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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

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

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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

WASHINGTON, DC

WHEN: April 20 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)

RESERVATIONS: 202–523–4538

SALT LAKE CITY, UT

WHEN: May 9 at 9:00 am

WHERE: State Office Building Auditorium
450 North Main Street
Salt Lake City, UT 84114

RESERVATIONS: 1–800–359–3997

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Reader Aids
Additional information, including a list of public laws. telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, **Federal Register** finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
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Tuesday, April 18, 1995

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 436

[Docket No. EE–RM–94–201]

RIN 1904–AA62

Federal Energy Management and Planning Programs; Energy Savings Performance Contract Procedures and Methods

AGENCY: Department of Energy.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the Final Regulations which were published on Monday, April 10, 1995 (60 FR 18326). The regulations establish a five-year pilot program of energy savings performance contracts designed to accelerate investment in cost effective energy conservation measures in existing Federal buildings and thereby save taxpayer dollars.

EFFECTIVE DATE: April 10, 1995.

FOR FURTHER INFORMATION CONTACT: Joan G. Stone (202) 586–5772.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published, the rules become effective 30 days after date of publication. The Department intended for the rule to become effective upon publication in order to relieve substantive restrictions that apply to procurements under other regulations.

Correction of Publication

Accordingly, the final rule published on April 10, 1995, which was the subject of FR Doc No. 95–8750, is corrected as follows:

On page 18326, 1st column, the **EFFECTIVE DATE** caption is corrected to read:

EFFECTIVE DATES: These rules become effective April 10, 1995.

On page 18334, 2nd column, the following paragraph is added as paragraph G in section III. Procedural Requirements:

G. Effective Date

DOE is making today's final rule effective upon publication because it will relieve substantive restrictions that apply to procurements under other regulations. No member of the public will be prejudiced by this action because of a lack of timely notice.

§ 436.30 [Corrected]

On page 18334, 3rd column, in § 436.30, paragraph (a), first sentence, the date "May 10, 1995" is corrected to read "April 10, 1995".

Issued in Washington, DC on April 11, 1995.

Brian T. Castelli,

Chief of Staff for Energy Efficiency and Renewable Energy.

[FR Doc. 95–9420 Filed 4–17–95; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–ANE–42; Amendment 39–9181; AD 95–07–02]

Airworthiness Directives; AlliedSignal Inc. TFE731–3 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to AlliedSignal Inc. (formerly Garrett Turbine Engine Company) TFE731–3 series turbofan engines, that requires the removal of suspect low pressure turbine (LPT) disks due to their susceptibility to creep fatigue. This amendment is prompted by reports of LPT disks that have separated through the disk web due to creep fatigue. The actions specified by this AD are intended to prevent an LPT disk web separation, which may result in an uncontained engine failure and damage to the aircraft.

DATES: Effective on June 19, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 19, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from AlliedSignal Inc., Aviation Services Division, Data Distribution, Dept. 6403/2102–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2548, fax (602) 365–2210. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (310) 627–5246; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to AlliedSignal Inc. (formerly Garrett Turbine Engine Company) TFE731–3 series turbofan engines was published in the **Federal Register** on November 29, 1994 (59 FR 60922). That action proposed to require removal of suspect specific serial numbered first and second stage low pressure turbine (LPT) disks in accordance with AlliedSignal Aerospace Alert Service Bulletin (ASB) No. TFE731–A72–3544, dated October 8, 1993, and ASB No. TFE731–A72–3557, dated May 12, 1994.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal. The Federal Aviation Administration's (FAA) has determined that the average labor rate has increased since publication of the NPRM to $60 per work hour. The economic analysis of this final rule has been changed accordingly. The FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will not increase the scope of the AD.

There are approximately 350 engines with the affected serial numbered disks in the worldwide fleet. The FAA estimates that 175 engines installed on aircraft of U.S. registry will be affected by this AD, that it will take approximately 10 work hours per engine to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $18,000 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,255,000.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 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:

95–07–02 AlliedSignal Inc.: Amendment 39–9181. Docket 94–ANE–42.

Applicability: AlliedSignal Inc. (formerly Garrett Turbine Engine Company) TFE731–3, –3A, –3AR, –3B, –3BR, and –3R turbofan engine models installed on but not limited to Avions Marcel Dassault Falcon 50, Lockheed 1329–23, –25 series (731 Jetstar, Jetstar II), Israel Aircraft Industries (IAI) Ltd. 1124 (Westwind), Raytheon Corporate Jets Inc. (formerly British Aerospace) (BAe) DH/HS/BH 125 series, Learjet 55 series, Cessna 650 Citation III, VI, Sabreliner NA–265 series (Sabreliner 65). This airworthiness directive (AD) is not applicable to TFE731–3A–300G and TFE731–3AR–200G engines installed on IAI 1125 Westwind Astra aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent a low pressure turbine (LPT) disk web separation, which may result in an uncontained engine failure and damage to the aircraft, accomplish the following:

(a) Remove from service first and second stage LPT disks, with Part Numbers (P/N) 3072351–(), 3072542–(), 3073113–(), and 3073114–(), where () denotes any dash number, identified by serial number in the Compliance Sections of AlliedSignal Aerospace Alert Service Bulletin (ASB) No. TFE731–A72–3544, dated October 8, 1993, and AlliedSignal Aerospace ASB No. TFE731–A72–3557, dated May 12, 1994, within 1,500 hours time in service (TIS) after the effective date of this AD, or at the next removal of the LPT assembly, whichever occurs first, in accordance with the Accomplishment Instructions of AlliedSignal Aerospace ASB No. TFE731–A72–3544, dated October 8, 1993, and AlliedSignal Aerospace ASB No. TFE731–A72–3557, dated May 12, 1994, and replace with serviceable disks.

(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, Los Angeles 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, Los Angeles 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 Los Angeles 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.

(d) The removal and replacement of the affected disks shall be done in accordance with the following AlliedSignal Aerospace ASB's:

Document No.	Pages	Date
ASB No. TFE731–A72–3544. Total Pages: 10.	1–10	Oct. 8, 1993.
ASB No. TFE731–A72–3557. Total Pages: 12.	1–12	May 12, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AlliedSignal Inc., Aviation Services Division, Data Distribution, Dept. 6403/2102–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2548, fax (602) 365–2210. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on June 19, 1995.

Issued in Burlington, Massachusetts, on March 22, 1995.

James C. Jones,

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

[FR Doc. 95–8827 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 94–NM–152–AD; Amendment 39–9194; AD 95–08–05]

Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A, and Model Avro 146–RJ70A, –RJ85A, and –RJ100A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A series airplanes, that currently requires repetitive inspections of the attachment bolts and nuts in the rear spar root joint attachment fittings at wing rib 2 for integrity of nuts, tightness of bolts, and/or fuel leaks; and repair, if necessary. That AD was prompted by fuel leaks from bolt positions on the rear spar attachment fitting at wing rib 2. This amendment provides for an optional terminating modification for the repetitive inspections, and expands the applicability of the existing AD to include additional airplanes. The actions specified by this AD are intended to prevent fuel leaks and a subsequent fire.

DATES: Effective on May 18, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 18, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace Holdings, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington, DC 20041–6039. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 90–08–15, amendment 39–6577 (55 FR 13757, April 12, 1990), which is applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A series airplanes, was published in the **Federal Register** on November 29, 1994 (59 FR 60924). The action proposed to supersede AD 90–08–15 to continue to require repetitive visual inspections for integrity of nuts, tightness of bolts, and/or fuel leaks of the outboard vertical row of fasteners at the left- and right- hand of the rear spar root joint attachment fittings. The action proposed to provide for an optional terminating modification for the repetitive inspections. Additionally, the action proposed to expand the applicability of the existing AD to include additional airplanes.

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

One commenter supports the proposed rule.

One commenter requests that NOTE 1 of the proposal be revised to allow carriers with Special Federal Aviation Regulation (SFAR) 36 authority to make a determination whether a repair modification or alteration provides an equivalent level of safety. The FAA does not concur. As discussed in the proposal, the referenced note is merely an explanation of the legal effect of the applicability statement (i.e., all airplanes identified in that statement are subject to the requirements of the AD). Since the note is simply informational, it cannot be revised to "allow" operators to make determinations that they are not otherwise allowed to make. The note directs operators (that have airplanes with altered or repaired configurations) to the provisions of paragraph (d) of the AD, which allows them to obtain approval of an alternative method of compliance (AMOC) with the AD. The FAA infers that the commenter is actually requesting that operators holding SFAR 36 authorizations be allowed, in essence, to approve their own AMOC's. The FAA has assigned a task to the Aviation Rulemaking Advisory Committee (ARAC) to review the AMOC process and to recommend improvements to it. The issue of whether the FAA should delegate its authority to approve AMOC's is being addressed in that context. The FAA will consider ARAC's recommendations once they are received. Therefore, the FAA considers any action on this subject to be premature until ARAC has submitted its recommendations.

The FAA has reviewed the applicability of the proposal and has determined that referencing both British Aerospace Service Bulletin SB 57–33, dated August 31, 1989, and Avro International Aerospace Service Bulletin S.B. 57–33, Revision 3, dated September 16, 1994, is unnecessary. Revision 3 of the Avro service bulletin includes the same airplanes listed in the effectivity listing of the original version of that service bulletin, as well as those listed in the British Aerospace service bulletin. Therefore, the FAA has revised the applicability statement of the final rule to reference only Revision 3 of the Avro service bulletin.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 11 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,320, or $120 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6577 (55 FR 13757, April 12, 1990), and by adding a new airworthiness directive (AD), amendment 39–9194, to read as follows:

95–08–05 British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Amendment 39–9194. Docket 94–NM–152–AD. Supersedes AD 90–08–15, Amendment 39–6577.

Applicability: Model British Aerospace Model BAe 146–100A, –200A, and –300A

series airplanes, and Model Avro 146–RJ70A, –RJ85A, and –RJ100A series airplanes; as listed in Avro International Aerospace Service Bulletin S.B. 57–33, Revision 3, dated September 16, 1994; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent fuel leaks and a subsequent fire, accomplish the following:

(a) For airplanes listed in British Aerospace Service Bulletin SB 57–33, dated August 31, 1989: Within 12 months after May 21, 1990 (the effective date of AD 90–08–15, amendment 39–6577), visually inspect for integrity of nuts and tightness of bolts, and/or fuel leaks of the outboard vertical row of fasteners at the left- and right-hand of the rear spar root joint attachment fittings, in accordance with British Aerospace Service Bulletin 57–33, dated August 31, 1989; Revision 1, dated October 29, 1993; Revision 2, dated February 16, 1994; or Revision 3, dated September 16, 1994. Repeat the inspection thereafter at intervals not to exceed 4,000 landings.

(1) If no defects are found, prior to further flight, reinstall the left- and right-hand wing-to-fuselage fairing panels in accordance with the service bulletin.

(2) If any defect is found, prior to further flight, repair suspect and leaking fasteners, in accordance with the service bulletin.

(b) For airplanes listed in Avro International Aerospace Service Bulletin S.B. 57–33, Revision 3, dated September 16, 1994, and not subject to paragraph (a) of this AD: Within 12 months after the effective date of this AD, visually inspect for integrity of nuts and tightness of bolts, and/or fuel leaks of the outboard vertical row of fasteners at the left- and right-hand of the rear spar root joint attachment fittings, in accordance with Avro International Aerospace Service Bulletin S.B. 57–33, Revision 1, dated October 29, 1993; Revision 2, dated February 16, 1994; or Revision 3, dated September 16, 1994. Repeat the inspection thereafter at intervals not to exceed 4,000 landings.

(1) If no defects are found, prior to further flight, reinstall the left- and right-hand wing-to-fuselage fairing panels in accordance with the service bulletin.

(2) If any defect is found, prior to further flight, repair suspect and leaking fasteners in accordance with the service bulletin.

(c) Modification of the rear spar root joint attachment fittings at wing rib 2 in accordance with Avro International Aerospace Service Bulletin S.B. 57–33, Revision 1, dated October 29, 1993; Revision 2, dated February 16, 1994; or Revision 3, dated September 16, 1994; constitutes terminating action for the repetitive visual inspections required by this AD.

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

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

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

(f) The actions done in accordance with British Aerospace Service Bulletin SB 57–33, dated August 31, 1989, including Appendix A; Avro International Aerospace Service Bulletin S.B. 57–33, Revision 1, dated October 29, 1993; Avro International Aerospace Service Bulletin S.B. 57–33, Revision 2, dated February 16, 1994; or Avro International Aerospace Service Bulletin S.B. 57–33, Revision 3, dated September 16, 1994; as applicable. Revision 3 of Avro International Aerospace Service Bulletin S.B. 57–33 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1–3	3	Sept. 16, 1994.
4–6	2	February 16, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Holdings, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington, DC 20041–6039. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 18, 1995.

Issued in Renton, Washington, on April 5, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–8825 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–SW–06–AD; Amendment 39–9201; AD 95–08–12]

Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 A–1, A–3, A–4, B–1, B–2, and C–1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 A–1, A–3, A–4, B–1, B–2, and C–1 helicopters, that requires a modification of the latches on the transmission and engine cowling access doors. This amendment is prompted by five occurrences of an engine or transmission cowling access door becoming loose in flight. The actions specified by this AD are intended to prevent the transmission and engine cowling access doors from opening in flight, being struck by the main rotor blade, and subsequently, separating from the helicopter and being ingested by the main rotor or tail rotor system resulting in a loss of control of the helicopter.

DATES: Effective May 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 23, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Monschke, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5116, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal

Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 helicopters was published in the **Federal Register** on September 13, 1994 (59 FR 46946). That action proposed to require replacing the current latches with those having positive locks, relocating certain latches, and installing additional locks on the transmission and engine cowling access doors within the next 150 hours time-in-service.

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

One commenter states that some of the language in the AD should be changed. Specifically, the commenter believes that the words "access door becoming loose in flight" and "resulting in loss of control of the helicopter", which were used to describe the unsafe condition, are misleading. According to the commenter, use of proper locking procedures will prevent the doors from becoming loose in flight. Also, there have not been any incidents in which there has been a loss of control of the helicopter. The FAA does not concur. The FAA has determined that the current latches can become worn and loose and subsequently fail, even if properly latched. Thus far, loose cowling doors have only caused damage to main rotor blades. However, the FAA has determined that main rotor blade damage as well as other resultant damage from loose cowling doors could result in loss of control of the helicopter.

After a careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, except that the words "cowlings, fire walls, and fuselage" were added to paragraph (a) of the AD to clarify that, in addition to modifying the transmission and engine cowlings, the appropriate mating components also needed to be installed on the cowlings, firewalls, and fuselage. Additionally, the helicopter models were listed to avoid confusion regarding the applicability of the rule. Finally, the FAA has revised the proposed estimated average labor rate from $55 per work hour to an estimated average labor rate of $60 per work hour in the preamble portion of this final rule. This revision will increase the estimated total cost of the AD from $390,474 to $418,824. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 126 helicopters of U.S. registry will be affected by this AD, that it will take approximately 45 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $624 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $418,824.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–08–12 Eurocopter Deutschland GmbH (ECD): Amendment 39–9201. Docket No. 94–SW–06–AD.

Applicability: Model MBB–BK 117 A–1, A–3, A–4, B–1, B–2, and C–1 helicopters, serial numbers 7001 through 7201, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the transmission and engine cowling access doors from opening in flight, being struck by the main rotor blade, and subsequently, separating from the helicopter and being ingested by the main rotor or tail rotor system resulting in a loss of control of the helicopter, accomplish the following:

(a) Within the next 150 hours time-in-service, remove the left-hand and right-hand transmission and engine cowlings without removing the transmission and engine cowling access doors that are installed on the transmission and engine cowlings, and modify the access door latches, cowlings, fire walls, and fuselage in accordance with the Work Procedure contained in the Accomplishment Instructions of MBB-Helicopters Alert Service Bulletin ASB–MBB–BK 117–20–104, Revision 1, dated December 8, 1989.

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

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

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

(d) The modification shall be done in accordance with MBB-Helicopters Alert Service Bulletin ASB–MBB–BK 117–20–104, Revision 1, dated December 8, 1989. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 23, 1995.

Issued in Fort Worth, Texas, on April 10, 1995.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95–9236 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 94–NM–83–AD; Amendment 39–9193; AD 95–08–04]

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Model DC–9–80 series airplanes and Model MD–88 airplanes, that requires an inspection to detect damage, burn marks, or discoloration at certain electrical plugs and receptacles of the sidewall lighting in the passenger cabin, and correction of discrepancies. This amendment would also require modification of the electrical connectors, which, when accomplished, would terminate the inspection requirement. This amendment is prompted by reports of failures of the electrical connectors in the sidewall fluorescent lighting, which resulted in smoke or lighting interruption in the passenger cabin. The actions specified by this AD are intended to prevent failures of the electrical connectors, which could result in poor socket/pin contact, excessive heat, electrical arcing, and subsequently, connector burn through and smoke in the passenger cabin.

DATES: Effective on May 18, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 18, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2–98. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Elvin K. Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5344; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Model DC–9–80 series airplanes and Model MD–88 airplanes was published in the **Federal Register** on September 14, 1994 (59 FR 47103). That action proposed to require a visual inspection to detect damage, burn marks, or black or brown discoloration at certain electrical plugs and receptacles of the sidewall lighting in the passenger cabin, and correction of discrepancies. It also proposed to require the eventual modification of the electrical connectors of the sidewall lighting, which, when accomplished, would terminate the inspection requirement.

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

One commenter supports the proposed rule.

One commenter requests that, prior to issuing a final rule, the FAA investigate the possibility of problems (i.e., overheated connectors, smoke in the cabin, etc.) resurfacing at another connector location. The commenter bases this request upon service history following accomplishment of the requirements of AD 91–10–08, amendment 39–6990 (55 FR 51427, December 14, 1990). AD 91–10–08 requires modification of the sidewall lighting system on these same airplanes to preclude overheated connectors, smoke in the cabin, etc., which is similar to the modification described in the proposal (reference McDonnell Douglas MD–80 Service Bulletin 33–99, dated May 24, 1994). This commenter points out that, since accomplishing the modification required by AD 91–10–08, the same problems (i.e., overheated connectors, smoke in the cabin, etc.) have resurfaced at the sidewall lighting connectors located "downstream" at the bag bins. Therefore, the commenter assumes these problems will resurface either at the new disconnects being installed in accordance with the proposal, or at the cabin lighting ballast connectors.

The FAA has re-evaluated the modification required by this AD, and reviewed other relevant data currently available. The FAA finds no basis to support the commenter's suggestion that this problem could resurface at another connection location in the airplane. However, the FAA may consider further rulemaking action if service history indicates that the modification required by this AD produces questionable results.

Another commenter requests that the proposed modification be revised to retrofit a 115 volt electronic ballast system, instead of removing the existing 230 volt system and installing separate wire splice-connectors or hard splice at the 230 VAC (400 Hz) power wires. The commenter considers this suggested method to be superior to the proposed modification for addressing failures of the electrical connectors in the sidewall fluorescent lighting. The commenter states that failures in this system were fixed previously in a similar manner (reference AD 91–10–08), but at a different location. The commenter suggests that failures in this system could occur again, but in another location. The commenter states that the root cause of this problem is the high energy level required by the current magnetic ballasts for the sidewall lights.

The FAA does not concur that the rule should be revised to include this suggested action since sufficient data were not provided. As indicated previously, the FAA finds no basis at this time to support any suggestion that this problem could resurface at another connection location in the airplane, or that the proposed modification is inappropriate. However, the FAA also recognizes that alternative methods of compliance with the intent of this rule may also exist; a provision for the approval of such methods is contained in paragraph (c) of the final rule.

One commenter requests that the proposal be revised to require improvement of the existing connector, rather than the proposed action that would break out the 230 volt wire from the bundle and make a second connection to alleviate the problem in the existing connector. Again, the FAA does not concur with this suggestion since sufficient justification and service data was not presented. The FAA has determined that the existing current technology adequately addresses the identified unsafe condition by minimizing the possibility of failure of the electrical connectors. However, under provisions of paragraph (c) of the final rule, operators may apply for the approval of an alternative method of compliance, such as use of a different connector, if sufficient data are presented to the FAA that would justify such approval.

Two commenters request that the applicability of the proposal be limited. One of these commenters requests that the applicability be limited to "* * *

Model MD–88 airplanes equipped with magnetic ballasts." This commenter suggests that McDonnell Douglas MD–80 Service Bulletin 33–99, dated May 24, 1994, referenced in the proposal as the appropriate source of service information, is not the optimal solution to the sidewall connector problem. This commenter, in conjunction with McDonnell Douglas and Page Aerospace, has successfully completed testing of the Page electronic ballast, which has been approved as an equivalent level of safety to the modification described in Service Bulletin 33–99. The other commenter requests that the applicability of the proposal be limited to "* * * Model MD–88 airplanes equipped with inter-bin electrical connectors described (or similar to those described) in McDonnell Douglas MD–80 Service Bulletin 33–99, dated May 24, 1994." This commenter suggests that the effectivity listing of Service Bulletin 33–99 does not accurately reflect the fleet configuration.

The FAA does not concur with these commenters' request to limit the applicability of the proposal. The FAA does not consider it appropriate to include various provisions in an AD applicable to a single operator's unique configuration of an affected airplane. Paragraph (c) of this AD provides for the approval of an alternative method of compliance to address these types of unique configurations.

Two commenters question the FAA's cost and work hour estimate in the preamble of the proposal. One commenter has determined that it would take approximately 100 work hours per airplane to accomplish the proposed requirements. This commenter also states that McDonnell Douglas is not supplying required parts at no cost to the operators, as stated in the proposal, but is charging $1,870 per kit. Another commenter suggests that 75 work hours per airplane would be more appropriate than the 50 work hours stated in the proposal. After considering the data presented by these commenters, the FAA finds it necessary to revise its previous estimates. The FAA concurs that 75 work hours is closer to the actual number of labor hours necessary for accomplishing the required actions. The FAA also has verified with the manufacturer that the required parts will cost operators $1,870 per kit. In light of this, the economic impact information, below, has been revised to indicate the higher number of work hours and the price of required parts.

Additionally, the FAA has recently reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations from $55 per work hour to $60 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been added to this final rule to clarify this long-standing requirement.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 907 McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 490 airplanes of U.S. registry will be affected by this AD, that it will take approximately 75 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,870 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,121,300, or $6,370 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 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:

95–08–04 McDonnell Douglas: Amendment 39–9193. Docket 94–NM–93–AD.

Applicability: Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) series airplanes; and Model MD–88 airplanes; as listed in McDonnell Douglas MD–80 Service Bulletin 33–99, dated May 24, 1994; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval

from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent poor socket/pin contact, excessive heat, electrical arcing, and subsequently, connector burn through and smoke in the passenger cabin, accomplish the following:

(a) Within 18 months after the effective date of this AD, perform a visual inspection to detect damage, burn marks, or black or brown discoloration caused by electrical arcing at electrical plugs, having part number (P/N) MS3126F–15P, and receptacles, having P/N MS3124E–15S, of the sidewall lighting in the passenger cabin, in accordance with McDonnell Douglas MD–80 Service Bulletin 33–99, dated May 24, 1994.

(1) If no discrepancies are found, no further action is required by this paragraph.

(2) If any discrepancy is found, prior to further flight, replace the damaged connectors, pins, sockets, or wire with new parts, in accordance with the service bulletin.

(b) Within 18 months after the effective date of this AD, modify the electrical connectors of the sidewall lighting in the passenger cabin in accordance with McDonnell Douglas Service Bulletin 33–99, dated May 24, 1994. Accomplishment of this modification constitutes terminating action for the requirements of this AD.

(c) 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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

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

(e) The inspection, replacement, and modification shall be done in accordance with McDonnell Douglas MD–80 Service Bulletin 33–99, dated May 24, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2–98. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 18, 1995.

Issued in Renton, Washington, on April 5, 1995.

S. R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–8829 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–NM–220–AD; Amendment 39–9195; AD 95–08–06]

Airworthiness Directives; Raytheon Corporate Jets Models DH/BH/HS/BAe 125–1A to –700A Series Airplanes; BAe 125–800A Airplanes; and Hawker 800 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Raytheon Corporate Jets Models DH/BH/HS/BAe 125–1A to –700A series, BAe 125–800A, and Hawker 800 series airplanes, that requires replacement of the existing standby static inverter with an inverter that incorporates a circuit board assembly sealed with a conformal coating. This amendment is prompted by reports of failure of the standby static inverter caused by electrical shorting from moisture condensing on the printed circuit boards (PCB), due to aberrations in the PCB conformal coating. The actions specified by this AD are intended to prevent malfunction of the standby static inverter due to exposure to moisture caused by inadequate insulation coating of the circuit board assembly. Malfunction or failure of the standby static inverter, when its use is necessary, could result in the loss of electric power for certain equipment critical to safety of flight.

DATES: Effective May 18, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 18, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Corporate Jets, Inc., 3 Bishops Square, St. Albans Road West, Hatfield, Hertfordshire AL109NE, United Kingdom. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Raytheon Corporate Jets Models DH/BH/HS/BAe 125–1A to –700A series airplanes, BAe 125–800A airplanes, and Hawker 800 airplanes was published in the **Federal Register** on January 18, 1995 (60 FR 3592). That action proposed to require replacement of the existing standby static inverters with a printed circuit board assembly that is properly sealed with a conformal coating.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

For clarification purposes, the FAA has revised the references to the DH/BH/HS/BAe 125 models throughout this rule to add the model designator "A" to the series numbers. Models DH/BH/HS/BAe 125–1A through –700A are the models that are type certificated for operation in the United States and, accordingly, affected by this AD action.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule with the clarifying change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 450 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $410 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $292,500, or $650 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of

the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 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:

95–08–06 Raytheon Corporate Jets, Inc. (Formerly de Havilland; Hawker Siddeley; British Aerospace, plc): Amendment 39–9195. Docket 94–NM–220–AD.

Applicability: Model DH/BH/HS/BAe 125–1A to –700A series airplanes, inclusive, on which Modification 252740 has been installed; Model BAe 125–800A airplanes having constructor's numbers prior to number 258248; and Hawker 800 series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent an electrical short in the standby static inverter due to the printed circuit boards being exposed to condensed moisture, accomplish the following:

(a) Within 5 months of the effective date of this AD, remove the existing standby static inverter (type PC 250) and replace it with a Mod C Marathon/Flitetronics Inverter (type PC 250), in accordance with Raytheon Corporate Jets Hawker Service Bulletin SB.24–308–7673A, Revision 1, dated July 11, 1994.

(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, Standardization Branch, FAA, Transport Airplane Directorate, ANM–113. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

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

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

(d) The replacement shall be done in accordance with Raytheon Corporate Jets Hawker Service Bulletin SB.24–308–7673A, Revision 1, dated July 11, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Raytheon Corporate Jets, Inc., 3 Bishops Square, St. Albans Road West, Hatfield, Hertfordshire, AL109NE, United Kingdom. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 18, 1995.

Issued in Renton, Washington, on April 5, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–8830 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–13–U

Coast Guard

33 CFR Part 117

[CG08–94–025]

RIN 2115–AE47

Drawbridge Operation Regulation; Sabine River, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development, the Coast Guard is changing the regulation governing the operation of a swing span bridge across the Sabine River, mile 40.8, near Starks, between Calcasieu Parish, Louisiana, and Newton County, Texas, by permitting the draw to remain closed to navigation at all times.

EFFECTIVE DATE: This regulation becomes effective May 18, 1995.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the Eighth Coast Guard District Office, 501 Magazine Street, Room 1313, New Orleans, Louisiana 70130–3396, between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, Eighth Coast Guard District, Telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. David Frank, Project Manager, Bridge Administration Branch, and LT Elisa Holland, Project Attorney.

Regulatory History

On September 30, 1994, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations; Sabine River, LA in the **Federal Register** (59 FR 49875). The Coast Guard received three letters commenting on the proposal. No public hearing was requested, and none was held.

Background and Purpose

LDOTD requested that the draw remain permanently closed. Navigation requiring openings is non-existent and the bridge has not been opened for twenty years. There is no commercial navigation on the waterway in the vicinity of the bridge crossing. Vertical clearance of the bridge in the closed position is 6 feet above mean high water and 20 feet above mean low water. The occasional small recreational boat which uses the waterway can transit the bridge without requiring an opening. Permitting the permanent closure of the draw will result in a significant savings in maintenance costs with no adverse effect on navigational traffic.

Discussion of Comments

The National Marine Fisheries Service and Louisiana Department of Wildlife and Fisheries offered no objection to the proposed rule change. One letter of objection was received from an individual completing construction of a boat above the bridge site. The bridge owner went to considerable expense to open the bridge to allow the boat to pass. As a result, the lone objector has withdrawn his objection to the proposed rule change.

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 cost 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).

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this 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 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this 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

This action 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

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2 of Commandant Instruction M16475.1 (series), this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR 117 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).

2. Section 117.493 is revised to read as follows:

§ 117.493 Sabine River.

(a) The draws of the Southern Pacific railroad bridge, mile 19.3 near Echo and the Kansas City Southern railroad bridge, mile 36.2 near Ruliff, shall open on signal if at least 24 hours notice is given.

(b) The draw of the S12 bridge, mile 40.8 at Starks, need not be opened for passage of vessels.

Dated: March 16, 1995.

R.C. North,

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

[FR Doc. 95–9530 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 162

[CGD09–95–007]

Inland Waterways Navigation Regulations: Speed Limits on Connecting Waters From Lake Huron to Lake Erie

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Commander of the Ninth Coast Guard District, in cooperation with Canadian authorities, is temporarily amending the speed limits on connecting waters from Lake Huron to Lake Erie. A similar temporary rule was in effect during the 1993 and 1994 navigation seasons. The speed limits in this area are determined in large part by concerns about wake damage. However, lesser wakes are created by nondisplacement power vessels and those speed limits may unnecessarily impede their passage. This temporary rule will allow nondisplacement power vessels, less than 100 gross tons, to exceed the normal speed limits subject to certain restrictions.

DATES: This regulation is effective at 12:01 a.m. on April 1, 1995 and terminates at 12 midnight on November 30, 1995. Comments must be received on or before May 31, 1995.

ADDRESSES: Comments and supporting materials should be mailed or delivered to Lieutenant Katherine Weathers, Assistant Chief of the Marine Port and Environmental Safety Branch, Ninth Coast Guard District, Room 2069, 1240 East Ninth Street, Cleveland, Ohio 44199–2060, (216) 522–3994. Please reference the name of the proposal and the docket number in the heading above. If you desire acknowledgment of your mailed comment, please include a stamped self-addressed envelope or postcard for that purpose. Comments and materials received will be available for public inspection at the above location from 9 a.m. to 3 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lieutenant Katherine E. Weathers, Assistant Chief of the Marine Port and Environmental Safety Branch, Ninth Coast Guard District, (216) 522–3994.

SUPPLEMENTARY INFORMATION:

Request for Comments

Comments on this regulation, including comments on the prior version in effect during the 1993 and 1994 navigation seasons, are invited. A public hearing is not anticipated, however will be considered if specific requests are received. Requests should indicate how such a hearing would

contribute information or views which cannot be received in written form. Additionally, if it appears that a public hearing would contribute to revisions or further refinements of the rulemaking, the Coast Guard may decide that a hearing is appropriate, and will notice the public via the **Federal Register**.

Discussion of Comment Period

A notice of proposed rulemaking was not published for this temporary regulation, and good cause exists, pursuant to 5 U.S.C. 553(b)(3)(B), for making it effective less than 30 days after **Federal Register** publication. A notice of proposed rulemaking is unnecessary because this regulation is, with minor amendments, the same as the 1994 regulation promulgated on April 7, 1994 (59 FR 16563). No adverse comments were received during the 1994 trial period.

Additionally, further delay this season would hamper commerce by delaying temporary regulatory relief for small businesses. Therefore, 30 days notice is not required under 5 U.S.C. 553(d)(1) because this rule is a substantive action which "relieves a restriction" on commerce.

Background and Purpose

Current regulations in 33 CFR 162.138 which apply to connecting waters from Lake Huron to Lake Erie set the maximum speed for vessels 20 meters or more in length at limits ranging from 4 to 12 statute miles per hour in various areas. One of the primary purposes of these speed regulations is to limit wake damage, but they were not written to account for the substantially lesser wake-generating characteristics of nondisplacement vessels. In fact, certain vessels designed for nondisplacement operation which have conducted test operations in the waterway would generate larger wakes at the lower speed now required because they would be forced to operate in a displacement mode. During the 1993 and 1994 navigation season, the Commander of the Ninth Coast Guard District temporarily amended 33 CFR 162.138 in order to allow trial runs of these nondisplacement vessels (58 FR 17526, April 5, 1993 and 59 FR 16563, April 7, 1994). A corresponding exemption was granted by the Central Region of the Canadian Coast Guard, which has authority over the Canadian waters in the same area. During the 1993 trial period, one complaint was received alleging excessive wake. Upon investigation, it appeared that the vessel gave the impression of creating an excessive wake because of its relatively high rate of speed during a sharp turn. The Coast Guard was unable to determine if in fact an excessive wake was generated in that one case. There was no damage, and the operator agreed to modify similar maneuvers in the future in order to avoid any problem. No subsequent complaints of any kind were received by the Canadian Coast Guard or the U.S. Coast Guard. During the 1994 trial period, there were no complaints received by either the Canadian Coast Guard or the U.S. Coast Guard. It should be noted that this proposed temporary amendment to the speed regulations for nondisplacement vessels does not in any way excuse the general obligation to exercise good seamanship when maneuvering in close quarters or the responsibility for damage which might be caused by a wake which is excessive in a location close to other vessels or shore structures.

With concurrence from the Director General of the Canadian Coast Guard Central Region, the Commander of the Ninth Coast Guard District considers it appropriate to institute this temporary regulation. This temporary regulation will assist commerce by allowing nondisplacement vessel operators to commence operation for the 1995 navigation season while awaiting the adoption of a permanent amendment to these regulations. A Notice of Proposed Rulemaking for a permanent change was published in the **Federal Register** on March 27, 1995. The Coast Guard is setting an upper limit of 40 statute miles per hour for nondisplacement vessels 20 meters or more in length but less than 100 gross tons, and is allowing such nondisplacement vessels to overtake other vessels when otherwise safe. All other navigational regulations will remain in force, and the use of this temporary rule for nondisplacement vessels is subject to the prior approval of the Captain of the Port in order to insure that the special rule is only used by vessels which are of suitable design and which are in fact operated safely in this waterway.

Drafting Information

The principal persons involved in drafting this document are Lieutenant Katherine E. Weathers, and Commander M. Eric Reeves, Project Managers, Ninth Coast Guard District Marine Safety Division, and Lieutenant Karen E. Lloyd, Project Counsel, Ninth Coast Guard District Legal Office.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This regulation does not impose any new regulatory requirements in an area not heretofore regulated by the Federal Government, and does not impose any requirements or restrictions on State or local authorities. This regulation specifically provides that it does not preempt any state or local law or regulation setting a lower speed limit applicable to nondisplacement vessel in areas under the jurisdiction of such state or local authority.

Regulatory Evaluation

This regulation is considered to be non-major under Executive Order 12866 on Regulatory Planning and regulatory policies and procedures (44 FR 11034 February 26, 1979).

Small Entities

The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. In fact, the Coast Guard is making this amendment in part in order to avoid causing the existing regulations to have an unintended economic impact on a new mode of commercial operation. Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

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 162

Inland waterways, Navigation.

Regulations

In consideration of the foregoing, the Coast Guard is amending part 162 of title 33, Code of Federal Regulations as follows:

PART 162—[AMENDED]

1. The authority citation for part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

2. A temporary § 162.T139 is added as follows:

§ 162.T139 Nondisplacement vessels under 100 gross tons.

(a) Notwithstanding §§ 162.134 and 162.138(a), nondisplacement vessels 20 meters or more in length but under 100 gross tons may operate in the nondisplacement mode at speeds not more than 40 miles per hour (34.8 knots) and may overtake other vessels—

(1) during daylight hours (sunrise to sunset),

(2) when conditions otherwise safely allow, and

(3) when approval has been granted by the Coast Guard Captain of the Port, Detroit or Commander of the Ninth Coast Guard District prior to each transit of the area.

(b) In this section, *nondisplacement mode* means a mode of operation in which the vessel is supported by hydrodynamic forces, rather than displacement of its weight in the water, to an extent such that the wake which would otherwise be generated by the vessel is significantly reduced.

(c) The Captain of the Port or the District Commander may deny approval for operations under paragraph (a) of this section if it appears that the design and operating characteristics of the vessels in question are not safe for the designated waterways, or if it appears that operations under this section have become unsafe for any reason.

(d) This section becomes effective at 12:01 a.m. on April 1, 1995 and terminates at 12 midnight on November 30, 1995.

Dated: March 30, 1995.

Rudy K. Peschel,

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

[FR Doc. 95–9528 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD02–95–012]

RIN 2115–AA97

Safety Zone; Lower Mississippi River, Victoria Bend

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Mississippi River between mile markers 593.0 and 597.0. The zone is needed to protect vessel traffic from a collision hazard created by weir dike construction operations. Entry of vessels or persons into this zone is prohibited except as authorized by the Captain of the Port, Memphis, TN.

DATES: This regulation becomes effective at 7 a.m. on April 17, 1995 and terminates at 1 a.m. on July 30, 1995.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Background and Purpose

At approximately 7 a.m. on April 17, 1995, the U.S. Army Corps of Engineers will commerce weir dike construction operations at Lower Mississippi River mile 595.2 on the left descending bank. The construction is expected to be completed in approximately 90 days from the commencement date. The navigable channel will be blocked during the operations. A safety zone will be established on the Lower Mississippi River from mile marker 593.0 to 597.0 in order to facilitate safe vessel passage. All vessels shall establish passing arrangements with the contact pilot onboard the M/V BILL RODGERS, via VHF Marine Band Radio, Channel 13, prior to entering the safety zone and shall abide by the conditions of the arrangement. Entry of vessels or persons into this zone without a passing arrangement with the contact pilot is prohibited except as authorized by the Captain of the Port, Memphis, TN.

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. Immediate action is necessary to facilitate construction operations during the present low water level of the river. Harm to the public and/or environment may result if vessel traffic is not controlled during construction operations.

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, Vessels, 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:

PART 165—[AMENDED]

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; and 49 CFR 1.46.

2. A new temporary section § 165.T02–012 is added to read as follows:

§ 165.T02–012 Safety Zone; Lower Mississippi River, Victoria Bend.

(a) *Location.* The following area is a Safety Zone: All waters within the shoreline and boundaries of Lower Mississippi River miles 593.0 to 597.0.

(b) *Effective dates.* This section becomes effective at 7 a.m. on April 17, 1995 and terminates at 1 a.m. on July 30, 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 will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: April 12, 1995.

A.L. Thompson, Jr.,

Commander, U.S. Coast Guard, Captain of the Port Memphis.

[FR Doc. 95–9529 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 111

Revisions to Standards for Use of Permit Imprints

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends Domestic Mail Manual (DMM) standards concerning methods of paying postage. These amendments will:

Change the publishing requirements for Form 3526, Statement of Ownership, Management, and Circulation, to allow greater flexibility in selecting the issue in which the required information will appear.

Relax the conditions under which a company permit imprint may be used while strengthening the ability of the Postal Service to identify the place of mailing of company permit imprint mail and to obtain information about such mailings. Generally, mailers will be allowed to use a company-style imprint without having to obtain permits at two or more post offices, but these mailers will be required to show a point of contact to obtain records of the mailing. Penalties for failure to provide records are also established.

Relax the design restrictions on permit imprint indicia. Generally, the new standards allow for more creativity while retaining restrictions that ensure that the indicia content is readable and clearly identifiable as postage payment.

Set a November 1, 1995, sunset date for the use of second-class key rates.

EFFECTIVE DATES: June 2, 1995, except for amendments to P200 which will become effective April 18, 1995.

FOR FURTHER INFORMATION CONTACT: Leo F. Raymond, (202) 268–5199.

SUPPLEMENTARY INFORMATION: On May 4, 1994, the Postal Service published for public comment several proposed changes to DMM standards related to bulk and presort mailing fees and the methods of paying postage (59 FR 23038–23041). Comments on the proposed rule were initially due to the Postal Service by June 20, 1994, but the comment period was subsequently extended to July 20, 1994, as published on June 22, 1994 (59 FR 32165).

The Postal Service received responses from 20 commenters, including three mailer associations, collectively offering 25 comments on specific elements of the proposed rule. Of those comments, 16 concerned the proposed rule's provisions regarding the return address on mail paid by company permit imprint; five comments spoke to the provisions regarding publication of Form 3526, Statement of Ownership, Management, and Circulation; and one comment each was offered on the provisions regarding the preparation of permit imprint mailings, the payment of annual fees, the design of company permit imprint indicia, and the termination of key rates. Discussion of these comments and the corresponding aspects of the final rule are presented below.

Form 3526

The proposed rule would amend DMM E213.4.3 to change the publishing requirements for Form 3526, Statement of Ownership, Management, and Circulation. Although under current standards all publishers are required to file Form 3526 by October 1 of each year, those publishing general or requester publications are further required to publish the information on that form in the second issue of that publication after October 1. Responding to publishers' requests for a more flexible standard on the issue in which the information may appear, the Postal Service proposed to revise the standard to allow publication of Form 3526 in any issue published during the month of October. (The proposed rule incorrectly cited DMM E213.4.3 as the section being revised; the correct citation is DMM E216.4.3. This correction is reflected in the final rule.)

The five commenters on this provision generally supported its objective of a more flexible rule but correctly noted that the proposed wording precluded achievement of some of what the standard would require. For instance, it would be a physical impossibility for a publication to include in the data shown on the published form information about returned or unsold copies of the issue of the publication in which the annual report appeared. Further, publications not issued in October would implicitly be required to amend their frequency or violate the proposed standard. One commenter also noted that not specifying by regulation the issue in which the form had to appear weakened its effectiveness in publicizing the data that the form contained by making it harder for an interested reader to find. Another commenter requested clarification of "issue date," whether this term referred to the cover date of the issue or to the date when the issue was produced or distributed.

The Postal Service agrees that its proposal was worded at cross-purposes to the ends that it sought to accomplish. Accordingly, the final rule is amended to allow more time for complete issue data to be developed; to recognize the practical limitations of a publication's frequency of issue (by relating the publication of the form to that frequency and allowing approximately equal time for publishing the form to all publications in proportion to their frequency of issuance); and to state clearly that the date of publishing the form is related to when issues of the publication are mailed. This final rule does not take steps specifically to facilitate a reader's ability to find the published form because the proposed rule neither contemplated a problem in that regard nor sought comment on imposing such a new requirement. The Postal Service may consider this comment for a future proposal.

Company Permit Imprints

The proposed rule would also amend DMM P040 to relax the conditions under which a company permit imprint may be used and to strengthen concurrently the ability of the Postal Service to identify the place of mailing of company permit imprint mail and to obtain information about such mailings.

Current standards require a permit imprint indicium to contain the mailer's permit number and the name of the post office where the permit is held unless, for a mailer having permit imprint authorizations at two or more post offices, a company-style indicium is used (in which the name of the permit holder is substituted for the permit number and post office name). At the request of customers, the Postal Service proposed a relaxation of the applicable standards to let any permit holder use the company-style format.

Current standards also require that company permit imprint mailpieces bear a complete domestic return address, but these standards do not specify what that address is to represent. This has permitted instances in which the permit holder has deliberately frustrated the efforts of the Postal Service to identify the point of mailing, what was mailed, and whether the correct postage was paid. Consequently, the Postal Service proposed to amend DMM P040 to require more information to document company permit imprint mailings (and mailings including company permit imprint pieces) by specifying that mailers use as the return address the location (the permit holder's or its

agent's) at which records for the mailing will be available to the Postal Service upon request; and to provide for suspension or revocation of permits if such records are not provided in a timely manner.

No commenters opposed the relaxation of the current standards allowing access to use of company permit imprints, so that aspect of the proposed rule is adopted as the final rule. However, all the 16 commenters on the element of the proposed rule regarding return addresses on company permit imprint mail were unsupportive of one or more of the associated tightened standards.

Two commenters objected to the period for which mailing information would have to be retained at the location shown in the return address and argued that this period discouraged use of company permit imprints. These commenters asserted that the proposed 2-year retention period should be left at 1 year or dropped. The Postal Service agrees that the current 1-year retention period for company permit imprint mailings may be adequate, and it is restored in the final rule.

Twelve commenters noted that different clients' or in-house departments' mailings may need different return addresses on mail bearing the same company imprint or that a single mailer or client may have business reasons to show different return addresses on different mailpieces (such as different processing centers). Such needs make showing a single return address impossible, the commenters argued. Three commenters suggested that the return address should simply represent "the contact point at which more information about the physical location of the desired records can be obtained for USPS review." Three other commenters were sympathetic with the needs of the Postal Service to find mailing information, but these commenters noted the aforementioned concern about record management; two commenters noted the industry's sensitivity to the "local" appearance of mailpieces and how this is impeded by the presence of a "nonlocal" return address. Two of those commenters suggested the insertion of an origination code in the permit imprint indicia as an alternative to a specific return address.

The Postal Service acknowledges the valid business concerns of its customers as represented in these comments. In part, however, some mailer anxiety may have arisen from an arguably reasonable misreading (or misinterpretation) of the proposed rule. Specifically, the Postal Service intended to require the mailer to show where mailing records could be made available if requested, not where they actually were generated or retained. (This is similar to the existing requirement for record availability at a "known office of publication" for second-class mail.) These commenters apparently read the proposed rule as requiring a new and elaborate recordkeeping system; this was not the case, and the final rule is amended to make this clear.

Moreover, the proposed rule is amended to include an option suggested by commenters as a method of identifying where records of the mailing can be made available for Postal Service review. The final rule retains the current standard for a complete domestic return address, but on the matter of what that address represents, the final rule gives the mailer two choices: (1) To show in the return address either the place where mailing records are maintained, at which they can be made available upon request by the USPS, or at which place where records are maintained can be determined; or (2) to show in the permit indicia the five-digit ZIP Code of the post office where records are available and separately notify that postmaster where the records are kept. The Postal Service believes that these options should afford both reasonable flexibility to customers and adequate information to locate the necessary mailing records.

None of the commenters differed with the proposed rule's provisions concerning adverse actions the Postal Service would take against mailers who fail or refuse to provide mailing information; those provisions are adopted in the final rule.

Another commenter noted that some of the current standards for government official mail would be directly opposed by the proposed standards for placement of the mailer's return address. The final rule is amended to except official mail from the proposed standards insofar as they are reflected in the final rule. This exception would be available only to mail constituting "Official Business" of the federal government and the mail preparation rules peculiar to it.

Permit Imprint Indicia Design

The proposed rule would also amend DMM P040 to relax the design restrictions on permit imprint indicia. While allowing greater flexibility in the preparation of permit imprint indicia, the proposed standard would reinforce the distinctiveness of an indicium by allowing its incorporation into a design of the mailer's choice. The combined design would be subject to broad location and appearance standards that balance design flexibility and the Postal Service's legitimate interest in maintaining recognizable permit indicia.

Two commenters spoke to this matter. One noted an anomalous interpretation of the existing preparation requirement that permit imprint mail be "faced," stating that some post offices are taking the literal definition of "facing" (mail oriented with the addresses facing in the same direction) as prohibiting the counterstacking of flats (as permitted by current standards in DMM module M). The final rule is amended to clarify this point. The other commenter raised several issues: (1) The compatibility of the minimum dimensions in proposed DMM P040.4.2d with the placement of an indicia on a paper address label; (2) the definition of "address area"; (3) the impact of proposed DMM P040.4.2d (i.e., that no printing appears above or to the right of the permit information); and (4) the inability to use 4-point type for permits placed on paper address labels.

The Postal Service does not have a fixed definition of "address area," deferring to the self-definition inherent in the relatively specific space on a mailpiece left open by some mailers for the printing of an address or the placement of an address label. Although the absence of a specific definition of "address area" may leave room for occasional differences in interpretation, the Postal Service does not believe that sufficient benefit would be derived from the added standards needed to present a definition, given the varied ways customers design mail. Therefore, no change is made in the final rule in this regard.

As the commenter detected, the proposed rule failed to contemplate fully permit imprints appearing on paper address labels. Accordingly, DMM P040.4.2b, P040.4.2d, and P040.4.2e of the final rule are amended. Rather than seeking to impose specific detailed standards for various types of address labels, the final rule simply requires that an area be allowed in the upper right corner of the address label that is sufficient to separate the indicium content from other information on the label, and to allow that content to be printed in a type size legible at normal reading distance. The Postal Service realizes that "normal reading distance" is a subjective term but believes that a more specific measurement would be excessive and unnecessary.

