underlying regulatory provisions cited above. Copies of the forms are available upon request from OGE (see the "For Further Information Contact" block above).

Approved: June 14, 1995.

Stephen D. Potts,

Director, Office of Government Ethics.

[FR Doc. 95–15182 Filed 6–20–95; 8:45 am]

BILLING CODE 6345–01–U

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FTR 16]

Federal Travel Regulation; Reimbursement of Higher Actual Subsistence Expenses for Official Travel to Oklahoma City, Oklahoma During Presidentially Declared Emergency

AGENCY: Federal Supply Service, GSA.
ACTION: Notice of bulletin.

SUMMARY: The attached bulletin informs agencies of the establishment of a special actual subsistence expense ceiling for official travel to Oklahoma City (Oklahoma County), Oklahoma. The Department of the Treasury requested establishment of the increased rate to accommodate employees who performed temporary duty in Oklahoma City, Oklahoma, and who experienced a temporary but significant increase in lodging costs during the Presidentially declared emergency following the explosion at the Alfred P. Murrah Federal Building.

EFFECTIVE DATE: This special rate is applicable to claims for reimbursement covering travel to Oklahoma City, Oklahoma during the period April 19 through May 22, 1995.

FOR FURTHER INFORMATION CONTACT: Jane E. Groat, General Services Administration, Transportation Management Division (FBX), Washington, DC 20406, telephone 703–305–5745.

SUPPLEMENTARY INFORMATION: The Administrator of General Services, pursuant to 41 CFR 301–8.3(c) and at the official request of the Department of the Treasury, has increased the maximum daily amount of reimbursement that may be approved for actual and necessary subsistence expenses for official travel to Oklahoma City (Oklahoma County), Oklahoma during the period April 19 through May 22, 1995. The attached GSA Bulletin FTR 16 is issued to inform agencies of the establishment of this special actual subsistence expense ceiling.

Dated: June 15, 1995

Allan W. Beres,

Assistant Commissioner, Office of Transportation and Property Management.

Attachment

ATTACHMENT

[GSA Bulletin FTR 16]

June 15, 1995

To: Heads of Federal agencies

Subject: Reimbursement of higher actual subsistence expenses for official travel to Oklahoma City (Oklahoma County), Oklahoma during Presidentially declared emergency.

1. *Purpose.* This bulletin informs agencies of the establishment of a special actual subsistence expense ceiling for official travel to Oklahoma City (Oklahoma County), Oklahoma, where Federal employees performing temporary duty travel necessarily incurred lodging expenses in excess of the applicable maximum per diem rate following the explosion at the Alfred P. Murrah Federal Building. This special rate applies to claims for reimbursement covering travel during the period April 19, 1995, through May 22, 1995.

2. *Background.* The Federal Travel Regulation (FTR) (41 CFR chapters 301–304) part 301–8 permits the Administrator of General Services to establish a higher maximum daily rate for the reimbursement of actual subsistence expenses of Federal employees on official travel to an area within the continental United States. The head of an agency may request establishment of such a rate when special or unusual circumstances, such as a Presidentially declared emergency, result in an extreme increase in subsistence costs for a temporary period. The Department of the Treasury requested establishment of an increased rate for Oklahoma City to accommodate Federal law enforcement agents who performed temporary duty there and experienced a temporary but significant increase in lodging costs during the Presidentially declared emergency following the explosion at the Alfred P. Murrah Federal Building. These circumstances justify the need for higher subsistence expense reimbursement in Oklahoma City during the designated period.

3. *Maximum rate and effective date.* The Administrator of General Services, pursuant to 41 CFR 301–8.3(c), has increased the maximum daily amount of reimbursement that may be approved for actual and necessary subsistence expenses for official travel to Oklahoma City (Oklahoma County), Oklahoma for travel during the period April 19, 1995, through May 22, 1995. Agencies may approve actual subsistence expense reimbursement not to exceed $145 ($119 maximum for lodging and a $26 allowance for meals and incidental expenses) for official travel to Oklahoma City (Oklahoma County), Oklahoma during this time period.

4. *Expiration date.* This bulletin expires on December 31, 1995.

5. *For further information contact.* Jane E. Groat, General Services Administration, Transportation Management Division (FBX),

Washington, DC 20406, telephone 703–305–5745.

[FR Doc. 95–15220 Filed 6–20–95; 8:45 am]

BILLING CODE 6820–24–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 95F–0149]

General Electric Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that General Electric Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri-*tert*-butylphenyl ester as an antioxidant and/or stabilizer in olefin polymers used in articles intended for food-contact applications.

DATES: Written comments on the petitioner's environmental assessment by July 21, 1995.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 5B4463) has been filed by General Electric Co., 501 Avery St., Parkersburg, WV 26102–1868. The petition proposes to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri-*tert*-butylphenyl ester as an antioxidant and/or stabilizer in olefin polymers used in articles intended for food-contact applications.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before July 21, 1995, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: June 12, 1995.

Alan M. Rulis,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–15085 Filed 6–20–95; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95G–0102]

Gist-brocades International B.V.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Gist-brocades International B.V., has filed a petition (GRASP 5G0413), proposing that lipase enzyme preparation derived from *Rhizopus oryzae* be affirmed as generally recognized as safe (GRAS) as a direct human food ingredient.

DATES: Written comments by September 5, 1995.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vincent E. Zenger, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3090.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s) and 409(b)(5) (21 U.S.C. 321(s) and 348(b)(5)) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that Gist-brocades International B.V., P.O. Box 241068, Charlotte, NC 28224–1068, has filed a petition (GRASP 5G0413) proposing that a lipase enzyme preparation from *Rhizopus oryzae* be affirmed as GRAS for use in food as a direct human food ingredient.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the requirements outlined in §§ 170.30 (21 CFR 170.30) and 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Interested persons may, on or before September 5, 1995, review the petition and file comments with the Dockets Management Branch (address above). Two copies of any comments should be filed and should be identified with the docket number found in brackets in the heading of this document. Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS for the proposed use. In addition, consistent with the regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4 (b)), the agency encourages public participation by review of and comment on the environmental assessment submitted with the petition that is the subject of this notice. A copy of the petition (including the environmental assessment) and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 7, 1995.

Alan M. Rulis,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–15082 Filed 6–20–95; 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:

Biological Response Modifiers Advisory Committee

Date, time, and place. July 13 and 14, 1995, 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, July 13, 1995, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 6 p.m.; open public hearing, 6 p.m. to 6:30 p.m., unless public participation does not last that long; open public hearing, July 14, 1995, 8 a.m. to 8:30 a.m., unless public participation does not last that long; open committee discussion, 8:30 a.m. to 10:10 a.m.; closed committee deliberations, 10:10 a.m. to 10:30 a.m.; open committee discussion, 10:30 a.m. to 4:30 p.m.; William Freas or Pearline Muckelvene, Center for Biologics Evaluation and Research (HFM–21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Biological Response Modifiers Advisory Committee, code 12388.

General function of the committee. The committee reviews and evaluates data relating to the safety, effectiveness, and appropriate use of biological response modifiers which are intended for use in the prevention and treatment of a broad spectrum 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 July 5, 1995, 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 July 13, 1995, the committee will discuss public health concerns in xenotransplantation. On the morning of July 14, 1995, the committee will discuss data in support of the safety of a proposed baboon bone marrow transplant in the treatment of advanced human immunodeficiency virus, type 1, (HIV–1) disease, and a discussion of the safety of clinical transplantation of nonhuman primate tissue into human recipients. In the afternoon, the committee will discuss extracorporeal liver assist devices for treatment of liver failure, followed by a discussion of the utility of polymerase chain reaction in the clinical trials of biologic therapies for hepatitis C.

Closed committee deliberations. On July 14, 1995, the committee will discuss trade secret and/or confidential commercial information relevant to pending investigational new drug applications (IND's). This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. July 13 and 14, 1995, 8 a.m., Holiday—Inn Silver Spring, Plaza Ballroom, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, July 13, 1995, 8 a.m. to 8:30 a.m., unless public participation does not last that long; open committee discussion, 8:30 a.m. to 5 p.m.; closed presentation of data, July 14, 1995, 8 a.m. to 10 a.m.; open public hearing, 10 a.m. to 10:30 a.m., unless public participation does not last that long; open committee discussion, 10:30 a.m. to 4 p.m.; Kathleen R. Reedy, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, FAX 301–443–0699, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Endocrinologic and Metabolic Drugs Advisory Committee, 12536.

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 July 7, 1995, 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 July 13, 1995, the committee will hear presentations and discuss data submitted regarding the safety and efficacy of alendronate, new drug application (NDA) 20–560 (Fosamax®, Merck), for an osteoporosis indication. On July 14, 1995, the committee will discuss guidance criteria for the development of safe and effective medications for the treatment of obesity.

Closed presentation of data. On July 14, 1995, the committee will hear trade secret and/or confidential commercial information relevant to pending IND's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Joint Meeting of Nonprescription Drugs Advisory Committee With Gastrointestinal Drugs Advisory Committee and With Arthritis Advisory Committee

Date, time, and place. July 13 and 14, 1995, 8:30 a.m., conference rooms D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, July 13, 1995, 8:30 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; open committee discussion, July 14, 1995, 8:30 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; closed committee deliberations, 12 m. to 1 p.m.; open committee discussion, 1 p.m. to 4 p.m.; Lee L. Zwanziger or Liz Ortuzar, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Nonprescription Drugs Advisory Committee, code 12541.

General functions of the committees. The Nonprescription Drugs Advisory Committee reviews and evaluates available data concerning the safety and effectiveness of over-the-counter (nonprescription) human drug products for use in the treatment of a broad spectrum of human symptoms and diseases. The Gastrointestinal Drugs Advisory Committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in gastrointestinal diseases. The Arthritis Advisory Committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in arthritic conditions.

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 July 7, 1995, 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 July 13, 1995, the Nonprescription Drugs Advisory Committee and the Gastrointestinal Drugs Advisory Committee will discuss data relevant to NDA 20–520 to switch Zantac® 75 (ranitidine hydrochloride tablets) (Glaxo, Inc.) from prescription to over-the-counter status for the treatment of heartburn. On July 14, 1995, the Nonprescription Drugs Advisory Committee and the Arthritis Advisory Committee will discuss data relevant to NDA 20–499 (Bayer Corp.,) and NDA 20–429 (Whitehall-Robins Healthcare). Both NDA's are to switch ketoprofen (12.5 milligrams tablet/caplet) from prescription to over-the-counter status for the temporary relief of minor aches and pains associated with the common cold, toothache, muscular aches, backache, for the minor pain of arthritis, for the pain of menstrual cramps, and for reduction of fever.

Closed committee deliberations. On July 14, 1995, the committees will discuss trade secret and/or confidential commercial information relevant to pending IND's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

General Hospital and Personal Use Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. July 17, 1995, 4:30 p.m., and July 18, 1995, 8 a.m., Holiday Inn—Gaithersburg, Ballroom, Two Montgomery Village Ave., Gaithersburg, MD. A limited number of overnight accommodations have been reserved at the hotel. Attendees requiring overnight accommodations may contact the hotel at 301–948–8900 and reference the FDA Panel meeting block. Reservations may be confirmed at the group rate based on availability. Attendees with a disability requiring special accommodations should contact Ed Rugenstein, Sociometrics, Inc., 301–608–2151. The availability of appropriate accommodations cannot be assured unless prior notification is received.

Type of meeting and contact person. Closed committee deliberations, July 17, 1995, 4:30 p.m. to 5:30 p.m.; open public hearing, July 18, 1995, 8 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.; Janet L. Scudiero, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1287, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), General Hospital and Personal Use Devices Panel, code 12520.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

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 July 10, 1995, 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 July 18, 1995, the committee will discuss the classification of general purpose disinfectants and sterilants, and as time permits, will discuss the classification of Apgar timers, infusion stands, and lice detectors and removers.

Closed committee deliberations. On July 17, 1995, FDA staff will present to the committee trade secret and/or confidential commercial information regarding present and future FDA issues. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. July 19, 1995, 8 a.m., Holiday Inn— Gaithersburg, Whetstone Room, Two Montgomery Village Ave., Gaithersburg, MD. A limited number of overnight accommodations have been reserved at the hotel. Attendees requiring overnight accommodations may contact the hotel at 301–948–8900 and reference the FDA Panel meeting block. Reservations will be confirmed at the group rate based on availability.

Type of meeting and contact person. Open public hearing, 8 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 5 p.m.; Daniel Schultz, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1307, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in Washington, DC area), General and Plastic Surgery Devices Panel, code 12519.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

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 July 1, 1995, 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 following issues: (1) Implementation strategy for the draft guidance on medical lasers; and (2) categorization and regulatory considerations for wound dressing devices.

Closed committee deliberations. FDA staff will present to the committee trade secret and/or confidential commercial information regarding issues related to new technologies currently under review. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Anti-Infective Drugs Advisory Committee

Date, time, and place. July 20, 1995, 8 a.m., and July 21, 1995, 8:30 a.m., Holiday Inn—Silver Spring, Plaza Ballroom, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open committee discussion, July 20, 1995, 8 a.m. to 1 p.m.; open public hearing, 1 p.m. to 2 p.m., unless public participation does not last that long; open committee discussion, 2 p.m. to 5 p.m.; closed committee deliberations, July 21, 1995, 8:30 a.m. to 4:30 p.m.; Ermona B. McGoodwin or Mary Elizabeth Donahue, Center for Drug Evaluation and Research (HFD–9), 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), Anti-Infective Drugs Advisory Committee, code 12530.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and 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 July 13, 1995, 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. During the morning of July 20, 1995, the committee will discuss treatment goals of the short-term therapy of cystitis, including safety and efficacy data for the fosfomycin tromethamine NDA 50–717, Forest Laboratories, Inc./Zambon Corp. During the afternoon, the committee will revisit the FDA/Infectious Diseases Society of America guidelines for evaluating new treatment regimens for urinary tract infections.

Closed committee deliberations. On July 21, 1995, the committee will discuss trade secret and/or confidential commercial information relevant to pending IND's and NDA's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Ear, Nose, and Throat Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. July 21, 1995, 8 a.m., Holiday Inn—Gaithersburg, Ballroom, Two Montgomery Village Ave., Gaithersburg, MD. A limited number of overnight accommodations have been reserved at the hotel. Attendees requiring overnight accommodations may contact the hotel at 301–948–8900 and reference the FDA panel meeting block. Reservations will be confirmed at the group rate based on availability. Attendees with a disability requiring special accommodations should contact Ed Rugenstein, Sociometrics, Inc., 301–608–2151. The availability of appropriate accommodations can not be assured unless prior written notification is received.

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 12 m.; closed committee deliberations, 12 m. to 1 p.m.; open committee discussion, 1 p.m. to 6 p.m.; Marilyn N. Flack, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2080, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Ear, Nose, and Throat Devices Panel, code 12522.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

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 July 10, 1995, 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 a premarket approval application that seeks to substantiate the safety and effectiveness of a cochlear implant device for use in adults with postlinguistically, profound, sensorineural hearing loss, who obtain little benefit from conventional amplification.

Closed committee deliberations. FDA staff will present to the committee trade secret and/or confidential commercial information regarding present and future FDA issues. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above 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. The dates and times reserved for the separate 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.

The Commissioner has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, deliberation to formulate advice and recommendations to the agency on matters that do not independently justify closing.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: June 15, 1995.

Linda A. Suydam,

Interim Deputy Commissioner for Operations.

[FR Doc. 95–15147 Filed 6–20–95; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

Notice of Meeting of the NIH Director's Advisory Panel on Clinical Research

Notice is hereby given that the NIH Director's Advisory Panel on Clinical Research, a group reporting to the Advisory Committee to the Director (ACD), National Institutes of Health (NIH), will meet in public session at the William H. Natcher Building (Building 45) Conference Center, Conference Room E1/E2, National Institutes of Health, Bethesda, Maryland 20892, on July 7, 1995, from 8:30 a.m. until approximately 3:30 p.m.

The goal of the Panel is to review the status of clinical research in the United States and to make recommendations to the ACD about how to ensure its effective continuance. Topics to be considered at this and subsequent meetings will include, but not be limited to, financing of clinical research; roles of the General Clinical Research Centers and the NIH Clinical Center; attracting and training future clinical researchers; conduct of clinical trials; and peer review of clinical research.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other special accommodations, should contact the person named below in advance of the meeting.

Attendance may be limited to seat availability. If you plan to attend the meeting as an observer or if you would like additional information, please contact Mrs. Janet Smith, National Institutes of Health, Building 10, Room 1C–116, 10 Center Drive, MSC 1154, Bethesda, Maryland 20892–1154, telephone (301) 402–3444, fax (301) 402–3443, by June 30, 1995.

Effective Date: June 15, 1995.

Ruth L. Kirschstein,

Deputy Director, NIH.

[FR Doc. 95–15155 Filed 6–20–95; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Heart, Lung, and Blood Special Emphasis Panel (SEP) meetings:

Name of SEP: Gene Nutrient Interaction in the Pathogenesis of Congenital Heart Defects.
Date: July 10–11, 1995.
Time: 7 p.m.
Place: Holiday Inn, Bethesda, Maryland.
Contact Person: Anthony M. Coelho, Jr., M.D., Two Rockledge Building, 6701 Rockledge Drive, Room 7182, Bethesda, Maryland 20892–7924, (301) 435–0277.
Purpose/Agenda: To review and evaluate grant applications.

Name of SEP: SCOR on Ischemic Heart Disease in Blacks.
Date: July 19–20, 1995.
Time: 7 p.m.
Place: Holiday Inn, Chevy Chase, Maryland.
Contact Person: S. Charles Selden, Ph.D., Two Rockledge Building, 6701 Rockledge Drive, Room 7196, Bethesda, Maryland 20892–7924, (301) 435–0288.
Purpose/Agenda: To review and evaluate grant applications.

These meetings will be closed in accordance with the provisions set forth in

secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: June 14, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–15159 Filed 6–20–95; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda

To review individual grant applications.

Name of SEP: Microbiological and Immunological Sciences.
Date: July 7, 1995.
Time: 1 p.m.
Place: NIH, Rockledge II, Room 4194, Telephone Conference.
Contact Person: Dr. Sami Mayyasi, Scientific Review Administrator, 6701 Rockledge Drive, Room 4194, Bethesda, MD 20892, (301) 435–1216.

Name of SEP: Microbiological and Immunological Sciences.
Date: July 7, 1995.
Time: 1 p.m.
Place: NIH, Rockledge II, Room 4204, Telephone Conference.
Contact Person: Dr. Calbert Laing, Scientific Review Admin., 6701 Rockledge Drive, Room 4204, Bethesda, MD 20892, (301) 435–1221.

Name of SEP: Microbiological and Immunological Sciences.
Date: July 10, 1995.
Time: 1 p.m.
Place: NIH, Rockledge II, Room 4204, Telephone Conference.
Contact Person: Dr. Calbert Laing, Scientific Review Admin., 6701 Rockledge Drive, Room 4204, Bethesda, MD 20892, (301) 435–1221.

Name of SEP: Microbiological and Immunological Sciences.
Date: July 10, 1995.
Time: 1 p.m.
Place: NIH, Rockledge II, Room 4208, Telephone Conference.
Contact Person: Dr. Anita Weinblatt, Scientific Review Admin., 6701 Rockledge Drive, Room 4208, Bethesda, MD 20892, (301) 435–1224.

Name of SEP: Microbiological and Immunological Sciences.
Date: July 12, 1995.
Time: 1 p.m.
Place: NIH, Rockledge II, Room 4208, Telephone Conference.
Contact Person: Dr. Anita Weinblatt, Scientific Review Admin., 6701 Rockledge Drive, Room 4208, Bethesda, MD 20892, (301) 435–1224.

Name of SEP: Microbiological and Immunological Sciences.
Date: July 14, 1995.
Time: 1 p.m.
Place: NIH, Rockledge II, Room 4208, Telephone Conference.
Contact Person: Dr. Anita Weinblatt, Scientific Review Admin., 6701 Rockledge Drive, Room 4208, Bethesda, MD 20892, (301) 435–1224.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 14, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–15158 Filed 6–20–95; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda

To review individual grant applications.

Name of SEP: Clinical Sciences.
Date: July 5, 1995.
Time: 1:00 p.m.
Place: NIH, Rockledge II, Room 4100, Telephone Conference.
Contact Person: Dr. Jeanne Ketley, Scientific Review Admin., 6701 Rockledge Drive, Room 4100, Bethesda, MD 20892, (301) 435–1789.

Name of SEP: Clinical Sciences.
Date: July 10, 1995.
Time: 8:30 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Gopal Sharma, Scientific Review Admin., 6701 Rockledge Drive, Room 4112, Bethesda, MD 20892, (301) 435–1783.

Name of SEP: Clinical Sciences.
Date: July 11, 1995.
Time: 9:30 a.m.
Place: NIH, Rockledge II, Room 4122, Telephone Conference.
Contact Person: Dr. Krish Krishnan, Scientific Review Admin., 6701 Rockledge Drive, Room 4122, Bethesda, MD 20892, (301) 435–1779.

Name of SEP: Multidisciplinary Sciences.
Date: July 12–13, 1995.
Time: 7:30 p.m.
Place: The Colony, New Haven, CT.
Contact Person: Dr. Donald Schneider, Scientific Review Admin., 6701 Rockledge Drive, Room 5104, Bethesda, MD 20892, (301) 435–1165.

Name of SEP: Behavioral and Neurosciences.
Date: July 15, 1995.
Time: 1:00 p.m.
Place: NIH, Rockledge II, Room 5204, Telephone Conference.
Contact Person: Dr. Bob Weller, Scientific Review Administrator, 6701 Rockledge Drive, Room 5204, Bethesda, MD 20892, (301) 435–1261.

Name of SEP: Microbiological and Immunological Sciences.
Date: July 17, 1995.
Time: 11:00 a.m.
Place: NIH, Rockledge II, Room 4194, Telephone Conference.
Contact Person: Dr. Sami Mayyasi, Scientific Review Administrator, 6701 Rockledge Drive, Room 4194, Bethesda, MD 20892, (301) 435–1216.

Name of SEP: Microbiological and Immunological Sciences.
Date: July 18, 1995.
Time: 11:00 a.m.
Place: NIH, Rockledge II, Room 4194, Telephone Conference.
Contact Person: Dr. Sami Mayyasi, Scientific Review Administrator, 6701 Rockledge Drive, Room 4194, Bethesda, MD 20892 (301) 435–1216.

Name of SEP: Microbiological and Immunological Sciences.
Date: July 18, 1995.
Time: 2:00 p.m.
Place: NIH, Rockledge II, Room 4194, Telephone Conference.
Contact Person: Dr. Sami Mayyasi, Scientific Review Administrator, 6701 Rockledge Drive, Room 4194, Bethesda, MD 20892 (301) 435–1216.

Name of SEP: Multidisciplinary Sciences.
Date: July 20, 1995.
Time: 1:00 p.m.
Place: NIH, Rockledge II, Room 5106, Telephone Conference.
Contact Person: Dr. Richard Panniers, Scientific Review Admin., 6701 Rockledge Drive, Room 5106, Bethesda, MD 20892 (301) 435–1166.

Name of SEP: Behavioral and Neurosciences.
Date: July 21, 1995.
Time: 10:00 a.m.
Place: NIH, Rockledge II, Room 5196, Telephone Conference.
Contact Person: Ms. Carol Campbell, Scientific Review Admin., 6701 Rockledge Drive, Room 5196, Bethesda, MD 20892 (301) 435–1257.

Name of SEP: Biological and Physiological Sciences.
Date: July 21, 1995.
Time: 2:00 p.m.
Place: NIH, Rockledge II, Room 6152, Telephone Conference.
Contact Person: Dr. Jerry Roberts, Scientific Review Administrator, 6701 Rockledge Drive, Room 6152, Bethesda, MD 20892 (301) 425–1037.

Name of SEP: Chemistry and Related Sciences.
Date: July 25, 1995.
Time: 2:00 p.m.
Place: NIH, Rockledge II, Room 4148, Telephone Conference.
Contact Person: Dr. Philip Perkins, Scientific Review Admin., 6701 Rockledge Drive, Room 4148, Bethesda, MD 20892 (301) 435–1718.

Name of SEP: Chemistry and Related Sciences.
Date: July 25, 1995.
Time: 2:00 p.m.
Place: NIH, Rockledge II, Room 4172, Telephone Conference.
Contact Person: Dr. John Beisler, Scientific Review Admin., 6701 Rockledge Drive, Room 4172, Bethesda, MD 20892 (301) 435–1727.

Name of SEP: Biological and Physiological Sciences.
Date: July 27–28, 1995.
Time: 8:30 a.m.
Place: Marriott Hotel, Bethesda, MD.
Contact Person: Dr. Robert Su, Scientific Review Administrator, 6701 Rockledge Drive, Room 5144, Bethesda, MD 20892 (301) 435–1025.

Purpose/Agenda

To review Small Business Innovation Research Program grant applications.
Name of SEP: Behavioral and Neurosciences.
Date: July 7, 1995.
Time: 8:30 a.m.
Place: Doubletree Hotel, Rockville, MD.
Contact Person: Dr. Luigi Giacometti, Scientific Review Admin., 6701 Rockledge Drive, Room 5170, Bethesda, MD 20892, (301) 435–1246.

Name of SEP: Behavioral and Neurosciences.
Date: July 13–14, 1995.
Time: 9:00 a.m.
Place: Embassy Suites, Washington, DC.
Contact Person: Dr. Anita Sostek, Scientific Review Admin., 6701 Rockledge Drive, Room 5202, Bethesda, MD 20892, (301) 435–1260.

Name of SEP: Multidisciplinary Sciences.
Date: July 20–21, 1995.
Time: 8:00 a.m.
Place: Hyatt Regency Hotel, Bethesda, MD.
Contact Person: Dr. Donald Schneider, Scientific Review Admin., 6701 Rockledge Drive, Room 5104, Bethesda, MD 20892, (301) 435–1165.

Name of SEP: Multidisciplinary Sciences.
Date: July 24, 1995.
Time: 8:00 a.m.
Place: Embassy Suites Hotel, Washington, DC.
Contact Person: Dr. Eileen Bradley, Scientific Review Admin., 6701 Rockledge Drive, Room 5120, Bethesda, MD 20892, (301) 435–1179.

Name of SEP: Multidisciplinary Sciences.
Date: July 30–August 1, 1995.
Time: 6:00 p.m.
Place: Ritz-Carlton Hotel, Pentagon City, VA.
Contact Person: Dr. Richard Panniers, Scientific Review Admin., 6701 Rockledge Drive, Room 5106, Bethesda, MD 20892, (301) 435–1166.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 14, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–15160 Filed 6–20–95; 8:45 am]

BILLING CODE 4140–01–M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation will meet on Monday, June 26, 1995. The meeting will be held in the Conference Center, Rooms A&B, at the Denver Public Library, 13th Avenue and Broadway Street, Denver, Colorado, beginning at 8:30 a.m.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470) to advise the President and the Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol; the Secretaries of the Interior, Agriculture, Housing and Urban Development, and Transportation; the Administrators of the Environmental Protection Agency and General Services Administration; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor; a Native American; and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

I. Chairman's Welcome/Opening
II. Task Force Report on Council's Policy Statement on Affordable Housing and Historic Preservation. Action.
III. Task Force Report on Council's Regulations. Status Report. Discussion and Action.
IV. Legislative Request from Congressional Committee. Discussion and Action.
V. Proposal for Executive Order on Historic Preservation. Discussion
VI. National Park Service Reorganization and Historic Preservation. Report.
VII. Section 106 Cases
VIII. Executive Director's Report
IX. New Business
X. Adjourn

Note: The meetings of the Council are open to the public. If you need special accommodations due to a disability, please contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW., Room 809, Washington, D.C., 202–606–8503, at least seven (7) days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW., #809, Washington, DC 20004.

Dated: June 15, 1995.

Robert D. Bush,

Executive Director.

[FR Doc. 95–15092 Filed 6–20–95; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–964–1410–00–P]

Alaska; Notice for Publication; F–14880–J; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1614(a), will be issued to Kikiktagruk Inupiak Corporation for approximately 10 acres. The lands involved are in the vicinity of Kotzebue, Alaska, located within Secs. 18, 19 and

30, T. 16N., R. 15 W., Kateel River Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Arctic Sounder. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until July 21, 1995 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Carolyn A. Bailey,

Land Law Examiner, Branch of Northern Adjudication.

[FR Doc. 95–15153 Filed 6–20–95; 8:45 am]

BILLING CODE 4310–JA–M

[WY–030–05–1990–01]

Notice of Availability of Jackpot Mine Project Draft Environmental Impact Statement (DEIS)

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The Bureau of Land Management announces the availability of the Jackpot Mine Project Draft Environmental Impact Statement which analyzes the environmental consequences of an underground uranium mine proposed for the southern side of Green Mountain, 14 miles southeast of Jeffrey City in Fremont County, Wyoming.

DATES: Comments on the DEIS will be accepted for 60 days following the date that the Environmental Protection Agency publishes their Notice of Availability in the **Federal Register**. The EPA notice is expected to be published on June 23, 1995. Public meetings to gather additional comment will be held as follows: July 18, School District 25 Central Administration Building, Riverton, Wyoming; July 19, Fire Hall, Jeffrey City, Wyoming; July 20, BLM District Office, Rawlins, Wyoming; July 24, White Mountain Library, Rock Springs, Wyoming. All of the meetings will begin at 7 p.m. All comments will be recorded.

ADDRESSES: Comments on the DEIS should be sent to the Bureau of Land Management, Rawlins District Office, Attn: Larry Kmoch, P.O. Box 670, Rawlins, WY 82301.

SUPPLEMENTARY INFORMATION: The proposed project is to explore for and develop uranium reserves present in the Battle Springs Formation at depths of approximately 2,500 to 3,500 feet below the surface of Green Mountain. Project-required lands encompass a maximum of 515 acres within portions of Townships 24 through 28 North, Ranges 91 through 93 West. The proposed project entails the construction, operation, and reclamation of an underground uranium mine and associated facilities by the Green Mountain Mining Venture. A transportation corridor connecting the proposed mine with the Sweetwater Uranium Mill, approximately 27 miles to the south, would involve the construction of a new transportation route and/or upgrade of existing roads.

Dated: June 14, 1995.

Alan R. Pierson,

State Director.

[FR Doc. 95–15156 Filed 6–20–95; 8:45 am]

BILLING CODE 4310–22–P

[WY–040–05–1310–01]

Bureau of Land Management

Notice of Availability of Texaco's Stagecoach Draw Unit Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Texaco's Stagecoach Draw Unit Final Environmental Impact Statement.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of Texaco's Stagecoach Draw Unit Final EIS analyzing the environmental consequences of a proposed 72 well natural gas development and production operation in the Stagecoach Draw Unit approximately 7 miles southwest of Farson, Wyoming, Sweetwater County. The project area encompasses 23,575 acres within portions of Townships 22, 23, and 24 north, ranges 107 and 108 North.

DATES: Comments on the FEIS will be accepted for 30 days following the date that the Environmental Protection Agency (EPA) publishes their Notice of Availability in the **Federal Register**. The EPA notice is expected to be published on June 30, 1995.

ADDRESSES: Comments on the FEIS should be sent to Bureau of Land Management, Bill McMahan (Project Coordinator), P.O. Box 1869, Rock Springs, Wyoming 82902–1869.

SUPPLEMENTARY INFORMATION: The Environmental Impact Statement (EIS) assesses the environmental consequences of the Federal approval of the Texaco USA proposal to develop a 23,575 acre natural gas field by drilling 72 wells on an average spacing of 320 acres over the next 6 to 10 years. The FEIS is a supplement to the DEIS, published March 10, 1995, and contains the following material:

- Incorporates by reference most of the material presented in the DEIS and identifies the changes to the DEIS required as a result of additional information.
- Public comment subsequent to publishing of the DEIS.
- The corrections and additions to the DEIS.
- Comments received on the DEIS.
- Responses to the comments.

Thirteen comment letters were received by the BLM on the DEIS. The EPA, based on procedures they use to evaluate the adequacy of the information in an EIS, gave the DEIS a rating of LO–1 (Lack of Objection, Adequate Information). No substantive changes are required to the proposal. The DEIS adequately set forth the environmental impacts of the proposal.

Dated: June 14, 1995.

Alan R. Pierson,

State Director.

[FR Doc. 95–15157 Filed 6–20–95; 8:45 am]

BILLING CODE 4310–22–P

Bureau of Land Management

[CA–064–05–1430–00, CACA 18111]

Realty Action; Classification of Public Lands for Recreation and Public Purposes; San Bernardino Co., CA

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Realty Action; Recreation and Public Purpose Act Classification, San Bernardino County, California.

SUMMARY: The following described land has been examined and found suitable for classification for lease and subsequent conveyance to Kern County under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq).

San Bernardino Meridian

T.11N., R.9W.,
Sec. 34, N1/2N1/2SW1/4NE1/4NW1/4NW1/4, N1/2N1/2SE1/4NW1/4NW1/4NW1/4.

Containing 1.25 acres of public land, more or less.

SUPPLEMENTARY INFORMATION: The County of Kern has applied to expand the area currently leased for the North Edwards Community Park. The land will be leased during the development stage, and subsequently conveyed upon substantial completion of the approved plan of development. The lands are not needed for Federal purposes, and conveyance would be consistent with the 1980 California Desert Conservation Area Plan, as amended. The lease and conveyance of the land would be subject to the following terms and conditions:

1. Provisions of the Recreation and Public Purpose Act and applicable regulations of the Secretary of the Interior.
2. A right of way to the United States for ditches and canals, pursuant to the Act of August 30, 1980 (43 U.S.C. 945).
3. A reservation of all minerals to the United States, and the right to prospect, mine, and remove the minerals.

Publication of this Notice in the **Federal Register** segregates the public lands from all other forms of appropriation under the public land laws and the general mining laws, but not the mineral leasing laws or the Recreation and Public Purpose Act.

Detailed information concerning this action is available for review at the California Desert District, 6221 Box Springs Blvd., Riverside, CA 92507. For a period of 45 days after publication of this notice in the **Federal Register** interested parties may submit comments to the District Manager, California Desert District, in care of 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 adverse comments, the classification will become effective 60 days after publication of this notice in the **Federal Register**.

Dated: June 5, 1995.

Henri R. Bisson,

District Manager.

[FR Doc. 95–15196 Filed 6–20–95; 8:45 am]

BILLING CODE 4310–40–P

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of availability.

Availability of an Environmental Assessment and Receipt of an Application for a Permit to Allow Incidental Take of 3 Threatened and Endangered Species and 19 Other Species by the City of Poway and its Redevelopment Agency, in San Diego County, California.

SUMMARY: This notice advises the public that the City of Poway and its Redevelopment Agency (applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (PRT–803743) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application package includes a Habitat Conservation Plan (HCP) and Implementing Agreement(IA). The proposed incidental take would occur as a result of habitat disturbance associated with residential and limited municipal development. The requested permit would authorize incidental take of the threatened coastal California gnatcatcher (*Polioptila californica californica*), endangered least Bell's vireo (*Vireo bellii* pusillus), and endangered southwestern willow flycatcher (*Empidonax traillii extimus*).

The applicants also request coverage of an additional 19 unlisted, sensitive species (11 plant, 8 animal) that occur within the City's jurisdiction. The HCP proposes to conserve all 22 species according to standards required for listed species under the Act, such that, barring unforeseen circumstances, the unlisted species could be amended to the 10(a)(1)(B) permit to authorize incidental take of these species should they be federally listed within the term of the 50-year permit. Concurrent with the proposed issuance of the Federal 10(a)(1)(B) permit, the California Department of Fish and Game proposes to issue a management authorization for the 22 species under section 2081 of the California Endangered Species Act.

Preparation of the HCP is a condition of Service approval of a significant roadway extension project, which will require significant mitigation. Federal approval of the HCP also is required as part of the special 4(d) rule for the California gnatcatcher (58 FR 65088). Incidental take of the gnatcatcher is allowed under section 4(d) of the Act if take results from activities conducted pursuant to the California Natural Community Conservation Planning (NCCP) Act, NCCP Process Guidelines, and NCCP Southern California Coastal Sage Scrub Conservation Guidelines.

In addition to the permit application, the Service also announces the availability of an Environmental Assessment (EA). The EA evaluates the effects on the human environment of the proposed action: issuance of the incidental take permit and approval of the HCP and IA. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application and EA should be received on or before July 21, 1995.

ADDRESSES: Comments regarding the adequacy of the HCP, IA, and EA should be addressed to Mr. Gail Kobetich, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, CA 92008; FAX (619) 431–9618. Please refer to permit No. PRT–803743 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Nancy Gilbert, Fish and Wildlife Biologist, at the above address, telephone (619) 431–9440. Individuals wishing copies of the application and EA for review should immediately contact Ms. Gilbert.

SUPPLEMENTARY INFORMATION: The "take" of threatened and endangered species is prohibited under section 9 of the Act and its implementing regulations. Take is defined, in part, as killing, harming, or harassing listed species, including significant habitat modification that results in death of or injury to listed species. Under limited circumstances, the Service may issue permits to take listed species if such taking is incidental to otherwise lawful activities. Regulations governing permits are in 50 CFR 17.22 and 17.32.

The proposed action would allow incidental take of 3 listed animal species and up to 19 other species within the City of Poway. The City has jurisdiction over 24,999 acres, of which approximately 16,678 acres are natural habitats. To minimize and mitigate the impacts of the proposed take, the applicants propose to implement the HCP within an approximate 13,000-acre Resource Conservation Area (RCA). The RCA includes 78 percent of all remaining undeveloped habitat and 85 percent of the California gnatcatcher habitat (coastal sage scrub) under City jurisdiction. Nearly the entire extant gnatcatcher population within the planning area occurs within the RCA. The endangered southwestern willow flycatcher and least Bell's vireo potentially occur within the riparian

habitat of the RCA, proposed for nearly 100 percent conservation.

Residential, limited commercial, and limited public infrastructure development is planned within and beyond the RCA. Some of these projects will result in loss of natural habitats.

An estimated 200 pairs of gnatcatchers occur within the RCA on 6,210 of the remaining 7,300 acres of coastal sage scrub within the planning area. Approximately 90 percent of the coastal sage scrub within the RCA is proposed to be conserved through various measures, resulting in a net loss of approximately 20 pairs.

The applicants propose to mitigate for take of the gnatcatcher by preserving the above mentioned amount of habitat through direct acquisition of habitat and through protective restrictions or easements on lands remaining in private ownership. Acquisition revenues are expected from mitigation fees for development of coastal sage scrub within and beyond the RCA, through a provision of the NCCP process. Mitigation credits also are anticipated to be sold to parties outside of the City of Poway's jurisdiction, as approved by the Service. The level of allowable residential development within the RCA would be determined by existing low-density zoning (various levels) and by the availability of municipal water supply (the lack of which would prevent higher building densities). Currently, the majority of the RCA is not served by municipal water. Existing land-use restrictions would limit the amount of development to 2 acres per parcel. Mitigation areas for these impacts would be preserved in a natural state by resource-management zoning. The balance of mitigation lands remaining in private ownership would be protected by ordinance.

The potential multiple-species preserve system would be built by incremental additions at the parcel level. These additions are proposed to augment and connect an existing system of currently disjunct, publicly owned lands via resource-management zoning. Other elements of the HCP address preserve planning in a regional context: currently, private lands with especially high biological value have been identified for priority acquisition so as to ensure the preservation of unconstrained wildlands and their linkage within and beyond the RCA. Selective siting of development at the parcel level is further proposed to minimize impacts to relatively rare and sensitive biological habitats and features. The achievement of a viable, connected natural preserve system is proposed under the HCP. The HCP includes alternatives ranging from complete preservation of native habitats within the RCA to separate, project-level efforts.

The EA considers the environmental consequences of four alternatives, including the proposed action. Under the no action alternative, the proposed HCP would not be implemented. The applicants would either avoid take of listed species within the planning area, or apply for individual 10(a)(1)(B) permits on a project-by-project basis. Existing land use and environmental regulations would apply to all projects proposed within the planning area. Existing regulatory practices require mitigation for impacts to sensitive species and habitats resulting in lands being set aside for open-space preservation. However, under the no action alternative, greater habitat fragmentation would likely occur because the lands set aside for open-space preservation would not be assembled in a coordinated preserve system. Under a third alternative, the proposed RCA boundary would consist only of lands already preserved in Poway; i.e., cornerstone lands as identified in the HCP, the parcels purchased for mitigation of the Scripps-Poway Parkway Extension project, and slopes over 45 percent within the RCA. No other lands would be included in the RCA or added to the preserve. The fourth alternative would preserve all identified habitat and species within the RCA. Development would be prohibited within the proposed RCA boundary except on already disturbed areas where such development would not impact the viability of the proposed RCA.

(Application for a Permit to Allow Incidental Take of 3 Threatened and Endangered Species and 19 Other Species by the City of Poway and its Redevelopment Agency, in San Diego County, California)

Dated: June 15, 1995.

William F. Shake,

Acting Deputy Regional Director, Region 1, Portland, Oregon.

[FR Doc. 95–15149 Filed 6–20–95; 8:45 am]

BILLING CODE 4310–55–P

Fish and Wildlife Service

North American Wetlands Conservation Council; Meeting Announcement

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: The North American Wetlands Conservation Council (Council) will meet on July 19 to review proposals for funding submitted pursuant to the North American Wetlands Conservation Act. Upon completion of the Council's review, proposals will be submitted to the Migratory Bird Conservation Commission with recommendations for funding. The meeting is open to the public.

DATES: July 19, 1995, 9:00 a.m.

ADDRESSES: The meeting will be held at the Pines Resort Hotel on Shore Road in Digby, Nova Scotia, Canada. The North American Wetlands Conservation Council Coordinator is located at U.S. Fish and Wildlife Service, Arlington Square Building, 4401 N. Fairfax Drive, Suite 110, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Coordinator, North American Wetlands Conservation Council, (703) 358–1784.

SUPPLEMENTARY INFORMATION: In accordance with the North American Wetlands Conservation Act (P.L. 101–233, 103 Stat. 1968, December 13, 1989), the North American Wetlands Conservation Council is a Federal-State-Private body which meets to consider wetland acquisition, restoration, enhancement and management projects for recommendation to and final approval by the Migratory Bird Conservation Commission. Proposals from State and private sponsors require a minimum of 50 percent non-Federal matching funds.

Dated: June 14, 1995.

Mollie H. Beattie,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 95–15152 Filed 6–20–95; 8:45 am]

BILLING CODE 4310–55–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–700 (Final)]

Disposable Lighters From the People's Republic of China

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from the People's Republic of

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioners Rohr and Newquist dissenting.

China of disposable pocket lighters, provided for in subheadings 9613.10.00 and 9613.20.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective December 13, 1994, following a preliminary determination by the Department of Commerce that imports of disposable pocket lighters from the People's Republic of China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** February 1, 1995 (60 FR 6289). The hearing was held in Washington, DC, on March 21, 1995, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Commission transmitted its determination in this investigation to the Secretary of Commerce on June 12, 1995. The views of the Commission are contained in USITC Publication 2896 (June 1995), entitled "Disposable Lighters from the People's Republic of China: Investigation No. 731–TA–700 (Final)."

Issued: June 13, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–15180 Filed 6–20–95; 8:45 am]

BILLING CODE 7020–02–P

[Investigations Nos. 731–TA–703 and 704 (Final)]

Furfuryl Alcohol From China and South Africa

Determination

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from China and South Africa of furfuryl alcohol,[2] that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective December 16, 1994, following preliminary determinations by the Department of Commerce that imports of furfuryl alcohol from China and South Africa were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 19, 1995 (60 FR 3874). The hearing was held in Washington, DC, on May 3, 1995, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on June 14, 1995. The views of the Commission are contained in USITC Publication 2897 (June 1995), entitled "Furfuryl Alcohol from The People's Republic of China and South Africa: Investigations Nos. 731–TA–703 and 704 (Final)."

Issued: June 15, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–15177 Filed 6–20–95; 8:45 am]

BILLING CODE 7020–02–P

(Investigation No. 332–360)

International Harmonization of Customs Rules of Origin

AGENCY: United States International Trade Commission.

ACTION: Request for public comment.

EFFECTIVE DATE: June 12, 1995.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Tariff Affairs and Trade Agreements (O/TA&TA) (202–205–2595), or Lawrence A. DiRicco (202–205–2606).

Questions with regard to specific chapters of the Harmonized Tariff Schedule of the United States (HTS) should now be directed to the following coordinators in view of product reassignments:

Chapters 1–24, 41–49—Ronald H. Heller (202–205–2596)

Chapters 25–40—Edward J. Matusik (202–205–3356)

Chapters 50–63—Thomas W. Divers (202–205–2609)

Chapters 64–83, 86–89, 92–97—Lawrence A. DiRicco (202–205–2606)

Chapters 84–85, 90–91, 98–99—Craig M. Houser (202–205–2597)

Parties having an interest in particular products or HTS chapters and desiring to be included on a mailing list to receive available documents pertaining thereto should advise Diane Whitfield by phone (202–205–2610) or by mail at the Commission, 500 E St SW, Room 404, Washington, D.C. 20436. Hearing impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. The media should contact Margaret O'Laughlin, Director, Office of Public Affairs (202–205–1819).

Background

Following receipt of a letter from the United States Trade Representative (USTR) on January 25, 1995, the Commission instituted Investigation No. 332–360, International Harmonization of Customs Rules of Origin, under section 332(g) of the Tariff Act of 1930 (60 FR 19605, April 19, 1995).

The investigation is intended to provide the basis for Commission participation in work pertaining to the Uruguay Round Agreement on Rules of Origin (ARO), under the General Agreement on Tariffs and Trade (GATT) 1994 and adopted along with the Agreement Establishing the World Trade Organization (WTO).

The ARO is designed to harmonize and clarify nonpreferential rules of origin for goods in trade on the basis of the substantial transformation test; achieve discipline in the rules' administration; and provide a framework for notification, review, consultation, and dispute settlement. These harmonized rules are intended to make country-of-origin determinations impartial, predictable, transparent, consistent, and neutral, and to avoid restrictive or distortive effects on international trade. The ARO provides that technical work to those ends will be undertaken by the Customs Cooperation Council (CCC) (now informally known

[1] The record is defined in § 207.2(f) of the Commission's rules of practice and procedure (19 CFR 207.2(f)).

[2] Furfuryl alcohol ($C_4H_3OCH_2OH$), also called furyl carbinol, is a primary alcohol that is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes. It is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (HTS). The chemical has an assigned Chemical Abstracts Service registry number of CAS 98–00–0.

as the World Customs Organization or WCO), which must report on specified matters relating to such rules for further action by parties to the ARO. Eventually, the WTO Ministerial Conference is to "establish the results of the harmonization work program in an annex as an integral part" of the ARO.

In order to carry out the work, the ARO calls for the establishment of a Committee on Rules of Origin of the WTO and a Technical Committee on Rules of Origin (TCRO) of the CCC. These Committees bear the primary responsibility for developing rules that achieve the objectives of the ARO.

A major component of the work program is the harmonization of origin rules for the purpose of providing more certainty in the conduct of world trade. To this end, the agreement contemplates a 3-year CCC program, to be initiated as soon as possible after the entry into force of the Agreement Establishing the WTO. Under the ARO, the TCRO is to undertake (1) to develop harmonized definitions of goods considered wholly obtained in one country, and of minimal processes or operations deemed not to confer origin, (2) to consider the use of change in Harmonized System classification as a means of reflecting substantial transformation, and (3) for those products or sectors where a change of tariff classification does not allow for the reflection of substantial transformation, to develop supplementary or exclusive origin criteria based on value, manufacturing or processing operations or on other standards.

To assist in the first phase of the Commission's participation in work under the Agreement on Rules of Origin (ARO), the Commission is publishing for public comment the following: (1) A proposed harmonized definition of the expression "goods that are to be considered as being wholly obtained in one country" and (2) a proposal on the definition of the expression "minimal operations or processes that do not by themselves confer origin on a good," the foregoing as set forth in Article 9:2(c)(i) of the ARO.

These proposals, which have been reviewed by interested government agencies, are intended to serve as the basis for the U.S. proposal to the Technical Committee on Rules of Origin (TCRO) of the Customs Cooperation Council (CCC) (now known as the World Customs Organization or WCO).

If eventually adopted by the TCRO for submission to the Committee on Rules of Origin of the World Trade Organization, these definitions would comprise the initial element of the ARO work program to develop harmonized, non-preferential country of origin rules, as discussed in the Commission's earlier notice. Thus, in view of the importance of these definitions, the Commission seeks to ascertain the views of interested parties concerning (1) the extent to which additional categories of goods or processes should be enumerated in, or named goods or processes omitted from, the proposed text set forth above, and (2) the need for other specific changes in or additions to the proposed definitions. Forthcoming Commission notices will advise the public on the progress of the TCRO's work and contain any harmonized definitions or rules that have been provisionally or finally adopted.

Written Submissions

Interested persons are invited to submit written statements concerning this phase of the Commission's investigation. Written statements should be submitted as quickly as possible, and follow-up statements are permitted; but all statements must be received at the Commission by the close of business on July 15, 1995, in order to be considered in the drafting of the final U.S. proposal to the TCRO. Information supplied to the Customs Service in statements filed pursuant to notices of that agency has been given to us and need not be separately provided to the Commission. Again, the Commission notes that it is particularly interested in receiving input from the private sector on the effects of the various proposed rules and definitions on U.S. exports. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be available for inspection by interested persons. All submissions should be addressed to the Office of the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436.