The commenter also appeared to be confused by the proposed rule regarding the presence of printing above and to

the right of the permit indicia. The final rule is amended to clarify that this prohibition is applied relatively depending on whether the indicia appears on the mailpiece, on a label, or in an address area. In the latter two cases, printing is allowed on the mailpiece itself beyond the address label or address area. Otherwise, if located directly on the mailpiece in the location specified in the proposed rule, little space remains for further printing without diminishing the visibility of the indicia; no change in the proposed rule is made in this regard.

The final rule also adds a minor revision to DMM P040.1.9 to clarify that permit imprints may be printed on permanently affixed adhesive labels.

Key Rates

The proposed rule would amend DMM P200 to set a sunset date for the use of key rates. Key rates basically represent a simplified method of computing zone-rate postage on issues of second-class publications having a stable distribution pattern. The proposed rule stated that no new users of key rate would be authorized after September 30, 1994, or upon adoption of a final rule, whichever is later, and, to allow for an orderly transition for remaining key rate users, termination of key rates would be deferred until March 31, 1995, or 6 months after adoption of a final rule, whichever is later.

The one comment on this element of the proposed rule supported it, but questioned whether 6 months was sufficient time to allow for systems adjustments by current key rate mailers. The Postal Service recognizes the need for an orderly transition and believes that the proposed period is sufficient. This belief is buoyed by the absence of opposing comments and by the presumption that 6 months is a relatively generous timeframe in the context of the daily or weekly mailing frequency of typical key rate mailers. Accordingly, the final rule terminating key rates is adopted without change, except that fixed dates will be adopted to ensure adequate notice and compliance. Key rates will no longer be authorized for new customers after April 30, 1995; use of key rates will no longer be permitted for current key rate mailers after October 31, 1995.

Mailing Fees

Finally, the proposed rule also sought comments on changes to DMM E110.6.1, DMM E312.2.6, and DMM E411.4.0 that would have standardized the assessment of bulk or presort mailing fees on First-, third- and special fourth-class mail. On further consideration, the Postal Service has determined to retain the current provisions for the present time. The distinctions among these fees are based on historical differences and on assumptions about the amount of revenue that will be produced by those fees. Absent strong mailer desire for change (no supporting or objecting comments were received), the Postal Service will retain the current standards. (The sole commenter on this proposal did not address the change but asked for clarification regarding applications for bulk mailing permits (and the application fees), particularly whether those would be affected by the proposed rule; they would not.)

List of Subjects in 39 CFR Part 111

Postal Service.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. The following sections of the Domestic Mail Manual are revised as noted below:

E216 Publisher Records

* * * * *

4.0 Statement of Ownership, Management, and Circulation

* * * * *

4.3 Publication

The publisher of each publication authorized second-class mail privileges as a general or requester publication must publish a complete statement of ownership, containing all information required by Form 3526, in an issue of the publication to which that statement relates; other publications are not required to publish this statement. A reproduction of the Form 3526 submitted to the USPS may be used. The required information must appear in an issue whose primary mailed distribution begins not later than October 10 for publications issued more frequently than weekly, or not later than October 31 for publications issued weekly or less frequently but more frequently than monthly; or in the first issue whose primary mailed distribution begins after October 1 for all other publications.

* * * * *

P040 Permit Imprints

1.0 Basic Information

* * * * *

[Renumber existing 1.6 and 1.7 as 1.8 and 1.9; add new 1.6 and 1.7 and revise renumbered 1.8 and 1.9 as follows:]

1.6 Information

Upon request by the USPS, a permit holder (and its agent, if applicable) must provide in a timely manner complete information (as specified in 3.5) about mailings or mailpieces for which postage was paid using its company permit imprint.

1.7 Suspension

The USPS may immediately suspend the authorization to use a permit imprint if the permit holder or its agent refuses or fails to provide information as specified in 1.6.

1.8 Revocation

A permit may be revoked for use in operating any unlawful scheme or enterprise, for nonuse for any 12-month period, for refusal to provide information about permit imprint use or mailings, or for any noncompliance with the standards applicable to using permit imprints. The permit holder may appeal a revocation in writing to the postmaster within 10 days of receipt of the notice. If revocation is initiated for nonuse and the permit holder states in writing that it plans to resume mailings within a 90-day period, the permit will be continued for 90 days. Further appeal may be made through the postmaster to the district manager, customer service and sales, if the initial decision was made by the postmaster; or to the RCSC if the initial decision was made at the district level.

1.9 Use

[Revise the first sentence as follows:]

Permit imprints may be printed directly on mailpieces, on labels (including address labels) permanently affixed to mailpieces, or on mailpiece wrappers, envelopes, and other containers. * * *

2.0 Preparing Permit Imprints

* * * * *

2.4 Placement

The entire permit imprint indicium must be aligned parallel with the address of the mailpiece and placed in the upper right corner of the address side, of the address area, or of the address label, subject to these conditions:

a. The indicium must not encroach on reserved space on the mailpiece (e.g.,

the OCR read area) if such a standard applies.

b. The position (but not the format) of the indicium may be varied so that data processing equipment can simultaneously print the address, imprint, and other postal information.

* * * * *

3.0 Permit Imprint Content

* * * * *

3.5 Company Permit Imprint

A company permit imprint is one in which the exact name of the company or individual holding the permit is shown in the permit imprint indicium in place of the city, state, and permit number. A customer may use a company permit imprint indicium if:

a. For 1 year from the date of mailing, the permit holder or its agent keeps records for each mailing paid by company permit imprint and makes these available for USPS review on request. These records include (for each version of what was mailed, if applicable) the weight of a single piece; the total number of pieces mailed; the total postage; the date(s) and post office(s) of mailing, and other records required by the rate of postage claimed or the method of payment used. A complete sample mailpiece must be included for each identical-weight mailing, or each commingled or combined version in a nonidentical-weight mailing. Sample mailpieces are not required for nonidentical-piece third- or fourth-class machinable or irregular parcel mailings (e.g., merchandise and other fulfillment mailings).

b. Each mailpiece bears a complete domestic return address. The return address on official mail is subject to the corresponding standards. On other unendorsed bulk third-class mail, the return address may be below the permit imprint. Except for official mail, if the return address is not the physical location at which the USPS may review the records listed in 3.5a (i.e., where they are either retained or can be made available) or is not a point of contact from which such a physical location can be readily determined, the mailer must:

(1) Include in the indicia the 5-digit ZIP Code of the physical location at which the records listed in 3.5a are either retained or can be made available for USPS review; and

(2) Provide the postmaster of that post office with a complete sample mailpiece (except as noted above); the date(s) and post office(s) of mailing; and the name and local address of the party from whom the records listed in 3.5a may be obtained.

4.0 Formats

[Renumber existing 4.0 as 4.1, and Exhibits 4.0a–c as 4.1a–c; amend and add new 4.2 as follows:]

4.1 Basic Standard

Unless prepared under the option in 4.2, permit imprint indicia for ordinary mail, official mail, and Mailgrams must be prepared in one of the formats shown in Exhibit 4.1a, Exhibit 4.1b, and Exhibit 4.1c, as applicable to the rate claimed or type of mail.

4.2 Optional Format

Permit imprint indicia may be prepared in a format other than the basic format described in 4.1 subject to these conditions:

a. The rule that forms a box around the content of the indicium may be omitted if the content remains as specified in 3.0 and Exhibits 4.1a–c.

b. Unless printed directly on an address label, the indicium content specified in 3.0 is placed within a clear area no smaller than ½ inch high and ½ inch wide, no more than 1½ inches below or left from the upper right corner of the mailpiece or of the address area when oriented to read the address, regardless of the processing category or the postage rate claimed. If printed on an address label (including paper, adhesive, and multilayer sandwich labels), the space allowed for the indicium content in 3.0 must be rectangular, large enough to ensure legibility of that content from a normal reading distance and to clearly separate it from other information on the label, and located in the upper right corner of the label when oriented to read the address.

c. No printing appears in the indicium area other than that required or allowed under 3.0.

d. Except as required to enclose the permit information, no printing appears either on the mailpiece above or to the right of the permit information when the indicium is printed directly on the mailpiece, or within the address area or on the address label above or to the right of the permit information when the indicium appears there.

e. Except for indicia printed on address labels, the permit information is printed in no smaller than 4-point type. In indicia printed on address labels under 4.2b, the permit information must be legible from a normal reading distance.

f. Except as required to enclose the permit information, any decorative designs intended to be part of the permit imprint indicium design appear below or to the left of the permit information in an area extending no farther than 4½ inches to the left of the right edge, and 1½ inches below the top edge of the mailpiece, address area, or address label, as applicable. Such designs must not resemble or imitate a postage meter imprint, postage stamp, postcard postage, or other method of postage payment; and must not include words, symbols, or designs used by the USPS to identify a class of mail, rate of postage, or level of service, unless such elements are correctly used under the applicable standards for the mailpiece on which they appear and the corresponding postage and fees have been paid.

g. All other applicable standards in 1.0 through 5.0 are met.

* * * * *

5.0 Mailings

* * * * *

5.3 Preparation of Mailing

All pieces in a permit imprint mailing must be faced (i.e., have the address facing in the same direction, unless counterstacked under the applicable standards) and meet the preparation standards applicable to the rate claimed. Mail claimed at a rate where postage varies by zone must be separated by zone when mailed unless authorized by the USPS.

5.4 Place of Mailing

Mail must be deposited and accepted at the post office that issued the permit, at a time and place designated by the postmaster, except as otherwise provided for plant-verified drop shipments.

* * * * *

5.6 Prepayment

Payment must be made for each mailing, either in cash or through an advance deposit account, before the mailing can be released for processing. Funds to pay postage must be deposited as prescribed by the USPS. If the funds paid or on deposit are less than that necessary to pay for a mailing, the difference must be paid or deposited before it or other permit imprint mailings can be accepted. Credit for postage is not allowed. Postage may not be paid partly in money and partly by postage stamps unless permitted by standard.

* * * * *

P200 Second-Class Mail

* * * * *

3.0 Key Rate

* * * * *

3.5 Termination of Key Rate Option

New authorizations to use key rates will not be granted after April 30, 1995. Publications already authorized key rates may continue to use them until October 31, 1995. Effective November 1, 1995, use of key rates is eliminated.

[Delete 3.0 as of 11/1/95.]

* * * * *

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance will be published in the Federal Register as provided by 39 CFR 111.3.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95–9146 Filed 4–17–95; 8:45 am]

BILLING CODE 7710–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–211; RM–8285]

Radio Broadcasting Services; Arizona City, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 293A for Channel 292A at Arizona City, Arizona, and modifies the license for Station KONZ(FM) accordingly to enable it to expand its signal coverage area, in response to a petition filed on behalf of Arizona City Broadcasting Corporation. *See* 58 FR 40399, July 28, 1993. Coordinates for Channel 293A at Arizona City, Arizona, are 32–45–21 and 111–40–13. With this action, the proceeding is terminated.

EFFECTIVE DATE: May 25, 1995.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 93–211, adopted March 23, 1995, and released April 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 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 Arizona, is amended by removing Channel 292A and adding Channel 293A at Arizona City.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–9483 Filed 4–17–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 94–140; RM–8543]

Radio Broadcasting Services; Rapid City, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Conway Broadcasting, allots Channel 292C at Rapid City, South Dakota, as the community's sixth local FM transmission service. *See* 59 FR 64382, December 14, 1994. Channel 292C can be allotted to Rapid City in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 292C at Rapid City are North Latitude 44–04–50 and West Longitude 103–13–50. With this action, this proceeding is terminated.

DATES: Effective May 25, 1995. The window period for filing applications for Channel 292C at Rapid City, South Dakota, will open on May 25, 1995 and close on June 26, 1995.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94–140, adopted March 24, 1995, and released April 10, 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 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: Sections 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 South Dakota, is amended by adding Channel 292C at Rapid City.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–9482 Filed 4–17–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 91–240; RM–7770 and RM–7848]

Radio Broadcasting Services; Peshtigo and Valders, Wi

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 242C2 for Channel 241A at Peshtigo, Wisconsin, and modifies the construction permit for Station WJMR, in response to a petition filed by Good Neighbor Broadcasting, Inc. *See* 56 FR 41813, August 23, 1991. The coordinates for Channel 242C2 at Peshtigo are 45–07–19 and 87–51–07. Canadian concurrence has been received for this allotment. The counterproposal filed by Rural Radio Company requesting the allotment of Channel 242A to Valders, Wisconsin, has been dismissed. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 25, 1995.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, MM Docket No. 91–240, adopted March 30, 1995, and released April 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, D.C. 20037, (202) 857–3800.

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 Wisconsin, is amended by removing Channel 241A and adding Channel 242C2 at Peshtigo.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–9481 Filed 4–17–95; 8:45 am]

BILLING CODE 6712–01–F

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 538 and 552

[APD 2800.12A CHGE 61]

General Services Administration Acquisition Regulation; Implementation of Industrial Funding for Federal Supply Schedules

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to modify the prescription for the Contractor's Report of Orders Received clause to reflect the new title of the clause and to add a prescription for the new Industrial Funding Fee clause; to reflect the new title of the clause in section 552.238–72 and to modify the clause to delete references to "orders" and substitute "sales," and to extend the time for submitting reports from 15 days following the reporting period to 30 days; and to provide the text of the new Industrial Funding Fee clause. GSA's Federal Supply Service will include the new Industrial Funding Fee clause in Federal Supply Schedule solicitations and contracts. The clause provides instructions for remittance of an industrial funding fee based on quarterly sales reported by contractors under Federal Supply Schedule contracts. The amount of the fee is determined by the Commissioner, Federal Supply Service. It has been determined that the initial fee will be 1 percent.

Fees will be included in the prices charged to ordering activities and contract award prices will reflect the total amounts charged. Federal Supply Schedule contractors will remit fees to the General Services Administration based on quarterly contract sales. GSA will recoup its costs from the ordering activities through the contractor's quarterly remittance.

The General Services Administration will use the industrial funding fee to fund the cost of providing supplies and services through the Federal Supply Schedule Program. As solicitations are issued with the new clause, the program will convert from an operation funded through congressional appropriations to a reimbursable activity. GSA's fiscal year 1995 budget reflects a $7.8 million reduction in operating expenses for the schedules program. The remaining appropriated monies for the program will be eliminated over the next two fiscal years.

DATES: Effective Date: April 18, 1995.

Compliance Date: Solicitations issued and contracts awarded after April 18, 1995, shall comply with this change. Existing Federal Supply Schedule contracts shall be modified over the next 2 years in accordance with the time schedule established by the Commissioner of the Federal Supply Service or a designee.

FOR FURTHER INFORMATION CONTACT: Les Davison, Office of GSA Acquisition Policy, (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

A notice of proposed rulemaking was published in the **Federal Register** on December 27, 1994. Comments received from other Federal agencies and from vendors were considered in formulating this final rule. The notice and significant issues and concerns raised during the comment period are summarized below.

The notice of December 27, 1994, proposed implementation of industrial funding of the Federal Supply Schedule Program by adjusting schedule prices upward by 1 percent. Under this concept, published schedule prices would include the 1 percent adjustment. Agencies would order from the contractor at the adjusted price; the contractor would invoice GSA to the award price; GSA would bill agencies the adjusted price and retain the difference to fund the program.

Twenty-two responses were received from Federal agencies. These agencies, for the most part, objected to the proposed procedure as administratively burdensome. Most agencies did not want GSA to become the centralized billing and payment point for schedules transactions. Objections were based primarily on potential disruptions of their own agency accounting systems for agency procedures. Some agencies stated that they would have to create separate systems just for schedule purchases if the proposal was adopted. Nearly all agencies perceived the proposed centralized billing and payment system to be cumbersome, intrusive and unnecessarily bureaucratic.

Other concerns frequently raised by agencies included payments to vendors without proper verification of acceptance; payment of the 1 percent fee for nonschedule items included on purchase orders for schedule items; and problems associated with use of the Governmentwide credit card under such a system.

Fourteen vendors and associations responded. Their responses for the most part indicated that they did not wish GSA to assume the role of centralized billing and payment point; that they did not want to adjust their agency pricelists to reflect a price other than the contract award price; and that they found it burdensome that the agency purchase order would not reflect their invoiced amounts.

Based on these comments received from Federal agencies and industry, the GSA has determined that implementation of industrial funding of the Federal Supply Schedule Program must be accomplished in the least disruptive manner possible to both agencies and contractors and that the concerns raised must be alleviated.

To accomplish this, GSA has considered a number of alternatives suggested by both Federal agencies and industry. Many respondents suggested

that the General Services Administration collect its 1 percent fee on a periodic basis, monthly or quarterly, based on the value of orders placed. While several agencies suggested we accomplish this by billing the agencies, GSA, in light of issues raised regarding centralized payment and billing, does not wish to impose any additional burden on its customer agencies.

Therefore, in order to implement industrial funding while addressing the concerns expressed by respondents to the previous proposal, GSA has determined that the most efficient and least disruptive method of obtaining the funding is by recouping its costs from ordering activities through a quarterly remittance from contractors based on reported sales. This method will require no changes in agency ordering or paying procedures and will have minimal impact on schedule contractors.

GSA plans to include an initial 1 percent Industrial Funding Fee (IFF) in its contract award prices which will be reflected in the total amount charged to ordering activities. The award price or discount appearing in schedule pricelists will already include the 1 percent IFF. The ordering activity will order from the pricelists and pay contractors in accordance with current procedures. Schedule contractors will then remit to GSA on a quarterly basis 1 percent of the sales under schedule contracts.

To facilitate this change in funding the Federal Supply Schedule Program, the GSA Form 72A, Contractor's Report of Orders Received, will be clarified regarding procedures for reporting.

B. Executive Order 12866

This rule was submitted to the Office of Management and Budget under Executive Order 12866.

C. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Contractors awarded Federal Supply Schedule contracts by GSA's Federal Supply Service will be impacted by this rule. Currently, the FSS has 4,922 schedule contracts which involve sales of approximately $2.7 billion per annum. Seventy six (76) percent of the schedule contracts are held by small business concerns. The changes to the Report of Orders Received clause are either minor clarifications or will be beneficial to contractors, including small business, because they increase the time available to contractors for submitting the report; allow for quarterly summaries instead of monthly data; and provide sales rather than orders received which is consistent with commercial recordkeeping practices. The new clause, which provides for payment of an industrial funding fee, will not have a significant economic impact on contractors because the fee will be included in the contract price(s) and will be taken into account during the negotiation of the schedule contract. The procedures established in the new clause for collection of the industrial funding fee represent the least burdensome alternative to both Federal agencies and contractors. Therefore, a final regulatory flexibility analysis was not prepared.

D. Paperwork Reduction Act

The revised clause at 552.238–72, Contractor's Report of Sales, contains an information collection requirement that is subject to the Paperwork Reduction Act (44 U.S.C. 3501 et sequentia) that has previously been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act and assigned control number 3090–0121. The changes made to the clause by this rule do not have an impact on the information collection requirement which was previously approved. Therefore, it has not been submitted to OMB for approval under the Act.

The new clause at 552.238–77, Industrial Funding Fee, contains an information collection requirement that is subject to the Paperwork Reduction Act (44 U.S.C. 3501 et sequentia). The clause provides for certain information to be submitted on the check or with the payment of the industrial funding fee in order to permit GSA to identify the payment as an industrial funding fee and match it with the appropriate contract and reporting period. This information is the same as is normally required when transmitting payments in the commercial world and does not represent a Government-unique information collection. Therefore, the estimated burden for this clause under the Paperwork Reduction Act is zero. GSA has a blanket approval under control number 3090–0250 from OMB for information collections with a zero burden estimate.

Comments on the information collections cited above may be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Washington, DC 20503 and to the Office of Acquisition Policy (V), GSA, 18th & F Streets, NW, Washington, DC 20405.

List of Subjects in 48 CFR Parts 538 and 552

Government procurement.

Accordingly, 48 CFR Parts 538 and 552 are amended as follows:

1. The authority citation for 48 CFR Parts 538 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 538—GSA SCHEDULE CONTRACTING

2. Section 538.203–71 is amended by revising paragraph (a) and adding a new paragraph (f) to read as follows:

538.203–71 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the clause at 552.238–72, Contractor's Report of Sales, in solicitations issued and contracts awarded under GSA's schedule program. Paragraph (b) may be modified as necessary to meet program requirements. If it is necessary to identify the official responsible for preparing the report, the contracting officer may use the clause with its Alternate I. When the clause is used by IRMS the contracting officer shall use the clause with its Alternate II.

* * * * *

(f) Contracting officers in the Federal Supply Service (FSS) shall insert the clause at 552.238–77, Industrial Funding Fee, in solicitations and contracts awarded under the single award schedule and multiple award schedule programs.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 552.238–72 is amended by revising the heading and revising paragraphs (a) and (b) of the basic clause to read as follows:

552.238–72 Contractor's report of sales.

* * * * *

Contractor's Report of Sales (APR 1995)

(a) Contractors shall furnish quarterly the dollar value (rounded to the nearest whole dollar) of all sales under the contract during the preceding 3-month period to include any partial month. A separate report for each National Stock Number (NSN), Special Item Number (SIN), or subitem shall be prepared and submitted, unless otherwise specified, on GSA Form 72A.

(b) The report is due in the office specified below or specified at the time of award 30 days following the completion of the reporting period. A report is required even when no sales occur during the reporting period. Sales for orders that extend beyond the contract period will be reported within 60 days of final delivery.

* * * * *

4. Section 552.238–77 is added to read as follows:

552.238–77 Industrial funding fee.

As prescribed in 538.203–71(f), insert the following clause:

Industrial Funding Fee (APR 1995)

(a) Contractors shall pay the Federal Supply Service, GSA, an industrial funding fee (IFF) at the end of each contract quarter. The IFF shall be remitted at the same time the GSA Form 72A, Contractor's Report of Sales, is submitted under clause 552.238–72, Contractor's Report of Sales. The IFF equals _____ * of total sales reported on GSA Form 72A. The IFF reimburses the GSA Federal Supply Service for the costs of operating the Federal Supply Schedules Program and recoups its operating costs from ordering activities. Offerors should include the IFF in the prices submitted with their offer. The fee will be included in the award price(s) and reflected in the total amount charged to ordering activities.

(b) The IFF amount due shall be paid by check or electronic funds transfer to the "General Services Administration." Where multiple special item numbers and/or contracts are involved, the IFF's may be consolidation into one payment. To ensure that the payment is credited properly, the Contractor should identify the check or electronic transmission as an "Industrial Funding Fee" and include the following information: contract number(s); report amount(s); and report period(s).

(1) If the IFF payment is made by check, it should be forwarded to the following address:

General Services Administration

(2) If the IFF payment is made by electronic funds transfer through the Automated Clearing House (ACH), the Contractor should provide their financial institution with the following information for use in making payments: (i) the ACH Transmission Routing Number of the [*Contracting officer to insert the name of the bank*]: [*Contracting officer to insert the Routing Number*] and (ii) the GSA Account Number: [*Contracting officer to insert the GSA Account Number*]. Contractors may call [*Contracting officer to insert the phone number*] (GSA Accounts Receivable) with questions regarding payments through the ACH.

(c) If the full amount of the IFF is not paid within 30 calendar days after the end of the applicable reporting period, it shall constitute a contract debt to the United States Government under the terms of FAR 32.6. The Government may exercise all rights under the Debt Collection Act of 1982, including withholding or setting off payments and interest on the debt (see FAR 52.232–17, Interest).

(d) Failure to submit sales reports, falsification of sales reports, and/or failure to pay the IFF in a timely manner may result in termination or cancellation of this contract. Willful failure or refusal to furnish the required reports, falsification of sales reports, or failure to make timely payment of the IFF constitutes a cause for terminating the contractor for default under FAR 52.249–9, Default (Fixed-Priced Supply and Service).

(End of Clause)

*The percentage amount of the fee to be inserted in the above clause shall be determined and provided to contracting officers by the Commissioner, Federal Supply Service, or a designee.

Dated: March 27, 1995.

Ida M. Ustad,

Associate Administrator for Acquisition Policy.

[FR Doc. 95–9353 Filed 4–17–95; 8:45 am]

BILLING CODE 6820–61–M

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48 CFR Parts 552 and 570

[APD 2800.12A CHGE 60]

RIN–AF66

General Services Administration Acquisition Regulation; Leasing Real Property

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to modify the Proposals for Adjustment clause to reflect the statutory increase in the threshold for submission of cost or pricing data from $100,000 to $500,000; to reflect the current small business size standard in the definition of small business; to eliminate requirements for obtaining appraisals in connection with the acquisition of leasehold interests in real property; to reflect the new statutory threshold of $500,000 for submission of cost or pricing data and to make other editorial changes for clarity; to reflect the elimination of requirements for appraisals and to eliminate reference to automatic renewal clauses which are no longer used; to reflect the new statutory threshold of $500,000 for submission of cost or pricing data; and to remove the requirement for Forms 387, Analysis of Value Statement, 3516, Solicitation Provisions, 3517, General Clauses, and 3518, Representations and Certifications. GSA is deleting all forms which contain solicitation provisions and/or contract clauses from the regulation. The regulation will continue to prescribe solicitation provisions and/or contract clauses which are to be included in solicitations or contracts.

EFFECTIVE DATE: April 18, 1995.

FOR FURTHER INFORMATION CONTACT: Tom Wiznowski, Office of GSA Acquisition Policy, (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Background

This rule implements section 1251 of the Federal Acquisition Streamlining Act (FASA), Pub. L. 103–355, October 13, 1994 as it applies to the acquisition of leasehold interests in real property. Section 1251, among other things, increased the threshold for submission of cost or pricing data from $100,000 to $500,000 for civilian agencies. The increase in the threshold was effective upon enactment. FASA also provides that prime contracts entered into on or before the effective date of enactment of FASA shall be amended, without requiring consideration, to reflect the increased threshold upon the request of a contractor.

This rule also implements one of the recommendations made by a GSA process re-engineering team for improving the process for acquiring leasehold interests in real property. The reengineering team recommended that the requirement for obtaining appraisals in connection with certain leases of real property be eliminated. This rule eliminates the requirement for appraisals but provides for the use of a market survey or an appraisal to establish a basis for use of the market price exemption from the requirement for obtaining certified cost or pricing data.

B. Executive Order 12866

This rule was submitted to the Office of Management and Budget under Executive Order 12866.

C. Regulatory Flexibility Act

The General Services Administration certifies that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because most leases of real property awarded to small entities are awarded on a competitive basis or on the basis of an established market price and the requirement for certified cost or pricing data do not apply. The elimination of the requirement for obtaining an appraisal in certain circumstances when acquiring a leasehold interest will have no impact on small entities offering to lease space to the Government. Therefore, a final regulatory flexibility analysis was not prepared.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping information collection requirements or collection of information from offerors,

contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 552 and 570

Government Procurement.

Accordingly, 48 CFR Parts 552 and 570 are amended as follows:

1. The authority citation for 48 CFR Parts 552 and 570 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

552.270–20 [Amended]

2. Section 552.270–20 is amended by revising the date of the clause to read "APR 1995", by revising in paragraph (b) the figure "$25,000" to read "$100,000", and by revising in paragraphs (c) introductory text and (c)(2) the figure "$100,000" to read "$500,000".

PART 570—ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY

570.102 [Amended]

3. Section 570.102 is amended by revising in the definition of "Small business" the figure "$10 million" to read "$15 million".

4. Section 570.208–3 is removed.

5. Section 570.304–5 is revised to read as follows:

570.304–5 Negotiations and award.

Offers should be evaluated in accordance with the solicitation. The contracting officer should evaluate the price using cost or price analysis and document the lease file to demonstrate that the proposed rental represents a fair market price. In cases where the total cost exceeds $500,000 cost or pricing data must be obtained unless the requirement is waived or one of the exemptions at (FAR) 48 CFR 15.804–2 applies. The market price exemption from submission of cost or pricing data may be applied to proposed leases where there is evidence that the price is based on an established market price for similar space leased to the general public. A market survey and/or appraisal conducted in accordance with accepted real property appraisal procedures may be used as evidence to establish the market price. An acceptable small business subcontracting plan must be provided if the lease will exceed $500,000, unless the lease will be awarded to a small business concern. Negotiations, if applicable, should be conducted in accordance with 570.205. For leases expected to exceed $100,000, a Certificate of Procurement Integrity must be provided to the proposed successful offeror for completion and submission before award. The contracting officer should review the List of Parties Excluded from Procurement or Nonprocurement Programs, to ensure the proposed awardee is eligible to receive the award and is otherwise responsible before awarding the lease.

570.501 [Amended]

6. Section 570.501 is amended by removing paragraphs (d) and (e).

570.602–2 [Amended]

7. Section 570.602–2 is amended by revising in paragraph (c)(3) the figure "$100,000" to read "$500,000".

570.802 [Amended]

8. Section 570.802 is amended by removing paragraphs (c), (e), (f), and (g) and by redesignating paragraph (d) as (c).

Dated: March 27, 1995.

Ida M. Ustad,

Associate Administrator for Acquisition Policy.

[FR Doc. 95–9356 Filed 4–17–95; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 94113–4354; I.D. 041195D]

Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component

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

ACTION: Closure.

SUMMARY: NMFS closes the commercial fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has projected that the annual commercial quota for red snapper will be reached on April 14, 1995. This closure is necessary to protect the red snapper resource.

EFFECTIVE DATE: Closure is effective 12:01 a.m., local time, April 15, 1995, through December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813–570–5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented through regulations at 50 CFR part 641 under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Those regulations set the commercial quota for red snapper in the Gulf of Mexico at 3.06 million lb (1.39 million kg) for the current fishing year, January 1 through December 31, 1995.

Under 50 CFR 641.26, NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by publishing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has projected that the commercial quota of 3.06 million lb (1.39 million kg) for red snapper will be reached on April 14, 1995. Accordingly, the commercial fishery in the EEZ in the Gulf of Mexico for red snapper is closed effective 12:01 a.m., local time, April 15, 1995, through December 31, 1995, the end of the fishing year. A vessel with a valid reef fish permit having red snapper on board must land and barter, trade, or sell such red snapper prior to 12:01 a.m., local time, April 15, 1995.

During the closure, the bag limit applies to all harvests of red snapper from the EEZ in the Gulf of Mexico. The daily bag limit for red snapper is five per person. From 12:01 a.m., local time, April 15, 1995, through December 31, 1995, the purchase, barter, trade, or sale of red snapper taken from the EEZ is prohibited. This prohibition does not apply to trade in red snapper that were harvested, landed, and bartered, traded, or sold prior to 12:01 a.m., local time, April 15, 1995, and were held in cold storage by a dealer or processor.

Classification

This action is taken under 50 CFR 641.26 and is exempt from review under E.O. 12866.

Dated: April 12, 1995.

Alfred J. Bilik,

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

[FR Doc. 95–9439 Filed 4–12–95; 4:17 pm]

BILLING CODE 3510–22–F

50 CFR Part 646

[Docket No. 950110009–5009–01; I.D. 041095B]

RIN 0648–AH45

Snapper-Grouper Fishery Off the Southern Atlantic States; Landing Gag

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

ACTION: Emergency interim rule; extension of effectiveness.

SUMMARY: An emergency interim rule is in effect through April 18, 1995, that requires selected vessels in the commercial snapper-grouper fishery to land gag in a whole condition. NMFS extends the emergency interim rule because conditions justifying the emergency action remain unchanged. The intended effect of this rule is to facilitate the collection of biological data necessary for the management of gag.

EFFECTIVE DATE: The amendments to part 646 published on January 18, 1995, at 60 FR 3562 are extended from April 19, 1995, through July 17, 1995, unless terminated earlier by notification in the **Federal Register**.

ADDRESSES: Copies of documents supporting this action, including an environmental assessment, may be obtained from Peter J. Eldridge, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813–570–5305.

SUPPLEMENTARY INFORMATION: Snapper-grouper species off the southern Atlantic states are managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 646 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Under section 305(c) of the Magnuson Act, NMFS published an emergency interim rule (60 FR 3562, January 18, 1995) that requires selected vessels in the commercial snapper-grouper fishery to land gag in a whole condition so that their reproductive organs may be collected by NMFS port agents for analysis. Such analysis is vital to determinations of the reproductive capacity of the resource. Because an insufficient number of reproductive organs have been collected, the Council requested extension of the emergency interim rule through as late as July 17, 1995, with earlier termination if sufficient samples for analysis are collected. NMFS concurs with the Council's request. In accordance with sections 305(c)(3)(B) and (C) of the Magnuson Act, NMFS extends the emergency interim rule through July 17, 1995, unless terminated earlier by notification in the **Federal Register**.

Details concerning the basis for this action and the classification of the rulemaking are contained in the initial emergency interim rule and are not repeated here.

Dated: April 13, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95–9543 Filed 4–13–95; 4:52 pm]

BILLING CODE 3510–22–F

50 CFR Part 651

[Docket No. 950410096–5096–01; I.D. 032295C]

RIN 0648–AH66

Northeast Multispecies Fishery; Framework 9

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Framework Adjustment 9 to the Northeast Multispecies Fishery Management Plan (FMP). This rule implements on a permanent basis several measures originally imposed by a temporary emergency rule, with some modifications and additions: A year-round closure of redefined Closed Area I, the Nantucket Lightship Closed Area, and Closed Area II; a small mesh prohibition (with exception criteria) and a prohibition on possession of regulated species while fishing with small mesh; mesh restrictions in the Gulf of Maine juvenile protection areas; an increase in the minimum mesh size in southern New England; a prohibition on scallop dredge vessels from retaining regulated species when they are not fishing under the scallop days-at-sea (DAS) program, and a requirement that the small mesh bycatch provisions apply; and a winter flounder fishing exemption for vessels fishing with small mesh when in state waters, under certain conditions. The intended effect of this rule is to provide some continuing protective measures on groundfish stocks, especially haddock, cod, and yellowtail flounder, while a more comprehensive plan amendment is developed. Exemptions contained in this action are designed to minimize economic impacts on fishermen without compromising the effects of protective measures on groundfish.

EFFECTIVE DATES: April 13, 1995, except § 651.20(i), which is effective May 18, 1995, §§ 651.20(a)(6)(iii)(B), 651.20(j)(1), and 651.21(c)(2)(iv)(A) which require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. When OMB approval is received, the effective dates of those paragraphs will be announced in the **Federal Register**.

ADDRESSES: Copies of Amendment 5 to the FMP, its regulatory impact review (RIR) and the initial regulatory flexibility analysis contained within the RIR, its final supplemental environmental impact statement, and Framework Adjustment 9 (including the Environmental Assessment (EA) supporting the December 12, 1994 emergency action) are available upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1097. Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Richard Roberts, NOAA Information Resources Management Staff, OA1X1, Room 724, 6010 Executive Boulevard, Rockville, MD 20852, and to the Office of Information and Regulatory Affairs (Attention: NOAA Desk Officer), Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, 508–281–9252.

SUPPLEMENTARY INFORMATION: Based on new scientific information, the Northeast Regional Stock Assessment Workshop issued a "Special Advisory: Groundfish Status on Georges Bank," and delivered this advisory, along with its 18th Stock Assessment report, to the New England Fishery Management Council (Council) at its August 9–10, 1994, meeting. Because of the collapsed condition of yellowtail flounder and haddock stocks and the strong possibility of collapse of the cod stock, the advisory expressed a need to immediately begin addressing this crisis, stating that management measures contained in Amendment 5 are not nearly sufficient to rebuild these stocks.

Council's response to this unprecedented advisory was to begin immediately to develop Amendment 7, with the objective of reducing fishing

mortality to as close to zero as practicable, to rebuild the key stocks of concern. Options for this FMP amendment are currently being developed to take to public hearing, and its completion and implementation are expected, at the soonest, early next year.

Due to the length of time needed to complete the amendment process, the Council recommended and NMFS approved, an emergency interim rule (59 FR 63926) on December 12, 1994, to implement immediate protective measures to reduce fishing effort on haddock, cod, and yellowtail flounder, and other groundfish.

An emergency action amendment, published on January 13, 1995 (60 FR 3102), made several changes to the emergency rule, including: The addition of several allowable bycatch species to the exempted species list and a revision of the transiting provision for Closed Area I and the Nantucket Lightship Closed Area for safety reasons, so that vessels may transit during storm conditions, provided that the gear is properly stowed.

In order to avoid a hiatus between the emergency action and Amendment 7, the Council, at the strong urging of NMFS, initiated the present framework adjustment, so that the rules promulgated under the emergency action would remain in place until such time that Amendment 7 could be implemented. Failure to implement these measures permanently through a framework adjustment before expiration of the emergency rule action would increase the likelihood of further reductions in stock abundance of various groundfish species.

Since Framework Adjustment 9 could not be implemented before the expiration of the 90-day emergency action, the Council voted at its February 15–16, 1995, meeting to recommend an extension of the emergency action. This extension (60 FR 13078), effective March 13, 1995, through June 10, 1995, incorporated the emergency action and its amendment, and further amended the emergency rule by allowing fishing vessels to transit the closed areas, provided the operator has a demonstrable safety reason and provided the vessel's fishing gear is properly stowed.

Framework 9 implements with some modifications, the measures imposed by the existing emergency interim rule as follows: A year-round closure of a redefined (expanded) Closed Area I, the Nantucket Lightship Closed Area, and Closed Area II; a disallowance of any fishery utilizing mesh smaller than the minimum mesh size allowed for regulated species, with the exception of fisheries that have been determined to have a catch of less than 5 percent by weight of regulated species; a prohibition on the possession of regulated species while fishing with small mesh; a requirement that all mobile gear vessels fishing in the Stellwagen Bank and Jeffreys Ledge areas, with the exception of mid-water trawl vessels, use a minimum 6-inch (15.24 cm) square mesh codend; and an increase in the minimum mesh size in the Southern New England and Nantucket Lightship Regulated Mesh Areas to 6-inch (15.24 cm) diamond or square mesh.

During the comment period required over two Council meetings in the development of Framework Adjustment 9, several modifications and additions to the emergency action were made with the intent to mitigate some of the economic impacts imposed by the emergency, without compromising its ability to protect the principal groundfish stocks.

Framework 9 implements an exemption to the Nantucket Lightship Closed Area for recreational and party/charter vessels. Under this exemption, party/charter vessels are required to obtain and have on board an authorization letter from the Director, Northeast Region, NMFS (Regional Director). Recreational and party/charter vessels are prohibited from selling any fish that are caught (regardless of where they are caught), and are prohibited from possessing any gear except rod and reel or hand gear on board the vessel. NMFS' database does not include catch information, by area, for the recreational sector, but industry comments indicate that the recreational target species in this area is primarily white hake, with pollock and cod being caught to a lesser extenf. Fishing is likely to be limited to only the larger charter vessels, because of this area's distance from shore. The exemption with its restriction on sale and gear should have a minimal impact on the depleted stocks, but is expected to mitigate the economic burden on this sector of the industry, according to public and Council member testimony. The other closed areas remain closed all to recreational fishing.

This framework allows vessels using pelagic hook gear (both recreational and commercial) and pelagic harpoon gear to fish in the closed areas, provided there is no retention of regulated species. Since pelagic hook gear lands virtually no multispecies, and harpoon gear is incapable of catching groundfish, these fisheries will have no impact on the stocks of concern. An explanation of both pelagic longline gear and harpoon gear is included under the definitions section.

Under this framework action, the hagfish pot fishery is also allowed to occur in the closed areas. Based on anecdotal information and because of the design of the gear, this relatively small fishery takes almost no regulated species and consequently has no impact on the resource the framework measures seek to protect.

The Northeast Fisheries Science Center (NEFSC) has commented that the year-round area closures will have a beneficial conservation effect, although they are insufficient to ensure stock recovery.

Although both U.S. Coast Guard (USCG) and NMFS Enforcement (Enforcement) have expressed concern that allowing any additional vessels fishing access to the closed areas would compromise the ability to enforce such closures, the Council recommended and NMFS has approved these exceptions because they relieve an economic burden on the fishing industry, have relatively little or no impact on the groundfish stocks, and in some cases will help mitigate gear conflicts outside of the closed areas. In addition, the exempted gears are readily distinguishable from other gear types.

This framework adjustment also allows vessels to transit freely Closed Area I and the Nantucket Lightship Closed Area, provided that the gear is not available for immediate use and is properly stowed. Again, USCG and Enforcement have indicated that this measure would affect enforcement operations. However, the Council recommended and NMFS concurred that the benefit of allowing free and open transit outweighs this concern, because the economic burden of requiring vessels to steam around these large areas is significant for many such vessels, both in terms of lost time and fuel costs. The USCG and NMFS have both issued toll-free telephone numbers to be used by the fishing industry in reporting violations to the rules and regulations. Fishers have indicated that they want be more involved in reporting violators, since they are becoming increasingly aware that any infringement on the regulations will only hurt them in the long run through the need for additional restrictions on the entire fleet.

Vessels are also allowed to transit the Gulf of Maine/Georges Bank regulated mesh area with small-mesh nets and small-mesh species on board, provided that the vessel has on board an authorization letter from the Regional Director, does not fish or possess regulated species, and does not fish for

other prohibited species in the non-exempt areas. This provision is added to this final rule because under the emergency action vessels were allowed to transit the Small-Mesh Exemption Area and fish outside of that area, provided that when they were transiting this area their small mesh nets were stowed and they did not have fish on board. However, due to this restriction, the vessels with home ports in this area, which runs from Maine to Massachusetts, were not allowed to transit back to their home port to offload. The transiting provision will remove this restriction while not affecting the conservation objective of the small-mesh prohibition.

Framework Adjustment 9 also expands the allowable bycatch species that may be retained when fishing under the small-mesh exempted species program. This framework adjustment allows retention of two standard totes of silver hake in the northern shrimp fishery, as well as the retention of limited amounts of monkfish and lobster in all of the exempted small-mesh fisheries. For monkfish, a vessel is restricted to 10 percent of the total weight of other fish possessed on board. For lobster, a vessel is allowed 10 percent of the total weight of other fish on board or 200 lobsters, whichever is less. While these species are not exempted directed fisheries under the small-mesh program in their particular areas, the caps placed on each of them represent a legitimate bycatch in the exempted fisheries and because the caps are low enough they do not provide an incentive to direct on these species. This adjustment will reduce discards and provide additional revenue to the industry.

This framework adjustment also imposes restrictions on vessels fishing with scallop dredge gear when they are not fishing under the scallop DAS program and on vessels fishing with scallop dredge gear with general scallop permits. Under this rule, these vessels are prohibited from retaining regulated species and are subject to the same bycatch restrictions applicable to the small-mesh fisheries, except that a vessel may possess up to 400 lb (181.44 kg) of shucked scallops as specified under 50 CFR Part 650, Atlantic Sea Scallop Fishery. Because scallop dredge vessels have increased their efforts on other species, including monkfish, lobster and yellowtail flounder, when not fishing for scallops, the harvesting and discarding of groundfish is uncontrolled and potentially significant. The Council believes, and NMFS concurs, that without any limitations on this practice, it will escalate as scallop DAS are further reduced. Vessels operating under the state waters scallop fishery, as described under the Atlantic Sea Scallop FMP, are exempt from this requirement.

The Regional Director has determined that the Cultivator Shoal whiting fishery also meets the small-mesh exemption requirement and, therefore, is allowed under this framework adjustment, subject to the same restrictions as other small-mesh fisheries. In addition to whiting, vessels fishing under this exemption may retain, as allowable bycatch species, longhorn sculpin, and the bycatch provisions specified for monkfish and lobsters.

Finally, Framework Adjustment 9 exempts vessels that hold a Federal multispecies permit from the Federal mesh requirements when fishing on winter flounder in state waters, provided the following conditions are met: The vessel has on board a certificate issued by a state agency authorizing the vessel's participation in that state's winter flounder fishing program and is in compliance with the applicable state laws pertaining to minimum mesh size for winter flounder; the vessel is fishing exclusively in the waters of the state from which the exemption certificate was obtained; the applicable state's winter flounder plan has been approved by the Atlantic States Marine Fisheries Commission (ASMFC) as being in compliance with the ASMFC Winter Flounder Fishery Management Plan; the state elects, by a letter to the Regional Director, to participate in the exemption program described in this section; fishing vessels issued a limited access permit that are fishing under the DAS program or under the small boat or sink gillnet DAS exemption program specified under § 651.22(d), do not fish for, possess or land regulated species, exclusive of winter flounder; the vessel does not enter or transit the EEZ; and the vessel does not enter or transit the waters of another state unless such other state is participating in the exemption program and the vessel is enrolled in that state's program.

Vessels fishing under the state waters winter flounder exemption program with a possession-limit-only permit, or vessels subject to the effort control programs and declared out of the multispecies fishery, or who are not fishing under the DAS program, may possess up to the possession limit of winter flounder, provided the vessel does not fish for regulated species, exclusive of winter flounder. Vessels using hook gear and fishing under the hook-gear-only categories would continue to be exempt from any possession limit on regulated species.

The ASMFC approved a fishery management plan for inshore stocks of winter flounder in May, 1992. The plan's fishing mortality objectives, a maximum spawning potential (MSP) target of 30 percent by January 1, 1995, and a MSP target of 40 percent by January, 1999, are more restrictive than the FMP for federally managed stocks (20 percent MSP). The ASMFC also allows individual states to utilize different measures to achieve the same objective. Under the multispecies regulations, when a federally permitted vessel is fishing for winter flounder in state waters, the most restrictive of either the state or Federal regulations apply. This framework alleviates the cumulative impact of winter flounder regulations on the fishing industry, while still achieving the most conservative management objective for other regulated species as defined in the FMP. The requirement that vessels must retain an exemption certificate issued by the state on board the vessel should mitigate any enforcement problem that this rule would impose.

Since redefined Closed Area I, as outlined in this framework action, overlaps the Cultivator Shoal Whiting Area, § 651.20, paragraph (a)(4), has been changed to reflect the reduced size. Also, because this framework requires vessels to have 6-inch (15.24-cm) mesh, diamond or square, when fishing on regulated species in the southern New England and Nantucket Lightship regulated mesh areas, and because vessels are now allowed to transit the Nantucket Lightship regulated mesh area with small mesh, the Nantucket Lightship regulated mesh area distinction is no longer valid. However, to maintain the numbering sequence of the prohibitions, for enforcement purposes, this section is reserved as specified in § 651.20(b).

This action also adds scientific names for the added allowable bycatch species to help in species identification. Further, paragraph (e)(4) is added to § 651.21 as a stowage provision for sink gillnet gear when transiting the closed areas.

NMFS is amending the multispecies regulations following the procedure for framework adjustments established by Amendment 5 and codified in 50 CFR 651, subpart C. The Council followed this procedure when making adjustments to the FMP, by developing and analyzing the actions over the span of a minimum of two Council meetings. Framework Adjustment 9 was initiated at the Council's December 7–8, 1994, meeting and was followed by meetings

on January 11–12, 1995, and February 15–16, 1995. The Council provided the public with advance notice of both the proposal and the analysis, and opportunity to comment on them prior to and at the February 15–16 Council meeting. Upon review of the analysis and public comment, the Council recommended to the Regional Director that the measures contained in Framework Adjustment 9 be published as a final rule. The Regional Director has determined that the measures in Framework Adjustment 9 are appropriate to publish as a final rule.

Because many of the measures contained within this rule relieve a burden on the fishing industry, it is the intent of the Council and NMFS that Framework Adjustment 9 supersede the extension to the emergency action.

The Council has clearly stated that this framework adjustment, with its modifications, does not necessarily reflect its policies in regard to the development of Amendment 7.

Comments and Responses

Written comments were submitted by Capt. John Boats, Inc., East Coast Fisheries Federation, Inc., Greenpeace, NMFS Office of Enforcement (NE Region), Plum Island Surfcasters, Ram Point Marina, Inc., Seafarers International Union of No. America (AFL–CIO), Shinnecock Marlin & Tuna Club, Inc., *The Fisherman Magazine*, U.S. Coast Guard, Zonta Club of Northampton, and 1,168 individuals including Congressman Patrick J. Kennedy (RI). One association and three individuals supported everything in the framework amendment. Several letters addressed solutions that are not within the scope of this framework amendment. The majority of letters addressed the exemption for recreational vessels fishing in the Nantucket Lightship Closed Area.

Comment 1: Of the 1,168 individual letters, 664 were signed form letters submitted by a representative of the Francis Fleet supporting an exemption for recreational fishing in the yellowtail area south of Nantucket. Most of the remainder were signed form letters submitted independently, but identical to the Francis Fleet submission, supporting a recreational exemption. Further, Congressman Kennedy supported the recreational exemption. Four associations supported the exemption.

Response: The letters of support have been noted and an exemption for recreational and charter vessels in the Nantucket Lightship Closed Area, under the conditions specified in this framework, has been approved.

Comment 2: Two of the associations (one of which attached a petition signed by 28 individuals) and eight individuals supported exempting recreational fisheries from the possible closing of Georges Bank.

Response: The only recreational fishing exemption under consideration by the New England Fishery Management Council during the framework process was a proposal to exempt recreational fishing in the Nantucket Lightship Closed Area. The issue of closing additional areas will be dealt with by Amendment 7 to the Northeast Multispecies FMP. Therefore, comments supporting a recreational fishing exemption on Georges Bank should be made during hearings to be scheduled regarding Amendment 7.

Comment 3: One association (speaking for recreational fishing vessels) opposed the transiting prohibition through the Nantucket Lightship Closed Area. It stated that the prohibition is dangerous for vessels fishing the east side of Nantucket shoals.

Response: An exception allowing transiting through the Nantucket Lightship Closed Area and Closed Area I for all fishing vessels, including recreational and charter vessels, under the conditions specified in this framework, has been approved.

Comment 4: One association, with 16 signatures on its letter, supported the fishing limitations on Georges Bank and urged an extension of the 6-month emergency action to allow for stock rebuilding.

Response: The Magnuson Act authorizes for emergency rules to be effective for up to 90 days, with a provision that they may be extended by Council recommendation for an additional 90 days. As no authority exists for another extension by emergency rule, the Council initiated this framework action under the abbreviated rulemaking procedures established by Amendment 5. Its effect will be to continue the measures promulgated under the emergency action until at least such time as a more comprehensive amendment (Amendment 7) is implemented.

Comment 5: One environmental organization urged that the Council not exempt recreational, party, and charter boats from the closure of certain areas of Georges Bank. It disagreed with the recreational sector's argument that the financial hardship posed by their inclusion in the Council's plans should take precedence over the conservation measures deemed necessary by the Council since their impact on regulated species is minimal. It added that the level of removal of groundfish by the recreational sector works at cross-purposes to the Council's intentions of accomplishing a near-zero fishing mortality rate.

Response: This framework allows an exemption only to the Nantucket Lightship Closed Area for recreational, party, and charter vessels. It does not exempt this segment of the fishery from other closed areas of Georges Bank. Furthermore, the sale of fish caught on vessels fishing under this exemption is explicitly prohibited (regardless of where the fish are caught), thereby reducing the incentive to target on critical stocks of groundfish. Each vessel in the party/charter fleet will further need a letter of authorization to enter this closed area, and both recreational and party/charter vessels may carry only hand-line and/or rod-and-reel fishing gear aboard. Anecdotal information indicates that the primary target species in this area is white hake, with pollock and cod being caught to a lesser extent. Although some cod is caught in this area, the Council and NMFS believe it should have a minimal impact on the depleted stocks. Concerning the Council's intentions of accomplishing a near-zero fishing mortality rate, that rate is the basis for stock rebuilding under Amendment 7 of the multispecies FMP, now under development. The driving force for this framework is continuation of temporary measures to slow the decline of multispecies stocks until stock rebuilding regulations are in place.

Comment 6: One commentor criticized the make-up of the Council, suggesting that recreational fishing interests are not adequately represented.

Response: Of the six appointed at-large members of the Council, four have backgrounds involving recreational fishing interests. Of those four, one is editor of *Salt Water Sportsman Magazine*. There are also five state representatives to the Council, one from each New England state, representing the concerns of all sectors of the fisheries. Furthermore, the Regional Director of NMFS is also a member of the Council, and represents commercial and recreational interests, equitably.

Comment 7: One association stated that the emergency rule (whose provisions will continue, as modified, by this framework amendment) unfairly affects the winter flounder fishery in the Mid-Atlantic Regulated Mesh Area. The association seeks an exemption west of 72°30′ west longitude.

Response: This issue was not adequately analyzed in time for Framework Adjustment 9 but is currently under consideration by the

Council as a separate framework amendment. Framework Adjustment 9 implements a winter flounder exemption for vessels fishing with small mesh when in state waters, under certain conditions.

Comment 8: The USCG stated that it will not be able to provide the same assurance of violator detection and resource preservation currently existing, if provisions of this framework amendment allowing vessels into the closed areas are approved. The USCG does not support routine transits through the closed areas and states that closed area enforcement is most effective when only small numbers of vessels are allowed to operate in designated areas.

Response: The Council and NMFS considered the USCG comments and weighed them against the industry's comments on the costs of requiring vessels to steam around a closed area, unless a safety reason exists. The Council and NMFS do not expect that allowing free and open transit, with gear stowage requirements and severe penalties (including permit vessel and operator sanctions) for fishing in closed areas, will compromise the conservation impact of the closure. The Council determined that the costs to the industry (fuel, days-at-sea allocations while steaming) of the existing safety-only closure provision outweigh the risk of some decrease in compliance with this alternative.

The Council and NMFS further determined that the cost of closing the three areas to pelagic fishing also outweighs the reduction in enforceability resulting from such a closure exception. The Council and NMFS concluded that prohibiting these vessels from possessing any regulated multispecies while in the closed areas will help in the enforcement of the groundfish closure. As pelagic long-line gear is not fixed or anchored to the bottom and has no cable main line, it is readily distinguishable from groundfish hook gear. The other significant pelagic hook fishery that would take place in any of the closed areas is the General Category bluefin tuna fishery. Vessels fishing under a General Category permit are prohibited from having more than two hooks attached to any line on board and, with a prohibition on the possession of groundfish, can easily be distinguished from a groundfish hook vessel. Furthermore, the pelagic fisheries are regulated by a season-and-quota system that significantly limits the time when pelagic hook vessels may fish.

Classification

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

The Assistant Administrator for Fisheries, NOAA (AA), finds there is good cause to waive prior notice and opportunity for comments under 5 U.S.C. 553(b)(B). The provision of advance notice as described in this rule and public meetings held by the Council to discuss the management measures implemented by this rule provided adequate prior notice and opportunity for public comment to be made and considered. Thus, additional opportunity for public comment is unnecessary.

The AA also finds that under 5 U.S.C. 553(d)(1), because immediate implementation of this rule relieves an economic hardship on the industry with virtually no impact on the conservation objective, there is no need to delay for 30 days the effectiveness of this regulation, except § 651.20(i) which will be effective May 18, 1995.

This rule contains three new collection-of-information requirements subject to the Paperwork Reduction Act that have been submitted to the Office of Management and Budget (OMB) for approval. The public reporting burden for this collection of information is estimated to be 2 minutes per response for each of the requirements, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this reporting burden estimate or any other aspect of the collection of information, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

The new requirements are:

1. The winter flounder state waters exemption program (§ 651.20(j)(1)) (2 minutes/response);

2. Gulf of Maine/Georges Bank regulated mesh area transit exemption (§ 651.20(a)(6)(iii)(B)) (2 minutes/response);

3. Nantucket Lightship Closed Area party/charter vessel exemption (§ 651.21(c)(2)(iv)(A)) (2 minutes/response).

Because §§ 651.20(a)(6)(iii)(B), § 651.20(j)(1), and § 651.21(c)(2)(iv)(A) require approval by OMB under the Paper Work Reduction Act which has not yet been received, their effectiveness is delayed pending receipt of such approval. The effective date of those sections will be announced in the **Federal Register**.

The regulations extending the emergency action (60 FR 13078, March 10, 1995) eliminated a notification requirement for vessels transiting closed areas during storm conditions.

Because no proposed rule was required, this action is exempt from the requirements to prepare a Regulatory Flexibility Analysis.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 12, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows. These amendments supersede the amendments published at 59 FR 63926, December 12, 1994; 60 FR 3102, January 13, 1995; 60 FR 6446, February 2, 1995; and 60 FR 13078, March 10, 1995.

PART 651—NORTHEAST MULTISPECIES FISHERY

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

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

2. In § 651.2, definitions for "American lobster or lobster", "Harpoon gear or harpoon", "Monkfish", and "Pelagic hook or longline gear" are added, in alphabetical order; and "Atlantic sea scallop or scallop" and "Sink gillnet" are revised as follows:

§ 651.2 Definitions.

* * * * *

American lobster or *lobster* means the species, *Homarus americanus.*

Atlantic sea scallop or *scallop* means the species, *Placopecten magellanicus.*

* * * * *

Harpoon gear or *harpoon* means fishing gear consisting of a pointed dart or iron attached to the end of a line several hundred feet in length, the other end of which is attached to a floating device.

* * * * *

Monkfish means the species, *Lophius americanus.*

* * * * *

Pelagic hook or longline gear means fishing gear that is not fixed, nor designed to be fixed, or anchored to the bottom and that consists of monofilament main line (as opposed to a cable main line) to which gangions are attached.

* * * * *

Sink gillnet means a bottom-tending gillnet, which is any gillnet, anchored or otherwise, that is designed to be, or is

capable of being, or is fished on or near the bottom in the lower third of the water column.

* * * * *

3. In § 651.4, paragraph (f) and the last sentence of paragraph (d) is revised and a new paragraph (t) is added to read as follows:

§ 651.4 Vessel permits.

* * * * *

(d) * * * Except as provided for in § 651.20(j), if a requirement of this part and a management measure required by a state or local law differ, any vessel owner permitted to fish in the EEZ must comply with the more restrictive requirement.

* * * * *

(f) *Information requirements.* (1) In addition to applicable information required to be provided by paragraph (e) of this section, an application for either a limited access multispecies, hook-gear-only, or possession-limit-only permit must contain at least the following information, and any other information required by the Regional Director: Vessel name; owner name, mailing address, and telephone number; U.S. Coast Guard documentation number and a copy of vessel's U.S. Coast Guard documentation or, if undocumented, state registration number and a copy of the state registration; home port and principal port of landing; length; gross tonnage; net tonnage; engine horsepower; year the vessel was built; type of construction; type of propulsion; approximate fish-hold capacity; type of fishing gear used by the vessel; number of crew; permit category; if the owner is a corporation, a copy of the Certificate of Incorporation, and the names and addresses of all shareholders owning 25 percent or more of the corporation's shares; if the owner is a partnership, a copy of the Partnership Agreement and the names and addresses of all partners; if there is more than one owner, names of all owners having owned more than a 25-percent interest; and name and signature of the owner or the owner's authorized representative.

(2) Applications for a limited access multispecies permit must also contain the following information:

(i) The engine horsepower of the vessel as specified in the vessel's most recent permit application for a Federal Fisheries Permit before May 1, 1994. If the engine horsepower was changed or a contract to change the engine horsepower had been entered into prior to May 1, 1994 such that it is different from that stated in the vessel's most recent application for a Federal Fisheries Permit before May 1, 1994, sufficient documentation to ascertain the different engine horsepower. However, the engine replacement must be completed within 1-year of the date of when the contract for the replacement engine was signed.

(ii) The length, gross tonnage, and net tonnage of the vessel as specified in the vessel's most recent permit application for a Federal Fisheries Permit before May 1, 1994. If the length, gross tonnage, or net tonnage was changed or a contract to change the length, gross tonnage or net tonnage had been entered into prior to May 1, 1994 such that it is different from that stated in the vessel's most recent application for a Federal Fisheries Permit, sufficient documentation to ascertain the different length, gross tonnage or net tonnage. However, the upgrade must be completed within 1 year of the date of when the contract for the upgrade was signed.

(iii) If the vessel owner is applying to fish under the individual DAS program specified in this section, the application must include such election.

(iv) In 1994, vessel owners may change their vessel's DAS category within 30 days of receipt of their 1994 multispecies permit. After 30 days, the vessel must fish only in the DAS program assigned for the remainder of the fishing year. In 1995, if the vessel owner is applying to fish under a different DAS program than was assigned for 1994, the application must include such election and the vessel must fish only in that category for the entire fishing year.

(v) For 1996 and thereafter, a vessel, when fishing under the DAS program, may fish only under the DAS program assigned to it in 1995, or if not assigned in 1995, the DAS program assigned to it on its initial permit to fish under the DAS program. However, any vessel may elect for any year to fish under a hook-gear-only permit if it meets the requirements specified in paragraph (b) of this section.

(vi) Beginning on September 1, 1994, if the vessel is a combination vessel, or if the applicant elects to take an Individual DAS allocation or to use a VTS unit, although not required, a copy of the vendor installation receipt from a NMFS-certified VTS vendor as described in § 651.28(a).

* * * * *

(t) *Certificate for winter flounder fishing in state waters.* A vessel permitted under this part and fishing for winter flounder in state waters under the minimum mesh size described in § 651.20(j), must have on board a certificate issued by the state agency authorizing the vessel's participation in the state waters winter flounder fishing program.

4. In § 651.5, paragraph (a) is revised to read as follows:

§ 651.5 Operator permits.

(a) *General.* Any operator of a vessel that has been issued a valid Federal multispecies permit under this part, or any operator of a vessel fishing for multispecies finfish in the EEZ or in possession of multispecies finfish in or harvested from the EEZ, must carry on board a valid operator's permit issued under this part. This requirement does not apply to recreational vessels and vessels that fish exclusively in state waters for multispecies.

* * * * *

5. In § 651.9, paragraphs (a), (b), and (e) are revised to read as follows:

§ 651.9 Prohibitions.

(a) In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person owning or operating a vessel holding a valid Federal multispecies vessel permit issued under this part, issued a permit under § 651.5 or a letter under § 651.4(a)(8)(v), to do any of the following:

(1) Possess or land multispecies finfish smaller than the minimum size as specified in § 651.23.

(2) Fail to comply in an accurate and timely fashion with the log report, reporting, record retention, inspection, and other requirements of § 651.7(b).

(3) Fish for, possess, or land multispecies finfish unless the operator of the vessel has been issued an operator's permit under § 651.5, and a valid permit is on board the vessel.

(4) Fail to report to the Regional Director within 15 days any change in the information contained in the permit application as required under § 651.4(m) or § 651.5(k).

(5) Fail to affix and maintain permanent markings as required by § 651.8.

(6) Sell, transfer, or attempt to sell or transfer to a dealer any multispecies finfish unless the dealer has a valid Federal Dealer's Permit issued under § 651.6.

(7) Land, offload, remove, or otherwise transfer, or attempt to land, offload, remove, or otherwise transfer fish from one vessel to another vessel or other floating conveyance unless authorized in writing by the Regional Director pursuant to § 651.30(a).

(8) Refuse or fail to carry an observer if requested to do so by the Regional Director.

(9) Interfere with or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer conducting his or her duties aboard a vessel.

(10) Fail to provide an observer with the required food, accommodations, access, and assistance, as specified in § 651.31.

(11) Land haddock from, or possess haddock on board, a sea scallop dredge vessel during the time specified in § 651.27(b)(1).

(12) Land, or possess on board a vessel, more than 500 lb (226.8 kg) of haddock, or the equivalent in totes or boxes, as specified in § 651.27(b)(2), or violate any of the other provisions specified in § 651.27(b)(2).

(13) Fish with, set, haul back, possess on board a vessel, unless stowed in accordance with § 651.20(c)(4), or fail to remove a sink gillnet from the area and for the times specified in § 651.32(a), unless authorized in writing by the Regional Director.

(14) Sell, barter, trade, or transfer, or attempt to sell, barter, trade, or otherwise transfer, for a commercial purpose, other than transport, any multispecies, unless the transferee has a dealer permit issued under § 651.6.

(b) In addition to the prohibitions specified in paragraph (a) of this section, it is unlawful for any person owning or operating a vessel issued a limited access permit under § 651.4(a) or a letter under § 651.4(a)(8)(v), to do any of the following:

(1) Possess at any time during a trip, or land per trip, more than the possession limit of regulated species as specified in § 651.27(a), after using the vessel's annual DAS allocation or when not participating under the DAS program pursuant to § 651.22.

(2) If required to have a VTS unit as specified in § 651.28(a) or § 651.29(a):

(i) Fail to have a certified, operational, and functioning VTS unit that meets the specifications of § 651.28(a) on board the vessel at all times.

(ii) Fail to comply with the notification, replacement, or any other requirements regarding VTS usage as specified in § 651.29(a).

(3) Combine, transfer, or consolidate DAS allocations.

(4) Fish for, possess, or land multispecies finfish with or from a vessel that has had the horsepower of such vessel or its replacement upgraded or increased in excess of the limitations specified in § 651.4(a)(5)(i).

(5) Fish for, possess, or land multispecies finfish with or from a vessel that has had the length, gross registered tonnage, or net tonnage of such vessel or its replacement increased or upgraded in excess of limitations specified in § 651.4(a)(5)(ii).

(6) Fail to comply with any requirement regarding the DAS notification as specified in § 651.29.

(7) If not fishing under the VTS system, fail to have on board the vessel a card issued by the Regional Director, as specified in § 651.29(b).

(8) Fail to notify that a vessel is participating in the DAS program as specified in § 651.29(b).

(9) Fail to comply with the other methods of notification requirements, including a call-in system as specified in § 651.29(c), if required by the Regional Director.

(10) Fail to provide notification of the beginning or ending of a DAS before leaving port or before returning to port, as required under § 651.29 (b) or (c).

(11) Fail to comply with the layover day requirement as described in § 651.22(c)(1)(ii)(A).

* * * * *

(e) In addition to the general prohibitions specified in § 620.7 of this chapter and the prohibitions specified in paragraphs (a) through (d) of this section, it is unlawful for any person to do any of the following:

(1) Fish for, possess, or land multispecies finfish unless:

(i) The multispecies finfish were being fished for or harvested by a vessel holding a valid Federal multispecies permit under this part, or a letter under § 651.4(a)(8)(v), and the operator on board such vessel has been issued an operator's permit under § 651.5 and has a valid permit on board the vessel;

(ii) The multispecies finfish were harvested by a vessel not issued a Federal multispecies permit that fishes for multispecies finfish exclusively in state waters; or

(iii) The multispecies finfish were harvested by a recreational fishing vessel.

(2) Possess at any time during a trip, or land per trip, more than the possession limit of regulated species as specified in § 651.27(a) unless:

(i) The multispecies finfish were harvested by a vessel that has been issued a limited access permit under § 651.4(a), a hook-gear-only permit under § 651.4(b), or a letter under § 651.4(a)(8)(v); or

(ii) The regulated species were harvested by a vessel that qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(3) Land, offload, cause to be offloaded, sell, or transfer; or attempt to land, offload, cause to be offloaded, sell, or transfer multispecies finfish from a fishing vessel, whether on land or at sea, as an owner or operator without accurately preparing and submitting, in a timely fashion, the documents required by § 651.7, unless the multispecies finfish were harvested by a vessel that qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(4) Purchase or receive multispecies finfish, or attempt to purchase or receive multispecies finfish, whether on land or at sea, as a dealer without accurately preparing, submitting in a timely fashion, and retaining the documents required by § 651.7.

(5) Land, offload, remove, or otherwise transfer, or attempt to land, offload, remove or otherwise transfer multispecies finfish from one vessel to another vessel, unless both vessels qualify under the exception specified in paragraph (e)(1)(ii) of this section, or unless authorized in writing by the Regional Director pursuant to § 651.30(a).

(6) Sell, barter, trade, or otherwise transfer; or attempt to sell, barter, trade, or otherwise transfer for a commercial purpose any multispecies finfish from a trip unless the vessel is holding a valid Federal multispecies permit under this part, or a letter under § 651.4(a)(8)(v), or the multispecies finfish were harvested by a vessel without a Federal multispecies permit that fishes for multispecies finfish exclusively in state waters.

(7) Purchase, possess, or receive for a commercial purpose, or attempt to purchase, possess, or receive for a commercial purpose in the capacity of a dealer, multispecies finfish taken from a fishing vessel, unless in possession of a valid dealer permit issued under § 651.6; except that this prohibition does not apply to multispecies finfish taken from a vessel that qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(8) Purchase, possess, or receive for commercial purposes multispecies finfish caught by a vessel other than one holding a valid Federal multispecies permit under this part, or a letter under § 651.4(a)(8)(v), unless the multispecies finfish were harvested by a vessel that qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(9) To be or act as an operator of a vessel fishing for or possessing multispecies finfish in or from the EEZ, or holding a Federal multispecies permit under this part without having been issued and possessing a valid operator's permit issued under § 651.5.

(10) Assault, resist, oppose, impede, harass, intimidate, or interfere with a NMFS-approved observer aboard a vessel.

(11) Make any false statement, oral or written, to an authorized officer or employee of NMFS, concerning the taking, catching, harvesting, landing, purchase, sale, or transfer of any multispecies finfish.

(12) Make any false statement in connection with an application under § 651.4 or § 651.5 or on any report required to be submitted or maintained under § 651.7.

(13) Tamper with, damage, destroy, alter, or in any way distort, render useless, inoperative, ineffective, or inaccurate the VTS, VTS unit, or VTS signal required to be installed on or transmitted by vessel owners or operators required to use a VTS by this part.

(14) Fish with, use, or have available for immediate use within the area described in § 651.20(a)(1) nets of mesh size smaller than the minimum mesh size specified in § 651.20(a)(2), except as provided in § 651.20 (a)(3) through (a)(6), (e), (f), and (j), or unless the vessel qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(15) [Reserved]

(16) Fish with, use, or have available for immediate use within the area described in § 651.20(c)(1) nets of mesh size smaller than the minimum size specified in § 651.20(c)(2), except as provided in § 651.20(c)(3), (e), (f), and (j), or unless the vessel qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(17) Fish with, use, or have available for immediate use within the area described in § 651.20(d)(1) nets of mesh size smaller than the minimum size specified in § 651.20(d)(2), except as provided in § 651.20(d)(3), (e), (f), and (j), or unless the vessel qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(18) Enter or be in the area described in § 651.21(a)(1) on a fishing vessel, except as provided in § 651.21(a)(2), (d), and (e).

(19) [Reserved]

(20) Enter the area described in § 651.21(b)(1) on a fishing vessel, except as provided by § 651.21(b)(2) and (e).

(21) Enter or be in the area described in § 651.21(c)(1), on a fishing vessel, except as provided in § 651.21(c)(2) and (e).

(22) Fail to comply with the gear-marking requirements of § 651.25.

(23) Import, export, transfer, land, or possess regulated species that are smaller than the minimum sizes as specified in § 651.23, unless the regulated species were harvested from a vessel that qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(24) Interfere with, obstruct, delay, or prevent by any means lawful investigation or search relating to the enforcement of this part.

(25) Fish within the areas described in § 651.20(a)(4) with nets of mesh smaller than the minimum size specified in § 651.20(a)(2), unless the vessel is issued and possesses on board the vessel an authorizing letter issued under § 651.20(a)(4)(i).

(26) Violate any provisions of the Cultivator Shoals Whiting Fishery specified in § 651.20(a)(4).

(27) Fish for, land, or possess multispecies finfish harvested by means of pair trawling or with pair trawl gear, except under the provisions of § 651.20(e), or unless the vessels that engaged in pair trawling qualify for the exception specified in paragraph (e)(1)(ii) of this section.

(28) Fish for, harvest, possess, or land in or from the EEZ northern shrimp, unless such shrimp were fished for or harvested by a vessel meeting the requirements specified in § 651.20(a)(3).

(29) Fail to comply with the requirements as specified in § 651.20(a)(5).

(30) Fish for the species specified in § 651.20 (e) or (f) with a net of mesh size smaller than the applicable mesh size by area fished specified in § 651.20, or possess or land such species, unless the vessel is in compliance with the requirements specified in § 651.20 (e) or (f), or unless the vessel qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(31) Fish with, set, haul back, possess on board a vessel, unless stowed in accordance with § 651.20(c)(4), or fail to remove a sink gillnet from the EEZ portion of the areas, and for the times specified in § 651.32(a), unless authorized in writing by the Regional Director.

(32) Violate any provision specified under § 651.29.

(33) Land haddock from, or possess haddock on board, a sea scallop dredge vessel as specified in § 651.27(b)(1).

(34) Land, or possess on board a vessel, more than 500 lb (226.8 kg) of haddock, or the equivalent in totes or boxes, as specified in § 651.27(b)(2), or violate any of the other provisions specified in § 651.27(b)(2).

(35) Fish with, use or have available for immediate use scallop dredge gear on a vessel not fishing under the scallop DAS program as described in § 650.24 of this chapter, or fishing under a general category permit issued under § 650.4(b) of this chapter, in the areas described in § 651.20(i), except as provided in § 651.20(i), or unless the vessel qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(36) Obstruct or constrict a net as described in § 651.20(h) (1) and (2).

(37) Possess, land, or fish for regulated species, except winter flounder as provided for in accordance with § 651.20(j), from or within the areas described in § 651.20, while in possession of nets of mesh smaller than the minimum size specified in § 651.20, unless the vessel and nets conform with the stowage requirements of § 651.20(c)(4), or unless the vessel qualifies for the exception specified in paragraph (e)(1)(i) of this section.

(38) Possess, land, or fish for regulated species, except winter flounder as provided for in accordance with § 651.20(j), from or within the areas described in § 651.20(i), while in possession of scallop dredge gear on a vessel not fishing under the scallop DAS program as described in § 650.24 of this chapter, or fishing under a general category permit issued under § 650.4(b) of this chapter, unless the vessel and the dredge gear conform with the stowage requirements of § 651.27(a)(3) and § 651.21(e)(2), or unless the vessel qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

(39) Possess or land fish caught with nets of mesh smaller than the minimum size specified in § 650.20 of this chapter, or with scallop dredge gear on a vessel not fishing under the scallop DAS program described in § 650.24 of this chapter, or fishing under a general category permit issued under § 650.4(b) of this chapter, unless said fish are caught, possessed or landed in accordance with §§ 651.20 and 651.27, or unless the vessel qualifies for the exception specified in paragraph (e)(1)(ii) of this section.

* * * * *

6. In § 651.20, paragraphs (a) through (f) are revised and paragraphs (i) and (j) added to read as follows:

§ 651.20 Regulated mesh areas and restrictions on gear and methods of fishing.

All vessels fishing for, harvesting, possessing, or landing multispecies finfish in or from the EEZ and all vessels holding a Federal multispecies permit under this part must comply with the following restrictions on minimum mesh size, gear, and methods of fishing, unless otherwise exempted or prohibited.

(a) *Gulf of Maine/Georges Bank (GOM/GB) regulated mesh area*—(1) *Area definition.* The Gulf of Maine/Georges Bank regulated mesh area is that area:

(i) Bounded on the east by the U.S.-Canada maritime boundary, defined by

straight lines connecting the following points in the order stated (see Figure 1 to part 651):

GULF OF MAINE/GEORGES BANK REGULATED MESH AREA

Point	Latitude	Longitude
G1	(1)	(1)
G2	43°58′ N.	67°22′ W.
G3	42°53.1′ N.	67°44.4′ W.
G4	42°31′ N.	67°28.1′ W.
G5	41°18.6′ N.	66°24.8′ W.

[1] The intersection of the shoreline and the U.S.-Canada Maritime Boundary [southward along the irregular U.S.-Canada Maritime Boundary].

(ii) Bounded on the south by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude	Approximate loran C bearings
G6	40°55.5′ N.	66°38′ W.	5930–Y–30750 and 9960–Y–43500.
G7	40°45.5′ N.	68°00′ W.	9960–Y–43500 and 68°00 W.
G8	40°37′ N.	68°00′ W.	9960–Y–43450 and 68°00 W.
G9	40°30′ N.	69°00′ W.	
NL3	40°22.7′ N.	69°00′ W.	
NL2	40°18.7′ N.	69°40′ W.	
NL1	40°50′ N.	69°40′ W.	
G11	40°50′ N.	70°00′ W.	
G12		70°00′ W.[1]	

[1] Northward to its intersection with the shoreline of mainland Massachusetts.

(2) *Mesh-size restrictions.* Except as provided in paragraphs (a)(3) through (6), (e), (f), and (j) of this section, the minimum mesh size for any trawl net, sink gillnet, Scottish seine, or midwater trawl, on a vessel, or used by a vessel fishing in the GOM/GB regulated mesh area, shall be 6 inches (15.24 cm) diamond or square mesh throughout the entire net. This restriction does not apply to nets or pieces of nets smaller than 3 ft (0.9 m) x 3 ft (0.9 m), (9 sq. ft (0.81 m^2)), or to vessels that have not been issued a Federal multispecies permit and that are fishing exclusively in state waters.

(3) *Small-mesh exemption area.* Northern shrimp has been found to meet the exemption qualification requirements specified in paragraph (a)(7) of this section. Therefore, vessels subject to the mesh restrictions specified in paragraph (a)(2) of this section may fish for, harvest, possess, or land northern shrimp with nets of mesh smaller than the minimum size specified in paragraph (a)(2) of this section in the Small mesh exemption area, if the vessel complies with the requirements specified in paragraphs (a)(3) (i) through (iii) of this section. The Small-Mesh Exemption Area is defined by straight lines connecting the following points in the order stated:

SMALL-MESH EXEMPTION AREA

Point	Latitude	Longitude
SM1	41°35′ N.	70°00′ W.
SM2	41°35′ N.	69°40′ W.
SM3	42°49.5′ N.	69°40′ W.
SM4	43°12′ N.	69°00′ W.
SM5	43°41′ N.	68°00′ W.
G2	43°58′ N.	67°22′ W.; (the U.S.-Canada Maritime Boundary).
G1	(1)	(1)

[1] Northward along the irregular U.S.-Canada maritime boundary to the shoreline.

(i) *Possession limit exemption.* (A) A vessel fishing under this exemption may not fish for, possess on board or land any species of fish other than shrimp except as provided under paragraph (a)(3)(i)(B) of this section.

(B) The following may be retained, with the restrictions noted, as allowable bycatch species in the northern shrimp fishery as described in this section: Longhorn sculpin (*Myoxocephalus octodecimspinosus*); up to two standard boxes or totes of silver hake (whiting); monkfish and monkfish parts up to 10 percent by weight of all other species on board; and American lobster up to 10 percent by weight of all other species on board or two hundred lobsters, whichever is less.

(ii) *Finfish excluder device.* A vessel must have a properly configured and installed finfish excluder device in any net with mesh smaller than the minimum size specified in paragraph (a)(2) of this section. The finfish excluder device must be configured and installed consistent with the following specifications (see Figure 2 to part 651 for an example of a properly configured and installed finfish excluder device):

(A) A finfish excluder device is a rigid or semi-rigid grate consisting of parallel bars of not more than 1-inch (2.54-cm) spacing that excludes all fish and other objects, except those that are small enough to pass between its bars into the codend of the trawl.

(B) The finfish excluder device must be secured in the trawl, forward of the codend, in such a manner that it precludes the passage of fish or other objects into the codend without the fish or objects having first passed between the bars of the grate.

(C) A fish outlet or hole must be provided to allow fish or other objects that are too large to pass between the bars of the grate to pass out of the net. The aftermost edge of this outlet must be at least as wide as the grate at the point of attachment. The fish outlet must extend forward from the grate toward the mouth of the net.

(D) A funnel of net material is allowed in the lengthening piece of the net

forward of the grate to direct catch towards the grate.

(iii) A vessel may only fish under this exemption during the northern shrimp season, as established by the Atlantic States Marine Fisheries Commission (ASMFC). The northern shrimp season is December 1 through May 30, or as modified by the ASMFC.

(4) *Cultivator Shoal whiting (silver hake) fishery exemption area.* The Cultivator Shoal whiting fishery has been found to meet the exemption qualification requirements specified in paragraph (a)(7) of this section. Therefore, vessels subject to the mesh restrictions specified in paragraph (a)(2) of this section may fish with, use, or possess nets of mesh smaller than the minimum size specified in paragraph (a)(2) of this section in the Cultivator Shoal whiting fishery exemption area, if the vessel complies with the requirements specified in paragraph (a)(4)(i) of this section. The Cultivator Shoal whiting fishery exemption area is defined by straight lines connecting the following points in the order stated (see Figure 1 to part 651):

CULTIVATOR SHOAL WHITING FISHERY EXEMPTION AREA

Point	Latitude	Longitude
C1	42°10′ N.	68°10′ W.
C2	41°30′ N.	68°41′ W.
CI4	41°30′ N.	68°30′ W.
C3	41°12.8′ N.	68°30′ W.
C4	41°05′ N.	68°20′ W.
C5	41°55′ N.	67°40′ W.
C1	42°10′ N.	68°10′ W.

(i) *Requirements.* Vessels fishing in this fishery must have on board an authorizing letter issued by the Regional Director. Vessel owners are subject to the following conditions:

(A) A vessel fishing under this exemption may not fish for, possess on board or land any species of fish other than whiting except as provided under paragraph (a)(4)(i)(E) of this section.

(B) A minimum mesh size of 3 inches (7.62 cm) applied to the first 160 meshes counted from the terminus of the net;

(C) A season of June 15 through October 31, unless otherwise specified by publication of a notification in the **Federal Register**.

(D) When transitting through the GOM/GB regulated mesh area as specified under paragraph (a)(1) of this section, any nets of mesh smaller than the regulated mesh size as specified under paragraph (a)(2) of this section, must be stowed according to the provisions of paragraph (c)(4) of this section.

(E) The following may be retained, with the restrictions noted, as allowable bycatch species in the Cultivator Shoal whiting fishery exemption area as described in this section: longhorn sculpin (*Myoxocephalus octodecimspinosus*); monkfish and monkfish parts up to 10 percent by weight of all other species on board; and American lobster up to 10 percent by weight of all other species on board or two hundred lobsters, whichever is less.

(ii) *Sea sampling.* The Regional Director shall conduct periodic sea sampling to determine if there is a need to change the area or season designation, and to evaluate the bycatch of regulated species, especially haddock.

(iii) *Annual review.* The Council shall conduct an annual review of data to determine if there are any changes in area or season designation necessary, and to make the appropriate recommendations to the Regional Director following the procedures specified in subpart C of this part.

(5) *Stellwagen Bank/Jeffreys Ledge (SB/JL) juvenile protection area.* Except as provided in paragraphs (a)(3), (a)(6), (e), (f) and (j) of this section, the minimum mesh size for any trawl net, Scottish seine, purse seine, or midwater trawl in use, or available for immediate use as described under paragraph (c)(4) of this section, by a vessel fishing in the following area shall be 6 inches (15.24 cm) square mesh in the last 50 bars of the codend and extension piece for vessels 45 ft (13.7 m) in length and less, and in the last 100 bars of the codend and extension piece for vessels greater than 45 ft (13.7 m) in length.

(i) The Stellwagen Bank/Jeffreys Ledge juvenile protection area is defined by straight lines connecting the following points in the order stated (see Figure 1 to Part 651):

STELLWAGEN BANK JUVENILE PROTECTION AREA

Point	Latitude	Longitude	Approximate Loran coordinates
SB1	42°34.0′ N.	70°23.5′ W.	13737 44295
SB2	42°28.8′ N.	70°39.0′ W.	13861 44295
SB3	42°18.6′ N.	70°22.5′ W.	13810 44209
SB4	42°05.5′ N.	70°23.3′ W.	13880 44135
SB5	42°11.0′ N.	70°04.0′ W.	13737 44135
SB1	42°34.0′ N.	70°23.5′ W.	13737 44295

JEFFREYS LEDGE JUVENILE PROTECTION AREA

Point	Latitude	Longitude	Approximate Loran coordinates
JL1	43°12.7′ N.	70°00.0′ W.	13369 44445
JL2	43°09.5′ N.	70°08.0′ W.	13437 44445
JL3	42°57.0′ N.	70°08.0′ W.	13512 44384
JL4	42°52.0′ N.	70°21.0′ W.	13631 44384
JL5	42°41.5′ N.	70°32.5′ W.	13752 44352
JL6	42°34.0′ N.	70°26.2′ W.	13752 44300
JL7	42°55.2′ N.	70°00.0′ W.	13474 44362
JL1	43°12.7′ N.	70°00.0′ W.	13369 44445

(ii) Fishing for northern shrimp in the SB/JL juvenile protection area is allowed subject to the requirements of paragraph (a)(3) of this section.

(6) *Transitting.* (i) Vessels fishing under the Small Mesh Exemption program specified in paragraph (a)(3) of this section may transit through the SB/JL juvenile protection area defined in paragraph (a)(5) of this section with nets on board that do not conform to the requirements specified in paragraph (a)(2) or (a)(5) of this section, provided that the nets are stowed in accordance with the provisions of paragraph (c)(4) of this section;

(ii) Vessels subject to the mesh requirements specified in paragraph (a)(2) of this section may transit through the Small Mesh Exemption Area defined in paragraph (a)(3) of this section with nets on board with mesh smaller than the minimum size specified in paragraph (a)(2) of this section, provided that the nets are stowed in accordance with the provisions of paragraph (c)(4) of this section, and provided the vessel has no fish on board; and

(iii) Vessels subject to the mesh requirements specified in paragraph (a)(2) of this section may transit through the GOM/GB regulated mesh area defined in paragraph (a)(1) of this section with nets on board with mesh smaller than the minimum mesh size specified in paragraph (a)(2) of this section with small mesh exempted species on board, provided that the following conditions are met:

(A) Vessels properly stow any nets of mesh smaller than the regulated mesh size as specified in paragraph (a)(2) of this section in accordance with the provisions of paragraph (c)(4) of this section;

(B) Vessels have on board an authorizing letter issued by the Regional Director; and

(C) Vessels may not fish for, possess on board, or land any species of fish except, when fishing in the areas specified in paragraphs (a)(4), (c), and (d) of this section, vessels may retain exempted small mesh species as provided in paragraphs (a)(4)(i), (c)(3), and (d)(3), respectively, of this section.

(7) *Addition or deletion of exemptions.* The Regional Director may add exemptions of species if he/she makes a determination that the fishery in which the species are fished for or caught, after considering the gear used, area where the fishery occurs and other relevant factors, has a catch of less than 5 percent by weight of regulated species. The Regional Director may delete an existing exemption if he/she makes a determination that the catch of regulated species is greater than or equal to 5 percent by weight. Notification of additions or deletions will be made through publication of a rule in the **Federal Register.**

(b) *Nantucket Lightship regulated mesh area.* [Reserved]

(c) *Southern New England regulated mesh area*—(1) *Area definition.* The Southern New England regulated mesh area is that area bounded on the east by straight lines connecting the following points in the order stated (see Figure 1 part 651):

SOUTHERN NEW ENGLAND REGULATED MESH AREA

Point	Latitude	Longitude
G5	41°18.6′ N.	66°24.8′ W.
G6	40°55.5′ N.	66°38′ W.
G7	40°45.5′ N.	68°00′ W.
G8	40°37′ N.	68°00′ W.
G9	40°30.5′ N.	69°00′ W.
NL3	40°22.7′ N.	69°00′ W.
NL2	40°18.7′ N.	69°40′ W.
NL1	40°50′ N.	69°40′ W.
G11	40°50′ N.	70°00′ W.
G12		70°00′ W.[1]

[1] Northward to its intersection with the shoreline of mainland Massachusetts; and on the west by a line running from the shoreline along 72°30′ W. longitude to the outer boundary of the EEZ.

(2) *Mesh-size restriction.* Except as provided in paragraphs (c)(3), (e), (f), and (j) of this section, the minimum mesh size for any trawl net, sink gillnet, Scottish seine, purse seine or midwater trawl in use, or available for immediate use as described under paragraph (c)(4) of this section, by a vessel fishing in the Southern New England regulated mesh area, shall be 6 inches (15.24 cm) square or diamond mesh throughout the net. This restriction does not apply to vessels that have not been issued a Federal multispecies permit under § 651.4 and are fishing exclusively in state waters.

(3) *Exemptions*—(i) *Species exempt.* Butterfish, dogfish, herring, mackerel, ocean pout, scup, shrimp, squid, summer flounder, silver hake (whiting), and weakfish fished for in, or harvested from, the Southern New England regulated mesh area have been found to meet the exemption qualification requirements specified in paragraph (c)(5) of this section. Therefore, vessels subject to the mesh restrictions specified in paragraph (c)(2) of this section may fish for, harvest, possess, or land any of the above mentioned species with nets of mesh smaller than the minimum size specified in paragraph (c)(2) of this section in the Southern New England regulated mesh area, provided such vessels comply with the requirements specified in paragraph (c)(3)(ii) of this section.

(ii) *Possession and net stowage requirements.* Vessels may possess regulated species while in possession of nets with mesh less than the minimum size specified in paragraph (c)(2) of this section, provided that the nets are stowed and are not available for immediate use in accordance with paragraph (c)(4) of this section, and provided that regulated species were not harvested by nets of mesh size smaller than the minimum mesh size specified in paragraph (c)(2) of this section. Vessels fishing for the exempted species identified in paragraph (c)(3)(i) of this section may also possess and retain the following species, with the restrictions noted, as incidental take to these exempted fisheries: Conger eels (*Conger oceanicus*); searobins (species in the family Triglidae); black sea bass (*Centropristis striata*); red hake; tautog (blackfish) (*Tautoga onitis*); blowfish (puffer) (species in the family Tetraodontidae); cunner (*Tautogolabrus adspersus*); John Dory (*Zenopsis conchifera*); mullet (species in the family Mugilidae); bluefish (*Pomatomus saltatrix*); tilefish (*Lopholatilus chamaeleonticeps*); longhorn sculpin (Myoxocephalus octodecimspinosus); fourspot flounder (*Paralichthys oblongus*); alewife (*Alosa pseudoharengus*); hickory shad (*Alosa mediocris*); American shad (*Alosa sapidissima*); blueback herring (*Alosa aestivalis*); sea ravens (*Hemitripterus americanus*); Atlantic croaker (*Micropogonias undulatus*); spot (*Leiostomus xanthurus*); swordfish (*Xiphias gladius*); monkfish and monkfish parts up to 10 percent by weight of all other species on board; and American lobster up to 10 percent by weight of all other species on board or two hundred lobsters, whichever is less.

(4) *Net stowage requirements.* A net that is stowed and is not available for immediate use conforms to one of the following specifications:

(i) A net stowed below deck, provided:

(A) It is located below the main working deck from which the net is deployed and retrieved;

(B) The towing wires, including the leg wires, are detached from the net; and

(C) It is fan-folded (flaked) and bound around its circumference; or

(ii) A net stowed and lashed down on deck, provided:

(A) It is fan-folded (flaked) and bound around its circumference;

(B) It is securely fastened to the deck or rail of the vessel; and

(C) The towing wires, including the leg wires, are detached from the net; or

(iii) A net that is on a reel and is covered and secured, provided:

(A) The entire surface of the net is covered with canvas or other similar material that is securely bound;

(B) The towing wires, including the leg wires, are detached from the net; and

(C) The codend is removed from the net and stored below deck; or

(iv) Nets that are secured in a manner authorized in writing by the Regional Director.

(5) *Addition or deletion of exemptions.* The Regional Director may add exemptions of species if he/she makes a determination that the fishery in which the species are fished for or caught, after considering the gear used, area where the fishery occurs and other relevant factors, has a catch of less than 5 percent by weight of regulated species. The Regional Director may delete an existing exemption if he/she makes a determination that the catch of regulated species is greater than or equal to 5 percent by weight. Notification of additions or deletions will be made through publication of a rule in the **Federal Register.**

(d) *Mid-Atlantic regulated mesh area*—(1) *Area definition.* The Mid-Atlantic regulated mesh area is that area bounded on the east by a line running from the shoreline along 72°30′ west longitude to the intersection of the outer boundary of the EEZ (see Figure 1 to part 651).

(2) *Mesh-size restrictions.* Except as provided in paragraphs (d)(3), (e), (f), and (j) of this section, the minimum mesh size for any trawl net, sink gillnet, Scottish seine, purse seine, or midwater trawl in use, or available for immediate use as described under paragraph (c)(4) of this section, by a vessel fishing in the Mid-Atlantic regulated mesh area shall be that specified in the summer flounder regulations at § 625.24(a) of this chapter. This restriction does not apply to vessels that have not been issued a multispecies finfish permit under § 651.4 and are fishing exclusively in state waters.

(3) *Exemptions*—(i) *Species exempt.* Butterfish, dogfish, herring, mackerel, ocean pout, scup, shrimp, summer flounder, silver hake (whiting), weakfish, and scallops fished for in, or harvested from, the Mid-Atlantic regulated mesh area have been found to meet the exemption qualification requirements specified in paragraph (d)(4) of this section. Therefore, vessels subject to the mesh restrictions specified in paragraph (d)(2) of this section may fish for, harvest, possess or land any of the above-mentioned species with nets of mesh smaller than the minimum size specified in paragraph (d)(2) of this section in the Mid-Atlantic regulated mesh area, provided such vessels comply with the requirements specified in paragraph (d)(3)(ii) of this section.

(ii) *Possession and net stowage requirements.* Vessels may possess regulated species while in possession of nets with mesh less than the minimum size specified in paragraph (d)(2) of this section, provided that the nets are stowed and are not available for immediate use in accordance with paragraph (c)(4) of this section, and provided that regulated species were not harvested by nets of mesh size smaller than the minimum mesh size specified in paragraph (d)(2) of this section. Vessels fishing for the exempted species identified in paragraph (d)(3)(i) of this section may also possess and retain the following species, with the restrictions noted, as incidental take to these exempted fisheries: Conger eels (*Conger oceanicus*); searobins (species in the family Triglidae); black sea bass (*Centropristis striata*); red hake; tautog (blackfish) (*Tautoga onitis*); blowfish (puffer) (species in the family Tetraodontidae); cunner (*Tautogolabrus adspersus*); John Dory (*Zenopsis conchifera*); mullet (species in the family Mugilidae); bluefish (*Pomatomus saltatrix*); tilefish (*Lopholatilus chamaeleonticeps*); longhorn sculpin (*Myoxocephalus octodecimspinosus*); fourspot flounder (*Paralichthys oblongus*); alewife (*Alosa pseudoharengus*); hickory shad (*Alosa mediocris*); American shad (*Alosa sapidissima*); blueback herring (*Alosa aestivalis*); sea ravens (*Hemitripterus americanus*); Atlantic croaker (*Micropogonias undulatus*); spot (*Leiostomus xanthurus*); swordfish (*Xiphias gladius*); skate (species in the family Rajidae); monkfish and monkfish parts up to 10 percent by weight of all other species on board; and American lobster up to 10 percent by weight of all other species on board or two hundred lobsters, whichever is less.

(4) *Addition or deletion of exemptions.* The Regional Director may add exemptions of species if he/she makes a determination that the fishery in which the species are fished for or caught, after considering the gear used, area where the fishery occurs and other relevant factors, has a catch of less than 5 percent by weight of regulated species. The Regional Director may delete an existing exemption if he/she makes a determination that the catch of regulated species is greater than or equal to 5 percent by weight. Notification of additions or deletions will be made through publication of a rule in the **Federal Register.**

(e) *Midwater trawl gear exemption.* (1) For the GOM/GB, JL/SB, and Nantucket Lightship regulated mesh areas south of 42°20′ N. latitude, fishing for Atlantic herring or blueback herring, mackerel, and squid may take place throughout the fishing year with midwater trawl gear of mesh size less than the regulated size, provided that:

(i) Midwater trawl gear is used exclusively;

(ii) The vessel deploying midwater gear is issued an authorizing letter by the Regional Director;

(iii) The authorizing letter is on board the vessel; and

(iv) The vessel does not fish for, possess, or land multispecies finfish.

(v) The vessel only fishes for, possesses, or lands Atlantic herring, blueback herring, mackerel, or squid in areas south of 42°20′ N. lat., and Atlantic herring, blueback herring, or mackerel in areas north of 42°20′ N. lat.

(2) For the GOM/GB and JL/SB regulated mesh areas north of 42°20′ N. lat., fishing for Atlantic herring or blueback herring and for mackerel may take place throughout the fishing year with midwater trawl gear of mesh size less than the regulated size, provided that the requirement of paragraphs (e)(1)(i) through (v) of this section are met.

(f) *Purse seine gear exception.* For the GOM/GB, JL/SB, and Nantucket Lightship regulated mesh areas, fishing for Atlantic herring or blueback herring, mackerel, and menhaden may take place throughout the fishing year with purse seine gear of mesh size less than the regulated size, provided that:

(1) Purse seine gear is used exclusively;

(2) The vessel deploying the purse seine gear is issued an authorizing letter by the Regional Director;

(3) The authorizing letter is on board the vessel; and

(4) The vessel does not fish for, possess, or land multispecies finfish.

(5) The vessel only fishes for, possesses, or lands Atlantic herring, blueback herring, mackerel, or menhaden.