By order of the Commission.

Issued: June 13, 1995.

Donna R. Koehnke,

Secretary.

Annex—Proposed U.S. Note on the Definition of Goods Wholly Obtained in One Country

At its first session, the Technical Committee on Rules of Origin (TCRO) undertook discussions on the definition of goods wholly obtained in one country. This work is part of the first phase of development of worldwide harmonization of non-preferential rules of origin, as envisaged by the World Trade Organization (WTO) in its Agreement on Rules of Origin.

The TCRO invited comments on the draft definition of goods considered to be "wholly obtained in a single country". The United States Administration submits the following comments and proposals.

The approach put forward by the Secretariat in the working document provides a useful basis for considering the definition of goods wholly obtained in one country. However, we are proposing a number of modifications which are intended to:

—provide greater certainty as to the product scope of individual provisions,
—present the rules for goods of similar materials together and to the extent practical in the order in which they occur in the Harmonized System, and
—clarify the presentation of the rules.

Further, we endorse the decision by the TCRO to make use of explanatory notes to provide guidance, but without legal effect, in the interpretation of the rules of origin, thereby enhancing an understanding of the rules.

Accordingly, the United States submits the following proposal:

Goods obtained or produced wholly in a country shall be taken as originating in that country.

The following are to be considered as being wholly obtained in one country:

A. The following goods:

(1) live animals born and raised in that country;

(2) products obtained by hunting, trapping or fishing in that country;

(3) products obtained from live animals in that country;

(4) fish, shellfish and other marine life taken from the sea by vessels of that country;

(5) goods produced on board factory ships of that country from the goods of paragraph (4) of that country;

(6) plant and plant products harvested or gathered in that country;

(7) mineral goods extracted from the territory, soil, subsoil, airspace, territorial waters, sea-bed or beneath the sea-bed of that country,

(8) mineral goods extracted by that country from marine soil or subsoil outside that country's territorial waters, or from outer space, provided that country has rights to recover such goods,

(9) waste and scrap and used goods of any material, collected in that country and fit only for the recovery of raw materials or for disposal.

B. Goods produced in a country from materials of that country referred to in paragraph A, or derived therefrom, which do not contain constituents obtained from any other country and which have not undergone processing in any other country at any stage of production.

Proposed U.S. Note on the Definition of Minimal Processing Operations that do not Confer Origin

At its first meeting, the Technical Committee on Rules of Origin (TCRO) invited comments on the subject of minimal processing operations that are considered not to confer origin. The United States administration accordingly submits the following comments and proposal.

While there are numerous operations that, in specific instances, will not confer origin, there are only a few operations that never or almost never effect a substantial transformation. Consequently, only a limited number of minimal processing operations should be recognized in a general rule as not conferring origin. Although for any specific product certain processes ought not to confer origin, it is the view of the U.S. administration that such situations are best addressed by tariff shift rules that do not recognize particular processes as origin-conferring for a specific product.

The rule should apply to negate only the operation of the tariff shift rules. The rule would operate to preclude conferring origin only when an origin-conferring change in tariff classification is accomplished solely by means of one or more of the listed processing operations. The rule would not operate to preclude conferring origin on goods if the change in tariff classification occurred as a result of other operations, even though one or more of the "minimal processing" operations occurred as well.

The rule should not affect the definition of wholly obtained goods or apply to any supplementary rules, even when those goods undergo such listed operations. The U.S. administration believes the following ought to be included in this enumeration:

Change in tariff classification resulting solely from a change in the use of the article;

Simple packing or packaging for retail sale;

Mere dilution with water or another substance that does not alter the essential character of the good; and

Dismantling or disassembly in order to facilitate transportation.

The U.S. administration wishes to emphasize that the appropriate content of this enumeration depends heavily on the nature and effect of the tariff shift rules yet to be considered. As a result, this issue should be reconsidered after the tariff shift rules have been completed.

[FR Doc. 95–15178 Filed 6–20–95; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 337–TA–371]

Order No. 39: Order Designating Investigation "More Complicated"

In the Matter of Certain Memory Devices With Increased Capacitance and Products Containing Same.

Rule 210.22(b) of the Commission's final rules published August 30, 1994 (59 FR 39020), permits the administrative law judge to issue sua sponte an order designating an investigation "more complicated" in order to have up to six months of additional time to adjudicate a complainant's request for permanent relief under Section 337 of the Tariff Act.

In a telephone conference attended by counsel for all parties on June 6, 1995, I advised the parties that I would designate this investigation "more complicated" and set the hearing to commence September 18, 1995. The parties agreed to the September 18 hearing date. The reason for the more complicated designation is the unexpected reassignment of the investigation to me on June 2, 1995, and the need to fit it in with my existing docket.

Accordingly, it is hereby ordered that this investigation be designated "more complicated". A revised procedural schedule will be issued separately. The Secretary is requested to publish this order in the **Federal Register**.

Issued: June 9, 1995.

Sidney Harris,

Administrative Law Judge.

[FR Doc. 95–15181 Filed 6–20–95; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

June 15, 1995.

The Department of Labor has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act (44 U.S.C. Chapter 35) of 1980, as amended (P.L. 96–511). Copies may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley ({202} 219–5095). Comments and questions about the ICRs listed below should be directed to Ms. O'Malley, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–1301, Washington, DC 20210. Comments should also be sent to the 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 10325, Washington, DC 20503 ({202}) 395–7316).

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.

Type of Review: Revision
Agency: Bureau of Labor Statistics
Title: National Longitudinal Survey of Youth 79
OMB Number: 1220–0109
Agency number: NORC–4531
Frequency: Biennially
Affected Public: Individuals or households
Number of Respondents: 8,850
Estimated Time per Respondent: 100 minutes
Total Burden Hours: 14,750
Description: The information provided in this survey will be used by the Department of Labor and other government agencies to help understand and explain the employment, unemployment, and related problems faced by young men and women in this age group.

Type of Review: Revision
Agency: Employment Standards Administration
Title: Application for a Farm Labor Contractor Employee Certificate of Registration
OMB Number: 1215–0037
Agency number: WH–512 MIS
Frequency: On occasion
Affected Public: Individuals or households; Business or other for-profit; Farms
Number of Respondents: 2,700
Estimated Time per Respondent: 30 minutes
Total Burden Hours: 1,350
Description: The Migrant Seasonal Agricultural Worker Protection Act provides that no individual may perform farm labor contracting activities without a certificate of registration. Form WH–512 MIS is an application form which provides the Department of Labor with the information necessary to issue a certificate specifying the farm labor contracting activities authorized.

Type of Review: Extension
Agency: Employment Standards Administration
Title: Medical Travel Refund Request
OMB Number: 1215–0054
Agency Number: CM–957
Frequency: On occasion
Affected Public: Individuals or households; Business or other for-profit
Number of Respondents: 12,000
Estimated Time Per Respondent: 10 minutes
Total Burden Hours: 2,000
Description: This form is used by coal miners requesting reimbursement for out-of-pocket expenses incurred when traveling to medical providers for black lung diagnostic testing or treatment of their black lung disease.

Type of Review: Extension
Agency: Employment Standards Administration
Title: Operator Controversion—CM–970; Operator Response—CM–970a
OMB Number: 1215–0058
Agency Number: CM–970; CM–970a
Frequency: On occasion
Affected Public: Business or other for-profit
Number of Respondents: 3,500
Estimated Time Per Respondent: 15 minutes
Total Burden Hours: 1,750
Description: The CM–970 and the CM–970a are used by most coal mine operators to controvert an initial finding or potential liability for payment of black lung benefits under the Act.

Type of Review: Extension
Agency: Employment Standards Administration
Title: Request for State or Federal Workers' Compensation Information
OMB Number: 1215–0060
Agency Number: CM–905
Frequency: On occasion
Affected Public: Federal Government; State, Local or Tribal Government
Number of Respondents: 4,440
Estimated Time Per Respondent: 15 minutes
Total Burden Hours: 1,100
Description: The Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 922 and 20 CFR 725.535 direct that Department of Labor benefit payments to a beneficiary for any month be reduced by any other payments of State of Federal benefits for workers' compensation due to pneumoconiosis. To ensure compliance with this mandate, the Division of Coal Mine Workers Compensation (DCMWC) must collect information regarding the status of any State or Federal workers' compensation claim, including date of payments, weekly or lump sum amounts paid, and other fees or expenses paid out of this award. The information is used by the DCMWC in determining the amounts of black lung benefits paid to beneficiaries.

Type of Review: Extension
Agency: Employment Standards Administration
Title: Survivor's Notification of Beneficiary's Death
OMB Number: 1215–0087
Agency Number: CM–1089
Frequency: On occasion
Affected Public: Individuals or households
Number of Respondents: 2,100
Estimated Time Per Respondent: 8 minutes
Total Burden Hours: 280
Description: The CM–1089 is used to gather information from a beneficiary's survivor to ensure that benefits due on behalf of a deceased miner are accurate for continuation of benefits.

Type of Review: Extension
Agency: Employment Standards Administration
Title: Survivor's Notification of Beneficiary's Death
OMB Number: 1215–0116
Agency Number: CA–721, CA–722
Frequency: On occasion
Affected Public: Individuals or households; Business or other for-profit; State, local or Tribal Government

Form	Respondents	Estimated time per respondent minutes
CA–721	16	60
CA–722	47	90

Total Burden Hours: 87
Description: These forms are used for filing claims for compensation for injury and death to non-Federal law enforcement officers under the provisions of U.S.C. 8191, etc. seq. The forms provide the basic information needed to process the claims made for injury or death.

Type of Review: Extension
Agency: Employment Standards Administration
Title: Waiver of Child Labor Provisions for Agricultural employment of 10 and 11 Year Old Minor in Hand Harvesting of Short Season Crops
OMB Number: 1215–0120
Frequency: On occasion
Affected Public: Individuals or households; Farms
Number of Respondents: 1
Estimated Time Per Respondent: 4 hours
Total Burden Hours: 4
Description: Agricultural employers must supply certain information to the Department of Labor when applying for a waiver of the child labor provisions to employ 10 and 11 year old minors in hand harvesting of short season crops. Employers granted waivers are required to maintain certain records.

Type of Review: Extension
Agency: Employment Standards Administration
Title: Maintenance of Receipt for Benefits Paid by a Coal Mine Operator
OMB Number: 1215–0124
Agency: CM–200
Frequency: Recordkeeping
Affected Public: Business or other for-profit
Number of Respondents: 150
Estimated Time Per Respondent: 1 hour
Total Burden Hours: 150
Description: Insurance carriers and self-insured coal mine operators who make benefit payments to black lung beneficiaries are required to maintain receipts for black lung benefit payments for five years after the date on which the receipt was executive in order to verify payment of black lung benefits.

Type of Review: Revision
Agency: Employment Standards Administration
Title: Labor Standards for Federal Service Contracts
OMB Number: 1215–0150
Frequency: On occasion
Affected Public: Business or other for-profit; Federal Government
Number of Respondents: 55,567

Type	Respondents	Estimated time per respondent
Vacation benefit seniority list.	53,267	1 hour.
Conformance record.	300	30 minutes.
Collective bargaining agreements.	2,000	5 minutes.

Total Burden Hours: 53,584
Description: This information collection is in accordance with the provisions of 29 CFR part 4 for recordkeeping and incidental reporting requirements in Service Contract Act Regulations applicable to employers performing on service contracts with the Federal government.

Type of Review: Extension
Agency: Employment Standards Administration
Title: Rehabilitation Maintenance Certificate
OMB Number: 1215–0161
Agency number: OWCP 17
Frequency: On occasion
Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions
Number of Respondents: 1,300
Estimated Time per Respondent: 10 minutes
Total Burden Hours: 15,600
Description: The Office of Workers Compensation Program (OWCP 17) serves as a bill submitted by the injured worker to OWCP requesting reimbursement of expenses incurred due to participation in an approved rehabilitation effort for the preceding four week period or fraction thereof.

Type of Review: Extension
Agency: Employment Standards Administration
Title: Application for Approval of a Representative's Fee in a Black Lung Proceeding Conducted by the Department of Labor
OMB Number: 12515–0171
Agency number: CM–972
Frequency: On occasion
Affected Public: Business or other for-profit
Number of Respondents: 1,600
Estimated Time per Respondent: 42 minutes
Total Burden Hours: 1,120
Description: Specific requirements are set forth in 20 CFR 725.365 and 725.366 for the items of information that must be included on representative fee applications in order for the representative to be paid. The CM–972 is designed to collect this information.

Type of Review: Reinstatement
Agency: Employment and Training Administration
Title: Internal Fraud Activities
OMB Number: 1215–0187
Agency number: ETA 9000
Frequency: Annual
Affected Public: Federal Government; State, Local or Tribal Government
Number of Respondents: 53
Estimated Time per Respondent: 3 hours
Total Burden Hours: 159
Description: Form ETA 9000 is the State Employment Security Agency's (SESA) Employment and Training Administration's (ETA) sole data collection instrument to identifying continuing activity involving internal fraud and assessing fraud prevention effectiveness. Resulting analysis will be communicated to SESAs to enhance management efforts in controlling false representation and fraud. Negative trends could result in ETA requesting Office of the Inspector General audits.

Type of Review: Revision
Agency: Employment and Training Administration
Title: Attestation by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports
OMB Number: 1205–0309
Agency number: ETA 9033
Frequency: As needed
Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government
Number of Respondents: 500
Estimated Time per Respondent: 4 hours
Total Burden Hours: 2,000
Description: The information provided on this form by employers seeking to use alien crewmembers to perform longshore work at U.S. ports will permit the Department of Labor to meet Federal responsibilities for program administration, management and oversight.

Type of Review: Extension
Agency: Mine Safety Health Administration
Title: Training Plan Regulations (30 CFR 48.3 and 48.23)
OMB Number: 1219–0009
Frequency: On occasion
Affected Public: Business or other for-profit
Number of Respondents: 1,300
Estimated Time per Respondent: 8 hours
Total Burden Hours: 10,400
Description: Requires mine operators to have a Mine Safety and Health Administration approved plan containing programs for training new miners, training newly-employed experienced miners, training miners for new tasks, annual refresher training, and hazard training.

Type of Review: Extension
Agency: Departmental Management, Office of the Solicitor
Title: Equal Access to Justice Act
OMB Number: 1225–0013
Frequency: On occasion
Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government
Number of Respondents: 10
Estimated Time per Respondent: 5 hours
Total Burden Hours: 50
Description: The Equal Access to Justice Act provides for payment of fees and expenses to eligible parties who have prevailed against the Department of Labor in certain administrative proceedings. In order to obtain an aware, the statute and regulations require the filing of an application.

Theresa M. O'Malley,
Acting Departmental Clearance Officer.

[FR Doc. 95–15213 Filed 6–20–95; 8:45 am
BILLING CODE 4510–27–M

Secretary's Task Force on Excellence in State and Local Government Through Labor-Management Cooperation: Meeting

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of public meeting.

SUMMARY: The Secretary's Task Force on Excellence in State and Local Government Through Labor-Management Cooperation was established in accordance with the Federal Advisory Committee Act (FACA) (Pub.L. 82–463)). Pursuant to Section 10(a) of FACA, this is to announce that the Task Force will meet at the time and place shown below.

TIME AND PLACE: The meeting will be held on Monday, July 10, 1995, from approximately 9 a.m. to 4 p.m. and on Tuesday, July 11, 1995, from approximately 9 a.m. to 3 p.m. in Conference Room N–3437 B–D in the Department of Labor, 200 Constitution Avenue NW., Washington, DC.

AGENDA: At this meeting, the Task Force intends to hear testimony on and discuss the following topics, among others: (1) effects of laws and civil service reform on labor-management cooperation, (2) experiences of state or local elected officials in implementing workplace changes through labor-management cooperation, (3) high-performance work environments, and (4) the role of neutral agencies in promoting workplace cooperation.

PUBLIC PARTICIPATION: The meeting will be open to the public Seating will be available on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact the Task Force if special accommodations are necessary. Individuals or organizations wishing to submit written statements should send 20 copies on or before June 30 to Mr. Charles A. Richards, Designated Federal Official, Secretary of Labor's Task Force on Excellence in State and Local Government through Labor-Management Cooperation, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S–2203, Washington, DC 20210. These statements will be thoroughly reviewed and become part of the record.

For the purposes of this meeting, the Task Force is primarily interested in statements that address the topics mentioned above under the heading "Agenda." However, the Task Force continues to welcome submissions that address the questions in the mission statement and the following eight general areas: (1) Finding Models, Ingredients, and Barriers to Service Excellence and Labor-Management Cooperation and, as the following relate to promoting workplace cooperation and excellence; (2) Bargaining and Related Institutions and Practices; (3) Conflict Resolution Skills, Practices, and Institutions; (4) Legal and Regulatory Issues; (5) Effects of Civil Service; (6) Ensuring a High-Performance Work Environment; (7) Political and Electoral Considerations

and Relationships; and (8) Financial Background, Financial Security, and Budget Systems.

FOR FURTHER INFORMATION CONTACT: Mr. Charles A. Richards, Designated Federal Official, Secretary of Labor's Task Force on Excellence in State and Local Government through Labor-Management Cooperation, U.S. Department of Labor, Room S–2203, Washington, DC 20210, (202) 219–6231.

Signed at Washington, DC this 16th day of June 1995.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 95–15214 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–23–M

Employment and Training Administration

[TA–W–31,038]

Baras Jersey, Incorporated, New York, New York; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) as amended by the Omnibus Trade and Competitiveness Act of 1988 (P. L. 100–418), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated in response to a petition received on April 10, 1995 and filed on behalf of workers at Baras Jersey, Incorporated, New York, New York. The workers manufactured and sold knitted cloth.

The investigation revealed that knitted cloth produced by Baras Jersey, Incorporated, New York, New York is marketed through normal retail channels. Thus, the articles manufactured by the subject firm have been impacted importantly by the high penetration of imports into this market.

U.S. imports of cotton print cloth increased absolutely in 1993, compared to 1992, and increased absolutely in the twelve-month period through June 1994 compared to the same period in 1993. In the twelve-month period ended June 1994, the ratio of imports to domestic production was more than 143%.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with knitted cloth produced at Baras Jersey, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Baras Jersey, Incorporated, New York, New York who became totally or partially separated from employment on or after March 27, 1994 through two years from the date of certification are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 31st day of May, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15206 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,838]

Black Box Corporation of Pennsylvania, Lawrence, PA

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 8, 1995, applicable to all workers at Black Box Corporation of Pennsylvania located in Lawrence, Pennsylvania. The notice was published in the **Federal Register** on May 25, 1995 (60 FR 27793).

The Company requested that the Department review its certification for workers of the subject firm. New information received from the company shows that only the workers involved in the production of active devices, manual switches, and cables were adversely affected by increased imports. Accordingly, the Department is limiting its certification to only those workers at Black Box Corporation of Pennsylvania engaged in employment related to the production of active devices, manual switches, and cables, and revoking the certification for all workers.

The intent of the Department's certification is to include only those workers of Black Box Corporation of Pennsylvania who were adversely affected by imports.

The amended notice applicable to TA–W–30,838 is hereby issued as follows:

All workers of Black Box Corporation of Pennsylvania, Lawrence, Pennsylvania engaged in employment related to the production of active devices, manual switches, and cables who became totally or partially separated from employment on or after March 3, 1994 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 9th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15208 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 3, 1995.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 3, 1995.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training

Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, DC, this 12th day of June, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Dante Fashions (ILGWU)	Jeannette, PA	06/12/95	05/22/95	31,117	Women's Pants and Skirts.
Lockhart (Milliken Plant) (Wkrs)	Spartanburg, SC	06/12/95	05/24/95	31,118	Yarn and Fabric.
Wirekraft Industries, Inc. (Co)	Cardington, OH	06/12/95	05/26/95	31,119	Electrical Wiring Harnesses.
Durez Div. Occidental Chemical Corp (Co/Wkr).	North Tonawanda, NY.	06/12/95	05/19/95	31,120	Phenolic Resins & Molding Compounds.
Standard Pennant Co., Inc. (Wkrs)	Big Run, PA	06/12/95	06/02/95	31,121	Chenille Jackets & Clothing Items.
Medalist Apparel, Inc. (Wkrs)	Reading, PA	06/12/95	05/30/95	31,122	Men & Women's Knitted Turtlenecks.
N.B. Co., Inc. (Co)	Russell, KS	06/12/95	05/31/95	31,123	Oil Well Drilling.
Great Bear Industries (Wkrs)	Cross City, FL	06/12/95	06/02/95	31,124	Boy's, Women & Men Slacks.
Market Manufacturing Co., Inc. (Co)	Moxley, GA	06/12/95	05/24/95	31,125	Industrial Work Shirts.
Sikorsky Aircraft (Wkrs)	Stratford, CT	06/12/95	05/10/95	31,126	Flight Mechanics.
Norcross Footwear, Inc. (Co)	Paterson, NJ	06/12/95	06/06/95	31,127	Hipper, Chest Wader, and Boots.

[FR Doc. 95–15198 Filed 6–20–95; 8:45 am]
BILLING CODE 4510–30–M

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of June, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,907; EVI Highland, Odessa, TX

TA–W–30,908; EVI Highland, Oklahoma City, OK

TA–W–30,877; Bogart Graphics, Erie, PA

TA–W–31,094; Upper Peninsula Power Co., Houghton, MI

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–31,029; OSRAM Sylvania, Inc., Credit Dept., Camillus, NY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–30,990; Haskon International, Inc., Taunton, MA

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,981; Continental Emsco Co., Duratech Div., Garland, TX

Aggregate US imports of oil well and oil field pumps were negligible through April, 1995.

TA–W–31,033; Atlantic Bouquet, Secaucus, NJ

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–31,059; King Design, Inc., Eugene, OR

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,987; Wind "A" Way Concepts, Livingston, TN

The investigation revealed that criterion (2) and (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and the absolute decline in sales or production.

Affirmative Determinations for Worker Adjustment Assistance

TA–W–31,016; American Design and Fashions, Inc., Passaic, NJ

A certification was issued covering all workers separated on or after May 2, 1994,

TA–W–31,009; Mel Coat, Weehawken, NJ

A certification was issued covering all workers separated on or after April 26, 1994.

TA–W–30,917; Brunswick Defense, Costa Mesa, CA

A certification was issued covering all workers separated on or after April 2, 1994.

TA–W–30,997; Nabors Drilling USA, Inc., New Braunfels, TX

A certification was issued covering all workers separated on or after April 20, 1994.

TA–W–30,935; Travelers Insurance, Naperville, IL

A certification was issued covering all workers separated on or after April 4, 1994.

TA–W–30,916; Industrial Ceramics, Inc., Derry, PA

A certification was issued covering all workers separated on or after March 27, 1994.

TA–W–30,964; Marconi Technologies, Inc., Lancaster, PA

A certification was issued covering all workers separated on or after April 13, 1994.

TA–W–31,038; Baras Jersey, Inc., New York, NY

A certification was issued covering all workers separated on or after march 27, 1994.

TA–W–31,075; Gentek Building Products, Inc., Woodbridge, NJ

A certification was issued covering all workers separated on or after March 24, 1994.

TA–W–31,014; Sabrina Coat, Paterson, NJ

A certification was issued covering all workers separated on or after February 23, 1995.

TA–W–30,995; Elizabeth Fashion, Inc., Northport, AL

A certification was issued covering all workers separated on or after April 19, 1994.

TA–W–31,034; Briggs & Stratton Corp., Wauwatosa, WI

A certification was issued covering all workers engaged in the production of gasoline engines separated on or after May 5, 1994.

TA–W–31,032; ITT Automotive Body Systems Div., Roscommon, MI

A certification was issued covering all workers separated on or after May 5, 1994.

TA–W–31,010; Gist Brocades Food Ingredients, Inc., East Brunswick, NJ

A certification was issued covering ali workers separated on or after May 1, 1994.

TA–W–30,918; Charland Sportswear, Faymore Manufacturing Div., Confluence, PA

TA–W–30,919; Charland Manufacturing Div., Charleroi, PA

A certification was issued covering all workers separated on or after April 17, 1994.

TA–W–30,940 & A; Louisa Manufacturing, Louisa, VA & Roanna Togs, Inc., New York, NY

A certification was issued covering all workers separated on or after April 7, 1994.

TA–W–31,084; Blind Design, Inc., Tempe, AZ

A certification was issued covering all workers separated on or after May 11, 1994.

TA–W–30,948; Briggs & Stratton Corp., Wauwatosa, WI

A certification was issued covering all workers engaged in the production of automotive locks and keys separated on or after April 11, 1994.

TA–W–31,021; Crowntuft, A Division of Kellwood Co., Calhoun, GA

A certification was issued covering all workers separated on or after May 1, 1994.

TA–W–31,022; Gynotech, Middlesex, NJ

A certification was issued covering all workers separated on or after May 4, 1994.

TA–W–31,044; Engraph Label Group, Machine Systems Div., Delran, NJ

A certification was issued covering all workers separated on or after May 4, 1994.

TA–W–31,057; F & M Hat Co., Denver, CO

A certification was issued covering all workers separated on or after May 1, 1994.

TA–W–30,983; Junior Gallery Limited, Clifton, NJ

A certification was issued covering all workers separated on or after April 17, 1994.

TA–W–30,902; Dartmouth Finishing Corp., New Bedford, MA

A certification was issued covering all workers separated on or after March 23, 1994.

TA–W–30,912; Harvard Industries, Elastic Stop Nut Div., Union, NJ

A certification was issued covering all workers separated on or after March 31, 1994.

TA–W–31,011; R & H Well Service, Inc. (including Trey Trucks & Cox Transports), Houston, TX & Operating at the Following Locations: A; Andrews, TX, B; Big Lake, TX, C; Big Spring, TX, D; Crane, TX, E; Eldorado, TX, F; Ft. Stockton, TX, G; Irran, TX, H; McCamey, TX I; Monahans, TX, J; Odessa, TX

A certification was issued covering all workers separated on or after April 10, 1994.

TA–W–30,952; Louisiana Pacific, Northern Div., Hayden Lake, ID & Operating at the Following Locations: A; Belgrade, MT, B; Chilco, ID, C; Deerlodge, MT, D; Libby, MT, E; Moyie Springs, ID, F; Pilot Rock, OR, G; Priest River, ID, H; Rexburg, ID, I; Saratoga, WY, J; Tacoma, WA, K; Walden, CO, L; Walla Walla, WA

A certification was issued covering all workers separated on or after April 10, 1994.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a) Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of June, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(A) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(B) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased.

(C) that the increase in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(2) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

NAFTA–TAA–00445; Harvard Industries, Union, NJ

The investigation revealed that criteria (3) and (4) were not met. Major customers of the subject firm were surveyed regarding their purchases of aerospace fasteners. All respondents reported that they did not import the product in question from Mexico or Canada.

NAFTA–TAA–00443; Studley Products, Inc., Newark, NJ

The investigation revealed that criteria (3) and (4) were not met. Major customers of the subject firm were surveyed regarding their purchases of vacuum cleaner, lawn mower, and air pollution bags.

NAFTA–TAA–00453; Organik Technologies, Inc., Big Sky, Washington Div., Tacoma, WA

The investigation revealed that criteria (3) and (4) were not met. The investigation revealed that sales, production and employment of the Big Sky, Washington Div. of Organik Technologies, Inc. have declined and there was no shift in production from Organik to Mexico or Canada during the period under investigation.

NAFTA–TAA–00446; Quebecor Printing Buffalo, Inc., Depew, NY

The investigation revealed that criteria (3) and (4) were not met. Sales and production have not declined at the subject plant and employment declines

are related to efforts to align costs. A survey of major customers revealed that customers did not import printed material from Canada or Mexico.

NAFTA–TAA–00442; Armstrong Pumps, Inc., North Tonawanda, NY

The investigation revealed that criteria (3) and (4) were not met. There was no shift in production of packaged systems from the North Tonawanda plant to Canada or Mexico during the period under investigation. A departmental survey revealed that Armstrong's major customers did not import packaged systems from Canada or Mexico.

NAFTA–TAA–00447; Debmar Knitwear, Inc., Hauppauge, NY

The investigation revealed that criteria (3) and (4) were not met. The major customer of the subject firm was surveyed regarding its purchases of sweaters; it reported that it did not import the product in question from Mexico or Canada.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–00435; Bowman Lease Service, Inc., Carrizo Springs, TX

A certification was issued covering all workers at Bowman Lease Service, Inc., Carrizo Springs, TX separated on or after April 12, 1994.

NAFTA–TAA–00440; General Electric Co., Motors and Transformer Divisions, Fort Wayne, IN

A certification was issued covering all workers at General Electric Co., Motors and Transformer Divisions, Fort Wayne, In separated on or after April 12, 1994.

NAFTA–TAA–00441; Laidwaw Corp., Metropolis, IL

A certification was issued covering all workers at Laidlaw Corp., Metropolis, IL separated on or after March 29, 1994.

NAFTA–TAA–00449; Palliser Furniture Corp., Fargo, ND

A certification was issued covering all workers at Palliser Furniture Corp., Fargo, ND separated on or after April 24, 1994.

NAFTA–TAA–00450; Gist-Brocades Food Ingredients, East Burnswick, NJ

A certification was issued covering all workers engaged in the production of yeast at Gist-Brocades Food Ingredients in East Brunswick, NJ separated on or after May 1, 1994.

NAFTA–TAA–00444; Haggar Clothing Co., Robstown Manufacturing Co., Robstown, TX

A certification was issued covering all workers at Robstown Manfacturing plant of the Haggar Clothing Co, Robstown, TX separated on or after April 27, 1994.

NAFTA–TAA–00457; Locheed Fort Worth Co., A Division of Lockheed Corp., Fort Worth, TX

A certification was issued covering all workers engaged in the production of wire harnesses at Lockheed Fort Worth Co., Fort Worth, TX separated on or after May 1, 1994.

NAFTA–TAA–00448 & A; American Standard Apparel Corp., Kan-Trak-Ter Plant, Mifflinburg, PA and Williamsport, PA

A certification was issued covering all workers of American Standard Apparel Corp., Kan Trak-Ter Plant, Mifflinburg, PA and in Williamsport, PA separated on or after April 28, 1994.

NAFTA–TAA–00336; Reiniger Brothers, Inc., Hatboro, PA

A certification was issued covering all workers engaged in the production of cut roses at Reiniger Brothers, Inc., Hatboro, PA separated on or after January 18, 1994.

I hereby certify that the aforementioned determinations were issued during the months of June, 1995. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 13, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15212 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,880]

G.E. Power Systems Including Corporate Research and Development Schenectady, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 18, 1995, applicable to all workers of G.E. Power Systems, Schenectady, New York. The notice will soon be published in the **Federal Register**.

At the request of the State Agency and the one of the petitioners, the Department is amending the certification to include workers in the research and development division of G.E. Power Systems. The investigation findings show that workers of the corporate research and development division of G.E. Power Systems, located in another building in Schenectady, were inadvertently excluded from the certification.

The intent of the Department's certification is to include all workers of G.E. Power Systems adversely affected by imports.

The amended notice applicable to TA–W–30,880 is hereby issued as follows:

All workers of G.E. Power Systems, including Corporate Research and Development, Schenectady, New York who became totally or partially separated from employment on or after November 19, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 9th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services Office of Trade Adjustment Assistance.

[FR Doc. 95–15209 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,822]

Mosbacher Energy Co. A/K/A Mosbacher Management Co., Houston, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on May 3, 1995, applicable to all workers of Mosbacher Energy Company, Houston, Texas. The notice was published in the **Federal Register** on May 17, 1995 (60 FR 26459).

New information received from the State Agency show that some of the workers at Mosbacher Energy had their unemployment insurance (UI) taxes paid to Mosbacher Management Company.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Mosbacher Energy Company who were adversely affected by increased imports.

The amended notice applicable to TA–W–30,822 is hereby issued as follows:

All workers of Mosbacher Energy Company, a/k/a Mosbacher Management Company, Houston, Texas who became totally or partially separated from employment on or after February 28, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 9th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15207 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,592]

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance; Sante Fe Minerals, Inc. et al.

Santa Fe Minerals, Inc., A/K/A Santa Fe International, A/K/A Santa Fe U.S., Dallas Texas

Santa Fe Minerals, Inc., A/K/A Santa Fe International, A/K/A Santa Fe U.S., Operating in the Gulf of Mexico and at Various Locations in the Following States.

ARKANSAS—TA–W–30,592A
LOUISIANA—TA–W–30,592B
OKLAHOMA—TA–W–30,592C
CALIFORNIA—TA–W–30,592D
TEXAS exc Dallas—TA–W–30,592E

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance applicable to all workers of the subject firm on February 17, 1995. The notice was published in the **Federal Register** on March 10, 1995 (60 FR 13177).

The Certification was subsequently amended on March 27, 1995 and April 27, 1995. These notices were published in the **Federal Register** on April 5, 1995 (60 FR 17372) and May 9, 1995 (60 FR 24656), respectively.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New findings show that some of the Santa Fe workers had their unemployment insurance (UI) taxes paid under the name of Santa Fe U.S.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Santa Fe Minerals, Inc. a/k/a Santa Fe International who were adversely affected by increased imports.

The amended notice applicable to TA–W–39,592 is hereby issued as follows:

All workers of Santa Fe Minerals, Inc., also known as Santa Fe International, also known as Santa Fe U.S., Dallas, Texas, and operating in the Gulf of Mexico and at various locations in the States of Arkansas, Louisiana, Oklahoma, California and Texas except Dallas who became totally or partially separated from employment on or after December 13, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 9th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15211 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,696]

Statler Tissue Company, Augusta, Maine; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 23, 1995, applicable to all workers at Statler Tissue Company located in Augusta, Maine. The notice was published in the Federal Register on April 10, 1995 (60 FR 18146).

At the request of the State Agency, the Department is amending the certification to include leased workers from Olsten Temporary Services, Augusta, Maine engaged in the production of household paper products.

The intent of the Department's certification is to include all workers of Statler Tissue Company adversely affected by imports.

The amended notice applicable to TA–W–30,696 is hereby issued as follows:

All workers of Statler Tissue Company and workers from Olsten Temporary Services who worked at Statler Tissue Company, both located in Augusta, Maine, who became totally or partially separated from employment on or after January 13, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 13th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15205 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 3, 1995.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 3, 1995

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of June, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Upper Peninsula Power Co. (IBEW)	Houghton, MI	06/05/95	04/14/95	31,094	Electricity.
Titanium Metals Corp. (Wkrs)	Henderson, NV	06/05/95	04/07/95	31,095	Titanium (Sponge & Ingots).
American Lantern (ABGW)	Newport, AR	06/05/95	05/12/95	31,096	Outdoor & Indoor Lighting Fixtures.
Seagull Energy Corp. (Co)	Amarillo, TX	06/05/95	04/04/95	31,097	Natural Gas.
King Finishing Div. of Spartan Mills (Wkrs).	Statesboro, GA	06/05/95	05/15/95	31,098	Dyed, Finished & Printed Cloth.
Traulsen & Co., Inc. (Wkrs)	College Point, NY	06/05/95	05/17/95	31,099	Commercial Refrigerators.
Louisiana Pacific Co. (Wkrs)	Moyie Springs, ID	06/05/95	05/11/95	31,100	Dimensional Lumber.
Purolator Products NA Inc. (Wkrs)	Dexter, MO	06/05/95	05/24/95	31,101	Automotive Filters.
Rockwell Graphic Systems (USWA)	Reading, PA	06/05/95	05/24/95	31,102	Commercial Printing Presses.
T.T. Fabric Sales, Inc. (Wkrs)	New York, NY	06/05/95	05/22/95	31,103	Fabric for Belts, Vinyls.
Mitchell Energy Corp. (Co)	The Woodlands, TX .	06/05/95	05/26/95	31,104	Explore & Produce Oil & Gas.
Liquid Energy Corp. (Co)	Artesia, NM	06/05/95	05/26/95	31,105	Provide Natural Gas Processing.
Liquid Energy Corp. (Co)	Artesia, NM	06/05/95	05/26/95	31,106	Provide Natural Gas Processing.
Mitchell Gas Services, Inc. (Co)	The Woodlands, TX .	06/05/95	05/26/95	31,107	Provide Natural Gas Processing.
Southwestern Gas Pipeline, Inc. (Co) ..	Dallas, TX	06/05/95	05/26/95	31,108	Provide Natural Gas Processing.
Southwestern Gas Pipeline, Inc. (Co) ..	Lyons, TX	06/05/95	05/26/95	31,109	Provide Natural Gas Processing.
Southwestern Gas Pipeline, Inc. (Co) ..	Minerals Wells, TX ...	06/05/95	05/26/95	31,110	Provide Natural Gas Processing.
Southwestern Gas Pipeline, Inc. (Co) ..	Corpus Christi, TX ...	06/05/95	05/26/95	31,111	Provide Natural Gas Processing.
Mitchell Energy & Development Corp. (Co).	The Woodlands, TX .	06/05/95	05/26/95	31,112	Provide Corporate Support Functions.
Tippens Apparel Trim, Inc. (Co)	Conley, GA	06/05/95	05/22/95	31,113	Belts.
Pennzoil Exploration & Prod. Co. (Wkrs).	Midland, TX	06/05/95	05/17/95	31,114	Oil & Natural Gas.
Louis Dreyfus Natural Gas Corp. (Wkrs).	Oklahoma City, OK ..	06/05/95	05/18/95	31,115	Crude Oil & Natural Gas.
Kraft General Foods (Co)	Kankakee, IL	06/05/95	05/17/95	31,116	Coupon Redemption.

[FR Doc. 95–15201 Filed 6–20–95; 8:45 am]
BILLING CODE 4510–30–M

[TA–W–30,906]

United Engineering Inc., a Subsidiary of Danieli Corporation, Pittsburgh, PA; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 10, 1995 in response to a worker petition which was filed on behalf of workers and former workers at United Engineering, Incorporated, a subsidiary of Danieli Corporation, located in Pittsburgh, Pennsylvania (TA–W–30,906).

The Department of Labor has verified that the petition filed on behalf of workers at the above subject firm is not valid. According to Section 221(a) of the Trade Act of 1974, as amended, a petition must be signed by three workers of the subject firm or by their duly authorized representative. This condition has not been met.

Therefore, further investigation in this matter would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 9th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15199 Filed 6–20–95; 8:45 am]
BILLING CODE 4510–30–M

TA–W–31,043

Zenith Distributing Corporation of New York Uniondale, NY; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 22, 1995 in response to a worker petition which was filed on May 10, 1995 on behalf of workers at Zenith Distributing Corporation of New York, Uniondale, New York.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA–W–30,957). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 9th day of June, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15200 Filed 6–20–95; 8:45 am]
BILLING CODE 4510–30–M

Job Corps: Final Finding of No Significant Impact (FONSI) for Eight New Job Corps Centers

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Final Finding of No Significant Impact (FONSI) for the New Job Corps Centers in Ft. Devens, Massachussetts; Memphis, Tennessee; Homestead, Florida; Montgomery, Alabama; Long Beach, California; Flint, Michigan; Marsing, Idaho; and Treasure Island, California.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (CEQ) (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Employment and Training Administration (ETA) of the Department of Labor (DOL) gives final notice of the proposed construction of the above-mentioned eight Job Corps Centers and that this construction will not have a significant adverse impact on the environment. In accordance with 29 CFR 11.11(d)(1) (DOL's NEPA Compliance Procedures) and 40 CFR 1501.4(e)(2) (CEQ Requirement Making FONSIs Available for Public Review), preliminary FONSIs regarding these centers were published in the January 11, 1995, **Federal Register** as follows:

Flint, MI—(60 FR 2785)
Ft. Devens, MA—(60 FR 2786)

Homestead, FL—(60 FR 2788)
Long Beach, CA—(60 FR 2790)
Marsing, ID—(60 FR 2792)
Montgomery, AL—(60 FR 2794)
Memphis, TN—(60 FR 2795)
Treasure Island, CA—(60 FR 2796)

No comments were received regarding the preliminary FONSIs for these eight Job Corps Centers. ETA has reviewed the conclusions of the environmental assessments (EAs). This notice serves as the Final Finding of No. Significant Impact for the new Flint, Michigan; Ft. Devens, Massachussetts; Homestead, Florida; Long Beach, California; Marsing, Idaho; Memphis, Tennessee; Montgomery, Alabama; and Treasure Island, California Job Corps Centers. The preliminary FONSIs and the EAs are adopted in final with no change.

EFFECTIVE DATE: June 21, 1995.

ADDRESSES: Copies of the EAs and additional information regarding the above-mentioned new Job Corps Centers are available to interested parties by writing to the Director, Office of Job Corps, Employment and Training Administration, Department of Labor, 200 Constitution Ave., NW., Room N4510, Washington, DC, 20210.

FOR FURTHER INFORMATION CONTACT: Paul Milam, Department of Labor, Office of Job Corps, 200 Constitution Ave., NW., Washington, DC, (202) 219–5556 (This is not a toll-free call).

Dated at Washington, DC, this 14th day of June, 1995.

Peter E. Rell,

Director of Job Corps.

[FR Doc. 95–15197 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00428]

Stetson Cedar Products Forks, Washington; Certification Regarding Eligibility To Apply for NAFTA–Transitional Adjustment Assistance

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with Section 250(a), Subchapter D, Chapter 2 Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for NAFTA–TAA.

In order to make an affirmative determination and issue a certification of eligibility to apply for NAFTA–TAA, the group eligibility requirements in either paragraph (a)(1)(A) or (a)(1)(B) of Section 250 of the Trade Act must be met. It is determined in this case that the requirements of (a)(1)(A) of Section 250 have been met.

The investigation was initiated on April 10, 1995 in response to a petition filed on behalf of workers at Stetson Cedar Products located in Forks, Washington. Workers produced red cedar shingles.

Investigation findings revealed that sales and production declined at Stetson Cedar Products and that significant worker separations have occurred. A survey conducted with Stetson's major customers revealed that the major customers decreased purchases from the subject firm and increased their imports of red cedar shingles from Canada.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with red cedar shingles contributed importantly to the declines in sales or production and to the total or partial separation of workers at Stetson Cedar Products located in Forks, Washington. In accordance with the provisions of the Act, I make the following certification:

All workers of Stetson Cedar Products located in Forks, Washington who became totally or partially separated from employment on or after April 10, 1994 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC, this 9th day of May 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15202 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA—00418]

McCormick Ridge Company Copalis Crossing, Washington; Certification Regarding Eligibility To Apply for NAFTA–Transitional Adjustment Assistance

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for NAFTA–TAA.

In order to make an affirmative determination and issue a certification of eligibility to apply for NAFTA–TAA, the group eligibility requirements in either paragraph (a)(1)(A) or (a)(1)(B) of Section 250 of the Trade Act must be met. It is determined in this case that the requirements of (a)(1)(A) of Section 250 have been met.

The investigation was initiated on March 31, 1995 in response to a petition filed by a company official on behalf of the workers at McCormick Ridge Company located in Copalis Crossing, Washington. Workers produced cedar ridge and shakes for roofing.

Investigation findings revealed that sales and production declined at McCormick Ridge Company and that significant workers separations have occurred. A survey conducted with McCormick's major customer revealed that the major customer's decreased purchases from the subject firm and increased their imports of cedar ridge and shakes from Canada.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with cedar ridge and shakes contributed importantly to the declines in sales or production and to the total or partial separation of workers at McCormick Ridge Company located in Copalis Crossing, Washington, In accordance with the provisions of the Act, I make the following certification:

All workers of McCormick Ridge Company located in Copalis Crossing, Washington who became totally or partially separated from employment on or after March 31, 1994 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC, this 4th day of May 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15203 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00439, and NAFTA–00439A]

Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In the matter of: Scotty's Fashions, Lewistown, Pennsylvania and Kresgeville Manufacturing, Inc. (Subsidiary Corporation Owned by Scotty's Fashions) Kresgeville, Pennsylvania.

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II,

of the Trade Act of 1974, as amended (19 USC 2331), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for NAFTA–TAA.

In order to make an affirmative determination and issue a certification of eligibility to apply for NAFTA–TAA, the group eligibility requirements in either paragraph (a)(1)(A) or (a)(1)(B) of Section 250 of the Trade Act must be met. It is determined in this case that the requirements of (a)(1)(A) of Section 250 have been met.

The investigation was initiated on April 19, 1995 in response to a petition filed on behalf of workers at Scotty's Fashions in Lewistown and Kresgeville, Pennsylvania. Workers are engaged in the production of ladies apparel.

Investigation findings revealed that sales and production declined at the Lewistown and Kresgeville facilities of Scotty's Fashions and that significant worker separations have occurred during Spring of 1995.

A survey conducted with major customers of Scotty's Fashions revealed that respondents decreased purchases from Scotty's Fashions and increased their imports of ladies apparel from Canada and Mexico.

Workers at Scotty's Fashions, located in Lewistown, Pennsylvania and Kresgeville Manufacturing, Inc., located in Kresgeville, Pennsylvania were certified to receive benefits under the Trade Adjustment Assistance program (TA–W–30,832) on May 8, 1995.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies apparel contributed importantly to the declines in sales or production and to the total or partial separation of workers at Scotty's Fashion in Lewistown and Kresgeville, Pennsylvania. In accordance with the provisions of the Act, I make the following certification:

All workers of Scotty's Fashions in Lewistown (NAFTA–00439) and Kresgeville (NAFTA–00439A), Pennsylvania who became totally or partially separated from employment on or after April 19, 1994 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC, this 26th day of May 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15204 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00293–00293C]

Wirekraft Industries, Inc., et al.; Mishawaka, IN; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In the Matter of NAFTA–00293A, Wirekraft Industries, Inc., Burcliff Industries, Marion, Ohio; NAFTA–00293B, Wirekraft Industries, Inc., Burcliff Industries, Lakeville, Indiana; and NAFTA–00293C, Wirekraft Industries, Inc., Burcliff Industries, Cardington, Ohio.

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on December 29, 1994, applicable to all workers at the subject firm. The notice was published in the **Federal Register** on January 20, 1995 (60 FR 4196).

The certification was amended March 17, 1995, and published in the **Federal Register** on March 27, 1995 (60 FR 15793). The certification was subsequently amended May 1, 1995. The notice will soon be published in the **Federal Register.**

New information received from the company show that the Wirekraft workers in Cardington, Ohio also produce wire harnesses.

The intent of the Department's certification is to include all workers who were adversely affected by increased imports.

Accordingly, the Department is amending the certification to include the Wirekraft workers in Cardington, Ohio.

The amended notice applicable to NAFTA–00293 is hereby issued as follows:

All workers of Wirekraft Industries, Inc., Mishawaka, Indiana and Wirekraft Industries' Burcliff Industries, in Marion, Ohio; Lakeville, Indiana; and Cardington, Ohio who became totally or partially separated from employment on or after December 8, 1993 are eligible to apply for NAFTA–TAA Section 250 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–15210 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

Targeted Training Grants

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of availability of funds and request for grant applications.

SUMMARY: The Occupational Safety and Health Administration (OSHA) has a grant program, Targeted Training, which awards funds to nonprofit organizations to conduct safety and health training and education in the workplace. This notice announces Targeted Training grant availability for training in fall protection in the residential construction industry, assisting small businesses to develop safety and health programs, training hospital and nursing or medical care facility workers in the prevention of injuries, and training small logging employers about the requirements of OSHA's logging standard. This notice describes the scope of the grant program and provides information about how to get detailed grant application instructions. Applications should not be submitted without the applicant first obtaining the detailed grant application instructions mentioned later in the notice.

Authority for this program may be found in section 21(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670).

DATES: Applications must be received by August 4, 1995.

ADDRESSES: Grant applications must be submitted to the OSHA Office of Training and Education, Division of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Ronald Mouw, Chief, Division of Training and Educational Programs, or Helen Beall, Training Specialist, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018, telephone (708) 297–4810.

SUPPLEMENTARY INFORMATION:

Background

Section 21(c) of the Occupational Safety and Health Act provides for the education and training of employers and workers in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions. OSHA has used a variety of approaches over the years to fulfill its responsibilities under this section, one of which is the awarding of grants to nonprofit organizations to develop and provide training and education to workers and employers.

The Targeted Training Program is OSHA's current grant program for the training and education of workers and employers. Its goals include educating workers and employers in small businesses (employers with 250 or fewer workers), training in new OSHA standards, and training in areas of special emphasis or recognized high risk activities or tasks. Organizations awarded grants under this program will be expected to develop training and/or educational programs that address a target named by OSHA, reach out to workers and employers for whom the program is appropriate, and provide them with the training and/or educational program. Success is measured by the number of workers or employers reached by the program and their increased ability to recognize and abate hazards or to comply with OSHA standards.

Preference in selection will be given to proposals that will conduct train-the-trainer programs and to proposals submitted by consortiums that include community-based organizations or other organizations that can reach out to workers who are minorities, migrants, limited English-speaking, or have entry level and/or minimum wage jobs. In addition, all grant programs will be encouraged to include managers and/or supervisors and small businesses in their training.

Scope

The purpose of this notice is to announce the availability of funds for grants. Each grant awarded will be designed to develop and provide training and education in one of the following target areas.

1. *Fall protection in the residential construction industry.* Programs that teach workers and employers about the requirements of OSHA's fall protection standard, 29 CFR 1926 Subpart M, and how to apply them in a residential construction setting.

2. *Safety and health programs for small businesses.* Programs that provide orientation to OSHA and its requirements for small businesses and that assist small businesses to establish safety and health programs in accordance with OSHA's safety and health management guidelines published at 54 FR 3904 on January 26, 1989.

3. *Prevention of injuries in hospital and nursing or medical care facilities.* Programs that train workers in the prevention of injuries, especially injuries from lifting.

4. *Logging.* Programs that train small logging employers about the requirements of OSHA's logging standard, 29 CFR 1910.266.

Among the activities which may be supported under these grants are: Conducting training, conducting other educational activities designed to reach and inform workers and employers, and developing educational materials for use in the training and/or educational activities.

Eligible Applicants

Any nonprofit organization that is not an agency of a State or local government is eligible to apply. However, State or local government supported institutions of higher education are eligible to apply in accordance with 29 CFR 97.4(a)(1). Applicants other than State or local government supported institutions of higher education will be required to submit evidence of nonprofit status, preferably from the IRS.

A consortium of two or more eligible applicants is also eligible to apply. Each consortium must have a written agreement that spells out roles and responsibilities for each consortium member and designates one member as the lead agency. The lead agency will receive the grant and be responsible for grant administration.

Nonsupportable Activities

Statutory and regulatory limitations, as well as the objectives of the grant program, prevent reimbursing grantees for certain activities. These limitations include the following.

1. Any activities inconsistent with the goals and objectives of the Occupational Safety and Health Act of 1970.

2. Activities involving workplaces largely precluded from enforcement action under section 4(b)(1) of the Occupational Safety and Health Act.

3. Activities for the benefit of State, county or municipal workers unless those workers are covered by a State Plan funded by OSHA under section 23(g) of the Occupational Safety and Health Act.

4. Production, publication, reproduction or use of training and educational materials, including newsletters and programs of instruction, that have not been reviewed by OSHA for technical accuracy.

5. Training and other educational activities that primarily address issues other than recognition, avoidance, and prevention of unsafe or unhealthful working conditions. Examples include activities concerning workers' compensation, first aid, and publication of materials prejudicial to labor or management.

6. Activities that provide assistance to workers in arbitration cases or other actions against employers, or that provide assistance to employers and/or workers in the prosecution of claims against Federal, State or local governments.

7. Activities that directly duplicate services offered by OSHA, a State under a State Plan, or consultation programs provided by State designated agencies under section 7(c)(1) of the Occupational Safety and Health Act.

8. Activities directly or indirectly intended to generate membership in the grant recipient's organization. This includes activities to acquaint nonmembers with the benefits of membership, inclusion of membership appeals in materials produced with grant funds, and membership drives.

Administrative Requirements

Educational materials will be reviewed by OSHA for technical accuracy during development and before final publication.

Instructional curriculums and purchased training materials will also be reviewed by OSHA for technical accuracy before they are used.

Grant recipients will be expected to share educational materials with others in the industry to which the materials apply. Grant recipients must also provide copies of completed educational materials to OSHA before the end of the grant period. OSHA has a lending program, the Resource Center, that circulates grant-produced audiovisual materials. Grant recipients can expect their materials to be included in OSHA's Resource Center lending program.

Grantees will comply with applicable requirements of the following OMB Circulars.

1. *A–110,* which covers grant requirements for nonprofit organizations, including universities and hospitals. The Department of Labor regulations implementing this circular can be found at 29 CFR part 95.

2. *A–21,* which gives cost principles applicable to educational institutions.

3. *A–122,* which gives cost principles applicable to other nonprofit organizations.

4. *A–133,* which provides audit requirements. The Department of Labor regulations implementing this circular can be found at 29 CFR part 96.

All applicants will be required to certify to a drug-free workplace in accordance with 20 CFR part 98 and to comply with the New Restrictions on Lobbying published at 29 CFR part 93.

The program has matching share requirements. Grant recipients will provide a minimum of 20% of the total grant budget. This match may be in-

kind, rather than a cash contribution. For example, if the Federal share of the grant is $80,000 (80% of the grant), then the matching share will be $20,000 (20% of the grant), for a total grant of $100,000. The matching share may exceed 20%.

Evaluation Process and Criteria

Applications for grants solicited in this notice will be evaluated on a competitive basis by the Assistant Secretary for Occupational Safety and Health with assistance and advice from OSHA staff.

The following factors, which are not ranked in order of importance, will be considered in evaluating grant applications.

1. Program Design

a. The plan to develop and implement a training and education program that addresses one of the following targets.

i. Fall protection in the residential construction industry.

ii. Safety and health programs for small businesses.

iii. Prevention of injuries in hospital and nursing or medical care facilities.

iv. Logging.

b. The number of workers and/or the number of employers to be trained by the program.

c. The number of workers to be trained as trainers of their fellow workers.

d. The appropriateness of the planned activities for the target selected.

e. The plan to recruit trainees for the program.

f. The plan for evaluating the program's effectiveness in achieving its objectives.

g. The feasibility and soundness of the proposed work plan in achieving the program objectives effectively.

2. Program Experience

a. The occupational safety and health experience of the applicant organization.

b. The experience of the applicant organization in developing and conducting training or education programs.

c. The technical and professional expertise of present or proposed project staff in training workers and/or employers and in occupational safety and health.

d. The applicant organization's experience in reaching the target population and conducting occupational safety and health and/or training and educational programs for that population.

3. Administrative Capability

a. The managerial expertise of the applicant as evidenced by the variety and complexity of programs it has administered over the past five years.

b. The experience of the applicant in administering Federal and/or State grants.

c. The completeness of the application, including forms, budget detail, narrative and workplan, and required attachments.

4. Budget

a. The reasonableness of the budget in relation to the proposed program activities.

b. The proposed non-Federal share is at least 20% of the total budget.

c. The compliance of the budget with Federal cost principles contained in applicable OMB Circulars and with OSHA budget requirements contained in the grant application instructions.

Preferential consideration will be given to applications that include one or more of the following elements.

1. Train-the-trainer programs, especially those that train workers to train other workers.

2. Submission by a consortium, particularly one that includes one or more community-based organizations or other organizations that can reach out to workers who are minorities, migrants, limited English-speaking, or have entry level and/or minimum wage jobs.

In addition to the preceding factors, the Assistant Secretary will consider other factors such as the overall geographical distribution and coverage of populations at risk.

Availability of Funds

There is approximately $1,700,000 available for this program, $500,000 each for fall protection, safety and health programs for small businesses, and injury prevention in hospitals and nursing or medical care facilities, and $200,000 for logging. The average Federal award will be $100,000.

Grants will be awarded for a twelve-month period. Grants may be renewed for additional twelve-month periods depending on the availability of funds, the continuing need for the training, and satisfactory performance by the grantee.

Application Procedures

Organizations that meet the eligibility requirements described above and are interested in applying for a grant may request grant application instructions from the OSHA Office of Training and Education, Division of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018.

All applications must be received no later than 4:30 p.m. Central Time, August 4, 1995.

Notification of Selection

Following review and evaluation, organizations selected as potential grant recipients will be notified by a representative of the Assistant Secretary. An applicant whose proposal is not selected will be notified in writing to that effect. Notice of selection as a potential grant recipient will not constitute approval of the grant application as submitted. Prior to the actual grant award, representatives of the potential grant recipient and OSHA will enter into negotiations concerning such items as program components, funding levels, and administrative systems. If negotiations do not result in an acceptable submittal, the Assistant Secretary reserves the right to terminate the negotiation and decline to fund the proposal.

Signed at Washington, DC, this 14th day of June 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–15128 Filed 6–20–95; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

National Institute of Justice

[OJP (NIJ) No.1053]

RIN 1121–ZA15

National Institute of Justice Solicitation for Research and Evaluation on Violence Against Women

AGENCY: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

ACTION: Announcement of the availability of the National Institute of Justice Solicitation for Research and Evaluation on Violence Against Women.

ADDRESS: National Institute of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531.

DATES: The deadline for receipt of proposals is close of business on August 1, 1995.

FOR FURTHER INFORMATION CONTACT: Bernard Auchter at (202) 307–0499, National Institute of Justice, 633 Indiana Avenue, NW., Washington, DC 20531.

SUPPLEMENTARY INFORMATION: The following supplementary information is provided:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201–03, as amended, 42 U.S.C. 3721–23 (1988).

Background

The National Institute of Justice is soliciting research and evaluation proposals responsive to the evaluation and research requirements related to the Violence Against Women Act—Title IV of the Violent Crime Control and Law Enforcement Act of 1994. Interested organizations should call the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420 to obtain a copy of "Solicitation for Research and Evaluation on Violence Against Women" (refer to document No. SL000124). The solicitation is available electronically via the NCJRS Bulletin Board, which can be accessed via Internet. Telnet to ncjrsbbs.aspensys.com, or gopher to ncjrs.aspensys.com 71. Those without Internet access can dial the NCJRS Bulletin Board via modem: dial 301–738–8895. Set modem at 9600 baud, 8–N–1.

Jeremy Travis,

Director, National Institute of Justice.

[FR Doc. 95–15130 Filed 6–20–95; 8:45 am]

BILLING CODE 4410–18–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–320]

Environmental Assessment and Finding of No Significant Impact Regarding the Extension of Possession-only License No. DPR–73; GPU Nuclear Corporation Three Mile Island Nuclear Station, Unit No. 2

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Possession-Only License No DPR–73 which allows GPU Nuclear Corporation (the licensee) to possess but not operate the permanently shut down Three Mile Island Nuclear Station, Unit 2 (TMI–2). The amendment would extend the expiration date of the license from November 9, 2009, to April 19, 2014.

Description of the Proposed Action

TMI–2 has been shut down since the March 28, 1979 accident. The facility has been defueled to the extent practicable and has been partially decontaminated. It is now in a safe storage mode called Post-Defueling Monitored Storage (PDMS). The licensee intends to keep TMI–2 in PDMS until the TMI–1 license expires on April 19, 2014, at which time the units would be decommissioned simultaneously.

Environmental Impacts

The staff evaluated the potential environmental and safety consequences of PDMS in Final Supplement 3 to the Programmatic Environmental Impact Statement Related to Decontamination and Disposal of Radioactive Wastes Resulting from the March 28, 1979 Accident at Three Mile Island Nuclear Station, Unit 2 (PEIS Supplement 3 or NUREG–0683 Supplement 3), dated August 1989. The staff evaluated radiological and non-radiological impacts associated with the licensee's proposal and seven staff identified alternatives. The licensee's proposal included storage of TMI–2 until the end of the TMI–1 license in the year 2014. The staff concluded that each of the alternatives (with the exception of the no-action alternative) were within applicable regulatory limits and could each be implemented without significant environmental impact. The potential health impact on both workers and the offsite public from any of the alternatives was very small. The staff concluded that none of the alternatives was obviously superior to the licensee's proposal from the perspective of environmental impacts. Although the quantitative estimates of potential impacts varied among the alternatives, the differences were not judged sufficiently large to allow for identification of an obviously superior alternative. The staff further concluded that the licensee's proposal was environmentally acceptable and would not significantly affect the quality of the human environment. The staff reviewed the conclusions of the 1989 PEIS Supplement 3 and the current TMI–2 conditions now that the facility is in long-term storage. The staff determined that the conclusions reached with respect to environmental impact associated with long-term storage of TMI–2 in the 1989 PEIS Supplement 3 are still valid.

Finding of No Significant Impact

Based on the foregoing environmental assessment, the Commission has concluded that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for this proposed action.

For further details with respect to this action see the licensee's environmental evaluation dated March 11, 1987, the licensee's request for a license amendment dated October 9, 1991, and the staff's PEIS Supplement 3 dated August 1989. These documents are available for inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland, this 15th day of June 1995.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Project Support, Office of Nuclear Reactor Regulation.

[FR Doc. 95–15137 Filed 6–20–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–315]

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from Facility Operating License No. DPR–58, issued to Indiana Michigan Power Company, (the licensee), for operation of the D.C. Cook Nuclear Plant, Unit 1, located in Berrien County, Michigan.

Environmental Assessment

Identification of the Proposed Action

This Environmental Assessment has been prepared to address potential environmental issues related to the licensee's application of March 17, 1995. The proposed action would exempt the licensee from the requirements of 10 CFR part 50, Appendix J, Paragraph III.D.1.(a), to the extent that a one-time interval extension for the Type A test (containment integrated leak rate test) by approximately 18 months from the September 1995 refueling outage to the 1997 refueling outage would be granted.

The Need for the Proposed Action

The proposed action is needed to permit the licensee to defer the Type A test from the September 1995 refueling outage to the 1997 refueling outage, thereby saving the cost of performing the test and eliminating test period from the critical path time of the outage.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed one-time exemption would not increase the probability or consequences of accidents previously analyzed and the proposed one-time exemption would not affect facility radiation levels or facility radiological effluents. The licensee has analyzed the results of previous Type A tests performed at the D.C. Cook Nuclear Plant to show adequate containment performance and will continue to be required to conduct the Type B and C local leak rate tests which historically have been shown to be the principal means of detecting containment leakage paths with the Type A tests confirming the Type B and C test results. It is also noted that the licensee would perform the visual containment inspection although it is only required by Appendix J to be conducted in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary. The change will not increase the probability or consequences of accidents, no changes are being made in the types or amounts of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for D.C. Cook, Units 1 and 2, dated August 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on May 31, 1995, the NRC staff consulted with the Michigan State official, Dennis Hahn, of the Michigan Department of Public Health, Nuclear Facilities and Environmental Monitoring, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 17, 1995, 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 Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Rockville, Maryland, this 14th day of June.

For the Nuclear Regulatory Commission.

John B. Hickman,

Project Manager, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–15142 Filed 6–20–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–9022]

SCA Services Inc., Finding of No Significant Impact, and Opportunity for a Hearing

Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission has prepared an Environmental Assessment (EA) related to the issuance of Source Material License No. SUC–1565. On the basis of the EA, the NRC has concluded that this licensing action would not significantly affect the environment and does not warrant the preparation of an environmental impact statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

The above document related to this proposed action are available for public inspection and copying at the NRC's Public Document Room, Gelman Building, 2120 L Street NW., Washington, DC 20555.

Opportunity for a Hearing

Any person whose interest may be affected by the issuance of this license may file a request for a hearing. Any request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this **Federal Register** notice; be served on the NRC staff (Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852) and on the applicant (SCA Services, Inc., 17250 Newburgh Rd., Livonia, MI 48152) and must comply with the requirements for requesting a hearing set forth in the Commission's regulations, 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings."

These requirements, which the requestor must address in detail, are:

1. The interest of the requester in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing;
3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and
4. The circumstances establishing that the request for hearing is timely, that is, filed within 30 days of the date of this notice.

In addressing how the requestor's interest may be affected by the proceeding, the request should describe the nature of the requestor's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; the nature and extent of the requestor's property, financial, or other (i.e., health, safety, environmental) interest in the proceeding; and the possible effect of any order that may be entered in the proceeding upon the requestor's interest.

Dated at Rockville, Maryland, the 12th day of June 1995.

For the Nuclear Regulatory Commission.

Michael F. Weber,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 95–15140 Filed 6–20–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–445]

Texas Utilities Electric Company; Comanche Peak Steam Electric Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License No. NPF–87, issued to Texas Utilities Electric Company (TU Electric, the licensee), for the Comanche Peak Steam Electric Station (CPSES), Unit 1, located in Somervell County, Texas.

Environmental Assessment

Identification of Proposed Action

The proposed exemption would extend the first inservice test (IST) program interval for Unit 1 from 120 months to approximately 156 months.

The proposed action is in accordance with the licensee's application for exemption dated March 1, 1994, as supplemented by letter dated August 12, 1994.

The Need for the Proposed Action

The proposed action is to extend the CPSES Unit 1 IST program interval beyond the 120 months specified in 10 CFR 50.55a(f)(4)(ii) which began on the Unit 1 commercial operation date (August 13, 1990) to 120 months from the Unit 2 commercial operation date (August 3, 1993). This extension from 120 months to 156 months for the Unit 1 IST interval is being requested in order to maintain the consistency of the IST program between CPSES Units 1 and 2.

The licensee intends to perform all future IST program updates for both units at 120-month intervals based on the Unit 2 commercial operation date.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that it is advantageous for a facility with two similar units to implement an IST program which is consistent between units by testing each unit to the same Code edition and by scheduling 120-month program updates on each unit to coincide. CPSES Units 1 and 2 are similar units and the licensee has therefore attempted to capture these advantages through the use of one IST program which specifies the same test requirements for both units based on the same ASME Code Edition.

The advantages include a significant reduction in the administrative effort required in preparing periodic program updates, a corresponding reduction in the program review effort by the NRC staff and a reduction in the potential for personnel errors in the performance of testing requirements. Further, a significant unit difference is eliminated by applying the same Code requirements to the testing of both units. In addition, this exemption increases plant safety through simplification and standardization of plant testing procedures, does not present an undue risk to the public health and safety, and is consistent with the common defense and security.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. According, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the CPSES, Units 1 and 2, dated October 1989.

Agencies and Persons Consulted

In accordance with its stated policy, on May 31, 1995, the staff consulted with the Texas State official, Mr. Arthur Tate of the Texas Department of Health, Bureau of Radiation Control, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's exemption request letter dated March 1, 1994, as supplemented by letter dated August 12, 1994, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 12th day of June 1995.

For the Nuclear Regulatory Commission.

Timothy J. Polich, Project Manager,

Project Directorate IV–1 Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–15141 Filed 6–20–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–280 and 50–281]

Virginia Electric & Power Co.; Surry Power Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–32 and DPR–37, issued to Virginia Electric and Power Company, (the licensee), for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia.

Environmental Assessment

Identification of the Proposed Action

The proposed action would increase the rates core power level at each Surry

unit from 2441 Megawatts thermal (MW_t) to 2546 MW_t which is an increase in the rated core power of approximately 4.3 percent.

The proposed action is in accordance with the licensee's application for amendment dated August 30, 1994, as supplemented by letters dated February 6, 1995, February 13, 1995, February 27, 1995, March 23, 1995, March 28, 1995, April 13, 1995 April 20, 1995, April 28, 1995, and May 5, 1995.

The Need for the Proposed Action

The proposed action would increase the electrical output for each unit by 34 Megawatts-electrical (MW_e) and thus provide additional electrical power to the grid which services the commercial and domestic areas in the State of Virginia.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that a slight change in the environmental impact can be expected for the proposed increase in power. The proposed core uprating is projected to increase the rejected heat by 6 percent. However, the Environmental Report and the NRC-approved Final Environmental Impact Statement (FEIS), as amended, have already addressed plant operation up to a stretch core power of 2546 MW_t. Thus, the 6 percent increase in rejected heat has already been evaluated and determined to not significantly impact on the quality of the human environment. Also, the proposed increase in core power involved no significant change in types or significant increase in the amounts of any effluents that may be released offsite which has not already been evaluated and approved in the FEIS, as amended, for a stretch core power level of 2546 MW_t. Similarly, as enveloped by the FEIS, as amended, there would be no significant increase in individual or cumulative occupational radiation exposure. The waste heat will not exceed the 12.0×10^9 BTUs per hour permitted by the Commonwealth of Virginia.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR part 20. Except for heat load, which is bounded by previous analysis, as described above, the amendment does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alterntive Use of Resources

The action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Surry Power Station, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on May 16, 1995, the staff consulted with the Virginia State official, L. Foldesi, of the State Health Department, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated August 30, 1994, as supplemented by letters dated February 6, 1995, February 13, 1995, February 27, 1995, March 23, 1995, March 28, 1995, April 13, 1995, April 20, 1995, April 28, 1995, and May 5, 1995, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the local public document room located at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 14th day of June 1995.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Project Directorate II–I, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–15138 Filed 6–20–95; 8:45 am]

BILLING CODE 7590–1–M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2332b), the Advisory Committee on Reactor Safeguards will hold a meeting on July 13–15, 1995, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Wednesday, December 28, 1994 (59 FR 66977).

Thursday, July 13, 1995

8:30 a.m.—8:45 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting and comment briefly regarding items of current interest. During this session, the Committee will discuss priorities for preparation of ACRS reports.

8:45 a.m.—10:15 a.m.: Revised Health Effects Valuation: Dollars/Person-Rem (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding proposed revisions to NRC health effects valuation.

Representatives of the industry will participate, as appropriate.

10:30 a.m.—12:00 noon: Meeting with the NRC Executive Director for Operations (EDO) and Other Office Directors (Open)—The Committee will meet with the Executive Director for Operations and other NRC program Office Directors to discuss items of mutual interest, including risk/performance-based regulations; PRA policy statement and the use of PRA in the regulatory process; maintaining long-term technical capabilities; and NRC participation in national and international technical exchange meetings.

1:00 p.m.–2:30 p.m.: NRC Technical Training Center (TTC) Curricula (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding TTC curricula, with emphasis in the areas of PRA and digital instrumentation and control systems.

2:45 p.m.–4:15 p.m.: BWR Core Power Stability/ATWS (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the BWR Owners Group (BWROG) regarding proposed revisions to the emergency procedure guidelines that were developed by the BWROG to cope with an ATWS event compounded by core power instability.

Representatives of other industry groups will participate, as appropriate.

A portion of this session may be closed to discuss General Electric Nuclear Energy proprietary information applicable to this matter.

4:15 p.m.–5:15 p.m.: Proposed Resolution of Generic Safety Issue (GSI) 83, Control Room Habitability (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed resolution of GSI–83.

Representatives of the industry will participate, as appropriate.

5:15 p.m.–6:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting, as well as proposed ACRS reports on fire protection-related issues and prioritization of Generic Safety Issues.

Friday, July 14, 1995

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting.

8:35 a.m.–9:30 a.m.: Engineered Safety Feature (ESF) Bypass Study (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the results of the ESF Bypass performed by the NRC Office for Analysis and Evaluation of Operational Data (AEOD).

Representatives of the industry will participate, as appropriate.

9:30 a.m.–10:45 a.m.: Proposed Resolution of Generic Safety Issue (GSI) 24, Automatic ECCS Switchover to Recirculation (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed resolution of GSI–24.

Representatives of the industry will participate, as appropriate.

11:00 a.m.–11:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss responses expected from the NRC Executive Director for Operations to ACRS comments and recommendations included in recent ACRS reports.

11:15 a.m.–12:00 noon: Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business and internal organizational and personnel matters relating to the ACRS staff members.

A portion of this session may be closed to discuss matters that relate solely to internal personnel rules and practices of this Advisory Committee, and matters the release of which would constitute a clearly unwarranted invasion of personal privacy.

1:00 p.m.–3:00 p.m.: Analyses Methodology Required by the Pressurized Thermal Shock (PTS) Rule (Open)—The Committee will hear presentations by and hold discussions with the NRC staff regarding on-going and future work associated with issues that have arisen during implementation of the PTS Rule provisions for operating nuclear power plants, and the lessons learned from the forced shutdown of the Yankee Rowe plant.

Representatives of the industry will participate, as appropriate.

3:15 p.m.–3:45 p.m.: Future ACRS Activities (Open)—The Committee will select topics for consideration during future ACRS meetings.

3:45 p.m.–6:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting, as well as proposed ACRS reports on fire protection-related issues and prioritization of Generic Safety Issues.

Saturday, July 15, 1995

8:30 a.m.–11:30 a.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting, and on other matters noted above.

11:30 a.m.–12:30 p.m.: Strategic Planning (Open)—The Committee will discuss items that are of importance to the NRC which should receive additional emphasis in its future deliberations.

12:30 p.m.–12:45 p.m.: New Research Needs (Open)—The Committee will discuss new research needs, if any, identified during this meeting.

12:45 p.m.–1:00 p.m.: Miscellaneous (Open)—The Committee will discuss miscellaneous matters related to the conduct of Committee activities.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 5, 1994 (59 FR 50780). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during the open portions of the meetings, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director, Dr. John T. Larkins, at least five days before the meeting if possible, so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the ACRS Executive Director prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Pub. L. 92–463, I have determined that it is necessary to close portions of this meeting noted above to discuss information that involves the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2); to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6); and to discuss General Electric Nuclear Energy proprietary information per 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the ACRS Executive Director, Dr. John T. Larkins (telephone 301-415-7361), between 7:30 a.m. and 4:15 p.m. edt.

Dated: June 15, 1995.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 95-15135 Filed 6-20-95; 8:45 am]

BILLING CODE 7590-01-M

Biweekly Notice

Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from May 26, 1995, through June 9, 1995. The last biweekly notice was published on Tuesday, June 6, 1995 (60 FR 29869).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve 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. The basis for this proposed determination for each amendment request is shown below.

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 before action is taken. 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 Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 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 a hearing and petitions for leave to intervene is discussed below.

By July 21, 1995, 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 for the particular facility involved. 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 a 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 a 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, 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 **(Project Director)**: 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, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of 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 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 for the particular facility involved.

Commonwealth Edison Company, Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: June 8, 1995, supersedes December 16, 1994, request in its entirety, supplemented by letters dated November 30, 1994, April 27, 1995, May 5 and May 11, 1995.

Description of amendment request: The proposed amendment would revise Figure 3.4-4a in the Braidwood Unit 1's technical specifications which provides the nominal pressurizer power operated relief valve set points for the low-temperature overpressure protection system (LTOPS). The proposed revision would extend the applicability of Figure 3.4-4a from 5.37 effective full power years (EFPY) to 16 EFPY (Unit 1). In addition, the proposed amendment removes the 638 psig administrative limit line from the LTOPS curve, because the appropriate instrument uncertainties and discharge piping pressure limits are included in the proposed LTOPS curve. The amendment request also proposes administrative changes to Figure 3.4-4a format and its associated index page.

Basis for proposed no significant hazards consideration determination: 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:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The new LTOPS curve will not change any postulated accident scenarios. The revised curve was developed using industry standards and regulations which are recognized as being inherently conservative. Appropriate instrument uncertainties and allowances have been included in the development of the LTOPS curves. The PT and LTOPS curves provide RCS pressure limits to protect the Reactor Pressure Vessel (RPV) from brittle fracture by clearly separating the region of normal operations from the region where the RPV is subject to brittle fracture.

Using Regulatory Guide (RG) 1.99, "Radiation Embrittlement of Reactor Vessel Materials," Revision 2, Braidwood Unit 1 Surveillance Capsule U and Capsule X results and the requirements of Appendix G to 10 CFR 50, as modified by the guidance in ASME Code Case N-514, a new LTOPS curve was prepared. This new curve, in conjunction with the PT Limit curves, and the heatup and cooldown ranges provides the required assurance that the RPV is protected from brittle fracture.

No changes to the design of the facility have been made, no new equipment has been installed, and no existing equipment has been removed or modified. This amendment will not change any system operating modes. The revised LTOPS curve provides assurance that the RPV is protected from brittle fracture.

The index page and format changes are purely administrative in nature and are designed to reflect the change in the duration of applicability of Figure 3.4-4a and improve the readability of Figure 3.4-4a. These administrative changes will have no effect on any equipment, system, or operating mode.

Thus, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The use of the new LTOPS curve does not change any postulated accident scenarios. The new LTOPS curve was generated using Braidwood capsule surveillance data and an approved, conservative methodology. No new equipment will be installed, and no existing equipment will be modified. No new system interfaces are created, and no existing system interfaces are modified. The new LTOPS curve provides assurance that the RPV is protected from brittle fracture.

No new accident or malfunction mechanism is introduced by this amendment.

The index page and format changes are purely administrative in nature and are designed to reflect the change in the duration of applicability of Figure 3.4-4a, and improve the readability of Figure 3.4-4a. These administrative changes will have no effect on any equipment, system, or operating mode.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The new LTOPS curve was developed using industry standards and regulations which are recognized as being inherently conservative. Appropriate instrument uncertainties and allowances are included in the development of the new LTOPS curve. This amendment will not change the operational characteristics or design of any equipment or system.

All accident analysis assumptions and conditions will continue to be met. The RPV is adequately protected from non-ductile failure by the revised LTOPS curve.

The index page and format changes are purely administrative in nature and are designed to reflect the change in the duration of applicability of Figure 3.4-4a, and improve the readability of Figure 3.4-4a. These administrative changes will have no effect on any equipment, system, or operating mode.

Thus, the proposed change does not involve a significant reduction in a margin of safety.

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 requested amendments involve no significant hazards consideration.

Local Public Document Room location: Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603

NRC Project Director: Robert A. Capra

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: March 4, 1993, as revised April 14, 1993, as supplemented April 19 and May 31, 1995

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to conform to the wording of the revised 10 CFR Part 20, "Standards for Protection Against Radiation," and to reflect a separation of chemistry and radiation protection responsibilities. The supplemental submittals provided additional information on the proposed TS change in response to NRC's request for additional information of May 5, 1995. The original submittal was noticed on May 12, 1993 (58 FR 28053), as corrected June 1, 1993 (58 FR 31222).

Basis for proposed no significant hazards consideration determination: 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:

1.Will the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change does not affect the probability or consequences of an accident. The proposed change is to the ADMINISTRATIVE and RADIOLOGICAL EFFLUENT RELEASES sections of the facility Technical Specifications, and are administrative in nature.

- Change "Chemistry and Radiation Protection Supervisor" to "Radiation Protection Supervisor."

- The change from "mR/h" to "mrem/h" is solely a change in terminology since the revised 10 CFR 20 does not recognize or define the roentgen as a unit of radiation.

- The Liquid Effluents Concentration section and the associated bases have been revised to conform with 10 CFR 50.36(a) [10 CFR 50.36a] with effluent concentrations limited to 10 times the limits of 10 CFR 20.1001 - 20.2402, Appendix B, Table 2, Column 2.

- The actual instantaneous dose rate limits of the Gaseous Effluents Dose Rate section have not changed. However, the bases section has. Under the former 10 CFR 20, these dose rates correspond roughly to maximum permissible concentration and dose(s) received by the maximum exposed member of the public if allowed to continue for an entire year. These limits are used more as instantaneous limits (dose rates above which are not allowed to continue for more than one hour at a time) so as to provide assurance not to exceed 10 CFR 50, Appendix I limits.

2. Will the proposed change(s) create the possibility of a new or different kind of accident from any accident previously evaluated?

This proposed change is required by the implementation of a new 10 CFR Part 20 requirements (except for the title change) and are administrative in nature (sic). Neither the material condition of the facility nor the accident analyses are affected by this proposed change. Therefore, the proposed change does not create the possibility of a different type of accident than previously evaluated.

3. Will the proposed change involve a significant reduction in the margin of safety?

Each limit that was affected increased the margin of safety by making the limit more conservative; or remained the same.

- The change of distance to "30 centimeters" (12 inches) is more conservative, providing a higher degree of protection for occupationally exposed worker.

- The liquid effluent concentration limits remain essentially the same. The bases have changed to [10 CFR 50.36a] reflect 10 times 10 CFR 20.1001 - 20.2402, Appendix B, Table 2, Column 2 limits as controlled by 10 CFR 50.36(a) [10 CFR 50.36a] dose limits.

- Effluent alarm setpoints were reviewed to determine any necessary changes and were found to be set appropriately. No change will be necessary.

- "The instantaneous release rate limits for airborne releases will not be changed because they are imposed on licensees as a control to ensure that the licensees meet Appendix I requirements." Alarm setpoints for these dose rate limits may change slightly due to changes in scientific data and will be reviewed and changed as appropriate prior to implementation.

Therefore, the proposed change does not involve a reduction in the margin of safety.

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.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201

NRC Project Director: Cynthia A. Carpenter, Acting

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: April 12, 1995

Description of amendment request: The amendments delete Technical Specification 3/4.3.4, "Turbine Overspeed Protection," and its associated Bases. The deletion of TS 3/4.3.4 and its associated Bases provides Duke Power Company the flexibility to implement the manufacturer's recommendations for turbine steam valve surveillance test requirements. These test requirements will be relocated from the TS to the Selected Licensee Commitments (SLC) Manual. The SLC Manual is Chapter 16 of the Updated Final Safety Analysis Report.

Basis for proposed no significant hazards consideration determination: 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:

Criterion 1

The requested amendments will not involve a significant increase in the probability or consequences of an accident previously evaluated. Relocation of the affected TS section to the SLC Manual will have no effect on the probability of any accident occurring. In addition, the consequences of an accident will not be impacted since the above system will continue to be utilized in the same manner as before. No impact on the plant response to accidents will be created.

Criterion 2

The requested amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated. No new accident causal mechanisms will be created as a result of relocating the affected TS requirements to the SLC Manual. Plant operation will not be affected by the proposed amendments and no new failure modes will be created.

Criterion 3

The requested amendments will not involve a significant reduction in a margin of safety. No impact upon any plant safety margins will be created. Relocation of the affected TS requirements to the SLC Manual in consistent with the content of the Westinghouse RSTS [Revised Standard Technical Specifications], as the NRC did not require technical specification controls for the turbine overspeed protection system in the RSTS. The proposed amendments are consistent with the NRC philosophy of encouraging utilities to propose amendments that are consistent with the content of the RSTS.

Based upon the preceding analyses, Duke Power Company concludes that the requested amendments do not involve a significant hazards consideration.

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.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Herbert N. Berkow

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: May 18, 1995, as supplemented by letter dated May 31, 1995.

Description of amendment request: The proposed amendment would change Tecnical Specification (TS) 3.6.1.2 to defer the next scheduled containment integrated leak rate test (ILRT) at Catawba, Unit 2, for one outage, from the end-of-cycle (EOC) 7 refueling outage (scheduled for October 1995) to EOC-8 (scheduled for March 1997). Title 10 of the Code of Federal Regulations, Part 50, Appendix J, requires that three ILRTs be performed at approximately equal intervals during each 10-year service period at a nuclear station. "Approximately equal intervals" is defined in Catawba's TS as 40 plus or minus 10 months. The proposed one-time change would allow Catawba to extend that interval to less than or equal to 70 months.

Basis for proposed no significant hazards consideration determination: 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:

1. The proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Containment leak rate testing is not an initiator of any accident; the proposed interval extension does not affect reactor operations or accident analysis, and has no perceptible radiological consequences. Therefore, this proposed change will not involve a significant increase in the probability or consequences of any previously[]evaluated accident.

2. The proposed change will not create the possibility of any new accident not previously evaluated.

The proposed change does not affect normal plant operations or configuration, nor does it affect leak rate test methods. The test history at Catawba (no ILRT [intergrated leak rate test] failures) provides continued assurance of the leak tightness of the containment structure.

3. There is no significant reduction in a margin of safety.

It has been documented in draft NUREG-1493 that an increase in the ILRT interval from 1 test every 3 years to 1 test every 10 years would result in an increase in population exposure risk in the vicinity of 5 representative plants from .02% to .14%. The proposed change included herein, an increase from 40 [plus or minus] 10 months to [less than or equal to] 70 months, represents a small fraction of that already very small increase in risk. Therefore, it may be concluded that no significant reduction in a margin of safety will occur.

Based on the above, no significant hazards consideration is created by the proposed change.

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.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Herbert N. Berkow

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: April 12, 1995

Description of amendment request: The amendments delete Technical Specification 3/4.3.4, "Turbine Overspeed Protection," and its associated Bases. The deletion of TS 3/4.3.4 and its associated Bases provides Duke Power Company the flexibility to implement the manufacturer's recommendations for turbine steam valve surveillance test requirements. These test requirements will be relocated from the TS to the Selected Licensee Commitments (SLC) Manual. The SLC Manual is Chapter 16 of the Updated Final Safety Analysis Report.

Basis for proposed no significant hazards consideration determination: 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:

Criterion 1

The requested amendments will not involve a significant increase in the probability or consequences of an accident previously evaluated. Relocation of the affected TS section to the SLC Manual will have no effect on the probability of any accident occurring. In addition, the consequences of an accident will not be impacted since the above system will continue to be utilized in the same manner as before. No impact on the plant response to accidents will be created.

Criterion 2

The requested amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated. No new accident causal mechanisms will be created as a result of relocating the affected TS requirements to the SLC Manual. Plant operation will not be affected by the proposed amendments and no new failure modes will be created.

Criterion 3

The requested amendments will not involve a significant reduction in a margin of safety. No impact upon any plant safety margins will be created. Relocation of the affected TS requirements to the SLC Manual in consistent with the content of the Westinghouse RSTS [Revised Standard Technical Specifications], as the NRC did not require technical specification controls for the turbine overspeed protection system in the RSTS. The proposed amendments are consistent with the NRC philosophy of encouraging utilities to propose amendments that are consistent with the content of the RSTS.

Based upon the preceding analyses, Duke Power Company concludes that the requested amendments do not involve a significant hazards consideration.

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.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Herbert N. Berkow

Florida Power and Light Company, et al., Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of amendment request: May 17, 1995

Description of amendment request: The amendment will extend the applicability of the current Reactor Coolant System (RCS) Pressure/Temperature Limits and maximum allowed RCS heatup and cooldown rates to 23.6 Effective Full Power Years (EFPY) of operation. In addition, administrative changes are proposed for

TS 3.1.2.1 (Boration Systems Flow Paths-Shutdown) and TS 3.1.2.3 (Charging Pump-Shutdown) to clarify the conditions for which a High Pressure Safety Injection pump may be used.

Basis for proposed no significant hazards consideration determination: 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:

Pursuant to 10 CFR 50.92, a determination may be made that a proposed license amendment involves no significant hazards consideration if 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. Each standard is discussed as follows:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The pressure-temperature (P/T) limit curves in the Technical Specifications are conservatively generated in accordance with the fracture toughness requirements of 10 CFR 50 Appendix G as supplemented by the ASME Code Section XI, Appendix G recommendations. The RT_{NDT} values are based on Regulatory Guide 1.99, Revision 2, shift prediction and attenuation formula. Analyses of reactor vessel material irradiation surveillance specimens are used to verify the validity of the fluence predictions and the P/T limit curves. Use of these curves in conjunction with the surveillance specimen program ensures that the reactor coolant pressure boundary will behave in a non-brittle manner and that the possibility of rapidly propagating fracture is minimized. Based on the use of plant specific material data, analysis has demonstrated that the current P/T limit curves will remain conservative for up to 23.6 EFPY.

In conjunction with extending the applicability of the existing P/T limit curves, the low temperature overpressure protection (LTOP) analysis for 15 EFPY is also extended. The LTOP analysis confirms that the current setpoints for the power-operated relief valves (PORVs) will provide the appropriate overpressure protection at low Reactor Coolant System (RCS) temperatures. Because the P/T limit curves have not changed, the existing LTOP values have not changed, which include the PORV setpoints, heatup and cooldown rates, and disabling of non-essential components.

The proposed amendment does not change the configuration or operation of the plant, and assurance is provided that reactor vessel integrity will be maintained. Therefore, operation of the facility in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

By applying plant specific data in the determination of critical vessel material limits, the applicability of the existing pressure temperature limits and LTOP requirements can be extended. There is no change in the configuration or operation of the facility as a result of the proposed amendment. The amendment does not involve the addition of new equipment or the modification of existing equipment, nor does it alter the design of St. Lucie plant systems. Therefore, operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

Analysis has demonstrated that the fracture toughness requirements of 10 CFR 50 Appendix G are satisfied and that conservative operating restrictions are maintained for the purpose of low temperature overpressure protection. The P/T limit curves will provide assurance that the RCS pressure boundary will behave in a ductile manner and that the probability of a rapidly propagating fracture is minimized. Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

Based on the discussion presented above and on the supporting Evaluation of Proposed TS Changes, FPL has concluded that this proposed license amendment involves no significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Attorney for licensee: J. R. Newman, Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, DC 20036

NRC Project Director: David B. Matthews

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: May 17, 1995

Description of amendment request: The proposed amendments will improve consistency between the Technical Specifications and the improved Combustion Engineering Standard Technical Specifications (NUREG-1432, dated September 1992) by incorporating changes in text and resolving other inconsistencies identified by the NRC and plant operations staff.

Basis for proposed no significant hazards consideration determination: 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:

Pursuant to 10 CFR 50.92, a determination may be made that a proposed license amendment involves no significant hazards consideration if 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. Each standard is discussed as follows:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendments consist of administrative changes to the Technical Specifications (TS) for St. Lucie Units 1 and 2. The amendments will implement changes in text to improve consistency within the TS for each unit, the improved Combustion Engineering Standard Technical Specifications (NUREG-1432, dated September 1992), and the regulations. The proposed amendments do not involve changes to the configuration or method of operation of plant equipment that is used to mitigate the consequences of an accident, nor do the changes otherwise affect the initial conditions or conservatism assumed in any of the plant accident analyses. Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed administrative revisions will not change the physical plant or the modes of plant operation defined in the Facility License for each unit. The changes do not involve the addition or modification of equipment nor do they alter the design or operation of plant systems. Therefore, operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendment would not

involve a significant reduction in a margin of safety.

The proposed amendments are administrative in nature and do not change the basis for any technical specification that is related to the establishment of, or the preservation of, a nuclear safety margin. Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

Based on the above discussion and the supporting Evaluation of Technical Specification changes, FPL has determined that the proposed license amendment involves no significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Attorney for licensee: J.R. Newman, Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, DC 20036

NRC Project Director: David B. Matthews

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendment request: May 23, 1995

Description of amendment request: The licensee proposes to change Turkey Point Units 3 and 4 Technical Specifications (TS) by changing the setpoint presentation format for the Reactor Protection System (RPS) and Engineered Safety Features Actuation System (ESFAS) instrumentation setpoints contained in Technical Specification Tables 2.2-1 and 3.3-3. The approved Westinghouse five-column instrument setpoint methodology currently being used to establishing those setpoints would be retained. The intent of the amendments is to eliminate the need for minor administrative license amendments to these tables that do not impact either the Trip Setpoints or the Safety Analysis Limits.

Basis for proposed no significant hazards consideration determination: 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:

(1) Operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

No changes to the Reactor Trip System instrumentation setpoints, ESFAS instrumentation setpoints, or the Turkey Point Plant licensing basis (NRC-approved, Westinghouse five-column setpoint methodology, as documented in Westinghouse topical report WCAP-12745P), is being made. The changes proposed reduce the level of detail in the Technical Specifications and place that detailed information in controlled procedures, drawings and the Final Safety Analysis Report. Since the setpoints and methodology remain the same, the changes proposed by this submittal will not increase the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

These proposed changes remove from the Technical Specifications a level of detail which will be maintained in controlled procedures and drawings. The Turkey Point Plant licensing basis (NRC-approved, Westinghouse five column setpoint methodology, as documented in Westinghouse topical report WCAP-12745P), continues to be used to calculate the Reactor Trip System and ESFAS setpoints. No changes to Reactor Trip System or ESFAS instrumentation setpoints are proposed. Since the same methodology will be used to determine the setpoints and no setpoints are changed, the possibility that a new or different kind of accident from any previously evaluated will not be created.

(3) Operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

The Turkey Point Plant licensing basis (NRC-approved, Westinghouse five column setpoint methodology, as documented in Westinghouse topical report WCAP-12745P), continues to be used to calculate the Reactor Trip System and ESFAS setpoints. No changes to the Reactor Trip System or ESFAS instrumentation setpoints are proposed. Since the same methodology will be used to determine the setpoints, and no setpoints are changed by this submittal, this change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied.Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Florida International University, University Park, Miami, Florida 33199

Attorney for licensee: J.R. Newman, Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, DC 20036

NRC Project Director: David B. Matthews

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of amendment request: June 6, 1995

Description of amendment request: The proposed change would revise Plant Hatch Units 1 and 2 Technical Specification (TS) Surveillance Requirements (SR) 3.6.4.1.3 and 3.6.4.1.4 for the secondary containment drawdown. The revision would reduce the SR acceptance criteria to greater than or equal to 0.20 inch of vacuum from greater than or equal to 0.25 inch of vacuum. Also, the licensee proposed to change the Bases to reflect the proposed TS revision.

The licensee stated that the secondary containment performs no active function in response to either loss-of-coolant accident or fuel handling accident. However, its leak tightness is required to ensure that the release of radioactive materials from the primary containment is restricted to those leakage paths and associated leakage rates assumed in the accident analysis and that fission products entrapped within the secondary containment structure will be treated by the Unit 1 and Unit 2 standby gas treatment systems prior to discharge to the environment. This change will continue to provide adequate margin for the secondary containment to be sufficiently leak tight such that the conclusions of the accident analysis remain valid.

Basis for proposed no significant hazards consideration determination: 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:

1. The change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The secondary containment serves a mitigation function and therefore this change does not increase the probability of an accident previously evaluated. The consequences of the previously evaluated accidents are not affected because at the wind conditions assumed in the accident analysis the building will be at a negative pressure and no exfiltration is postulated. Furthermore, the estimated wind speed at which exfiltration might take place (31 mph) is not a frequent occurrence (wind speeds of greater than 24 mph occur [less than] <0.5% of the time based on Plant Hatch specific meteorological data).

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously analyzed. Revising the surveillance

requirement acceptance criteria does not physically modify the plant nor does it modify the operation of any existing equipment.

3. The proposed change does not involve a significant reduction in the margin of safety. The change in vacuum acceptance criteria results in a slightly lower wind speed that may result in exfiltration from the building. However, this wind speed (31 mph) is in the realm of wind speeds which are infrequent at Plant Hatch. Furthermore, there are numerous conservatisms in the existing dose calculations including: neutral to stable meteorological conditions, ground level release until establishment of the required vacuum, accident source terms at event initiation, and no credit for plateout. The secondary containment would be maintained at a slight negative pressure shortly after the Standby Gas Treatment fans are running and the releases would be from the main stack (well before the accident source term would be present in the secondary containment). Some plateout would also occur and this is conservatively ignored. Therefore the margin of safety is not significantly reduced.

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.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: Herbert N. Berkow

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: May 17, 1995

Description of amendment request: The proposed license amendment would revise Section 3.2 of the Technical Specifications (TSs) for Three Mile Island Nuclear Station, Unit 1 (TMI-1) to relocate the requirements for volume and boron concentration of the chemical addition system boric acid mix tank and the reclaimed boric acid storage tank from the TMI-1 TSs to the TMI-1 Core Operating Limits Report. The licensee, in its request, stated that the proposed changes are consistent with the intent of NRC Generic Letter 88-16.

Basis for proposed no significant hazards consideration determination: 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:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated. The proposed amendment relocates chemical addition tank volume and boron concentration parameters from Technical Specifications to the TMI-1 Core Operating Limits Report. The proposed amendment provides continued control of the values of these parameters and assures these values are developed using NRC-approved reload methodologies consistent with all applicable limits of the safety analyses addressed in the TMI-1 [Final Safety Analysis Report] FSAR. The Technical Specifications retain the requirement to maintain the plant within the appropriate bounds of these limits. Therefore, the proposed amendment has no effect on the probability of occurrence or consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed amendment relocates chemical addition tank volume and boron concentration parameters to the TMI-1 Core Operating Limits Report. The Technical Specifications retain the requirement to maintain the boric acid mix tank and reclaimed boric acid storage tank volume and boron concentration parameters within the appropriate limits. Therefore, the proposed amendment has no effect on the possibility of creating a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety. The proposed amendment provides continued control of the boric acid mix tank and reclaimed boric acid storage tank volume and boron concentration parameters and assures these values remain consistent with all applicable limits of the safety analyses addressed in the TMI-1 FSAR. Therefore, it is concluded that operation of the facility in accordance with the proposed amendment does not involve a significant reduction in a margin of safety.

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.

Local Public Document Room location: Law/Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: Phillip F. McKee

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: May 24, 1995

Description of amendment request: The proposed license amendment would revise Table 4.1-1 of the Technical Specifications (TSs) for Three Mile Island Nuclear Station, Unit 1 (TMI-1) to revise the test frequency requirement for the source range nuclear instrumentation from 7 days before reactor startup to 6 months before startup.

Basis for proposed no significant hazards consideration determination: 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:

1. Operation of the facility in accordance with the proposed TSCR would not involve a significant increase in the probability of occurrence or the consequences of an accident previously evaluated.

The proposed revision to the Technical Specifications does not involve any physical changes to the plant, and it does not impact the safety analysis with respect to design basis events and assumptions. The only change proposed is in the "Test" frequency for source-range Nuclear Instrumentation by revision of the appropriate Tech. Spec. tables. The revised testing requirement has no impact upon the probability of occurrence or the consequences of any accident previously evaluated, because no credit is taken in the accident analyses for the source range monitors nor are there any inputs to the Reactor Protection System. Tech. Spec. 3.1.9.2 requires that the control rod withdraw inhibit be operable at all times; however, it is not affected by this change request. Additionally, no nuclear safety equipment or systems interface with source-range nuclear instrumentation, and operator ability to monitor and trend post-accident neutron level is not affected by the proposed change. Therefore, this change request will not increase the probability of occurrence or the consequences of any previously analyzed accidents as described in the Updated [Final Safety Analysis Report] FSAR (UFSAR).

2. Operation of the facility in accordance with the proposed TSCR would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed revision to the TMI-1 Technical Specifications does not involve any physical changes to the plant, and does not impact on the safety analysis with respect to design basis events and assumptions. The only change proposed is in the "Test" frequency for Nuclear Instrumentation by revision of the appropriate Tech. Spec. tables. No nuclear safety equipment or

systems interface with the source-range nuclear instrumentation, and operator ability to monitor and trend post-accident neutron levels is not adversely affected by the proposed change. In addition, the source-range nuclear instrument channels provide indication to the control room, plant computer and one of two channels provides input to Remote Shutdown Panel B.