* * * * *

(i) *Scallop dredge vessel restrictions.* Scallop vessels using scallop dredge gear that possess a limited access scallop permit under § 650.4(a) of this chapter and are not fishing under the scallop days-at-sea program described in § 650.24 of this chapter, or scallop dredge vessels that possess a General scallop permit under § 650.4(b) of this chapter, are prohibited from fishing for, possessing on board, or landing any species of fish other than 400 pounds (181.44 kg) of shucked scallops, or 50

U.S. bushels (17.62 hl) of in-shell scallops as specified under §§ 650.24 and 650.4(b) of this chapter. Vessels fishing under the state waters exemption program in § 650.27 of this chapter are exempt from this restriction. Vessels subject to this restriction, when fishing in the areas specified in paragraphs (a)(3), (a)(4), (c)(1) and (d)(1) of this section, may retain the exempted small-mesh species as provided under the small-mesh exemptions specified under paragraphs (a)(3)(i), (a)(4)(i), (c)(3), and (d)(3), respectively, of this section.

(j) *State waters winter flounder exemption.* Any vessel issued a Federal multispecies permit under this part may fish for, possess, or land winter flounder subject to possession limits specified at § 651.27(a)(2), while fishing with nets of mesh smaller than the minimum size specified in paragraphs (a)(2), (c)(2) and (d)(2) provided that:

(1) The vessel has on board a certificate approved by the Regional Director and issued by the state agency authorizing the vessel's participation in the state's winter flounder fishing program and is in compliance with the applicable state laws pertaining to minimum mesh size for winter flounder;

(2) Fishing is conducted exclusively in the waters of the state from which the certificate was obtained;

(3) The state's winter flounder plan has been approved by the Atlantic States Marine Fisheries Commission (ASMFC) as being in compliance with the ASMFC Winter Flounder Fishery Management Plan;

(4) The state elects, by a letter to the Regional Director, to participate in the exemption program described by this section;

(5) The vessel does not enter or transit the EEZ;

(6) The vessel does not enter or transit the waters of another state unless such other state is participating in the exemption program described by this section and the vessel is enrolled in that state's program;

(7) The vessel does not fish for, possess, or land any regulated species, exclusive of winter flounder;

(8) The vessel does not fish for, possess, or land any species of fish other than winter flounder and the exempted small mesh species specified under (a)(3)(i), (c)(3), and (d)(3) of this section when fishing in the areas specified under (a)(3), (c)(1), and (d)(1) of this section, respectively; and

(9) The vessel complies with all other applicable requirements.

7. Section 651.21 is revised to read as follows:

§ 651.21 Closed areas.

(a) *Closed Area I.* (1) No fishing vessel or person on a fishing vessel may enter, fish, or be in the area known as Closed Area I (Figure 3 to part 651), as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (a)(2) and (d) of this section:

Point	Latitude	Longitude
CI1	41°30′ N.	69°23′ W.
CI2	40°45′ N.	68°45′ W.
CI3	40°45′ N.	68°30′ W.
CI4	41°30′ N.	68°30′ W.; and
CI1	41°30′ N.	69°23′ W.

(2) Paragraph (a)(1) of this section does not apply to persons on fishing vessels or fishing vessels:

(i) Fishing with or using pot gear designed and used to take lobsters, or pot gear designed and used to take hagfish (*Myxine glutinosa*), and that have no other gear on board capable of catching multispecies finfish; and

(ii) Fishing with or using pelagic hook or longline gear or harpoon gear, provided that there is no retention of regulated species, and provided that there is no other gear on board capable of catching multispecies finfish.

(b) *Closed Area II.* (1) No fishing vessel or person on a fishing vessel may enter, fish, or be in the area known as Closed Area II (Figure 3 to part 651), as defined by straight lines connecting the following points in the order stated, except as specified in paragraph (b)(2) of this section:

Point	Latitude	Longitude
CII1	41°00′ N.	67°20′ W.
CII2	41°00′ N.	66°35.8′ W.
G5	41°18.6′ N.	66°24.8′ W. (the U.S.-Canada Maritime Boundary)
CII3	42°22′ N.	67°20′ W. (the U.S.-Canada Maritime Boundary); and
CII1	41°00′ N.	67°20′ W.

(2) Paragraph (b)(1) of this section does not apply to persons on fishing vessels or fishing vessels:

(i) Fishing with or using pot gear designed and used to take lobsters, or pot gear designed and used to take hagfish (*Myxine glutinosa*), and which have no other gear on board capable of catching multispecies finfish;

(ii) Fishing with or using pelagic hook or longline gear or harpoon gear, provided that there is no retention of regulated species, and provided that there is no other gear on board capable of catching multispecies finfish; and

(iii) Transitting for safety reasons provided that:

(A) The operator has determined that there is a compelling safety reason; and

(B) Fishing gear is stowed in accordance with paragraph (e) of this section.

(c) *Nantucket Lightship Closed Area.* (1) No fishing vessel or person on a fishing vessel may enter, fish, or be in the area known as the Nantucket Lightship Closed Area (Figure 3 to part 651), as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (c)(2) and (d) of this section:

Point	Latitude	Longitude
G10	40°50′ N.	69°00′ W.
CN1	40°20′ N.	69°00′ W.
CN2	40°20′ N.	70°20′ W.
CN3	40°50′ N.	70°20′ W.; and
G10	40°50′ N.	69°00′ W.

(2) Paragraph (c)(1) of this section does not apply to persons on fishing vessels or fishing vessels:

(i) Fishing with or using pot gear designed and used to take lobsters, or pot gear designed and used to take hagfish (*Myxine glutinosa*), and which have no other gear on board capable of catching multispecies finfish;

(ii) Fishing with or using pelagic hook or longline gear or harpoon gear, provided that there is no retention of regulated species, and provided that there is no other gear on board capable of catching multispecies finfish;

(iii) Fishing with or using dredge gear designed and used to take ocean quahogs or surf clams, and which have no other gear on board capable of catching multispecies finfish; and

(iv) Classified as charter, party or recreational vessel provided that,

(A) If the vessel is a party or charter vessel: It has an authorizing letter issued by the Regional Director on board;

(B) Fish harvested or possessed by the vessel are not sold or intended for trade, barter or sale, regardless of where the fish are caught; and

(C) It has no gear other than rod and reel or handline gear on board.

(d) *Transitting.* Vessels may transit Closed Area I and the Nantucket Lightship Closed Area as defined in paragraphs (a)(1) and (c)(1) of this section, provided that their gear is stowed in accordance with the provisions of paragraph (e) of this section.

(e) *Gear stowage requirements.* Vessels transitting the closed areas specified under paragraph (a)(1), (b)(1), or paragraph (c)(1) of this section must stow their gear as follows:

(1) Net vessels may not have fishing gear available for immediate use as specified in § 651.20(c)(4).

(2) Scallop dredge vessels must detach the towing wire from the scallop dredge, reel the wire up onto the winch, and secure and cover the dredge so that it is rendered unusable for fishing.

(3) Hook gear vessels using gear other than pelagic hook gear must secure all anchors and buoys, and have all hook gear, including jigging machines, covered.

(4) Sink gillnet vessels must cover all nets with canvas or other similar material and lash or otherwise securely fasten the nets to the deck or rail, and must have all buoys larger than six inches (15.24 cm) in diameter, high flyers and anchors disconnected.

8. In § 651.22, paragraphs (c), (d), and (e) are revised to read as follows:

§ 651.22 Effort-control program for limited access vessels.

* * * * *

(c) Fleet Days-at-Sea program. (1) Beginning on May 1, 1994, all vessels issued a limited access permit that are longer than 45 ft (13.7 m) in length that have not elected to fish under the Individual DAS program as specified in paragraph (a) of this section shall be subject to the following effort-control requirements:

(i) Days in which vessels may not possess more than the possession limit of regulated species as specified in § 651.27(a).

(A) During each fishing year, beginning with 1994, vessel owners of all such vessels must declare periods of time out of the multispecies fishery totaling at least the minimum number of days listed for each such fishing year in the following schedule. Each period of time declared must be at least 20 consecutive days. At least one 20-consecutive-day period must be declared or taken between May 1 and May 31, or between March 1 and April 10, of each fishing year. Each fishing year shall begin on May 1 and extend 12 months through April 30 of the following year.

Fishing year	Days out of multispecies fishing
1994	80
1995	80
1996	128
1997	165
1998	200
1999	233

(B) During each period of time declared, the applicable vessel may not possess more than the possession limit of regulated species as specified in § 651.27(a).

(C) Adjustments to the schedule of days out of the multispecies fishery, if required to meet fishing mortality reduction goals, may be made following a reappraisal and analysis under the framework provisions specified in subpart C of this part.

(D) Procedure for declaring days. Fleet DAS participants shall declare their periods of required time under paragraph (c)(1)(i) of this section, following the notification procedures specified in § 651.29(b).

(E) If a vessel owner has not declared, or taken, the period of time required between May 1 and May 31, or between March 1 and April 10, of each fishing year on or before April 11 of each such year, the vessel is subject to the possession limit specified under § 651.27(a) during the period April 11 through April 30, inclusive.

(F) If a vessel owner has not declared, or taken, any or all of the remaining periods of time required under paragraph (c)(1)(i) of this section, by the last possible date to meet the requirement, the vessel is subject to the possession limit specified under § 651.27(a) from that date through the end of the fishing year.

(ii) Layover day requirement. (A) Fleet DAS participants engaged in a fishing trip that is not during the period of time declared pursuant to paragraph (c)(1)(i) of this section and that is longer than 24 hours must tie-up at the dock at the end of such trip for a period equal to half the time of the DAS accrued on the trip, based on hourly increments, as recorded through the notification procedures specified in § 651.29(b).

(B) Accrual of DAS. DAS under the card or call-in notification systems, described in § 651.29 (b) and (d), respectively, shall accrue in hourly increments with all partial hours counted as full hours. A DAS, under either the card or call-in notification system, begins once the card has been read by the reader, or the phone call has been received, and confirmation has been given by the Regional Director. A DAS ends under either the card or phone notification system, when after returning to port, the card has been read by the reader, or the phone call has been received, and confirmation has been given by the Regional Director.

(C) Tie-up time begins to accrue when the Regional Director is notified through the monitoring system that the trip is ended.

(D) A vessel that remains tied to the dock beyond the time required will not be credited with the additional time.

(E) A vessel required to be tied-up at the dock under this part may not fish or leave the dock under any capacity during the tie-up period unless authorized by the Regional Director.

(2) [Reserved]

(d) *Exemptions from effort reduction program*—(1) *Small boat.* (i) Beginning on May 1, 1994, vessels issued a limited access permit under § 651.4(a) that are 45 ft (13.7 m) or less in length overall, except vessels using sink gillnet gear, will be exempt from the effort reduction program if the vessel and vessel owner comply with the following:

(A) Determination of the length will be through the measurement along a horizontal line drawn from a perpendicular raised from the outside of the most forward portion of the stem of the vessel to a perpendicular raised from the after most portion of the stern;

(B) To be eligible for the small-boat exemption, vessels for which construction is begun after May 1, 1994, must be 45 feet (13.7 m) or less in length and must be constructed such that the product of the overall length divided by the beam will not be less than 2.5; and

(C) The measurement of length overall must be verified using documentation that accurately states length overall as described in paragraph (c)(1)(i)(A) of this section. Acceptable documentation includes U.S. Coast Guard documentation on vessels built after 1984, written verification from a qualified marine surveyor or the builder, or the vessel's construction plans. A copy of the length overall verification must accompany an application for a Federal multispecies permit issued under § 651.4.

(ii) Vessels fishing under the small boat exemption must bring all gear back to port at the conclusion of a fishing trip, except gillnets and gear not intended to fish for multispecies finfish, such as lobster.

(iii) Adjustments to the small-boat exemption, including changes to the length requirement, if required to meet fishing mortality reduction goals, may be made following a reappraisal and analysis under the framework provisions specified in subpart C of this part.

(2) *Sink gillnet vessels.* (i) A sink gillnet vessel greater than 45 ft (13.7 m) in length is exempt from the DAS effort

reduction program of this part on all fishing trips during which the vessel fishes for multispecies exclusively with sink gillnet gear, and does not have other gear available for immediate use as described in § 651.20(c)(4), if the vessel owner or owner's authorized representative complies with monitoring requirements set forth in § 651.28(c), unless effort reduction measures are implemented pursuant to subpart C of this part.

(ii) A sink gillnet vessel greater than 45 ft (13.7 m) in length that intends to fish for, possess or land, or does possess or land, more than the possession limit of regulated species as specified in § 651.27(a) with gear other than sink gillnet gear, or has other gear on board that is not stowed as described in § 651.20(c)(4), at any time during a calendar year, may fish under, and shall be subject to, the DAS effort reduction program of this part, except on trips that qualify for the exemption set forth in paragraph (d)(2)(i) of this section;

(iii) A sink gillnet vessel 45 ft (13.7 m) or less in length is exempt from the DAS effort reduction program of this part unless effort reduction measures are implemented pursuant to subpart C of this part.

(3) *Hook-gear-only vessels.* Vessels issued a limited access permit under § 651.4(a) and fishing with per trip, or possessing on board the vessel, no more than 4,500 rigged hooks are exempt from the effort reduction program of this part, subject to the requirements specified in § 651.33.

(e) *Scallop dredge vessels.* Scallop dredge vessels issued a limited access permit under § 650.4(a) of this chapter, except for combination vessels, may not participate in and are not subject to the DAS program and may not possess regulated species.

9. In § 651.23, paragraph (c) is revised to read as follows:

§ 651.23 Minimum fish size.

* * * * *

(c) The minimum fish size applies to the whole fish or to any part of a fish while possessed on board a vessel, except as provided in paragraph (d) of this section, and to whole fish only, after landing. Fish or parts of fish must have skin on while possessed on board a vessel and at the time of landing in order to meet minimum size requirements. "Skin on" means the entire portion of the skin normally attached to the portion of the fish or fish parts possessed.

* * * * *

10. Section 651.27 is revised to read as follows:

§ 651.27 Possession limits.

(a) *Regulated species possession limit*—(1) *Small-mesh possession restriction.* Unless otherwise restricted pursuant to § 651.20 (a), (e), or (f), vessels with Federal multispecies permits issued under this part and vessels in the EEZ that possess nets smaller than the minimum size specified in § 651.20, are prohibited from fishing for, possessing on board, or landing regulated species, unless said net is stowed and not available for immediate use in accordance with the provisions of § 651.20(c)(4) or unless the vessel is fishing for winter flounder under the state waters winter flounder exemption specified under § 651.20(j).

(2) *Large-mesh possession restriction.* Vessels that are subject to minimum possession restrictions that are fishing with nets that conform to the minimum mesh size requirements specified in § 651.20 may possess and land up to 500 lb (226.8 kg) of regulated species subject to the requirements of paragraphs (a)(2)(i) through (iii) of this section, provided that the regulated species were not harvested by nets of mesh size smaller than the minimum size specified in § 651.20. A limited access vessel subject to the DAS program, when not fishing under the DAS program and fishing with a net of mesh size smaller than the minimum size under the winter flounder exemption specified at § 651.21(j), may possess or land up to 500 lb (226.8 kg) of winter flounder, and may not fish for, possess, or land other fish, except as provided in § 651.20(j)(8).

(i) Vessels subject to the large mesh possession restriction shall have on board the vessel at least one standard box or one standard tote.

(ii) The regulated species stored on board the vessel shall be retained separately from the rest of the catch and shall be readily available for inspection and for measurement by placement of the regulated species in a standard box or standard tote if requested by an authorized officer.

(iii) The maximum possession limit of regulated species, as specified in paragraph (a)(2) of this section, is equal to 500 lb (226.8 kg) or its equivalent as measured by the volume of four standard boxes or five standard totes.

(b) *Haddock possession limits*—(1) *Scallop dredge vessels.*

(i) No person owning or operating a scallop dredge vessel issued a permit under this part may land haddock from, or possess haddock on board, a scallop dredge vessel, from January 1 through June 30.

(ii) No person owning or operating a scallop dredge vessel may possess haddock in, or harvested from, the EEZ, from January 1 through June 30.

(iii) From July 1 through December 31, scallop dredge vessels and persons owning or operating scallop dredge vessels, are subject to the haddock possession limitations and provisions specified in § 651.27(b)(2), unless otherwise restricted pursuant to § 651.20(i).

(2) *Other vessels.* (i) No person owning or operating a vessel issued a permit under this part may land, or possess on board a vessel, more than 500 lb (226.8 kg) of haddock.

(ii) No person may land or possess on board a vessel more than 500 lb (226.8 kg) of haddock in, or harvested from, the EEZ.

(iii) Vessels subject to the haddock possession limit shall have on board the vessel at least one standard box or one standard tote.

(iv) The haddock stored on board the vessel shall be retained separately from the rest of the catch and shall be readily available for inspection and for measurement by placement of the haddock in a standard box or standard tote if requested by an authorized officer.

(v) The haddock possession limit is equal to 500 lb (226.8 kg) or its equivalent as measured by the volume of four standard boxes or five standard totes.

11. Section 651.32 is revised to read as follows:

§ 651.32 Sink gillnet requirements to reduce harbor porpoise takes.

(a) *General.* In addition to the measures specified in §§ 651.20 and 651.21, persons owning or operating vessels using, possessing on board a vessel, unless stowed in accordance with § 651.20(c)(4), or fishing with, sink gillnet gear are subject to the following restrictions unless otherwise authorized in writing by the Regional Director:

(1) *Area closed to sink gillnets.* All persons owning or operating vessels must remove all of their sink gillnet gear from, and may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with § 651.21(e)(4), a sink gillnet in the EEZ portion of the areas and for the times specified in paragraphs (a)(1)(i) through (iii) of this section; and, all persons owning or operating vessels issued a Federal multispecies limited access permit must remove all of their sink gillnet gear from, and may not use, set, haul back, fish with, or possess on board a vessel, unless stowed in accordance with § 651.21(e)(4), a sink gillnet in the areas, and for the times specified, in

paragraphs (a)(1) (i) through (iii) of this section.

(i) *Northeast Closure Area.* During the period August 15 through September 13 of each fishing year, the restrictions and requirements specified in the introductory text of paragraph (a)(1) of this section shall apply to an area known as the Northeast Closure Area, which is an area bounded by straight lines connecting the following points in the order stated (see Figure 4 to part 651).

NORTHEAST CLOSURE AREA

Point	Latitude	Longitude
NE1	Maine shoreline	68°55.0′ W.
NE2	43°29.6′ N.	68°55.0′ W.
NE3	44°04.4′ N.	67°48.7′ W.
NE4	44°06.9′ N.	67°52.8′ W.
NE5	44°31.2′ N.	67°02.7′ W.
NE6	Maine shoreline	67°02.7′ W.

(ii) *Mid-coast Closure Area.* During the period November 1 through November 30 of each fishing year, the restrictions and requirements specified in the introductory text of paragraph (a)(1) of this section shall apply to an area known as the Mid-coast Closure Area, which is an area bounded by straight lines connecting the following points in the order stated (see Figure 4 to part 651).

MID-COAST CLOSURE AREA

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

(iii) *Massachusetts Bay Closure Area.* During the period March 1 through March 30 of each fishing year, the restrictions and requirements specified in the introductory text of paragraph (a)(1) of this section shall apply to an area known as the Massachusetts Bay Closure Area, which is an area bounded by straight lines connecting the following points in the order stated (see Figure 4 to part 651).

MASSACHUSETTS BAY CLOSURE AREA

Point	Latitude	Longitude
MB1	42°30′ N.	Massachusetts shoreline.
MB2	42°30′ N.	70°30′ W.
MB3	42°12′ N.	70°30′ W.
MB4	42°12′ N.	70°00′ W.
MB5	Cape Cod shoreline	70°00′ W.
MB6	42°00′ N	Cape Cod shoreline.
MB7	42°00′ N	Massachusetts shoreline.

(2) [Reserved]

(b) *Framework adjustment.* (1) By September 15 of each year, the Council's Harbor Porpoise Review team (HPRT) shall complete an annual review of harbor porpoise bycatch and abundance data in the Gulf of Maine sink gillnet fishery, evaluate the impacts on other measures that reduce harbor porpoise take, and may make recommendations on other "reduction-of-take" measures in light of the harbor porpoise mortality reduction goals.

(2) At the first Council meeting following the HPRT annual meeting, the team shall make recommendations to the Council as to what adjustments or changes, if any, to the "reduction-of-take" measures should be implemented in order to meet harbor porpoise mortality reduction goals.

(3) The Council may request at any time that the HPRT review and make recommendations on any alternative "reduction-of-take" measures or develop additional "reduction-of-take" proposals.

(4) Upon receiving the recommendations of the HPRT, the Regional Director will publish notification in the **Federal Register** of any recommended changes or additions to the "reduction-of-take" measures and provide the public with any necessary analysis and opportunity to comment on any recommended changes or additions.

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

(6) If the Council decides to recommend changes or additions to the "reduction-of-take" measures, it shall make such a recommendation to the Regional Director, which must include supporting rationale, and, if management measures are recommended, an analysis of impacts and a recommendation to the Regional Director on whether to publish the management measures as a final rule. If the Council recommends that the management measures should be published as a final rule, the Council must consider at least the factors specified in § 651.40(d).

(7) The Regional Director may accept, reject, or, with Council approval, modify the Council's recommendation, including the Council's recommendation to publish a final rule. If the Regional Director does not approve the Council's specific recommendation, he/she must provide in writing to the Council the reasons for his/her action prior to the first Council meeting following publication of his/her decision.

11. The figure added to part 651 at 59 FR 26978 (May 25, 1994) is designated as Figure 4 to part 651.

12. Figure 5 to part 651 is removed and Figures 1 and 3 to part 651 are revised to read as follows:

BILLING CODE 3510-22-W

Figure 1 to Part 651—Regulated Mesh Areas

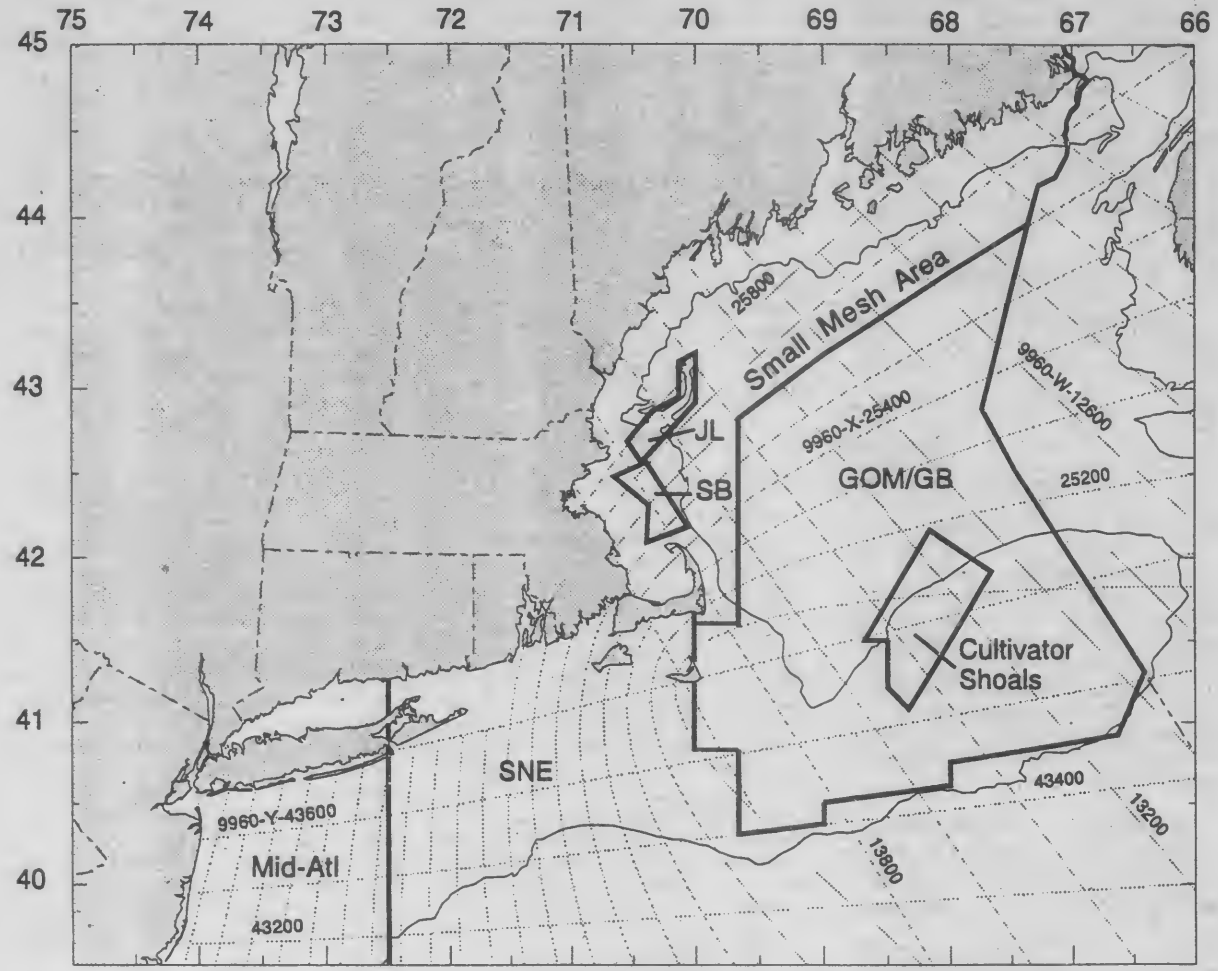
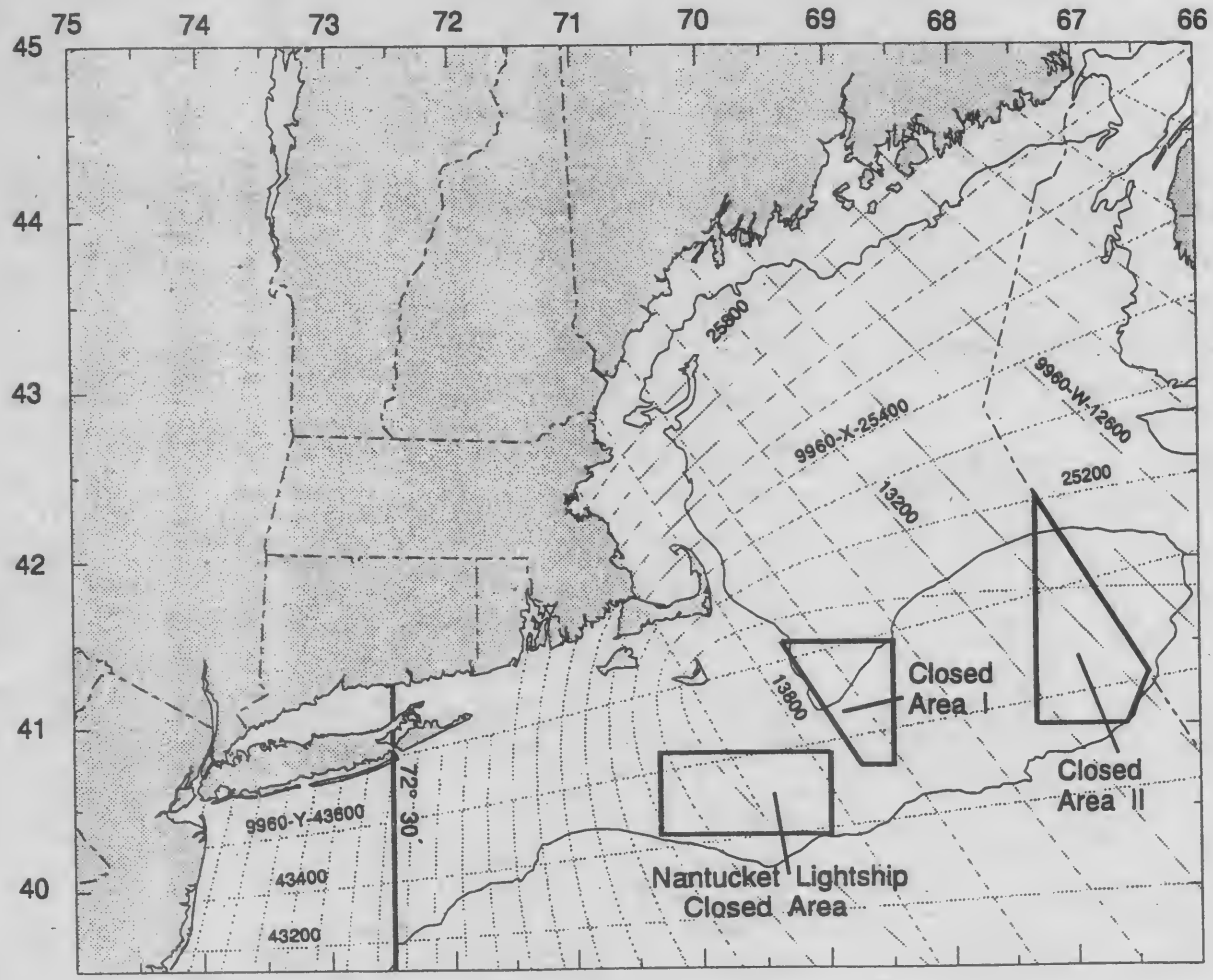


Figure 3 to Part 651—Closed Areas



[FR Doc. 95–9404 Filed 9–13–95; 8:50 am]

BILLING CODE 3510–22–C

Proposed Rules

Federal Register
Vol. 60, No. 74
Tuesday, April 18, 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 946

[FV95-946-2PR]

Irish Potatoes Grown in Washington; Establishment of Interest Charge on Overdue Assessment Payments and Clarification of Operating Reserve Authority

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish an interest charge on overdue assessments under the marketing order and clarify authority for an operating reserve not to exceed approximately two fiscal periods' expenses. This proposed rule would contribute to the efficient operation of the order by ensuring that adequate funds are available to cover authorized expenses incurred under the order. This proposed rule was recommended by the State of Washington Potato Committee (Committee), the agency responsible for the local administration of the order.

DATES: Comments must be received by May 3, 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, South Building, P.O. Box 96456, Washington, D.C. 20090–6456, Fax: (202) 720–5698. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dennis L. West, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204–2807; telephone: (503) 326–2724; or James B. Wendland, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, D.C. 20090–6456; telephone: (202) 720–2170.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 113 and Marketing Order No. 946 (7 CFR part 946), both as amended, regulating the handling of Irish potatoes grown in Washington, hereinafter referred to as the "order." The order is authorized by 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 proposed rule in conformance with Executive Order 12866.

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

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 of Agriculture (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 50 handlers of Washington potatoes subject to regulation under the order and approximately 450 producers of Washington potatoes in the regulated production area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. The majority of potato handlers and producers regulated under the order may be classified as small entities.

This proposed rule would (1) establish an interest charge of one (1) percent per month to be applied to any assessment balance remaining unpaid after 30 days, and (2) clarify that funds in the operating reserve may not exceed approximately two fiscal periods' expenses.

These proposed changes were recommended by the Committee at its February 22, 1995, meeting. Thirteen of the 15-member Committee attended the meeting. All in attendance favored the proposed changes. The proposed changes would contribute to the efficient operation of the program by ensuring that adequate funds are available to cover the Committee's authorized expenses.

Section 946.41 of the order specifies that if handlers do not pay their assessments within the time prescribed by the Committee, the assessments may be increased by a late payment charge or an interest charge, or both, at rates prescribed by the Committee with the approval of the Secretary.

The Committee depends upon handler assessment payments for operating funds. Handlers are invoiced by the Committee on a monthly basis. However, some handlers are continually late with their assessment payments, and a few wait until the end of the

season to remit to the Committee what is owed. When assessments are not paid in a timely manner, the handlers paying assessments on time are placed in an unfair situation compared with the delinquent handlers, who have use of that unpaid assessment money for other purposes, including earning interest in a financial institution.

As part of its collection efforts, the Committee has requested handlers to promptly submit delinquent assessment payments. However, such requests have not substantially decreased the frequency of delinquent payments. To facilitate the collection of assessments needed for the maintenance and functioning of the Committee, it recommended the establishment of an interest charge of one (1) percent per month to be applied to any assessment balance remaining unpaid after 30 days, and that this one (1) percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated unpaid interest. The Committee believes that these charges are high enough to encourage timely assessment payments. The charges are within the interest range customarily charged by banks on commercial accounts.

This proposed change is intended to encourage handlers to pay their assessments when due, thereby eliminating inequities. The Committee believes that this would be an effective means to ensure timely payments. This proposed change is expected to reduce the need for Department involvement with compliance efforts and thereby reduce the costs for the government to administer the order.

Effective June 5, 1972, § 946.42 of the order was revised to authorize the Committee to maintain an operating reserve not to exceed approximately two fiscal periods' operational expenses, or such lower limits as the Committee, with the approval of the Secretary, may establish (37 FR 10915; June 1, 1972). Funds in the reserve are available for use by the Committee for expenses authorized pursuant to § 946.40. Since June of 1972, the Committee has conducted its financial operations with a reserve approximating two fiscal periods' expenses and has not recommended a lower limit.

However, the proviso in paragraph (a) of § 946.142 of Subpart—Rules and Regulation's (7 CFR 946.100–946.142; 32 FR 16199; November 28, 1967) limiting the operating reserve to approximately one fiscal year's expenses has never been updated to bring it into conformity with amended paragraph (a) of § 946.42 of the order. This proposed rule proposes to make that conforming change by changing the words "one fiscal year's expenses" at the end of the proviso to "two fiscal periods' expenses".

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.

A 15-day comment period is deemed appropriate to allow interested persons to respond to this proposal. The Committee would like to impose interest charges on delinquent handlers as soon as possible to encourage such handlers to pay assessments in a timely manner. All written comments received within the comment period will be considered before a final rule is issued on this matter.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 946 be amended as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 946.141 is added to read as follows:

§ 946.141 Late payment and interest charge.

The Committee shall impose an interest charge on any handler who fails to pay his or her assessment within thirty (30) days of the billing date shown on the handler's assessment statement received from the Committee. The interest charge shall, after 30 days, be one percent of the unpaid assessment balance. In the event the handler fails to pay the delinquent assessment, the one percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated unpaid interest. Any amount paid by a handler as an assessment, including any charges imposed pursuant to this paragraph, shall be credited when the payment is received in the Committee office.

3. In § 946.142, paragraph (a) is revised to read as follows:

§ 946.142 Operating reserve.

(a) The Committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as an operating reserve: *Provided*, That funds in the operating reserve may not exceed approximately two fiscal periods' expenses.

* * * * *

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–9453 Filed 4–17–95; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–29–AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

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 certain Fokker Model F28 Mark 0100 series airplanes. This proposal would require a one-time operational test of the No. 1 pitot heating system, and repair or replacement of failed elements. This AD also would require modification of certain electrical wiring, and replacement of the pitot head and a certain relay. This proposal is prompted by reports indicating that the No. 1 Air Data Computer (ADC #1) failed due to icing of the No. 1 pitot tube. The actions specified by the proposed AD are intended to prevent icing of the No. 1 pitot tube, which could result in failure of the No. 1 ADC or output of erroneous airspeed data to all on-side subsidiary systems including the Automatic Flight Control and Augmentation System (AFCAS).

DATES: Comments must be received by May 30, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–29–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Timothy Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (06) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95–NM–29–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–29–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F28 Mark 0100 series airplanes. The RLD advises that it received reports indicating that the No. 1 Air Data Computer (ADC #1) failed on Model F28 Mark 0100 series airplanes. This failure resulted in the loss of the captain's airspeed indicator and malfunction alerts from all on-side subsidiary systems [i.e., Flight Control Computer (FCC #1), Auto Throttle (AT #1), Yaw Damper (YD #1) and Horizontal Stabilizer Trim (Stab Trim #1)]. Subsequent investigation revealed that one of two heating elements (the tube part) of the No. 1 pitot tube had failed, which resulted in icing of the tube. Because the electrical current level of a single functioning element (100W) was higher than the trigger level of the pitot heat fault alert (42W), the failure was not annunciated. In severe icing conditions, operation of a single element produces too little heat to prevent freezing of the pitot probe. If an undetected heating element failure does not lead to a failure of ADC #1, erroneous data could be supplied to those on-side subsidiary systems mentioned above. This may cause the Automatic Flight Control and Augmentation System (AFCAS) to generate control commands based on incorrect airspeed data. Icing of the No. 1 pitot heat system, if not corrected, could result in failure of the ADC #1 or lead to erroneous data being supplied to all on-side subsidiary systems.

Fokker has issued Service Bulletin SBF100–30–015, Revision 2, dated January 25, 1995, which describes procedures for accomplishing an operational test of the No. 1 pitot heating system. The service bulletin also describes procedures for removal of the DC current-sensing relay and replacement with two new DC current-sensing relays; the replacement of the pitot head with a new pitot head; and modification of certain electrical wiring of the pitot heating system. Accomplishment of this service bulletin will prevent the pitot head from accumulating ice due to failure of a heating element in the No. 1 pitot tube. The RLD classified this service bulletin as mandatory and issued Netherlands airworthiness directive BLA 94–114(A), dated August 5, 1994, in order to assure the continued airworthiness of these airplanes in the Netherlands.

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time operational test of the No. 1 pitot heating system, and repair or replacement of failed elements. This AD also would require modification of certain electrical wiring, replacement of the pitot head with a new pitot head, and replacement of the single DC current-sensing relay with two new DC current sensing relays. Certain actions would be required to be accomplished in accordance with the service bulletin described previously. Repair or replacement of any failed elements would be required to be accomplished in accordance with the Aircraft Maintenance Manual.

(For airplanes equipped with a Flight Warning System (FWS) speed comparator, data from ADC #1 is compared to data from ADC #2 throughout the flight envelope. For airplanes not equipped with a FWS speed comparator, data from ADC #1 is only compared to data from ADC #2 during autoland and redundant operation of AFCAS. Since airplanes not equipped with a speed comparator have a greater exposure to a hazardous condition, a shorter compliance time is necessary.)

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

The FAA estimates that 119 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 29 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $4,800 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $778,260, or $6,540 per airplane.

The total cost impact figure discussed above is based on assumptions that no

operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker: Docket 95–NM–29–AD.

Applicability: Model F28 Mark 0100 series airplanes, as listed in Fokker Service Bulletin SBF100–30–015, Revision 2, dated January 25, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent icing of the No. 1 pitot tube, which could cause failure of the No. 1 Air Data Computer (ADC) or output of erroneous airspeed data to all on-side subsidiary systems including the Automatic Flight Control and Augmentation System (AFCAS), accomplish the following:

(a) Within 30 days after the effective date of this AD, perform an operational test of the No. 1 pitot heating system, in accordance with Part 1 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–30–015, Revision 2, dated January 25, 1995.

(1) If the pitot heating system passes the operational test, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD, as applicable, at the times specified.

(2) If any pitot tube heating element is found to be inoperative, prior to further flight, repair or replace the failed element with a serviceable element, in accordance with Fokker 100 Aircraft Maintenance Manual (AMM).

(b) Replace the pitot head with a new pitot head, replace the single DC current-sensing relay with two new DC current sensing relays, and modify the electrical wiring, in accordance with Part 2 or 3, as applicable, of the Accomplishment Instructions of Fokker Service Bulletin SBF100–30–015, Revision 2, dated January 25, 1995. Perform these actions at the time specified in either paragraph (b)(1) or (b)(2) of this AD, as applicable.

(1) For airplanes that are not equipped with an Flight Warning System (FWS) speed comparator: Within 12 months or the next 3,000 hours time-in-service after the effective date of this AD, whichever occurs first. Or

(2) For airplanes that are equipped with an FWS speed comparator: Within 24 months or the next 6,000 hours time-in-service after the effective date of this AD, whichever occurs first.

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

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

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

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

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–9470 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–13–U

UNITED STATES INFORMATION AGENCY

22 CFR Part 502

[Rulemaking No. 201]

Educational, Scientific, and Cultural Material; World-Wide Free Flow (Export-Import) of Audio-Visual Materials

AGENCY: United States Information Agency.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposed rule would amend existing regulations governing the United States Information Agency's administration of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, of 1948, by permitting the issuance of serial certifications in certain circumstances. The amendment is needed to reinstate to the regulations a provision omitted in a previous revision of the regulations. The amendment will formalize the practice, long followed informally, of allowing for certification of time sensitive materials in serial format, thus facilitating the free flow of eligible materials.

DATES: Written comments on this proposed rule will be accepted through or until May 18, 1995 and must be submitted in duplicate. Late-filled comments will be considered to the extent practicable.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Neila Sheahan, Assistant General Counsel, Office of the General Counsel, Room 700, United States Information Agency, 301 4th Street SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Neila Sheahan, Assistant General Counsel, Office of the General Counsel,

Room 700, United States Information Agency, 301 4th Street SW., Washington, DC 20547, (202) 619–5030.

SUPPLEMENTARY INFORMATION: The United States Information Agency implements and administers the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character ("Beirut Agreement"), enacted by the Third General Session of the United Nations Educational, Cultural and Scientific Organization (UNESCO), in Beirut, Lebanon in 1948, 17 U.S.T. 1578. In order to reconcile the terms of the Beirut Agreement with recent judicial decisions and statutory requirements, the Agency published a notice of proposed rulemaking on August 12, 1993 (58 FR 42896). After receiving and considering public comment in response to this notice of proposed rulemaking, the Agency published final regulations at 59 FR 18963 on April 21, 1994. Those regulations made changes in the substantive criteria by which the Agency evaluates the character of audio visual material for certification, and renumbered the regulations. The regulations, however, omitted the provision for serial certifications, a practice followed informally from 1963 and formally incorporated into Agency regulations in 1984, at 22 CFR 502.6(b)(6). The provision for serial certifications was not challenged by judicial decision; nor was its alteration or elimination required by statute. This proposed rule reinstates such provision, slightly reworded, by adding sections 502.3 (d) and (e).

The provision for serial certification allows the certification of otherwise eligible materials that (1) Are produced in series form (e.g., weekly, bi-weekly, monthly), (2) are extremely time sensitive; and therefore the normal processing of certification decisions thereon would result in unreasonable delays and monetary loss to the producer, and (3) samples are provided and the educational character of the future programs can be generally described before certification and can be verified by a post-certification review of the items or through descriptive material such as a script of the narration. This provision will therefore be of benefit to interested parties and will facilitate the administration of the program.

To the extent such serial certification may be deemed a delegation of administrative authority, the provision is a valid delegation, as the Agency retains post-certification review authority. Such provision is consistent with relevant judicial precedent. See *United Black Fund, Inc.* v. *Hampton*, 352 F. Supp. 898 (D.D.C. 1972); *R.H. Johnson & Co.* v. *Securities & Exchange Comm'n*, 198 F.2d. 690 (2nd Cir. 1952); and *United States* v. *S.A. Empresa de Viacao Aerea Rio Grandesnse*, 467 U.S. 797 (1984). These decisions recognize the legality of sub-delegations deemed necessary in agency discretion as practical methods of accomplishing agency regulatory functions, as long as agencies retain ultimate authority to police compliance.

Regulatory Analysis and Notices

In accordance with 5 U.S.C. 605(5), the Agency certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of section 1(b) of Executive Order 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612. No additional burden under the Paperwork Reduction Act, 44 U.S.C. Chapter 35, will result from the promulgation of this rule. The Agency will keep the rulemaking docket open for 30 days. Comments are invited on the rule through May 18, 1995. Following the close of the comment period, the Agency will respond to the comments and, if appropriate, amend the rule.

The Agency is inviting public comment on this proposed rule notwithstanding that it is under no legal requirement to do so. Agency administration of the Beirut Agreement, an international treaty, is a foreign affairs function of the United States. The Administrative Procedure Act, 5 U.S.C. 553 (a)(1), specifically exempts from application of the Act foreign affairs functions of the United States. The thirty-day period for comment provided for in this notice may not be deemed a waiver of the foreign affairs exemption extended to the Agency under the Administrative Procedure Act.

List of Subjects in 22 CFR Part 502

Audiovisual material, Education, Exports, Imports, Trade agreements.

For the reasons set out in the preamble, 22 CFR part 502 is proposed to be amended as follows:

PART 502—WORLD-WIDE FREE FLOW OF AUDIO-VISUAL MATERIALS

1. The authority citation for part 502 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 2051, 22 U.S.C. 1431 *et seq;* Public Law 102–138, E.O. 11311, 31 FR 13413, 3 CFR 1966–1970 comp., page 593.

2. Section 502.2 is proposed to be amended by adding, in alphabetical order, a definition for "*serial certification*" to read as follows:

§ 502.2 Definitions.

* * * * *

Serial certification—means certification by the Agency of materials produced in series form and which, for time-sensitive reasons, cannot be reviewed prior to production; but samples are provided on application, and the materials are subject to post-certification review.

* * * * *

3. Section 502.3 is proposed to be amended by adding new paragraphs (d) and (e) to read as follows:

§ 502.3 Certification and authentication criteria.

* * * * *

(d) The Agency may certify or authenticate materials which have not been produced at the time of application upon an affirmative determination that:

(1) The materials will be issued serially,

(2) Representative samples of the serial material have been provided at the time of application,

(3) Future titles and release dates have been provided to the Agency at the time of application,

(4) The applicant has affirmed that:

(i) Future released materials in the series will conform to the substantive criteria for certification delineated at paragraphs (a)–(c) of this section;

(ii) Such materials will be similar to the representative samples provided to the Agency on application; and

(iii) The applicant will provide the Agency with copies of the items themselves or descriptive materials for post-certification review.

(e) If the Agency determines through a post-certification review that the materials do not comply with the substantive criteria for certification delineated at paragraphs (a)–(c) of this section, the applicant will no longer be eligible for serial certifications. Ineligibility for serial certifications will not affect an applicant's eligibility for certification of materials reviewed prior to production.

Dated April 12, 1995.

Les Jin,

General Counsel.

[FR Doc. 95–9497 Filed 4–17–95; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

25 CFR Part 900

RINS 0905–AC98; 1076–AC20

Indian Self-Determination and Education Act Amendments

AGENCIES: Departments of the Interior and Health and Human Services.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: The Secretaries of the Department of the Interior and the Department of Health and Human Services proposed, in the Federal Register of January 20, 1994, (59 FR 3166), a joint rule to implement Sections 1 through 9 and Title I, Indian Self-Determination Act and Pub. L. 100–472, the Indian Self-Determination and Education Assistance Act Amendments of 1988. This proposed rule is hereby withdrawn. New regulations may be issued in accordance with Pub. L. 103–413, 108 Stat. 4250, Indian Self-Determination Act Amendments of 1994, enacted October 25, 1994.

Approved: March 15, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs, DOI.

Dated: March 27, 1995.

Philip R. Lee, M.D.,

Assistant Secretary for Health—DHHS.

Approved: April 11, 1995.

Donna E. Shalala,

Secretary—DHHS.

[FR Doc. 95–9442 Filed 4–17–95; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[FI–43–94]

RIN 1545–AS87

Netting Rule for Certain Conversion Transactions; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to the amount of gain from a conversion transaction position that is subject to recharacterization as ordinary income.

DATES: The public hearing originally scheduled for Tuesday, April 25, 1995, beginning at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Mike Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–7190, (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 1258(a) of the Internal Revenue Code of 1986. A notice of proposed rulemaking and notice of public hearing appearing in the Federal Register for Tuesday, December 27, 1994 (59 FR 66498), announced that the public hearing on proposed regulations under section 1258(a) of the Internal Revenue Code of 1986 would be held on Tuesday, April 25, 1995, beginning at 10 a.m., in the IRS Auditorium Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C.

The public hearing scheduled for Tuesday, April 25, 1995, is cancelled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 95–9542 Filed 4–17–95; 8:45 am]

BILLING CODE 4830–01–P

Notices

Federal Register
Vol. 60, No. 74
Tuesday, April 18, 1995

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

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.

Date: May 10–11, 1995.

Place: Double Tree Hotel, Kansas City Airport, 8801 112th Street, N.W., Kansas City, MO.

Time: 8:30 a.m. May 10 and May 11.

Purpose: To provide advice to the Administrator of the Grain Inspection, Packers and Stockyards Administration (GIPSA) with respect to the implementation of the U.S. Grain Standards Act.

The agenda includes: (1) Financial status of Agency, (2) Wheat Classification, (3) Test weight per bushel as a quality measurement for Soft Red Winter Wheat, (4) Standardization of Commercial Inspection Equipment, (5) Promoting competition between Official Agencies, (6) On-Line/At-Line Inspections, (7) Implementation of New Moisture Meter, (8) ERS Soybean Cleaning Study, and (9) other matters.