The 0.5% instrument drift over a six (6) month period will not affect the ability to operate other safety equipment; nor, will it increase the probability of failure of the rod withdrawal inhibit. The inhibit function is triggered by a startup rate, and a 0.5% drift over six (6) months will not affect the instrument's ability to perform the inhibit function. Therefore, this change has no impact upon the possibility of creating a new or different kind of accident from any previously evaluated in the UFSAR.

3. Operation of the facility in accordance with the proposed TSCR would not involve a significant reduction in a margin of safety.

The proposed revision to the TMI-1 Technical Specifications does not involve any physical changes to the plant, and does not impact on the safety analysis with respect to design basis events and assumptions. The only change proposed is in the surveillance frequency for Nuclear Instrumentation by revision of the appropriate Tech. Spec. tables. Startup rate instrumentation is not included in Technical Specifications 2.0, "Safety Limits"; and, hence, all system Limiting Conditions for Operation(s) remain unchanged. Testing of the source-range nuclear instrument channels within six (6) months prior to a reactor startup will not decrease the margin of safety. Hence, the margin of safety for the plant is not diminished by this change request.

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.

Local Public Document Room location: Law/Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Phillip F. McKee

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: June 1, 1995

Description of amendment request: The proposed license amendment would revise Section 5.3.1.1 of the Technical Specifications (TSs) for Three Mile Island Nuclear Station, Unit 1 (TMI-1) to allow use of an alternate zirconium-based cladding material manufactured by Babcock & Wilcox Fuel Company to test the properties of the fuel in an operating core. Present TSs require fuel clad material to be either "zircaloy" or "ZIRLO."

Basis for proposed no significant hazards consideration determination: 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:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability of occurrence or the consequences of an accident previously evaluated. The test assemblies with the zirconium-based claddings are mechanically and thermal-hydraulically similar to the remainder of the reload batch and the rest of the core, so no failure probability is increased, nor is any operational practice changed which could introduce a new initiator of an accident. The only credible event which could occur as a result of this demonstration is clad failure of the test fuel rods. The number of fuel rods involved is such a small percentage of the core inventory that even a postulated failure of all the demonstration fuel rods from a cause related to the demonstration would not result in dose consequences greater than existing limits. A failure of the fuel rods from a cause not related to the demonstration would not result in consequences greater than those which would have occurred had the assemblies not been demonstrated assemblies. Therefore, this change does not increase the probability of occurrence or the consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. The mechanical and thermal-hydraulic similarity of the test assemblies to the remainder of assemblies in the core precludes the credible possibility of creating any new failure mode or accident sequence. The use of the demonstration assemblies does not involve any alterations to plant equipment or procedures which would introduce any new or unique operational modes or accident precursors.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety. The demonstration assemblies meet the same design as the remainder of assemblies in the core. Existing reload design and safety analysis limits are maintained, and the FSAR analyses are bounding. No special setpoints or other safety settings are required as a result of the use of these two (2) test assemblies. The assemblies will be placed in locations which will not experience limiting peak power conditions. Therefore, it is concluded that operation of the facility in accordance with the proposed amendment does not involve a reduction in a margin of safety.

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.

Local Public Document Room location: Law/Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Phillip F. McKee

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: April 27, 1995, as supplemented by letters dated May 4, and May 25, 1995.

Description of amendment request: The proposed amendment would change the tables associated with Technical Specification (TS) 3/4.3.3.5, Remote Shutdown System, to eliminate the core exit thermocouples (CETs). The proposed amendment would also change the tables associated with TS 3/4.3.3.6, Accident Monitoring Instrumentation, to require two operable channels of CETs, where each channel would be required to have at least two operable CETs per core quadrant. Each channel would also be required to have at least four operable CETs in at least one quadrant to support the operability of the subcooling margin monitors. In addition, the actions related to TS 3/4.3.3.6 would be changed to require that a report be submitted if one CET channel in a quadrant is inoperable for more than 30 days, and require a plant shutdown if both CET channels in a quadrant are inoperable for more than 7 days.

Basis for proposed no significant hazards consideration determination: 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:

1. Does the change involve a significant increase in the probability or consequence of an accident previously evaluated?

Change to Technical Specification 3.3.3.5:

Deleting the reference to the core exit thermocouples from the Remote Shutdown Technical Specification will not involve a significant increase in the probability of an accident previously evaluated because the core exit thermocouples are not potential accident initiators. The consequences of an accident previously evaluated will not be increased because the core exit thermocouples availability is not reduced, since adequate assurance of their operability is provided in Technical Specification 3.3.3.6, and by the surveillance of other indications that require the availability of the displays that also provide the core exit temperatures at the Auxiliary Shutdown Panel.

Change to Technical Specification 3.3.3.6:

The proposed change reduces the number of core exit thermocouples required per quadrant per channel from at least 4 to at least 2. Thus, the Actions when less than 4 thermocouples per quadrant per train are Operable but more than 6 thermocouples per quadrant are OPERABLE, and less than 6 thermocouples per quadrant are OPERABLE but at least 4 thermocouples per quadrant are OPERABLE and with the number of OPERABLE channels less than 4 thermocouples per quadrant are being deleted. This change does not affect the probability of an accident. The Accident Monitoring Instruments are not initiators of any analyzed events. The consequence of an accident is not affected by this change. The requirement to have two core exit thermocouples OPERABLE per quadrant per channel is adequate because one OPERABLE core exit thermocouple must be located near the center of the core and the other OPERABLE core exit thermocouple must be located near the core perimeter, such that the pair of core exit thermocouples indicate the radial temperature gradient across their core quadrant. The change will not alter assumptions relative to the mitigation of an accident or transient event. Functions supported by the thermocouples will still be adequately supported by the system. The revised specification provides for at least one quadrant per channel to have at least four operable thermocouples to protect the subcooling margin monitor in the event of a single failure. The other indications used to assess core cooling, as described in Chapter 7B of the South Texas Project Updated Final Safety Analysis Report remain unaffected by the proposed change. Therefore, this change will not involve a significant increase in the probability or consequence of an accident previously evaluated.

The proposed change also affects the allowed outage times for the thermocouples. The existing specification allows for 31 days in the case where there are less than four thermocouples per quadrant per train operable, 7 days where there are less than 6 thermocouples per quadrant, and 48 hours where there are less than 4 thermocouples per quadrant. The required action for each of these cases is a plant shutdown. The proposed specification will require a report to the Commission after 30 days in the case where one channel of core exit thermocouples is inoperable, and it will require the plant to go to HOT SHUTDOWN if two channels are inoperable for more than 7 days. A plant shutdown with only one channel inoperable is not warranted based on the fact that the redundant channel remains available to provide the necessary indication and the passive nature of the instrumentation (i.e., no critical automatic action).

As noted above, the core exit thermocouples are not accident initiators; consequently, the change in allowed outage time does not affect the probability of an accident. The consequences of an accident are not significantly increased because the changes to the allowed outage times are not extended to allow operation of the system in such a degraded condition that it will not perform its function. In addition, the other indications used to assess core cooling, as described in Chapter 7B of the South Texas Project Updated Final Safety Analysis Report remain unaffected by the proposed change. As noted above, functionality of the core exit temperature indication is preserved by requiring at least two thermocouples to be operable in separate regions of the core quadrant.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Change to Technical Specification 3.3.3.5:

Deleting the core exit thermocouples from the Remote Shutdown Technical Specification will not create the possibility of a new or different accident because there are no automatic actuations performed by the core exit thermocouples, nor are any different plant configurations or different operational procedures proposed. The existing safety analyses are unchanged and still applicable.

Change to Technical Specification 3.3.3.6:

The proposed change reduces the number of core exit thermocouples required per quadrant per channel from at least 4 to at least 2. Thus, the Actions when less than 4 thermocouples per quadrant per train are Operable but more than 6 thermocouples per quadrant are OPERABLE, and less than 6 thermocouples per quadrant are OPERABLE but at least 4 thermocouples per quadrant are OPERABLE and with the number of OPERABLE channels less than 4 thermocouples per quadrant are being deleted. This change will not physically alter the plant (no new or different type of equipment will be installed). The changes in methods governing normal plant operation are consistent with current safety analysis assumptions. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The change in the allowed outage time does not alter the physical configuration of the plant or how the plant is operated; consequently, this change does not create the possibility of a new or different kind of accident.

3. Does this change involve a significant reduction in a margin of safety?

Change to Technical Specification 3.3.3.5:

Deleting the core exit thermocouples from the Remote Shutdown Technical Specification does not involve a significant reduction in the margin of safety because the core exit thermocouples indications will still be available at the Auxiliary Shutdown Panel. In addition, adequate and appropriate assurance of the operability of the core exit thermocouples is provided in Technical Specification 3.3.3.6 for Accident Monitoring Instrumentation, including the changes proposed in this letter.

Change to Technical Specification 3.3.3.6:

The proposed change reduces the number of core exit thermocouples required per quadrant per channel from at least 4 to at least 2. Thus, the Actions when less than 4 thermocouples per quadrant per train are Operable but more than 6 thermocouples per quadrant are OPERABLE, and less than 6 thermocouples per quadrant are OPERABLE but at least 4 thermocouples per quadrant are OPERABLE and with the number of OPERABLE channels less than 4 thermocouples per quadrant are being deleted. The margin of safety is not affected by this change. The Accident Monitoring Instrumentation provide no automatic actuation functions. Even though the number of core exit thermocouples per quadrant per channel is being reduced, the Bases requirement to have one core exit thermocouple located near the center of the core and one core exit thermocouple located near the core perimeter ensures that the pair of core exit thermocouples indicate the radial temperature gradient across their core quadrant which ensures the required level of information is available. The functions dependent on the core exit thermocouples are still adequately supported by the thermocouples. The revised specification provides for at least one quadrant per channel to have at least four operable thermocouples to protect the subcooling margin monitor in the event of a single failure. In addition, the other indications used to assess core cooling, as described in Chapter 7B of the South Texas Project Updated Final Safety Analysis Report remain unaffected by the proposed change. The safety analysis assumptions will still be maintained, thus, no question of safety exists. Therefore, the change does not involve a significant reduction in a margin of safety.

The proposed changes to the allowed outage times have no significant impact on the margin of safety. A plant shutdown with only one channel inoperable is not warranted based on the fact that the redundant channel remains available to provide the necessary indication and the passive nature of the instrumentation (i.e., no critical automatic action). Based on the small likelihood of an accident occurring concurrent with the station being in an ACTION statement with regard to the thermocouples, and the small chance that the degradation of the system in such a situation would affect its functionality, and the diversity provided by other indications of core cooling, the changes in the allowed outage times are not considered significant.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Local Public Document Room location: Wharton County Junior

College, J. M. Hodges, Learning Center, 911 Boling Highway, Wharton, Texas 77488

Attorney for licensee: Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, N.W., Washington, D.C. 20036

NRC Project Director: William D. Beckner

Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment requests: March 31, 1995

Description of amendment requests: The proposed amendments would modify the technical specifications to eliminate the requirement to test certain safeguards pumps via their recirculation flowpath. The affected pumps are the centrifugal charging pumps, residual heat removal pumps, motor driven auxiliary feedwater pumps, and the turbine driven auxiliary feedwater pumps. The proposed amendments would also eliminate references to specific discharge pressures and flows associated with these pumps and remove footnotes associated with the Unit 2 cycle 9-10 refueling outage which are no longer applicable.

Basis for proposed no significant hazards consideration determination: 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:

Per 10 CFR 50.92, a proposed change does not involve a significant hazards consideration if the change does not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated,

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.

Criterion 1

The purpose for conducting periodic testing of the pumps identified in this proposed amendment is to detect gross degradation as required by Section XI of the ASME [American Society of Mechanical Engineers] Code. The Cook Nuclear Plant IST [Inservice Testing] program, which encompasses Section XI of the ASME Code, is the basis for the existing as well as the proposed T/Ss. Testing the pumps utilizing a high capacity flowpath instead of a recirculation flow path (where applicable) will have no impact on the ability of the pump to perform its intended function. In fact, it is expected that the high capacity flowpath will provide a more accurate assessment of the pump/systems' conditions and ability to meet their safety function.

The removal of specific test parameters, in favor of referencing the Cook Nuclear Plant IST Program, will not impact the ability of the pumps to perform their safety related function. IST Program parameters ensure that the pumps under test provide the support assumed in the plant's safety analyses.

Therefore, based on these considerations, it is concluded that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2

The proposed change will preclude the need to realign selected pumps to their recirculation flowpaths for testing purposes (where applicable). Eliminating the need for alignment to the recirculation flowpath aids in maximizing the pump's availability to perform its safety function.

As stated previously the removal of the specific test parameters, in favor of referencing the Cook Nuclear Plant IST Program will not impact the ability of the pumps to perform their intended safety function.

Thus, it is concluded that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

As stated previously, testing of the selected pumps utilizing a high capacity flowpath will provide greater assurance of pump capability and maximize pump availability. Additionally, removing specific test parameters in favor of referencing the Cook Nuclear Plant IST Program will have no impact on the ability of the pumps to perform their intended safety function. Therefore, we believe that the margin for safety as defined int 10 CFR [Part] 100 has not been reduced. Based on these considerations, it is concluded that the changes do not involve a significant reduction in a margin of safety.

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. Although not specifically addressed in the licensee's analysis, the elimination of specific discharge pressures and flows is encompassed in the elimination of the recirculation testing requirement and presents no additional significant hazards consideration. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037

NRC Project Director: Cynthia A. Carpenter, Acting

Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment requests: May 19, 1995

Description of amendment requests: The proposed amendments would modify the Technical Specification action statement associated with the Main Steam Safety Valves (MSSVs). The action statement would reflect different requirements based on operating Mode and the power range neutron flux high setpoint with inoperable MSSVs would be revised in response to an issue raised in Westinghouse Nuclear Safety Advisory Letter 94-001.

Basis for proposed no significant hazards consideration determination: 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:

Per 10 CFR 50.92, a proposed change does not involve a significant hazards consideration if the change does not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated,

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.

Criterion 1

Correction of the setpoint methodology does not represent a credible accident initiator. The new methodology reduces the allowable power level setpoints and is conservative compared to the presently evaluated setpoints. The consequences of any previously evaluated accident are not adversely affected by this action because the decrease in the setpoints resulting from the new calculational methodology will ensure that the MSSVs are capable of relieving the pressure at the allowable power levels. Based on these considerations, it is concluded that the changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Correcting the overly restrictive action statements of T/S 3.7.1 does not involve a significant increase in the probability of an accident. The proposed changes modify existing text to more accurately reflect the intention of the restrictions imposed by the action statements. The changes do not create any situation that would initiate a credible accident sequence.

Criterion 2

The change in Table 3.7-1 reduces the allowable power levels that can be achieved in the event that one or more main steam safety valve(s) is inoperable. This change is a result of vendor guidance to correct an error in the existing methodology used to determine the setpoints for the power level. Changing the methodology used to determine the setpoints, and lowering the setpoints themselves, do no create a new condition

that could lead to a credible accident. Therefore, it is concluded that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The action statements remain in effect to perform the intended function of protecting the plant's secondary side when the main steam safety valves are inoperable. They have only been modified to correct the overly restrictive language that specifies when, in each MODE, specific actions must be taken. Therefore, the proposed change does not create a new or different type of accident.

Criterion 3

The margin of safety presently provided is not reduced by the proposed change in the setpoints. The change will correct the limiting power levels that are to be implemented when MSSVs are inoperable. This action does not adversely affect the margin that was previously allocated for the ability of the MSSVs to relieve secondary side pressure. Based on these considerations, it is concluded that the changes do not involve a significant reduction in a margin of safety.

The margin of safety is also not significantly reduced by the proposed change to the action statements of the T/S. The proposed revision clarifies when specific actions are to be taken in response to inoperable main steam safety valves. The changes do not decrease the effectiveness of the actions to be taken; therefore, they do not significantly reduce any margin of safety.

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 requests involve no significant hazards consideration.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037

NRC Project Director: Cynthia A. Carpenter, Acting

North Atlantic Energy Service Corporation, Docket No. 50-443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: April 16, 1995

Description of amendment request: The proposed amendment would modify certain requirements of the Seabrook Station Technical Specifications relating to containment building penetrations during refueling operations. One change would allow both doors of the containment personnel airlock (PAL) to be open during core alterations or movement of irradiated fuel within containment provided at least one PAL door is capable of being closed and a designated individual is available outside the PAL to close the door. Another change would allow the use of alternate containment building penetration closure methodologies during refueling operations and provide for the manual closure of a penetration provided a designated individual is available at the penetration.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

A. The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)). The changes do not affect the events or conditions which could result in a fuel handling accident and do not affect any equipment or procedures used for fuel handling. The changes would continue to ensure that penetrations which provide direct access of the containment atmosphere to outside containment are capable of restricting a release of radioactive material to the environment. Therefore, the changes do not involve a significant increase in the probability of an accident previously evaluated.

The changes do have the potential for increased dose at the site boundary due to a postulated fuel handling accident. However, the licensee's radiological evaluations show that the resulting offsite and control room doses would be well within the acceptance limits of 10 CFR Part 100 and within the acceptance limits of GDC 19.

The Commission has provided guidance concerning the application of standards in 10 CFR 50.92 by providing certain examples (cf. FEDERAL REGISTER, March 6, 1986 51 FR 7751) of amendments that are considered not likely to involve a significant hazards consideration. These changes are similar to example (vi) in the **Federal Register** notice, in that they result in an increase in the consequences of a previously analyzed accident, but the results of the change are clearly within all acceptance criteria.

B. The changes do not create the possibility of a new or different kindof accident from any accident previously evaluated (10 CFR 50.92(c)(2))because the changes do not affect the events or conditions which could result in a fuel handling accident and do not affect any equipment or procedures used for fuel handling. The changes do not make any modifications to existing plant structures, systems, or components, or otherwise affect the manner by which the facility is operated.

C. The changes do not involve a significant reduction in a margin ofsafety (10 CFR 50.92(c)(3)) because the increase in calculated offsite and control room doses resulting from a postulated fuel handling accident are within the acceptance limits of 10 CFR Part 100 and within the acceptance limits of GDC 19. Additionally, the changes do not otherwise affect the manner by which the facility is operated or involve modifications to equipment or features which affect the operational characteristics of the facility.

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.

Local Public Document Room location: Exeter Public Library, Founders Park, Exeter, NH 03833.

Attorney for licensee: Thomas Dignan, Esquire, Ropes & Gray, One International Place, Boston MA 02110-2624.

NRC Project Director: Phillip F. McKee

Northeast Nuclear Energy Company (NNECO), Docket No. 50-245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of amendment request: May 18, 1995

Description of amendment request: The proposed amendment revises the minimum temperature at which the reactor vessel head bolting studs are allowed to be placed under tension. In addition, the proposed amendment revises the minimum reactor vessel metal temperature during core critical operation, revises the minimum reactor vessel metal temperature for pressure tests, makes editorial changes, and revises the bases for the applicable section.

Basis for proposed no significant hazards consideration determination: 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:

NNECO has reviewed the proposed changes against the criteria set forth in 10CFR50.92 and has concluded that the changes do not involve a significant hazards consideration (SHC). The bases for this conclusion are that the three criteria of 10CFR50.92(c), discussed separately below, are not compromised. The proposed changes do not involve a SHC because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated:

Revising the boltup temperature of the reactor vessel head, from 86—F to 70—F, does not decrease the margins of safety, as required by 10CFR 50 Appendix G, against non-ductile failure of the reactor vessel. Therefore, the probability of occurrence of an accident previously evaluated in the safety analysis report (i.e., a LOCA)[loss of coolant accident] is not increased since the revised boltup temperature does not increase the probability of failure of the vessel head flange region. The reactor vessel is a passive

component which does not initiate or play a role in any previously evaluated accidents or in mitigating the consequences of any previously evaluated accidents. Therefore, the proposed changes do not involve a significant increase in the probability or the consequences of any accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously evaluated:

Revising the boltup temperature of the reactor vessel head, from 86°F to 70°F, does not decrease the margins of safety, as required by 10CFR 50 Appendix G, against non-ductile failure of the reactor vessel. Therefore, the possibility for a new or different kind of accident than previously evaluated (i.e., a LOCA through the vessel flange) is not created.

3. Involve a significant reduction in a margin of safety.

Using the proposed boltup temperature of 70°F still provides a self-imposed "margin" over the most limiting vessel flange region RT_{NDT} of 22°F (i.e., 70° - 48° = 22°). This is a "margin" over and above the boltup temperature required by Appendix G to the 1992 ASME Section XI Code, since Appendix G would allow a boltup temperature of 48—F.

The above proposed changes to the Limiting Condition for Operation for tensioning the reactor vessel head studs do not alter the configuration, normal operation, design bases, function, mission, or performance of the subject components. Therefore, the proposed changes do not affect the margin of safety inherent in the design, analysis, function, or operation of the reactor vessel head flange region. The proposed changes do not alter the fuel clad barrier, fuel integrity, reactor vessel integrity, reactor coolant system integrity, or the containment boundary integrity; thus the margin of safety related to these barriers remains unchanged.

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.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

Attorney for licensee: Ms. L. M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141-0270.

NRC Project Director: Phillip F. McKee

Northeast Nuclear Energy Company (NNECO), Docket No. 50-245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of amendment request: May 24, 1995

Description of amendment request: The proposed amendment would permit an individual who does not have a current senior reactor operator (SRO) license to hold the Operations Manager position. The position will require the individual to have previously held an SRO license at a boiling water reactor (BWR). An individual serving in the capacity of the Assistant Operations Manager will hold a current SRO license for Millstone Unit 1, if the Operations Manager does not. In addition, the proposed amendment would renumber the applicable sections of the related technical specifications.

Basis for proposed no significant hazards consideration determination: 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:

NNECO has reviewed the proposed change in accordance with 10CFR50.92 and concluded that the change does not involve a significant hazards consideration (SHC). The basis for this conclusion is that the three criteria of 10CFR50.92(c) are not compromised. The proposed change does not involve an SHC because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

The proposed change affects an administrative control, which was based on the guidance of ANSI N18.1-1971. ANSI N18.1-1971 recommended that the Operations Manager hold an SRO license. The current guidance in Section 4.2.2 of ANSI/ANS 3.1-1987 recommends, as one option, that the Operations Manager have held a license for a similar unit and the Operations Middle Manager hold an SRO license. While the Operations Middle Manager position does not exist at Millstone Unit No. 1, NNECO has created the position of Assistant Operations Manager. The individual in this position would meet the requirements for, and would have responsibilities as recommended in, ANSI/ANS 3.1-1987 for the Operations Middle Manager position.

Therefore, the proposed change requests an exception to ANSI N18.1-1971 to allow use of ANSI/ANS 3.1-1987 in a limited circumstance. Specifically, the proposed revision to Technical Specification 6.3.1 would require the Operations Manager to either hold an SRO license at Millstone Unit No. 1 or have held an SRO at a BWR.

If the Operations Manager does not hold an SRO license at Millstone Unit No. 1, the specification will require the Assistant Operations Manager to hold, and continue to hold, an SRO license. The proposed change includes the requirement to have held a license for a similar unit (a BWR) in accordance with Section 4.2.2 of ANSI/ANS 3.1-1987, if the Operations Manager does not hold an SRO license at Millstone Unit No. 1. For those areas of knowledge that require an SRO license, the Assistant Operations Manager will provide the technical guidance typically provided by the Operations Manager.

The proposed change does not alter the design of any system, structure, or component, nor does it change the way plant systems are operated. It does not reduce the knowledge, qualifications, or skills of licensed operators, and does not affect the way the Operations Department is managed by the Operations Manager. The Operations Manager will continue to maintain the effective performance of his personnel and ensure the plant is operated safely and in accordance with the requirements of the operating license. Additionally, the control room operators will continue to be supervised by the licensed Shift Supervisor.

The proposed change does not detract from the Operations Manager's ability to perform his primary responsibilities. In this case, by having previously held an SRO license, the Operations Manager has achieved the necessary training, skills, and experience to fully understand the operation of plant equipment and the watch requirements for operators. In summary, the proposed change does not affect the ability of the Operations Manager to provide the plant oversight required of that position. Thus, it does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed change to Technical Specification 6.3.1 does not affect the design or function of any plant system, structure, or component, nor does it change the way plant systems are operated. It does not affect the performance of licensed operators. Operation of the plant in conformance with technical specifications and other license requirements will continue to be supervised by personnel who hold an SRO license. The proposed change to Technical Specification 6.3.1 ensures that the Operation Manager will be a knowledgeable and qualified individual by requiring the individual to have held an SRO license at a BWR. Based on the above, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in the margin of safety.

The proposed change involves an administrative control that is not related to the margin of safety. The proposed change does not reduce the level of knowledge or experience required of an individual who fills the Operations Manager position, nor does it affect the conservative manner in which the plant is operated. The Control Room operators will continue to be supervised by personnel who hold an SRO license. Thus, the proposed change does not involve a significant reduction in a margin of safety.

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.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

Attorney for licensee: Ms. L. M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141-0270.

NRC Project Director: Phillip F. McKee

Northeast Nuclear Energy Company (NNECO), Docket No. 50-245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of amendment request: May 26, 1995

Description of amendment request: The proposed amendment will delete the old limiting conditions for operation (LCOs) and surveillance requirements and add new LCOs, surveillance requirements, and bases for the loss of normal power (LNP) instrumentation system.

Basis for proposed no significant hazards consideration determination: 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:

NNECO has reviewed this proposed change in accordance with 10CFR50.92 and concluded that this change does not involve a significant hazards consideration (SHC). The basis for this conclusion is that the three criteria of 10CFR50.92(c) are not compromised. The proposed change does not involve an SHC because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

The change does not increase the probability of a loss of off-site power event or the occurrence of any accidents which assume loss of off-site power. This is ensured by the LNP instrumentation system design which uses multiple sensing relays, redundancy, and qualified Class 1E components, as well as conservative operability and surveillance requirements.

Full LNP logic requires two sets of relays to trip in one of two redundant groups. One set monitors bus 14E and the other set monitors bus 14F. Separate sets are provided for loss of voltage and degraded voltage monitoring. This design minimizes the likelihood of an inadvertent full LNP initiation. To maintain redundancy in the instrumentation, two separate groups are provided, each group being powered from an independent DC supply. Partial LNP logic is also provided to detect a loss of voltage on a single emergency bus. Redundancy in the partial LNP logic is achieved by providing an independent logic for each emergency power train.

The proposed technical specification would require that the LNP instrumentation be maintained operable except when the unit is in cold shutdown or refueling conditions. If redundancy in the ability to detect a loss of voltage or degraded voltage and initiate a full LNP is not maintained, reactor operation would be permitted for seven days. In this situation, both full and partial LNP (and both emergency power sources) remain operable. An action statement of seven days, which is the same as the action statement duration for an inoperable EDG [emergency diesel generator], is justified based on continued operability of the other LNP group. Additionally, it allows a reasonable amount of time to perform repairs.

The time delays and voltage setpoints specified in Table 3.2.4 ensure that the emergency power source starting and loading times continue to meet the current technical specification requirements. Also, these time delays are long enough to preclude false trips due to anticipated voltage transients (e.g., during motor starts). The relay calibration surveillance procedure will establish acceptance criteria for each relay to ensure that the total times specified in Table 3.2.4 are not exceeded. The proposed surveillance testing and calibration frequency of every refueling outage is consistent with the requirements in the current technical specification.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

There are no new failure modes associated with this change since the proposed requirements will ensure the LNP instrumentation system is available to perform its safety function. Individual voltage sensing relays, when removed from their cases, would provide the tripped contact configuration. The proposed technical specification would allow relays to be placed in the tripped condition as long as it would not inhibit the LNP function or cause an inadvertent initiation. Additionally, since the design function to ensure that adequate power is available to operate the emergency safeguards equipment has not changed, no new accident or accident of a different kind is created.

3. Involve a significant reduction in the margin of safety.

The protective boundaries are not affected because the consequences of any design basis accident are not changed. Since the protective boundaries are not affected, the safety limits are also unaffected. The proposed change maintains the basis of the technical specifications by ensuring that adequate electrical power is available to operate the emergency safeguards equipment. By maximizing the operability of the LNP instrumentation without requiring high risk testing, the proposed change will improve the margin of safety as related to availability of electric power to safety related loads.

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.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

Attorney for licensee: Ms. L. M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141-0270.

NRC Project Director: Phillip F. McKee

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: January 13, 1995

Description of amendment request: The proposed amendment would revise the Administrative Controls Section (6.0) of the Technical Specifications (TS) for Hope Creek Generating Station to reflect organizational changes and resultant management title changes. As indicated on the marked-up pages in Attachment 2, PSE&G requests that: 1) Vice President and Chief Nuclear Officer will be replaced with Chief Nuclear Officer and President - Nuclear Business Unit in TS 6.1.2, 6.2.1.c, 6.5.2.4.3.g, 6.5.2.4.4.a, 6.5.2.4.4.b, 6.5.2.6, 6.6.1.b, 6.7.1.a, and 6.7.1.c. 2) Vice President and Chief Nuclear Officer will be replaced with Vice President - Nuclear Operations in TS 6.5.1.8.b, and 6.5.1.9. 3) In addition, General Manager - Quality Assurance and Nuclear Safety will be replaced with Director - Quality Assurance and Nuclear Safety Review in TS 6.5.1.8.b, 6.5.1.9, 6.5.2.2, 6.5.2.4.3.g, 6.7.1.a, 6.7.1.c.

Basis for proposed no significant hazards consideration determination: 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:

1. Will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed management title changes from Vice President and Chief Nuclear Officer to Chief Nuclear Officer and President - Nuclear Business Unit or Vice President - Nuclear Operations, and from General Manager - Quality Assurance and Nuclear Safety to Director - Quality Assurance and Nuclear Safety Review are administrative in nature and do not affect assumptions contained in the plant safety analysis, the physical design and/or operation of the plant, nor do they affect Technical Specifications that preserve safety analysis assumptions. Therefore, the proposed changes do not

involve e significant increese in the probability or consequences of an eccident previously evalueted.

2. Will not creete the possibility of e new or different kind of eccident from any eccident previously eveluated.

The changes being proposed are purely administrative end will not lead to meterial procedure changes or to physical modifications. Therefore, the proposed changes do not create the possibility of a new or different type of accident from eny eccident previously evelueted.

3. Will not involve e significant reduction in a margin of safety.

The changes being proposed are edministrative in neture and do not relete to or modify the sefety margins defined in and maintained by the Technical Specificetions. The changes discussed herein do not reduce the Technicel Specificetion sefety margin since all organizationel responsibilities are being edequetely implemented, and all personnel in plece are properly quelified. Therefore, the proposed chenges do not involve e significant reduction in e margin of sefety.

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.

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Attorney for licensee: M. J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005-3502

NRC Project Director: John F. Stolz

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: May 19, 1995 (TS 95-07)

Description of amendment request: The proposed change would (1) modify Surveillance Requirement (SR) 4.1.1.3 to allow suspension of the end of life (EOL) moderator temperature coefficient (MTC) surveillance measurement provided the benchmark criteria and the Revised Prediction as documented in the Core Operating Limits Report (COLR) are satisfied. The SR would also indicate that the data required for the calculation of the Revised Prediction is provided in the Most Negative Temperature Coefficient Limit Report per Specification 6.9.1.15. In addition, a grammatical error affecting the Unit 1 SR would be corrected; (2) modify Technical Specifications (TS) 6.9.1.14, COLR, by adding to the list of references: WCAP-13749-P-[A], "Safety Evaluation Supporting the Conditional Exemption of the Most Negative EOL Moderator Temperature Coefficient Measurement," May 1993 (Proprietary) (Methodology for Specification 3.1.1.3 - Moderator Temperature Coefficient); (3) add Specification 6.9.1.15, which would require that the Most Negative MTC Report be prepared at least 60 days prior to the date the limit would become effective and be maintained on file. Also, the TS would require that the data required for the determination of the Revised Prediction of the 300 ppm/RTP MTC per WCAP-13749-P-[A] be included in the report.

Basis for proposed no significant hazards consideration determination: 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:

TVA hes evelueted the proposed technicel specification (TS) chenge and hes determined thet it does not represent a significant hazards consideration besed on criterie esteblished in 10 CFR 50.92(c). Operation of Sequoyeh Nuclear Plent (SQN) in eccordence with the proposed emendment will not:

1. Involve e significant increase in the probebility or consequences of an eccident previously evaluated.

The conditional exemption of the most negative moderator temperature coefficient (MTC) measurement does not change the most negative MTC surveillance requirement (SR) and limiting condition of operation (LCO) limits in the TSs. Since these MTC velues are unchenged, and since the basis for the derivetion of these velues from the sefety anelysis moderator density coefficient (MDC) is unchenged, the constant MDC essumed for the Updated Finel Safety Anelysis Report (UFSAR) sefety enelyses will elso remein unchenged. Therefore, no change in the modeling (i.e., probabilities) of the eccident enalysis conditions or response is necessary in order to implement the chenge to the conditional exemption methodology. In eddition, since the constent MDC essumed in the safety enelyses is not changed by the conditionel exemption of the most negative MTC SR measurement, the consequences of en eccident previously evelueted in the UFSAR are not increased. The dose predictions presented in the UFSAR for a steam generator tube rupture remein valid such that more severe consequences will not occur. Additionally, since mess and energy releases for e loss-of-coolant accident and a steamline break are not increased es e result of the unchanged MDC, the dose predictions for these events presented in the UFSAR also remain bounding.

2. Create the possibility of e new or different kind of accident from eny previously analyzed.

Since the end-of-life MTC is not chenged by the conditional exemption methodology of WCAP-13749-P, the possibility of an eccident, which is different than eny already evaluated in the UFSAR, has not been created. No new or different failure modes heve been defined for eny system or component nor hes any new limiting single feilure been identified. Conservetive assumptions for the MDC heve elreedy been modeled in the UFSAR enelyses. These assumptions will remain valid since the conditionel exemption methodology documented in WCAP-13749-P does not change the sefety analysis MDC nor the TS velues of the MTC.

3. Involve e significant reduction in e margin of safety.

The conditional exemption methodology is documented in WCAP-13749-P. This WCAP hes been evelueted (Reference: SECL 93-117,R1) reletive to the design basis, including the TSs, end hes been determined to bound the conditions under which the specifications permit operation. The results es presented in the UFSAR remein bounding since the MDC essumed in the sefety enelyses and the limiting conditions for operation and SR MTCs in the TSs remein unchanged. Therefore, the margin of sefety, es defined in the bases to these TSs, is not reduced.

The NRC has reviewed the licensee's analysis and, based on thisreview, 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.

Local Public Document Room location: Chattanooga-Hamilton County Library,1101 Broad Street, Chattanooga, Tennessee 37402

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902

NRC Project Director: Frederick J. Hebdon

Tennessee Valley Authority, Docket No. 50-328, Sequoyah Nuclear Plant, Unit 2, Hamilton County, Tennessee

Date of amendment request: May 19, 1995 (TS 95-13)

Description of amendment request: The proposed change would revise License Condition 2.C.(17) to extend the required surveillance interval to May 4, 1996, for Surveillance Requirement 4.3.2.1.3. The proposed change would extend the Engineered Safety Features Response Time instrument tests required at 36-month intervals shown in Table 3.3-3 associated with safety injection, feedwater isolation, containment isolation Phase A, auxiliary feedwater pump, essential raw cooling water system, emergency gas treatment system, containment spray, containment isolation Phase B, turbine trip, 6.9-kilovolt shutdown board-degraded voltage or loss of voltage, and automatic switchover to containment sump actuations. The proposed extension will limit the interval past the allowable extension provided by TS 4.0.2 to 4.5 months.

Basis for proposed no significant hazards consideration determination: 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:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c).

Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is temporary and allows a one-time extension of Surveillance Requirement 4.3.2.1.3 for Cycle 7 to allow surveillance testing to coincide with the seventh refueling outage. The proposed surveillance interval extension will not cause a significant reduction in system reliability nor affect the ability of the systems to perform their design function. Current monitoring of plant conditions and continuation of the surveillance testing required during normal plant operation will continue to be performed to ensure conformance with TS operability requirements. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

Extending the surveillance interval for the performance of specific testing will not create the possibility of a new or different kind of accidents. No changes are required to any system configurations, plant equipment, or analyses. Therefore, this change will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in a margin of safety.

Surveillance interval extensions will not impact any plant safety analyses since the assumptions used will remain unchanged. The safety limits assumed in the accident analyses and the design function of the equipment required to mitigate the consequences of any postulated accidents will not be changed since only the surveillance test interval is being extended. Historical performance generally indicates a high degree of reliability, and surveillance testing performed during normal plant operation will continue to be performed to verify proper performance. Therefore, the plant will be maintained within the analyzed limits, and the proposed extension will not significantly reduce the margin of safety.

The NRC has reviewed the licensee's analysis and, based on thisreview, 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.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902

NRC Project Director: Frederick J. Hebdon

TU Electric Company, Docket Nos. 50-445 and 50-446, Comanche Peak Steam Electric Station, Units 1 and 2, Somervell County, Texas

Date of amendment request: May 1, 1995

Brief description of amendments: The proposed amendment would: (1) reduce the minimum fuel oil volume requirement during MODES 5 and 6, for OPERABLE emergency diesel generators (EDG), and (2) allow continued OPERABLE status of diesel generators during all MODES, for 48 hours with greater than 6-day supply of diesel fuel for the associated diesel generator.

Basis for proposed no significant hazards consideration determination: 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:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

REDUCTION IN MINIMUM DIESEL FUEL STORED VOLUME WHILE SHUTDOWN

The first proposed change reduces the diesel fuel oil inventory required during plant shutdown conditions (MODES 5 and 6). The current fuel oil inventory requirement is the same for plant operation (MODES 1, 2, 3 and 4) and for plant shutdown. This current inventory requirement is based upon the seven days continuous operation of a diesel generator at its rated capacity which encompasses all load demands for the Loss of Coolant Accident concurrent with a Loss of Offsite Power (LOCA/LOOP) scenario. Because of reduced temperature and pressure, LOCA/LOOP is a less significant and probable event in MODES 5 and 6. The bounding scenario is considered to be a Loss of Offsite Power (LOOP) while the plant is shutdown (in MODES 5 and 6). The new diesel fuel oil inventory required during plant shutdown conditions is based on LOOP. Because this change only affects diesel fuel inventory, there is no impact on the probability of an accident. The consequences of LOOP event are unchanged since sufficient fuel remains available to allow the diesel generators to support mitigation of the event. Because seven days of fuel are required, there is no change in the consequences of any event which requires the diesel generators. Therefore, there is no significant increase in the probability or consequences of an accident previously evaluated as a result of this proposed change.

ADDITION OF REMEDIAL ACTION TO RESTORE THE STORED VOLUME OF DIESEL FUEL

The second proposed change applies to all MODES of operation. This change allows the diesel generator to remain OPERABLE if the fuel oil inventory falls below the minimum required in the storage system (i.e., fuel volume for 7-day operation of the diesel generator) but remains above a fuel volume for 6 days operation of the diesel generator. The minimum required fuel oil volume must be restored within 48 hours of falling below the limit. This relaxation by 48 hours allows sufficient time to replenish the required fuel oil volume and complete any required analysis prior to fuel oil addition to the storage tank. Because this change only affects diesel generator fuel inventory, there is no impact on the probability of an accident. Since the fuel oil replenishment can be obtained in less than six days after an event, there is no significant increase in the probability of a loss of all AC power (i.e., Station Blackout). Because the remaining fuel oil volume is larger than 6-day fuel supply and actions are initiated to obtain replenishment within this brief period, the proposed change does not involve a significant increase in the consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

REDUCTION IN MINIMUM DIESEL FUEL STORED VOLUME WHILE SHUTDOWN

The first proposed change reduces the diesel fuel oil inventory required for plant shutdown conditions. As described above, LOOP is the limiting condition for diesel fuel oil inventory requirements for a plant in the shutdown condition. As the proposed fuel inventory is adequate for a shutdown LOOP and no hardware changes or system operation changes are involved, no new failure modes are introduced and hence, no new or different accidents from any previously evaluated are created.

ADDITION OF REMEDIAL ACTION TO RESTORE THE STORED VOLUME OF DIESEL FUEL

The second proposed change only affects diesel generator fuel inventory as well. There are no hardware changes and no changes in system operations involved; therefore, no new or different accidents from any accident previously evaluated are created.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The intent of the Technical Specification is to conservatively assure sufficient fuel to assure diesel generator operation to support mitigation of postulated events. This intent is accomplished by conservatively assuring a seven day supply of fuel. Seven days fuel supply is considered sufficient to support the initial mitigation activities, identify the need for additional fuel, arrange for delivery, test and then add fuel to the storage tanks, if needed. The current diesel fuel oil inventory for operating conditions (MODES 1, 2, 3 and 4), is sufficient to conservatively support seven days of diesel generator operation for a LOCA with LOOP condition.

REDUCTION IN MINIMUM DIESEL FUEL STORED VOLUME WHILE SHUTDOWN

The proposed diesel fuel oil inventory for shutdown conditions (MODES 5 and 6), is adequate to conservatively support seven days of diesel generator operation for LOOP conditions. The proposed reduction in inventory between operating and shutdown conditions continues to support the different transient conditions which are applicable to the different modes of operation. Even though the minimum storage requirement during shutdown is being reduced, the basis of this specification continues to be conservatively satisfied and therefore this license amendment request does not involve a significant reduction in a margin of safety.

ADDITION OF REMEDIAL ACTION TO RESTORE THE STORED VOLUME OF DIESEL FUEL

The second proposed change which is applicable to all MODES of operation, allows 48 hours to restore diesel generator fuel oil inventory to the seven-day level as long as the inventory does not fall below the six-day level. The probability of a LOOP during this period is low. The 6-day fuel oil supply is calculated with adequate margin similar to the calculation of 7-day fuel oil inventory. In spite of the potential that there may be slightly less fuel available inlenishment within this brief period. Based on this and the low probability of an event during this brief period, it is considered that this change request does not involve a significant reduction in a margin of safety.

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.

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019

Attorney for licensee: George L. Edgar, Esq., Newman and Holtzinger, 1615 L Street, N.W., Suite 1000, Washington, D.C. 20036

NRC Project Director: William D. Beckner

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved.

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: May 4, 1994

Brief description of amendments: The amendments revise Limiting Condition for Operation (LCO) 3.4.8.3 and Surveillance Requirement 4.4.8.3.1, "Overpressure Protection Systems." Specifically, the LCO and surveillance requirements are revised to clarify that both shutdown cooling system (SCS) suction relief valves shall be OPERABLE and aligned to provide overpressure protection not only during reactor coolant system (RCS) cooldown and heatup evolutions, but also during any steady-state temperature periods in the course of RCS cooldown or heatup evolutions.

Date of issuance: June 2, 1995

Effective date: June 2, 1995

Amendment Nos.: Unit 1 - Amendment No. 93; Unit 2 - Amendment No. 80; Unit 3 - Amendment No. 63

Facility Operating License Nos. NPF-41, NPF-51, and NPF-74: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 17, 1994 (59 FR 42333) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 2, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station,Plymouth County, Massachusetts

Date of application for amendment: November 22, 1994

Brief description of amendment: This amendment revises the suppression chamber water level operating range, increasing it 2 inches, and revises the water level recorder range in response to a commitment from an inspection.

Date of issuance: June 1, 1995

Effective date: June 1, 1995

Amendment No.: 163

Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 18, 1995 (60 FR 3672) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 1, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Carolina Power & Light Company, Docket No. 50-261, H. B. Robinson SteamElectric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: February 24, 1995

Brief description of amendment: The proposed change would remove Section 4.3 from the Technical Specifications (TS) because the primary system testing following opening is already performed in accordance with the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, as implemented in the licensee's inservice inspection program as required by TS 4.0.1.

Date of issuance: May 30, 1995Effective date: May 30, 1995

Amendment No.: 165

Facility Operating License No. DPR-23. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** March 29, 1995 (60 FR 16183) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550.

Commonwealth Edison Company, Docket Nos. 50-237 and 50-249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois; Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: October 15, 1992, as supplemented March 9, 1993.

Brief description of amendments: The amendments would modify the existing Dresden and Quad Cities Technical Specifications (TS) to format them in the style of the Boiling Water Reactor 4 (BWR) Standard Technical Specifications (STS). The amendments deal specifically with Section 3/4.4, "Standby Liquid Control System (SLCS)."

Date of issuance: June 8, 1995

Effective date: For Dresden, immediately, to be implemented no later than December 31, 1995; for Quad Cities, immediately, to be implemented no later than June 30, 1996.

Amendment Nos.: 133, 127, 154, and 150

Facility Operating License Nos. DPR-19, DPR-25, DPR-29, and DPR-30. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 7, 1993 (58 FR 36429) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 8, 1995. No significant hazards consideration comments received: No

Local Public Document Room location: for Dresden, Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450; for Quad Cities, Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Commonwealth Edison Company, Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: April 10, 1995

Brief description of amendments: The amendments would change the Technical Specifications by (1) revising the low pressure value at which the High Pressure Coolant Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) systems can be tested to 150 psig, and (2) testing these systems against a system head corresponding to reactor vessel pressure when steam is supplied to the turbines at 920 psig to 1005 psig for high pressure testing and 150 psig to 325 psig for low pressure testing.

Date of issuance: May 30, 1995

Effective date: Immediately and shall be implemented within 60 days.

Amendment Nos.: 153 and 149

Facility Operating License Nos. DPR-29 and DPR-30: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 28, 1995 (60 FR 21009) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 30, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Commonwealth Edison Company, Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station Units 1 and 2, Lake County, Illinois

Date of application for amendments: November 21, 1994.

Brief description of amendments: The amendments add footnotes in Limiting Condition for Operation 3.15.2.A of the Technical Specifications (TS) to allow a one-time extension of the allowed outage time (AOT) for an inoperable reserve offsite power source from 72 hours to 14 days. To provide additional assurance that redundant sources of power to the operating unit are operable during the AOT outage, the amendment also adds footnotes in Surveillance Requirement 4.15.2.A of the TS to modify the emergency diesel generator and the normal offsite power source testing requirements.

Date of issuance: May 31, 1995

Effective date: May 31, 1995

Amendment Nos.: 163 and 151

Facility Operating License Nos. DPR-39 and DPR-48: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 4, 1995 (60 FR 500). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 31, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, MichiganDate of application for amendment: October 20, 1992

Brief description of amendment: This amendment revises Technical Specification 5.3.1a to account for changes being made to the Palisades Final Safety Analysis Report (FSAR) Section 4.2 following replacement of the steam generators.

Date of issuance: May 22, 1995

Effective date: May 22, 1995

Amendment No.: 166

Facility Operating License No. DPR-20. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 12, 1995 (60 FR 18624) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 22, 1995. No significant hazards consideration comments received: No.

Local Public Document Room location: Van Wylen Library, Hope College, Holland, Michigan 49423.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: January 13, 1995, as supplemented April 12 and 27, 1995

Brief description of amendment: This amendment revises the Technical Specifications to allow installed primary and secondary safety valve settings to be within a 3% tolerance of their nominal settings, but would require returning the valve settings to within 1% of the nominal settings if the valves are removed from the piping for maintenance or testing.

Date of issuance: June 8, 1995

Effective date: June 8, 1995

Amendment No.: 167

Facility Operating License No. DPR-20. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 1, 1995 (60 FR 11130) The April 12 and 27, 1995, letters provided clarifying information in response to the staff's request for additional information of April 11, 1995, and a telephone request for information on the Palisades loss of load analysis contained in the January 13, 1995, submittal. This information was within the scope of the original application and did not change the staff's initial no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 8, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: Van Wylen Library, Hope College, Holland, Michigan 49423.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan Date of application for amendment: September 13, 1993

Brief description of amendment: The amendment revises Technical Specification (TS) 6.5.2.8 to relocate audit frequencies from the TS to the Quality Assurance Program located in Chapter 17.2 of the Updated Final Safety Analysis Report. A related change to extend the frequency of the use of an independent fire contractor to every third fire protection audit was denied.

Date of issuance: May 23, 1995

Effective date: May 23, 1995, with full implementation within 45 days.

Amendment No.: 104

Facility Operating License No. NPF-43. Amendment revises the Technical Specifications

Date of initial notice in **Federal Register:** April 12, 1995 (60 FR 18625) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 23, 1995. No significant hazards consideration comments received: No.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Entergy Operations, Inc., Docket No. 50-382, Waterford Steam ElectricStation, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: September 16, 1993

Brief description of amendment: The amendment revised the Technical Specifications by removing the incore detection system requirements. These requirements are to be relocated in the Updated Final Safety Analysis Report.

Date of issuance: May 30, 1995

Effective date: May 30, 1995, to be implemented within 60 days.

Amendment No.: 107

Facility Operating License No. NPF-38. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 27, 1993 (58 FR 57851) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1995. No significant hazards consideration comments received: No.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of application for amendments: January 20, 1995

Brief description of amendments: These amendments will relocate the operability requirements for Incore Detectors in Technical Specification 3/4.3.3.2 to the Updated Final Safety Analysis Report, and revise Linear Heat Rate Surveillance 4.2.1.4, and Special Test Exceptions Surveillances 4.10.2.2, 4.10.4.2 (Unit 2 only), and 4.10.5.2, accordingly.

Date of issuance: June 6, 1995

Effective date: June 6, 1995

Amendment Nos.: 136 and 75

Facility Operating License Nos. DPR-67 and NPF-16: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 1, 1995 (60 FR 11132) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 6, 1995No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: December 29, 1994, as supplemented by letter dated May 2, 1995.

Brief description of amendments: The amendments revise TS 3/4.3, Instrumentation and its associated Bases, and TS 3/4.8, Electrical Power Systems to specify the appropriate actions to take in the event that an automatic load sequencer must be taken out of service or becomes inoperable.

Date of issuance: May 31, 1995

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 86 and 64

Facility Operating License Nos. NPF-68 and NPF-81: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 1, 1995 (60 FR 6301). The May 2, 1995, letter provided minor editorial changes that did not change the scope of the December 29, 1994, application and initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 31, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Gulf States Utilities Company, Cajun Electric Power Cooperative, and Entergy Operations, Inc., Docket No. 50-458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: January 13, 1993, as supplemented by letter dated October 18, 1993

Brief description of amendment: The amendment revised the River Bend Station, Unit 1 operating license to reflect a change in ownership of Gulf States Utilities (GSU). GSU, which owns a 70 percent undivided interest in the River Bend Station, is a wholly-owned subsidiary company of Entergy Corporation. This amendment was originally issued on December 16, 1993, as License Amendment No. 69.

Date of issuance: June 8, 1995.

Effective date: June 8, 1995.

Amendment No.: 78

Facility Operating License No. NPF-47. The amendment revised the operating license.

Date of initial notice in **Federal Register:** July 7, 1993 (58 FR 36436) The October 18, 1993, supplemental letter provided clarifying information and did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 8, 1995.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, LA 70803.

Gulf States Utilities Company, Cajun Electric Power Cooperative, and Entergy Operations, Inc., Docket No. 50-458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: January 13, 1993, as supplemented by letter dated June 29, 1993

Brief description of amendment: The amendment revised the River Bend Station, Unit 1 operating license to include as a licensee, Entergy Operations, Inc. (EOI), and to authorize EOI to use and operate River Bend and to possess and use related licensed nuclear materials. This amendment was originally issued on December 16, 1993 as License Amendment No. 70.

Date of issuance: June 8, 1995

Effective date: June 8, 1995

Amendment No.: 79

Facility Operating License No. NPF-47. The amendment revised the operating license.

Date of initial notice in **Federal Register:** July 7, 1993 (58 FR 36436) The June 29, 1993, supplemental letter provided clarifying information and did not change the initial no significant hazards consideration determination.The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 8, 1995.No significant hazards consideration comments received. Yes. Comments and a request for hearing were received from Cajun Electric Power Cooperative of Baton Rouge, Louisiana.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

IES Utilities Inc., Docket No. 50-331, Duane Arnold Energy, Center, Linn County, Iowa

Date of application for amendment: March 1, 1995

Brief description of amendment: The amendment revised the surveillance criteria for certain pumps and valves in the Low Pressure Coolant Injection (LPCI) subsystem; the Core Spray subsystems; and the Residual Heat Removal (RHR) Service Water, High Pressure Coolant Injection (HPCI), Emergency Service Water (ESW), and River Water Supply systems. The surveillance criteria changed from every three months to the testing frequency specified in the Inservice Testing program.

Date of issuance: May 18, 1995

Effective date: May 18, 1995

Amendment No.: 210

Facility Operating License No. DPR-49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 12, 1995 (60 FR 18626) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 18, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S. E., Cedar Rapids, Iowa 52401.

IES Utilities Inc., Docket No. 50-331, Duane Arnold Energy, Center, Linn County, Iowa

Date of application for amendment: March 10, 1995

Brief description of amendment: The amendment deletes Technical Specification Sections 3.7/4.7.H.3 to eliminate redundant Limiting Conditions of Operation and Surveillance Requirements for the containment hydrogen and oxygen analyzers.

Date of issuance: May 31, 1995

Effective date: May 31, 1995

Amendment No.: 211

Facility Operating License No. DPR-49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 26, 1995 (60 FR 20518) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 31, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S. E., Cedar Rapids, Iowa 52401.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: September 28, 1990

Brief description of amendment: The amendment revised the Technical Specifications to establish periodic operability testing of the reactor vessel overfill protection system. The changes were requested to satisfy a commitment in the licensee's response to Generic Letter 89-19, "Request for Action Related to Resolution of Unresolved Safety Issue (USI) A-47."

Date of issuance: June 8, 1995

Effective date: June 8, 1995

Amendment No.: 169

Facility Operating License No. DPR-46. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 31, 1990 (55 FR 45885) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 8, 1995. No significant hazards consideration comments received: No.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, NE 68305.

Northeast Nuclear Energy Company, Docket No. 50-245, MillstoneNuclear Power Station, Unit 1, New London County, Connecticut

Date of application for amendment: March 31, 1995

Brief description of amendment: The amendment revises the Technical Specifications (TS) to increase the as-found setpoint tolerance of the safety/relief valves (SRVs) from plus or minus 1% to plus or minus 3%. In addition, the amendment (1) allows the as-found condition of one SRV to be inoperable, (2) clarifies the 1325 psig safety limit wording, (3) increases the number of SRVs to be tested during each refueling outage, (4) makes editorial changes to reflect the TS changes, and (5) revises the bases for the applicable sections.

Date of issuance: May 31, 1995

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 82

Facility Operating License No. DPR-21. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 26, 1995 (60 FR 20520) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 31, 1995. No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

Northeast Nuclear Energy Company, et al., Docket No. 50-423, MillstoneNuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: January 23, 1995.

Brief description of amendment: The amendment revises the Technical Specifications to modify the containment spray system by replacing the present sodium hydroxide spray additive with the trisodium phosphate dodecahydrate pH control agent.

Date of issuance: May 26, 1995

Effective date: As of the date of issuance to be implemented within 60 days.

Amendment No.: 115

Facility Operating License No. NPF-49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 1, 1995 (60 FR 11136). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 26, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: September 20, 1994, as supplemented by letter dated April 14, 1995.

Brief description of amendments: The proposed amendments revise surveillance requirements (SRs) as recommended by NRC Generic Letter (GL) 93-05, "Line-Item Technical Specification Improvements to Reduce Surveillance Requirements for Testing During Power Operation" of the combined Technical Specifications (TS) for the Diablo Canyon Nuclear Power Plant Unit Nos. 1 and 2. The specific TS changes are as follows:

(1) TS SR 4.1.3.1.2 is revised to change the frequency for testing the movability of the control rods from at least once per 31 days to at least once per 92 days.

(2) TS 3/4.3.2, Table 4.3-2, "Engineered Safety Features Actuation System Instrumentation Surveillance Requirements," Functional Unit 3.c.4), and TS 3/4.3.3.1, Table 4.3-3, "Radiation Monitoring Instrumentation for Plant Operations SRs," is revised to change the monthly channel functional test to quarterly.

(3) TS 3/4.5.1 is changed as follows: (a) TS SR 4.5.1.1a.1) is revised to more clearly state that the accumulator water volume and pressure must be verified to be within their limits. (b) TS SR 4.5.1.1b. is revised to specify that the boron concentration surveillance is not required to be performed if the accumulator makeup source was the refueling water storage tank (RWST). (c) TS SR 4.5.1.2 is relocated to plant procedures.

(4) TS SR 4.5.2c.2) is revised to clarify that a separate containment entry to verify the absence of loose debris is not required after each containment entry.

(5) TS SR 4.6.2.1d. is revised to change the frequency for a containment spray header flow test from at least once per 5 years to at least once per 10 years.

(6) TS SR 4.6.4.2a. is revised to change the verification of the minimum hydrogen recombiner sheath temperature from at least once per 6 months to at least once each refueling interval.

(7) TS SR 4.7.1.2.1 is revised to change the surveillance frequency for testing each auxiliary feedwater (AFW) pump from at least once per 31 days to at least once per 92 days on a staggered test basis.

(8) TS SR 4.10.1.2 is revised to lengthen the allowed period of time for a rod drop test from 24 hours to 7 days prior to reducing shutdown margin to less than the limits of TS 3.1.1.1.

(9) TS SR 4.11.2.6 is revised to change the surveillance frequency from 24 hours to 7 days when radioactive material is being added to the gas decay tanks and to add a requirement to monitor radioactive material concentrations in the gas decay tanks at least once per 24 hours when system degassing operations are in progress.

Date of issuance: May 26, 1995

Effective date: May 26, 1995, to be implemented within 60 days of issuance.

Amendment Nos.: Unit 1 - Amendment No. 102; Unit 2 Amendment No. 101

Facility Operating License Nos. DPR-80 and DPR-82: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1994 (59 FR 53843) The April 14, 1995, letter provided clarifying information and did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 26, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: December 30, 1994 (LAR 94-12)

Brief description of amendments: These amendments clarify the technical specifications (TS) issued in license amendments 84/83 associated with the Eagle 21 reactor protection system modification, delete TS references to RM-14A and RM-14B, remove cycle-specific TS requirements, and incorporate editorial corrections.

Date of issuance: June 2, 1995

Effective date: June 2, 1995, to be implemented within 30 days of issuance.

Amendment Nos.: Unit 1 - Amendment No. 103; Unit 2 - Amendment No. 102

Facility Operating License Nos. DPR-80 and DPR-82: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 15, 1995 (60 FR 14026) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 2, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: February 6, 1995, as supplemented by letters dated March 23, 1995, and May 22, 1995.

Brief description of amendments: The amendments would allow the storage of fuel with enrichments up to and including 5.0 weight percent U-235, would clarify that substitution of fuel rods with filler rods is acceptable for fuel designs that have been analyzed with applicable NRC-approved codes and methods, and would allow the use of ZIRLO fuel cladding in the future in addition to Zircaloy-4.

Date of issuance: June 7, 1995

Effective date: June 7, 1995, to be implemented within 30 days of issuance.

Amendment Nos.: Unit 1 - Amendment No. 104; Unit 2 - Amendment No. 103

Facility Operating License Nos. DPR-80 and DPR-82: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 1, 1995 (60 FR 11138) The licensee's supplemental letters provided additional clarifying information. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 7, 1995. No significant hazards consideration comments received: Yes. Comments were submitted by Jill ZamEk on behalf of the San Luis Obispo Mothers for Peace by letter dated March 30, 1995.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Pacific Gas and Electric Company, Docket No. 50-133, Humboldt Bay Power Plant, Unit 3, Humboldt County, California

Date of application for amendment: November 23, 1994, as supplemented April 27, 1995.

Brief description of amendment: This amendment revised the Technical Specifications Section VII.C., Plant Staff, to decrease the minimum staff requirements for the shift operating organization from five to two persons.

Date of issuance: May 31, 1995

Effective date: This license amendment is effective as of the date of

its issuance and must be fully implemented no later than 30 days from the date of issuance.

Amendment No.: 28Facility License No. DPR-7: The amendment revised the TS.

Date of initial notice in **Federal Register:** March 1, 1995 (60 FR 11139) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 31, 1995.No significant hazards consideration comments received: No.

Local Public Document Room location: Humboldt County Library, 636 F Street, Eureka, California 95501.

PECO Energy Company, Public Service Electric and Gas CompanyDelmarva Power and Light Company, and Atlantic City Electric Company,Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: February 10, 1995

Brief description of amendments: These amendments correct administrative errors in Section 4.11.A of the Technical Specifications (TSs). The errors were made in the TSs by Amendments 9 and 7 dated June 25, 1975.

Date of issuance: May 30, 1995

Effective date: May 30, 1995

Amendments Nos.: 202 and 205

Facility Operating License Nos. DPR-44 and DPR-56: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 26, 1995 (60 FR 20521) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 30, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

PECO Energy Company, Public Service Electric and Gas CompanyDelmarva Power and Light Company, and Atlantic City Electric Company,Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station,Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: September 26, 1994

Brief description of amendments: These amendments extend the surveillance test intervals and allowable out-of service times for the testing and or repair of instrumentation that actuate the Reactor Protection System, Primary Containment Isolation, Core and Containment Cooling systems, Control Rod Blocks, Radiation Monitoring systems and Alternate Rod Insertion/ Recirculation Pump Trip.

Date of issuance: June 6, 1995

Effective date: June 6, 1995

Amendments Nos.: 203 and 206

Facility Operating License Nos. DPR-44 and DPR-56: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 15, 1995 (60 FR 14027) The supplemental letters dated January 5, and March 23, 1995, provided clarifying information and did not change the initial proposed no significant hazards consideration determination.The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 6, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: April 30, 1993

Brief description of amendments: These amendments changed the Technical Specifications by deleting Section 3/4.3.8 of the Turbine Overspeed Protection System.

Date of issuance: June 1, 1995

Effective date: June 1, 1995

Amendment Nos.: 146 and 116

Facility Operating License Nos. NPF-14 and NPF-22. These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 9, 1993 (58 FR 32389) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 1, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: August 25, 1993, as supplemented by letters dated June 27, 1994, and May 5, 1995

Brief description of amendments: These amendments modify Technical Specification Surveillance Requirement 4.7.1.3 to require that all spray pond spray network piping above the frost line be drained at an ambient temperature below 40°F, and within 1 hour after being used only when the ambient air temperature is below 40°F.

Date of issuance: June 1, 1995

Effective date: June 1, 1995

Amendment Nos.: 90 and 54

Facility Operating License Nos. NPF-39 and NPF-85. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 29, 1993 (58 FR 50972) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 1, 1995.No significant hazards consideration comments received: No

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: August 30, 1994

Brief description of amendment: The changes relocate Technical Specification (TS) 3.3.7.9, Loose Parts Detection System (LPDS), Surveillance Requirement 4.3.7.9, and associated Bases from the TSs to the Updated Final Safety Analysis Report. The TS index is also revised by removing the reference to LPDS.

Date of issuance: May 25, 1995

Effective date: As of the date of issuance to be implemented within 60 days.

Amendment No.: 73

Facility Operating License No. NPF-57: This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 29, 1995 (60 FR 16197) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 25, 1995. No significant hazards consideration comments received: No

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070.

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: February 9, 1995

Brief description of amendments: The amendments revise the Administrative

Controls section of the Technical Specifications to reflect organizational changes and resultant management title changes.

Date of issuance: June 6, 1995
Effective date: June 6, 1995
Amendment Nos.: 168 and 150
Facility Operating License Nos. DPR-70 and DPR-75. The amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** March 29, 1995 (60 FR 16200) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 6, 1995.No significant hazards consideration comments received: No
Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama.

Date of application for amendments: March 6, 1995
Brief description of amendments: The amendments relocate the seismic and meteorological monitoring instrumentation from the Technical Specifications to the Final Safety Analysis Report in accordance with the "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," dated July 22, 1993.
Date of issuance: May 22, 1995
Effective date: As of the date of issuance to be implemented within 30 days
Amendment Nos.: 115 and 107
Facility Operating License Nos. NPF-2 and NPF-8: Amendments revise the Technical Specifications.
Date of initial notice in **Federal Register:** April 12, 1995 (60 FR 18628) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 22, 1995.No significant hazards consideration comments received: No
Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama 36302.

Tennessee Valley Authority, Docket No. 50-327, Sequoyah Nuclear Plant, Unit 1, Hamilton County, Tennessee

Date of application for amendment: April 6, 1995 (TS 95-09)
Brief description of amendment: The amendment modifies Operating License Condition 2.C.(25) to provide a limited extension of the ice condenser surveillance test interval on Unit 1 to coincide with the Cycle 7 refueling outage.
Date of issuance: May 30, 1995
Effective date: May 30, 1995
Amendment No.: 200
Facility Operating License Nos. DPR-77: Amendment revises the technical specifications.
Date of initial notice in **Federal Register:** April 26, 1995 (60 FR 20526) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1995.No significant hazards consideration comments received: None
Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: April 6, 1995
Brief description of amendments: The amendments revise the surveillance requirement for the power range neutron flux channel calibration frequency from monthly to every 31 effective full power days and delays first performance of the surveillance after reaching 15 percent power for 96 hrs.
Date of issuance: May 30, 1995
Effective date: May 30, 1995
Amendment Nos.: 199 and 190
Facility Operating License Nos. DPR-77 and DPR-79: Amendments revise the technical specifications.
Date of initial notice in **Federal Register:** April 26, 1995 (60 FR 20530) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1995.No significant hazards consideration comments received: None
Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: April 6, 1995
Brief description of amendments: The amendments revise the definition of core alteration, quadrant power tilt ratio, and modifies the operational mode parameters table in the Unit 1 technical specifications.
Date of issuance: June 1, 1990
Effective date: June 1, 1990
Amendment Nos.: 201 and 191
Facility Operating License Nos. DPR-77 and DPR-79: Amendments revise the technical specifications.
Date of initial notice in **Federal Register:** April 26, 1995 (60 FR 20531) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 1, 1995.No significant hazards consideration comments received: None
Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

TU Electric Company, Docket Nos. 50-445 and 50-446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: February 14, 1994 (TXX-94046 LAR 94-006)
Brief description of amendments: The proposed changes would revise the Technical Specifications (TSs) for Comanche Peak Steam Electric Station, Units 1 and 2 in the following three areas: 1) a change to the allowable value for the Unit 2 pressurizer pressure-low and Unit 2 overtemperature N-16 (OTN-16) reactor trip setpoints; 2) an administrative change to delete an option which allowed continued operation for a period of time when a reactor trip system (RTS) or engineered safety features actuation system (ESFAS) instrumentation or interlocks trip setpoint is found less conservative than the allowable value; and 3) an administrative change to combine the Unit 1 and Unit 2 line items for RTS or ESFAS trip setpoint and allowable values which are the same.
Date of issuance: May 31, 1995
Effective date: May 31, 1995, to be implemented within 30 days.
Amendment Nos.: Unit 1 - Amendment No. 41; Unit 2 - Amendment No. 27
Facility Operating License Nos. NPF-87 and NPF-89. The amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** June 22, 1994 (59 FR 32238) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 31, 1995.No significant hazards consideration comments received: No.
Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019.

Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: March 24, 1995
Brief description of amendment: The amendment relaxes the requirement to

sample the accumulator after refilling from the RWST.

Date of issuance: May 30, 1995

Effective date: May 30, 1995, to be implemented within 30 days of issuance.

Amendment No.: Amendment No. 87

Facility Operating License No. NPF-42. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 12, 1995 (60 FR 18632) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1995.No significant hazards consideration comments received: No. Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 14th day of June, 1995.

For the Nuclear Regulatory Commission

John N. Hannon,

Acting Deputy Director, Division of Reactor Projects - III/IV, Office of Nuclear Reactor Regulation

[Doc. 95–15057 Filed 6–20–95; 8:45]

BILLING CODE 7590–01–F

[Docket No. 50–255]

Consumers Power Company (Palisades Plant); Exemption

I

Consumers Power Company (CPCo, the licensee) is the holder of Facility Operating License No. DPR–20 which authorizes operation of the Palisades Plant, a pressurized water reactor (PWR) located in Van Buren County, Michigan. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

Pursuant to 10 CFR 50.12(a), the NRC may grant exemptions from the requirements of the regulations (1) which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) where special circumstances are present.

Section III.D.1.(a) of Appendix J to 10 CFR part 50 requires the performance of three Type A containment integrated leakage rate tests (ILRTs), at approximately equal intervals during each 10-year service period of the primary containment. The third test of each set shall be conducted when the plant is shut down for the 10-year inservice inspection of the primary containment.

III

By letter dated March 17, 1995, as supplemented April 26, 1995, CPCo requested temporary relief from the requirement to perform a set of three Type A tests at approximately equal intervals during each 10-year service period of the primary containment. The requested exemption would permit a one-time interval extension of the third Type A test by approximately 21 months (from the 1995 refueling outage, currently scheduled to begin in May 1995, to the 1997 refueling outage) and would permit the third Type A test of the second 10-year inservice inspection period to not correspond with the end of the current American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) inservice inspection interval.

The licensee's request cites the special circumstances of 10 CFR 50.12, paragraphs (a)(2) (ii) and (iii), as the basis for the exemption, and states that the exemption would eliminate a cost of $1 million for the Type A test which is not necessary to achieve the underlying purpose of the rule. 10 CFR part 50 Appendix J, states that the purpose of the Type A, B, and C tests is to assure that leakage through the primary containment shall not exceed the allowable leakage rate values as specified in the technical specifications or associated bases. CPCo points out that the existing Type B and C testing programs are not being modified by this request and will continue to effectively detect containment leakage caused by the degradation of active containment isolation components as well as containment penetrations. It has been the experience at the Palisades Plant that, with the exception of the 1978 test results, during the six Type A tests conducted from 1974 to date, any significant containment leakage paths are detected by the Type B and C testing. The Type A test results have only been confirmatory of the results of the Type B and C test results. The testing history, structural capability of the containment, and the risk assessment establish that there is significant assurance that the extended interval between Type A tests will not adversely impact the leak-tight integrity of the containment and that performance of the Type A test is not necessary to meet the underlying purpose of Appendix J. The licensee also references the proposed revision to Appendix J which would reduce the frequency of Type A tests.

IV

Section III.D.1.(a) of Appendix J to 10 CFR part 50 states that a set of three Type A leakage rate tests shall be performed at approximately equal intervals during each 10-year service period.

The licensee proposes an exemption to this section which would provide a one-time interval extension for the Type A test by approximately 21 months. The Commission has determined, for the reasons discussed below, that pursuant to 10 CFR 50.12(a)(1) this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2) (ii) and (iii), are present justifying the exemption; namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule and would impose excessive cost.

The underlying purpose of the requirement to perform Type A containment leak rate tests at intervals during the 10-year service period is to ensure that any potential leakage pathways through the containment boundary are identified within a time span that prevents significant degradation from continuing or becoming unknown. The NRC staff has reviewed the basis and supporting information provided by the licensee in the exemption request. The NRC staff has noted that the licensee has a good record of ensuring a leak-tight containment following the submittal of its Corrective Action Plan on June 30, 1986. The Corrective Action Plan was submitting following three consecutive Type A test failures, of which one was the 1978 test failure. However, the licensee has noted that the containment penetration local leak rate tests (LLRT, Type B and C tests) accounted for the majority of the before maintenance adjustment to the as-found ILRT (Type A) results during the as-found test failures. The penetration associated with the 1978 test failure was significantly modified in the mid-1980's to improve the LLRT test configuration to properly monitor the entire penetration boundary. In addition, the licensee aggressively replaced or repaired the valves and penetrations that accounted for the as-found test failures, with no repeat occurrences.

The NRC staff reviewed the LLRT Corrective Action Plan and granted an

exemption to Appendix J for Palisades on September 17, 1987. The exemption stated that if the conditions of the Plan were met, and the next scheduled Type A test was successfully completed, then normal resumption of the Type A test frequency would be allowed. The two following Type A tests (11/88 and 2/91) passed with significant margin and the licensee has noted that the LLRT Correction Action Plan was successful in eliminating original plant design, maintenance, and testing deficiencies. In addition, the licensee notes that the results of the Type A testing have been confirmatory of the Type B and C tests which will continue to be performed. The licensee has stated that it will perform the general containment inspection although it is required by Appendix J (Section V.A.) to be performed only in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary.

The Palisades containment structure consists of a post-tensioned, reinforced concrete cylinder and dome connected to and supported by a reinforced concrete foundation slab. The containment structure is designed to ensure that leakage will not exceed 0.1% per day by weight at the peak pressure of the design basis accident. A concrete shield building surrounds the containment vessel, providing a shield building annulus between the two structures. Penetrations of the containment vessel for piping, electrical conductors, ducts, and access hatches are provided with double barriers against leakage.

The NRC staff has also made use of the information in a draft staff report, NUREG–1493, "Performance-Based Containment Leak-Test Program," which provides the technical justification for the present Appendix J rulemaking effort which also includes a 10-year test interval for Type A tests. The ILRT, or Type A test, measures overall containment leakage. However, operating experience with all types of containments used in this country demonstrates that essentially all containment leakage can be detected by LLRTs (Type B and C). According to results given in NUREG–1493, out of 180 ILRT reports covering 110 individual reactors and approximately 770 years of operating history, only 5 ILRT failures were found which local leakage rate testing could not detect. This is 3% of all failures. This study agrees well with previous NRC staff studies which show that Type B and C testing can detect a very large percentage of containment leaks. The Palisades Plant experience has also been consistent with these results.

The Nuclear Management and Resources Council (NUMARC), now the Nuclear Energy Institute (NEI), collected and provided the NRC staff with summaries of data to assist in the Appendix J rulemaking effort. NUMARC collected results of 144 ILRTs from 33 units; 23 ILRTs exceeded $1L_a$. Of these, only nine were not Type B or C leakage penalties. The NEI data also added another perspective. The NEI data show that in about one-third of the cases exceeding allowable leakage, the as-found leakage was less than $2L_a$; in one case the leakage was found to be approximately $2L_a$; in one case the as-found leakage was less than $3L_a$; one case approached $10L_a$; and in one case the leakage was found to be approximately $21L_a$. For about half of the failed ILRTs the as-found leakage was not quantified. These data show that, for those ILRTs for which the leakage was quantified, the leakage values are small in comparison to the leakage value at which the risk to the public starts to increase over the value of risk corresponding to L_a (approximately $200L_a$, as discussed in NUREG–1493). Therefore, based on these considerations, it is unlikely that an extension of one cycle for the performance of the Appendix J, Type A test at the Palisades Plant would result in significant degradation of the overall containment integrity. As a result, the application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule, and compliance would impose excess cost and undue hardship. Therefore, special circumstances exist pursuant to 10 CFR 50.12(a)(2) (ii) and (iii).

Based on the generic and plant-specific data, the NRC staff finds the basis for the licensee's proposed one-time schedular exemption to allow an extension of one cycle for the performance of the Appendix J, Type A test, provided that the general containment inspection is performed, to be acceptable, pursuant to 10 CFR 50.12(a) (1) and (2).

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will not have a significant effect on the quality of the human environment (60 FR 30115).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 14th day of June 1995.

For the Nuclear Regulatory Commission.

John N. Hannon,

Acting Deputy Director, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–15143 Filed 6–20–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–424–OLA–3 50–425–OLA–3; Re: License Amendment (Transfer to Southern Nuclear) ASLBP No. 96–671–01–OLA–3]

Atomic Safety and Licensing Board; Notice (Evidentiary Hearing)

In the matter of Georgia Power Company, *et al.* (Vogtle Electric Generating Plant, Units 1 and 2)

Before Administrative Judges: Peter B. Bloch, Chair; Dr. James H. Carpenter; Thomas D. Murphy.

Pursuant to 10 CFR 2.752, the public evidentiary hearing will continue at 9 am on July 6–8, 1995, at the Hearing Room (T 3 B45), Two White Flint North, 11545 Rockville Pike, Rockville, Maryland.

The purpose of the hearing is to receive evidence concerning alleged misrepresentations about diesel generators at the Vogtle Nuclear Power Plant. The hearing is expected to continue at 9 am on July 11–14 and 17–20 at: Savannah Rapids Pavilion, 3300 Evans-to-Locks road, Martinez, Georgia 30907, (706) 868–3349 or 3431.

The Board anticipates the possibility that the July 11–14 hearing days may be rescheduled to be held at the hearing room in Rockville, Maryland.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chair, Rockville, Maryland.

[FR Doc. 95–15134 Filed 6–20–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–443 (License No. NPF–86]]

North Atlantic Energy Service Corp. (Seabrook Station, Unit No. 1); Exemption

I

North Atlantic Energy Service Corporation (North Atlantic or the licensee) is the holder of Facility Operating License No. NPF–86, which authorizes operation of Seabrook Station, Unit No. 1 (the facility or Seabrook), at a steady-state reactor power level not in excess of 3411 megawatts thermal. The facility is a pressurized water reactor located at the licensee's site in Rockingham County, New Hampshire. The license provides among other things, that it is subject to

all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II

Part 73 of Title 10 of the *Code of Federal Regulations* prescribes the requirements for the physical protection of plants and materials. Paragraph 10 CFR 73.55(a), *Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage,* states, in part, "The licensee shall establish and maintain an onsite physical protection system and security organization which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health safety."

Paragraph 10 CFR 73.55(d)(1), *Access Requirement,* specifies that "The licensee shall control all points of personnel and vehicle access into a protected area." Paragraph 10 CFR 73.55(d)(5) requires that "A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort." Paragraph 73.55(d)(5) allows an individual not employed by the licensee to be authorized access to protected areas without escort provided, among other requirements, the individual receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area.

North Atlantic plans to implement a biometric access control system which would eliminate the need to issue and retrieve badges at each entrance/exit location and would allow all individuals with unescorted access to retain their badge when leaving the protected area.

An exemption from a requirement of 10 CFR 73.55(d)(5) is required to allow North Atlantic to permit individuals who have unescorted access but who are not employees of North Atlantic to retain their badges instead of returning them when leaving the protected area. By letter dated October 17, 1994, North Atlantic requested an exemption from a requirement of 10 CFR 73.55(d)(5) for this purpose. Supplemental information was submitted by North Atlantic by letters dated February 13, 1995, April 26, 1995, and May 12, 1995.

III

Pursuant to 10 CFR 73.5, *Specific exemptions,* the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions in this part as it determines are (1) authorized by law and will not endanger life or property or the common defense and security, and (2) are otherwise in the public interest.

Pursuant to 10 CFR 73.55, the Commission may authorize a licensee to provide alternative measures for protection against radiological sabotage provided the licensee demonstrates that the alternative measures have the same high assurance objective and that the overall level of protection of system performance provides equivalent protection against radiological sabotage as would otherwise be provided and meets the general performance requirements of the regulation.

Currently, unescorted access into the protected area of Seabrook is controlled through the use of a numbered picture badge and a separate keycard attached to the badge. The security personnel at the entrance to the protected area use the photograph on the badge to confirm visually the identify of the individual requesting access. The individual is then given the badge and keycard to allow access. The badge and keycard are returned for storage when the individual leaves the protected area. The same procedure is used for issuing and retrieving badges and keycards for both North Atlantic employees and individuals who are not North Atlantic employees who have been granted unescorted access. Thus, the requirement of 10 CFR 73.55(d)(5) that individuals not employed by the licensee are not allowed to take badges from the protected area is met in that no individual is allowed to take a badge or keycard from the protected area.

Under the biometric access control system, the physical characteristics of the hand (hand geometry) of each individual who is authorized for unescorted entry into the Seabrook protected area will be registered with the individual's badge number and keycard number in the access control computer. Access is controlled by placing the individual's keycard into the card reader causing the access control computer to retrieve the hand geometry template registered with the keycard. Next, the hand of the individual requesting access is placed on a measuring surface; the computer then compares the measured hand geometry to the hand geometry template registered with the keycard. If the characteristics of the measured hand geometry match the template stored in the computer, access is granted. If the characteristics do not match, access is denied. This provides a nontransferable means of identifying that the individual possessing the keycard is the individual who was granted unescorted access. It also provides a positive means of assuring that a lost or stolen badge and/or keycard could not be used to gain access, thus eliminating the need to issue and retrieve the badges and keycards while maintaining the same high level of assurance that access is granted to only authorized individuals. All other access processes, including search function capability, would remain the same. The system will not be used for persons requiring escorted access. The access process will continue to be under the observation of security personnel located within a hardened cubicle who have final control over the release of the station entrance turnstiles. A numbered picture badge visual identification system will continue to be used for all individuals who are authorized unescorted access to the protected area. Badges will continue to be displayed by all individuals while inside the protected area.

North Atlantic will use hand geometry equipment which will meet the detection probability of 90 percent with a 95 percent confidence level. Testing evaluated by Sandia National Laboratory (Sandia Laboratory report, "A Performance Evaluation of Biometric Identification Devices," SAND91–0276 UC–906 Unlimited Release, Printed June 1991), demonstrated that the proposed hand geometry system is capable of meeting this detection probability and confidence level. Based upon the results reported in the Sandia report and on North Atlantic's experience with the current photo-identification system, North Atlantic asserts that the biometric access control system will increase reliability above that of the current system. North Atlantic will implement a testing program to ensure that the biometric access control system will maintain the expected level of system performance. The Physical Security Plans for the site will be revised to include implementation and testing of the biometric access control system and to allow North Atlantic employees and other individuals authorized unescorted access to retain their badges and keycards when leaving the protected area.

IV

For the foregoing reasons, pursuant to 10 CFR 73.55, the NRC staff has determined that the proposed alternative measures for protection against radiological sabotage have the same high assurance objective and meets the general performance requirements of the regulation and that the overall level of system performance provides protection against radiological

sabotage equivalent to that which would be provided by the regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, an exemption is authorized by law, will not endanger life or property or common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants North Atlantic Energy Service Corporation an exemption from the requirement of 10 CFR 73.55(d)(5) relating to the returning of picture badges upon exit from the protected area such that individuals who are authorized unescorted access into the protected area but who are not employed by North Atlantic, can take their badges from the protected area.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant adverse environmental impact (60 FR 30118).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 14th day of June 1995.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–15139 Filed 6–20–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–0299]

Receipt of Application From Umetco Minerals Corporation To Amend License Condition 59 of Source Material License SUA–648

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of licensee request to amend source material license.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has received, by letter dated April 21, 1995, an application from Umetco Minerals Corporation (Umetco) to amend License Condition (LC) 59 of Source Material License No. SUA–648.

The license amendment application proposes to modify LC 59 to change the completion dates for four site-reclamation milestones. The new dates proposed by Umetco would extend completion of (1) placement of final radon barrier on the A–9 Impoundment by one year, and (2) placement of erosion protection on the Inactive Impoundment, the A–9 Impoundment, and the Heap Leach Impoundment by one year.

FOR FURTHER INFORMATION CONTACT: Mohammad W. Haque, High-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–6640.

SUPPLEMENTARY INFORMATION: The portions of LC 59 with the proposed changes would read as follows:

A. (3) Placement of final radon barrier designed and constructed to limit radon emissions to an average flux of no more than 20 pCi/m²/s above background:

For the A–9 Impoundment—December 31, 1996.

B. (1) Placement of erosion protection as part of reclamation to comply with Criterion 6 of 10 CFR Part 40:

For the Inactive Impoundment—December 31, 1997.

For the A–9 Impoundment—December 31, 1997.

For the Heap Leach Impoundment—December 31, 1997.

Umetco's application to amend LC 59 of Source Material License SUA–648, which describes the proposed changes to the license condition and the reason for the request is being made available for public inspection at the Commission's Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC 20555. The licensee and any person whose interest may be affected by the issuance of this license amendment may file a request for hearing. A request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this notice in the **Federal Register**; be served on the NRC staff (Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852); be served on the licensee (Umetco Minerals Corporation, P.O. Box 1029, Grand Junction, Colorado 81502); and must comply with the requirements set forth in the Commission's regulations, 10 CFR 2.105 and 2.714. The request for hearing must set forth with particularity the interest of the petitioner in the proceedings and how that interest may be affected by the results of the proceedings, including the reasons why the request should be granted, with particular reference to the following factors:

1. The nature of the petitioner's right under the Atomic Energy Act, to be made a party to the proceedings;

2. The nature and extent of the petitioner's property, financial or other interest in the proceedings; and

3. The possible effect on the petitioner's interest, of any order which may be entered in the proceedings.

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 14th day of June 1995.

John O. Thoma,

Acting Chief, High-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 95–15136 Filed 6–20–95; 8:45 am]

BILLING CODE 7590–01–M

PHYSICIAN PAYMENT REVIEW COMMISSION

Request for Proposals

AGENCY: Physician Payment Review Commission.

ACTION: Notice.

The Physician Payment Review Commission is soliciting proposals to conduct a telephone interview of Medicare beneficiaries who are either enrolled in or disenrolled from a Medicare managed care plan. The survey's purpose is to gather information about these beneficiaries' experiences with Medicare managed care, particularly on beneficiary access to care. This notice describes the application procedures, general policy considerations, and criteria to be used in reviewing applications for prospective grants and contracts submitted to the Commission.

Background on the Commission

The Physician Payment Review Commission was established in 1986 (P.L. 99–272) to advise the U.S. Congress on physician payment policy under Part B of the Medicare program, and its mandate was later expanded to include consideration of a broader set of interrelated policies affecting the financing, quality, and delivery of health services. The 13-member Commission brings together the perspectives of physicians and other health professionals, consumers and the elderly, purchasers, managed care organizations, and experts in health services and health economics research. The Commission maintains a multidisciplinary staff that conducts and manages all the analytical work that supports its recommendations to the Congress.

The Commission submits an annual report to the Congress on March 31. It also submits a series of reports in May of each year concerning Medicare expenditures and fee updates, access to care, the financial liability of Medicare

beneficiaries, and comments on the President's budget. The Commission has published analyses and recommendations relevant to this solicitation on topics such as ensuring access to care for vulnerable populations, approaches to health plan quality assurance, and improving Medicare risk program payment policy.

Description of Proposal Topic

Although beneficiary enrollment currently remains low, managed care is expected to play an increasingly large role in the future of the Medicare program. In response to this expectation, the Commission has begun to develop an approach for evaluating Medicare managed care enrollees' access to care as a component of its ongoing work in monitoring access for beneficiaries generally. Sources of information for use in monitoring Medicare managed care enrollees' access to care are currently limited, however. Encounter data are unavailable, for example. Also, the Medicare Current Beneficiary Survey (MCBS), which provides information about beneficiary experience in obtaining care, is not a useful source of information on beneficiaries enrolled in managed care plans because the number of enrollees in its sample is small and geographically clustered.

Because existing data for monitoring access for this population are insufficient, the Commission seeks to develop, test, and field a questionnaire for use in surveying Medicare beneficiaries who are either enrolled in or disenrolled from Medicare managed care plans. This survey would be used to obtain information about Medicare beneficiaries' experiences with managed care plans, and how those experiences affect their access to care. The managed care experiences of certain vulnerable subgroups of the beneficiary population may be analyzed and compared to those of the general beneficiary population. The survey instrument would use some questions from the MCBS to permit comparisons with beneficiaries in the fee-for-service sector, and would also adapt or develop other questions more appropriate to managed care. The survey results would provide information about beneficiary experience with managed care plans that could potentially be used as a baseline for comparison with the results of future studies. The information is expected to be used by the Commission to help assess the effects of potential health policy initiatives and to formulate policy recommendations. Also, the Commission expects that the survey will yield experience relevant to the design of future Medicare beneficiary surveys for the collection of information specific to Medicare managed care enrollees.

In particular, the Commission seeks to gain insight into Medicare managed care enrollee and disenrollee experiences with or perception of the following:

- access to care, including the timely availability of needed services, experience in obtaining a primary care physician upon enrollment and in cases where a physician leaves the plan, ability to find a physician, waiting times for appointments, travel distance to provider, barriers to care, and adequacy of access to specialists, as well as the perceived impact of supplemental benefits provided by the plan and of case management or disease management programs provided;
- utilization of services, including preventive care, acute care, home health care, rehabilitation care, reasons for and experience with out-of-plan service utilization, and experience in obtaining costly or experimental services in circumstances in which they might be indicated;
- level of satisfaction with various aspects of managed care experiences, including access to care, quality of care, care management or coordination efforts, choice of providers, and financial liability;
- degree of awareness and understanding of managed care plan arrangements, including incentives, service arrangements, restrictions on or consequences of out-of-plan service use, and enrollees' rights and responsibilities;
- aspects of managed care plan enrollment that bear on access to care, such as sources of beneficiary information on enrollment and options, and experience with the enrollment process;
- primary and contributing reasons for continuing enrollment and, where applicable, disenrollment; and
- nature and extent of any problems with discontinuity of care when switching to or from a managed care plan, including experiences with obtaining or retaining supplemental insurance and with changing providers.

As a component of the survey analysis, the Commission seeks to identify characteristics of beneficiaries and of managed care plans that affect beneficiary experience with access to care. To that end, the survey questionnaire should include background questions on relevant characteristics of beneficiaries who have experience in a managed care plan and relevant characteristics of the plans they have enrolled in or disenrolled from.

The sample size will be determined by technical feasibility and resource constraints. Projects should be bid at the sample size that the Offeror believes to be appropriate. For comparability purposes, a budget based on a simple size of 2,000 should be included in the Offeror's business proposal. The Commission is exempt from Office of Management and Budget regulations regarding the clearance of forms and survey instruments.

The contractor will perform the following tasks:

1. Conduct a review of relevant survey or other research findings.
2. Refine survey topics, including suggesting additional survey topics to meet the Commission's needs, develop the survey instrument in consultation with Commission staff, and pilot test the full instrument.
3. Determine the appropriate sampling design and sample size, and select a random sample of Medicare beneficiaries who are either enrolled in or disenrolled from a Medicare managed care plan.
4. Conduct the telephone interviews.
5. Deliver to the Commission a documented, cleaned, computer data file of the responses by July 15, 1996.
6. Deliver a draft report of the methodology and results of the survey to the Commission by August 5, 1996.
7. Deliver to the Commission the final written report of the survey's methodology and results by September 2, 1996.

The Commission plans to award a contract in September 1995.

Formal Proposals

Proposals must conform to the requirements specified in the Commission's formal Request for Proposals, which will be made available to applicants on June 29, 1995. The following provides an outline of what should be contained in the formal proposal:

1. Suggestions for additional topic areas to meet the Commission's needs (described more fully in the Request for Proposals) and examples of questions to address specific topics of interest.
2. Plans for developing and testing the survey instrument, including the use and adaptation of previously validated questions where applicable, and discussion of the types of questions from the MCBS that would be most appropriate and useful in obtaining comparability of relevant survey results.
3. Plans for determining the appropriate sampling design and sample size, and for obtaining a random sample of beneficiaries who are either enrolled or disenrolled from a Medicare managed

care plan. Plans for oversampling certain groups thought to be vulnerable to access problems should be included. The Commission will provide a data set of beneficiaries and relevant characteristics for sample generation.

4. Methods to be used to obtain an adequate response rate.

5. Detailed description of how the interviews will be carried out, including the training of interviewers, and method to achieve reliable results.

6. Analysis plan.

7. Discussion of problems that may be encountered and strategies for resolving them.

8. Work plan including description of tasks, time schedule, level of effort for key individuals, and the number of days devoted to each task.

9. Description of the organizational experience and resources and the qualifications of key project staff, demonstrating their understanding of the Medicare program and managed care, experience with the design and conduct of telephone interview surveys of Medicare beneficiaries or the elderly, and the ability to complete successfully the preceding tasks.

10. Detailed budget providing justifications and explanations for amounts required for each task of the project.

Review of Proposals

Proposals will be reviewed by a panel composed of at least three individuals, at least one of whom will not be affiliated with the Commission. Reviewers will score applications and make recommendations based on the criteria published in the Commission's Request for Proposals, Part IV, Section M, "Technical Evaluation and Criteria for Award."

General Information

Authority

The Commission's authority for making these awards is based on Section 1845(c)(2)(B) of the Social Security Act (42 U.S.C. Section 1359w–1).

Regulations

General policies and procedures that govern the administration of contracts and grants are located in Title 45 of the CFR parts 74 and 92. Applicants are urged to review the requirements contained in those regulations.

Submission Address

Physician Payment Review Commission,2120 L Street NW, Suite 200,Washington, DC 205037.

Submission Deadline

In order to be considered under this Request for Proposals, complete proposals must be received in the Commission's office no later than close of business, Friday, July 28, 1995.

Obligation

Ths solicitation in no way obligates the Commission to fund any applicant.

Date:

June 15, 1995.

Contact:

Elizabeth Docteur, Analyst, Physician Payment Review Commission, 2120 L Street NW., Suite 200, Washington, DC 20037, (202) 653–7220.

Lauren B. LeRoy,

Acting Executive Director.

[FR Doc. 95–15115 Filed 6–20–95; 8:45 am]

BILLING CODE 6820–SE–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 21138; 811–5389]

The American Express Funds; Notice of Application for Deregistration

June 15, 1995.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: The American Express Funds.

RELEVANT ACT SECTION: Order requested under section 8(f).

SUMMARY OF APPLICATION: Application seeks an order declaring it has ceased to be an investment company.

FILING DATES: The application was filed on May 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 10, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, American Express Tower, World Financial Center, New York, New York 10285–3400.

FOR FURTHER INFORMATION CONTACT: Marianne H. Khawly, Staff Attorney, at (202) 942–0562, or H.R. Hallock, Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a diversified, open-end, registered investment company organized as a Massachusetts's business trust. On November 12, 1987, applicant filed a Notification of Registration on Form N–8A pursuant to section 8(a) of the Act and a registration statement was declared effective on April 7, 1988 and applicant's initial public offering commenced shortly thereafter.

2. Applicant consists of nine separate series: American Express Money Market Fund ("Money Market Fund"); American Express Corporate Bond Fund ("Corporate Bond Fund"); American Express U.S. Government Income Fund ("U.S. Government Income Fund"); American Express Equity Growth Fund ("Equity Growth Fund"); American Express Equity Value Fund ("Equity Value Fund"); American Express Tax-Free Money Market Fund ("Tax-Free Money Market Fund"); American Express Tax-Free Municipal Bond Fund ("Tax-Free Municipal Bond Fund"); American Express Intermediate Term Bond Fund ("Intermediate Term Bond Fund"); and American Express International Equity Fund ("International Equity Fund") (collectively, the "Funds").

3. On November 1, 1991, applicant's Board of Trustees (the "Board") approved a reorganization plan whereby all or substantially all of the assets of each series of applicant would be exchanged for shares of beneficial interest of corresponding series of The Dreyfus/Laurel Funds Trust, The Dreyfus/Laurel Investment Series, and the Dreyfus/Laurel Tax-Free Municipal Funds (collectively, the "Acquiring Funds").

4. Based on a study conducted by the applicant's investment manager, American Express Service Corporation ("American Express"), and American Express Travel Related Services Company, Inc. ("TRS"), the parent of American Express, the Board concluded

that greater operational efficiencies would be achieved upon a reorganization of applicant with other American Express affiliated funds with a greater level of assets. The Board approved the reorganization based on the similarity of investment objectives and shareholder privileges between the Funds and the corresponding series of the Acquiring Funds, the increased investment diversification that would be available to shareholders of a larger group of funds, the shift in focus of applicant's sponsor to unrelated businesses, and the tax-free nature of the reorganization.

5. Because applicant and the Acquiring Funds had investment advisers that may have been deemed to be under "common control" within the meaning of section 2(a)(9), thereby rendering applicant and the Acquiring Funds "affiliated persons" within the meaning of section 2(a)(3)(C), the proposed reorganizations were subject to the prohibition of section 17(a) against affiliated transactions. Consequently, applicant, the Acquiring Funds, and TRS applied for and were granted relief from section 17(a),[1] on the grounds that, among other things, the reorganizations were represented to be consistent with the policies and purposes underlying rule 17a–8 under the Act.

6. Proxy materials previously had been mailed to shareholders on or about December 26, 1990. On February 4, 1992, the Funds' shareholders approved the reorganization. On February 7, 1992, applicant transferred all of the assets and liabilities of the Funds to the individual series of the Acquiring Funds, as follows: (a) Money Market Fund (40,350,320 shares outstanding with an aggregate and per share net asset value of $40,345,504 and $1.00, respectively) to Prime Money Market Fund in exchange for shares of Prime Money Market Fund; (b) Corporate Bond Fund (139,755 shares outstanding with an aggregate and per share net asset value of $1,710,067 and $12.24, respectively) to Managed Income Fund in exchange for shares of Managed Income Fund; (c) U.S. Government Income Fund (160,235 shares outstanding with an aggregate and per share net asset value of $1,917,117 and $11.96, respectively) to Limited Term Government Securities Fund in exchange for shares of Limited Term Government Securities Fund; (d) Equity Growth Fund (256,115 shares outstanding with an aggregate and per share net asset value of $6,033,829 and $23.56, respectively) to Special Growth Fund in exchange for shares of Special Growth Fund; (e) Equity Value Fund (172,484 shares outstanding with an aggregate and per share net asset value of $2,248,418 and $13.04, respectively) to Core Value Fund in exchange for shares of Core Value Fund; (f) Tax-Free Money Market Fund (15,494,982 shares with an aggregate and per share net asset value of $15,496,605 and $1.00, respectively) to Tax-Exempt Money Market Fund in exchange for shares of Tax-Exempt Money Market Fund; (g) Tax-Free Municipal Bond Fund (118,945 shares outstanding with an aggregate and per share net asset value of $1,531,076 and $12.87, respectively) to Limited Term Municipal Bond Fund in exchange for shares of Limited Term Municipal Bond Fund; (h) Intermediate Term Bond Fund (145,310 shares outstanding with an aggregate and per share net asset value of $1,786,922 and $12.30, respectively) to Short-Term Bond Fund in exchange for shares of Short-Term Bond Fund; and (i) International Equity Fund (136,326 shares outstanding with an aggregate and per share net asset value of $1,651,911 and $12.12, respectively) to International Fund in exchange for shares of International Fund.

7. Shares of each series of the Acquiring Funds were immediately distributed to applicant's shareholders. Each shareholder of a Fund received, in exchange for his or her shares in the Fund, shares of the corresponding series of the Acquiring Funds having an aggregate net asset value equal to the net asset value of his or her investment in the Fund.

8. Total expenses of the reorganization were approximately $200,000 and consisted of accounting, printing, administrative and legal fees. Such expenses were borne by American Express, TRS, and The Boston Company Advisors, Inc., applicant's administrator. No portion of such expenses were paid by applicant.

9. As of the date of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant will terminate its existence as a Massachusetts business trust.

[1] Cash Management Fund, *et al.*, Investment Company Act Release Nos. 18474 (notice) (Jan. 8, 1992) and 18518 (order) (Feb. 4, 1992).