The meeting will be open to the public. Public participation will be limited to written statements, unless permission is received from the Committee Chairman to orally address the Committee. Persons, other than members, who wish to address the Committee or submit written statements before or after the meeting, should contact the Administrator, GIPSA, U.S. Department of Agriculture, P.O. Box 96454, Washington, D.C. 20090–6454, telephone (202) 720–0219 or FAX (202) 205–9237.

Dated: April 12, 1995.

Calvin W. Watkins,

Acting Administrator.

[FR Doc. 95–9507 Filed 4–17–95; 8:45 am]

BILLING CODE 3410–EN–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040795A]

Endangered and Threatened Wildlife and Plants; Notice of Availability of a Proposed Recovery Plan for Review and Comment; Public Hearings

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

ACTION: Notice of availability; public hearings.

SUMMARY: NMFS has developed its Proposed Recovery Plan for the Snake River sockeye salmon (*Oncorhynchus nerka*), Snake River fall chinook salmon, and Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*). It is available upon request. NMFS seeks public comment and has scheduled 11 public hearings on this Proposed Recovery Plan.

DATES: Comments on the Proposed Recovery Plan must be received by July 17, 1995, if they are to be considered during preparation of a final recovery plan. See **SUPPLEMENTARY INFORMATION** for dates and times of public hearings.

ADDRESSES: Requests for a copy of the Proposed Recovery Plan should be addressed to Recovery Plan Coordinator, National Marine Fisheries Service, 525 NE Oregon Street, Portland, OR 97232 telephone: 503–230–5400. Written comments and materials regarding the Proposed Recovery Plan should be directed to the same address. See **SUPPLEMENTARY INFORMATION** for locations of public hearings.

FOR FURTHER INFORMATION CONTACT: Robert Jones, Recovery Plan Coordinator, (503–230–5420).

SUPPLEMENTARY INFORMATION:

Background

Salmon are culturally, economically, and symbolically important to the Pacific Northwest. Columbia River chinook populations were at one time acknowledged to be the largest in the world. Prior to the 1960's, the Snake River was the most important drainage in the Columbia River system for producing salmon. But in the 1990's, Snake River salmon struggle to exist. Snake River salmon have declined to such low levels that protection under the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) is needed to prevent their extinction (56 FR 58619, November 20, 1991; 57 FR 14653, April 22, 1992; 59 FR 42529, August 18, 1994; and 59 FR 66784, December 28, 1994). In the 1800's, there were approximately 1.5 million Snake River chinook salmon; by 1994, only 1,800 adults returned to the Snake River. Snake River fall chinook salmon numbered over 72,000 50 years ago, but only 400 adults were counted at Lower Granite Dam in 1994. As many as 4,400 Snake River sockeye salmon could be found 40 years ago, but last year only one returned to Redfish Lake.

The ESA requires that the agency responsible for a listed species develop and implement a recovery plan for its conservation (defined by the ESA as recovery to delisting) and survival, unless it is determined that such a plan will not promote the conservation of the species. Accordingly, NMFS appointed the Snake River Salmon Recovery Team (Team) to assist in the development of the recovery plan for the Snake River salmon. In May 1994, the Team submitted its final recommendations to NMFS. NMFS used these recommendations to formulate the Proposed Snake River Salmon Recovery Plan.

The conservation of natural salmon and their habitat has not been afforded balanced consideration in past resource allocation decisions. Natural salmon are those that are the progeny of naturally spawning parents. Development in the Pacific Northwest has often proceeded with the assumption that improved technology or management would mitigate impacts on natural salmon stocks. The Region's reliance on uncertain mitigation schemes (as opposed to fundamental conservation strategies) has been a very costly approach, both for natural salmon and the public.

However, recent efforts have concentrated on conserving natural salmon and their habitats. There is new emphasis being placed on natural fish escapement, improved migration conditions for juveniles and adults, increased riparian area protection, and equitable consideration of natural fish in resource allocation processes. This focus differs from previous management and represents important progress

toward recovering listed Snake River salmon, restoring Columbia Basin ecosystem health, and benefiting other species presently in serious decline.

Summary of the Proposed Recovery Plan

The goal of the Proposed Recovery Plan is to restore the health of the Columbia and Snake River ecosystem and to recover listed Snake River salmon stocks. Many of the recommended actions will directly benefit other species such as other salmon stocks, sturgeon, and bull trout. Implementation of the Proposed Recovery Plan should also conserve biodiversity, a factor that is essential to ecosystem integrity and stability. Many of the actions in the Proposed Recovery Plan have been used to formulate reasonable and prudent measures in current section 7 consultations.

The Proposed Recovery Plan discusses the natural history and current status of Snake River salmon. It also addresses known and potential human impacts, and displays the costs directly attributable to recovery. In addition, the Proposed Recovery Plan identifies delisting criteria and biological objectives, and proposes the tasks required to meet them. Tasks are identified in the areas of institutional structure, tributary ecosystem, mainstem and estuarine ecosystem, harvest management, and artificial propagation.

NMFS' approach to Snake River salmon recovery places highest priority on ameliorating the primary factors for the species' decline and eliminating existing impediments to recovery. The Plan does this by proposing actions that offer immediate benefits, and refining those actions over time to ensure the most efficient use of limited resources. This strategy incorporates an adaptive management process; it allows actions to be added, deleted, or refined as important scientific information and analyses becomes available.

Institutional Structure

NMFS believes (as did the Team) that an improved decision-making process is necessary to restore Columbia Basin ecosystem health and ensure Snake River salmon recovery. Such a process will also protect and improve habitat through the adaptive management process, prevent further listings, and conserve other fish and wildlife. To achieve these goals, NMFS will appoint, convene, and chair a Recovery Implementation Team that will represent state, tribal, and Federal policy leaders and thereby ensure effective coordination, teamwork, and communication among all entities having responsibility for Snake River salmon recovery. To ensure that salmon recovery actions remain scientifically based, NMFS will also consider appointing and convening Scientific Advisory Panel and technical committees to provide scientific and technical support to the Recovery Implementation Team.

Delisting Criteria

The Team's and NMFS' recovery requirements and delisting criteria for ESA-listed Snake River Basin salmon are very similar and fall into two major categories: (1) Remedying the environmental (and other) factors that have reduced the stocks to levels that are in danger of extinction; and (2) rebuilding populations to levels where there is evidence of improved productivity, even when considering the potential impacts of severe stochastic environmental events (e.g., protracted drought, oceanic El Niño effects, etc.). Both of these categories must be achieved in order to consider delisting. To determine rebuilding levels above, NMFS proposes to use cohort replacement rates and numeric delisting criteria.

The cohort replacement rate describes the rate at which each subsequent cohort, or generation, replaces the previous one. When this rate is exactly 1.0, a population is neither increasing nor decreasing. If the ratio remains less than 1.0 for extended periods, a population is in decline, and could continue into extinction—a risk that led originally to listing Snake River salmon. For population rebuilding, the cohort replacement rate must be greater than 1. For delisting to be considered, the 8-year geometric mean cohort replacement rate of a listed species must exceed 1.0. For Snake River spring/summer chinook salmon, this goal must also be met for 80 percent of the index areas available for estimating cohort replacement rates.

For sockeye salmon, the numerical escapement goal is an 8-year (approximately two-generation) geometric mean of at least 1,000 natural spawners returning annually to Redfish Lake and 500 natural spawners in each of two other Snake River Basin lakes. The numerical escapement goal for Snake River fall chinook salmon is an 8-year geometric mean of at least 2,500 natural spawners in the mainstem Snake River annually. Snake River spring/summer chinook salmon have two numeric delisting criteria; both must be met for delisting to be considered. The first numerical escapement goal for Snake River spring/summer chinook salmon is an 8-year geometric mean corresponding to at least 60 percent of the pre–1971 brood year average redd counts for 80 percent of the available index areas. The second numerical escapement goal for spring/summer chinook salmon is an 8-year geometric mean equal to 60 percent of the 1962–67 brood year average count of natural spawners past Ice Harbor Dam (goal is equal to 31,440).

Tributary Ecosystem

Land and water management actions, including water withdrawals, unscreened water diversions, stream channelization, road construction, timber harvest, livestock grazing, mining, and outdoor recreation have degraded important salmon spawning and rearing habitats. To protect tributary ecosystem health, NMFS proposes a three-part approach: (1) Protect remaining high quality habitat by ceasing activities that would degrade ecosystem functions and values that listed fish need, (2) restore degraded habitats, and (3) provide connectivity between high quality habitats. Federal lands and Federal actions should bear, as much as possible, the burdens of recovering listed salmon species and their habitat. However, non-Federal lands constitute approximately 35 percent of the Snake River salmon critical habitat. Therefore, an ecosystem approach that emphasizes integrated Federal and non-Federal land management is needed. To achieve this, all stakeholders in a subbasin or watershed are encouraged to participate in management partnerships. The Proposed Recovery Plan also proposes actions that will reduce the loss of listed species at water withdrawal sites, rebuild salmon populations by providing adequate instream flows and improving fish passage at barriers, reduce losses of listed salmon associated with poor water quality, and reduce impacts on salmon resulting from recreational activities.

Mainstem and Estuarine Ecosystem

In the mainstem and estuarine ecosystem, salmon face problems associated with their downstream and upstream migrations. The journey through the lower Snake and Columbia Rivers has become more hazardous, since eight hydroelectric dams were built and their reservoirs created. Each dam delays juvenile fish in their transition to the ocean environment and exacts additional losses. Seventy percent of the 482 miles between the mouth of the Columbia River and Lewiston/Clarkston on the Snake River has been converted from free-flowing river into reservoirs. This change has

slowed the rate of downstream travel for smolts and increased the amount of habitat favorable to predator species. Hatchery fish and exotic species compete with and prey on the listed salmon in the mainstem ecosystem.

NMFS examined various approaches to improving the downstream survival of juvenile Snake River salmon (as well as that of other fish that migrate through the corridor). The actions considered include improving inriver and dam passage conditions, improving collection and transportation systems for juvenile migrants (especially under adverse river conditions), and drawing down reservoirs.

NMFS proposes to proceed on a long-term adaptive management approach that will depend upon a combination of improved inriver migration conditions, improved transportation, and major structural changes at dams. The Proposed Recovery Plan recommends a major decision point when sufficient adult survival information is available in 1999. In the interim, all necessary studies, planning, design, and environmental documentation for drawdowns should be completed. At the same time, inriver migration conditions should be improved to the maximum extent possible using techniques such as increased flows, increased spill, physical improvement of the dams, and aggressive surface bypass development and testing. Significant improvements should also be made in transportation operations. The overall approach is to proceed on a path that implements measures in the short term that are most likely to increase survival while at the same time enhancing our ability to isolate and address major causes of mortality in the future. The listed and unlisted fish also need improvements in their upstream passage conditions. To accomplish this, the Proposed Recovery Plan prescribes actions such as installing extended length screens, operating turbines at peak efficiency, extending the period during which the juvenile bypass system is in operation, implementing a gas abatement program, remedying water pollution problems, developing emergency auxiliary water supplies for adult fishways, and decreasing water temperatures.

To minimize predation and competition problems in the migration corridor, the Proposed Recovery Plan contains actions to control predation by squawfish, birds, marine mammals, and non-native fishes such as smallmouth bass, walleye, and channel catfish. Measures are also proposed to reduce American shad populations in the Columbia River because they both prey on and compete with juvenile salmon.

Harvest Management

Snake River salmon are not directly targeted for harvest, but they are incidentally caught by commercial, recreational, and tribal fisheries in the ocean and in the Columbia and Snake Rivers. Incidental harvest of Snake River sockeye salmon and Snake River spring/summer chinook salmon is minimal. However, fall chinook salmon are caught incidentally in commercial and sport fisheries from Southeast Alaska to California, in nontreaty inriver sport and commercial fisheries, and in treaty fisheries above Bonneville Dam. In each of these fisheries, listed Snake River fall chinook are mixed with a number of other natural and hatchery-origin stocks. At present, these fisheries are managed through a complex system of interrelated forums.

The Recovery Plan proposes to amend the existing inriver harvest management rules so that they incorporate explicit management criteria to protect Snake River salmon. To minimize the number of fall chinook caught in ocean fisheries, NMFS proposes to implement a management strategy that is consistent with the Pacific Salmon Commission's objective of meeting adult chinook goals by 1998. These goals are established for a number of stocks and are based on a chinook rebuilding program that was fully implemented in 1984. This approach takes a broad view of stock protection and focuses on the coastwide status of chinook stocks, including those from Puget Sound, the Washington and Oregon coast, and the Columbia River, all of which are under review for listing under the ESA.

Artificial Propagation

Artificial propagation in the Columbia River Basin has contributed successfully to ocean and inriver commercial, sport, and tribal fisheries. In some cases, hatchery production has slowed the decline of natural salmon populations or helped preserve them. However, effects from intensive hatchery production (such as supporting harvest rates in excess of what the natural populations can withstand, using natural fish for hatchery broodstock, and causing introgression into natural gene pools) have also contributed to the continued decline of some natural salmon populations. Ecological interactions between hatchery fish and natural fish such as competition, predation, displacement, and disease transfer need to be minimized.

The Proposed Recovery Plan proposes to conserve remaining Snake River salmon gene pools through captive broodstock, supplementation, and gene bank programs. It also proposes to protect listed species from excessive genetic introgression, minimize impacts on listed salmon resulting from interactions between Columbia River Basin hatchery salmon and natural salmon, improve the quality of fish released from hatcheries, reduce predation and competition interactions between listed salmon and steelhead and hatchery trout, restore listed chinook by reintroducing them to historic habitat, and conduct research for the purpose of optimizing production and conserving natural populations.

Incremental Costs of Recovery Actions

The Proposed Recovery Plan discusses only those incremental costs specifically resulting from actions designed to achieve recovery under the ESA. It does not include the economic and social effects attributable to other authorities and responsibilities. NMFS intends to develop a more complete estimate of the direct costs of the proposed recovery tasks and a better description of the time required to carry out these tasks. There will be opportunity to comment on this supplemental cost and schedule information before NMFS issues a final recovery plan.

In addition to the direct cost information, NMFS and the Team are keenly aware of public interest regarding the potential indirect and socioeconomic costs and benefits of recovery efforts for Snake River sockeye and chinook. The decline of the currently listed stocks and other fisheries in the Columbia River Basin has imposed substantial losses upon the fishery dependent communities and economies of the Pacific Northwest. Implementation of a broad-based recovery effort for Snake River salmon will also inevitably result in some social and economic costs to the Pacific Northwest. Some recovery actions are relatively limited in geographic scope and economic impact, while other actions could trigger changes in the regional economy.

In light of this interest, NMFS asked economists from the University of Washington to reconvene the Snake River Salmon Economic Technical Committee, review the Team's recommendations, and develop an economic analysis of the Team's recommended actions. This analysis is described in the February 1995 report, "Economics of Snake River Salmon Recovery; a Report to the National Marine Fisheries Service," which will be distributed with the Proposed Recovery Plan. NMFS and the Team

believe that this report is a thorough economic evaluation of the Team's recommendations.

No such similarly detailed economic evaluation has yet been conducted for the tasks and objectives contained in this Proposed Recovery Plan. However, many of the Team's recommendations are similar to those NMFS proposes, and the relationship of the Team's recommendations to the NMFS Proposed Recovery Plan tasks is discussed at the end of each chapter or section of this plan. Readers of the Proposed Recovery Plan are encouraged to review Economics of Snake River Salmon Recovery; a Report to the National Marine Fisheries Service." A more complete economic analysis of the NMFS Proposed Recovery Plan is under development and will be made available upon completion.

Public Comments Solicited

NMFS intends that the final recovery plan will take advantage of information and recommendations from all interested parties. Therefore, comments and suggestions are hereby solicited from the public, other concerned governmental agencies, the scientific community, industry, and any other person concerned with this Proposed Recovery Plan. Areas on which NMFS would particularly like to receive input include the sections on institutional structure and economics.

Public Hearings

The public hearings are scheduled as follows:

1. May 15, 1995, 6:30 p.m. to 9:30 p.m., Lewiston, ID.
2. May 17, 1995, 6:30 p.m. to 9:30 p.m., Boise, ID.
3. May 18, 1995, 6:30 p.m. to 9:30 p.m., Stanley, ID.
4. May 23, 1995, 6:30 p.m. to 9:30 p.m., LaGrande, OR.
5. May 24, 1995, 6:30 p.m. to 9:30 p.m., Richland, WA.
6. May 25, 1995, 6:30 p.m. to 9:30 p.m., Astoria, OR.
7. May 31, 1995, 6:30 p.m. to 9:30 p.m., Portland, OR.
8. June 6, 1995, 6:30 p.m. to 9:30 p.m., Seattle, WA.
9. June 8, 1995, 6:30 p.m. to 9:30 p.m., Ketchikan, AK.
10. June 9, 1995, 6:30 p.m. to 9:30 p.m., Sitka, AK.
11. June 17, 1995, 6:30 p.m. to 9:30 p.m., Columbia Falls, MT.

The hearings will be held at the following locations:

1. Lewiston—City Community Bldg., 1424 Main, Lewiston, ID .
2. Boise—Interagency Fire Center Auditorium, 3905 Vista Ave., Boise, ID 83705.
3. Stanley—Stanley Community Center, Stanley, ID 83278.
4. LaGrande—Eastern Oregon State College, LaGrande, OR 97850.
5. Richland—Richland Federal Bldg., 825 Jadwin Ave., Richland, WA 99352.
6. Astoria—Columbia River Maritime Museum, Astoria, OR 97103.
7. Portland—Federal Complex Auditorium, 911 NE 11th Ave., Portland, OR 97232.
8. Seattle—NMFS, Northwest Fisheries Science Center, 2725 Montlake Blvd., East, Seattle, WA 98112.
9. Ketchikan—Civic Center, 888 Venetia Avenue, Ketchikan, AK 99901.
10. Sitka—Centennial Building, 330 Harbor Drive, Sitka, AK 99835.
11. Columbia Falls—Columbia Falls High School, 610 13th Street, Columbia Falls, MT 59912.

Dated: April 12, 1995.

Patricia Montanio,

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

[FR Doc. 95–9545 Filed 4–17–95; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 032895A]

International Whaling Commission; Meeting

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

ACTION: Notice of public meeting.

SUMMARY: NOAA makes use of a public Interagency Committee (Committee) to assist in preparing for meetings of the International Whaling Commission (IWC). This document sets forth guidelines for participating on the Committee and the date and place of the next meeting.

DATES: The meeting is scheduled for May 8, 1995, from 12 p.m. to 4 p.m. in Washington, D.C.

ADDRESSES: Comments concerning this upcoming meeting should be directed to Kevin Chu, Office of International Affairs, Room 14247, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The meeting will be held at the Department of Commerce, Herbert C. Hoover Building (Room 6009), 14th and Constitution, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Kevin Chu at (301) 713-2276.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is charged with the responsibility of discharging the obligations of the United States under the International Convention for the Regulation of Whaling, 1946. This authority has been delegated to the Under Secretary of NOAA. The U.S. Commissioner to the IWC has primary responsibility for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is staffed by the Department of Commerce, and assisted by the Department of State, the Department of the Interior, the Marine Mammal Commission, and other interested agencies.

Each year, NOAA conducts a series of meetings and other actions to prepare for the annual meeting of the IWC, which is usually held in the spring or summer. The major purpose of these preparatory meetings is to provide for input in the development of policy by members of the public and non-governmental organizations interested in whale conservation. NOAA believes that this participation is important for the effective development and implementation of U.S. policy concerning whaling.

Any person with an identifiable interest in U.S. whale conservation policy may participate in the meetings, but NOAA reserves the authority to inquire about the interest of any person who appears at a meeting and to determine the appropriateness of that person's participation. Foreign nationals and persons who represent foreign governments may not attend. These measures are necessary to promote the candid exchange of information. Such measures are a necessary basis for the relatively open process of preparing for IWC meetings that characterizes current practice.

The 47th Annual Meeting of the IWC will take place from May 22 to June 2, 1995, in Dublin, Ireland. In order to finalize preparations for the 1995 annual meeting, a meeting of the public Interagency Committee has been scheduled for May 8, 1995, from 12 p.m. to 4 p.m. (see **ADDRESSES**). The first 2 hours of the meeting have been reserved for public review of proposed U.S. position papers. The remaining time will be spent discussing these proposed positions.

Dated: April 11, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95–9544 Filed 4–17–95; 8:45 am]

BILLING CODE 3510–22–F

Notice of Open Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and

Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Monterey Bay National Marine Sanctuary Advisory Council; open meeting.

SUMMARY: The Advisory Council was established in December 1993 to advise NOAA's Sanctuaries and Reserves Division regarding the management of the Monterey Bay National Marine Sanctuary. The Advisory Council was convened under the National Marine Sanctuaries Act.

TIME AND PLACE: Monday, April 24, 1995, from 9:00 until 4:00. The meeting will be held at the Point Lobos State Reserve, Hudson House, Highway One, Carmel California.

AGENDA: General issues related to the Monterey Bay National Marine Sanctuary are expected to be discussed, including an update from the Sanctuary Manager, reports from the working groups, a report on flood impacts, a discussion of alternative funding for the Sanctuary, and an annual report on the year's activities.

PUBLIC PARTICIPATION: The meeting will be open to the public. Seats will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Jane Delay at (408) 647–4246 or Elizabeth Moore at (301) 713–3141.

Federal Domestic Assistance, Catalog Number 11.429, Marine Sanctuary Program.

Dated: April 12, 1995.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 95–9495 Filed 4–17–95; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Export Visa Requirements for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Hungary

April 12, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending visa requirements.

EFFECTIVE DATE: April 15, 1995.

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The existing export visa arrangement between the Governments of the United States and the Republic of Hungary is being amended to include the coverage of Categories 351, 651 and merged Categories 351/651 for goods produced or manufactured in Hungary and exported from Hungary on and after April 15, 1995. Goods in Categories 351, 651 and 351/651 which are exported from Hungary during the period April 15, 1995 through April 30, 1995 shall not be denied entry for lack of a visa. Goods exported on and after May 1, 1995 must be accompanied by a 351/651 visa or a visa corresponding to the actual shipment.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 49 FR 8659, published March 8, 1984.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 12, 1995.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 5, 1984, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain wool and man-made fiber textile products, produced or manufactured in Hungary for which the Government of the Republic of Hungary has not issued an appropriate visa.

Effective on April 15, 1995, you are directed to amend further the March 5, 1984 directive to require a visa for goods in Categories 351 and 651, produced or manufactured in Hungary and exported from Hungary on and after April 15, 1995. Merchandise in Categories 351 and 651 may be visaed as merged Categories 351/651 or the correct category visa corresponding to the actual shipment.

Merchandise in Categories 351 and 651 which is exported during the period April 15, 1995 through April 30, 1995 shall not be denied entry for lack of a visa. Merchandise in Categories 351 and 651 which is exported prior to April 15, 1995 shall not be denied entry if accompanied by a 351/651 visa.

Goods in Categories 351 and 651 which are exported on and after May 1, 1995 may be accompanied by either the appropriate merged category visa or the correct category visa corresponding to the actual shipment.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–9467 Filed 4–17–95; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Kansas City Board of Trade: Proposed Amendments Relating to Delivery Locations, Quality Price Differentials, and Loading Requirements and Fees for the Hard Red Winter Wheat Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract rule change.

SUMMARY: The Kansas City Board of Trade ("KCBT") has submitted proposed amendments to its hard red winter wheat futures contract. The proposal will: (1) Establish a new delivery point at Hutchinson, Kansas, with futures deliveries at this location being subject to a discount of 12 cents per bushel; (2) increase to 3 from 1.5 cents per bushel the discount for delivery of U.S. No. 3 grade wheat; (3) increase the minimum daily rate at which regular warehouses must load out wheat against warehouse receipts issued for futures delivery; and (4) increase to seven from five cents per bushel the maximum load-out fees chargeable by the warehouse operator. In accordance with Section 5a(a)(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Acting Director of the Division of Economic Analysis ("Division") of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that the proposed amendments are of major economic significance. On behalf of the Commission, the Division is requesting comment on this proposal.

DATES: Comments must be received on or before May 18, 1995.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Reference should be made to the proposed changes in the delivery specifications for the hard red winter wheat futures contract.

FOR FURTHER INFORMATION CONTACT: Frederick V. Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone (202) 254–7303.

SUPPLEMENTARY INFORMATION: The hard red winter wheat futures contract currently provides for delivery at par of U.S. No. 2 grade wheat in storage or on track in Kansas City, Missouri. The futures contract also provides for delivery of U.S. No. 3 grade wheat at a discount of 1.5 cents per bushel and U.S. No. 1 grade wheat at a premium of 1.5 cents per bushel. Currently, the KCBT's rules specify that regular warehouse operators must load-out a minimum of 15 rail cars per day. The Exchange's rules also specify that regular warehouse operators may charge warehouse receipt holders a maximum of 5 cents per bushel for loading wheat into the holders' transportation equipment from regular delivery facilities.

The proposed amendments will permit futures delivery at Hutchinson, Kansas at a discount of 12 cents per bushel. Futures delivery at the contract's existing Kansas City delivery point will be at par. In addition, the proposed amendments will increase to 3 cents per bushel from 1.5 cents per bushel the contract's discount for delivery of U.S. No. 3 grade wheat.

The proposed amendments also will modify the contract's minimum load-out requirements for regular warehouse operators by increasing the minimum load-out rate for all regular warehouses and by requiring that regular warehouses with higher levels of outstanding warehouse receipts load out wheat at specified higher minimum load-out rates. Specifically, for regular warehouses with total outstanding warehouse receipts representing 4 million or fewer bushels of wheat, the minimum load-out rate will be 20 hopper rail cars per day and 100 cars per week. In addition, for each additional 1 million bushels of outstanding warehouse receipts, the minimum load-out rate will increase by 5 hopper rail cars per day and 25 cars per week. Finally, the KCBT will increase the maximum load-out fee to 7 cents per bushel from 5 cents per bushel.

The KCBT proposes to apply the proposed amendments to all newly listed contract months beginning with the July 1996 wheat futures contract.

In support of the proposed amendments, the KCBT states that:

> [T]he Kansas City terminal market on which our futures are based has experienced a decline in recent years as have all terminal markets. This is largely attributable to the deregulation of railroads and their pricing policies and the ongoing changes in U.S. farm policy. Both the reduction of government's role in grain storage and railroad deregulation have served to discourage the accumulation of wheat in Kansas City. The reduced supply of deliverable stocks has been aggravated by the relative difficulty of shipping grain into Kansas City versus the ease of shipping grain out of the market. The intent of the Board's proposed amendments is to create a delivery mechanism to reflect cash market conditions better than the current system does.

The KCBT also indicates that Hutchinson, Kansas, represents the best of the location choices considered by it for use as a delivery point. In addition, the KCBT indicates that the proposed 12 cents per bushel discount for futures delivery at Hutchinson reflects observable cash market price differentials between Hutchinson and Kansas City.

The Commission is requesting comments specifically in regard to the extent to which the proposals reflect cash market practices and would affect the levels of economically deliverable supplies available for the futures contract.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by telephone at (202) 254–6314.

The materials submitted by the KCBT in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 by the specified date.

Issued in Washington, D.C. on April 12, 1995.

Blake Imel,

Acting Director, Division of Economic Analysis.

[FR Doc. 95–9487 Filed 4–17–95; 8:45 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Foster Grandparent and Senior Companion Programs

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of revision of income eligibility levels for the Foster Grandparent Program and Senior Companion Program.

SUMMARY: This Notice revises the schedules of income eligibility levels for participation in the Foster Grandparent Program (FGP) and Senior Companion Program (SCP), published in 59 FR 23701, May 6, 1994.

The revised schedules are based on changes in the Poverty Guidelines issued by the Department of Health and Human Services (DHHS), published in 60 FR 7772, February 9, 1995.

In accordance with program regulations, the income eligibility level for each State and the District of Columbia is 125 percent of the DHHS Poverty Guidelines, except in those areas determined by the Corporation to be of higher cost of living. In such instances, the guideline shall be 135 percent of the DHHS Poverty levels. The level of eligibility is rounded to the next highest multiple of $5.00.

In determining income eligibility, consideration should be given to the following, as set forth in 59 FR 15120, March 31, 1994:

Allowable medical expenses are annual out-of-pocket expenses for health insurance premiums, health care services, and medications provided to the applicant, enrollee, or spouse and were not and will not be paid for by Medicare, Medicaid, other insurance, or by any other third party and, shall not exceed 15 percent of the applicable Corporation income guideline.

Annual income is counted for the past 12 months and includes: The applicant or enrollee's income and, the applicant or enrollee's spouse's income, if the spouse lives in the same residence. Project directors may count the value of shelter, food, and clothing, if provided

at no cost by persons related to the applicant, enrollee or spouse.

Any person whose income is not more than 100 percent of the DHHS Poverty Guideline for her/his specific family until shall be given special consideration for participation in the Foster Grandparent and Senior Companion Programs.

SCHEDULE OF INCOME ELIGIBILITY LEVELS: FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS 1995 FGP/SCP INCOME ELIGIBILITY LEVELS

[Based on 125 percent of DHHS poverty guidelines]

States	Family units of			
	One	Two	Three	Four
All, except high cost areas, Alaska and Hawaii	$9,340	$12,540	$15,740	$18,940

(For family units with more than four members, add $3,200 for each additional member in all States except designated High Cost Areas, Alaska and Hawaii)

FGP/SCP INCOME ELIGIBILITY LEVELS FOR HIGH COST AREAS

[Based on 135 percent of DHHS poverty guidelines]

Area	Family units of			
	One	Two	Three	Four
All, except Alaska and Hawaii	$10,085	$13,540	$17,000	$20,455
Alaska	12.610	16,930	21,250	25,570
Hawaii	11,625	15,595	19,565	23,535

(For family units with more than four members, add: $3,455 for all areas, $4,320 for Alaska, and $3,970 for Hawaii, for each additional member)

The income eligibility levels specified above are based on 135 percent of the DHHS poverty guidelines and are applicable to the following high cost metropolitan statistical areas and primary metropolitan statistical areas:

High Cost Areas

(Including all Counties/Locations Included in that Area as Defined by the Office of Management and Budget)

Alaska

(All Locations)

California

Los Angeles—Long Beach (Los Angeles County)
Santa Barbara/Santa Maria/Lompoc (Santa Barbara County)
Santa Cruz-Watsonville (Santa Cruz County)
Santa Rosa-Petaluma (Sonoma County)
San Diego (San Diego County)
San Jose (Santa Clara County)
San Francisco (San Fracisco, Marin and San Mateo Counties)
Oakland (Alameda and Contra Costa Counties
Anaheim-Santa Ana (Orange County)
Oxnard-Ventura (Ventura County)

Connecticut

Stamford (Fairfield County)

District of Columbia/Maryland/Virginia

District of Golumbia and Surrounding Counties in Maryland and Virginia. MD counties: Calvert, Charles, Frederick, Montgomery and Prince Georges Counties. VA Counties: Arlington, Fairfax, Loudoun, Prince William, Stafford, Alexandria City, Fairfax City, Falls Church City, Manassas City and Manassas Park City.

Hawaii

(All Locations)

Illinois

Chicago (Cook, DuPage and McHenry Counties)

Massachusetts

Boston (Essex, Norfolk, Plymouth and Suffolk Counties)
Salem-Gloucester (Essex County)
Worcester (Worcester County)

New Jersey

Bergen-Passaic (Bergen and Passaic Counties)
Middlesex-Somerset-Hunterdon (Hunterdon, Middlesex and Somerset Counties)
Monmouth-Ocean (Monmouth and Ocean Counties)
Newark (Essex, Morris, Sussex and Union Counties)
Trenton (Mercer County)

New York

Nassau-Suffolk (Suffolk and Nassau Counties)
New York (Bronx, Kings, New York, Putnam, Queens, Richmond and Rockland Counties)
Westchester (Westchester County)

Pennsylvania

Philadelphia (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)

The revised income eligibility levels presented here are calculated from the base DHHS Poverty Guidelines now in effect as follows:

1995 DHHS POVERTY GUIDELINES FOR ALL STATES

States	Family units of			
	One	Two	Three	Four
All, except Alaska/Hawaii	$7,470	$10,030	$12,590	$15,150
Alaska	9,340	12,540	15,740	18,940
Hawaii	8,610	11,550	14,490	17,430

EFFECTIVE DATE: These guidelines go into effect on the day they are published.

FOR FURTHER INFORMATION CONTACT: Thomas Endres, Deputy Director, National Senior Service Corps (NSSC) Corporation for National and Community Service 1201 New York Avenue NW, Washington, DC 20525 or Telephone (202) 606–5000.

SUPPLEMENTARY INFORMATION: These programs are authorized pursuant to Section 211 and 213 of the Domestic Volunteer Service Act of 1973, as amended, Public Law 93–113, 87 Stat. 394. The income eligibility levels are determined by the currently applicable guidelines published by DHHS pursuant to Sections 652 and 673 (2) of the Omnibus Budget Reconciliation Act of 1981 which requires poverty guidelines to be adjusted for Consumer Price Index changes.

Dated: April 10, 1995.

James A. Scheibel,

Vice President, Corporation for National and Community Service, Director, National Senior Service Corps.

[FR Doc. 95–9508 Filed 4–17–95; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 16&17 May 1995.

Time of Meeting: 0900–1530, 16&17 May 1995.

Place: (TACOM RDEC), Warren, MI.

Agenda: The Army Science Board's Ad Hoc Study on "Tank Modernization" will meet to discuss Advanced Tank Technologies for the Future Main Battle Tank. These briefings will be provided by TACOM RDEC and the Army Research Laboratory. These meetings will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of these meetings. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 95–9459 Filed 4–17–95; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Board of Advisors to the Superintendent, Naval Postgraduate School; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Board of Advisors to the Superintendent, Naval Postgraduate School, Monterey, California, will meet on May 2–3, 1995, from 8:00 a.m. to 5:00 p.m., in Herrmann Hall (Bldg 220) at the School. All sessions will be open to the public.

The purpose of the meeting is to elicit the advice of the board on the Navy's Postgraduate Education Program. The board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the board will inquire into the curricula; instruction; physical equipment; administration; state of morale of the student body, faculty, and staff; fiscal affairs; and any other matters relating to the operation of the Naval Postgraduate School as the board considers pertinent. For further information concerning this meeting, contact: CDR Wayne A. Wagner, USN (Code 007), Naval Postgraduate School, Monterey, California 93943–5000, Telephone: (408) 656–2512.

Dated: April 6, 1995.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 95–9460 Filed 4–17–95; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Director, Information Resources Group, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by May 11, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill, (202) 708–9915. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere

with any agency's ability to perform its statutory obligations.

The Director, Information Resources Group, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review has been requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: April 13, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: Expedited.

Title: Native Hawaiian Higher Education Program (Guide for the Preparation of Applications).

Frequency: Annually.

Affected Public: Not for profit institutions; and State, Local or Tribal Government.

Reporting Burden; Responses: 75; *Burden Hours:* 3300.

Recordkeeping Burden; Recordkeepers: 0; *Burden Hours:* 0.

Abstract: Eligible institutions and entities will use this application to apply for funding under the Native Hawaiian Higher Education Program. The Department will use this information to make grant awards. Copies of the application and instructions can be obtained by calling (202) 260–3209.

Additional Information: Clearance for this information collection is requested by May 11, 1995. An expedited review is requested in order to meet the grant schedule for this fiscal year. Without an expedited review, the funding of grant awards would not be met for this fiscal year.

[FR Doc. 95–9513 Filed 4–17–95; 8:45 am]

BILLING CODE 4000–01–M

Notice of Proposed Information Collection Request

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Request.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection request as required by the Paperwork Reduction Act of 1980.

DATES: An emergency review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by April 24, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer: Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–9915. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State of Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Resources Group, publishes this notice with attached proposed information collection requests prior to submission to OMB. For each proposed information collection request, grouped by office, this notice contains the following information: (1) Type of review requested, e.g., new, revision, extension, existing, or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting and/or Recordkeeping burden; and (6) Abstract. Because an emergency review is requested, the additional information to be requested in this collection is included in the section an "Additional Information" in this notice.

Dated: April 13, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Bilingual Education and Minority Languages Affairs

Type of Review: Emergency.

Title: Application for New Awards Under Elementary School Foreign Language Program.

Abstract: The Department needs and will use this information to make FT 1995 awards. The respondents are local educational agencies. The respondents need to provide this information in order to receive funds.

Additional Information: OMB approval is requested for April 24, 1995. An Emergency review will allow the Department of Education to make grant awards before the end of the fiscal year.

Frequency: Annually.

Affected Public: State, Local or Tribal Government.

Reporting Burden; Responses: 350; *Burden Hours:* 14,000.

Recordkeeping Burden; Recordkeepers: 0; *Burden Hours:* 0.

[FR Doc. 95–9515 Filed 4–17–95; 8:45 am]

BILLING CODE 4000–01–M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before May 18, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–9915. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or

Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: April 13, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Bilingual Education and Minority Languages and Affairs

Type of Review: Extension.

Title: Compliance with Statutory Requirements.

Frequency: One Time.

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Governments.

Reporting Burden, Responses: 74; *Burden Hours:* 1,319.

Recordkeeping Burden, Recordkeepers: 0; *Burden Hours:* 0.

Abstract: Grantees under previous law (P.L. 100–297) must comply with the new requirements under Public Law 103–382—October 20, 1994. Grantees required to comply include State educational agencies, local educational agencies, institutions of higher education and non-profit organizations.

[FR Doc. 95–9514 Filed 4–17–95; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No.: 84.162A]

Emergency Immigrant Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995

Purpose of Program: This program provides grants to State educational agencies (SEAs) to assist local educational agencies that experience large increases in their student population due to immigration. These grants are to be used to provide high-quality instruction to immigrant children and youth and to help such children and youth transition into American society and meet the same challenging State performance standards expected of all children and youth.

Eligible Applicants: State educational agencies.

Deadline for Transmittal of Applications: May 30, 1995.

Deadline for Intergovernmental Review: July 29, 1995.

Applications Available: April 21, 1995.

Available Funds: $50 million.

Project Period: Up to 16 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 76, 77, 79, 80, 81, 82, 85, and 86.

Programmatic Information: An SEA may apply for a grant if it meets the eligibility requirements specified in section 7304 of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's School's Act of 1994 (Pub. L. 103–82, enacted October 20, 1994). An eligible SEA must provide a count, taken during April 1995, of the number of immigrant children and youth enrolled in public and nonpublic schools in accordance with the requirements specified in section 7304 of the Act. Under section 7501 (7) of the Act, the term "immigrant children and youth" means individuals who are aged 3 through 21, were not born in any State, and have not been attending one or more schools in any one or more States for more than three full academic years.

For Applications or Information Contact: Ms. Harpreet K. Sandhu or Ms. Soccoro Lara, U.S. Department of Education, 600 Independence Avenue, SW., Room 5086, Switzer Building, Washington, DC 20202–6510. Telephone: Harpreet Sandhu (202) 205–9808 or Socorro Lara (202) 205–5711. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Program Authority: 20 U.S.C. 7541–7549.

Dated: April 11, 1995.

Eugene E. Garcia,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 95–9444 Filed 4–17–95; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–231–000]

Columbia Gas Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

April 12, 1995.

Take notice that on April 7, 1995, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to be effective May 8, 1995.

First Revised Sheet No. 46
First Revised Sheet No. 47
First Revised Sheet No. 48
First Revised Sheet No. 49
First Revised Sheet No. 55
First Revised Sheet No. 56
First Revised Sheet No. 57
Second Revised Sheet No. 66
First Revised Sheet No. 67
First Revised Sheet No. 68
Second Revised Sheet No. 72
First Revised Sheet No. 75
First Revised Sheet No. 76
First Revised Sheet No. 77

Columbia states that the instant filing is being tendered to implement Order Nos. 500/528 upstream pipeline billings that have been allocated to Columbia.

The allocated monthly billings for current charges and "over and under" amounts, as applicable to Transcontinental Gas Pipe Line Company were suspended with the July 1992 billing by Columbia due to its bankruptcy proceedings. The allocated amounts herein reflect the remaining amounts applicable to the then effective amortization period adjusted for interest as applicable.

On February 17, 1995 Texas Gas Transmission Corporation (Texas Gas) filed revised tariff sheets to implement Article IV of the Stipulation and Agreement in Docket Nos. RP93–189 and RP94–38, *et al.* The tariff sheets filed herein, as applicable to Texas Gas, reflect the amount previously paid to Texas Gas by Columbia but not previously billed to its customers, plus interest as applicable.

On February 27, 1995 Texas Eastern Transmission Corporation (Texas Eastern) filed in Docket No. RP95–174 to, among other things, recover costs incurred by Texas Gas and flowed through to Texas Eastern pursuant to Order No. 528, and to flow through a refund of Order No. 528 upstream costs received by Texas Eastern from Texas Gas pursuant to Texas Gas' settlement in Docket No. RP91–100, *et al.* The tariff sheets filed herein reflect a netting of these amounts to Columbia's customers.

Columbia states that copies of its filing have been mailed to all former sales customers and affected state regulatory commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with § 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before April 19, 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. 95–9455 Filed 4–17–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP94–206–002]

Pacific Gas Transmission Co.; Notice of Compliance Filing

April 12, 1995.

Take notice that on April 6, 1995, Pacific Gas Transmission Company (PGT) tendered for filing to be a part of its FERC Gas Tariff, First Revised Volume No. 1–A, Second Revised Sheet No. 143.

PGT states that the tariff sheet which it is submitting incorporates the approved Offer of Settlement to implement a new tariff provision to govern sales of gas that may be made from time to time to dispose of linepack that is in excess of PGT's operational requirements, in compliance with a March 31, 1995 Letter Order by OPR. PGT requests an effective date of May 7, 1995.

PGT further states it has served a copy of this filing upon all parties on the official service list compiled by the Secretary in this proceeding, all interested state regulatory agencies and PGT's jurisdictional customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 385.211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before April 19, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–9456 Filed 4–17–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–830–000]

Southern California Edison Co.; Notice of Filing

April 12, 1995.

Take notice that on March 31, 1995, Southern California Edison Company tendered for filing the following power sale agreement between the City of Colton (Colton) and Edison, and the associated supplemental agreement to integrate the power sale agreement in accordance with the terms of the 1990 Integrated Operation Agreement (1990 IOA), Rate Schedule FERC No. 249:

1995 Power Sale Agreement Between The City of Colton and The Southern California Edison Company (1995 PSA).

Supplemental Agreement for the Integration of the 1995 Power Sale Agreement Between Southern California Edison and The City of Colton (Supplemental Agreement).

The 1995 PSA provides the terms and conditions whereby Edison shall make available and Colton shall purchase Contract Capacity and Associated Energy during the Delivery Season of June 1 through September 30 (4 months/year) during the years 1995, 1996, and 1997. The Supplemental Agreement sets forth the terms and conditions under which Edison will integrate the 1995 PSA pursuant to the 1990 IOA.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 26, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–9457 Filed 4–17–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5193–5]

Notice of Transfer and Disclosure of Confidential Business Information Obtained Under the Comprehensive Environmental Response, Compensation, and Liability Act to EPA Contractors and Subcontractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice: Request for comment.

SUMMARY: EPA Region I hereby complies with the requirements of 40 CFR 2.301(h) and 40 CFR 2.310(h) and intends to authorize access to Confidential Business Information (CBI) which has been submitted to EPA Region I, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), to the following contractors and subcontractors: CACI, Acumenics Research and Technology, Inc. and Aspen Systems Corporation.

FOR FURTHER INFORMATION CONTACT: Janine Keck Massey, U.S. Environmental Protection Agency, Office of Regional Counsel, RCU, J.F.K. Federal Building, Boston, MA 02203, (617) 565–3429.

NOTICE OF REQUIRED DETERMINATIONS, CONTRACT PROVISIONS AND OPPORTUNITY TO COMMENT: CERCLA, commonly known as "Superfund," requires the establishment of an administrative record upon which the President shall base the selection of a response action. CERCLA also requires the maintenance of many other records, including those relevant to cost recovery and litigation support. EPA Region I has determined that disclosure of CBI to its contractors and subcontractors is necessary in order that they may carry out the work requested under those contracts or subcontracts with EPA, including: (1) Compilation, organization and tracking of litigation support documents and information; (2) review and analysis of documents and information; and (3) provision of computerized database systems and customized reports. Documents include, but are not limited to, responses to CERCA Section 104(e) information requests, contractor invoices, and progress reports. In

performing these tasks, employees of the contractors and subcontractors listed below will be required to sign a written agreement that they: (1) will use the information only for the purpose of carrying out the work required by the contract; (2) shall refrain from disclosing the information to anyone other than EPA without the prior written approval of each affected business or of an EPA legal office; and (3) shall return to EPA all copies of the information and any abstracts or extracts therefrom: (a) upon completion of the contracts; (b) upon request of EPA; or (c) whenever the information is no longer required by the contractor or subcontractor for performance of work requested under those contracts. These nondisclosure statements shall be maintained on file with the EPA Region I Project Contact for CACI, Acumenics Research and Technology, Inc. and Aspen Systems Corporation. CACI, Acumenics and Aspen Systems employees will be provided technical direction from their respective EPA contract management staff.

EPA hereby advises affected parties that they have ten working days to comment pursuant to 40 CFR 2.301(h)(2)(iii) and 40 CFR 2.310(h). Comments should be sent to Janine Keck Massey, U.S. Environmental Protection Agency, Office of Regional Counsel, RCU, J.F.K. Federal Building, Boston, MA 02203.

Dated: March 28, 1995.

John P. DeVillars,

Regional Administrator.

Contractor/Subcontractor	Contract No.
CACI	3C–G–ENR–0051
Acumenics Research and Technology, Inc.	3C–G–ENR–0052
Aspen Systems Corporation	3C–G–ENR–0053

[FR Doc. 95–9538 Filed 4–17–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5193–9]

Common Sense Initiative Council Automobile Manufacturing Sector; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of rescheduling public advisory Common Sense Initiative Council (CSIC) Auto Manufacturing Sector Subcommittee Meeting; Open Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the CSIC Automobile Manufacturing Sector Subcommittee meeting scheduled for Thursday, April 19, 1995, has been rescheduled for Thursday, May 4, 1995, from 8:30 a.m. to 4:00 p.m. Eastern Standard Time, at the Embassy Suites at Chevy Chase Pavillion, 4300 Military Road, N.W. (at Wisconsin Ave.), Washington, D.C. 20015, phone (202) 362–9300. Seating will be available on a first come, first served basis. For further meeting information contact Carol Kemker, Designated Federal Official at (404) 347–3555 extension 4222, Keith Mason at (202) 260–1360 or Leila Yim Surrat at (202) 260–0628.

Three work groups were formed at the first meeting in January, (1) Permits; (2) Regulatory Programs; and (3) Lifecycle Management and Innovative Technology. At the May 4th meeting reports will be presented on draft work plan activities. Information presented will aid in the CSIC Automobile Manufacturing Sector Subcommittee discussions about and development of a consensus work plan.

INSPECTION OF COMMITTEE DOCUMENTS: Documents relating to the above CSIC Automotive Manufacturing Sector Subcommittee announcement will be publicly available at the meeting. Thereafter, these documents, together with the meeting minutes will be available for public inspection in room 2417M of EPA Headquarters, Common Sense Initiative Program Staff, 401 M Street SW., Washington, DC 20460, phone (202) 260–7417.

Dated: April 11, 1995.

Carol L. Kemker,

Designated Federal Official.

[FR Doc. 95–9541 Filed 4–17–95; 8:45 am]

BILLING CODE 6560–50–P

[OPPTS–46023; FRL–4948–6]

Respirable Fibrous Particles; Workshop on Chronic Inhalation Toxicity and Carcinogenicity Testing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces a workshop on chronic inhalation toxicity and carcinogenicity testing of respirable fibrous particles. The workshop is sponsored by the U.S. Environmental Protection Agency in collaboration with the National Institute of Environmental Health Sciences, the National Institute for Occupational Safety and Health, and the Occupational Safety and Health Administration.

DATES: The workshop will be held May 8–10, 1995. The 3-day workshop will begin at 8:30 a.m.

ADDRESSES: The workshop will be held at the Omni Europa Hotel in Chapel Hill, North Carolina. Members of the public wishing to attend the workshop as observers should register by phoning Research and Evaluation Associates (REA), at the telephone number listed below. Please note that space is limited and registrations will be accepted on a first-come first-serve basis. Copies of the workshop agenda will be available at the workshop.

FOR FURTHER INFORMATION CONTACT: James Willis, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551. For Technical Information Contact: Dr. David Lai, Health and Environmental Review Division, (7403), Office of Pollution Prevention and Toxics, 401 M St., SW., Washington, DC 20460, (202) 260–6222. For logistical information, and to register, please call Research and Evaluation Associates, at (919) 968–4961.