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–15119 Filed 6–20–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21137; No. 812–9400]

Western National Life Insurance Company, et al.

June 15, 1995.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order pursuant to the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Western National Life Insurance Company ("Western National"), WNL Separate Account A (the "Separate Account"), and WNL Brokerage Services, Inc. ("WNL").

RELEVANT 1940 ACT SECTIONS: Order requested pursuant to Section 6(c) of the 1940 Act granting exemptions from the provisions of Sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) thereof.

SUMMARY OF APPLICATION: Applicants seek an order granting exemptive relief to the extent necessary to permit the issuance of variable annuity contracts ("Existing Contracts") providing for a recapturable bonus equal to one percent of initial purchase payments, and the deduction of mortality and expense risk and enhanced death benefit charges from the assets of the Separate Account. Exemptive relief also is requested to the extent necessary to permit the provision of the recapturable bonus in connection with, and the deduction of the mortality and expense risk and enhanced death benefit charges from, and other separate account established in the future by Western National, in connection with the issuance and sale of annuity contracts that will be offered on a basis that is substantially similar in all material respects to the Existing Contracts ("Future Contracts," together with Existing Contracts, the "Contracts"), which may be sold in the future by the Separate Account or other separate accounts ("Future Accounts," together with the Separate Account, the "Accounts") established in the future by Western National in connection with the issuance of Contracts.

FILING DATE: The application was filed on December 21, 1994, and amended on June 14, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request

a hearing on the application by writing to the Secretary of the Commission and serving the Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on July 10, 1995, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, DC 20549. Applicants, Dwight L. Cramer, Western National Life Insurance Company, 5555 San Felipe, Suite 900, Houston, Texas 77056. Copies to Judith A. Hasenauer, Blazzard, Grodd & Hasenauer, P.C. 943 Post Road East, P.O. Box 5108, Westport, Connecticut 06881.

FOR FURTHER INFORMATION CONTACT: Kevin Kirchoff, Senior Counsel, or Patrice M. Pitts, Special Counsel, at (202) 942–0670, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the Public Reference Branch of the Commission.

Applicants' Representations

1. Western National is a stock life insurance company incorporated under the laws of the State of Texas. Western National is licensed to do business in 46 states and the District of Columbia. WNL, an affiliate of Western National, will serve as distributor of the Contracts. WNL is registered as a broker-dealer under the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers.

2. The Separate Account was established as a segregated asset account pursuant to a resolution of the Board of Directors of Western National on November 9, 1994, to act as a funding medium for certain annuity contracts. The Separate Account is registered with the Commission pursuant to the 1940 Act as a unit investment trust.

3. The Separate Account presently consists of eight subaccounts, each of which will invest in the shares of one of the portfolios of WNL Series Trust (the "Trust"). Additional subaccounts may be created to invest in any additional portfolios of the Trust which may be added in the future, or in other funding vehicles. The Trust is registered under the 1940 Act as an open-end management investment company.

4. The assets of the Separate Account are the property of Western National. However, the assets of the Separate Account, equal to the reserves and other contract liabilities with respect to the Separate Account, are not chargeable with liabilities arising out of any other business Western National may conduct. Income, gains and losses, whether or not realized, are, in accordance with the Contracts, credited to or charged against the Separate Account without regard to other income gains or losses arising out of any other business Western National may conduct.

5. The Existing Contracts are available for retirement plans which do not qualify for the special federal tax advantages pursuant to the Internal Revenue Code and for retirement plans which do qualify for the federal tax advantages available pursuant to the Internal Revenue Code.

6. The minimum initial purchase payment for non-qualified Existing Contracts is $5,000 and for qualified Existing Contracts is $2,000. The minimum subsequent purchase payment for non-qualified Existing Contracts is $1,000 or, if the automatic premium check option is elected, $50. The minimum subsequent purchase payment for qualified Existing Contracts is $50. The maximum total purchase payments Western National will accept without its prior approval is $500,000 for contract owners up to 75 years in age. The maximum total purchase payments Western National will accept without its prior approval for contract owners age 75 and older is $250,000.

7. Western National will, at the time of the initial purchase payment, add an additional amount, as a bonus ("Bonus"), equal to one percent (1%) of such purchase payment. Western National reserves the right to limit its payment of the Bonus to $5.000. If the contract owner makes a withdrawal prior to the seventh contract anniversary in excess of: (a) up to 10% of the contract value each contract year or (b) the amount permitted under the systematic withdrawal option (up to 10% of the contract value each contract year) an amount equal to the Bonus will be deducted by Western National from the contract value. Western National will not recapture any investment earnings on the Bonus. The owner does not have a vested interest in the principal amount of the Bonus until seven contract years have elapsed from the date of the Bonus payment, and until that time the Bonus belongs to Western National.

8. The Existing Contracts provide for certain guaranteed death benefits during the accumulation period. The standard death benefit provides that for a death occurring prior to the 80th birthday of the contract owner, or the oldest joint owner, the death benefit during the accumulation period will be the greater of: (1) the purchase payments, less any withdrawals including any previously deducted contingent deferred sales charge; or (2) the contract value determined as of the end of the valuation period during which Western National receives at its annuity service office both due proof of death and an election of the payment method; or (3) the highest step-up value prior to the date of death. The step-up value is equal to the contract value on each seventh contract anniversary plus any purchase payments made after such contract anniversary less any withdrawals and contingent deferred sales charge deducted after such contract anniversary. For a death occurring on or after the 80th birthday of the owner, or the oldest joint owner, the death benefit during the accumulation period will be the contract value determined as of the end of the valuation period during which Western National receives at its annuity service office both due proof of death and an election of the payment method.

9. The Contracts also provide for an enhanced death benefit (via an endorsement) if selected by the contract owner ("Enhanced Death Benefit"). If the owner selects the Enhanced Death Benefit, for a death occurring prior to the 75th birthday of the owner, or the oldest joint owner, the death benefit will be the greater of 1, 2 or 3 above (in paragraph 8) or the total amount of purchase payments compounded up to the date of death at 3% interest, minus the total withdrawals and previously deducted contingent deferred sales charges compounded up to the date of death of 3% interest, not to exceed 200% of purchase payments, less withdrawals and previously deducted contingent deferred sales charges. For a death occurring on or after the 75th birthday and before the 80th birthday of the owner, or the oldest joint owner, the death benefit during the accumulation period will be the greater of 1, 2 or 3 (in paragraph 8) above. For death occurring on or after the 80th birthday of the owner, or the oldest joint owner, the death benefit during the accumulation period will be the contract value determined as of the valuation period during which Western National receives at its annuity service office both due

proof of death and an election of the payment method.

10. Subject to any limitations imposed by Western National on the number of transfers (currently unlimited), owners may transfer all or part of their interest in a subaccount or during the annuity period from a subaccount to the general account without the imposition of any fee or charge if there have been no more than the number of free transfers permitted. Currently, there are no restrictions on the number of transfers that can be made each contract year. However, if Western National does limit the number of transfers in the future, owners are guaranteed 12 free transfers during the accumulation period and 6 free transfers during the annuity period. Currently, Western National does not impose a transfer fee. Western National has reserved the right to charge a fee for transfers in the future which will not exceed the lesser of $25 or 2% of the amount transferred.

11. Any premium taxes relating to the Existing Contracts may be deducted from the purchase payments or contact value when incurred. Western National currently defers the charge for premium taxes until full withdrawal or annuitization. However, Western National reserves the right to deduct the premium taxes when incurred. Premium taxes generally range from 0% to 4%.

12. The Contracts do not provide for a front-end sales load to be deducted from purchase payments. However, if all or a portion of the Contract value is withdrawn, a contingent deferred sales charge (sales load) ("CDSC") will be calculated at the time of each withdrawal and will be deducted from the contract value. This charge reimburses Western National for expenses incurred in connection with the promotion, sale and distribution of the Contracts. The CDSC is based upon the length of time from when each purchase payment was made as follows:

Length of time from purchase payment (number of years)	Withdrawal charge (percent)
1	5
2	5
3	5
4	4
5	3
6	2
7	1
8 or more	0

After the first contract anniversary, a withdrawal of up to 10% of the contract value, determined as of the immediately preceding contract anniversary, may be withdrawn once each contract year on a non-cumulative basis without the imposition of the CDSC.

13. Applicants acknowledge that the CDSC, if applicable, may be insufficient to cover all costs relating to the distribution of the Contracts, and that if a profit is realized from the Mortality and Expense Risk Charge, all or a portion of such profit may be offset by distribution expenses not reimbursed by the CDSC.

14. On each contract anniversary, Western National will deduct a charge to reimburse it for expenses relating to maintenance of the Contracts ("Contract Maintenance Charge"). The Contract Maintenance Charge is currently $30 each contract year. However, during the accumulation period, if the contract value on the contract anniversary is at least $40,000, then no Contract Maintenance Charge is deducted. If a total withdrawal is made on other than a contract anniversary and the contract value for the valuation period during which the total withdrawal is made is less than $40,000, the full Contract Maintenance Charge will be deducted at the time of the total withdrawal. During the annuity period, the Contract Maintenance Charge will be deducted pro-rata from annuity payments regardless of contract size and will result in a reduction of each annuity payment. The Contract Maintenance Charge will be deducted from the general account and the subaccounts in the Separate Account in the same proportion that the amount of the contract value in the general account and each subaccount bears to the total contract value.

15. Each valuation period Western National will deduct a charge equal on an annual basis to .15% of the average daily net asset value of the Separate Account ("Administrative Charge"). Western National represents that the Administrative Charge will not exceed expenses and will not be increased should it prove to be insufficient. Western National does not intend to profit from the Administrative Charge, which will be reduced to the extent that the amount of the charge is in excess of that necessary to reimburse Western National for its administrative expenses.

16. Western National will assume certain mortality and expense risks under the Contracts. To compensate it for assuming these risks, Western National will deduct each valuation period a charge which is equal, on an annual basis, to 1.25% of the average daily net asset value of the Separate Account ("Mortality and Expense Risk Charge"). Of this amount, approximately .80% is attributable to mortality risks, and approximately .45% is attributable to expense risks. The Mortality and Expense Risk Charge is guaranteed by Western National and cannot be increased. Western National anticipates that it will derive a profit from this charge.

17. The mortality risks assumed by Western National arise from its contractual obligation to make annuity payments after the annuity date (determined in accordance with the annuity option chosen by the owner) regardless of how long all annuitants live. This assures that neither an annuitant's own longevity, nor an improvement in life expectancy greater than that anticipated in the mortality tables, will have any adverse effect on the annuity payments the annuitant will receive under the Contract. Further, Western National bears a mortality risk because it guarantees the annuity purchase rates for the annuity options under the Contracts whether for a fixed annuity or a variable annuity. Also, there is a mortality risk borne by Western National with respect to the standard death benefit and the waiver of the CDSC if purchase payments have been held in the contract less than seven contract years.

18. The expense risk assumed by Western National is that all actual expenses involved in administering the Contracts, including maintenance costs, administrative costs, mailing costs, data processing costs, legal fees, accounting fees, filing fees and the costs of other services may exceed the amount recovered from the Contract Maintenance Charge and the Administrative Charge.

19. If the Owner selects the Enhanced Death Benefit, each valuation period prior to the 75th birthday of the contract owner, or oldest joint owner, Western National will deduct a charge from the Separate Account which is equal, on an annual basis, to .15% of the average daily net asset value of the Separate Account ("Enhanced Death Benefit Charge"). This charge compensates Western National for assuming the mortality risks for the Enhanced Death Benefit. Western National expects to profit from this charge.

Applicants' Legal Analysis and Conditions

1. Pursuant to Section 6(c) of the 1940 Act the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the 1940 Act or from any rule or regulation thereunder, if and to the extent that such exemption is

necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act, in pertinent part, prohibit a registered unit investment trust and any depositor thereof or underwriter therefor from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a qualified bank as trustee or custodian and held under arrangements which prohibit any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself.

3. Applicants request an order pursuant to Section 6(c) of the 1940 Act exempting them from Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to the extent necessary to permit the deduction of mortality and expense risk and enhanced death benefit charges from the assets of the Separate Account and any Future Accounts in connection with the Existing Contracts and Future Contracts.

4. Applicants assert that the mortality and expense risk charge of 1.25% is reasonable in relation to the risks assumed by Western National under the Existing Contracts and reasonable in amount as determined by industry practice with respect to comparable annuity products. Applicants state that these determinations are based upon an analysis of the mortality risks (taking into consideration such factors as the guaranteed annuity purchase rates), the expense risks (taking into account the existence of charges against the Separate Account assets for other than mortality and expense risks), the estimated costs for certain product features and industry practice with respect to comparable variable annuity products. Western National undertakes to maintain at its principal office a memorandum, available to the Commission, setting forth in detail the products analyzed and the methodology and results of this analysis.

5. Applicants assert that the charge of 0.15% for the Enhanced Death Benefit is reasonable in relation to the risks assumed by Western National under the Existing Contracts for providing the Enhanced Death Benefit. Western National undertakes to maintain at its home office a memorandum, available to the Commission upon request, setting forth in detail the methodology used in determining that the risk charge of 0.15% for the enhanced death benefit is reasonable in relation to the risks assumed by Western National under the Existing Contracts.

6. Applicants represent that, before relying on exemptive relief requested in this application in connection with Future Contracts, Applicants will determine that any enhanced death benefit risk charges under such contracts are reasonable in relation to the related risks assumed by Western National under such Future Contracts. Applicants represent that Western National will maintain and make available to the Commission upon request a memorandum setting forth in detail the methology used in making that determination with respect to Future Accounts.

7. Applicants represent that, before relying on exemptive relief requested in this application in connection with Future Contracts, Applicants will determine that any mortality and expense risk charges under such contracts are reasonable in amount as determined by industry practice with respect to comparable annuity products and/or reasonable in relation to the risks assumed by Western National. Applicants represent that Western National will maintain and make available to the Commission upon request a memorandum setting forth the basis of such conclusion with respect to the Future Accounts.

8. Western National has concluded that there is a reasonable likelihood that the Separate Account's distribution financing arrangement will benefit the Separate Account and its investors. Western National represents that it will maintain and make available to the Commission upon request a memorandum setting forth the basis of such conclusion.

9. Applicants represent that, before relying on exemptive relief requested in this application in connection with Future Contracts or Future Accounts, Applicants will determine that there is a reasonable likelihood that the distribution financing arrangement will benefit the Separate Account and its investors or Future Accounts and their investors. Western National represents that it will maintain and make available to the Commission upon request a memorandum setting forth the basis of such conclusion.

10. Western National represents that the assets of the Separate Account and any Future Accounts will be invested only in underlying mutual funds which undertake, in the event they should adopt a plan for financing distribution expenses pursuant to Rule 12b–1 under the 1940 Act, to have such plan formulated and approved by their board of directors, the majority of whom are not "interested persons" of such funds within the meaning of Section 2(a)(19) of the 1940 Act.

11. Applicants request an order pursuant to Section 6(c) of the 1940 Act exempting them from Sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2) and 27(d) of the 1940 Act, and from Rule 22c–1 promulgated thereunder, to the extent necessary to permit Western National to issue Contracts providing for the Bonus and its recapture if the owner makes a withdrawal prior to the seventh contract anniversary in excess of 10% of the contract value each contract year.

12. Applicants represent that contract owners do not have a vested interest in the principal amount of the Bonus until seven contract years have elapsed from the date of payment of the Bonus by Western National and that, until such time, the Bonus is the property of Western National.

13. Applicants represent that it is not administratively feasible for them to track the Bonus amounts in the Separate Account. Accordingly, the Mortality and Expense Risk Charge, the Administrative Charge and, when applicable, the Enhanced Death Benefit Charge (collectively, the "Asset-Based Charges"), will be assessed against the entire value of each Contract holder's account, including the Bonus amount, even during the period when the Owner's interest in the Bonus has not vested (the first seven Contract years). As a result, during the first seven years of each Contract that includes a Bonus, the aggregate Asset-Based Charges assessed will be higher than those that would be charged if the Contract did not include the Bonus.

14. Applicants represent that the Bonus and its recapture will involve none of the abuses to which Sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) of the 1940 Act and Rule 22c–1 thereunder were intended to prevent. Applicants also state that the Bonus will be attractive to and in the interest of investors because it will permit owners to put 101% of their purchase payments to work for them in the selected investment options. Applicants further explain that the earnings attributable to the Bonus always will be retained by the owner, and the principal amount of the Bonus also will be retained if the initial purchase payment is not withdrawn for seven contract years.

15. Applicants submit that their request for exemptive relief would promote competitiveness in the variable annuity contract market by eliminating the need for redundant exemptive

applications, thereby reducing Applicants' administrative expenses and maximizing the efficient use of their resources. Applicants further submit that the delay and expense involved in having repeatedly to seek exemptive relief would impair their ability effectively to take advantage of business opportunities as they arise. Further, if Applicants were required repeatedly to seek exemptive relief with respect to the same issues addressed in this application, investors would not receive any benefit or additional protection.

Conclusion

For the reasons summarized above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–15118 Filed 6–20–95; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Supplemental Environmental Impact Statement; Wilmington, New Hanover County, North Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this Notice to advise the public that a second Supplemental Environmental Impact Statement (SEIS) will be prepared for the two western-most sections (just east of 23rd Street to U.S. 117 and 3rd Street east of the Northeast Cape Fear River Bridge) of the proposed highway project (Smith Creek Parkway: State Project No. 8.2250103; T.I.P. No. U–92; Federal Project No. MAM–5851(2)) north of U.S. 17 (Market Street) in Wilmington, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Roy C. Shelton, Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601, Telephone (919) 856–4350.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare a second Supplemental Environmental Impact Statement (SEIS) for the assessment of a new alignment for the two western-most sections (approximately 2.2 miles) of Smith Creek Parkway in Wilmington, North Carolina. The original FEIS (FWHA–NC–EIS–77–03–F) was completed September 24, 1980. The SEIS (FHWA–NC–EIS–77–03–FS) was completed July 15, 1991. The eastern-most sections of Smith Creek Parkway, approved under the first SEIS, are currently under construction or will be under construction by September, 1995

The first SEIS previously identified a preferred alternative which would be located south of Smith Creek and would pass through the Burnt Mill Creek Landfill. Due to unknown hazardous material involvement related to construction of the preferred alternative over the Burnt Mill Creek Landfill site and an unresolved noise conflict with the Carolco Film Studios (formerly DEG Film Studios), a series of alternatives north of Smith Creek were additionally evaluated.

The proposed action will evaluate a northern alternative for the western-most sections only. The preferred northern alternative avoids the vicinity of the Burnt Creek Landfill site and surrounds, as well as the Carolco Film Studios, by extending Smith Creek Parkway northwest, crossing Smith Creek near 23rd Street, and crossing back over Smith Creek just southeast of U.S 117 (Castle Hayne Road). Recent study of the area north of Smith Creek indicates this area is a reasonable and feasible alternative route

No formal scoping meeting is planned. A public involvement program has been developed for the project. The draft SEIS will be available for public and agency review and comment prior to the public hearing. To assure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The Regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: June 13, 1995.

Roy C. Shelton,

Operations Engineer, Raleigh.

[FR Doc. 95–15193 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. 95–49; Notice 1]

General Motors Corporation; Receipt of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) of Warren, Michigan, has determined that some of its vehicles fail to comply with the requirements of 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, Reflective Devices, and Associated Equipment," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." GM has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

In FMVSS No. 108, Table III lists turn signal lamps as required equipment. Society of Automotive Engineers' (SAE) Standard J588, NOV84, incorporated by reference in Table III, provides that the photometric requirements for turn signal lamps may be met at zones or groups of test points, instead of at each individual test point. Within a zone, the lamp is permitted to fail at individual test points as long as the total light intensity of all the test points within the zone is not below the specified level for the zone. SAE J588 specifies four such zones for turn signals.

During the period of September 1990 through 1995, GM manufactured approximately 544,420 Buick Centuries on which the turn signal lamps failed to meet the photometric requirements referenced in Table III of FMVSS No. 108. Of the four zones tested on the turn signal lamps, zones 1, 2, and 4 met the requirements, while zone 3 did not. The required light intensity for zone 3 is 2,375 candela (cd). When tested, 17 of the subject lamps produced, on average, a light intensity of approximately 2,145 cd or 90 percent of the required intensity. The three compliant zones exceed the light intensity requirements by at least 20 percent.

GM supports its application for inconsequential noncompliance with the following:

The difference between the FMVSS 108 requirement for zone 3 and the average performance of the subject lamps is

imperceptible to the human eye. The average performance value for zone 3 for all 17 tested lamps is 10 percent below the 2375 cd federal requirement, and every lamp fell within 20 percent of that requirement (ranging from −1% to −18% of the requirement). As acknowledged in NHTSA's notices granting other similar petitions for determination of inconsequential noncompliance, and as demonstrated in the recent study (DOT HS 808 209, Final Report dated September 1994) sponsored by the agency *Driver Perception of Just Noticeable Difference in Signal Lamp Intensities*, a change in luminous intensity of approximately 25 percent is required before the human eye can detect a difference between the two lamps. (See, e.g., Notice granting petition by Subaru of America (56 Fed. Reg. 59971); and Notice granting petition by Hella, Inc. (55 Fed. Reg. 37602).) Since the average discrepancy for the Buick lamp is only 10% with a maximum measured discrepancy of 18%, the subject lamps do not compromise motor vehicle safety as the noncompliance is not detectable by the human eye.

The subject lamps otherwise meet or exceed all other requirements of FMVSS 108, including the requirement of SAE J588, November 1984, that "the measured values at each test point shall not be less than 60% of the minimum value in Table 3 [Photometric Design Guidelines]."

GM is not aware of any accidents, injuries, owner complaints or field reports related to this condition.

Interested persons are invited to submit written data, views, and arguments on the application of GM described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 21, 1995.

(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on June 14, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–15087 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–59–M

Research of Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in January thru May 1995. The modes of transportation involved are identified by a number in a "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2709–P	DOT–E 2709 ...	Alliant Techsystems, Inc., New Brighton, MN.	49 CFR 173.62, 173.93, 176.76(h), 177.821, 177.834 (l)(1), 177.835(k), 46 CFR Part 146.	To become a party to exemption 2709. (Modes 1, 3)
3126–P	DOT–E 3126 ...	Alliant Techsystems, Inc., New Brighton, MN.	49 CFR 173.62, 177.821, 177.822(b), 177.835(k).	To become a party to exemption 3126. (Mode 1)
3549–P	DOT–E 3549 ...	EG&G Star City, Inc., Miamisburg, OH.	49 CFR 173.65 (a), 173.77.	To become a party to exemption 3549. (Modes 1, 2)
5022–P	DOT–E 5022 ...	Alliant Techsystems, Inc., New Brighton, MN.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To become a party to exemption 5022. (Modes 1, 2)
5022–P	DOT–E 5022 ...	U.S. Department of Energy, Washington, DC.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To become a party to exemption 5022. (Modes 1, 2)
5704–P	DOT–E 5704 ...	Chemical Waste Management, Inc., Oak Brook, IL.	49 CFR 173.62, 173.93(e)	To become a party to exemption 5704. (Modes 1, 2, 3)
5704–P	DOT–E 5704 ...	Alliant Techsystems, Inc., New Brighton, MN.	49 CFR 173.62, 173.93(e)	To become a party to exemption 5004. (Modes 1, 2, 3)
6293–P	DOT–E 6293 ...	Alliant Techsystems, Inc., New Brighton, MN.	49 CFR 173.21(b), 173.248.	To become a party to exemption 6293. (Mode 1)
6614–P	DOT–E 6614 ...	Sierra Chemical Co., Sparks, NV.	49 CFR 173.245, 173.263(a) (28) and 173.277 (a)(6).	To become a party to exemption 6614. (Mode 1)
6691–P	DOT–E 6691 ...	SheSam, Inc. T/A Wilson Supply, Cumberland, MD.	49 CFR 173.34(e) (15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4)
6691–P	DOT–E 6691 ...	ILL–MO Products Company/Jacksonville, IL.	49 CFR 173.34(e) (15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6691–P	DOT–E 6691	Raimy Corporation, d/b/a Welders Supply, Erie, PA.	49 CFR 173.34(e) (15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4)
6691–P	DOT–E 6691	Ohio Air Products of Canton, Inc., Canton, OH.	49 CFR 173.34(e) (15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4)
6691–P	DOT–E 6691	Wolfenden Industries, Inc., Cleveland, OH.	49 CFR 173.34(e) (15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4)
6743–P	DOT–E 6743	L.P. Rock Corp., Parsippany, NJ.	49 CFR 173.114 (a)(h)(3), 173.182.	To become a party to exemption 6743. (Mode 1)
7616–P	DOT–E 7616	Wheeling & Lake Erie Railway Company, Brewster, OH.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To become a party to exemption 7616. (Mode 2)
8009–P	DOT–E 8009	Texas Gas Transmission Corporation, Owensboro, KY.	49 CFR 173.301(d) (2), 173.302(a) (3).	To become a party to exemption 8009. (Mode 1)
8230–P	DOT–E 8230	Olin Corporation, Stanford, CT.	49 CFR 173.268(b) (6), 173.269(a) (4).	To become a party to exemption 8230. (Modes 1, 2, 3, 4)
8236–P	DOT–E 8236	Howard Ternes Packaging Company, Redford, MI.	49CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8236. (Modes 1, 2, 3, 4)
8249–X	DOT–E 8249	LPS Industries, Inc., Newark, NJ.	49 CFR 172.203, 172.400, 172.402, 172.504, 173.150, 173.151, 173.152, 173.153, 173.154, 173.201, 173.202, 173.203, 173.211, 173.212, 173.213, 173.25, 175.3.	To modify exemption to provide for zipper reclosable barrier bags as inside container for use in transporting limited quantities of various hazardous materials. (Modes 1, 2, 4, 5)
8264–P	DOT–E 8264	Alliant Techsystems, Inc., New Brighton, MN.	49 CFR 173.93	To become a party to exemption 8264. (Modes 1, 2)
8265–P	DOT–E 8265	Alliant Techsystems, Inc., New Brighton, MN.	49 CFR 173.197a, 173.93, 177.838(g).	To become a party to exemption 8265. (Modes 1, 2)
8273–P	DOT–E 8273	Howard Ternes Packaging Company, Redford, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8273. (Modes 1, 2, 3, 4)
8273–P	DOT–E 8273	Crysler Corporation, Center Line, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8273. (Modes 1, 2, 3, 4)
8451–P	DOT–E 8451	EG&G Star City, Inc., Miamisburg, OH.	49 CFR 173.65, 173.86(e), 175.3.	To become a party to exemption 8451. (Modes 1, 2, 3, 4)
8451–P	DOT–E 8451	Remington Arms Co., Inc., Wilmington, DE.	49 CFR 173.65, 173.86(e), 175.3.	To become a party to exemption 8451. (Modes 1, 2, 3, 4)
8451–P	DOT–E 8451	Owen Oil Tools, Inc., Fort Worth, TX.	49 CFR 173.65, 173.86(e), 175.3.	To become a party to exemption 8451. (Modes 1, 2, 3, 4)
8451–P	DOT–E 8451	Organic Technology, Inc., Fort Worth, TX.	49 CFR 173.65, 173.86(e), 175.3.	To become a party to exemption 8451. (Modes 1, 2, 3, 4)
8453–P	DOT–E 8453	Bishop Brothers Hauling, Inc., Jasper, AL.	49 CFR 173.114a	To become a party to exemption 8453. (Modes 1, 3)
8554–P	DOT–E 8554	L. P. Rock Corp., Parsippany, NJ.	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554. (Modes 1, 3)
8627–X	DOT–E 8627	Petrolite Corporation, Saint Louis, MO.	49 CFR 173.201, 173.202, 173.203, 178.253.	To modify exemption to provide for a 2″ piping, rearrangement of the "manifold" design to two levels, enlargement of the skid frame to 10″ in height for shipment of various hazardous materials classed as Class 3> (Mode 1)
8815–P	DOT–E 8815	ETI Explosives Technologies International, Inc., Wilmington, DE.	49 CFR 173.62	To authorize party status and modify exemption to provide for additional blasting agents. (Mode 1)
8845–P	DOT–E 8845	Hitwell Surveys, Inc., Forth Worth, TX.	49 CFR 173.110 (c)(1), 173.80(b), 173.80(c).	To become a party to exemption 8845. (Modes 1, 3)
8958–X	DOT–E 8958	Goex, Inc., Moosic, PA	49 CFR 172.101	To modify the exemption to provide for cargo vessel as an additional mode of transportation. (Modes 1, 2, 3)
8967–P	DOT–E 8967	Alliant Techsystems, Inc., New Brighton, MN.	49 CFR 173.93 (a)(11)	To become a party to exemption 8967. (Mode 1)
9275–P	DOT–E 9275	Lerner, Columbus, OH	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9275–P	DOT–E 9275 ...	The Limited Stores, Columbus, OH.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5)
9275–P	DOT–E 9275 ...	Ungerer Company, Lincoln Park, NJ.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5)
9275–P	DOT–E 9275 ...	Parlux Fragrances, Inc., Pompano Beach, FL.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5)
9346–P	DOT–E 9346 ...	Stolthaven (Chicago) Inc., Chicago, IL.	49 CFR 174.67(a)(2)	To become a party to exemption 9346. (Mode 2)
9443–P	DOT–E 9443 ...	Alliant Techsystems, Inc., New Brighton, MN.	49 CFR 173.92(b), 175.3 .	To become a party to exemption 9443. (Modes 1, 3, 4)
9579–P	DOT–E 9579 ...	Intermountain IRECO, Inc., Gillette, WY.	49 CFR 173.154(a) (18) ...	To become a party to exemption 9579. (Mode 1)
9617–P	DOT–E 9617 ...	Cherokee Products, Inc., Jefferson City, TN.	49 CFR 176.83(a), 177.835(g), 177.848(f), Part 107, Appendix B(1).	To become a party to exemption 9617. (Modes 1, 3)
9696–X	DOT–E 9696 ...	Fluoroware, Inc., Chaska, MN.	49 CFR 173.158, Part 173, Subpart E.	To modify exemption to provide for design changes to non-DOT specification rotationally molded teflon PFA packaging for transporting hazardous materials. (Modes 1, 2)
9723–X	DOT–E 9723 ...	Aqua-Tech, Inc., Port Washington, WI.	49 CFR 177.848(b)	To modify exemption to provide for 6.5 mil liners inside non-DOT specification drums; authorized the use of non-specification 12B fiberboxes and 21C fiber drums and increase the buffer zone to 6 feet. (Modes 1, 2)
9723–P	DOT–E 9723 ...	ADCOM Express, Inc., Tinley Park, IL.	49 CFR 177.848(b)	To become a party to exemption 9723. (Modes 1, 2)
9723–P	DOT–E 9723 ...	RESNA Industries, Inc., Bakersfield, CA.	49 CFR 177.848(b)	To become a party to exemption 9723. (Modes 1, 2)
9723–P	DOT–E 9723 ...	Clean Venture, Inc., Elizabeth, NJ.	49 CFR 177.848(b)	To become a party to exemption 9723. (Modes 1, 2)
10097–P	DOT–E 10097 .	Alliant Techsystems, Inc., New Brighton, MN.	49 CFR 173.88 (e)(2)(ii), 173.92(a)(1), 173.92(b).	To become a party to exemption 10097. (Mode 1)
10256–X	DOT–E 10256 .	Q3 Comdyne Cylinders, Inc., West Liberty, OH.	49 CFR 173.302 (a)(1), 173.305 (a) and (d).	To modify exemption to provide for rail as an additional mode of transportation. (Modes 1, 2, 3, 4)
10256–X	DOT–E 10256 .	Q3 Comdyne Cylinders, Inc., West Liberty, OH.	49 CFR 173.302 (a)(1), 173.305(a) and (d).	To modify exemption to provide for additional cylinders for use in transporting flammable gas, n.o.s., Division 2.1. (Modes 1, 2, 3, 4)
10256–X	DOT–E 10256 .	Q3 Comdyne Cylinders, Inc., West Liberty, OH.	49 CFR 173.302(a)(1), 173.305 (a) and (d).	To modify exemption to provide for additional size FRP–1 type, non-DOT specification cylinders for use in transporting Division 2.1 material. (Modes 1, 2, 3, 4)
10307–P	DOT–E 10307 .	Tosco Refining Company, Concord, CA.	49 CFR 179.200–18, 179.201–1.	To become a party to exemption 10307. (Mode 2)
10441–P	DOT–E 10441 .	SCW Waste, Inc. South Kearney, NJ.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1)
10441–P	DOT–E 10441 .	Advanced Environmental Technology Corporation, Flanders, NJ.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1)
10441–P	DOT–E 10441 .	California Advanced Environmental Technology Corp., Hayward, CA.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1)
10441–P	DOT–E 10441 .	ETSS of Ohio, Inc., Tipp City, OH.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1)
10623–P	DOT–E 10623 .	Island Gases Limited, Jupiter, FL.	49 CFR 172.203, 173.318, 173.32, 176.76(h), 178.338.	To become a party to exemption 10623. (Modes 1, 3)
10688–P	DOT–E 10688 .	Kenai Air Alaska, Inc., Kenai, AK.	49 CFR 175.310(c)	To become a party to exemption 10688. (Mode 4)
10717–P	DOT–E 10717 .	Procor Limited, East Chicago, IN.	49 CFR 173.31 RETEST TABLE 1, Retest Table 1.	To become a party to exemption 10717. (Mode 2)
10751–P	DOT–E 10751 .	QEI, Inc., Whitesburg, GA	49 CFR 177.848	To become a party to exemption 10751. (Mode 1)
10751–P	DOT–E 10751 .	WESCO (Western Explosive Systems Company), Salt Lake City, UT.	49 CFR 177.848	To become a party to exemption 10751. (Mode 1)
10751–P	DOT–E 10751 .	ETI Explosives Technologies International, Inc., Wilmington, DE.	49 CFR 177.848	To become a party to exemption 10751. (Mode 1)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10791–X	DOT–E 10791 .	Con-Quest Products, Inc., Elk Grove Village, IL.	49 CFR 173.136 (A)(1)	To modigy exemption to provide for additional design changes to specially design packaging used to transport various classes of hazardous wastes. (Modes 1, 2, 3, 4, 5)
10904–X	DOT–E 10904 .	InVitro International, Irvine, CA.	49 CFR 173.136 (a)(1), 173.137(a), ¶73.137(b)", 173.137 (c)(1).	To renew and to authorize a screening test, modify sampling requirements and to remove the current requirements for testing upon determination of non-corrosive. (Mode 1)
10933–P	DOT–E 10933 .	Ochoa Environmental Services, San Juan, PR.	49 CFR 173.12, 174.81, 176.83 and 177.848.	To become a party to exemption 10933. (Modes 1, 2, 3)
11195–P	DOT–E 11088 .	Defense Technology Corporation of America, Casper, WY.	49 CFR 172.102	To become a party to exemption 11088. (Modes 1, 3, 4, 5)
11156–X	DOT–E 11156 .	El Dorado Chemical Company, St. Louis, MO.	49 CFR 173.212(b), 173.62.	To modify exemption to provide for ammonium nitrate, Division 5.1. as an additional class of material. (Mode 1)
11156–P	DOT–E 11156 .	Maynes Explosives Company, Lee's Summit, MO.	49 CFR 173.212(b), 173.62.	To become a party to exemption 11156. (Mode 1)
11156–P	DOT–E 11156 .	Dyno New England, Inc., Middlefield, CT.	49 CFR 173.212(b), 173.62.	To become a party to exemption 11156. (Mode 1)
11156–P	DOT–E 11156 .	Ladshaw Explosives, Inc., New Braunfels, TX.	49 CFR 173.212(b), 173.62.	To become a party to exemption 11156. (Mode 1)
11156–P	DOT–E 11156 .	Brandywine Explosives & Supply, Inc., Paris, KY.	49 CFR 173.212(b), 173.62.	To become a party to exemption 11156. (Mode 1)
11156–P	DOT–E 11156 .	Strawn Explosives, Inc., Euless, TX.	49 CFR 173.212(b), 173.62.	To become a party to exemption 11156. (Mode 1)
11156–P	DOT–E 11156 .	Rock Work, Inc., Blue Bell, PA.	49 CFR 173.212(b), 173.62.	To become a party to exemption 11156. (Mode 1)
11197–P	DOT–E 11197 .	Nalco Chemical Company, Napervile, IL.	49 CFR 172, 173, Parts 107.	To become a party to exemption 11197. (Mode 1)
11220–P	DOT–E 11220 .	Ashland Chemical Company, Columbus, OH.	49 CFR 173.28(b) (2)	To become a party to exemption 11220. (Modes 1, 2, 3)
11220–P	DOT–E 11220 .	Nalco/Exxon Energy Chemicals, L.P., Sugar Land, TX.	49 CFR 173.28(b) (2)	To become a party to exemption 11220. (Modes 1, 2, 3)
11254–P	DOT–E 11254 .	Western Atlas International Houston, TX.	49 CFR 173.62(c), 49 CFR, Packing Method US006, Paragraph C and F.2.	To become a party to exemption 11254. (Mode 3)
11260–P	DOT–E 11260 .	Texas Instruments Incorporated Attleboro, MA.	49 CFR 173.306 (a)(1)	To become a party to exemption 11260. (Mode 1)
11267–X	DOT–E 11267 .	The Univ. of New Mexico, Albuquerque, NM.	49 CFR 173.240, 173.241, 173.242, 173.244.	To modify the exemption to provide for the transportation of a Spece Nuclear Power system (Topaz II), without external insulation to be shipped in a specially designed transport container and provide for a Division 1.D material. (Mode 1)
11335–P	DOT–E 11335 .	Union Tank Car Company, East Chicago, IN.	49 CFR 172.302(c), 172.203(a) and 173.31(c)(9), Paras 1 & 2 of Appendix b to Subpart B of Part 107.	To become a party to exemption 11335. (Mode 2)
11346–P	DOT–E 11346 .	Wedge Wireline, Inc., Grand Prairie, TX.	49 CFR 173.61, 173.62(c), 176.166(b), 177.835(g).	To become a party to exemption 11346. (Modes 1, 3)
11346–P	DOT–E 11346 .	Computalog Wireline Services, Inc., Houston, TX.	49 CFR 173.61, 173.62(c), 176.166(b), 177.835(g).	To become a party to exemption 11346. (Modes 1, 3)
11346–P	DOT–E 11346 .	Directional Wireline Services, Inc., Lake Charles, LA.	49 CFR 173.61, 173.62(c), 176.166(b), 177.835(g).	To become a party to exemption 11346. (Modes 1, 3)
11346–P	DOT–E 11346 .	Western Atlas International, Inc., Houston, TX.	49 CFR 173.61, 173.62(c), 176.166(b), 177.835(g).	To become a party to exemption 11346. (Modes 1, 3)
11346–P	DOT–E 11346 .	Owen Oil Tools, Inc., Fort Worth, TX.	49 CFR 173.61, 173.62(c), 176.166(b), 177.835(g).	To become a party to exemption 11346. (Modes 1, 3)
11346–P	DOT–E 11346 .	GOEX International, Inc., Forth Worth, TX.	49 CFR 173.61, 173.62(c), 176.166(b), 177.835(g).	To become a party to exemption 11346. (Modes 1, 3)
11346–P	DOT–E 11346 .	Titan Wireline Services, Inc., Fort Worth, TX.	49 CFR 173.61, 173.62(c), 176.166(b), 177.835(g).	To become a party to exemption 11346. (Modes 1, 3)
11346–P	DOT–E 11346 .	Magnum Wireline Services, Inc., Giddings, TX.	49 CFR 173.61, 173.62(c), 176.166(b), 177.835(g).	To become a party to exemption 11346. (Modes 1, 3)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11346–P	DOT–E 11346 .	Guiberson Division, Dresser Industries, Inc., Dallas, TX.	49 CFR 173.61, 173.62(c), 176.166(b), 177.835(g).	To become a party to exemption 11346. (Modes 1, 3)
11355-X	DOT–E 11355 .	Button Transportation, Inc., Dixon, CA.	49 CFR 173.315(a), Note 15.	To reissue exemption originally issued on an emergency basis for the transportation of liquefied petroleum gas (LPG), in DOT Specification MC-331 c argo tank motor vehicles manufactured from quenced and tempered steel which are coated on the inside with a cross linked expoxy-phenolic compound. (Mode 1)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10850–N	DOT–E 10850 .	Ashland Chemical, Dublin, OH.	49 CFR 173.34(e)	To authorize the transportation of certain cylinders subjected to a complete external visual inspection in lieu of the periodic hydrostatic retest. (Mode 1.)
10880–N	DOT–E 10880 .	IRECO Incorporated, Carthage, MO.	49 CFR 172.101 column (8c), 173.114, 173.35(b).	To authorize the use of reusable, flexible intermediate bulk containers (IBC) type 13H3 or 13H4 conforming to Subpart N and O or Part 178 with replaceable liners having a capacity not over 1000 kg (2206 pounds) and top and bottom outlets, for shipment of ammonium nitrate-fuel oil mixture ANFO. (Mode 1.)
11059–N	DOT–E 11059 .	U.S. Department of the Interior, Amarillo, TX.	49 CFR 173.31(d)	To authorize the U.S. Bureau of Mines to retest Class DOT 107A tank cars used to transport compressed helium, by means of an acoustic emission method. (Mode 2.)
11060–N	DOT–E 11060 .	Hockney Pty. Ltd., New South Wales, Australia.	49 CFR 178.345–2	To authorize the manufacture, marking and sale of cargo tank motor vehicles meeting Specification MC–406, except for the use of aluminum alloys 6005A–T6, 5083 and 6061 as materials of construction, for the transportation of certain Class 3 liquids. (Mode 1.)
11080–N	DOT–E 11080 .	Austin Powder Company, Cleveland, OH.	49 CFR 177.835(g)(i)	To authorize use of modified Canadian Explosive Act Schedule IV Electric Detonator Transportation Compartment as alternative to IME Safety Library Publication Compartment of transport of certain Div. 1.4B electric detonators and non-electric detonating assemblies in the same motor vehicle with any Div. 1.1, 1.2, or 1.3 explosive, Div. 1.4 detonator (Mode 1.)
11086–N	DOT–E 11086 .	Standard Chlorine of Delaware, Inc., Delaware City, DE.	49 CFR 172.35(b), 173.240.	To authorize the use of reusable, collapsible woven polypropylene bulk bags with replaceable liners having a capacity not over 1000 kg (2206 pounds) and top and bottom outlets, for transportation of p-Dichlorobenzene. (Mode 1.)
11171–N	DOT–E 11171 .	Dart Container Corporation, Leola, PA.	49 CFR 173.35(b)	To authorize the reuse of reusable, flexible intermediate bulk container (IBC) type 13H3 or 13H4 conforming to Subpart N and O of Part 178 with replaceable liners having a capacity not over 1000 kg (2206 pounds) and top and bottom outlets, for shipment of polystyrene beads. (Mode 1.)
11180–N	DOT–E 11180 .	Affival, Inc., Niagara Falls, NY.	49 CFR 183/24(c), Part 172, Subparts D, E and F, Part 173, Subparts E and F, Part 178.	To authorize the transportation of metal tubing which contain hazardous materials assigned to Division 4.3, Packing Group III, or Division 6.1, Packing Group III, respectively, and excepts them from the packaging, marking, labeling and placarding requirements of the Hazardous Materials. (Modes 1, 2, and 3.)
10932–N	DOT–E 11197 .	Hach Company, Ames, IA	49 CFR 172, 173, Parts 107.	To authorize the transportation of restricted quantities of hazardous materials that are authorized for exception in column 8A or 49 CFR Table 171.101, excluding Class 1, Class 7 and Division 6.1 and 6.2. Shipments of these materials are exempt from shipping paper and marking requirements when transported in private carriage. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11203–N	DOT–E 11203 .	McDonnell Douglas Aerospace, Huntington Beach, CA.	49 CFR 173.61, 177.848 .	To authorize the transportation of third stage components of space craft containing one or more hazardous materials in specially designed non-DOT specification containers. (Mode 1.)
11227–N	DOT–E 11227 .	Schlumberger Well Services, Houston, TX.	49 CFR 173.62 Packing Instruction E–114.	To authorize the transportation of certain cartridges, power devices (UN 0276) 1.4C in specially designed vehicles and offshore tool pallets. (Modes 1, 3, and 4.)
11252–N	DOT–E 11252 .	Advanced Monobloc Corporation, Hermitage, PA.	49 CFR 173.306 (a)(3)(v), 178.33.	To authorize the transportation of certain hazardous material, in certain non-DOT specification metal aerosol containers. (Modes 1, 2, 3, 4, and 5.)
11257–N	DOT–E 11257 .	Praxair, Inc., Danbury, CT	49 CFR 173.163, 173.192, 173.201, 173.202, 173.203, 173.226, 173.227, 173.302, 173.304, 173.34.	To authorize the manufacture, marking and sale of non-DOT specification salvage cylinders for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials for transportation. (Mode 1.)
11262–N	DOT–E 11262 .	Caire, Inc., New Prague, MN.	49 CFR 173.316 (c)(2), 175.3, 178.57–8(c).	To authorize the manufacture, marking and sale of a non-DOT Specification 4L to be used for the transportation of oxygen, refrigerated liquid, Division 2.2. (Mode 1.)
11264–N	DOT–E 11264 .	David Sarnoff Research Center, Princeton, NJ.	49 CFR 173.416	To authorize the transportation of radioactive material, special form, n.o.s., Cobalt-60, Class 7, Type B, in the form of metal pellets and unsheathed slugs in stainless steel capsule assemblies. (Mode 1.)
11273–N	DOT–E 11273 .	Cherry-Air, Inc., Dallas, TX.	49 CFR 172.101, 172.204 (c)(3), 173.27 (b)(2)(3), 175.30 (a)(1), Part 107, Subpart B, Appendix B with exceptions.	To authorize the transportation of certain Division 1.1, 1.2, 1.3 and 1.4 explosives which are forbidden or exceed quantities authorized for transportation by cargo aircraft only. (Mode 4.)
11294–N	DOT–E 11294 .	Northeast Environmental Services of America, Inc., Canastota, NY.	49 CFR 177.848	To authorize transport of certain lab pack quantities of hazardous materials with other materials in lab packs, with partial relief from certain segregation requirements. (Mode 1.)
11304–N	DOT–E 11304 .	AT&T, Basking Ridge, NJ	49 CFR 172.301, 173.28(b)(2), Part 107, Subpart B, Appendix B.	To authorize the transportation of gasoline in UN standard packagings with a capacity not greater than 5 gallons which have not been leak tested prior to reuse in accordance with 49 CFR 173.28(b)(2). (Mode 1.)
11313–N	DOT–E 11313 .	Columbiana Texas Corp., Gainesville, TX.	49 CFR 173.315(a), 178.245–1(b).	To authorize the manufacture, marking and sale of non-DOT Specification IMO Type portable tanks to be used for the transportation of Division 2.1 and Division 2.2 materials. (Modes 1, 2, and 3.)
11316–N	DOT–E 11316 .	TRW Automotive, Queen Creek, AZ.	49 CFR 173.116(c), (e) and (f), 173.62(c), Part 172, Subparts D and E.	To authorize the transportation of certain cartridges, power device classed as Division 1.4S and airbag inflators or airbag modues classed as Division 4.1 or Class 9 in prescribed packaging. (Mode 1.)
11328–N	DOT–E 11328 .	Dyno Nobel, Inc., Salt Lake City, UT.	49 CFR 176.76(a)(8)	To authorize the transportation of an alternate stacking arrangement for cylindrical shaped bags of Explosive Type E, 1.5D, UN 0332, packed in 5H3 bags. (Mode 3.)
11346–N	DOT–E 11346 .	Halliburton Energy Service, Houston, TX.	49 CFR 173.61, 173.62(c), 176.166(b), 177.835(g).	To authorize the transportation of certain Division 1.1D and 1.4D charged jet perforating guns with Division 1.1B or 1.4B electric detonators affixed. (Modes 1, 3.)
11356–N	DOT–E 11356 .	ACM, Inc., North Chicago, IL.	49 CFR 173.121 (b)(1)(iii)	To authorize the resignment of certain high viscosity flammable liquids for Packing Group II to Packing Group III for packaging with a capacity greater than 30L. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11366–N	DOT–E 11366 .	Omni Air Express, Tulsa, OK.	49 CFR 171.11, 172.101 Column (9b), 172.204 (c)(3), 173.27 (b)(2), (3), 175.30 (a)(1), 175.320(b), Part 107, Appendix B.	To authorize transportation of certain Division 1.1, 1.2, 1.3 and 1.4 explosives which are forbidden or exceed quantities authorized for transportation by cargo aircraft only. (Mode 4.)
11381–N	DOT–E 11381 .	Nuclear Containers, Inc., Elizabethton, TN.	49 CFR 178.356–2 (a)	To authorize the manufacture, marking and sale of DOT Specification 20PF–1, 20PF–2 and 20PF–3 overpacks manufactured in variance with the specification in 49 CFR 178.356, and for their transport when containing uranium hexafluoride, fissile in Type A cylinders. (Modes 1, 2, 3, and 4.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 5022–P .	DOT–E 5022 ...	U.S. Department of Energy, Washington, DC.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To become a party to exemption 5022. (Modes 1, 2.)
EE 5403–P .	DOT–E 5403 ...	HydroChem Industrial Services, Inc., Houston, TX.	49 CFR 173.245 (a)(31), 173.248 (a)(6), 173.249 (a)(6), 173.263 (a)(10), 173.264 (a)(14), 173.268 (b)(3), 173.272 (i)(21), 173.289 (a)(4), 178.343–2(b), 178.343–5 (b)(1)(i), 178.343–5 (b)(2)(i).	To become a party to exemption 5403. (Modes 1, 3.)
EE 6691–X .	DOT–E 6691 ...	Mills Welding Supply, Inc., Buffalo, NY.	49 CFR 173.34 (e)(15)(i), Part 107, Subpart B, Appendix B.	Authorizes the use of DOT Specification 3A or 3AA cylinders over 35 years old, which can be retested every 10 years, for transportation of certain flammable and nonflammable gases. (Modes 1, 2, 3, and 4.)
EE 7616–X .	DOT–E 7616 ...	Illinois Central Railroad, Homewood, IL.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	Authorizes the carrier to certify the shipping paper on behalf of the shipper when transporting hazardous materials by rail. (Mode 2.)
EE 7774–X .	DOT–E 7774 ...	Computalog Wireline Services, Inc., Fort Worth, TX.	49 CFR 173.246, 175.3 ...	Authorizes the shipment of bromine trifluoride in non-DOT specification cylinders. (Modes 1, 2, 3, and 4.)
EE 8236–P .	DOT–E 8236 ...	Chrysler Corporation, Center Line, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8236. (Modes 1, 2, 3, and 4.)
EE 8273–P .	DOT–E 8273 ...	Chrysler Corporation, Center Line, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8273. (Modes 1, 2, 3, and 4.)
EE 9568–X .	DOT–E 9568 ...	AZTRON Chemical Services, Inc., South Houston, TX.	49 CFR 173.249	Authorizes use of a DOT Specification MC–306 tank motor vehicle for transportation of sodium hydroxide, liquid. (Mode 1.)
EE 9837–X .	DOT–E 9837 ...	Interstate Industries of N.J., Clark, NJ.	49 CFR 175.3, 178.50–19(a)(2), Part 107, Appendix B(1).	Authorizes manufacture, marking and sale of DOT Specification 4B cylinders using the lot number in lieu of the serial number. (Modes 1, 2, 4, and 5.)
EE 11000–P	DOT–E 11000 .	E. I. DuPont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.314 Table	To become a party to exemption 11000. (Mode 2.)
EE 11162–X	DOT–E 11162 .	Gabriel Chemicals, Inc., Houston, TX.	49 CFR 172.102, Special Provision B74 and 173.244(a).	Authorizes the shipment of a Class 8 material meeting the definition of a poison inhalation material, in certain DOT Specification 111A60W7 tank cars. (Mode 2.)
EE 11189–P	DOT–E 11189 .	Chrysler Corporation, Center Line, MI.	49 CFR 172.101, 173.56, 173.116.	To become a party to exemption 11189. (Modes 1, 2, 3, 4, and 5.)
EE 11367–N	DOT–E 11367 .	Miles Incorporated, Pittsburgh, PA.	49 CFR 173.212	To authorize the one-time transportation of a specially designed pressure vessel containing sodium. (Mode 1.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 11379–N	DOT–E 11379 .	TRW Vehicle Safety Systems, Incorporated, Washington, MI.	49 CFR 173.301(h), 173.302.	To authorize the transportation of no more than 100 non-DOT specification, non-refillable, high pressure cylinders charged with a hydrogen/air mixture, a class 2.1 material, as part of experimental modules used in automobile airbag systems. (Modes 1, 2, 3, and 4.)
EE 11379–X	DOT–E 11379 .	TRW Vehicle Safety Systems, Incorporated, Washington, MI.	49 CFR 173.301(h), 173.302.	To reissue and modify an exemption originally issued on an emergency basis to authorize the shipment of vehicle safety systems (modules) containing of non-DOT specification high pressure cylinder charged with ahydrogne/air mixture, classed as a Division 2.1 material. (Modes 1, 2, 3, and 4.)
EE 11387–N	DOT–E 11387 .	Merichem Co., Houston, TX.	49 CFR 173.29(a), 174.67(k).	To authorize the emergency transportation of a 111A100W1 tank car with defective heater coils. (Mode 2.)
EE 11404–N	DOT–E 11404 .	All Pure Chemical Co., Tracy, CA.	49 CFR 173.31(b) (1) & (3), 179.300–12(b), 179.300–13(a), 179.300–14.	To issue an emergency exemption to authorize the one-time transportation of a DOT Specification 106A500X tank car tank, containing Chlorine, Division 2.3, with a defective unloading valve which is equipped with a emergency "B" Kit to prevent leakage during transportation. (Mode 1.)
EE 11410–N	DOT–E 11410 .	All Pure Chemical Co., Inc., Tracy, CA.	49 CFR 173.300–12(b), 173.31(b)(1), 173.31(b)(3), 179.300–13(a), 179.300–14.	To issue an emergency exemption authorizing a one-time shipment of a DOT–106A500X tank car tank, containing Chlorine, Division 2.3, UN1017, with two defective center unloading valves which have been equipped with an emergency "B" kit hood assembly to prevent leakage during transportation. (Mode 1.)
EE 11412–N	DOT–E 11412 .	Starr Display Fireworks, Inc./Wizard Works Inc., Walcott, ND.	49 CFR 1234	To authorize the emergency transportation of a explosive device classed in Division 1.4G. (Mode 1.)
EE 11418–N	DOT–E 11418 .	Air Products, Allentwon, PA.	49 CFR 1234	To authorize the emergency transportation of rail car with defective liquid line valve. (Mode 2).
EE 11419–N	DOT–E 11419 .	GATX, Chicago, IL	49 CFR 1234	To authorize the emergency transportation of a rail car with defective heater coil. (Mode 2.)
EE 11420–N	DOT–E 11420 .	Jones Chemicals, Inc., LeRoy, NY.	49 CFR 173.24(b)(1), 173.31 (b)(1)(3), 179.300–12(b), 179.300–13(a), 179.300–14.	To authorize the emergency one-time transportation in commerce of a DOT specification MC–331 cargo tank, containing chlorine, Division 2.3, with a leakage gas valve, which has been equipped with an emergency "C" kit. (Mode 1.)
EE 11429–N	DOT–E 11429 .	Olin Chemicals, Stamford, CT.	49 CFR 172.300 (c)(4), 172.407 (d)(2), 172.430(b), 172.430(b), 176.52, Part 107, Subpart B, Appendix B (1).	To authorize on an emergency basis the transportation of toluene diisocyanate, Division 6.1, in UN 1A1 drums on which the hazard labels are not in compliance with the regulations due to the color. (Modes 1, 2, and 3.)
EE 11437–N	DOT–E 11437 .	Standard Chlorine of Delaware.	49 CFR 1, 2, 3	To authorize the one-time shipment of a DOT Specification 111A100W1 tank car, containing a residue of a class 3 material, which does not fully comply with all DOT requirements. (Mode 2.)