SUPPLEMENTARY INFORMATION: An important task for environmental protection is to identify, and subsequently to prevent, eliminate, or mitigate the risks to human health and the environment posed by toxic substances. Natural and synthetic fibers are one group of substances that have been identified to be of potential concern. The health endpoints of potential concern for respirable fibers are the potential development of respiratory diseases, including cancer, from chronic inhalation exposure. Many of these fibers have wide industrial and commercial applications, but there is limited, inconclusive, or virtually no information about their health effects and/or exposure to workers, consumers, and the general public. As a result, EPA has added to its Master Testing List (MTL) a "respirable fibers" category as priority substances for health effects and exposure testing to obtain the necessary data to evaluate the extent and magnitude of health risks to the exposed individuals and populations. This would then allow the Agency to determine whether or not there is a basis for any risk reduction measures. EPA recognizes that the current health effects test guidelines for chronic inhalation toxicity and/or carcinogenicity are not specific enough for the testing of fibrous substances. Thus, there is a need for EPA to develop standardized health effects test

guidelines for fibrous substances that can be used by EPA in future rulemaking, negotiated enforceable consent agreement, or voluntary action to obtain the necessary toxicologic information for risk assessment. At present, there is no general agreement upon test protocols for chronic inhalation toxicity and carcinogenicity testing of fibers for regulatory purposes. It is, therefore, important for the Agency to obtain input from the scientific community on a number of issues related to fiber testing prior to the development of proposed standardized study protocol(s) for respirable fibers.

EPA, in collaboration with the National Institute of Environmental Health Sciences, the National Institute for Occupational Safety and Health, and the Occupational Safety and Health Administration, through an interagency working group has scheduled a workshop on chronic inhalation toxicity and carcinogenicity testing of respirable fibrous particles to be held May 8–10, 1995. The goal of the workshop is to obtain scientific evaluations and recommendations from outside expert scientists on:

(1) Issues dealing with the design and conduct of chronic inhalation studies of fibers.

(2) What preliminary studies would be useful guides in designing the chronic study.

(3) What mechanistic studies would be important adjuncts to the chronic study to enable better interpretation of study results and extrapolation of potential effects in exposed humans.

(4) Which, or which combination of the available screening studies constitute a minimum data set which can be used to make judgements about the potential health hazard of the fiber in question, and prioritize the need for further testing in a chronic inhalation study.

Authority: 15 U.S.C. 2603

Dated: April 7, 1995.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 95–9536 Filed 4–17–95; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5193–9]

Proposed Administrative order on Consent; Petrochem Recycling Corp./ Ekotek, Inc. Site, Salt Lake City, Utah

AGENCY: U.S. Environmental Protection Agency (U.S. EPA).

ACTION: Proposed de minimis settlement.

SUMMARY: In accordance with the requirements of section 122(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), notice is hereby given of a proposed *de minimis* settlement under section 122(g) of CERCLA concerning the Petrochem Recycling Corp./Ekotek, Inc., Site in Salt Lake City, Utah (Site). The proposed Administrative Order on Consent (AOC) requires 7 potentially responsible parties (PRP) to pay an aggregate total of $152,825.15 to resolve their liability to the EPA related to response actions taken or to be taken at the Site. The terms of the proposed AOC for these settlements are identical to that approved and made effective by EPA November 16, 1994 (See Federal Register notice, dated September 2, 1994). One of the 7 settlements, EIMAC Corp. (Varian Associates, Inc.), was revised from its previous listing in the September 2, 1994, Federal Register notice based on an amended settlement volume (with no other changes to the AOC), and is thus re-noticed here.

DATES: Comments must be submitted by May 18, 1995.

ADDRESSES: Comments should be addressed to Greg Phoebe (8HWM–SR), Enforcement Specialist, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2405, and should refer to: In the matter of Petrochem/Ekotek *De Minimis* Settlement.

FOR FURTHER INFORMATION CONTACT: James M. Stearns, Office of Regional Counsel, EPA Region VIII, at (303) 294–7197.

SUPPLEMENTARY INFORMATION: Notice of section 122(g) *De Minimis* Settlement: In accordance with section 122(i)(1) of CERCLA, notice is hereby given that the terms of an Administrative Order on Consent (AOC) have been agreed to by the following 7 parties, for the following amounts: Option A Settlements: Bloomfield Refining Co. ($19,300.00); EIMAC Corporation (Varian Associates, Inc.) ($77,744.26); Auto Body Supply, Inc. ($2,759.90); Auto Painting & Collision Specialists, Inc. ($2,547.60); and G & K Services, Inc. ($6,872.58). Option B Settlements: BP Exploration & Oil, Inc. (fka SOHIO and SOHIO Oil Company; aka BP Exploration, Inc.) ($16,501.31); and US Polymeris (aka US Polymeric Industries, Inc.; nka BP Chemicals "HITCO," Inc.) ($27,099.50).

By the terms of the proposed AOC, these PRPs will together pay $152,825.15 to the Hazardous Substance Superfund (Superfund). This amount represents approximately 0.2% of the total anticipated costs for the Site upon which this settlement was based.

In exchange for payment, U.S. EPA will provide the settling parties with a covenant not to sue for liability under sections 106 and 107(a) of CERCLA, including liability for EPA past costs, the one-time cost of remedy, future EPA oversight costs, future operation and maintenance of the as-yet unselected remedy, and under section 7003 of the Solid Waste Disposal Act, as amended (also known as the Resource Conservation and Recovery Act (RCRA)).

The amount that each individual PRP will pay, as shown above, equals $2.97 multiplied by the number of gallons of waste the party sent to the Site (Base Amount), plus a premium payment of either 30% or 120% of the Base Amount, as specified by each Respondent PRP in the AOC. The per gallon charge of $2.97 was calculated by dividing the total estimated response costs for the Site ($69,594,403) by the total estimated volume of waste disposed of at the Site (23,454,592 gallons). For parties paying a 30% premium, the "Option A" settlement, there is an exception to the covenant not to sue if total response costs at the Site exceed $69,594,403. If this amount were exceeded, EPA could sue these parties for all or a portion of the overage. For parties paying the 120% premium, the "Option B" settlement, the exception to the covenant not to sue does not apply.

For a period of thirty (30) days from the date of this publication, the public may submit comments to U.S. EPA relating to the proposed *de minimis* settlement.

A copy of the proposed settlement AOC may be obtained from Greg Phoebe (8HWM–SR), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2405, (303) 294–7036. Additional background information relating to the *de minimis* settlement is available for review at the Superfund Records Center at the above address, and at the Marriott Library, Special Collections Department, University of Utah, Salt Lake City, Utah (801) 581–8863.

Jack McGraw,

Acting, Regional Administrator, U.S. EPA. Region VIII.

[FR Doc. 95–9539 Filed 4–17–95; 8:45 am]

BILLING CODE 6560–50–M

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Special Meeting of the Advisory committee of the Export-Import Bank of the United States

SUMMARY: The Advisory Committee was established by P.L. 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

TIME AND PLACE: Thursday, April 27, 1995, at 9:30 a.m. to 12:00 noon. The meeting will be held at EX–IM Bank in Room 1143, 811 Vermont Avenue NW., Washington, D.C. 20571.

AGENDA: The meeting agenda will include a discussion of the following topics: Advisory Committee Role and Responsibilities; Small Business Overview, Accomplishments and Challenges; and Other Topics/Next Steps.

PUBLIC PARTICIPATION: The meeting will be open to public participation; and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Barbara Lane, Room 1112, 811 Vermont Avenue NW., Washington, DC 20571, (202) 565–3957, not later than April 26, 1995. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to April 20, 1995, Barbara Lane, Room 1112, 811 Vermont Avenue NW., Washington, DC 20571, Voice: (202) 565–3957 or TDD: (202) 565–3377

FOR FURTHER INFORMATION CONTACT: For further information contact Barbara Lane, Room 1112, 811 Vermont Avenue NW., Washington, D.C. 20571, (202) 565–3957.

Carol F. Lee,

General Counsel.

[FR Doc. 95–9485 Filed 4–17–95; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR 510.

License number: 1224.
Name: Rosendo H. Guerra, Jr dba Buffalo Forwarding Co.
Address: 1314 Texas Ave., Ste. 904, Houston, TX 77022
Date revoked: March 30, 1995
Reason: Failed to furnish a valid surety bond.

License number: 3487
Name: H.P Blanchard & Co.
Address: 100 West Broadway, 2nd Fl, Long Beach, CA 90802.
Date revoked: March 31, 1995
Reason: Failed to furnish a valid surety bond.

License number: 511
Name: Laufer Shipping Co., Inc.
Address: 33 Rector Street, New York, NY 10006.
Date revoked: April 3, 1995
Reason: Surrendered license voluntarily

License number: 3145.
Name: Alternative Freight Services, Inc
Address: Peace Bridge Plaza Warehouse, Ste. 211, Buffalo, NY 14213–2497
Date revoked: April 3, 1995
Reason: Surrendered license voluntarily

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 95–9509 Filed 4–17–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Brannen Banks of Florida, Inc., et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have 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.

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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 2, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W , Atlanta, Georgia 30303:

1 Brannen Banks of Florida, Inc , Inverness, Florida; to engage *de novo* through its subsidiary Brannen Banks Services, Inc., Hernando, Florida, in data processing activities, pursuant to § 225.25(b)(7) of the Board's Regulation Y

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1 South Valley Bancorporation, Morgan Hill, California; to engage *de novo* in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y

Board of Governors of the Federal Reserve System, April 12, 1995

Jennifer J. Johnson,

Deputy Secretary of the Board

[FR Doc. 95–9474 Filed 4–17–95; 8:45 am]

BILLING CODE 6210–01–F

Central and Southern Holding Company; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has 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.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 2, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Central and Southern Holding Company, Milledgeville, Georgia; to acquire 5.7 percent of Nova Financial Corporation, Atlanta, Georgia, and thereby engage in management consulting activities, pursuant to § 225.25(b)(11) of the Board's Regulation Y The proposed activity will be conducted throughout the state of Georgia.

Board of Governors of the Federal Reserve System, April 12, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–9475 Filed 4–17–95; 8:45 am]

BILLING CODE 6210–01–F

Robert L. Downey, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 2, 1995.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Robert L. and Maryjo M. Downey, both of Stratton, Colorado; to acquire an additional 16 percent, for a total of 24 percent, of the voting shares of Stratton Bancshares, Inc., Stratton, Colorado, and thereby indirectly acquire The First National Bank of Stratton, Stratton, Colorado.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1 William Donald Skov, Clint, Texas, and Robert E. Skov, El Paso, Texas; each to retain 12.51 percent, for a total combined ownership of 25.02 percent, of the voting shares of First Fabens Bancorporation, Inc., Fabens, Texas, and thereby indirectly retain shares of First National Bank, Fabens, Texas.

Board of Governors of the Federal Reserve System, April 12, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–9476 Filed 4–17–95; 8:45 am]

BILLING CODE 6210–01–F

Farmers State Holding Corp., 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 May 12, 1995.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Farmers State Holding Corp., Alto Pass, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers State Bank of Alto Pass, Illinois, Alto Pass, Illinois.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Craco, Inc., Vinita, Oklahoma; to acquire 100 percent of the voting shares of The First National Bank of Grove, Grove, Oklahoma (in organization).

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1 Barnes Bancorporation, Kaysville, Utah; to become a bank holding company by acquiring 100 percent of the voting shares of Barnes Banking Company, Kaysville, Utah.

2. Sun Capital Bancorp, St. George, Utah; to become a bank holding company by acquiring 100 percent of the voting shares of Sun Capital Bank, St. George, Utah.

Board of Governors of the Federal Reserve System, April 12, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board

[FR Doc. 95-9477 Filed 4-17-95; 8:45 am]

BILLING CODE 6210-01-F

Mountain Bancshares, Inc.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 95-8851) published on page 18405 of the issue for Monday, April 10, 1995.

Under the Federal Reserve Bank of Kansas City heading, the entry for Mountain Bancshares, Inc., is revised to read as follows:

1. Mountain Bancshares, Inc., Los Alamos, New Mexico; to become a bank holding company by acquiring 100 percent of the voting shares of Mountain

Community Bank of Los Alamos, Los Alamos, New Mexico.

Comments on this application must be received by May 1, 1995.

Board of Governors of the Federal Reserve System, April 12, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–9478 Filed 4–17–95; 8:45 am]

BILLING CODE 6210–01–F

National Commerce Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) 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, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 2, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. National Commerce Corporation and Commerce Bancshares, Inc., both of Birmingham, Alabama; to acquire National Bank of Commerce, Birmingham, Alabama, and Talladega Federal Savings and Loan Association, Talladega, Alabama, and thereby engage in operating a savings association, pursuant to § 226.25(b)(9). The geographic scope for this activity is the state of Alabama.

In connection with this proposal, Commerce Bankshares also has applied to become a bank holding company by acquiring National Bank of Commerce of Birmingham, Birmingham, Alabama.

Board of Governors of the Federal Reserve System, April 12, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–9479 Filed 4–17–95; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Round Table Discussion of the Vessel Sanitation Program's "Shipbuilding Construction Guidelines for Vessels Destine To Call on U.S. Ports"—Public Meeting

The National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Round Table Discussion of the Vessel Sanitation Program's (VSP) "Shipbuilding Construction Guidelines for Vessels Destine to Call on U.S. Ports"—Public meeting between CDC, the cruise ship industry, and other interested parties.

Times and Dates: 9 a.m.–5 p.m., May 18, 1995. 9 a.m.–1 p.m., May 19, 1995, if necessary

Place: NCEH, CDC, Chamblee Facility, Building 101, Third Floor Conference Room, 4770 Buford Highway, N.E., Atlanta, Georgia 30341–3724, telephone 404/488–7070.

Status: The meeting will be open to the public for participation, comment, and observation, limited only by space available. The meeting room will accommodate approximately 35 people.

Purpose: To obtain individual comments and information for further developing the VSP's shipbuilding construction guidelines, and to discuss the VSP's experience to date with construction inspections at shipyards.

Matters to be Discussed: The VSP offers consultative services that include reviewing plans for renovations and new construction of cruise ships. The VSP staff conduct construction inspections when a ship is near completion or when it first enters a U.S. port for compliance with VSP sanitation criteria. The VSP has drafted shipbuilding construction guidelines for use when conducting construction inspections. This public meeting is to obtain technical and general comments and information from the cruise ship industry and other interested parties regarding the VSP's draft "Shipbuilding Construction Guidelines for Vessels Destine to Call on U.S. Ports."

Contact Person for More Information Thomas E. O'Toole, Deputy Chief, Special Programs Group (F29), NCEH, CDC, 4770 Buford Highway, NE, Atlanta, Georgia 30341–3724, telephone 404/488–7073

Dated: April 12, 1995.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–9469 Filed 4–17–95; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

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:

Microbiology Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. May 1, 1995, 9:45 a.m., and May 2, 1995, 8:45 a.m., Holiday Inn—Gaithersburg, Walker and Whetstone Rooms, Two Montgomery Village Ave., Gaithersburg, MD. A limited number of overnight accommodations have been reserved at the Holiday Inn—Gaithersburg. 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, May 1, 1995, 9:45 a.m. to 10:45 a.m., unless public participation does not last that long; open committee discussion, 10:45 a.m. to 6:30 p.m.; open public hearing, May 2, 1995, 8:45 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 11:30 a.m.; closed presentation of data, 11:30 a.m. to 12:30 p.m.; open committee discussion, 12:30 p.m. to 6:30 p.m.; Freddie M. Poole, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–2096, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Microbiology Devices Panel, code 12517.

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 April 25, 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 May 1, 1995, the committee will discuss a premarket approval application (PMA) for an in vitro diagnostic device intended for use in the determination of anti-neoplastic resistance to tumor cells with specific chemotherapeutic agents. On May 2, 1995, the committee will discuss a PMA for an in vitro diagnostic, target-amplified nucleic acid device for the detection of *Mycobacterium tuberculosis* complex in sediments prepared from sputum (induced or expectorated), bronchial specimens, or tracheal specimens.

Closed presentation of data. On May 2, 1995, the committee will discuss trade secret and/or confidential commercial information regarding the target-amplified nucleic acid device for the detection of *Mycobacterium tuberculosis* complex. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C 552b(c)(4)).

FDA is giving less than 15 days public notice of the Microbiology Devices Panel of the Medical Devices Advisory Committee meeting. The agency decided that it is in the public interest to hold this meeting May 1 and 2, 1995, even if there was not sufficient time for the customary 15-day public notice.

Science Advisory Board to the National Center for Toxicological Research

Date, time, and place. May 9, 1995, 8:30 a.m., Bldg. 12, conference room, National Center for Toxicological Research, Jefferson, AR.

Type of meeting and contact person Open committee discussion, 8:30 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 4 p.m.; closed committee deliberations, 4 p.m. to 5 p.m.; Ronald F. Coene, National Center for Toxicological Research (HFT–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3155, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Science Advisory Board to the National Center for Toxicological Research, code 12559.

General function of the board. The board advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs to fulfill regulatory responsibilities.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make a formal presentation should notify the contact person before April 21, 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 requested to make their comments.

Open board discussion. The board will conduct a review of the Science Advisory Board's (SAB's) Site Visit Team draft report on the Analytical Methods Development Program, engage in discussions on this report, and come to a final conclusion on the recommendations to be made to the Director concerning this center program. The center will provide progress reports on the recommendations of previously reviewed research programs: (1) The Transgenics Program, and (2) Biochemical and Molecular Markers of Cancer Program. The center will also provide a review and examination of the process and the product of the Site Visit Teams over the past 3 years, and develop a future agenda for the SAB. A final agenda will be available on May 4 1995, from the contact person.

Closed board deliberations. The board will discuss personal information concerning individuals associated with these review programs, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(6)).

The Commissioner approves the scheduling of meetings at locations outside of the Washington, DC, area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

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: April 13, 1995

Linda A. Suydam,

Interim Deputy Commissioner for Operations.

[FR Doc. 95–9576 Filed 4–13–95; 4:14 pm]

BILLING CODE 4160–01–F

Health Care Financing Administration

Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB) for Clearance

AGENCY: Health Care Financing Administration, HHS.

The Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to OMB the following proposals for the collection of information in compliance with the Paperwork Reduction Act (Public Law 96–511).

1. *Type of Request:* Reinstatement; *Title of Information Collection:* Medicaid, Limitations on Provider Related Donations and Health Care Related Taxes; Limitations on Payments to Disproportionate Share Hospitals (MB–62–IFC); *Form No.:* HCFA–R–148; *Use:* Sections 2, 3, and 4 of Public Law 102–234 require States to report information related to provider related tax and donation programs and aggregate disproportionate share hospital payments. The requirements included in this regulation implement these statutory requirements; *Respondents:* State or local government; *Number of Respondents:* 51; *Total Annual Responses:* 1,928; *Total Annual Hours Requested:* 116,896.

Additional Information or Comments: Call the Reports Clearance Office on (410) 966–5536 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Date: April 16, 1995.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 95–9461 Filed 4–17–95; 8:45 am]

BILLING CODE 4120–03–P

Substance Abuse and Mental Health Services Administration (SAMHSA); Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Substance Abuse and Mental Health Services Administration (SAMHSA) National Advisory Council on May 15 1995.

A portion of the meeting of the SAMHSA National Advisory Council will be open and will include a discussion of SAMHSA's reauthorization and budget issues, the SAMHSA strategic plan and managed care activities within the Agency. In addition, there will be status reports by the Council's workgroups on Health Care Reform, AIDS, Program Evaluation, and Co-Occurring Mental Illness and Substance Use Disorders. Attendance by the public will be limited to space available.

The meeting will also include the review, discussion and evaluation of contract proposals. Therefore, a portion of the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with 5 U.S.C. 552b(c) (3), (4) and (6) and 5 U.S.C. app. 2 10(d).

A summary of the meeting and a roster of council members may be obtained from: Ms. Susan E. Day, Program Assistant, SAMHSA National Advisory Council, 5600 Fishers Lane, Room 12C–15, Rockville, Maryland 20857. Telephone: (301) 443–4640.

Substantive program information may be obtained from the contact whose name and telephone number is listed below.

Committee name: Substance Abuse and Mental Health Services Administration, National Advisory Council.

Meeting date: May 15, 1995.

Place: Chevy Chase Holiday Inn, Palladian-East Room, 5520 Wisconsin Avenue, Chevy Chase, Maryland.

Open: May 15, 1995, 9 a.m. to 3 p.m.

Closed: May 15, 1995, 3:15 p.m. to 6:30 p.m.

Contact: Toian Vaughn, Room 12C–15, Parklawn Building, Telephone (301) 443–4640.

Dated: April 12, 1995.

Jeri Lipov,

Committee Management Officer, SAMHSA.

[FR Doc. 95–9473 Filed 4–17–95; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–95–3847; FR–3828–N–03]

NOFA for the Public and Indian Housing Tenant Opportunities Program Technical Assistance: Amendment

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: FY 1995 funding availability; notice of amendment.

SUMMARY: On March 1, 1995, HUD announced the availability of $25 million for FY 1995 under the Public and Indian Housing Tenant Opportunities Program (TOP). This notice removes the requirement for National Resident Organizations (NROs), Regional Resident Organizations (RROs), and Statewide Resident Organizations (SROs) to provide evidence of support by the local housing authority as a rating factor, and narrative descriptions. This change also applies to the Application Kit and hence, evidence of support from the Housing Authority is not required.

DATES: This notice does NOT revise or extend the application deadline set forth in the March 1, 1995 NOFA.

FOR FURTHER INFORMATION CONTACT: Christine Jenkins or Barbara J. Armstrong, Office of Community Relations and Involvement, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4112, Washington, D.C. 20410; telephone: (202) 708–3611. All Indian Housing applicants may contact Charles Bell, Office of Native American Programs, Department of Housing and Urban Development, 451 Seventh Street SW., Room B–133, Washington, DC 20410; telephone: (202) 755–0032. Hearing- or speech-impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service on 1–800–877–TDDY (1–800–877–8339) or (202) 708–9300 for information on the program. (Other than the "800" TDD number, telephone number are not toll-free.)

SUPPLEMENTARY INFORMATION: In a Notice of Funding Availability (NOFA) published in the **Federal Register** on March 1, 1995 (60 FR 11222), the Department announced the availability of $25 million for the Public and Indian Housing Tenant Opportunities Program, of which $1 million is set aside for National Resident Organizations (NROs), Regional Resident Organizations (RRO), and Statewide Resident Organizations (SRO). The Department is removing the requirement for NROs/RROs/SROs to provide evidence of support from the local housing authority. For further information about specific aspects of the NOFA and application requirements, please refer to the March 1, 1995 NOFA.

Accordingly, FR Doc. 95–4968, NOFA for the Public and Indian Housing Tenant Opportunities Program Technical Assistance, published on March 1, 1995 (60 FR 11222), is amended as follows:

1. On page 11229, column 1, under Section I.M of the NOFA (Rating Factors—NROs/RROs/SROs) rating factor 2 is amended by revising the heading of this factor and by revising the paragraph concerning the "high score" to read as follows:

(2) *Evidence of Support by NRO/RRO/SRO Board of Directors.* (Maximum Points: 10):

• A high score (Maximum Points: 10) is received where the NRO/RRO/SRO provides documentation that shows support from its board of directors, as evidenced by a board resolution, minutes of meetings, and letters of support.

2. On page 11229, column 1, under Section I.M of the NOFA (Rating Factors—NROs/RROs/SROs) rating factor 3 is amended by revising the introductory paragraph and by revising the paragraphs concerning "high score" and "low score" to read as follows:

(3) *Evidence of Prior Resident Training Experience.* This factor can be demonstrated by the support of RCs/RMCs/ROs. The letters of support should indicate the success and quality of prior training.

• A high score (Maximum Points: 30) is received where the applicant provides documentation that shows support by the residents (i.e., letters of support, board resolutions, and minutes of meetings).

* * * * *

• Low score (Maximum Points: 5) is received where the applicant fails to provide documentation of support by the development's residents, but support is mentioned.

3. On page 11230, column 3, under Section II.B of the NOFA (Application Submission and Development), factors 2 and 3 under paragraph (2)(b)(iv) are revised to read as follows:

• Factor 2: A narrative describing the extent to which the board of the NRO/RRO/SRO supports the proposed activities.

• Factor 3: A narrative describing the applicant's prior experience in training residents, which can be demonstrated by the support of the RCs/RMCs/ROs. The letters of support should indicate the success and quality of training.

4. On page 11230, column 3, under Section II.B of the NOFA (Application Submission and Development), paragraph (3)(a) is revised to read as follows:

(3) *HA Support.* (a) HUD is in full support of a cooperative relationship between each RC/RMC/RO and its HA. A resident organization is urged to

involve its HA in the application planning and submission process. This can be achieved through meetings to discuss resident concerns and objectives and how best to translate these objectives into activities in the application. The RC/RMC/RO is also encouraged to obtain a letter of support from the HA, indicating to what extent the HA supports the proposed activities listed by the RC/RMC/RO and how the HA will assist the RC/RMC/RO.

* * * * *

Dated: April 12, 1995.

Kevin E. Marchman,

Deputy Assistant Secretary for Office of Distressed and Troubled Housing Recovery.

[FR Doc. 95–9450 Filed 4–17–95; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

Burro Management; Final Environmental Impact Statement, Lake Mead National Recreation Area; Record of Decision

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91–190 as amended), and specifically to regulations promulgated by the Council on Environmental Quality at 40 CFR 1505.2, the National Park Service, Department of the Interior, has approved a Record of Decision for the Final Environmental Impact Statement on Burro Management for Lake Mead National Recreation Area, Arizona and Nevada.

The National Park Service will implement the proposed action as identified in the Final Environmental Impact Statement for Burro Management, issued March 3, 1995.

Copies of the Record of Decision may be obtained from the Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, Nevada 89005; or by calling the park at (702) 293–8949.

Dated: April 5, 1995.

Patricia L. Neubacher,

Regional Director, Western Region.

[FR Doc. 95–9489 Filed 4–17–95; 8:45 am]

BILLING CODE 4310–70–M

National Park System Advisory Board; Notice of Reestablishment

This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (1988). Following consultation with the General Services Administration and the Office of Management and Budget, notice is hereby given that the Secretary of the Interior is administratively reestablishing an advisory committee known as the National Park System Advisory Board.

The purpose of this committee is to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service.

The Secretary of the Interior will appoint to this committee 12 members who have outstanding expertise in the fields of history, archeology, architecture, historical architecture, landscape architecture, anthropology, biology, ecology, or social science, or in other professional disciplines important to the mission of the National Park Service. Consideration will be given to a cross-section of qualified individuals who are interested in and directly affected by National Park Service activities, and who represent divergent points of view. Appointments will be made from among individuals who have been identified through contacts with and among National Park Service and Department of the Interior staff; other Federal agencies; professional organizations; institutions of higher learning; and non-governmental organizations having a special interest in the mission of the National Park Service; and the general public.

Certification

I hereby certify that the administrative reestablishment of the National Park System Advisory Board is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by the Act of August 25, 1916 (16 U.S.C. 1, *et seq.*), as amended and supplemented, and other statutes relating to the administration of the National Park System.

Dated: March 3, 1995.

Bruce Babbitt,

Secretary of the Interior

[FR Doc. 95–9493 Filed 4–17–95; 8:45 am]

BILLING CODE 4310–70–P

Notice of Inventory Completion of Native American Human Remains From the Site of Mo'omomi on Molokai, HI in the Possession of the Los Angeles County Museum of Natural History, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003(d), of the completion of the inventory of human remains from the site of Mo'omomi on Molokai, HI that are presently in the possession of the Los Angeles County Museum of Natural History.

A detailed inventory and assessment of these human remains has been made by the Los Angeles County Museum of Natural History's curatorial staff in consultation with representatives of *Hui Mālama I Nā Kūpuna 'O Hawai'i Nei*, a Native Hawaiian organization as defined in 25 U.S.C. 3001(11).

The human remains consist of 36 whole and three fragmentary human teeth. The human remains were donated to the Los Angeles County Museum of Natural History in 1927 by Dr. William A. Bryan, then Director of the Los Angeles County Museum. The remains were catalogued as A.1463.27–36.

The catalog description states the remains are a "box of human teeth from the battle field of Momumi." A representative of *Hui Mālama I Nā Kūpuna 'O Hawai'i Nei* has identified "Momumi" as the site of Mo'omomi on Molokai and has stated that the sand dunes of Mo'omomi have long been used as burial grounds of ancestral Native Hawaiians. Reference to the "battlefield of Momumi" is thought to refer to this burial area. The representative of *Hui Mālama I Nā Kūpuna 'O Hawai'i Nei* has also provided documentation that shows that Bryan and others collected human remains from Mo'omomi.

Inventory of the human remains and review of the accompanying documentation indicate that no known individuals were identifiable. Based on the above information, officials of the Los Angeles County Museum of Natural History have determined that pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between these human remains and present-day Native Hawaiian organizations.

This notice has been sent to officials of *Hui Mālama I Nā Kūpuna 'O Hawai'i Nei*, the Office of Hawaiian Affairs, and the Molokai Island Burial Council. Representatives of any other Native Hawaiian organization which believes itself to be culturally affiliated with these human remains should contact Dr. Margaret Ann Hardin, Curator and Section Head, Anthropology, Los Angeles County Museum of Natural History, 900 Exposition Blvd., Los Angeles, CA 90007, telephone: (213) 744–3382, before May 18, 1995. Repatriation of these human remains to

Hui Mālama I Nā Kūpuna 'O Hawai'i Nei may begin after that date if no additional claimants come forward.

Dated: April 6, 1995.

Francis P. McManamon,

Departmentol Consulting Archeologist, Chief, Archeologicol Assistonce Division.

[FR Doc. 95–9490 Filed 4–17–95; 8:45 am]

BILLING CODE 4310–70–P

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the Ojai Valley Historical Society and Museum, Ojai, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under provisions of the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003 (d), of the completion of an inventory of human remains and associated funerary objects from the site designated CA-Ven 132 and currently in the control of the Ojai Valley Historical Society and Museum.

A detailed inventory and assessment of the human remains and associated funerary objects has been made by the staff of the Ojai Valley Historical Society and Museum in consultation with representatives of the Santa Ynez Band of Mission Indians.

The human remains consist of a minimum of 180 individuals. There are also 12,118 funerary objects, including shell, stone, and trade beads and pendants; projectile points; crystals; stone bowls; scrapers; fish hooks; copper pitcher; bone, wooden, and metal awls; square iron nails; shark's teeth; metal bowl fragments; stone balls; clay tiles; and pestle and mortars. The human remains and associated funerary objects were excavated in 1969 by Robert O. Browne at CA-Ven 132 (Awhay village site), located on private property near Ojai, CA. The human remains and associated funerary objects were accessioned into the collections of the Ojai Valley Museum that same year CA-Ven 132 has been identified as Awhay, a Chumash village occupied during the historic period. All archeological evidence indicates that these human remains and associated funerary objects were interred during this historic period occupation of the site. 11,599 of the objects were shell, stone and trade beads believed to be parts of necklaces and bracelets or other objects of personal adornment placed with the remains. Mortuary practices documented by Mr. Browne are consistent with those used by the Chumash tribe during the historic period. Genealogical evidence shows that families from the Awhay village site relocated to the Santa Inez Mission during the Spanish period and are presently members of the Santa Inez Band of Mission Indians.

Inventory of the human remains and review of the accompanying documentation indicate that no known individuals were identifiable. Based on the above information, officials of the Ojai Valley Historical Society and Museum have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these human remains and associated funerary objects and the Santa Ynez Band of Mission Indians. Further, officials of the Ojai Valley Historical Society and Museum have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these human remains and associated funerary objects and the present-day Santa Ynez Band of Mission Indians.

At the request of the Santa Ynez Band of Mission Indians, the Ojai Valley Historical Society and Museum has transferred these human remains and associated funerary objects to the Repository for Archaeological and Ethnographic Collections (RAEC), Department of Anthropology, University of California, Santa Barbara, CA. The RAEC has accepted this collection for curation under the condition that the Santa Ynez Band of Mission Indians retains control of this collection.

This notice has been sent to officials of the Santa Ynez Band of Mission Indians. Representatives of any other Indian tribe which believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Mary K. Porter, Curator, Ojai Valley Historical Society and Museum, P.O. Box 204, Ojai, CA 93024, telephone (805) 646–0445 before May 18, 1995. Repatriation of these human remains and associated funerary objects to the Santa Ynez Band of Mission Indians may begin after that date if no additional claimants come forward.

Dated: April 7, 1995.

Francis P. McManamon,

Departmentol Consulting Archeologist, Chief, Archeologicol Assistonce Division.

[FR Doc. 95–9491 Filed 4–17–95; 8:45 am]

BILLING CODE 4310–70–F

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 8, 1995. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by May 3, 1995.

Carol D. Shull,

Chief of Registration, Nationol Register.

ALABAMA

Baldwin County

Killcreos House, 46833 AL 225, Bay Minette vicinity 95000556

ALASKA

Yukon-Koyukuk Borough-Census Area

Coal Creek Historic Mining District, Along the Yukon R., SE of Circle, in Yukon—Charley Rivers NP, Circle vicinity 95000573

ARKANSAS

Benton County

Peel, Col. Somuel W., House, 400 S. Walton Blvd., Bentonville, 95000571

Sebastian County

Coop Creek Bridge (Historic Bridges of Arkansas MPS), Co. Rd. 236 over Coop Cr., Mansfield vicinity, 95000566

Hackett Creek Bridge (Historic Bridges of Arkansos MPS), AR 45 over Hackett Cr., Hackett vicinity, 95000568

Sebastion County Road 5G Bridge (Historic Bridges of Arkonsos MPS), Co. Rd. 5G over tributary of West Cr., Hartford vicinity, 95000567

Sebostian County Road 4G Bridge (Historic Bridges of Arkonsos MPS), Co. Rd. 4G over tributary of Sugar Loaf Cr., West Hartford vicinity, 95000569

State Highway 96 Bridge (Historic Bridges of Arkansas MPS), AR 96 over tributary of Vache Grasse Cr., Greenwood vicinity, 95000564

Vache Grosse Creek Bridge (Historic Bridges of Arkonsos MPS), Co. Rd. 77A over Vache Grasse Cr., Milltown vicinity, 95000563

Van Buren County

Van Bureon County Road 2E Bridge (Historic Bridges of Arkonsos MPS), Co. Rd. 2E over tributary of Driver's Cr., Scotland vicinity, 95000570

Washington County

Woshington County Rood 80F Bridge (Historic Bridges of Arkansas MPWS), Co. Rd. 80F over Muddy Fork of the Illinois R., Viney Grove vicinity, 95000565

COLORADO

La Plata County

Ochsner Hospital, 805 Fifth Ave., Durango, 95000534

CONNECTICUT

Fairfield County

Aqudath Shalem Synagogue (Historic Synagogues of Connecticut MPS), 29 Grove St., Stamford, 95000561

New Haven County

Ahavas Sholem Synagogue (Historic Synagogues of Connecticut MPS), 30 White St., New Haven, 95000559
Beth El Synagogue (Historic Synagogues of Connecticut MPS), 359–375 Cooke St., Waterbury, 95000560

New London County

Ohev Sholem Synagogue (Historic Synagogues of Connecticut MPS), 109 Blinman St., New London, 95000562

FLORIDA

Manatee County

Reasoner, Egbert, House, 3004 53rd Ave. E., Oneco, 95000555

Orange County

Women's Club of Winter Park, 419 Interlachen Ave., Winter Park, 95000537

GEORGIA

Hall County

Rucker, Beulah, House—School, 2110 Athens Hwy., Gainesville vicinity, 95000533

IOWA

Benton County

Sankot Motor Company, 807 13th St., Belle Plaine, 95000558

Pottawattamie County

Wickham—De Val House, 332 Willow Ave., Council Bluffs, 95000557

MICHIGAN

Wayne County

Architects Building, 415 Brainard St., Detroit, 95000531

MONTANA

Daniels County

Daniels County Courthouse, 213 Main St., Scobey, 95000535

Lewis and Clark County

Cuthbert, D.H., House, 602 N. Ewing, Helena, 95000536

Missoula County

Northside Missoula Railroad Historic District, Roughly bounded by Worden Ave., 6th St., I–90, C St. and the Northern Pacific RR tracks, Missoula, 95000532

NEW YORK

New York County

Times Square Hotel, 255 W. 43rd St., New York, 95000530

PENNSYLVANIA

York County

Bridge 182+42, Northern Central Railway (Railroad Resources of York County MPS), Northern Central RR tracks over PA 616 and Codorus Cr., Shrewsbury Township, Glen Rock vicinity, 95000542
Bridge 5+92 Northern Central Railway (Railroad Resources of York County MPS), Northern Central RR tracks over S. Main St., N of Rt. 214, Seven Valleys, 95000548
Bridge 634, Northern Central Railway (Railroad Resources of York County MPS), Northern Central RR tracks over unnamed rd. and Codorus Cr., Shrewsbury Township, Railroad vicinity 95000543
Deer Creek Bridge, Stewartstown Railroad (Railroad Resources of York County MPS), Stewartstown RR tracks over Deer Cr. at Deer Creek Rd., Shrewsbury and Hopewell Townships, Shrewsbury vicinity, 95000544
Delta Trestle Bridge, Maryland and Pennsylvania Railroad (Railroad Resources of York County MPS), Maryland and Pennsylvania RR tracks over unnamed stream, E of Bunker Hill Rd., Peach Bottom Township, Delta, 95000550
Howard Tunnel, Northern Central Railway (Railroad Resources of York County MPS), Northern Central RR tracks near S. Br., Codorus Cr., North Codorus Township, New Salem vicinity, 95000541
Muddy Creek Bridge, Maryland and Pennsylvania Railroad (Railroad Resources of York County MPS), Maryland and Pennsylvania RR tracks over Muddy Cr., E of Creek Rd., Peach Bottom and Lower Chanceford Townships, Sunnyburn vicinity, 95000540
New Freedom Railroad Station, Northern Central Railway (Railroad Resources of York County MPS), Front St., New Freedom, 95000539
Ridge Road Bridge, Stewartstown Railroad (Railroad Resources of York County MPS), Stewartstown RR tracks over Ridge Rd., Hopewell Township, Stewartstown vicinity, 95000545
Scott Creek Bridge—North, Maryland and Pennsylvania Railroad (Railroad Resources of York County MPS), Maryland and Pennsylvania RR tracks over Scott Cr., W of Watson's Corner and S of PA 851, Peach Bottom Township, Bryansville vicinity, 95000551
Shrewsbury Railroad Station, Stewartstown Railroad (Railroad Resources of York County MPS), S. Main St. at Stewartstown RR tracks, Shrewsbury, 95000546
South Road Bridge, Northern Central Railway (Railroad Resources of York County MPS), Northern Central RR tracks over unnamed cr. at S. Br., Codorus Cr., Springfield Township, Larue, 95000549
Stewartstown Engine House, Stewartstown Railroad (Railroad Resources of York County MPS), N. Hill St., Stewartstown, 95000554
Stewartstown Railroad Station (Railroad Resources of York County MPS), Jct. of W. Pennsylvania Ave. and Hill St., Stewartstown, 95000553
Stone Arch Road Bridge, Stewartstown Railroad (Railroad Resources of York County MPS), Stewartstown RR tracks over Stone Arch Rd., Shrewsbury Township, Railroad vicinity, 95000547
Valley Road Bridge, Stewartstown Railroad (Railroad Resources of York County MPS), Stewartstown RR tracks over Valley Rd., Hopewell Township, Stewartstown vicinity, 95000552

TENNESSEE

Cocke County

Cocke County Courthouse (Historic County Courthouse of Tennessee MPS), 111 Court Ave., Newport, 95000538

VERMONT

Rutland County

Hosford—Sherman Farm (Agricultural Resources of Vermont MPS), VT. 30, Poultney, 95000572

[FR Doc. 95–9492 Filed 4–17–95; 8:45 am]
BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–1 (Sub-No. 260X)]

Chicago and North Western Railway Company—Abandonment Exemption—Hayward Spur in Sawyer County, WI

Chicago and North Western Railway Company (C&NW) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its line of railroad, known as the Hayward Spur, in Hayward, Sawyer County, WI. The line extends from milepost 102.0 to milepost 103.26, near Hayward, a distance of 1.26 miles.[1]

C&NW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) all overhead traffic previously routed over this line has recently been rerouted to alternate lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

[1] C&NW states that the involved line segment is an unused industrial spur and that the track was formerly part of a longer C&NW line. It cites *The Atchison, Topeka and Santa Fe Railway Company—Abandonment Exemption—In Lyon County, KS*, Docket No. AB–52 (Sub-No. 71X) (ICC served June 17, 1991) for the proposition that Commission approval is required for abandonment of the track because of its prior main line status.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 18, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29[4] must be filed by April 28, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 8, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Robert T. Opal, 165 North Canal St., Chicago, IL 60606–1551.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

C&NW has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 21, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 11, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–9550 Filed 4–17–95; 8:45 am]

BILLING CODE 7035–01–P

[2] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[3] *See Exempt of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[4] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

[Docket No. AB–1 (Sub-No. 258X)]

Chicago and North Western Railway Company—Abandonment Exemption—in Dane County, WI

Chicago and North Western Railway Company (C&NW) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 2,100 feet of its line of railroad known as the Central Soya Spur extending from milepost 89.9 to a point 1,320 feet west of McKee Road near Madison, in Dane County, WI.[1]

C&NW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 18, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29[4] must be filed by April 28, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 8, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Robert T Opal, Senior Commerce Counsel, Chicago and North Western Railway Company, 165 North Canal Street, Chicago, IL 60606–1551.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 21, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 11, 1995.

By the Commission, David M Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary

[FR Doc. 95–9551 Filed 4–17–95, 8:45 am]

BILLING CODE 7035–01–P

[1] C&NW states that the involved line segment is an unused industrial spur and that the track was formerly part of a longer C&NW line. It cites *The Atchison, Topeka and Santa Fe Railway Company—Abandonment Exemption—In Lyon County, KS*, Docket No. AB–52 (Sub-No. 71X) (ICC served June 17, 1991) for the proposition that Commission approval is required for abandonment of the track because of its prior main line status.

[2] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption

[3] *See Exempt of Rail Abandonment—Offers of Finan Assist.*, 4 I.C.C.2d 164 (1987).

[4] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

[Docket No. AB–383 (Sub-No. 2X)]

Wisconsin & Southern Railroad Co.—Discontinuance of Operations Exemption—Dodge County, WI [Docket No. AB–343 (Sub-No. 3X)] Wisconsin Department of Transportation—Abandonment Exemption—Dodge County, WI

On the Commission's own motion, Docket No. AB–383 (Sub-No. 2X) is

reopened for the purpose of exempting Wisconsin Department of Transportation's (WisDOT) abandonment of, and Wisconsin & Southern Railroad Co.'s (WSOR) discontinuance of service over, the 1.3-mile Beaver Dam Loop between mileposts 149.0 and 150.3 in Beaver Dam, Dodge County, WI.[1]

WisDOT and WSOR certify that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in complainant's favor within the last 2 years; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 and 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective May 18, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,[2] statements of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29[4] must be filed by April 28, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 8, 1995. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. In addition, one copy must be served on Allyn Lepeska, Wisconsin Department of Transportation, Office of General Counsel, Room 115 B, P.O. Box 7910, Madison, WI 53707, and Robert A. Wimbish, REA, CROSS & AUCHINCLOSS, Suite 420, 1920 N Street, N.W., Washington, DC 20036.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

The Commission's Section of Environmental Analysis (SEA) issued an environmental assessment of abandonment of the involved line on May 9, 1994. A copy of the EA may be obtained by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 11, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–9546 Filed 4–17–95; 8:45 am]

BILLING CODE 7035–01–P

[1] WisDOT acquired the involved line, among others, under § 5(b)(2) of the Milwaukee Railroad Restructuring Act in *State of Wisconsin—Acquisition of Certain Lines of Chicago, Milwaukee, St Paul and Pacific Railroad Company*, Finance Docket No. 29237 (ICC served Feb. 1, 1980). WSOR was authorized to operate the involved line, among others, in *Wisconsin and Southern Railroad Co.—Operation—Of a Line of Railroad in Dodge, Fond du Lac, Green Lake, Columbia, Milwaukee, Washington, Waukesha, and Winnebago Counties, WI*, Finance Docket No. 29375, *et al* (ICC served Nov 5, 1980).

WSOR initiated this proceeding on April 18, 1994, by filing a verified notice under the Commission's class exemption procedure at 49 CFR Part 1152, Subpart F—*Exempt Abandonments and Discontinuances* to abandon the involved line. WSOR's notice was rejected because the only entity that lawfully could abandon the line was WisDOT, which owned the line and had a residual common carrier obligation with respect thereto. *Wisconsin & Southern Railroad Co.—Abandonment Exemption—In Dodge County, WI*, Docket No. AB-383 (Sub-No. 2X) (ICC served June 22, 1994).

On February 7, 1995, WisDOT tendered a petition under 49 U.S.C. 10505 for an exemption from Subtitle IV of Title 49 of the United States Code to abandon the involved line. By letter filed April 6, 1995, WSOR requests permission to participate for the purpose of exempting its discontinuance of operations over the involved line. The WisDOT pleading is accepted for filing as a verified notice under the class exemption. The involved line qualifies for treatment under those rules.

Because WisDOT proposes to abandon the involved line, the only exemption it requires is from 49 U.S.C. 10903. Lines such as the Beaver Dam Loop that have been out of service for 2 years or more have been exempted from 49 U.S.C. 10903 by rule in Subpart F. The exemption is invoked by filing a notice. WisDOT's filing meets all of the requirements of such a notice. Adequate notice to government agencies and to the public has already been provided by WSOR. An exemption from Subtitle IV would be appropriate if WisDOT would be subject to any other provision of the Interstate Commerce Act in the future, but that is not the case. WisDOT reiterates its belief that it is not subject to the Commission's jurisdiction, but notes that it is not seeking a rehearing of that issue but rather an exemption for abandonment of the line.

[2] The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

[3] *See Exempt of Rail Abandonment—Offers of Finan Assist.*, 4 I.C.C.2d 164 (1987).

[4] The Commission will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Release of Waybill Data

The Commission has received a request from Illinois Central Railroad (IC) for permission to use certain data from the 1993 I.C.C. Waybill Sample. A copy of the request (WB472–4/06/95) may be obtained from the I.C.C. Office of Economic and Environmental Analysis.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections with the Director of the Commission's Office of Economic and Environmental Analysis within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 927–6196.

Vernon A. Williams,

Secretary

[FR Doc. 95–9549 Filed 4–17–95; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this

notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 *AND* to the Department of Justice's Clearance Officer, Mr Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer *AND* the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, *AND* to Mr Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Revision of a Currently Approved Collection

(1) National Prisoner Statistics—Drug Use Forecasting Program.

(2) None. Bureau of Justice Statistics, United States Department of Justice.

(3) Primary—State, Local, or Tribal Government. Others—None. The Drug Use Forecasting Program monitors the extent and type of drug use among arrestees in 24 cities. Data is collected in each city every three months from a new sample of arrestees. Participation is voluntary and anonymous, data collected include an interview and urine specimen.

(4) 35,000 annual respondents at .25 hours per response.

(5) 8,750 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: April 13, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–9465 Filed 4–17–95; 8:45 am]

BILLING CODE 4410–18–M

Drug Enforcement Administration

Alvin E. French, M.D.; Revocation of Registration

On February 7, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Alvin E. French, M.D., of Lima, New York. The Order to Show Cause sought to revoke Dr. French's DEA Certificate of Registration, AF6392106, and to deny any pending applications for renewal of such registration.

The Order to Show Cause was sent to Dr. French at his registered location, 7304 East Main Street, Box 304, Lima, New York 14485, by registered mail. The Order to Show Cause was returned to DEA unclaimed with a notation on the envelope indicating that the forwarding order had expired. DEA investigators contacted the United States Post Office in Lima as well as the New York State Department of Health in an unsuccessful attempt to obtain a current address for Dr. French. Due to the fact that Dr. French has left no forwarding address, he is deemed to have waived his opportunity for a hearing. The Deputy Administrator now enters his final order in this matter without a hearing and based on the investigative file. *See* 21 CFR 1301.54(d) and 1301.57.

The Order to Show Cause alleged that Dr. French's DEA registration should be revoked in light of the fact that he is no longer authorized by the State of New York to handle controlled substances. *See* 21 U.S.C. 824(a)(3). The investigative file reveals that Dr. French voluntarily surrendered his New York State medical license effective November 5, 1992.