WITHDRAWAL EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4932–P	Personal Security Systems, Throggs Neck, NY.	49 CFR 172.101, 173.385(a), 175.3.	To authorize shipment of tear gas devices in a telescopic type, cylindrical, wound-kraft container fitted with metal ends overpacked in DOT Specification 12B fiberboard box. (Modes 1, 2, and 4.)
6418–X	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.357(b)	Authorizes the use of DOT Specification MC–303, MC–304, MC–306, MC–307, MC–310, or MC–312 steel cargo tanks for transportation of Class B poisonous liquids. (Mode 1.)
6762–X	Green Mountain Explosives, Inc., Auburn, NH.	49 CFR 173.286(b)(2), 175.3 ..	Authorizes the transport of chemical kits in plastic inside bottles, packed in plastic boxes overpacked in fiberboard boxes. (Modes 1, 2, 3, and 4.)
7060–P	Aviserv, Inc., Columbus, OH ...	49 CFR 175.702(b), 175.75(a)(3)(ii).	To become a party to exemption 7060 (Mode 4.)
7621–X	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.357, 174.63(b)	Authorizes the use of an ISO portable tank for shipment of methyl bromide and chloropicrin. (Modes 1, 2, and 3.)

WITHDRAWAL EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7650–X	ICI Americas, Inc., Wilmington, DE.	49 CFR 173.315	To authorize use of non-DOT specification vacuum insulated steel portable tanks, for shipment of certain nonflammable compressed gases. (Modes 1, 3.)
7657–X	Welker Engineering Company, Sugar Land, TX.	49 CFR 173.119, 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3, 178.42.	To authorize manufacture, marking and sale of non-DOT specification stainless steel cylinders, for transportation of compressed gases. (Modes 1, 2, 3, and 4.)
8362–X	Science Applications International Corporation, San Diego, CA.	49 CFR 172.101, 173.206, 173.247.	Authorizes the shipment of batteries containing lithium metal and thionyl chloride in fiberboard boxes overpacked in wooden boxes. (Modes 1, 2.)
8362–P	Department of the Navy, Silver Spring, MD.	49 CFR 172.101, 173.206, 173.247.	To become a party to exemption 8362 (Modes 1, 2.)
8708–X	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.357(b)(2)	Authorizes the use of non-DOT specification steel drums (overpacked, palletized and containerized) for shipment of a Class B poison. (Modes 1, 3.)
8944–X	Advanced Silicon Materials, Inc., Moses Lake, WA.	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e) the introductory paragraph, the Table, Part 107, Appendix B.	Authorizes the use of a limited quantity of DOT Specification 3AAX or 3T cylinders that are retested by means other than the hydrostatic retest required in 49 CFR 173.34(e). (Modes 1, 3.)
9355–X	Ultralife Batteries, Inc., Newark, NY.	49 CFR Parts 100–177	Authorizes the transport of a limited number of certain lithium batteries on passenger carrying aircraft. (Modes 1, 2, 3, and 4.)
9445–X	Pacific Construction & Maintenance, Inc., Santa Paula, CA.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340–7, 178.342–5, 178.343–5.	Authorizes the manufacture, marking and sale of non-DOT specification cargo tank designed and constructed in full conformance with DOT Specification MC–307 or MC–312 for shipment of flammable liquid, corrosive material or poison B. (Mode 1.)
9519–X	Transchem I, Inc., Kearny, NJ .	49 CFR 173.119, 173.256, 173.266, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of a non-DOT specification rotationally molded, cross-linked polyethylene or linear medium density polyethylene portable tank, enclosed within a protective steel frame for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2.)
9676–X	EM Science, Cincinnati, OH	49 CFR 173.119(b)(4), 173.125, 178.205.	Authorizes the shipment of certain flammable liquids contained in four inside glass bottles or PVC coated glass bottles of one-gallon capacity each, overpacked in a corrugated fiberboard box conforming to DOT Specification 12B65 except for handholes in the same side panels of the box. (Mode 1.)
9723–X	Dahlen Transport, Inc., Newport, MN.	49 CFR 177.848(b)	Authorizes the shipment of "lab-packs" containing cyanides and cyanide mixture with "lab-packs" containing acids and corrosive liquids in the same transport vehicle. (Modes 1, 2.)
9723–X	Advanced Environmental Tech. Corp., Flanders, NJ.	49 CFR 177.848(b)	Authorizes the shipment of "lab-packs" containing cyanides and cyanide mixture with "lab-packs" containing acids and corrosive liquids in the same transport vehicle. (Modes 1, 2.)
9894–X	International Safety Instruments, Inc., Lawrenceville, GA.	49 CFR 173.302(a)(1), 175.3 ..	Authorizes the manufacture, marking, and sale of non-DOT specification cylinders for transport of certain hazardous materials. (Modes 1, 2, 3, 4, and 5.)
10314–N	Rohm and Haas Company, Philadelphia, PA.	49 CFR 172.101, 173.245(a)(33).	To authorize shipment of corrosive liquids, n.o.s. in specification 111A60W7 tank car built to 111A100W6 specification: insulated with a fusion welded stainless steel tank and no bottom outlet. (Mode 2.)
10353–X	Walpole, Inc., Mt. Holly, NJ	49 CFR 173.114	To manufacture, mark and sell a non-DOT specification disposable polyethylene lined woven, polypropylene bulk bags having a capacity not greater than 2200 pounds each with top and bottom outlets, for shipment of ammonium nitrate-fuel oil mixtures. (Mode 1.)
10355–X	Chemtech Industries, Inc., East St. Louis, IL.	49 CFR 173.264	To authorize transport of hydrochloric acid solutions in a DOT Specification 111A100W5 tank car tank equipped with an ethylene chlorotrifluoroethylene lining. (Mode 2.)
10441–P	Clean Harbors Environmental Services, Inc. Quincy, MA.	49 CFR 177.848	To become a party to exemption 10441 (Mode 1.)
10600–N	W.R. Grace & Co, Baltimore, MD.	49 CFR 178.98–7(a), 178.98–7(b).	To authorize the manufacture, marking and sale of 55-gallon 6B480 DOT-specification 16 gauge steel drums equipped with 3/4" bung for transportation of metal catalyst, wetted. (Mode 1.)
10619–N	Tri-Gas Inc., Irving, TX	49 CFR 176.76(h), 178.338, 49 CFR 173.318.	To authorize shipment of liquid oxygen, nitrogen or argon, nonflammable gases, in non-DOT specification portable tanks. (Modes 1, 3.)
10640–N	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 173.154	To authorize the bulk transportation of oxidizer, n.o.s. in DOT-Specification 11A60ALW tank cars. (Modes 2, 3.)

WITHDRAWAL EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10719–N	Kin-Tek Laboratories, Inc., Texas City, TX.	49 CFR 173.4, Appendix B, Subpart B, (1) (2).	To authorize shipment of permeation devices containing not over 5 grams of various hazardous materials. (Modes 1, 2, 4, and 5.)
10766–N	Baker Performance Chemicals, Inc., Houston, TX.	49 CFR 173.29(c)(2)	To authorize the transportation of non-DOT specification storage tanks with residual amounts of flammable and corrosive liquids. (Mode 1.)
10806–N	First Brands Corporation, Danbury, CT.	49 CFR 173.306–3(i)	To authorize the transportation of DOT Specification 2Q aerosol tire inflator and sealer containers fitted with a vented dome with a release pressure of 225 psig at 130 degrees. (Mode 1.)
10812–N	Witco Corporation, Marshall, TX.	49 CFR 173.225	To authorize an alternative cargo tank design for shipment of certain organic peroxides classed as flammable liquid. (Mode 1.)
10856–N	Clean Earth Manufacturing, Inc., Birmingham, AL.	49 CFR 171.8(c)	To authorize the manufacture, mark and sell a roll on/roll off type cargo tank that may be loaded while removed from the motor vehicle for transporting various commodities as authorized by CFR in DOT specification 407 and 412 cargo tanks. (Mode 1.)
10859–N	Morton International, Inc., Ogden, UT.	49 CFR 177.848	To authorize the transportation of auto inflator propellants, classed as flammable solid, with relief from the segregation table. (Mode 1.)
10911–X	The Pallet Reefer Company, Houma, LA.	49 CFR 49 CFR 173.24(g)	To manufacture, mark and sell a specially designed refrigeration unit equipped with four DOT specification 3AL1800 cylinders, containing carbon dioxide, refrigerated liquid, division 2.2, which are vented during transportation through a controlled release process for cooling purposes. (Modes 1, 4.)
10932–N	Nalco Chemical Company, Naperville, IL.	49 CFR Part Subparts D and D except 172.312.	To authorize the shipment of small quantities of Packing Group II and III hazardous materials in privately owned automobiles and small trucks to be exempt from shipping papers, marking, labelling and employee training. (Mode 1.)
10935–N	NSI, Norfolk, VA	49 CFR 172.331, 173.154, 173.164, 173.178, 173.182, 173.204, 173.217, 173.234, 173.245(b), 173.366, and 173.367.	To manufacture, mark and sell non-DOT specification flexible nonreusable bulk bags of woven polypropylene fabric for the shipment of certain flammable, corrosive, oxidizer or poison B solids. (Modes 1, 2, and 3.)
11114–N	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.34 (e)(15)(i)(ii)	To authorize retesting of DOT 3A and 3AA specification cylinders on a 15 year cycle in lieu of the required 10 year cycle. (Modes 1, 2, 3, 4, and 5.)
11164–N	Elastochem, Inc., Chardon, OH	49 CFR 173.225	To authorize the shipment of 70 percent organic peroxide, Type F Solid, Division 5.2, as nonregulated based on test criteria, contained in heavy gauge polyethylene bags containing not more than 25 kilos of material and unitized on wooden pallets. (Mode 1.)
11182–N	Safety-Kleen Corp., Elgin, IL ...	49 CFR 173.28 (b)(2)	To exempt reused 1A2 drums, from the leakproofness test requirements, used in transporting cleaning products classed as combustible liquid. (Mode 1.)
11195–N	Defense Technology Corporation of America, Casper, WY.	49 CFR 172.101	To exempt from labelling requirements small packages of various hazardous material (i.e. tear gas type products) now required to bear a poison label. (Mode 1.)
11268–N	Elf Atochem North America, Inc., Philadelphia, PA.	49 CFR 173.225 (d)(2)	To authorize the transportation of solid organic peroxides, Division 5.2 in 4H2 solid plastic boxes equipped with polyethylene film bags. (Modes 1, 2.)

DENIALS

9846–X	Request by Flexcon and Systems, Inc. Lafayette, LA to modify exemption to provide for the manufacture of bulk bags not to exceed 3,000 pounds for use in transporting various classes of hazardous materials denied December 31, 1995.
9920–X	Request by Tri-Wall Corporation Louisville, KY to modify exemption to provide for additional designed non-DOT specification fiberboard bulk construction for use in transporting various hazardous materials classed in Division 4.1, 5.1 and Class 9 denied December 31, 1995.
10764–X	Request by Snyder Industries, Inc. Lincoln, NE to modify exemption to provide for various design changes to a non-DOT specification rotationally molded polyethylene portable tank for use in transporting various hazardous materials denied December 31, 1995.
10942–N ...	Request by Dowell Schlumberger, Inc. Houston, TX to authorize the shipment of flammable liquid, corrosive n.o.s., Class 3, in DOT specification 57 portable tanks denied December 31, 1995.
11213–N ...	Request by T.O.T.E. Plastics, Inc. Bramptori, Ontario, Canada to authorize the transportation of Division 5.1, 6.1, Class 3 and 8 material in non-DOT specification polyethylene intermediate bulk containers denied December 31, 1995.
11219–N ...	Request by Galiso, Inc. Montrose, CO to authorize the ultrasonic inspection of 3A and 3AA cylinders for use in transporting various classes of hazardous materials, Class 3, 8, and Division 2.1, 2.2, 2.3 and 6.1 denied December 31, 1995.

DENIALS—Continued

11229–N ...	Request by Airco Gases Murray Hill, NJ to authorize ultrasonic testing of 3A and 3AA cylinders for use in transporting various hazardous materials classed in Division 2.1, 2.2, 2.3, 6.1, and Class 3 and 8 denied December 31, 1995.
11237–N ...	Request by Dapco Industries, Inc. Ridgefield, CT to authorize the ultrasonic testing method of 3A and 3AA cylinders used for transporting various hazardous materials classed as Division 2.1, 2.3, 6.1 and Class 3 and 8 denied December 31, 1995.
11261–N ...	Request by Assmann Corporation of America Garrett, IN to manufacture, mark and sell a 400 gallon rotational molded polyethylene tank of titanium construction equipped with metalframe work for use in transporting various classes of hazardous materials denied December 31, 1995.
11431–N ...	Request by Autoflator AB Vargarda, SW to authorize the emergency transportation of no more than 100 non-DOT specification, non-refillable, high pressure cylinders charged with a hydrogen/air mixture, a Division 2.1 material, as part of experimental modules used in automobile airbag systems denied December 31, 1995.

Issued in Washington, DC, on June 12, 1995.

J. Suzanne Hedgepeth,

Chief, Exemption Programs, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 95–15129 Filed 6–20–95; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation with An International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 19086, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986.)

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an internal boycott (with the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudia Arabia
Syria
United Arab Emirates
Yemen, Republic of

Dated: June 14, 1995.

Joseph Guttentag,

International Tax Counsel (Tax Policy).

[FR Doc. 95–15114 Filed 6–20–95; 8:45 am]

BILLING CODE 4810–25–M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980, as Amended by Pub. L. 99–591; Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), as amended by Pub. L. 99–591. Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be made within 30 days directly to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; Telephone: (202) 395–3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 1101 Market Street (BR 6B), Chattanooga, Tn 37402–2801; (615) 751–2523.

Type of Request: Regular submission.

Title of Information Collection: Customer Survey of Boating Activities on Cherokee and Douglas Lakes.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 1,000.

Estimated Total Annual Burden Hours: 170.

Estimated Average Burden Hours Per Response: .17.

Need For and Use of Information: This survey will collect information from recreational users of Cherokee and Douglas Lakes in Tennessee on their needs and requirements. The information will be used to assess TVA's operations and to identify potential areas of improvement.

Dated: June 13, 1995.

William S. Moore,

Senior Manager, Administrative Services.

[FR Doc. 95–15103 Filed 6–20–95; 8:45 am]

BILLING CODE 8120–08–P

Environmental Impact Statement: Coal Receiving Systems—Kingston Fossil Plant

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Extension of comment period on notice of intent and announcement of public scoping meeting.

SUMMARY: TVA published a Notice of Intent to prepare an Environmental Impact Statement on Alternative Coal Receiving Systems in the **Federal Register** on May 22, 1995. This original notice stated comments would be received on the scope of the EIS on or before June 30, 1995. TVA is today extending that comment period until July 24, 1995, and announcing the location of a public scoping meeting.

DATES: Comments on the scope of the EIS must be received on or before July 24, 1995. A public scoping meeting will be held on Thursday, June 29, 1995, at 7 p.m. (Eastern Daylight Savings Time) at Roane County High School, Cumberland Street, Kingston, Tennessee.

ADDRESSES: Comments should be sent to Dale V. Wilhelm, NEPA Liaison, Tennessee Valley Authority, WT 8C, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: David Robinson, Fossil Fuels, Tennessee Valley Authority, 1101 Market Street, LP 5H, Chattanooga,

Tennessee 37402, phone (615) 751–2502.

SUPPLEMENTARY INFORMATION: A Notice of Intent (NOI) to prepare an EIS on alternatives for receiving coal at TVA's Kingston, Tennessee, Fossil Plant in East Tennessee was published in the **Federal Register** on May 22, 1995. The NOI stated that comments would be received until June 30, 1995. It was not possible to hold a public meeting on the scope of the EIS during that timeframe, and project schedules allow for a longer public scoping period. Therefore, TVA is extending the EIS scoping period until July 24, 1995, to allow sufficient time to hold the public meeting and allow the interested public to comment on the suggested scope of the EIS alternatives and important issues.

A public meeting will be held on Thursday, June 29, 1995, at 7:00 p.m. Eastern Daylight Savings Time at Roane County High School, Cumberland Street, Kingston, Tennessee. The purpose of this meeting will be to gain information regarding important environmental issues and alternatives to be addressed in the EIS. Written comments on these issues should be mailed to the address noted above. Oral and additional written comments will be received at the public meeting.

Dated: June 12, 1995.

Kathryn J. Jackson,

Senior Vice President, Resource Group, Tennessee Valley Authority.

[FR Doc. 95–15102 Filed 6–20–95; 8:45 am]

BILLING CODE 8120–01–M

UNITED STATES INFORMATION AGENCY

U.S. Advisory Commission on Public Diplomacy Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on June 21 in Room 600, 301 4th Street, S.W., Washington, D.C. from 9:30 a.m. 12:00 noon.

At 9:30 a.m. the Commission will meet with Mr. Stanley Silverman, Director, Office of the Comptroller; Mr. Edward Platte, Resource Management Committee; Ms. Donna Oglesby, Counselor; USIA, to discuss contingency resource planning for FY 2000. At 11:00 a.m. the Commission will meet with Dr. Joseph Duffy, Director, and Mr. Penn Kemble, Deputy Director, USIA, to discuss contingency planning and issues.

FOR FURTHER INFORMATION: Please call Betty Hayes, (202) 619–4468, if you are interested in attending the meeting. Space is limited and entrance to the building is controlled.

Dated: June 15, 1995.

Rose Royal,

Management Analyst Federal Register Liaison.

[FR Doc. 95–15116 Filed 6–20–95; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 60, No. 119
Wednesday, June 21, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

ASSASSINATION RECORDS REVIEW BOARD

TIME AND DATE: 10:00 a.m., June 28, 1995.

PLACE: Old U.S. Mint Building, 400 Esplanade Avenue, New Orleans, LA.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

10:00 a.m.: Public Hearing

"Assassination Records in the Greater New Orleans Area"

2:00 p.m.: Board Meeting

Open

1. Discussion of Sunshine Act Regulation
2. Discussion of ROI/PA Regulation
3. Discussion and Decision on Board Procedures
4. General Board Business

Closed

5. Document Review Discussion and Decisions

CONTACT PERSON FOR MORE INFORMATION: Thomas Samoluk, Press and Public Affairs Officer, 600 E Street, NW, Second Floor, Washington, DC 20530. Telephone: (202) 724–0088; Fax: (202) 724–0457.

David G. Marwell,

Executive Director.

[FR Doc. 95–15365 Filed 6–19–95; 3:56 pm]

BILLING CODE 6820–TD–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to the **Federal Register** on Friday, June 16, 1995.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Monday, June 26, 1995.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Proposed acquisition of automated data processing equipment with the Federal Reserve System.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: June 19, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–15311 Filed 6–19–95; 1:36 pm]

BILLING CODE 6210–01–P

federal register

Wednesday
June 21, 1995

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Parts 895 and 897

Medical Devices; Performance Standards for Electrode Lead Wires and Banning of Unprotected Electrode Lead Wires; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 895 and 897

[Docket No. 94N–0078]

Medical Devices; Proposed Performance Standards for Electrode Lead Wires and Proposed Banning of Unprotected Electrode Lead Wires

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to establish a performance standard for electrode lead wires. The agency is taking this action because it has determined that a performance standard is needed to prevent hazardous electrical connections between patients and electrical power sources. FDA is also proposing to make unprotected electrode lead wires a banned device upon the effective date of the standard for the device. FDA has determined that unprotected electrode lead wires and patient cables present an unreasonable and substantial risk of illness or injury, and that the risk cannot adequately be corrected or eliminated by labeling or a change in labeling.

DATES: Written comments by September 5, 1995. Written requests for changes in classification of the device before July 21, 1995. FDA is proposing that any final regulation promulgating a performance standard and banning the devices that do not meet the standard be effective 1 or 3 years, depending on the device type, after publication of any final rule based on this proposal.

ADDRESSES: Submit written comments and requests for changes in the classification to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marquita B. Steadman, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20850, 301–594–4765, ext. 145.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of May 19, 1994 (59 FR 26352), FDA published an advance notice of proposed rulemaking (ANPRM) and announced the need for further FDA action to address this problem. In that ANPRM, FDA described various regulatory actions it had taken since the first reported incidents in 1985 of exposed male connector pins of electrode lead wires being inserted into either alternating current (AC) power cords or a wall outlet, rather than into the patient cable that connects to the monitor. The ANPRM also described actions to various organizations, such as the former Emergency Care Research Institute (ECRI), and outside standard setting bodies have taken to prevent electrode lead wires from being connected to electrical power sources. A summary of these actions is provided later in this section. In the ANPRM, FDA stated that: "despite efforts to eliminate the risk, unprotected electrode lead wires and patient cabling systems are still distributed by some manufacturers as replacements for existing equipment, and may also be interchangeable among various medical devices." (See 59 FR 26532 at 26353.) In the ANPRM, FDA further announced that it, in conjunction with the Health Industry Manufacturers Association and the American Hospital Association (AHA), was sponsoring a public conference entitled "Unprotected Patient Cables and Electrode Lead Wires." The conference was held on July 15, 1994, and provided a forum for device users, manufacturers, and other health professionals to offer and to hear comments for FDA's consideration during the rulemaking process.

The need for FDA action to resolve the potential hazard of unprotected electrode lead wires and patient cables used with medical devices was further emphasized in a letter dated August 2, 1994, to FDA Commissioner David A. Kessler, from the Honorable Ron Wyden, then Chairman, U.S. House of Representatives, Committee on Small Business, Subcommittee on Regulation, Business Opportunities, and Technology (Ref. 1). In that letter, Mr. Wyden stated that "shocks, burns, and electrocutions occur despite warnings issued by the FDA to hospitals, manufacturers, and others." Specifically, Mr. Wyden wrote that:

> Hospitals have been told to purchase and use only protected wires and cables. They have also been told to remove unprotected equipment and to alert staff members to possible hazards to patients.
>
> Manufacturers have been encouraged to modify their designs to prevent lead wires from being inserted into electrical outlets.
>
> Despite warnings and other communications, some manufacturers still distribute to hospitals unprotected lead wires as replacements for deteriorated equipment.
>
> It is clear that regulatory action, as well as additional education and training is needed to stop the slow but steady flow of children (and adults) who are burned or electrocuted.

FDA's records of incidents with unprotected electrode lead wires and patient cables reveal the following: Between 1985 and 1994, 24 infants or children received "macro-shock" (large, externally applied currents) from electrode lead wires or cables, including 5 children who died by electrocution (Ref. 2). The most recent death (1993), which occurred in a hospital, involved a 12-day old infant. The apnea monitor involved in the incident had been sold with safety protected electrode lead wires and patient cable, but an unprotected patient cable from another manufacturer of an ECG monitor and unprotected prewired electrodes from a third manufacturer were being used when the infant was electrocuted.

There are reports of injuries associated with unsafe electrode lead wires and patient cables involving medical devices other than apnea monitors (Ref. 3). In 1986, for example, a death occurred when the ECG lead wires were plugged into an infusion pump power cord in a hospital environment. Similarly, in 1990, a death occurred when a neonatal monitor's electrode lead wires were inserted into a pulse oximeter power cord. FDA has received additional reports of similar events that resulted in electrical shocks, burns, and possible brain damage to patients. In response to the death and electrical burns that occurred in 1985, FDA issued an alert to home-use apnea monitor manufacturers, home user support organizations, and apnea monitor users, announcing, among other things, the agency's intent to embark on a cooperative effort with industry and the medical profession to resolve the problem of potential electrical connection between patients and electrical power sources. FDA alsc requested each home-use apnea monitor manufacturer to evaluate its device for potential electrode lead wire and patient cable hazards and, when necessary, to consider design changes to preclude insertion of electrode lead wire connectors into AC power cords and outlets. In addition to issuing the alert, the Center for Devices and Radiological Health's July 1985 "Medical Devices Bulletin" was devoted in great part to publicizing the unprotected electrode lead wire hazard.

Since 1985, FDA has not cleared for marketing any home-use apnea monitor that features an unprotected electrode lead wire and patient cable configuration. For all apnea monitors cleared for marketing since 1989, FDA has required a protective electrode lead

wire and cable design, whether or not the device was intended for home use. Despite these efforts, some hospitals continue to use older units, or electrode lead wires and patient cables from other devices, which do not have the protective electrode lead wire and cable design. Even with the new models, as evidenced by the 1993 incident, it may be possible to switch patient cables and/or electrode lead wires, thereby creating a hazard.

On September 3, 1993, FDA issued a safety alert to hospital administrators, risk managers, and pediatric department directors, warning them that the use of unprotected electrode lead wires with an apnea monitor may be dangerous to the patient, and may be in violation of section 518(a) of the act (21 U.S.C. 360h(a)) (Ref. 4). FDA included in the alert a number of recommendations to help prevent these accidents. FDA also sent all apnea monitor manufacturers a notification letter under section 518(a) of the act (Ref. 5).

Section 518(a) of the act authorizes the agency to issue an order to assure that adequate notification is provided in an appropriate form, by the means best suited under the circumstances involved, to all health professionals who prescribe or use a particular device and to any other person who should properly receive such notification, in order to eliminate an unreasonable and substantial harm to the public health when no other practicable means is available under the act to eliminate such risk. FDA stated that, for these devices, notification should include replacement of unprotected electrode lead wires and patient cables, and that a warning label should be permanently affixed to all monitors stating that unprotected electrode lead wires and patient cables should not be used with the device because inappropriate electrical connections may pose an unreasonable risk of adverse health consequences or death. FDA also requested manufacturers of all apnea monitors to cease further distribution of unprotected electrode lead wires and patient cables. On September 20, 1993, FDA issued a similar letter to all known third-party manufacturers of patient cables and electrode lead wires (Ref. 6).

On December 28, 1993, FDA issued a Public Health Advisory to hospital nursing directors, risk managers, and biomedical/clinical engineering departments for distribution to all units in their hospitals and outpatient clinics, as well as to home health care providers and suppliers affiliated with those facilities, advising them of the hazards associated with use of electrode lead wires with unprotected male connector pins (Ref. 7). In the Public Health Advisory, FDA expanded the scope of its September 3, 1993, apnea monitor safety alert to include all devices using patient electrodes. FDA noted that, even though manufacturers have changed the design of their devices to minimize the potential hazard, some facilities are still using older models that make it possible for staff to switch patient cables and/or lead wires, thus creating a hazard. FDA recommended various precautions to prevent the use of unsafe lead wires and patient cables.

Manufacturers of devices other than apnea monitors that utilize patient electrodes, e.g., ECG, have been encouraged by various organizations to modify their electrode lead wires so that they cannot be inserted into AC power cords or outlets. For example, in February 1987 and May 1993, ECRI issued hazard reports concerning electrical shock hazards from unprotected electrode lead wires and patient cables. Further, standards-setting bodies have developed various standards, both in draft and final form, that have the same goal in mind—safety requirements for patient electrode lead wires.

IEC has proposed an amendment to IEC 601–1, the safety standard for electromedical equipment, requiring that electrode lead wires be unable to make contact with hazardous voltages. This amendment was approved and published in March 1995.

The Underwriters Laboratories (UL) adopted IEC 601–1 by issuing its standard 2601–1. It became effective on August 31, 1994. This standard supersedes UL 544 (referenced in the ANPRM). In adopting the IEC standard, UL included a deviation that requires that patient electrodes be designed to avoid connection to electrical power sources. (See UL 2601–1, Medical Electrical Equipment Part 1: General Requirements for Safety.) The UL standard states in the rationale section that "this is a basic safety concern prompted by recent accidents involving patient injury, including infant deaths. Patients were accidently being connected to hazardous circuits while being connected to applied parts of medical equipment, such as an apnea monitor." FDA has been advised that it is possible that UL will modify its requirement to be equivalent to the one included in the proposed amendment to IEC 601–1.

There is also a German DIN standard for touch proof connectors for electromedical applications. This design standard was also referenced in the ANPRM and states that it was developed because of the accidents that occurred with infants in 1985 and 1986.

The National Fire Protection Agency (NFPA) is also proposing a standard for patient electrode lead connectors. FDA has received information that even though it is voluntary, this NFPA standard will be adopted by many States and municipalities as a mandatory standard for health care facilities. Further, this standard is referenced by the Joint Commission on Health Care Organizations.

Finally, the Association for the Advancement of Medical Instrumentation (AAMI) is developing a standard that covers cables and patient lead wires for surface electrocardiographic monitoring in cardiac monitors applications. The draft standard addresses safety and performance of cables and lead wires with the added purpose of encouraging the availability of lead wires that are interchangeable for ECG monitoring applications. The standard defines a safe (no exposed metal pins) common interface at the cable yoke and lead wire connector. The draft standard is currently being balloted by AAMI and undergoing public review for acceptance as an American National Standard.

FDA believes that industry also recognizes the importance of addressing this hazard. In response to FDA's alert letter in June 1985, manufacturers voluntarily began to redesign their electrode lead wires and patient cables for home apnea monitors. And more recently, many firms have taken voluntary action to recall electrode lead wires with unprotected exposed metal pins and/or unprotected patient cables. Apnea monitor firms are replacing their male pin lead wires and associated cables with safety cable systems, usually free of charge, while others are making adapters and warning labels available. Some device manufacturers have ceased supplying unprotected electrode lead wires.

II. Highlights of the Proposal

This rule proposes to establish a performance standard that FDA believes will eliminate the risk of electrode lead wires being inserted or otherwise manipulated so as to make contact with live parts of a power outlet or separable power cord. This standard would apply to all medical devices that use patient-connected electrode lead wires.

FDA is proposing a 1- or 3-year effective date for any final regulation based on this proposed promulgation of a performance standard. Devices that would be subject to the 1-year effective date are those devices that present the

greatest potential risk of harm as demonstrated by use in environments where accidental inappropriate connections could reasonably be anticipated, and by frequent use of the devices and frequent connections of electrode lead wires. Devices subject to the 1-year effective date would also include devices that have been the subject of reported adverse events, and those that can be reasonably anticipated to be the subject of adverse events. Devices that would be subject to the 3-year effective date are those devices that do not satisfy the criteria for the 1-year effective date but also utilize unprotected electrode lead wires. The agency is also proposing to ban devices that do not meet the standard on its effective date.

III. The New Framework

As noted in the ANPRM, FDA recognizes that despite the many efforts described above, the potential risks presented by the continued use of unprotected electrode lead wires and patient cabling systems still exist. In order to eliminate these risks completely, the agency is proposing to establish a performance standard that would apply to all medical devices that use patient-connected electrode lead wires.

In reaching this decision, the agency reviewed several standards that are in various stages of development before deciding to propose to establish its own. FDA decided not to adopt these standards for this proposal because some of them were too restrictive or not restrictive enough for application to all devices. In addition, it would cause unnecessary delay in FDA's handling of this matter to obtain the appropriate clearances for the adoption of an existing standard. FDA believes, however, that devices that meet the IEC, AAMI, and NFPA standards for protected electrode lead wire and cable configurations would also meet FDA's proposed standard.

The agency believes that firms whose devices would be subject to the proposed performance standard will begin adapting existing products to the standard, or modify "new devices" to conform them to the standard, if they have not already done so, before the effective date of the standard. This would be consistent with Congress' admonition that "stockpiling of nonconforming devices is discouraged, since standards will apply to all devices in commercial channels on their effective date." (See H. Rept. 853, 94th Cong., 2d sess. 30; see also 45 FR 7474, February 1, 1980, final standards regulations.)

FDA is publishing a list of devices utilizing patient contacting electrodes that would be subject to the 1- or 3-year phase-in process of the performance standard. FDA reserves the right, upon proper notification to interested parties, to amend this list at any time. FDA believes the proposed effective dates are reasonable and consistent with the congressional intent in enacting section 514 of the act, as well as with comments at the public conference.

To ensure a full adherence to the standard by both new and existing products in commercial distribution and use, the agency is also proposing to ban all devices that do not meet the standard on its effective date.

IV. Performance Standard

The Safe Medical Devices Act of 1990 (the SMDA) (Pub. L. 101–629) prescribes changes to the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321–394), as amended, that improve the regulation of medical devices and strengthen the Medical Device Amendments of 1976 (the 1976 amendments), which established a comprehensive framework for the regulation of medical devices.

The SMDA amended section 513 of the act (21 U.S.C. 360c) to redefine class II as the class of devices that is or will be subject to special controls, and amended section 514 of the act (21 U.S.C. 360d) to simplify the requirements for establishing performance standards. Section 513 of the act states that the "special controls * * * shall include performance standards for a class II device if the Secretary determines that a performance standard is necessary to provide reasonable assurance of the safety and effectiveness of the device." The legislative history of the SMDA states that:

> by simplifying the process for establishing performance standards, and by allowing the Secretary discretion to employ such standards as one of a variety of additional controls to assure the safety and effectiveness of Class II devices, performance standards will become valuable tools to regulate those devices for which they are most needed.

(S. Rept. 513, 101st Cong., 2d sess. 19 (1990).)

Under this proposal, this mandatory standard would apply to all electrode lead wires, and would be phased-in over a period of 3 years. Proposed § 897.12(a) and (b) contain lists of devices that would be subject to the performance standard, with the applicable effective dates of the standard.

A. The Proposed Standard

FDA proposes the following mandatory performance standard for patient-connected electrode lead wires. Any lead wire intended to provide electrical contact between a patient and any medical device shall be protected such that the connector at the lead wire end that is distal to the patient cannot make conductive contact with an AC electrical power source (e.g., wall receptacle, power cord plug).

B. Findings

Unprotected electrode lead wires and patient cabling systems have been associated with burns and electrocutions. The fact that these injuries and deaths occurred in both homes and hospitals emphasizes the need to address this problem on a wider scale. Until all unprotected electrode lead wires and patient cables are out of the user environment, the potential hazard exists. FDA believes that a proactive approach warranted to address this potential hazard adequately.

Despite repeated efforts to eliminate the serious hazard they pose, the production and use of unprotected electrode lead wires continue. Although many firms are taking corrective action, others continue to supply users with unprotected electrode lead wires, and users continue to request and use them. Therefore, to eliminate the serious risks to health presented by these devices, FDA is proposing that all devices featuring patient connected electrode lead wires be redesigned or adapted to prevent the risk by the end of a 3-year period.

C. Opportunity to Request a Change in Classification

In accordance with section 514(b)(1)(B)(iii) of the act and § 860.132, FDA is offering interested persons an opportunity to request a change in the classification of any device that would be subject to the proposed standard, based on new information relevant to its classification. Any proceeding to reclassify a device will be in accordance with section 513(e) of the act.

A request for a change in the classification of a device that uses electrode lead wires is to be in the form of a reclassification petition containing information required by § 860.123 (21 CFR 860.123), including new information relevant to the classification of the device, and shall, under section 514(b)(1)(B) of the act, be submitted before July 21, 1995.

The agency advises that, to ensure timely filing of any such petition, any

request should be submitted to the Dockets Management Branch (address above) and not to the address provided in § 860.123(b)(1). If a timely request for a change in the classification is submitted, FDA will, by August 21, 1995, and after consultation with the appropriate FDA advisory committee and by an order published in the **Federal Register**, either deny the request or initiate a change in the classification of the device in accordance with section 513(e) of the act and 21 CFR 860.130.

In accordance with section 515(c)(1)(D) of the act (21 U.S.C. 350e(c)(1)(D)) any class III device for which a PMA is filed would be required to include information showing that the device is in compliance with the standard.

D. The Proposed Effective Date

Section 861.36 (21 CFR 861.36) states that:

> A regulation establishing * * * a performance standard will set forth the date upon which it will take effect. To the extent practical, consistent with the public health and safety, such effective date will be established so as to minimize economic loss to, and disruption or dislocation of, domestic and international trade. (See also section 514(b)(3)(B) of the act.)

FDA has determined that the cost of converting or adapting unsafe electrode lead wire configurations in order to comply with the proposed standard is manageable because the standard will be phased in over a 1- or 3-year period. Furthermore, FDA believes that this cost is justifiable given the severity of the adverse events that have occurred and those that may reasonably be anticipated.

V. Banning Action

The SMDA amended section 516 of the act (21 U.S.C. 360f), which authorizes FDA to ban any device intended for human use if FDA finds, based on all available data and information, that such device presents a "substantial deception" or an "unreasonable and substantial risk of illness or injury" that FDA finds cannot be, or has not been, corrected or eliminated by labeling or a change in labeling.

The Report by the Committee on Interstate and Foreign Commerce on the amendments (House Report) stated that:

> By using the term substantial, the Committee intends that the Secretary make a determination that the deception or risk incurred through the continued marketing of such a device is important, material, or significant. In determining that the device is deceptive, it is not necessary that the Secretary find that there was intent to mislead users of the device. Nor is actual proof of deception of or injury to an individual required.

(H. Rept. 853, 94th Cong., 2d sess. 19 (1976).)

The legislative history of the amendments further stated that:

> A finding that a device presents the requisite degree of deception or risk is made 'on the basis of all available data and information', including information which the Secretary may obtain under other provisions of the proposed legislation, and information which may be supplied by the manufacturer in response to the proceeding relating to the safety, effectiveness, or labeling of the device.

(Id. at 19.)

Under the SMDA, FDA may initiate a proceeding to ban a device, based upon available data and information, without first consulting with a device panel. In addition, the SMDA no longer requires that the agency afford interested persons an opportunity for an informal hearing before proposing a regulation to ban a device. (See Section 18(d) of the SMDA; and also 21 CFR 895.20.) FDA believes, that the conference held on July 15, 1994, was an appropriate forum for interested parties to express their views on the agency's options for a proposed course of action. Further, the ANPRM solicited comments on alternative solutions to the removal of all unprotected electrode lead wires from the market, such as banning them under part 895 (21 CFR part 895). FDA considered the conference transcript, as well as the written comments submitted in response to the ANPRM, before determining that a banning action is warranted. For all these reasons, the agency has decided that an informal hearing is not necessary before proceeding with the proposal. Moreover, this document provides interested persons with an additional opportunity to provide comments on the agency's proposed actions.

FDA is aware that in response to the section 518(a) letters it issued last year, many firms conducted voluntary recalls of unprotected electrode lead wires to correct the labeling on these devices. However, FDA has determined that the continued marketing of unprotected electrode lead wires and patient cables, no matter how they are labeled, presents an unreasonable and substantial risk of illness or injury to individuals, and provides no benefit to the public health that is not provided by protected electrode lead wires and patient cables. Use of unprotected electrode lead wires has resulted in, and can be expected to continue to result in, serious adverse consequences or death because the devices are inherently dangerous when used in a reasonably foreseeable, albeit inappropriate, manner. There are no labeling requirements that can reliably prevent inappropriate connections of unprotected electrode lead wires and, thus, unprotected electrode lead wires cannot be safely marketed for the device's intended purposes. Accordingly, FDA has not proposed a change in device labeling. Indeed, labeling warnings are meaningless when unprotected electrode wires are available to preschool children or individuals with limitations such as vision problems, mental retardation, or other cognitive impairments. Further, labeling is often an inadequate solution in certain hospital settings where health care professionals find themselves in busy, stressful situations in which they may not be provided with, or could inadvertently overlook, instructions.

Therefore, FDA is proposing to ban unprotected electrode lead wires in order to prohibit their further introduction into commerce and to expedite the removal of these devices from commercial distribution and use, thereby preventing any further or unreasonable and substantial risk of illness or injury. Based on the public comments received to date, FDA believes that the proposed 1- or 3-year effective dates would provide a reasonable transition time with minimal economic disruption.

FDA notes that, even though current law requires that hospitals and other users of medical devices report problems such as serious injuries and deaths, that law did not become effective until late 1991. Therefore, there has probably been an underreporting of the deaths and serious injuries attributable to unprotected patient electrode lead wires and cables.

VI. Summary and Analysis of Comments and FDA'S Response

The agency received 19 written comments from manufacturers, distributors, user facilities, trade associations, and a consultant in response to the ANPRM. A summary of the written comments and oral testimony from the conference is provided below:

1. In general, several comments expressed their appreciation to FDA for allowing them to express their views to the agency on this important public health issue. A few comments noted that the July conference was an excellent forum for the exchange of ideas on a subject that is of concern to all manufacturers and users of medical instrumentation. One comment encouraged FDA to increase its use of

forums of this type because they lead to a better understanding of issues that are relevant to industry. A few comments stated that they were in favor of safety systems for all devices that directly connect electrodes to patients. Other comments supported the concept of banning the use and production of unprotected electrode lead wires, provided the ban was implemented over a period of time to allow manufacturers to convert to protected electrode lead or cable sets, and for users to budget for and adapt to the change.

FDA has utilized the information gleaned from the July conference and the written comments submitted in response to the ANPRM in determining the most appropriate regulatory approach to address the risks associated with the continued use of unprotected electrode lead wires and patient cabling systems. The agency is proposing to establish a performance standard for patient-connected electrode lead wires, and also to ban devices that do not meet the standard on its effective date. However, FDA is proposing a phase-in of any final rule based on this proposal for up to a 3-year period, depending on the device type. Based on the public comments received to date, FDA believes that the proposed effective dates provide a reasonable transition period for both new and existing products in commercial distribution and use.

2. Some comments noted that interchangeability with various devices was an attractive feature of unprotected lead sets. Indeed, several comments noted that the straight male (0.80") single pin and corresponding socket are a de facto standard. Several comments noted that this interchangeability feature helps to contain costs. Another comment noted that single lead wire electrodes are lightweight, which makes them good for use on small patients like neonates. Furthermore, because of their light weight, there is an increased probability that the lead will stay on the patient.

Interchangeability of pin-style lead wires was one of the factors leading to FDA's decision to propose this performance standard and ban. FDA believes that protected patient-connected electrode lead wires, if properly designed, can provide the same advantages that have been offered by unprotected electrode lead wires.

3. At the conference it was reported that an advantage to using unprotected electrode lead wires is the ability to clean the contacts of the lead wires, both for the electrical connection because of the oxidation of the connections and also from the standpoint of infection control. Another advantage noted was the ability to disconnect electrode lead wires from one cable and connect them into other cable assemblies while the patient is being transported from unit to unit. Other comments noted that standardized protected electrode lead wire and patient cable interfaces, if properly designed, can provide the same advantages as unprotected electrode lead wires.

FDA agrees that standardized cable and electrode lead wire interfaces, if properly designed, can provide the same advantages as unprotected electrode lead wires.

4. One comment stated that hospitals are being forced to stock many different cables and electrode lead wires to meet the needs of various types of equipment and, as a result, it makes staff training more difficult and creates complex problems when patients move from one area of the hospital to another.