It is well established that the DEA cannot register a practitioner who is not duly authorized to handle controlled substances in the state in which he does business. *See* 21 U.S.C. 823(f). The DEA has consistently held that practitioners who lack state authorization to handle controlled substances cannot be registered by DEA. *See Ramon Pla, M.D.*, 51 FR 41168 (1986); *George S. Heath, M.D.*, 51 FR 26610 (1986); *Dale D. Shahan, D.D.S.*, 51 FR 23481 (1986).

Consequently, the Deputy Administrator concludes that since Dr French is no longer authorized to handle controlled substances by the State of New York, Dr. French's DEA Certificate of Registration should be revoked. Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AF6392106, issued to Alvin E. French, M.D., be, and it hereby is, revoked, and that any pending applications for registration be, and they hereby are, denied. This order is effective May 18, 1995.

Dated: April 12, 1995.

Stephen H. Greene,

Deputy Administrator

[FR Doc. 95–9486 Filed 4–17–95; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

April 13, 1995.

The Department of Labor has submitted the following public information collection request (ICR) 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 (Pub L. 96–511). A copy may be obtained by calling the Department of Labor Departmental Clearance Officer, Kenneth A. Mills ({202} 219–5095). Comments and questions about this ICR should be directed to Mr. Mills, 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 ETA, Office of Management and Budget Room 10235, 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: Extension

Agency: Employment and Training Administration.

Title: Procedures for Classifying Labor Surplus Areas.

OMB Number: 1205–0207

Frequency: On occasion

Affected Public: Federal Government State, Local or Tribal Government

Number of Respondents: 52.

Estimated Time Per Respondent: 1 hour

Total Burden Hours: 208

Description: The Department of Labor issues an annual list of labor surplus areas (LASs) so that Federal agencies can direct procurement contracts to employers in high unemployment areas. The annual LAS list is updated during the year based on petitions submitted to the Department of Labor by State employment security agencies requesting additional areas for classification.

Theresa M. O'Malley,

Acting Departmental Clearance Officer

[FR Doc. 95–9561 Filed 4–17–95; 8:45 am]

BILLING CODE 4510–30–M

Employment and Training Administration

[TA–W–27,496]

Allied-Signal Aerospace Company, Garrett Fluid Systems Division, Tempe, AZ; Negative Determination On Reconsideration

On November 18, 1994 the United States Court of International Trade (USCIT) remanded for further investigation the Department's negative determination for workers at the subject firm in *Bennett* v. *Secretary of Labor* (93–02–00080).

The workers filing under petition TA–W–29,426 were initially denied eligibility to apply for trade adjustment assistance (TAA) on September 18, 1992. The notice was published in the **Federal Register** on October 13, 1992 (57 FR 46880). The workers were denied on application for reconsideration on December 4, 1992. This notice was published in the **Federal Register** on December 11, 1992 (57 FR 58826).

The Department's denial was based on the fact that the increased import criterion and the "contributed importantly" test of the Worker Group Eligibility Requirements of the Trade Act were not met. U.S. imports of parts for military aircraft decreased in the latest 12-month period May through April 1991–1992 compared with the same period in 1990–1991.

The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department conducted a bid survey on 11 major customers of Allied Signal for engine starters, valve, actuation systems and aerospace hardware. The survey showed no foreign impact since the successful awardees were all domestic firms.

The petition shows that the workers in question were from the Tool Room which did not produce an article which actually went on the market. The Tool Room is a support group to production operations.

Other findings show that the production workers were not separately identifiable by product and that only a negligible amount of production was shifted to Singapore. The findings also show that sales are equal to production. None of the systems produced at Tempe were produced for inventory or shelf-life.

The Department, on reconsideration, was able to contact most of persons indicated on petitioner Jeffrey Whitehead petition attachment. None of the company officials or former company officials had any evidence which would contradict the Department's negative decision.

Also, a reconsideration, the Department obtained a breakout of Tempe's sales for 1990, 1991 and 1992 together with Tempe's purchases from Singapore. All of Singapore's sales went to Allied Signal at Tempe. Tempe's purchases from Singapore declined in 1991 and 1992 compared to the year immediately prior. Although production was resourced to Singapore, the major share came from Allied Signal's outside domestic subcontractors and as such did not have any adverse effect on Allied Signal's Tempe facility.

Further, Tempe's purchases from Singapore were insignificant when compared to total Tempe's sales and would not form a basis for a worker group certification. Tempe's Singapore purchases accounted for only 1.4 percent of Tempe's sales in both 1990 and 1991 and declined to 1.2 percent of Tempe's sales in 1992.

Tempe's sales in 1992 were relatively constant declining only about 1.2 percent compared to 1991. Some major categories of sales (pneumatic systems and jet engine starters) actually increased in 1992 compared to 1991.

Certification under the Trade Act of 1974 is based on increased imports of articles that are like or directly competitive with those articles produced at the workers' firm. The subject firm produces mainly pneumatic systems, engine starters, air valve systems and actuation systems for the aerospace industry. The shipment of tooling (holding fixtures and gauges) and the construction of new tooling for the Singapore plant would not form a basis for a worker group certification. Tooling and the shipment of capital goods to Singapore are not like or directly competitive with the articles produced at Tempe which go into the market as final articles or systems. Much of the weight behind the petitioners allegations comes from a former tool room supervisor who was contacted but could not provide any documentation or evidence to support the petitioners' claim.

The findings show that worker separations occurred because of corporate reorganizing and redesigning.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, D.C., this 3rd day of April, 1995.

Victor J. Trunzo,

Program Director, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–9557 Filed 4–17–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,683]

Amphenol Aerospace, Sidney, New York; 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 February 23, 1995 applicable to the workers engaged in employment related to the production of electrical connectors at the subject firm.

The certification notice will soon be published in the **Federal Register.**

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The findings show that a coverage overlap exists between this certification and TA–W–27,901 issued on January 26, 1993 for workers of the same worker group in Sidney, New York.

Accordingly, the Department is amending the subject certification to reflect the proper coverage.

The amended notice applicable to TA–W–30,683 is hereby issued as follows:

"All workers of Amphenol Aerospace, Sidney, New York engaged in employment related to the production of electrical connectors who became totally or partially separated from employment on or after January 26, 1995 are eligibile to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C., this 7th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–9562 Filed 4–17–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,734]

Artex Manufacturing Company, Inc., Yates Center, Kansas; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 13, 1995 in response to a worker petition which was filed on January 30, 1995 on behalf of

workers at Artex Manufacturing Company, Inc., Yates Center, Kansas.

The Department has recently conducted an investigation regarding certification of eligibility to apply for worker adjustment assistance for workers at Artex Manufacturing Company, Inc. in Abilene, Texas (TA–W–30,628); Overland Park, Kansas; Boonville, Missouri (TA–W–30,630); Manhattan, Kansas (TA–W–30,630A) and at Yates Center, Kansas (TA–W–30,628B) which resulted in a denial issued on March 3, 1995. The denial was based on the results of a survey of Artex's customers; and no new information is available that would reverse that determination. Therefore, further investigation would serve no purpose and this investigation has been terminated.

Signed in Washington, D.C. this 3rd day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reempolyment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–9560 Filed 4–17–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,866]

Nylon Staple Fibers Department, Lowland, TN; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 27, 1995 in response to a worker petition which was filed on behalf of workers at BASF Corporation, Lowland, Tennessee.

All workers of the subject firm are covered under amended certification (TA–W–30,360B). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 10th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–9565 Filed 4–17–95; 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 April 28, 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 April 28, 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, NW., Washington, DC 20210.

Signed at Washington, DC, this 3rd day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioners (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Exxon Production Research Co (Co)	Houston, TX	04/03/95	03/20/95	30,871	Support Services—Oil and Gas.
United Merchants & Manufacturers (Co)	Buffalo, SC	04/03/95	03/19/95	30,872	Unfinished Apparel Fabric.
Joshua Meier Corporation (Wrks)	North Bergen, NJ	04/03/95	03/16/95	30,873	Office Products.
Texwipe Company (Wrks)	Upper Saddle Riv., NJ	04/03/95	03/14/95	30,874	Swabs & Foam Cleaning Products.
Val Mode Lingerie, Inc. (Co)	Bridgeton, NJ	04/03/95	03/17/95	30,875	Ladies Sleepwear.
Anchor Hocking Packaging Co. (GMP)	Glessboro, NJ	04/03/95	01/26/95	30,876	Lids Or Caps For Food and Pharmaceutical.
Bogart Graphics (Wkrs)	Erie, PA	04/03/95	03/19/95	30,877	Business Forms.
Russell-Newman, Inc. (Co)	Stamford, TX	04/03/95	03/17/95	30,878	Robes and Loungewear.
Cabot Oil & Gas Corporation (Co)	Houston, TX	04/03/95	03/23/95	30,879	Crude Oil and Natural Gas.
G.E. Power Systems (IUE)	Schenectady, NY	04/03/95	11/19/94	30,880	Turbines and Generators.
Electro-Scan, Inc. (IBT)	Garfield, NJ	04/03/95	03/20/95	30,881	Picture Tubes.
Fischer & Porter Electronics (Wrks)	Vineland, NJ	04/03/95	03/22/95	30,882	Printing Circuits and Components.
Jaclyn, Inc. (Co)	West New York, NJ	04/03/95	03/21/95	30,883	Leather and Plastic Handbags.
Pine Grove Woolens, Inc. (Wrks.)	Pine Grove, PA	04/03/95	03/24/95	30,884	Ladies' Coats and Jackets.
Saratoga Resources, Inc. (Wkrs)	Houston, TX	04/03/95	02/27/95	30,885	Oil and Gas.
Ametek Aerospace Products, Inc. (Wkrs)	Allentown, PA	04/03/95	03/21/95	30,886	Printed Circuit Boards.
Texaco Inc.-TRMI (Wkrs)	Bellaire, TX	04/03/95	03/18/95	30,887	Oil and Gas Marketing Services.
Rogge Affiliates, Inc. (Wkrs)	Bandon, OR	04/03/95	03/16/95	30,888	Veneer and Wood.
DeCorp, Inc. (Wkrs)	Carrollton, TX	04/03/95	03/24/95	30,889	Women's Dresses and Sportswear.
Robertshaw Control CO (Wkrs)	El Paso, TX	04/03/95	03/20/95	30,890	Control Valves and Parts.
Citation Oil and Gas Corp. (Wkrs)	Hays, KS	04/03/95	03/03/95	30,891	Oil Drilling.
Central Products Co. (UPIU)	Linden, NJ	04/03/95	03/22/95	30,892	Reinforced Sealing Tapes.

APPENDIX—Continued

Petitioners (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp—Service Parts (Wkrs)	Sparks, NV	04/03/95	03/22/95	30,893	Service—Security Guards.
Jen-Bel, Inc. (Wkrs)	Youngstown, OH	04/03/95	03/23/95	30,894	Sewing Contractor of Ladies' Coats.
Lar Sportswear Co. (Wkrs)	Palmerton, PA	04/03/95	03/25/95	30,895	Ladies' Blouses.
Phillips Petroleum Co (Wkrs)	Bartlesville, OK	04/03/95	03/23/95	30,896	Crude Oil Exploration.
Stewart Warner Instrument Corp. (Wrks)	El Paso, TX	04/03/95	03/23/95	30,897	Automotive Gauges.

[FR Doc. 95–9556 Filed 4–17–95; 8:45 am]

BILLING CODE 4510–30–M

Footwear Management Co.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of: TA–W–30,545 Nocona Boot Company, Nocona, Texas; TA–W–30,545A Tony Lama Division, El Paso, Texas; A/K/A Justin Management Company, El Paso, Texas; TA–W–30,545B Justin Boot Company, Fort Worth, Texas; TA–W–30,545C Justin Boot Company, Cassville, Missouri; TA–W–30,545D Justin Boot Company, Sarcoxie, Missouri; and TA–W–30,545E Justin Boot Company, Carthage, Missouri.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued an Amended Certification of Eligibility to Apply for Worker Adjustment Assistance on February 9, 1995, applicable to all workers at the subject firm. The amended notice was published in the **Federal Register** on February 17, 1995 (60 FR 9409).

New information received from the company show that some of the workers at the Tony Lama Division, El Paso, Texas, had their unemployment insurance (UI) taxes paid to Justin Management Company.

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–30,545 is hereby issued as follows:

"All workers of Footwear Management Company in the following divisions: Touy Lama Division, El Paso, Texas, a/k/a Justin Management Company, El Paso, Texas; Justin Boot Company, Fort Worth, Texas; Cassville, Missouri; Sarcoxie, Missouri; and Carthage Missouri and the Nocona Boot Company in Nocona, Texas who became totally or partially separated from employment on or after November 29, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 6th day of April 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services Office of Trade Adjustment Assistance.

[FR Doc. 95–9566 Filed 4–17–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA—00340]

Leland Electrosystems, Inc., Erie, PA; Negative Determination Regarding Application for Reconsideration

By an application postmarked March 24, 1995, the petitioners requested administrative reconsideration of the subject petition for transitional adjustment assistance (NAFTA–TAA). The denial notice was issued on February 27, 1995 and will soon be published in the **Federal Register**

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The findings show that the workers produced aerospace spare parts for various electrical starters, motors and generators for the aerospace industry. The subject plant closed on January 11, 1995 as a result of an eviction notice from the landlord. All production was transferred to another domestic corporate facility in Ohio. A domestic transfer of production would not form a basis for a worker group certification.

The Department's denial was based on the fact that there was no shift in production from the workers' firm to Mexico or Canada, nor did the subject firm import aerospace parts from Mexico or Canada. The Department's survey also revealed that the customer imports from Mexico or Canada did not contribute importantly to worker separations at the firm.

On further review the findings show that the "dominant cause" for the worker separations was the closing down of the subject facility resulting from the eviction notice.

Petitioners allege a decline in sales and orders in overseas markets, v.g. Canada, England, Scotland, Singapore and China. A decline in export sales and orders would not form a basis for a worker group certification.

Petitioners also name a customer with facilities in Mexico and Puerto Rico that had declining purchases from the subject firm. The findings show that the named customer was a very small customer of the subject firm in the relevant time periods. The named customer accounted for less than one-half of one percent of Leland's sales in each of the relevant periods. Further, shipments from Puerto Rico are not considered imports as Puerto Rico is within the U.S. Custom Trade Zone.

The workers were also denied trade adjustment assistance under petition TA–W–30,677

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, D.C., this 3rd day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–9558 Filed 4–17–95; 8:45 am]

BILLING CODE 4510–30–M

[TA-W-30,638]

MPI Warehouse Specialty Company Williston, North Dakota; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at MPI Warehouse Specialty Co., Williston, North Dakota. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-30,638; MPI Warehouse Specialty Company Williston, North Dakota (April 3, 1995)

Signed at Washington, D.C. this 4th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-9559 Filed 4-17-95; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-30,593]

Pyke Manufacturing Company Salt Lake City, UT TA-W-30,593A Pyke Manufacturing Company Manti, UT and Pyke Retail Outlet Stores in the Following States: TA-W-30,593B Utah; TA-W-30,593C Nevada; TA-W-30,593D Idaho; TA-W-30,593E Oregon; Amended 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.

At the request of the company, the Department reviewed the certification for workers of the subject firm. New findings show that retail outlet stores throughout Utah, Nevada, Idaho and Oregon were part of Pyke Manufacturing Company, and worker separations occurred at those locations during the relevant periods.

Accordingly, the Department is amending the certification to include the subject firm's retail outlet workers throughout Utah, Nevada, Idaho and Oregon.

The amended notice applicable to TA-W-30,593 is hereby issued as follows:

"All workers of Pyke Manufacturing Company, Salt Lake City and Manti, Utah and all workers in Pyke retail outlet stores throughout Utah, Nevada, Idaho and Oregon 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 in Washington, D.C. this 5th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-9564 Filed 4-17-95; 8:45 am]

BILLING CODE 4510-30-M

Employment and Training Administration

[TA-W-30,890]

Robertshaw Controls Company, El Paso, Texas; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 3, 1995 in response to a worker petition which was filed on behalf of workers at Robertshaw Controls Company, El Paso, Texas.

A negative determination applicable to the petitioning group of workers was issued on December 22, 1994 (TA-W-30451). No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C., this 6th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-9555 Filed 4-17-95; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-29,802]

Western Geophysical Company, A/K/A Halliburton Company, A/K/A Western Atlas International, Inc., Houston, Texas and TA-W-29,802A Alvin, Texas, and TA-W-29,802B Offshore Marine Operations in the Gulf of Mexico and Operating at Various Locations in the Following States: TA-W-29,802C Oklahoma, TA-W-29,802D California, TA-W-29,802E Colorado, TA-W-29,802F Louisiana, TA-W-29,802G Alaska, TA-W-29,802H Alabama, TA-W-29,802I Kansas, TA-W-29,802J Wyoming, TA-W-29,802K Montana, and TA-W-29,802L Texas (exc. Houston and Alvin) 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 applicable to all workers of the subject firm.

The certification notice was issued on May 31, 1994 and published in the Federal Register on June 14, 1994 (59 FR 30618). The certification was amended on June 15, 1994 and July 18, 1994. The notices were published in the Federal Register on June 28, 1994 (59 FR 33306) and July 26, 1994 (59 FR 37997), respectively.

At the request of the company, the Department reviewed the certification for workers of the subject firm. The investigation findings show that workers were separated from the subject firm at various locations in Oklahoma, California, Colorado, Louisiana, Alaska, Alabama, Kansas, Wyoming, Montana and Texas, except Houston and Alvin and they should be included under this certification.

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA-W-29,802 is hereby issued as follows:

"All workers of Western Geophysical Company (the successor-in-interest firm to Halliburton Geophysical Services), Houston, Texas and Alvin, Texas and offshore in the Gulf of Mexico and operating at various locations in the following states: Oklahoma, California, Colorado, Louisiana, Alaska, Alabama, Kansas, Wyoming, Montana and Texas (except Houston and Alvin) who had wages reported under Western Atlas International, Inc., Houston, Texas for UI tax account purposes and who had become totally or partially separated from employment on or after April 25, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 7th day of April 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–9563 Filed 4–17–95; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 95–028]

NASA Advisory Council, Earth Systems Science and Applications Advisory Committee (ESSAAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Earth Systems Science and Applications Advisory Committee.

DATES: May 17, 1995, 8:30 a.m. to 5:30 p.m.; and May 18, 1995, 8:30 a.m. to 5:30 p.m..

ADDRESSES: National Aeronautics and Space Administration, MIC–7 Conference Room, 300 E Street, S.W., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert A. Schiffer, Code YS, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–1876.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The provisional agenda for the meeting is as follows: NASA Response to ESSAAC Recommendations; impact of NASA Streamlining on MTPE Science Program; the MTPE Strategic Plan; committee discussion; and findings, conclusions, and recommendations.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 12, 1995.

Danalee Green,

Chief, Management Controls Office.

[FR Doc. 95–9484 Filed 4–17–95; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–412]

Duquesne Light Company; Ohio Edison Company; The Cleveland Electric Illuminating Company; The Toledo Edison Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–73, issued to Duquesne Light Company, et al., (the licensee), for operation of the Beaver Valley Power Station, Unit 2 (BVPS–2), located in Beaver County, Pennsylvania.

The proposed amendment would revise Technical Specification (TS) 4.6.2.2.d to delete the reference to the specific test acceptance criteria for the Containment Recirculation Spray Pumps and replace the specific test acceptance criteria with reference to the requirements of the Inservice Testing (IST) Program. In addition, the 18-month test frequency would be replaced with the test frequency requirements specified in the IST Program. The current footnote (1) pertaining to the performance of recirculation spray pump 2RSS*P21A would be deleted.

This proposed amendment is requested to be processed as an exigent TS change in accordance with 10 CFR 50.91(a)(6). Exigent processing is being requested because BVPS–2 entered Mode 5 for the purpose of performing its fifth refueling outage on March 25, 1995, and upon completion of testing of Recirculation Spray Pump 2RSS*P21A, the licensee concluded that this pump failed to satisfy the specific test acceptance criteria in TS 4.6.2.2.d. Pump disassembly for inspection and repairs commenced on April 5, 1995. The pump is scheduled to be reassembled and flow tested by April 12, 1995. BVPS–2 is currently scheduled to enter Mode 4 on May 4, 1995, at which time pump 2RSS*P21A is required to be operable. If the pump does not meet the specific test acceptance criteria currently in TS 4.6.2.2d at that time, BVPS–2 will be prohibited from entry into Mode 4. With the proposed revision to TS 4.6.2.2.d, the actual performance of pump 2RSS*P21A could then be evaluated against accident analysis assumptions and the pump's acceptance criteria could then be revised under the provisions of 10 CFR 50.59 to establish IST Program requirements that would continue to maintain the plant within the accident analysis assumptions. The licensee could not have foreseen this event since the pump's performance could not be tested until the plant entered Mode 5 on March 25, 1995.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The change does not result in a modification to plant equipment nor does it affect the manner in which the plant is operated. The Recirculation Spray System (RSS) pumps are normally in a standby condition and only operate during accident mitigation. Since the physical plant equipment and operating practices are not changed, as noted above, there is no change in the probability of an accident previously evaluated.

The proposed change will not lower the pump performance operability criteria for the RSS pumps. The required values for developed pump head and flow will continue to satisfy accident mitigation requirements and will be maintained and controlled in the Beaver Valley Power Station (BVPS) Unit No. 2 Inservice Testing (IST) Program.

Since the proposed change does not lower the RSS pump performance acceptance criteria, the containment depressurization system will continue to meet its design basis requirements. The proposed change will not impose additional challenges to the containment structure in terms of peak pressure. The calculated offsite dose consequences of a design basis accident (DBA) will remain unchanged since the one hour release duration remains unchanged. The ability of the RSS pumps to provide sufficient long term core cooling also remains unchanged. The proposed change in the RSS pump surveillance interval from 18 months

to every refueling, will not affect the ability of the pumps to perform as assumed in the Safety Analysis. Therefore, the proposed change does not involve a significant increase in the consequences of an accident previously evaluated.

Based on the above discussion, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not alter the method of operating the plant. The recirculation spray system is an accident mitigation system and is normally in standby. System operation would be initiated following a containment pressure increase resulting from a DBA. The RSS pumps will continue to provide sufficient flow to mitigate the consequences of a DBA. RSS operation continues to fulfill the safety function for which it was designed and no changes to plant equipment will occur. As a result, an accident which is new or different than any already evaluated in the Updated Final Safety Analysis Report will not be created due to this change.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The surveillance requirements for demonstrating that the RSS pumps are operable will continue to assure the ability of the system to satisfy its design function. Therefore, the proposed change will not affect the ability of the RSS to perform its safety function.

The containment spray system design requirement to restore the containment to subatmospheric condition within one hour will still be satisfied. This proposed change does not have any affect on the containment peak pressure since the containment peak pressure occurs prior to the initiation of any of the two containment spray systems.

There is no resultant change in dose consequences since the containment will continue to reach a subatmospheric pressure within the first hour following a DBA.

The ability of the RSS pumps to provide sufficient long term core cooling remains unchanged since the pump performance requirements will continue to be controlled in a manner to ensure safety analysis assumptions are met.

The proposed deletion of footnote (1) is administrative in nature and therefore does not involve a reduction in a margin of safety.

Therefore, based on the above discussion, it can be concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has requested and in a letter dated April 12, 1995, the licensee agreed to modify proposed TS 4.6.2.2.d to delete references to IST program acceptance criteria. This change will ensure that pump performance acceptance criteria be related to the containment safety analysis. On this basis, the NRC staff proposes to determine that the amendment request, as modified, involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 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 15-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 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. 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 hearing and petitions for leave to intervene is discussed below.

By May 18, 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 located at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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 made 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 John F. Stolz: 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 Gerald Charnoff, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 10, 1995, as supplemented April 12, 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 B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania, 20037.

Dated at Rockville, Maryland, this 12th day of April 1995.

For the Nuclear Regulatory Commission.

Leonard N. Olshan,

Senior Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–9505 Filed 4–17–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 150–00003 and License No. ARK–740–BP–1–94 EA 94–241]

Otho G. Jones (d.b.a. Jones Inspection Services) Alderson, Oklahoma; Order Suspending Authority Under General License (Effective Immediately)

I

Jones Inspection Services is the holder of Radioactive Material License ARK–740–BP–1–94 (License) issued by the State of Arkansas, an NRC Agreement State. The License, as amended on December 22, 1994, authorizes Jones Inspection Services to possess, store and use sealed radioactive sources in various radiographic exposure devices in the State of Arkansas. Jones Inspection Services does not hold a specific NRC license. In accordance with 10 CFR 150.20, a general license is granted to Agreement State licensees to conduct the same activities in areas under NRC jurisdiction (referred to as "reciprocity") provided that the NRC is notified and the other provisions of 10 CFR 150 20 are followed.

II

On July 14, 1994, an NRC investigation was conducted to determine whether Mr. Otho G. Jones, dba Jones Inspection Services, was using regulated byproduct material in NRC jurisdiction without NRC authorization. Based on interviews with Mr. Jones, the sole proprietor of Jones Inspection Services, and on documents obtained from the Central Oklahoma Oil and Gas Company, the investigation confirmed that Jones Inspection Services had illegally used and possessed regulated byproduct material in Oklahoma, a non-Agreement State in which the NRC maintains regulatory authority over such material. The NRC's investigation determined that Jones Inspection Services stored three radiographic exposure devices containing sealed sources of radioactive material in Oklahoma from at least January 1, 1994, to July 1994, and that these devices had been used to perform industrial radiography in Oklahoma from April 1, 1994, to June 27, 1994 for Central Oklahoma Oil and Gas Company. The investigation also determined that these activities were conducted without NRC authorization. Specifically, the investigation found that Jones Inspection Services did not hold an NRC license as required by 10 CFR 30.3 and that Jones Inspection Services did not notify the NRC, in accordance with the provisions of 10 CFR 150.20, that it planned to conduct radiography at temporary job sites in NRC jurisdiction. Thus, these activities were not subject to inspection by the NRC to assure the protection of the public health and safety.

In a signed statement Mr. Jones provided to the NRC investigator, Mr. Jones said that he did not know he had to notify the NRC and did not know to whom the information should be provided. Further, Mr. Jones indicated that he "did think to call the NRC about reciprocity, but I am afraid of the NRC and did not want more hassle [sic] so I chose not to call them about working in Oklahoma." Furthermore, Mr. Jones was the sole proprietor of Tumbleweed X-Ray Company in September 1991 when that company was issued an NRC order specifically suspending its authority to conduct radiography activities in Oklahoma and other states in which NRC maintained regulatory authority.[1]

[1] Otho G. Jones' previous company, Tumbleweed X-Ray Company, was prohibited by Order for conducting licensed activities in non-Agreement

Continued

On July 21, 1994, the NRC issued a Confirmatory Action Letter (CAL 4–94–07) which described voluntary commitments made by Mr. Jones to discontinue the use of three radiographic exposure devices in his possession and to transfer the devices to authorized recipients. Mr. Jones informed NRC Region IV personnel on the same date that he had transferred two devices to an NRC licensee in the State of Oklahoma and was preparing to ship a third device on or around August 8, 1994. These commitments were replaced and superseded by the Order to Cease and Desist Use and Possession of Regulated Byproduct Material in NRC Jurisdiction dated July 26, 1994. Since that time, Mr. Jones has received Amendment 07, dated December 22, 1994, to his Arkansas License ARK–740–BP–1–94 to store radioactive byproduct material in the State of Arkansas and at temporary job sites. This does not include areas under NRC jurisdiction.

On January 31, 1995, the NRC conducted an enforcement conference with Mr. Jones to ascertain the circumstances under which Mr. Jones conducted licensed activities in NRC jurisdiction without obtaining a specific or general use license. During that conference, Mr. Jones stated, in part, that he was unaware of NRC requirements related to an Agreement State licensee's conduct of radiography in the State of Oklahoma (a non-Agreement State) and that he had made no effort to determine what the requirements were. Based on the information provided during the conference, it was determined that Mr. Jones was not knowledgeable of current NRC requirements. While Mr. Jones stated that he knew "radiation safety [requirements] to the letter," he admitted that he had "no idea" if NRC requirements for radiography had changed in the last three years. Furthermore, despite the fact that Mr. Jones filed for reciprocity in Kansas and Kentucky, both of which are Agreement States, he did not take reasonable steps to determine the reciprocity requirements for working in Oklahoma.

III

Based on the above, the NRC concludes that Mr. Otho G. Jones has demonstrated careless disregard for NRC requirements. This resulted in Mr Jones' use of regulated byproduct material in NRC jurisdiction without first acquiring an NRC specific use license or following the reciprocity requirements of 10 CFR 30.3 and 10 CFR 150.20, respectively. This is prohibited by Section 81 of the Atomic Energy Act (AEA) of 1954, as amended, and by 10 CFR 30.3, which state that (except for persons exempt as provided in 10 CFR Parts 30 and 150) no person shall possess or use byproduct material, except as authorized in a specific or general use NRC license.

Improper handling of byproduct material can result in unnecessary exposure to radiation and, in some cases, serious injury. The Atomic Energy Act and the Commission's regulations require that the possession of licensed material be under a regulated system of licensing and inspection. Mr. Jones' actions in this case prevented the NRC from assuring, through licensing and inspection, that byproduct material is being used safely and in accordance with all NRC requirements.

Based on Mr. Jones' lack of knowledge and competence in following, and careless disregard for, NRC requirements, I lack the requisite reasonable assurance that Jones Inspection Services can conduct licensed activities in compliance with NRC requirements and that the health and safety of the public will be protected in areas under NRC jurisdiction should Mr. Jones, Jones Inspection Services, or any successor entity engage in activities under the reciprocity provisions of 10 CFR 150.20. Therefore, the public health, safety, and interest require that the July 26, 1994 Order to Mr. Otho G. Jones, d.b.a. Jones Inspection Services, be superseded by this Order to suspend Mr. Jones', Jones Inspection Services', or any successor entity's authority granted by 10 CFR 150.20 to conduct activities in NRC jurisdiction. This Order is applicable to successor entities engaged in NRC or Agreement State licensed activities within NRC jurisdiction wherein Mr Jones is a corporate officer or owner. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 81, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR Part 30 and 10 CFR Part 150, It is hereby ordered, effective immediately, that the authority of Mr. Otho G. Jones, d.b.a. Jones Inspection Services, and any successor entity in which Mr. Jones is a corporate officer or owner, to conduct activities in areas under NRC jurisdiction under the general license granted by 10 CFR 150.20(a) is suspended.

The Regional Administrator, Region IV, may, in writing, relax or rescind this Order upon demonstration by Mr. Jones for good cause. Any request by Mr. Jones for relaxation or rescission of this Order must address the following:

A. Demonstration of Mr. Jones' understanding of applicable NRC requirements for the possession, storage and use of regulated byproduct material in NRC jurisdiction prior to filing an NRC From 241 for performance of licensed activities in areas of NRC jurisdiction under the provisions of 10 CFR 150.20. This will require that Mr. Jones complete a formal training process and satisfactorily pass a written exam administered during the formal training process on NRC regulations applicable to the use of regulated byproduct material. Formal training shall be conducted by a consultant as described in paragraph B below or another entity approved by NRC.

B. Retention of the services of an independent individual or organization (consultant) to perform a program and process implementation audit, to demonstrate Mr. Jones' knowledge of, and compliance with, applicable NRC requirements, prior to Mr. Jones conducting activities within NRC jurisdiction. The name and qualifications of the consultant proposed to conduct the audit shall be submitted to the Regional Administrator, NRC Region IV, for review and approval. The consultant shall be independent of Mr. Otho Jones and Jones Inspection Services and have experience in the implementation of a radiation safety program and NRC requirements.

C. The audit required by Paragraph B shall be completed and Mr. Jones shall have the consultant submit its audit report and any recommendations for improvement to Mr. Jones and directly to the Regional Administrator, NRC Region IV prior to Mr. Jones submitting an NRC Form 241. This shall include the demonstrated resolution of any weaknesses or negative findings identified by the audit or a statement as to why the weaknesses or findings are not valid or do not need correction. The audit of Mr. Jones' performance shall include, but not be limited to:

1. A review of the administrative, operating and emergency procedures to ensure that such procedures are appropriate and meet the requirements established for working under NRC reciprocity requirements.

States until September 6, 1994. Thus, had Mr Jones notified the NRC of his intent to conduct radiography activities in Oklahoma in early 1994, it is likely that the NRC would have acted to prohibit those activities.

2. On-site review of Mr Jones' field activities, and interviews and observations of any selected authorized users (other than Mr. Jones) working at various locations.

D. Mr. Jones shall provide notice to the NRC seven days prior to working in areas of NRC jurisdiction under the provisions of 10 CFR 150.20.

V

In accordance with 10 CFR 2.202, Mr. Jones must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order.

The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this order and set forth the matters of fact and law on which Mr. Jones or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Services Section, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011–8064, and to Mr. Jones, if the answer or hearing request is by a person other than Mr. Jones. If a person other than Mr. Jones requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Jones or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Otho Jones, Jones Inspection Services, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland this 11th day of April 1995.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

[FR Doc. 95–9506 Filed 4–17–95; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Joint Panel Meeting on Perceived Risks and Socioeconomic Impacts

Pursuant to its authority under section 5051 of Public Law 100–203, the Nuclear Waste Policy Amendments Act of 1987, the Nuclear Waste Technical Review Board's (the Board) Panel on the Environment & Public Health and Panel on Risk & Performance Analysis will hold a joint meeting May 23–24, 1995, in Las Vegas, Nevada. The meeting, which is open to the public, will be held at the St. Tropez Hotel, 455 East Harmon, Las Vegas, Nevada 89109; Tel (702) 369–5400; Fax (702) 369–1150. The meeting will begin at 1:00 P.M. on Tuesday, May 23, recess at approximately 5:00 P.M., and continue on Wednesday, May 24, from 8:30 A.M. to noon.

The meeting will consist of a panel discussion by a diverse group of social scientists. The topic for discussion is peoples' beliefs about the risks associated with a potential high-level radioactive waste repository at Yucca Mountain, Nevada, and how those beliefs might result in significant socioeconomic impacts. The Board is looking at this issue because socioeconomic impacts are addressed as part of the Department of Energy's site-suitability guidelines, 10 CFR 960.

As with all the Board's meetings, time is set aside on the agenda for comments and questions from the public. In order to ensure that everyone wishing to speak is offered time to do so, the Board encourages those who have comments to sign the *Public Comment Register* located at the sign-in table. Written comments for the record also may be submitted to the Board staff at the sign-in table.

The Nuclear Waste Technical Review Board was created by Congress in the Nuclear Waste Policy Amendments Act of 1987 to evaluate the technical and scientific validity of activities undertaken by the DOE in its program to manage the disposal of the nation's high-level radioactive waste and spent nuclear fuel. In that same legislation, Congress directed the DOE to characterize a site at Yucca Mountain, Nevada, for its suitability as a potential location for a permanent repository for the disposal of that waste.

Transcripts of the meeting will be available on computer disk or on a library-loan basis in paper format from Davonya Barnes, Board staff, beginning July 10, 1995. For further information, contact Frank Randall, External Affairs, Nuclear Waste Technical Review Board, 1100 Wilson Boulevard, Suite 910, Arlington, Virginia 22209; (703) 235–4473.

Dated: April 13, 1995.

William Barnard,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 95–9510 Filed 4–17–95; 8:45 am]

BILLING CODE 6820–AM–M

OFFICE OF MANAGEMENT AND BUDGET

Notice of Meeting

AGENCY: Office of Management and Budget.

ACTION: National Industrial Security Program Policy Advisory Committee (NISPPAC) meeting; notice of meeting and invitation for public comments.

SUMMARY: The National Industrial Security Program Policy Advisory Committee will hold a meeting that shall serve as a forum to discuss National Industrial Security Program (NISP) policy issues in dispute, and to advise the Chairman on these issues. The agenda will include a discussion of the status of the NISP, the NISP Operating Manual, and accounting for security costs within industry. Written statements from the public will be accepted in lieu of an opportunity for comment at the meeting.

The Information Security Oversight Office (ISOO) will host the meeting. ISOO is part of OMB's Office of Information and Regulatory Affairs.

DATES: The meeting will be held on Thursday, April 20, 1995, at 10 a.m., at the Information Security Oversight Office in Washington, DC. The meeting is open to the public; however, due to access procedures, the names and

telephone numbers of those planning to attend must be submitted to the Information Security Oversight Office no later than April 18, 1995.

ADDRESSES: The meeting will be held at the Information Security Oversight Office, Suite 530, 750 17th Street. NW, Washington, DC 20006.

Written statements may be forwarded by mail to the above address, or faxed to (202) 395–7460.

FOR FURTHER INFORMATION CONTACT: For additional information about the meeting or to submit the names of those planning to attend, contact Mrs. Neala Enfinger of the Information Security Oversight Office at (202) 395–7442.

Sally Katzen,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 95–9488 Filed 4–17–95; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

WTO Dispute Settlement Proceedings Concerning Reformulated and Conventional Gasoline

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: Pursuant to section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the Office of the United States Trade Representative (USTR) is providing notice that a dispute settlement panel convened under the Agreement Establishing the World Trade Organization (WTO) at the request of Venezuela will examine an Environmental Protection Agency regulation concerning reformulated and conventional gasoline. USTR also invites written comments from the public concerning the issues raised in the dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before May 16, 1995 in order to be assured of timely consideration by USTR in preparing its first written submission to the panel.

ADDRESS: Comments may be submitted to the Office of the General Counsel, Attn: Venezuela Gasoline Dispute, Room 223, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Rachel Shub, Assistant General Counsel, Office of the General Counsel, Office of the U.S. Trade Representative, 600 17th Street, N.W. Washington, DC 20506, (202) 395–7305.

SUPPLEMENTARY INFORMATION: At Venezuela's request, a WTO dispute settlement panel will examine whether EPA's "Regulation of Fuels and Fuel Additives: Standards for Reformulated and Conventional Gasoline," dated December 15, 1993 (59 FR 7716; February 16, 1994) is consistent with U.S. obligations under the General Agreement on Tariffs and Trade (GATT) 1994 and the Agreement on Technical Barriers to Trade (TBT Agreement). Australia, Canada, the European Communities and Norway have reserved their rights to intervene in the panel proceedings as third parties. (On April 10, 1995, Brazil requested separate consultations with the United States under the GATT 1994 and the TBT Agreement regarding EPA's regulation.)

Members of the panel are currently being selected, and the panel is expected to meet as necessary at the WTO headquarters in Geneva, Switzerland to examine the dispute. Under normal circumstances, the panel would be expected to issue a report detailing its findings and recommendations in six to nine months.

An earlier dispute settlement proceeding regarding the EPA regulation, which was initiated by Venezuela under the GATT 1947 (see 59 FR 52034; October 13, 1994), has been terminated.

Major Issues Raised by Venezuela and Legal Basis of Complaint

Venezuela has asserted that EPA's regulation accords less favorable treatment to Venezuela gasoline than to U.S.-produced gasoline and to gasoline produced in third countries, and thus is inconsistent with Articles I and III of the GATT 1994 and Article 2.1 of the TBT Agreement. Venezuela has also asserted that the regulation creates unnecessary obstacles to international trade and therefore is inconsistent with Article 2.2 of the TBT Agreement.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issue raised in the dispute. The provisions of 15 CFR §§ 2006.13(a) and (c) (providing that comments received will be open to public inspection) and 2006.15 will apply to comments received. Comments must be in English and provided in fifteen copies. Pursuant to 15 CFR § 2006.15, confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in contrasting color ink at the top of each page.

Pursuant to section 127(e) of the URAA, USTR will maintain a public file on this dispute settlement proceeding, which will include a list of comments received, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, N.W., Washington DC 20506. An appointment to review the docket (Docket WTO/D–1, "Venezuela-United States: U.S. EPA Gasoline Standards"), may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

Ira S. Shapiro,

General Counsel.

[FR Doc. 95–9516 Filed 4–17–95; 8:45 am]

BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

Under Review by Office of Management and Budget

Acting Agency Clearance Officer: David T. Copenhafer (202) 942–8800.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Filings and Information Services, 450 Fifth Street, N.W., Washington, D.C. 20549.

Extension: Form 1–E, File No. 270–221; Rule 206(3)–2, File No. 270–216; Rules 8b–1 through 8b–32, File No. 270–135.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq*), the Securities and Exchange Commission has submitted for OMB approval requests for extensions on the following rules and form:

Form 1–E under the Securities Act of 1933, is a report made pursuant to rules 604 and 605 of Regulation E. Form 1–E is the form that a small business investment company or business development company making an offering under Regulation E uses to notify the Commission of the offering. In most cases, an offering circular is filed with the Form 1–E. Rule 604 under Regulation E specifies the filing and content of a filing of notification on Form 1–E. Rule 605 specifies the filing and use of the offering circular. For each of the 4 registrants that prepare Form 1–E and an offering circular a year, the burden hours are approximately 100 hours.

Rule 206(3)–2 permits registered investment advisers to comply with Section 206(3) of the Investment

Advisers Act of 1940 by obtaining a blanket consent from a client to enter into agency cross transactions, provided certain disclosure is made to the client. Approximately 214 respondents utilize the rule annually, necessitating about 122 responses each year, for a total of 26,108 responses. Each response requires about .5 hours, for a total of 13,054 hours.

Rules 8b–1 through 8b–32 provide standard instructions to guide persons when filing registration statements under the Investment Company Act of 1940. Rules 8b–1 through 8b–32 impose burdens only in the context of the preparation of the various registration forms. Accordingly, no separate burden estimate is being submitted for Rules 8b–1 through 8b–32 and burden estimates are, or will be, made for each of the registration statement forms.

Direct general comments to the OMB Clearance Officer for the Securities and Exchange Commission at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms to David T. Copenhafer, Acting Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549, and SEC Clearance Officer, Office of Management and Budget, Paperwork Reduction Project 3235–0232 (Form 1–E); 3235–0243 (Rule 206(3)–2); 3235–0176 (Rules 8b–1 through 8b–32), Room 3208, New Executive Office Building, Washington, DC 20543.

Dated: April 3, 1995.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9527 Filed 4–17–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35591; File No. SR–Phlx–95–07]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc., and Notice of Filing and Order Granting Accelerated Approval of Amendment Nos. 1 and 2 to the Proposed Rule Change Relating to the Listing and Trading of Options and Long-Term Options on the Phlx USTOP 100 Index

April 11, 1995.

I. Introduction

On January 30, 1995, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide for the listing and trading of index options on the Phlx USTOP 100 Index ("USTOP 100 Index" or "Index"). Notice of the proposal appeared in the **Federal Register** on February 20, 1995.[3] The Exchange filed Amendment No. 1 to the proposed rule change on March 7, 1995,[4] and Amendment No. 2 on March 17, 1995.[5] This order approves the Exchange's proposal, as amended.

II. Description of Proposal

A. Composition of the Index

The Phlx proposes to list for trading options on the Phlx USTOP 100 Index, a new broad-based stock index to be calculated and maintained by the Phlx. The Index will be composed of 100 of the most highly capitalized, widely-held U.S. common stocks representing a variety of industries, including, but not limited to, technology, manufacturing, and the service industries. Ninety-four of the components in the Index are listed on the New York Stock Exchange ("NYSE") and six are Nasdaq National Market securities. All component stocks are "reported securities," as that term is defined in Rule 11Aa3–1 of the Act.[6] The Phlx also proposes to list long-term Index options on the full-value Index ("Index LEAPS").[7] Index LEAPS will trade independent of and in addition to regular USTOP 100 Index options traded on the Exchange; however, as discussed below, position and exercise limits of Index LEAPS and regular Index options will be aggregated. The Phlx will use a capitalization-weighted methodology to calculate the value of the Index.[8]

As of the close of trading on March 6, 1995, the Index was valued at 427.98.[9] As of January 23, 1995, the market capitalizations of the individual securities in the Index ranged from a high of $86.12 billion to a low of $7.61 billion, with the mean being $20.66 billion. The market capitalization of all the securities in the Index was approximately $2.07 trillion. The total number of shares outstanding on that date for the stocks in the Index ranged from a high of 557.2 million shares to a low of 15.7 million shares. In addition, the average daily trading volume in the U.S. of the stocks in the Index for the six-month period from July 1, 1994, through December 31, 1994, ranged from a high of 3.06 million shares per day to a low of 207,795 shares per day. Finally, as of January 23, 1995, no one component accounted for more than 4.17% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for 17.28% of the Index's value. The percentage weighting of the lowest weighted component on that date was 0.37% of the Index and the percentage weighting of the five smallest issues in the Index accounted for 1.99% of the Index's value.

B. Maintenance

The Index will be maintained by the Phlx. The Phlx will make special adjustments to the securities comprising the Index to reflect such events as stock splits or reverse splits, spinoffs, stock dividends, reorganizations, recapitalizations, and similar events, upon their occurrence. In accordance with Phlx Rule 1009A, if any change in the nature of any stock in the Index occurs as a result of delisting, merger, acquisition or otherwise, the Exchange will take appropriate steps to delete that stock from the Index and replace it with another stock which the Exchange believes would be compatible with the intended market character of the Index. In making replacement determinations, the Exchange will also take into account the capitalization, liquidity, and volatility of a particular stock.

The Exchange represents that all of the stocks comprising the Index currently are options eligible[10] and

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] See Securities Exchange Act Release No. 35326 (February 3, 1995), 60 FR 8104 (February 20, 1995).

[4] In Amendment No. 1, the Phlx proposes to reset the starting value for the Index at 405.36 as of the opening on January 3, 1995, as opposed to 370 on December 14, 1994, as originally proposed. See Letter from Michele Weisbaum, Associate General Counsel, Phlx, to Brad Ritter, Senior Counsel, Office of Market Supervision ("OMS"), Division of Market Regulation ("Division"), Commission, dated March 7, 1995 ("Amendment No. 1").

[5] In Amendment No. 2, as discussed herein, the Phlx proposes to list long-term options on the Index. See Letter from Michele Weisbaum, Associate General Counsel, Phlx, to Brad Ritter, Senior Counsel, OMS, Division, Commission, dated March 17, 1995 ("Amendment No. 2").

[6] See 17 CFR 240.11Aa3–1. A "reported security" is defined in paragraph (a)(4) of this rule as "any listed equity security or NASDAQ security for which transaction reports are required to be made on a real-time basis pursuant to an effective transaction reporting plan." A "transaction reporting plan" is defined in paragraph (a)(2) of this rule as "any plan for collecting, processing, making available or disseminating transaction reports with respect to transactions in reported securities filed with the Commission pursuant to, and meeting the requirements of, this section."

[7] See Amendment No. 2, *supra* note 5.

[8] See infra Section II.D, entitled "Calculation of the Index," for a description of this calculation method.

[9] See Amendment No. 1, *supra* note 4.

[10] The Phlx's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other

Continued

have standardized options listed on them. If at any time, less than 90% of the components in the Index, by weight, are options eligible, the Exchange will submit a Rule 19b–4 filing for Commission approval before opening any new series of options on the Index for trading. Further, the Exchange will submit a Rule 19b–4 filing for Commission approval prior to opening any new series of options on the Index if the number of stocks in the Index ever increases to more than 120 or decreases to less than 80.

C. Applicability of Phlx Rules Regarding Index Options

Except as modified by this order, Phlx Rules 1000A through 1103A, in particular, and Phlx Rules 1000 through 1070, in general, will be applicable to USTOP 100 Index options and Index LEAPS.

D. Calculation of the Index

The value of the USTOP 100 Index will be calculated using a capitalization-weighted methodology. The representation of each security in the Index will be proportional to the security's last sale price multiplied by the total number of shares outstanding, in relation to the total market value of all of the securities in the Index. The initial value of the Index was set to equal 405.36 index and reflects changes in the prices of the Index component securities relative to the Index's base date of January 3, 1995.[11] The formula for calculating the value of the Index is as follows:[12]

Current Index Value equals $(MV_1)+(MV_2)+\cdots(MV_{100})$ divided by Divisor and multiplied by 100

Where:

MV=Price x Shares outstanding for each component of the Index

Divisor=Number calculated to achieve a base value of 405.36 for the Index as of the opening of trading on January 3, 1995.

The Index divisor will be adjusted for changes in the capitalization of any of the component securities resulting from mergers, acquisitions, delistings, substitutions, and other like corporate events. The formula for adjusting the divisor is as follows:

Divisor equals to Total Capitalization (as a result of adjustments) divided by Old Index Value

The Index value will be updated dynamically at least once every 15 seconds during the trading day. The Phlx has retained Bridge Data, Inc. to compute the value of the Index. Pursuant to Phlx Rule 1100A, updated Index values will be disseminated and displayed by means of primary market prints reported by the Consolidated Tape Association and over the facilities of the Options Price Reporting Authority ("OPRA"). The Index value will also be available on broker/dealer interrogation devices to subscribers of the option information.