FDA recognizes that in a highly complex setting, such as a hospital, there are numerous questions that arise such as when to change the electrode lead wires, when to change the cables, or when to interchange cables. FDA believes that its proposed standard will eliminate the risk of injury or death when such decisions are made because all electrode lead wires used in the hospital setting, regardless of which device they are being used with, will be protected. FDA encourages design engineers to standardize protected electrode lead wires as much as practicable to permit appropriate interchangeability among device types.

5. One comment noted that many devices (for example, devices that are no longer being manufactured) cannot be modified economically to accept a protected electrode. Another comment stated that at least 20 to 50 percent of all devices in use either cannot be converted or are not worth converting because the manufacturer is out of business or the device is obsolete. This comment states that such devices would need to be discarded and replaced with new equipment.

FDA is not aware of any devices that are no longer being manufactured and are in use today that will be unable to accept protected electrode lead wires with proper design modification. Further, to date, FDA has not been presented with any data showing that firms would be unable to economically redesign their electrode lead wires in accordance with the phase-in approach set forth in this proposal. To the contrary, the evidence in the record demonstrates that a phase-in of up to 3 years would allow sufficient time for such a conversion. For example, at the conference it was reported that clinical engineers from 33 States who responded to an independent survey stated that they could eliminate 90 percent of their nonprotected electrode lead wire and cables in about 2 years. Further, it was reported that studies conducted by AHA and the American Society for Electroneurodiagnostic Technologists (ASET) concluded that it would take a minimum of approximately 2 years to phase-in any conversion for existing electroneurodiagnostic instrumentation and electrode lead wires to a new gender configuration. This 2-year timeframe, according to a representative from ASET, was based on the financial impact that any change would have on the average diagnostic laboratory. This representative further believed that, with an extended compliance date for the diagnostic laboratory setting, the cost would be spread out over a larger fiscal period, making it easier for smaller laboratories to absorb the increased cost of services.

6. At the conference it was suggested that use of adapter blocks would be an inexpensive alternative to address the unprotected electrode lead wire problem. However, this comment noted that adapters are detachable.

FDA recognizes that certain adapters are not failure proof and can be removed, posing the same hazard as an unprotected product. FDA is seeking a permanent solution to the problem. If an adapter is used, it should be designed to prevent removal by the user.

7. One comment noted that the use of unprotected electrode lead wires is preferable to use of an intermediate adapter because adapters introduce a second electrical connection between the device and the electrode, and some devices (for example, electroencephalograms (EEG's)) are very susceptible to noise that may be generated by this additional connection.

FDA acknowledges that, if improperly designed, any extra connection that is made between the electrodes on the patient and the recorder has the potential of causing interference in the recording. However, FDA believes that significant interference could be prevented by proper design of the connector. Further, FDA believes that, in order to comply with the proposed standard, adapters would have to be designed so as to prevent their removal of the adapter by the user.

8. A few comments noted that certain devices, such as transcutaneous electrical nerve stimulators (TENS), Holter, and telemetry, may not permit conversion from unprotected to protected electrode leads unless the

device is retrofitted by an adapter and, in some cases, redesigned by the original equipment manufacturer. Several other comments noted that diagnostic instruments cannot accept redesigned electrode connections without modifying the device.

FDA believes that if devices cannot accept safety lead sets currently available, modifications can be made to the design of the lead, and may also be necessary for the device with which the lead is intended to be used. Indeed, one comment noted that modification kits will be available to permit the use of protected electrode lead wires on certain devices that currently cannot accept them.

As noted at the conference, the electrode lead wires for TENS, Holter, and other event monitors may migrate into other clinical areas. Indeed, FDA believes that the same is true for all electrode lead wires, including those intended for diagnostic use. Therefore, FDA is proposing that all unprotected electrode lead wires be redesigned or adapted to prevent the risk to health presented by these devices.

It should be noted that certain battery powered devices (e.g., Holter monitors, TENS, biofeedback devices) are proposed for Phase 1 implementation. If battery powered, these devices do not pose a direct electrical hazard. However, FDA is concerned about their unsupervised use outside a clinical setting, and the potential hazard presented when their pin-style electrode lead wires are connected to a patient instead of to a device. Based on previous adverse experiences with home-use apnea monitors, FDA believes it prudent to require early conversion of these other home-use devices, and is proposing to include them in Phase 1.

9. A trade association stated that it is not aware of any device that inherently cannot accept a redesigned, protected electrode lead. As noted in response to the comment above, FDA believes that if current devices cannot accept safety lead sets currently available, modifications can be made to the design of the lead, and may also be necessary for the device with which the lead is intended to be used. Indeed, one comment noted that modification kits will be available to permit the use of protected electrode lead wires on certain devices that currently cannot accept them.

10. Some hospitals and other providers contended that immediately replacing devices or parts would be too costly and logistically difficult. One comment stated that the cost of converting to protected electrode lead wires and patient cables would increase the costs of medical care. In contrast, one comment stated that the conversion cost to health care providers would not be unreasonably high given the potential loss of life if unprotected electrode lead wires continue to remain available. A few user facilities noted that unprotected electrode lead wires are not only less expensive than protected electrode leads, but they also have several additional advantages for hospitals, i.e., light in weight, and a standard size and shape (allowing the hospital to use the wires for multiple purposes). These facilities believe that the unprotected electrode lead wire problem will resolve itself in time because, as replacements are needed, safer leads will be ordered.

FDA believes that a long-term "natural" phaseout is an unacceptable solution to the problem. Indeed, one manufacturer of electrode lead wires reported that it continues to fill requests for unprotected lead wires, and does not anticipate any decrease in such requests. One comment estimated that 1.5 million unprotected electrode lead wires and patient cables are manufactured and distributed annually in the United States either for new use or as replacement products, and 10 to 40 million unprotected electrode lead wires and patient cables are currently in circulation. Moreover, FDA believes that any "natural" phaseout that might occur, would take much longer than is reasonable and necessary. FDA believes that a proactive approach is necessary to address this potential hazard adequately. Therefore, to eliminate the serious risks to health presented by these devices, FDA is proposing that all devices featuring patient-connected unprotected lead wires be redesigned or adapted in order to eliminate the risk by the end of a 3-year period.

11. A few comments stated that the cost of converting unsafe cables to safe cables is manageable. One comment noted that the manufacturing of electrode lead wires with protected pins, such as pins meeting DIN 42 802, costs only a few cents more than manufacturing lead wires with unprotected pins. In addition, this comment continued, the cost of the jacks that fit into the equipment is also consistent with the costs of the 2-millimeter pin jack. This comment concluded that any additional costs for new equipment are not significant compared to the cost of retrofitting equipment in the field. This comment believed that retrofitting would require significant changes to cases and printed circuit boards, and is not warranted in light of the frequency and nature of the accidents that have occurred.

FDA believes that the cost of converting or adapting unsafe electrode lead wire configurations to safe electrode lead wire configurations meeting its proposed standard is manageable because the agency will be phasing in its standard over a 1- to 3-year period. Furthermore, FDA believes that this cost is justifiable given the nature of the adverse events reported and those that may be reasonably anticipated if these devices were to remain available.

12. Several comments noted that the cost of converting to protected electrode lead wires will be greater for devices that will have to be completely redesigned to accommodate safe connections when electrode lead wires are directly inserted into them.

As noted above, FDA believes that this cost is justifiable and will be manageable given the availability of permanent adapter blocks and the range of time FDA is proposing for adherence to the standard.

13. One comment noted that the likelihood that nonmedical electrode lead wires and patient cables would be substituted for medical uses is virtually nonexistent. Another comment noted that no data are available indicating the extent of such substitution.

FDA has seen no data describing the extent of substitution of nonmedical electrode lead wires and patient cables for protected medical electrode lead wires and patient cables.

14. Some manufacturers claimed that substitution of unprotected electrode lead wires and patient cables can be avoided if the equipment is used properly and adequate warnings and instructions are provided with all devices. On the other hand, some users claimed that the reason why electrode lead wires and patient cables are misused is the poor design of the devices.

Although FDA recognizes that user education and training are essential to the proper use of all devices, including unprotected electrode lead wires, a variety of additional factors are involved when improper electrical connections are made. One of these factors is the cognitive ability of the operator, e.g., sibling, caregiver, or parent, at the time of an incident, and another factor is the environment in which the device is being used. It is worth noting that, in the Chicago hospital incident discussed earlier, the health care professional had 8 years of prior experience. Therefore, FDA believes that the most effective solution to the unprotected electrode lead wire problem is a change in the design of the device.

15. Several comments stated that there is a need for electrical safety education specific to patient cables and electrode lead wires for all personnel who come in contact with them in the patient care setting.

FDA agrees with this comment.

16. Several comments stated that there are certain areas of a hospital that present a higher risk than others for inappropriate electrical connections. These comments mentioned intensive care units (ICU's), cardiac care units (CCU's), and emergency rooms as examples of high risk areas because many times people in those areas are under stress or fatigued, and events are happening extremely quickly. Another comment noted that what was clear regarding reported deaths and macro-shocks from unprotected electrode lead wires was that there were no known reports involving adults. Therefore, this comment continued, the obvious conclusion is that neonatal ICU's, nurseries, and pediatric units where infants are cared for in a hospital should be the first priority in terms of engineering controls and education. The next areas that should be focused on are ICU's, CCU's, and possibly operating rooms. Finally, the comment concluded, areas using diagnostic devices clearly should be addressed last because of the expense of conversion and the unique attributes of that environment, including the fact that operators are trained, there are very few transactions, things are done in a linear fashion, and there is no risk of improper connections by parents, which was the cause of some of the reported incidents. A trade association added that, in any procedure-based area in a hospital, e.g., the catheter lab, the probability of a problem occurring with a single bare-pin lead electrode and a female end of a power cord is diminished.

FDA has considered the environments where these devices are used, the frequency with which they are used and the reported and reasonably anticipated potential adverse events in determining whether specific devices should be subject to either the 1- or the 3-year effective date of the standard.

FDA believes that, even though current law requires that hospitals and other users of medical devices report serious injuries and deaths, there probably has been underreporting of deaths and serious injuries caused by unprotected patient electrode lead wires. FDA believes that most of the deaths, particularly those involving infants, probably have been reported to FDA. However, the agency believes that some injuries, that could be related to these devices, including serious injuries, probably have not been reported.

17. Many comments stated that the risk analysis and the history of incidents involving ECG and apnea monitoring equipment support a need for a performance standard for these devices. One comment at the conference noted that intraoperative EEG monitoring equipment should be included in any FDA regulatory action because the leads used with this equipment are similar to those used with the ECG and apnea monitoring.

FDA believes that all unprotected electrode lead wires present a risk for patients connected to them and, therefore, would be subject to the proposed performance standard and ban.

18. One comment suggested that new devices should be required to have a permanently wired cord. In contrast, another comment noted that hardwiring the modular power cord to the equipment is a poor alternative in light of the costs and logistical feasibility of this action. The modular power cord, this comment continued, is inherently safe and is a standard across the entire industry base. This comment believes that the problem is not the power cords, but rather the lead wires and the lack of training of the individuals using them.

FDA believes that hardwiring the power cord to the monitor is not a solution to the hazard presented by an exposed male pin. FDA's proposed actions, therefore, focus on the unprotected electrode lead wire, where an inappropriate connection can be made.

19. One comment recommended changing the ECG monitoring color codes for lead placement to avoid duplication with those used for the power cord.

FDA believes that a color change is not the most appropriate and direct solution to the problem. As noted above, several factors play a role in an improper connection.

20. During the conference it was stated that the detached power cord was the primary source for all of the incidents involving macro-shocks and deaths associated with unprotected lead wires. Furthermore, it was noted that there have been no accidents in the home, resulting in either injuries or deaths, since 1987. All of the accidents that have occurred since then have occurred in a hospital setting.

As noted in comment 18, FDA believes that the characteristics of the power cord can not eliminate the hazard presented by an exposed male pin. Therefore, FDA's proposed actions focus on the unprotected electrode lead wires. Since 1985, unprotected electrode lead wires have been associated with burns and electrocutions in both homes and hospitals. Therefore, FDA does not believe that the focus of its proposed actions should be limited to a specific environment. FDA has considered the intended environments of use, however, in determining when the proposed requirements would be applicable to a particular device.

21. Several comments objected to the notion that one standard could be appropriate for electrode lead wires and patient cables used in multiple diagnostic procedures because the performance attributes are different.

FDA believes that the proposed standard provides enough flexibility for manufacturers to design safety leads that take into account the type of diagnostic procedure involved, the physical characteristics of each examination and operating room, as well as each physician's or technician's personal preference for use of the diagnostic instrument on the patient. Hence, FDA has determined that one performance standard would be appropriate for all electrode types.

22. Several comments recommended that a risk-based assessment of the unprotected electrode lead problem should be a component of any FDA action. Devices that present the greatest risk should be given the greatest attention.

FDA has determined that all devices that use electrode lead wires should be subject to the proposed performance standard and ban. However, FDA has decided to phase-in its proposed requirements to allow sufficient flexibility for all devices that use unprotected electrode lead wires to be converted. As noted in the response to comment 20, FDA considered risk in determining when the proposed requirements would be applicable to a particular device.

23. One comment stated that lead wire connectors should not have exposed metal that can be connected to a ground or power source, either foreign or domestic.

FDA agrees. Therefore, its proposed standard attempts to achieve this goal.

24. Several comments stated that a performance standard should be focused on line-powered devices and, even more specifically, on apnea monitoring and ECG devices, for which there have been reported adverse incidents. One comment added that other devices should not be required to change to protected electrode lead wires until they are shown to present a risk to patients.

FDA is proposing to apply its standard to all devices featuring

electrode lead wires. As noted earlier, limiting the standard to certain devices would not eliminate the risk of interchanging unprotected electrode lead wires with protected electrode lead wires. Further, FDA considered the reported and reasonably anticipated potential adverse events in determining whether a device should be subject to the 1- or 3-year effective date.

25. One comment noted that FDA should adopt a safety standard such as UL 544 in lieu of a performance or design standard, such as AAMI's. Several other comments asserted that FDA should establish a performance standard. Another comment suggested that, if a general patient safety standard is desired, the language of the UL standard would suffice. This standard, the comment continued, permits the use of unprotected electrode lead wires and cables so long as the overall design of the system prevents exposing the patient to main power. If a performance standard specific to electrode lead wires and cables is desired, then it would be appropriate to establish a standard that requires that all electrical connections that can be manually opened be designed so that insertion into AC power sockets is not possible.

FDA believes that its proposed performance standard sufficiently addresses the hazard to be prevented, while providing design engineers flexibility in determining how to accomplish that goal.

26. Some comments noted that a performance standard across device type is viable assuming that manufacturers are given a reasonable time to convert to this performance standard. One comment argued that existing devices should be permitted to be "grandparented" in.

FDA is requiring that both new and existing devices be subject to the standard. FDA believes that its phase-in approach will provide sufficient time for conversion and is consistent with the statutory requirements with respect to applicability of a performance standard. Therefore, there will be no "grandparenting" of existing equipment.

27. One comment expressed the view that standards committees which are currently in place are best prepared to address the unique requirements of various devices, and that existing standards organizations, such as AAMI, should be encouraged to increase emphasis in this area. Indeed, in the conference it was noted, for example, that the IEC has developed at least four standards for connectors for specific devices.

FDA encourages standards organizations to continue their efforts in this area. However, as stated earlier in this proposal, these are voluntary standards, and the agency has determined that a mandatory standard is necessary to adequately address the risk to health presented by unprotected electrode lead wires. The agency has used these standards in developing its proposed mandatory performance standard. FDA believes that the proposed standard achieves the goal of the existing standards—to eliminate the risk of patient-connected electrode lead wires being inserted or otherwise manipulated so as to make contact with live parts of a power outlet or separable power cord.

28. During the conference a concern was raised that, if FDA were to require a protected environment, equipment currently in place could no longer be used. This comment stated that some equipment lasts more than 10 years. Therefore, it was the comment's recommendation that protected electrode lead wires and cables be required to work with devices in place today.

FDA agrees with this comment. FDA encourages design engineers to consider the "useful life" of the existing devices subject to this proposal when determining how to convert from an unprotected electrode lead wire and patient cable configuration to a protected configuration.

29. Several comments recognized that requiring that only new equipment be changed would not adequately solve the problem.

FDA believes that, until all unprotected electrode lead wires are off the market, the potential hazard still exists. Therefore, to ensure full adherence to the performance standard by all unprotected electrode lead wires currently in commercial distribution or those already sold to the ultimate user, FDA is proposing to ban all devices not meeting the performance standard on its effective date.

30. A couple of comments supported the concept of banning the use and production of unprotected electrode lead wires. These comments recommended that such a ban be implemented over a period of time to allow manufacturers to convert to protected electrode lead or cable sets, and to allow users to budget for and adapt to the change. Comments varied with respect to the timeframe in which they believed the ban should be applied. One comment believed that full conversion should be required after approximately 18 months. Another comment noted that an immediate ban would result in interruption in hospital service and increased costs. Another comment noted that a total phaseout could be accomplished in 2 years.

FDA is proposing to phase-in the ban in the same manner as the performance standard. Thus, the ban would apply on the effective date of the standard.

31. One comment opposed to banning stated that such an action would shut down many areas of a hospital until the equipment could be converted.

As noted earlier, the proposed ban would be phased in over a 1- and 3-year period. This gradual phase-in would allow hospitals to take appropriate measures to convert or adapt existing equipment and thereby minimize, if not eliminate, the potential shortage of certain devices in the hospital.

32. One comment stated that a performance standard would probably not prevent substitution or removal of offending cables and leads that are being used with products that have already been shipped.

FDA believes that its proposed dual regulatory approach of a performance standard and ban for new and existing products would prevent further use of devices already shipped. As stated previously, both the standard and the ban would apply to all devices subject to these actions on the effective date. Any device not in compliance with these requirements would be adulterated in accordance with section 501(e) of the act (21 U.S.C. 351(e)) and/or section 501(g) (21 U.S.C. 351(g)).

33. One comment stated that FDA should identify cable manufacturers not registered with the agency, or who have not filed 510(k)'s and take compliance action against them.

FDA agrees with this comment, and has examined the regulatory status of many cable and lead wire manufacturers and contract manufacturers during the past year. FDA will continue to monitor firms that have not registered and/or listed, or submitted 510(k)'s, with the agency. FDA invites further information regarding any manufacturer believed to be in violation of these requirements.

34. A few comments noted that FDA should require that any device for which a new 510(k) is filed meet safety requirements (UL, IEC, AAMI).

As discussed previously, FDA considered adoption of a voluntary standard e.g., UL, IEC, AAMI, to address the unprotected electrode lead wire hazard, but decided instead to initiate the regulatory process for developing a mandatory performance standard for patient-connected electrode lead wires. If a final rule is promulgated establishing this standard and banning devices that do not meet the standard on its effective date, it will be applicable to

both new devices and existing products in commercial distribution and use.

35. A request was made that FDA control third-party suppliers (manufacturers of cables and lead wires) by requiring 510(k)'s from them.

A third party supplier that manufactures cable and lead wires is subject to the requirements of section 510(k) if that supplier also distributes the cables and lead wires. (See 21 CFR 807.85 for a discussion of exemptions from premarket notification requirements.)

36. Some comments questioned how device modifications from an unprotected electrode lead wire and patient cable configuration to a protected configuration will be handled by the Center for Devices and Radiological Health's Office of Device Evaluation (ODE). These comments noted that, if protected electrode leads were required on equipment, the change would have to be processed through the premarket notification process (510(k) process), which could result in a delay.

In a document entitled "Notification of Implementation of Lead Wires and Patient Cable Changes to Safe Configurations," dated February 15, 1995, ODE stated that, for devices reviewed through the 510(k) process, information regarding device modification to the protected configuration should be submitted as an addendum to the existing premarket notification file. FDA noted that, in the interest of public health, it is not requiring a new 510(k) and/or prior clearance if the only change being made is to a protected configuration. For devices reviewed through the premarket approval process, a modification from an unprotected electrode lead wire and patient cable configuration to a protected configuration may also be implemented without prior clearance by FDA. FDA stated that, for these devices, information regarding device modifications to the protected configuration should be provided in the next annual report to the premarket approval application. In both instances, FDA stated that, within 90 days of the receipt of the information, it will notify parties of any concerns it may have with the proposed safe configuration design. Otherwise, no response will be provided. Please refer to this ODE document, which is available from the Division of Small Manufacturers Assistance (HFZ-220), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–443–6597 or 1–800–638–2041, prior to making your submission.

37. A trade association recommended the use of a guidance document in lieu of a new regulation or mandatory standard concerning protected cable and lead sets.

FDA has been recommending, advising, and warning about the hazard presented by unprotected electrode lead wires for 10 years. FDA has decided that firmer regulatory action is warranted.

VII. Enforcement

FDA's statutory authority to issue performance standards is derived from section 514 of the act. Section 701(a) of the act (21 U.S.C. 371(a)) authorizes FDA to promulgate binding regulations for the efficient enforcement of the act. *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973); see also *Weinberger* v. *Bentex Pharmaceuticals Inc.*, 412 U.S. 645, 653 (1973); *National Assn. of Pharmaceuticals Manufacturers* v. *FDA*, 637 F.2d 877 (2d Cir. 1981); *National Confectioners Assn.* v. *Califano*, 569 F.2d 690 (D.C. Cir. 1978); *National Nutritional Foods Assn.* v. *Weinberger*, 512 F.2d 688 (2d Cir.), cert. denied, 423 U.S. 827 (1975). Section 519(a) of the act (21 U.S.C. 360i(a)) also authorizes the agency to issue regulations requiring manufacturers of devices to maintain and provide records to ensure that devices are not adulterated, misbranded, unsafe, or ineffective. FDA's performance standards for medical devices are substantive regulations with the force and effect of law. See *United States* v. *Undetermined Quantities of Various Articles of Device* * * * *Proplast II*, 800 F. Supp. 499, 502 (S.D. Tex. 1992); *United States* v. *789 Cases* * * * *Latex Surgeons' Gloves*, 799 F. Supp. 1275, 1287 (D.P.R. 1992).

Section 501(e) of the act deems a device to be adulterated, and thus prohibited from commerce, if it is a device subject to a performance standard established under section 514 of the act, unless such device is in all respects in conformity with such standard. Introduction into interstate commerce of a device that fails to comply with the requirements established by section 514 of the act is a prohibited act under section 301(a) of the act (21 U.S.C. 331(a)), and the agency will use its enforcement powers to deter noncompliance. Persons who violate section 301 of the act may be subject to injunction pursuant to section 302(a) of the act (21 U.S.C. 332(a)). In addition, any person responsible for violating section 301 of the act may be subject to civil penalties under section 303(f) of the act (21 U.S.C. 333(f)) and criminal prosecution under section 303(a) of the act.

Section 501(g) of the act deems a device to be adulterated, and thus prohibited from commerce, if it is a banned device. Section 304(a)(2) of the act (21 U.S.C. 334(a)(2)) authorizes seizure of any adulterated device at any time. In any action involving devices, section 709 of the act (21 U.S.C. 379a) establishes a statutory presumption of interstate commerce for any device in commerce. Consequently, once FDA makes a device a banned device, in subsequent regulatory proceedings to remove the device from commerce, the Government need show only that the device has been banned; the Government is not required to cite evidence in court to establish any of the elements usually necessary to prove that the device is adulterated and should be condemned.

VIII. Environmental Impact

The agency has determined under 21 CFR 25.24(e)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IX. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The provisions of the proposed rule, including the establishment of a performance standard and ban of the applicable devices not meeting the standard, are consistent with the industry's response to the hazard presented by medical devices that use unprotected electrode lead wires. Indeed, efforts have already begun to convert to unprotected electrode lead wire and patient cable configurations either by redesigning new equipment or permanently affixing adapters to

existing products. The industry has commented that this conversion to protected electrode lead wires and patient cables could occur over a maximum of 2 years. FDA's proposal, if implemented, would be phased in over a 3-year period. This proposed phase-in would further minimize the costs associated with such a conversion. For these reasons, the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

X. Request for Comments

Interested persons may, on or before September 21, 1995, submit to the Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

FDA is soliciting comments on all aspects of this proposal, and specifically requests comments on the following issues:

(1) Cost of converting or adapting unsafe electrode lead wire configurations to safe electrode lead wire configurations that meet the proposed requirements in this document. Please provide the source of your estimates.

(2) The list of devices subject to the proposed performance standard and ban, and their respective effective dates for compliance.

(3) The potential for cutaneous electrodes to be interchanged with various medical equipment.

(4) Test methods, if any, that should be included in the proposed mandatory standard.

XI. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Letter to FDA Commissioner David A. Kessler from Ron Wyden, then Chairman, U.S. House of Representatives, Committee on Small Business, Subcommittee on Regulation, Business Opportunities, and Technology, dated August 2, 1994.

2. Information from FDA's medical device reporting (MDR) data base, Rockville, MD.

3. Information from FDA's medical device reporting (MDR) data base, Rockville, MD.

4. "FDA Safety Alert: Unsafe Patient Lead Wires and Cables," FDA's September 3, 1993, Safety Alert.

5. Section 518(a) notification letter to apnea monitor manufacturers, September 3, 1993.

6. Section 518(a) notification letter to patient cable and lead wire manufacturers, September 20, 1993.

7. FDA Public Health Advisory: Unsafe Electrode Lead Wires and Patient Cables Used With Medical Devices, December 28, 1993.

List of Subjects

21 CFR Part 895

Administrative practice and procedure, Labeling, Medical devices.

21 CFR Part 897

Administrative practice and procedure, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and the Public Health Service Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that Title 21, Chapter I of the Code of Federal Regulations be amended as follows:

PART 895—BANNED DEVICES

1. The authority citation for 21 CFR part 895 continues to read as follows:

Authority: Secs. 502, 516, 518, 519, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352, 360f, 360h, 360i, 371).

2. Section 895.105 is added to subpart B to read as follows:

§ 895.105 Unprotected electrode lead wire.

(a) *Definition.* A lead wire that is intended to provide electrical contact between a patient and any medical device and that has a connector that is not protected at the end distal to the patient, i.e., the connector at the lead wire end that is distal to the patient is capable of making conductive contact with an alternating current electrical power source (e.g., wall receptacle, power cord plug).

(b) *Applicability.* Devices utilizing unprotected patient connected electrode lead wires shall be banned as of the date set forth in paragraph (c) of this section.

(c) *Effective date.* The effective date for the ban of devices utilizing unprotected patient-connected electrode lead wires as defined in paragraph (a) of this section shall be as follows:

(1) For the following devices, the effective date for which compliance is required is (insert date 1 year after date of publication of the final rule):

LISTING OF DEVICES FOR WHICH COMPLIANCE IS REQUIRED EFFECTIVE

[Insert date 1 year after date of publication of the final rule]

Phase	Product code	CFR section	Class	Device name
1	73 BZQ	868.2375	II	Monitor, Breathing Frequency.
1	73 FLS	868.2375	II	Monitor (Apnea Detector), Ventilatory Effort.
1	74 DPS	870.2340	II	Electrocardiograph.
1	74 DRG	870.2910	II	Transmitters and Receivers, Physiological Signal, Radiofrequency.
1	74 DRK	870.5300	III	DC-Defibrillator, High Energy, (Including Paddles).
1	74 DRO	870.5550	III	Pacemaker, Cardiac, External Transcutaneous (Noninvasive).
1	74 DRQ	870.2060	II	Amplifier and Signal Conditioner, Transducer Signal.
1	74 DRR	870.2050	II	Amplifier and Signal Conditioner, Biopotential.
1	74 DRT	870.2300	II	Monitor, Cardiac (Including Cardiotachometer and Rate Alarm).
1	74 DRW	870.2350	II	Adaptor, Lead Switching, Electrocardiograph.
1	74 DRX	870.2360	II	Electrode, Electrocardiograph.
1	74 DSA	870.2900	II	Cable, Transducer and Electrode, Patient, (Including Connector).
1	74 DSB	870.2770	II	Plethysmography, Impedance.
1	74 DSH	870.2800	II	Recorder, Magnetic Tape, Medical.
1	74 DSI	870.1025	III	Detector and Alarm, Arrhythmia.
1	74 DSJ	870.1100	II	Alarm, Blood Pressure.
1	74 DSK	870.1110	II	Computer, Blood Pressure.

LISTING OF DEVICES FOR WHICH COMPLIANCE IS REQUIRED EFFECTIVE—Continued

[Insert date 1 year after date of publication of the final rule]

Phase	Product code	CFR section	Class	Device name
1	74 DSR	870.3850	III	Stimulator, Carotid Sinus Nerve.
1	74 DTE	870.3600	III	Pulse Generator, Pacemaker, External.
1	74 DXG	870.1435	II	Computer, Diagnostic, Preprogrammed, Single-Function.
1	74 DXH	870.2920	II	Transmitters and Receivers, Electrocardiograph, Telephone.
1	74 DXJ	870.2450	II	Display, Cathode-Ray Tube, Medical.
1	74 DXK	870.2330	II	Echocardiograph.
1	74 DXN	870.1130	II	System, Measurement, Blood Pressure, Noninvasive.
1	74 DYC	870.2400	II	Vectorcardiograph.
1	74 JOQ	870.1750	II	Generator, Pulse, Pacemaker, External Programmable.
1	74 KRC	870.2370	II	Tester, Electrode, Surface, Electrocardiographic.
1	74 KRE	870.3640	II	Analyzer, Pacemaker Generator Function, Indirect.
1	74 KRG	870.3700	III	Programmer, Pacemaker.
1	74 LDD	870.5300	II	DC-Defibrillator, Low-Energy, (Including Paddles).
1	74 LDF	870.3680	II/III	Electrode, Pacemaker, Temporary.
1	74 LIW	.....	II	Fibrillator, AC.
1	74 LOR	.....		Resuscitator, Trans-Telephonic.
1	74 LOS	870.2340	II	System, ECG Analysis.
1	74 LPA	.....	III	System, Esophageal Pacing.
1	74 LPD	.....	III	System, Pacing, Antitachycardia.
1	78 LIL	.....		Monitor, Penile Tumescence.
1	78 KPN	876.2040	II	Alarm, Enuresis.
1	78 KPI	876.5320	II	Stimulator, Electrical, Nonimplanted, for Incontinence.
1	84 GWF	882.1870	II	Stimulator, Electrical, Evoked Response.
1	84 GWK	882.1845	II	Conditioner, Signal, Physiological.
1	84 GWL	882.1835	II	Amplifier, Physiological Signal.
1	84 GWN	882.1460	II	Nystagmograph.
1	84 GXY	882.1320	II	Electrode, Cutaneous.
1	84 GXZ	882.1350	II	Electrode, Needle.
1	84 GYE	882.1855	II	System, Telemetry, Physiological Signal.
1	84 GZI	882.5810	II	Stimulator, Neuromuscular, External Functional.
1	84 GZJ	882.5890	II	Stimulator, Nerve, Transcutaneous, for Pain Relief.
1	84 GZO	882.1540	II	Device, Galvanic Skin Response Measurement.
1	84 HCC	882.5050	II	Device, Biofeedback.
1	84 HCJ	882.1560	II	Device, Skin Potential Measurement.
1	84 JXE	882.1550	II	Device, Nerve Conduction Velocity Measurement.
1	84 JXK	882.5800	III	Stimulator, Cranial Electrotherapy for Speech Disorder.
1	84 LIH	.....		Interferential Current Therapy.
1	86 HLZ	886.1220	II	Electrode, Corneal.
1	86 HMC	886.1510	II	Monitor, Eye Movement.
1	86 HLL	886.1510	II	Monitor, Eye Movement.
1	89 IKD	890.1175	I	Cable, Electrode (for Use With Diagnostic Physical Medicine Devices).

(2) For the following devices, the effective date for which compliance is required is (insert date 3 years after date of publication of the final rule):

LISTING OF DEVICES FOR WHICH COMPLIANCE IS REQUIRED EFFECTIVE

[Insert date 3 years after date of publication of the final rule]

Phase	Product code	CFR section	Class	Device name
2	73 KOI	868.2775	II	Stimulator, Nerve, Peripheral, Electrical.
2	74 DQH	870.2310	II	Cardiograph, Apex (Vibrocardiograph).
2	74 DQK	870.1425	II	Computer, Diagnostic, Programmable.
2	74 DQX	870.1330	II	Wire, Guide, Computer.
2	74 DTA	870.3720	II	Tester, Pacemaker Electrode Function.
2	74 DTC	870.3630	II	Analyzer, Pacemaker Generator Function.
2	74 DTD	870.3620	III	Adaptor, Lead, Pacemaker.
2	74 KRI	870.4200	I	Accessory Equipment, Cardiopulmonary Bypass.
2	74 LIX	.....		Aid, Cardiopulmonary Resuscitation.
2	76 LYD	.....	III	Stimulator, Electromagnetic Bone Growth for Dental Use.
2	78 MII	.....		System, Gallbladder Thermal Ablation.
2	78 LNL	.....		Stimulator, Electrical, for Sperm Collection.
2	78 LST	.....		Device, Erectile Dysfunction (only Cavonsometry).
2	78 KDO	876.1500	II	Rongeur, Hot Cystoscopic.
2	78 EXQ	876.1620	II	Cystometer, Electrical Recording.
2	78 FAP	876.1620	II	Cystometric (CO_2) on Hydraulic Device.
2	78 FEN	876.1620	II	Device, Hydraulic Cystometric.
2	78 EXS	876.1800	II	Urinometer, Electrical (only with electromyography (EMG) electrodes).

LISTING OF DEVICES FOR WHICH COMPLIANCE IS REQUIRED EFFECTIVE—Continued

[Insert date 3 years after date of publication of the final rule]

Phase	Product code	CFR section	Class	Device name
2	78 EXY	876.1800	II	Uroflowmeter (only with EMG electrodes).
2	78 FHC	876.4300	II	Adaptor to the Cord, for Transurethral Surgical Instrument.
2	78 FGW	876.4300	II	Clamp, Electrical.
2	78 FBJ	876.4300	II	Cord, Electric for Transurethral Surgical Instrument.
2	78 FHZ	876.4300	II	Desiccator, Transurethral.
2	78 FAS	876.4300	II	Electrode, Electrosurgical, Active, Urological.
2	78 FEH	876.4300	II	Electrode, Flexible Suction Coagulator.
2	78 KGE	876.4300	II	Forceps, Biopsy, Electric.
2	78 FDB	876.4300	II	Plate, Patient.
2	78 FDI	876.4300	II	Snare, Flexible.
2	78 FDJ	876.4300	II	Snare, Rigid Self-Opening.
2	78 FFI	876.4300	II	System, Alarm, Electrosurgical.
2	78 FAR	876.4300	II	Unit, Electrosurgical.
2	78 KNS	876.4300	II	Unit, Electrosurgical (and Accessories).
2	78 FDL	876.4300	II	Wristlet, Patient Return.
2	78 EZL	876.5130	II	Catheter, Balloon Retention Type.
2	79 GEI	878.4400	II	Device, Electrosurgical, Cutting and Coagulation and Accessories.
2	79 JOS	878.4400	II	Electrode, Electrosurgical.
2	84 GWQ	882.1400	II	Electroencephalograph.
2	84 GXC	882.5940	III	Device, Electroconvulsive Therapy.
2	84 GXS	882.1610	II	Monitor, Alpha.
2	84 GYC	882.1310	II	Electrode, Cortical.
2	84 GZK	882.1340	II	Electrode, Nasopharyngeal.
2	84 GZL	882.1330	II	Electrode, Depth.
2	84 GZN	882.1825	III	Rheoencephalograph.
2	84 HCB	882.5235	II	Device, Adverse Conditioning.
2	85 HII	884.5940	III	Stimulator, Vaginal, Muscle, Powered, for Therapeutic Use.
2	86 HLT	886.1640	II	Preamplifier, Ophthalmic.
2	86 HQR	886.4100	II	Apparatus, Electrocautery, Radio Frequency.
2	86 HQO	886.4115	II	Unit, Cautery, Thermal.
2	86 HRO	886.4250	II	Unit, Electrolysis, Ophthalmic.
2	86 HQC	886.4670	II	System, Phacofragmentation.
2	86 HQE	886.4150	II	Instrument, Vitreous Aspiration & Cutting.
2	87 KQX	888.1500	I	Goniometer, AC-Powered.
2	87 LBB	888.1240	II	Dynamometer, AC-Powered.
2	87 LOF	.....	III	Stimulator, Bone Growth, Noninvasive.
2	87 LWB	.....	III	Stimulator, Functional Neuromuscular, Scoliosis.
2	89 EGJ	890.5525	III	Device, Iontophoresis, Other Uses.
2	89 KTB	890.5525	II	Device, Iontophoresis, Specific Uses.
2	89 IKN	890.1375	II	Electromyograph, Diagnostic.
2	89 IKP	890.1225	II	Chronaximeter.
2	89 IKT	890.1385	II	Electrode, Needle, Diagnostic Electromyograph.
2	89 IMG	890.5860	II/III	Stimulator, Ultrasound and Muscle, for Use in Applying Therapeutic Deep Heat.
2	89 IPF	890.5850	II	Stimulator, Muscle, Powered.
2	89 ISB	890.1850	II	Stimulator, Muscle, Diagnostic.
2	89 LPQ	890.5860	II/III	Stimulator, Ultrasound and Muscle.
2	89 MBN	.....	III	Stimulator, Muscle, Powered, Invasive.
2	89 MKD	.....	III	Stimulator, Functional Walking Neuromuscular, Noninvasive.
2	90 LNH	892.1000	II	System, Imaging, Nuclear Magnetic Resonance.

3. New part 897 is added to read as follows:

PART 897—PERFORMANCE STANDARD FOR PATIENT-CONNECTED ELECTRODE LEAD WIRES

Sec. .

897.10 Applicability.
897.11 Performance standard.
897.12 Effective date.

Authority: Secs. 501, 502, 513, 514, 530–542, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360c, 360d, 360gg–360ss, 371, 374); secs. 351, 361 of the Public Health Service Act (42 U.S.C. 262, 264).

§ 897.10 Applicability.

Devices utilizing electrode lead wires intended to be connected to patients shall be subject to the standard set forth in section 897.11.

§ 897.11 Performance standard.

Any lead wire intended to provide electrical contact between a patient and any medical device shall be protected such that the connector at the lead wire end that is distal to the patient cannot make conductive contact with an alternating current electrical power source (e.g., wall receptacle, power cord plug).

§ 897.12 Effective date.

The effective date for compliance with the standard set forth in 897.11(a) shall be as follows:

(a) For the following devices the effective date for which compliance is required is (insert date 1 year after date of publication of the final rule):

LISTING OF DEVICES FOR WHICH COMPLIANCE IS REQUIRED EFFECTIVE

[Insert date 1 year after date of publication of the final rule]

Phase	Product code	CFR section	Class	Device name
1	73 BZQ	868.2375	II	Monitor, Breathing Frequency.
1	73 FLS	868.2375	II	Monitor (Apnea Detector), Ventilatory Effort.
1	74 DPS	870.2340	II	Electrocardiograph.
1	74 DRG	870.2910	II	Transmitters and Receivers, Physiological Signal, Radiofrequency.
1	74 DRK	870.5300	III	DC-Defibrillator, High Energy (Including Paddles).
1	74 DRO	870.5550	III	Pacemaker, Cardiac, External Transcutaneous (Noninvasive).
1	74 DRQ	870.2060	II	Amplifier and Signal Conditioner, Transducer Signal.
1	74 DRR	870.2050	II	Amplifier and Signal Conditioner, Biopotential.
1	74 DRT	870.2300	II	Monitor, Cardiac (Including Cardiotachometer and Rate Alarm).
1	74 DRW	870.2350	II	Adaptor, Lead Switching, Electrocardiograph.
1	74 DRX	870.2360	II	Electrode, Electrocardiograph.
1	74 DSA	870.2900	II	Cable, Transducer and Electrode, Patient (Including Connector).
1	74 DSB	870.2770	II	Plethysmograph, Impedance.
1	74 DSH	870.2800	II	Recorder, Magnetic Tape, Medical.
1	74 DSI	870.1025	III	Detector and Alarm, Arrhythmia.
1	74 DSJ	870.1100	II	Alarm, Blood Pressure.
1	74 DSK	870.1110	II	Computer, Blood Pressure.
1	74 DSR	870.3850	III	Stimulator, Carotid Sinus Nerve.
1	74 DTE	870.3600	III	Pulse Generator, Pacemaker, External.
1	74 DXG	870.1435	II	Computer, Diagnostic, Preprogrammed, Single-Function.
1	74 DXH	870.2920	II	Transmitters and Receivers, Electrocardiograph, Telephone.
1	74 DXJ	870.2450	II	Display, Cathode-Ray Tube, Medical.
1	74 DXK	870.2330	II	Echocardiograph.
1	74 DXN	870.1130	II	System, Measurement, Blood Pressure, Non-invasive.
1	74 DYC	870.2400	II	Vectorcardiograph.
1	74 JOQ	870.1750	II	Generator, Pulse, Pacemaker, External Programmable.
1	74 KRC	870.2370	II	Tester, Electrode, Surface, Electrocardiographic.
1	74 KRE	870.3640	II	Analyzer, Pacemaker Generator Function, Indirect.
1	74 KRG	870.3700	III	Programmer, Pacemaker.
1	74 LDD	870.5300	II	DC-Defibrillator, Low-Energy (Including Paddles).
1	74 LDF	870.3680	II/III	Electrode, Pacemaker, Temporary.
1	74 LIW	.....	II	Fibrillator, AC.
1	74 LOR	.....		Resuscitator, Trans-Telephonic.
1	74 LOS	870.2340	II	System, ECG Analysis.
1	74 LPA	.....	III	System, Esophageal Pacing.
1	74 LPD	.....	III	System, Pacing, Antitachycardia.
1	78 LIL	.....		Monitor, Penile Tumescence.
1	78 KPN	876.2040	II	Alarm, Enuresis.
1	78 KPI	876.5320	II	Stimulator, Electrical, Nonimplanted, for Incontinence.
1	84 GWF	882.1870	II	Stimulator, Electrical, Evoked Response.
1	84 GWK	882.1845	II	Conditioner, Signal, Physiological.
1	84 GWL	882.1835	II	Amplifier, Physiological Signal.
1	84 GWN	882.1460	II	Nystagmograph.
1	84 GXY	882.1320	II	Electrode, Cutaneous.
1	84 GXZ	882.1350	II	Electrode, Needle.
1	84 GYE	882.1855	II	System, Telemetry, Physiological Signal.
1	84 GZI	882.5810	II	Stimulator, Neuromuscular, External Functional.
1	84 GZJ	882.5890	II	Stimulator, Nerve, Transcutaneous, for Pain Relief.
1	84 GZO	882.1540	II	Device, Galvanic Skin Response Measurement.
1	84 HCC	882.5050	II	Device, Biofeedback.
1	84 HCJ	882.1560	II	Device, Skin Potential Measurement.
1	84 JXE	882.1550	II	Device, Nerve Conduction Velocity Measurement.
1	84 JXK	882.5800	III	Stimulator, Cranial Electrotherapy for Speech Disorder.
1	84 LIH	.....		Interferential Current Therapy.

LISTING OF DEVICES FOR WHICH COMPLIANCE IS REQUIRED EFFECTIVE—Continued

[Insert date 1 year after date of publication of the final rule]

Phase	Product code	CFR section	Class	Device name
1	86 HLZ	886.1220	II	Electrode, Corneal.
1	86 HMC	886.1510	II	Monitor, Eye Movement.
1	86 HLL	886.1510	II	Monitor, Eye Movement.

(b) For the following devices the effective date for which compliance is required is (insert date 3 years after date of publication of the final rule):

LISTING OF DEVICES FOR WHICH COMPLIANCE IS REQUIRED EFFECTIVE

[Insert date 3 years after date of publication of the final rule]

Phase	Product code	CFR section	Class	Device name
2	73 KOI	868.2775	II	Stimulator, Nerve, Peripheral, Electrical.
2	74 DQH	870.2310	II	Cardiograph, Apex (Vibrocardiograph).
2	74 DQK	870.1425	II	Computer, Diagnostic, Programmable.
2	74 DQX	870.1330	II	Wire, Guide, Computer.
2	74 DTA	870.3720	II	Tester, Pacemaker Electrode Function.
2	74 DTC	870.3630	II	Analyzer, Pacemaker Generator Function.
2	74 DTD	870.3620	III	Adaptor, Lead, Pacemaker.
2	74 KRI	870.4200	I	Accessory Equipment, Cardiopulmonary Bypass.
2	74 LIX	.....		Aid, Cardiopulmonary Resuscitation.
2	76 LYD	.....	III	Stimulator, Electromagnetic Bone Growth for Dental Use.
2	78 MII	.....		System, Gallbladder Thermal Ablation.
2	78 LNL	.....		Stimulator, Electrical, for Sperm Collection.
2	78 LST	.....		Device, Erectile Dysfunction (only Cavonsometry).
2	78 KDO	876.1500	II	Rongeur, Hot Cystoscopic.
2	78 EXQ	876.1620	II	Cystometer, Electrical Recording.
2	78 FAP	876.1620	II	Cystometric (CO_2) on Hydraulic Device.
2	78 FEN	876.1620	II	Device, Hydraulic Cystometric.
2	78 EXS	876.1800	II	Urinometer, Electrical (only with EMG electrodes).
2	78 EXY	876.1800	II	Uroflowmeter (only with EMG electrodes).
2	78 FHC	876.4300	II	Adaptor to the Cord, for Transurethral Surgical Instrument.
2	78 FGW	876.4300	II	Clamp, Electrical.
2	78 FBJ	876.4300	II	Cord, Electric for Transurethral Surgical Instrument.
2	78 FHZ	876.4300	II	Desiccator, Transurethral.
2	78 FAS	876.4300	II	Electrode, Electrosurgical, Active, Urological.
2	78 FEH	876.4300	II	Electrode, Flexible Suction Coagulator.
2	78 KGE	876.4300	II	Forceps, Biopsy, Electric.
2	78 FDB	876.4300	II	Plate, Patient.
2	78 FDI	876.4300	II	Snare, Flexible.
2	78 FDJ	876.4300	II	Snare, Rigid Self-Opening.
2	78 FFI	876.4300	II	System, Alarm, Electrosurgical.
2	78 FAR	876.4300	II	Unit, Electrosurgical.
2	78 KNS	876.4300	II	Unit, Electrosurgical (and Accessories).
2	78 FDL	876.4300	II	Wristlet, Patient Return.
2	78 EZL	876.5130	II	Catheter, Balloon Retention Type.
2	79 GEI	878.4400	II	Device, Electrosurgical, Cutting and Coagulation and Accessories.
2	79 JOS	878.4400	II	Electrode, Electrosurgical.
2	84 GWQ	882.1400	II	Electroencephalograph.
2	84 GXC	882.5940	III	Device, Electroconvulsive Therapy.
2	84 GXS	882.1610	II	Monitor, Alpha.
2	84 GYC	882.1310	II	Electrode, Cortical.
2	84 GZK	882.1340	II	Electrode, Nasopharyngeal.
2	84 GZL	882.1330	II	Electrode, Depth.

LISTING OF DEVICES FOR WHICH COMPLIANCE IS REQUIRED EFFECTIVE—Continued

[Insert date 3 years after date of publication of the final rule]

Phase	Product code	CFR section	Class	Device name
2	84 GZN	882.1825	III	Rheoencephalograph.
2	84 HCB	882.5235	II	Device, Adverse Conditioning.
2	85 HII	884.5940	III	Stimulator, Vaginal, Muscle, Powered, for Therapeutic Use.
2	86 HLT	886.1640	II	Preamplifier, Ophthalmic.
2	86 HQR	886.4100	II	Apparatus, Electrocautery, Radio Frequency.
2	86 HQO	886.4115	II	Unit, Cautery, Thermal.
2	86 HRO	886.4250	II	Unit, Electrolysis, Ophthalmic.
2	86 HQC	886.4670	II	System, Phacofragmentation.
2	86 HQE	886.4150	II	Instrument, Vitreous Aspiration & Cutting.
2	87 KQX	888.1500	I	Goniometer, AC-Powered.
2	87 LBB	888.1240	II	Dynamometer, AC-Powered.
2	87 LOF	.....	III	Stimulator, Bone Growth, Noninvasive.
2	87 LWB	.....	III	Stimulator, Functional Neuromuscular, Scoliosis.
2	89 EGJ	890.5525	III	Device, Iontophoresis, Other Uses.
2	89 KTB	890.5525	II	Device, Iontophoresis, Specific Uses.
2	89 IKN	890.1375	II	Electromyograph, Diagnostic.
2	89 IKP	890.1225	II	Chronaximeter.
2	89 IKT	890.1385	II	Electrode, Needle, Diagnostic Electromyograph.
2	89 IMG	890.5860	II/III	Stimulator, Ultrasound and Muscle, for Use in Applying Therapeutic Deep Heat.
2	89 IPF	890.5850	II	Stimulator, Muscle, Powered.
2	89 ISB	890.1850	II	Stimulator, Muscle, Diagnostic.
2	89 LPQ	890.5860	II/III	Stimulator, Ultrasound and Muscle.
2	89 MBN	.....	III	Stimulator, Muscle, Powered, Invasive.
2	89 MKD	.....	III	Stimulator, Functional Walking Neuromuscular, Noninvasive.
2	90 LNH	892.1000	II	System, Imaging, Nuclear Magnetic Resonance.

Dated: June 13, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

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