The Index value for purposes of settling outstanding regular Index options and Index LEAPS contracts upon expiration will be calculated based upon the regular way opening sale prices for each of the Index's component securities in their primary market on the last trading day prior to expiration. In the case of securities traded on and through Nasdaq, the first reported sale price will be used. Once all the component stocks have opened, the value of the Index will be determined and that value will be used as the final settlement value for expiring Index options and Index LEAPS contracts. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (*i.e.*, normally Thursday's) last sale price will be used in the Index calculation. In this regard, before deciding to use Thursday's closing value of a component security for purposes of determining the settlement value of the Index, the Phlx will wait until the end of the day on the last trading day before expiration.[13]

E. Contract Specifications

The proposed options on the Index will be cash-settled, European-style options.[14] Standard options trading hours (9:30 a.m. to 4:10 p.m. Eastern Standard time) will apply to the contracts. The Index multiplier will be 100. Strike prices will be set at 5.0 point intervals except exercise prices in the far-term series (*i.e.*, nine months to expiration) shall be set in 25.0 point intervals unless demonstrated customer interest exists at 5.0 point intervals.[15] Additional exercise prices will be added in accordance with Phlx Rule 1101A(a). Demonstrated customer interest will include institutional (firm), corporate or customer interest expressed directly to the Exchange or through the customer's floor brokerage unit but not interest expressed by a registered option trader ("ROT") with respect to trading for the ROT's own account.[16]

In addition, pursuant to Phlx rule 1012(a), there may-be-up to six expiration months outstanding at any given time. Specifically, there may be up to three expiration months from the March, June, September, and December cycle plus up to three additional near-term months so that the two nearest term months will always be available.

The Exchange also intends to list several Index LEAPS series that expire from 12 to 36 months from the date of issuance pursuant to Phlx Rule 1101A(b)(iii).[17]

F. Position and Exercise Limits, Margin Requirements, and Trading Halts

Position limits for the Index will be set at 25,000 contracts on the same side of the market, provided that no more than 15,000 of such contracts are in series in the nearest term expiration month.[18] Exercise limits will be set at the same level as position limits.[19] Positions in Index LEAPS will be aggregated with positions in regular Index options on a one-for-one basis for purposes of position and exercise limits.[20] Exchange rules applicable to options on the Index will be identical to the rules applicable to other broad-based index options for purposes of

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things, meet the following requirements: (1) the public float must be at least 7,000,000 shares; (2) there must be a minimum of 2,000 stockholders; (3) trading volume in the U.S. must have been at least 2.4 million over the preceding twelve months; and (4) the U.S. market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. *See* Phlx Rule 1009, Commentary .01.

[11] See Amendment No. 1, *supra* note 4.

[12] The formula for calculating the value of the Index is the same as that previously approved by the Commission for calculating the value of the Phlx Big Cap Index. *See* Securities Exchange Act Release No. 33973 (April 28, 1994), 59 FR 23245 (May 5, 1994). Telephone conversation between Michele Weisbaum, Associate General Counsel, Phlx, and Brad Ritter, Senior Counsel, OMS, Division, Commission, on February 2, 1995.

[13] Telephone conversation between Michele Weisbaum, Associate General Counsel, Phlx, and Brad Ritter, Senior Counsel, OMS, Division, Commission, on March 16, 1995.

[14] A European-style option can be exercised only during a specified period before the option expires.

[15] The limitations applicable to the listing of 25.0 point strike price intervals will be the same as those applicable to the listing of 25.0 point strike price intervals on far-term index option series listed on the Exchange's Big Cap Index. See Securities Exchange Act Release No. 34233 (June 17, 1994), 59 FR 32731 (June 24, 1994) ("Exchange Act Release No. 34233").

[16] Exchange Rule 1101A, Commentary .02, which already permits 25.0 point intervals in far-term series for the Exchange's other broad-based indexes will be amended to include this treatment for the USTOP 100 Index.

[17] See Amendment No. 2 *supra* note 5. The Exchange has also submitted a proposal to increase the maximum term to maturity for index LEAPS from 36 months to 60 months for all of its options approved indexes. See Securities Exchange Act Release No. 35376 (February 14, 1995), 60 FR 9880 (February 22, 1995).

[18] See Phlx Rule 1001A(a)(i).

[19] See Phlx Rule 1002A.

[20] See Amendment No. 2, *supra* note 5.

trading rotations, halts, and suspensions,[21] and margin treatment.[22]

G. Surveillance

Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in Index options and Index LEAPS. These procedures include complete access to trading activity in the underlying securities. Further, the Intermarket Surveillance Group Agreement, dated July 14, 1983, as amended on January 29, 1990, will be applicable to the trading of options on the Index.[23]

III. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5).[24] In particular, the Commission finds that the Index is broad-based, the proposed Index options and Index LEAPS are designed to reduce the potential for manipulation, and the proposal to list and trade options on the USTOP 100 Index is consistent with the Exchange's obligation to promote investor protection.

The Commission finds that the trading of options on the Index will permit investors to participate in the price movements of the 100 securities on which the Index is based. Further, trading of options on the Index will allow investors holding positions in some or all of the securities underlying the Index to hedge the risks associated with their portfolios. Accordingly, the Commission believes the USTOP 100 Index options and Index LEAPS will provide investors with an important trading and hedging mechanism that should reflect accurately the overall movement of 100 of the largest and most widely-held U.S. common stocks. By broadening the hedging and investment opportunities of investors, the Commission believes that the trading of Index options will serve to protect investors, promote the public interest, and contribute to the maintenance of fair and orderly markets.[25]

The trading of Index options and Index LEAPS on the USTOP 100 Index, however, raises several concerns, namely issues related to index design, customer protection, surveillance, and market impact. The Commission believes, however, for the reasons discussed below, that the Phlx adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the USTOP 100 Index is a broad-based index, and thus it is appropriate to permit Exchange rules applicable to the trading of broad-based index options to apply to the Index options and Index LEAPS. Specifically, the Commission believes the Index is broad-based because it contains 100 actively-traded stocks representing over 35 industry groups, and thus reflects a substantial segment of the U.S. equities market.

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the Index's component securities significantly minimize the potential for manipulation of the Index. First, the Index repesents and consists of the common stock values of 100 actively traded U.S. companies. Second, the overwhelming majority of the components that comprise the Index are actively traded, with an average daily trading volume for the period from July 1, 1994 through December 31, 1994, ranging from a high of 3.06 million shares per day to a low of 207,795 shares per day. Third, the market capitalizations of the securities in the Index are extremely large, raning from a high of $86.12 billion to a low of $7.61 billion as of January 23, 1995, with the mean being $20.67 billion. Fourth, no one particular security or

[21] See Phlx Rule 1047A.

[22] See Phlx Rules 722 and 1000A.

[23] The Intermarket Surveillance Group ("ISG") was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. See Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement, which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. See Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990. The members of the ISG are: the American Stock Exchange, Inc. ("Amex"); the Boston Stock Exchange, Inc.; the Chicago Board Options Exchange, Inc.; the Chicago Stock Exchange, Inc.; the National Association of Securities Dealers, Inc. ("NASD"); the NYSE; the Pacific Stock Exchange, Inc.; and the Phlx. Because of potential opportunities for trading abuses involving stock index futures, stock options, and the underlying stock and the need for greater sharing of surveillance information for these potential intermarket trading abuses, the major stock index futures exchanges (*e.g.*, the Chicago Mercantile Exchange and the Chicago Board of Trade) joined the ISG as affiliate members in 1990.

[24] 15 U.S.C. 78f(b)(5) (1988 & Supp. V 1993).

[25] Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed Index options and Index LEAPS will provide investors with a hedging vehicle that should reflect the overall movement of the 100 component stocks.

group of securities dominates the Index. Specifically, as of January 23, 1995, no one stock accounted for more than 4.17% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for only 17.28% of the Index's value. Fifth, all of the components in the Index have standardized options trading on them and the Phlx will maintain the Index so that at least 90% of the securities in the Index, by weight, are eligible for standardized options trading. This proposed maintenance requirement will ensure that the Index is substantially comprised of options eligible securities.[26] Sixth, the Index is comprised of stocks representing a diverse group of industries. Finally, the Commission believes that, as discussed below, existing mechanisms to monitor trading activity in the component securities will help deter as well as detect illegal trading activity involving the Index options and Index LEAPS.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as USTOP 100 Index options and Index LEAPS, can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Index LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the Phlx, the Commission believes that adequate safeguards are in place to ensure the protection of investors in USTOP 100 Index options and LEAPS.[27]

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a security index derivative product and the exchange(s) trading the securities underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the security index product less readily susceptible to manipulation.[28] In this regard, the Phlx, NYSE, Amex, and NASD are all members of the ISG, which provides for the exchange of all necessary surveillance information.[29]

D. Market Impact

The Commission believes that the listing and trading of USTOP 100 Index options and Index LEAPS on the Phlx will not adversely impact the underlying securities markets.[30] First, as described above, the Index is broad-based and composed of 100 stocks with no one stock dominating the Index. Second, because (i) at least 90% of the numerical value of the Index must be accounted for by securities that meet the Exchange's options listing standards, (ii) each of the component securities must be traded on either the NYSE or the Amex, or traded through Nasdaq as National Market securities, and (iii) the component securities must be subject to last sale reporting pursuant to Rule 11Aa3–1 of the Act,[31] the component securities generally will be actively-traded, highly-capitalized securities. Third, the 25,000 contract position and exercise limits, along with the 15,000 contract telescoping requirement, will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contra-party performance will be minimized because the Index options will be issued and guaranteed by The Options Clearing Corporation just like any other standardized option traded in the United States. Fifth, existing Phlx stock index options rules and surveillance procedures will apply to options on the USTOP 100 Index.

Lastly, the Commission believes that settling expiring USTOP 100 Index options and Index LEAPS based on the opening prices of component securities is consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[32]

The Commission finds good cause for approving Amendment Nos. 1 and 2 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Specifically, Amendment No. 1 merely changes the initial value of the Index. Because this amendment is being made prior to commencement of trading of Index options and Index LEAPS, the Commission believes that this change will not create any potential for investor confusion and therefore does not raise any new regulatory concerns.

Amendment No. 2 allows the Phlx to list Index LEAPS in addition to regular Index options. Because the proposed Index LEAPS will be subject to the same rules governing Index options and because positions in Index LEAPS will be aggregated with those in Index options for purposes of position and exercise limits, the Commission believes that Amendment No. 2 does not raise any regulatory concerns not already addressed by the Exchange, as discussed above.

Accordingly, the Commission believes it is consistent with section 6(b)(5) of the Act to approve Amendment Nos. 1 and 2 to the Phlx's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment Nos. 1 and 2. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent

[26] Moreover, the Commission notes that if the Phlx increases the number of component securities to more than 120 or decreases that number to less than 80, the Phlx will be required to seek Commission approval pursuant to Section 19(b)(2) of the Act before listing new strike price or expiration month series of USTOP 100 Index options or Index LEAPS.

[27] The Commission also believes that the portion of the Exchange's proposal allowing 25.0 point strike price intervals for far-term option series strikes a reasonable balance between the Exchange's interest in limiting the number of outstanding strike prices in inactive far-term series and its interest in accommodating the needs of investors. In addition, the Commission believes that the provision allowing the Exchange to list additional far-term series at 5.0 point intervals in response to genuine customer requests should provide the Exchange with the flexibility to meet the needs of investors and, in turn, should allow investors to establish options positions that are tailored to meet their investment objectives. The Commission expects the Exchange to monitor the listing of additional strikes in order to ensure that new strikes are added only in response to genuine customer requests. See Exchange Act Release No. 34233, *supra* note 15 and Exchange Rule 1101A, Commentary .02.

[28] Securities Exchange Act Release No. 31243 (September 28, 1992), 57 FR 45849 (October 5, 1992).

[29] See *supra* note 23.

[30] In addition, the Phlx has represented that the Phlx and the OPRA have the necessary systems capacity to support those new series of options that would result from the introduction of Index options and Index LEAPS. See Letter from Michele Weisbaum, Associate General Counsel, Phlx, to Brad Ritter, Senior Counsel, OMS, Division, Commission, dated February 2, 1995; and Memorandum from Joe Corrigan, Executive Director, OPRA, to Jamie Farmer, New Product Development, Phlx, dated January 31, 1995.

[31] *See supra* note 6.

[32] See Securities Exchange Act Release No. 30944 (July 21, 1992), 57 FR 33376 (July 28, 1992).

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principle office of the Phlx. All submissions should refer to the File No. SR–Phlx–95–07 and should be submitted by May 9, 1995.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[33] that the proposed rule change (SR–Phlx–95–07), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[34]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9458 Filed 4–17–95; 8:45 am]

BILLING CODE 8010-011-M

[Release No. 34–35597; File No. SR–NYSE–95–11]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Adoption of Rule 440A ("Telephone Solicitation—Recordkeeping") and an Interpretation with Respect to Proposed Rule 440A

April 12, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on March 22, 1995, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE is herewith filing a proposed rule change to adopt new Rule 440A ("Telephone Solicitation—Recordkeeping") and to add an interpretation with respect to the meaning and administration of proposed Rule 440A.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to:

(1) Adopt a rule requiring members and member organizations that engage in telephone solicitations to maintain a centralized list of persons who do not wish to receive telephone solicitations; and

(2) Set forth an interpretation concerning the meaning and administration of proposed Rule 440A with respect to compliance with Federal Communications Commission ("FCC") and SEC rules relating to telemarketing practices. It is intended that the interpretation will be published as an Interpretation Memorandum for inclusion in the Exchange Interpretation Handbook.

In 1994, an industry Task Force, comprised of representatives from the Exchange, and other industry regulatory and self-regulatory organizations, was formed to review broker-dealer telemarketing practices and compliance with the Telephone Consumer Protection Act of 1991 ("TCPA") and the FCC rules and regulations implementing that law. The TCPA and FCC rules address telemarketing practices and the rights of telephone customers. One of those requirements is that businesses (which includes broker-dealers) that make telephone solicitations to residential telephone subscribers must institute written policies and have procedures in place for maintaining "do-not-call" lists.

The industry Task Force is considering several initiatives relating to broker-dealers that engage in telephone solicitation or "cold-calling" activities. One such initiative is proposed Rule 440A which requires members and member organizations to make and maintain a centralized list of persons who have informed the member or member organization that they do not want to receive telephone solicitations. It is anticipated that such a rule will also be adopted by other self-regulatory organization participants of the Task Force.

The proposed interpretation to Rule 440A reminds members and member organizations that they are subject to compliance with the requirements of the relevant rules of the FCC and SEC relating to telemarketing practices and the rights of telephone consumers.

2. Statutory Basis

The proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act, which requires that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, in that it addresses the practices of Exchange members and member organizations who make telemarketing calls and the protection of customers who have indicated a desire not to receive such calls.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

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[33] 15 U.S.C. 78s(b) (2) (1988).

[34] 17 CFR 200.30–3 (a) (12) (1994).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–95–11 and should be submitted by May 9, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9526 Filed 4–17–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21000; 811–1522]

Centurion Growth Fund, Inc.; Notice of Application

April 12, 1995.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Centurion Growth Fund, Inc.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on March 2, 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 May 8, 1995, and should be accompanied by proof of service on 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 who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, c/o Mutual Funds Service Co., 600 Memorial Drive, Dublin, Ohio 43017.

FOR FURTHER INFORMATION CONTACT: James M. Curtis, Senior Counsel, at (202) 942–0563, or Robert A. Robertson, Branch Chief, (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is registered as an open-end management investment company that was organized as a corporation under the laws of Delaware on August 1, 1967 under the name America Future Fund, Inc. On August 14, 1967, applicant filed a notice of registration pursuant to section 8(a) of the Act and a registration statement under section 8(b) of the Act. On August 24, 1967, applicant also filed a registration statement under the Securities Act of 1933 on Form S–5. Applicant's registration statements both were declared effective on February 8, 1968.

2. On April 22, 1994, the United States District Court, Southern District of Florida (the "Court"), appointed Daniel H. Aronson (the "Receiver") as the receiver for applicant at the request of the SEC after applicant's investment adviser and underwriter resigned and all but one director and officer of applicant had resigned.

3. On June 10, 1994, the Court directed the Receiver to pursue a merger of applicant with another investment company on terms as advantageous as possible to applicant's shareholders. After reviewing several proposals, the Receiver selected the merger proposal submitted by Vontobel USA, Inc., an investment adviser, and The World Funds, Inc., a diversified, open-end, management investment company.

4. On November 23, 1994, the Receiver and World Funds executed an Agreement and Plan or Reorganization (the "Plan"), and the Receiver appointed Vontobel as interim investment adviser. The Court, by order dated December 16, 1994, granted the Receiver's motion to approve the Plan. No vote, consent, or other action by applicant's shareholders was required or solicited in connection with the Plan due to the Court's jurisdiction and broad powers of equity.

5. On December 27, 1994, pursuant to the Plan, the U.S. Value Fund Series of World Funds acquired all applicant's assets and goodwill, except for $65,000 in cash applicant retained to pay its expenses related to the Plan and other liabilities, in exchange for a number of shares of common stock of the series based on the relative net asset values of such series and applicant. World Funds then distributed to applicant's shareholders 730,811,301 shares of the series *pro rata* based on the series's net asset value per share of $10.25.

6. The Receiver retained $65,000 to pay applicant's final costs, expenses, debts, and liabilities. The Receiver has been paying these expenses as they come due and anticipates that such expenses will exhaust the funds withheld.

7. Applicant has no security holders, assets, or other liabilities. Applicant is not a party to any litigation or administrative proceeding other than those described above. Applicant is not engaged and does not propose to engage in any business activity other than those necessary for the winding up of its affairs.

8. On December 16, 1994, the Court authorized the dissolution of applicant. Applicant filed a Certificate of Dissolution with the Secretary of State of Delaware on December 29, 1994.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret M. McFarland,

Deputy Secretary.

[FR Doc. 95–9520 Filed 4–17–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21003; No. 812–9164]

Neuberger & Berman Advisers Management Trust, et al.

April 12, 1995.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Neuberger & Berman Advisers Management Trust ("Trust"), Advisers Managers Trust ("Managers Trust"), Neuberger & Berman Management Incorporated ("Investment Adviser"), and Certain Life Insurance

Companies ("Participating Insurance Companies") and their Separate Accounts ("Separate Accounts") Investing in the Trust.

RELEVANT 1940 ACT SECTION: Order requested under Section 6(c) granting exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act, and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

SUMMARY OF APPLICATION: Applicants seek an order to permit shares of the Trust (and/or any successor entity), beneficial interests of Managers Trust, and beneficial interests or shares of any other investment company that is designed to fund insurance products and for which the Investment Adviser or its affiliates may serve now or in the future as investment adviser, administrator, manager, principal underwriter or sponsor, to be sold to and held by: (a) separate accounts of both affiliated and unaffiliated Participating Life Insurance Companies offering variable annuity contracts and variable life insurance contracts; and (b) qualified pension and retirement plans ("Qualified Plans").

FILING DATE: The application was filed on August 16, 1994, and amended on April 5, 1995 and April 10, 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 by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 2, 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 requestor'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, D.C. 20549. Applicants, c/o Stanley Egener, President, Neuberger & Berman Management Incorporated, 605 Third Avenue, 2nd Floor, New York, New York 10158–0006.

FOR FURTHER INFORMATION CONTACT: Yvonne M. Hunold, Assistant Special Counsel, or Wendy Friedlander, Deputy Chief, 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 Commission's Public Reference Branch.

Applicants' Representations

1. The Trust is a series Massachusetts business trust that is registered under the 1940 Act as a diversified, open-end management investment company. The Trust currently consists of six portfolios ("Trust Portfolios"). A seventh Trust Portfolio, the International Portfolio, is scheduled to commence operations on May 1, 1995. As more fully discussed below, reorganization of the Trust ("Successor Trust") is anticipated to take effect on May 1, 1995, with a conversion date currently anticipated for April 28, 1995. After the reorganization, the Successor Trust will become a "feeder" fund in a "master-feeder" fund structure [1] by investing in Managers Trust

2. Managers Trust is a New York common law trust that offers shares of its series of portfolios ("Series") to insurance company separate accounts and to Qualified Plans. Upon reorganization of the Trust, Managers Trust will serve as a "master fund" in a master-feeder structure in which the Successor Trust will be a "feeder" fund.

3. Investment Adviser currently manages and distributes shares of each Trust Portfolio. Upon reorganization of the Trust, Investment Adviser will serve as administrator of the Successor Trust's portfolios and as administrator or manager of Managers Trust's Series. Investment Adviser's voting stock is owned by general partners of Neuberger & Berman, L.P. ("Neuberger & Berman"), the sub-adviser to the Trust Portfolios. Investment Adviser is not affiliated with any of the Participating Insurance Companies.

4. Participating Insurance Companies are both affiliated and unaffiliated insurance companies that currently invest in the Trust through either their general or Separate Accounts in connection with the offering of both variable annuities and variable life insurance contracts ("Contracts"). Separate Accounts of Participating Insurance Companies are unit investment trusts ("UIT–Separate Accounts") that are either registered under the 1940 Act or exempt from registration pursuant to Section 3(c)(11) of the 1940 Act. U T–Separate Accounts invest directly in the Trust, resulting in a two-tier structure. Participating Insurance Companies' Separate Accounts registered under the 1940 Act as management investment companies ("Managed-Separate Accounts") currently do not invest in the Trust. Upon reorganization of the Trust, UIT–Separate Accounts will invest in the Successor Trust, which, in turn, will invest in Managers Trust, resulting in a three-tier structure. Managed-Separate Accounts will invest directly in Managers Trust, resulting in a two-tier structure.

5. Trust shares currently are offered pursuant to orders of the Commission under Section 6(c) of the 1940 Act exempting the Trust and Investment Adviser from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act, and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.[2] The purpose of this application is to extend the exemptive relief granted to the Trust and Investment Adviser to the successor entities of the Trust and to certain other investment companies ("Other Investment Companies") that may be used as underlying funds for both UIT-Separate Accounts and Qualified Plans.

(The Trust (and/or any successor entity) and Other Investment Companies hereinafter are referred to, collectively, as "Insurance Products Funds." Investment companies offering shares to Insurance Products Funds, to Managed-Separate Accounts, and to Qualified Plans are referred to, collectively, as "Master Funds." The term "Master Funds" does not include "Insurance Products Funds." "Participating Insurance Companies" refers to: (a) insurance companies, the assets of which currently are invested in the Trust through either their general or Separate Accounts, and which will be invested in the successor to the Trust, and/or one or more other Insurance Products Funds, and/or more Master Funds; and (b) insurance companies, the assets of which, in the future, may be invested through either their general or Separate Accounts in the Trust (and/or any successor entity) and/or one or more other Insurance Products Funds, and/or one or more Master Funds.) [3]

6. As noted previously, the Trust will be reorganized into the Successor Trust,

[1] A "master feeder" fund structure is a two-tiered arrangement in which one or more investment companies (or other collective investment vehicles) ("feeder funds") pool their assets by investing in a single investment company having the same investment objective ("master fund"). This structure typically has been used to customize distribution channels, fee structures and marketing techniques while continuing to offer interests in the same underlying investment portfolios.

[2] Investment Company Act Release Nos. 18573 (Feb. 26, 1992) (Amended Order), 18506 (Jan. 29, 1992) (Notice), 16207 (Jan. 7, 1988) (Amended Order), 16165 (Dec. 9, 1987) (Notice), 15324 (Sept. 23, 1986) (Order), and 15274 (Aug. 25, 1986 (Notice).

[3] Any assets invested by the general accounts of Participating Insurance Companies will be in the form of initial operating capital commonly known as "seed money."

which will serve as a "feeder" fund in a "master-feeder" fund structure. The proposal by the Investment Adviser to reorganize the Trust was approved by the Board of Trustees of the Trust and, on August 25, 1994, by shareholders of the Trust. The Successor Trust will be a series Delaware business trust registered under the 1940 Act as an open-end diversified management investment company. The Successor Trust, which will retain the Trust's present name, initially will consist of seven portfolios ("Successor Portfolios"). Each Successor Portfolio will retain the same name and have substantially the same investment objective and policies as its current corresponding Trust Portfolio. Additional Successor Portfolios may be added in the future.

7. Upon reorganization, each Trust Portfolio will transfer all of its assets to the corresponding Successor Portfolio. In exchange, share of each Successor Portfolio will be distributed to the shareholders of the corresponding Trust Portfolio on the basis of one Successor Portfolio share for one outstanding Trust Portfolio share, with the Successor Portfolio assuming all of the liabilities of that corresponding Trust Portfolio. Each Successor Portfolio, in turn, will invest all of its assets in a corresponding Series of Managers Trust and offer its shares to UIT-Separate Accounts of Participating Insurance Companies and to Qualified Plans, resulting in a three-tier structure. Each Series of Managers Trust will have the same investment objectives and policies as the corresponding Successor Portfolio. Thereafter, the only investment securities held by each Successor Portfolio will be its interest in the corresponding Series of Managers Trust. In the future, Managed-Separate Accounts of Participating Insurance Companies will and certain Qualified Plans may invest directly in the Master Funds, thus resulting in a two-tier structure with respect to these arrangements.

8. Applicants assert that the primary objective of the Trust's restructuring into a master-feeder fund structure is to retain and increase assets in the Trust and, ultimately, lower Contract owner's expenses. Applicants believe that economies of scale may be achieved that would benefit all shareholders. Applicants state that, to the extent that certain operating costs are relatively fixed and currently are borne by a Trust Portfolio alone, these expenses instead would be borne by the Series and shared by the corresponding Successor Portfolio and any other investors pooling their assets through investment in the Series.

9. Investment Adviser will serve as administrator of the Successor Portfolios and as manager of the corresponding Series of Managers Trust, except with respect to the International Series of Managers Trust. BNP–N&B Global Asset Management L.P., an affiliate of Investment Adviser, will act as investment adviser for the International Series, for which Investment Adviser will serve as administrator. In addition, Investment Adviser, or its affiliates, may serve now or in the future as investment adviser, administrator, manager, principal underwriter or sponsor with respect to the Insurance Products Funds and the Master Funds. Investment Adviser may provide services to Managed-Separate Accounts or to Qualified Plans that may, in the future, function as "feeder" funds by investing in the Master Funds. Investment Adviser does not and will not act as investment adviser to Qualified Plans which have purchased or will purchase shares of the Insurance Products Funds, or beneficial interests in the Master Funds. Investment Adviser is not affiliated with any of the Participating Insurance Companies.

10. Neuberger & Berman will be the sub-adviser for the Series of Managers Trust and may act as investment adviser to Qualified Plans investing in the Successor Trust, but is not permitted to advise such Qualified Plans to invest in the Successor Trust. Independent fiduciaries of such Qualified Plans for which Neuberger & Berman acts as investment adviser may choose to invest in the Successor Trust.

11. Qualified Plans, in the future, may invest directly in the Master Funds and may choose any Insurance Products Funds or Master Funds as their sole investment or as one of several investments. Qualified Plan participants may or may not be given an investment choice depending on the terms of the Plan. Shares of any of the Insurance Products Funds, or beneficial interests in the Master Funds, sold to such Qualified Plans will be held by the trustees of said Plans as mandated by Section 403(a) of the Employee Retirement Income Security Act of 1974 ("ERISA"). There is no pass-through voting to the participants of such Qualified Plans.

12. Section 817(h) of the Internal Revenue Code of 1986, as amended, ("Code") imposes certain diversification standards on the underlying assets of variable annuity and variable life insurance contracts.[4] The Successor Trust and Managers Trust, on behalf of each Successor Portfolio and Series, have applied to the Internal Revenue Service ("IRS") for a private letter ruling with respect to certain tax issues arising out of the proposed restructuring of the Trust. The Successor Trust and Managers Trust have requested that the IRS rule, among other things, that the "look-through" rule of Section 817 of the Code will be available for the variable insurance contract diversification test. In the event that the requested IRS ruling is not received by the conversion date, the Investment Adviser expects to receive a favorable opinion of counsel with respect to the Section 817 and other relevant tax issues, prepared solely for its use in connection with the creation of the master-feeder fund.

Applicants' Legal Analysis

1. Section 6(c) authorizes the Commission to grant exemptions from the provisions of the 1940 Act, and rules thereunder, if and to the extent that an 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.

A. Rule 6e–2—Scheduled Premium Variable Life Insurance Contracts

2. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a UIT Rule 6e–2(b)(15) provides partial relief from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act. The exemptions granted to a separate account by Rule 6e–2(b)(15) are available only where all of the assets of the separate account consist of the shares of one or more registered management investment companies ("Underlying Funds") offering their shares "exclusively" to variable life insurance separate accounts of the life insurer, or of any affiliated life insurance company, funding such variable contracts. The relief provided by Rule 6e–2 also is available to a

[4] Insurance Products Funds selling their shares to Qualified Plans must meet certain diversification requirements with respect to the portfolios underlying their variable contracts. According to Applicants, diversification requirements are satisfied where all beneficial interests in an investment company (*master fund*) are held by Separate Accounts (*feeders*) of one or more insurers. Under regulations prescribed by the Treasury Department establishing diversification requirements for investment portfolios underlying variable contracts, the ability of these Separate Accounts to hold shares in the same investment company is not adversely affected if such shares are held by the trustee of a Qualified Plan.

separate account's investment adviser, principal underwriter and sponsor or depositor. The relief granted by Rule 6e–2(b)(15), however, is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to a variable annuity separate account of the same company or of any other affiliated or unaffiliated life insurance company. The use of a common underlying fund as the investment vehicle for both variable annuity contracts and scheduled or flexible premium variable life insurance contracts is referred to as "mixed funding." The use of a common underlying fund as the underlying investment vehicle for separate accounts of unaffiliated insurance companies is referred to as "shared funding." Rule 6e–2(b)(15), thus, precludes both mixed funding and shared funding.

3. Moreover, because the relief under Rule 6e–2(b)(15) is available only where shares are offered exclusively to separate accounts, additional exemptive relief is necessary if shares of an underlying fund also are offered to Qualified Plans.[5] Applicants assert that the appropriateness of granting relief under this provision is not affected by the purchase of Insurance Products Funds' shares by Qualified Plans.

4. Rule 6e–2(b)(15) also does not exempt Managed-Separate Accounts of Participating Insurance Companies functioning as "feeders" by virtue of the acquisition of beneficial interests in a Master Fund because such a Managed-Separate Account would not be registered as a UIT. Because under certain circumstances the Master Funds will solicit votes of their interest holders with respect to items relating solely to their operations, Applicants assert that the exemptive relief granted by Rule 6e–2(b)(15) should be extended to such Managed-Separate Accounts to the extent that they are required to vote on issues affecting the Master Funds. Applicants further assert that the extension of this relief to Managed-Separate Accounts of Participating Insurance Companies is consistent with the purpose and intent of Rule 6e–2. Applicants submit that the relief granted by Rule 6e–2 also is in no way affected by the purchase of shares of the Master Fund by Qualified Plans.

B. Rule 6e–3(T)—Flexible Premium Variable Life Insurance Contracts

5. In connection with flexible premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a UIT, Rule 6e–3(T)(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act. The exemptions provided by Rule 6e–3(T)(b)(15) also are available to a separate account's investment adviser, principal underwriter and sponsor or depositor. Rule 6e–3(T)(b)(15) exemptions are available, however, only if all of the assets of the separate account consist of shares of one or more underlying funds which offer their shares exclusively to such separate accounts of the life insurer, or its affiliated life insurance companies, offering either scheduled premium or flexible premium variable life insurance contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company. Rule 6e–3(T) therefore permits "mixed funding" for flexible premium variable life insurance separate accounts, subject to certain conditions, but does not permit "shared funding." Moreover, because Rule 6e–3(T) relief is available only where underlying fund shares are offered exclusively to separate accounts, additional exemptive relief is necessary because shares of the Insurance Products Funds also are sold to Qualified Plans.

6. Rule 6e–3(T)(b)(15) also does not exempt Managed-Separate Accounts of Participating Insurance Companies functioning as "feeders" by virtue of the acquisition of beneficial interests in a Master Fund, because such Managed-Separate Account would not be registered as a UIT. Applicants assert that the exemptive relief granted by Rule 6e–3(T)(b)(15) should be extended to Managed-Separate Accounts of Participating Insurance Companies to the extent they are required to vote on issues affecting the Master Funds, which will solicit votes of their interest holders under certain circumstances. Applicants further assert that the extension of this relief to the Managed-Separate Accounts is consistent with the purpose and intent of Rule 6e–3(T). Applicants submit that the relief granted by Rule 6e–3(T) also is in no way affected by the purchase of shares of the Insurance Products Funds by Qualified Plans, or by the possible future purchase of Master Funds shares by Qualified Plans.

C. Request for Class Relief

7. Applicants request that the Commission grant exemptive relief to a class or classes of persons and transactions, consisting of: (i) Insurers and separate accounts (organized as UITs) of Participating Insurance Companies investing in Insurance Products Funds; (ii) insurers and separate accounts (organized as managed separate accounts) of Participating Insurance Companies investing in Master Funds; and (iii) with respect to (i) and (ii) above, each of their investment advisers, principal underwriters and depositors.

8. Applicants state that the requested class relief is appropriate in the public interest. Such relief will promote competitiveness in the market by eliminating the need to file redundant exemptive applications, therefore, reducing administrative expenses and maximizing the efficient use of resources. Applicants assert that the delay and expense involved in having to seek exemptive relief repeatedly would impair their ability to take advantage effectively of business opportunities as they arise. Applicants submit that the requested relief is consistent with the purposes of the 1940 Act and the protection of investors for the same reasons. Finally, Applicants state that were they required to seek repeated exemptive relief with respect to the issues addressed in the application, no additional benefit or protection would be provided to investors through the redundant filings. Applicants submit that they are not aware of any facts or circumstances which would prevent the extension of the relief requested to the class of Managed-Separate Accounts of Participating Insurance Companies investing directly in the Master Funds.

D. Disqualification

9. Section 9(a) prohibits any company from serving as investment adviser or principal underwriter of any registered open-end investment company if an affiliated person of that company is subject to a disqualification specified in subparagraph (1) or (2) of that section.[6] Paragraphs (b)(15)(i) and (ii) of Rules 6e–2 and 6e–3(T) provide partial exemptions from Section 9(a) under certain circumstances, subject to limitations on mixed and shared funding. These partial exemptions only are available to UIT-Separate Accounts and limit the disqualification to affiliated individuals or companies directly participating in the

[5] Applicants state that the sale of shares of the same investment company to separate accounts and to Qualified Plans was not contemplated at the time of the adoption of Rules 6e–2 and 6e–3(T), given the then-current tax laws. Further, the promulgation of paragraph (b)(15) of Rules 6e–2 and 6e–3(T) preceded the issuance of the Treasury Regulations permitting the trustee of a Qualified Plan to hold shares of an investment company without adversely affecting the ability of insurance company separate accounts to hold shares of the same investment company.

[6] Applicants state that no relief from Section 9(a) is necessary with respect to the Qualified Plans which are not investment companies.

management or administration of the underlying fund.

10. Applicants state that the partial relief granted in paragraph (b)(15) of Rules 6e–2 and 6e–3(T) from the requirements of Section 9(a), in effect, limits the monitoring of an insurer's personnel that would otherwise be necessary to ensure compliance with Section 9 to that which is appropriate in light of the policy and purposes of that Section. Applicants further state that Rules 6e–2 and 6e–3(T) recognize that it is not necessary for the protection of investors or for the purposes of the 1940 Act to apply the provisions of Section 9(a) to the many individuals in an insurance company complex, most of whom typically will have no involvement in matters pertaining to an investment company in that organization. Applicants represent that Participating Insurance Companies are not expected to play any role in the management or administration of the Trust (and/or any successor to the trust) or of Managers Trust. Applicants therefore submit that applying the restrictions of Section 9(a) serves no regulatory purpose.

E. Pass-Through Voting

11. Subparagraph (b)(15)(iii) of Rules 6e–2 and 6e–3(T) assume the existence of a pass-through voting requirement with respect to underlying fund shares held by a separate account funding variable insurance contracts. These provisions are applicable to UIT-Separate Accounts. The application states that Participating Insurance Companies will provide pass-through voting privileges to all Contract owners so long as the Commission interprets the 1940 Act to require such privileges.

12. Subparagraph (b)(15)(iii)(A) of Rules 6e–2 and 6e–3(T) provides exemptions from the pass-through voting requirement with respect to several significant matters, assuming observance of the limitations on mixed and shared funding imposed by the 1940 Act and the rules thereunder. Subparagraph (b)(15)(iii)(A) of Rules 6e–2 and 6e–3(T) provide that an insurance company may disregard the voting instructions of its contract owners with respect to the investments of an underlying investment company or any contract between an investment company and its adviser when required to do so by an insurance regulatory authority under certain specified circumstances.

13. Subparagraph (b)(15)(iii)(B) of Rules 6e–2 and 6e–3(T) provides that the insurance company may disregard contract owners' voting instructions with regard to changes initiated by the contract holders in the investment company's investment policies, principal underwriter or investment adviser, provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(15)(iii) and (b)(7)(ii)(B) and (C) of each rule.

14. Applicants state that Rules 6e–2 and 6e–3(T) were adopted by the Commission before the "master-feeder" structure was developed. Applicants assert that a Separate Account's acquisition of Successor Trust shares or of beneficial interests of the Master Funds should not change the purpose and intent of Rules 6e–2 and 6e–3(T). Accordingly, Applicants further assert that, because Master Funds from time-to-time solicit votes from their interest holders with respect to certain issues relating to their operations, the exemption from pass-through voting requirements of Rules 6e–2 and 6e–3(T) should be extended to the Managed-Separate Accounts of Participating Insurance Companies investing directly in the Master Funds.

15. Applicants represent that the sale of Insurance Products Funds' shares to Qualified Plans will not have any impact on the relief requested. As noted previously by Applicants, shares of the Insurance Products Funds sold to Qualified Plans will be held by their trustees as mandated by Section 403(a) of ERISA. Section 403(a) also provides that the trustees must have exclusive authority and discretion to manage and control the Qualified Plan with two exceptions: (1) when the Plan expressly provides that the trustees are subject to the direction of a named fiduciary who is not a trustee, in which case the trustees are subject to proper directions made in accordance with the terms of the Qualified Plan and not contrary to ERISA, and (2) when the authority to manage, acquire or dispose of assets of the Qualified Plan is delegated to one or more managers pursuant to Section 402(c)(3) of ERISA. Unless one of the two exceptions stated in Section 403(a) applies, Qualified Plan trustees have the exclusive authority and responsibility for voting proxies. Where a named fiduciary appoints an investment manager, the investment manager has the responsibility to vote the shares held unless the right to vote such shares is reserved to the trustees or to the named fiduciary. In any event, there is no pass-through voting to the participants of such Qualified Plans and, thus, the issue of the resolution of irreconcilable conflicts with respect to voting is not present with Qualified Plans.

F. No Increased Conflicts of Interests

16. Applicants assert that no increased conflicts of interest would be present if the Commission grants the relief requested. Applicants further assert that shared funding does not present any issues that do not already exist where a single insurance company is licensed to do business in several states. Applicants note that when different Participating Insurance Companies are domiciled in different states, state insurance regulators in one state could require action that is inconsistent with the requirements of insurance regulators in one or more other states. That possibility, however, is no different and no greater than that which exists when a single insurer and its affiliates offer their insurance products in several states, as currently is permitted.

17. Applicants argue that affiliations do not reduce the potential, if any exists, for differences in state regulatory requirements. The conditions stated below are adapted from the conditions included in Rule 6e–3(T)(b)(15) and are designed to safeguard against any adverse effects that differences among state regulatory requirements may produce. If a particular state insurance regulator's policy conflicts with the policies of a majority of other state regulators, the affected insurer may be required to withdraw its Separate Account's investments in the relevant Insurance Products Fund or Master Fund.

18. Applicants also argue that affiliation does not eliminate the potential, if any, for divergent judgments as to when a Participating Insurance Company could disregard variable contract owner voting instructions. Applicants assert that the potential for disagreement is limited by the requirement that a decision to disregard voting instructions be reasonable and based on specified good faith determinations. If, however, a Participating Insurance Company's decision to disregard Contract owner voting instructions represents a minority position, or would preclude a majority vote approving a particular change, Applicants represent that such Participating Insurance Company may be required, at the election of the relevant Insurance Products Fund or Master Fund, to withdraw its Separate Account's investment in that Fund and no charge or penalty will be imposed as a result of such withdrawal.

19. Applicants assert that there is no reason why the investment policies of an Insurance Products Fund or Master Fund with mixed funding would or

should be materially different from what they would or should be if such investment company or series thereof funded only variable annuity or variable life insurance contracts. Applicants represent that Insurance Products Funds or Master Funds will not be managed to favor or disfavor any particular insurer or type of Contract.

20. Applicants state that no one investment strategy can be identified as appropriate to a particular insurance product because each pool of variable contract owners is composed of individuals of diverse financial status, age, insurance and investment goals. These diversities are of greater significance than any differences in insurance products. An underlying fund supporting even one type of insurance product must accommodate those diverse factors.

21. Applicants note that Section 817(h) of the Code imposes certain diversification standards on the underlying assets of variable annuity and variable life contracts held in the portfolios of underlying funds. Treasury Regulation 1.817–5(f)(3)(iii), which established diversification requirements for such portfolios, specifically permits, among other things, "qualified pension or retirement plans" and separate accounts to share the same underlying fund. Therefore, Applicants have concluded that neither the Code, the Treasury Regulations nor Revenue Rulings thereunder recognize any inherent conflicts of interest if Qualified Plans and variable annuity and variable life separate accounts all invest in the same Underlying Fund.

22. Applicants also note that there are differences in the manner in which distributions are taxed for variable annuities, variable life insurance contracts and Qualified Plans. Applicants assert, however, that the differences in tax consequences do not raise any conflicts of interest. When distributions are to be made, and the Separate Account or the Qualified Plan cannot net purchase payments to make the distributions, each will redeem shares of the Trust (and/or any successor entity to the Trust) at their net asset value. The Qualified Plan will then make distributions in accordance with its terms and the life insurance company will make distributions in accordance with the terms of the variable contract.

23. With respect to voting rights, Applicants contend that it is possible to provide an equitable means of giving such voting rights to Contract owners and to Qualified Plans. Applicants represent that the transfer agent for the Insurance Products Fund will inform each Participating Insurance Company of its Separate Accounts' share ownership and the trustees of each Qualified Plan of their respective holdings in the Fund. Each Participating Insurance Company then will solicit voting instructions in accordance with Rules 6e–2 and 6e–3(T). The transfer agent for the Master Funds will inform each Insurance Products Fund and each Participating Insurance Company with a Managed-Separate Account invested in a Master Fund, as well as the trustees of any Qualified Plan so invested, of its beneficial interest.

24. As with the Insurance Products Funds, there will be certain issues on which a shareholder vote is required that relate solely to the operations of the Managed-Separate Accounts for which such Separate Account will solicit votes of its contract owners. As to those issues on which a vote is required that relates to the operations of the Master Funds, Applicants state that the Master Funds will solicit votes of their interest holders, which would include both the Insurance Products Funds, the Managed-Separate Accounts of Participating Insurance Companies and the trustees of any Qualified Plan. Insurance Products Funds, in turn, will solicit their shareholders, the UIT-Separate Accounts of Participating Insurance Companies, which will solicit voting instructions from their contract owners, as noted above. The Managed-Separate Accounts will solicit proxies from their Contract owners.

25. Applicants assert that the ability of Insurance Products Funds or Master Funds to sell their respective shares or beneficial interests directly to Qualified Plans does not create a "senior security," as defined under Section 18(g) of the 1940 Act, with respect to any contract owner as compared to a participant under a Qualified Plan. Regardless of the rights and benefits of participants under Qualified Plans, or contract owners under variable contracts, Qualified Plans and Separate Accounts have rights only with respect to their respective Insurance Products Fund shares, which they can redeem only at net asset value. No shareholder of any of the Insurance Products Funds, and no interest holder of any Master Fund, has any preference over any other shareholder or interest holder with respect to distribution of assets or payment of dividends.

26. Applicants further assert that there are no conflicts between the Contract owners and Qualified Plan participants with respect to state insurance commissioners' veto powers over the Insurance Products Funds' or Master Funds' investment objectives. The basic premise of shareholder voting is that not all shareholders may agree that there are any inherent conflicts of interest between shareholders. The state insurance commissioners have been given veto power in recognition of the fact that insurance companies cannot redeem their Separate Accounts out of one underlying fund and invest in another fund but must undertake time-consuming, complex transactions to accomplish such redemptions and transfers. Trustees of Qualified Plans can redeem their shares in an Insurance Products Fund, or beneficial interests in a Master Fund, and reinvest in another fund quickly and implement their decisions without the same regulatory impediments or, as is the case with most Qualified Plans, even hold cash pending reinvestment. Applicants assert that, based on the foregoing, even if there should arise issues where the interests of contract owners and the interests of Qualified Plans conflict, these issues can be almost immediately resolved because trustees of Qualified Plans can, on their own, redeem the shares out of the Insurance Products Funds or the beneficial interests out of the Master Fund.

27. Applicants further assert that the potential for conflict is not increased by allowing Managed-Separate Accounts to invest directly in the Master Funds at the same time as UIT-Separate Accounts are invested in the Insurance Products Funds. Because both types of Separate Accounts are subject to the same state insurance regulatory authority and the same concerns with respect to funding their contracts, one type of separate account investing directly and the other investing indirectly in the same portfolio of securities does not increase the potential for conflict with respect to state insurance regulation and divergent judgments as to when a Participating Insurance Company can disregard variable contract voting instructions. The potential for conflict also is not increased by the possible investment in the Master Funds by Qualified Plans. As noted above, in the event of a conflict, Trustees of Qualified Plans can, on their own, redeem their beneficial interests out of the Master Funds.

G. General Grounds for Relief

28. Applicants assert that various factors have kept certain insurance companies from offering variable annuity and variable life insurance contracts. According to Applicants, these factors include: the costs of organizing and operating a funding medium; a lack of expertise with respect to investment management, principally with respect to stock and money market

investments; and the lack of public name recognition as investment experts. Applicants argue that use of Insurance Products Funds and Master Funds as common investment media for variable contracts would ease those concerns. Participating Insurance Companies would benefit from the investment advisory and administrative expertise of the Investment Adviser and also from the cost efficiencies and investment flexibility afforded by a larger pool of funds. Applicants state that making Insurance Products Funds and Master Funds available for mixed and shared funding will encourage more insurance companies to offer variable contracts, such as the Contracts, which may then increase competition with respect to both the design and pricing of variable insurance contracts. Applicants submit that this can be expected to result in greater product variation and lower charges. Thus, Applicants argue that Contract owners would benefit because mixed and shared funding will eliminate a significant portion of the costs of establishing and administering separate funds and that these savings may be passed on to customers.

29. Moreover, Applicants assert that the sale of Insurance Products Funds' shares to Qualified Plans should increase the amount of assets available for investment by such Funds. This, in turn, should promote economies of scale, permit increased safety through greater diversification, and make the addition of new Series to Insurance Products Funds more feasible.

30. Applicants state that they are not aware of any facts or circumstances which would prevent the extension of the requested relief to master-feeder arrangements that include the class of Managed-Separate Accounts investing directly in the Master Funds.

31. Applicants also state that they are not aware of any rationale for excluding Participating Insurance Companies from the exemptive relief requested because Insurance Products Funds also may sell their respective shares, and Master Funds may sell their beneficial shares, to Qualified Plans. Applicants submit that the relief provided under paragraph (b)(15) of Rules 6e–2 and 6e–3(T) does not relate to Qualified Plans or to a registered investment company's ability to sell its shares to such Plans. Applicants state that they request exemptive relief because the Separate Accounts investing in Insurance Products Funds are themselves investment companies seeking relief under Rules 6e–2 and 6e–3(T), and Applicants do not wish to be denied such relief if Insurance Products Funds sell shares, or Master Funds sell beneficial interests, to Qualified Plans.

32. Applicants assert that, for the reasons stated below, the requested exemptions are 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.

33. Applicants represent that, under the Trust's current structure, each Trust Portfolio pays a fee to the Investment Adviser for both investment advisory and administrative services. Under the master-feeder fund structure, the Investment Adviser would be paid an administration fee by each Successor Portfolio and a management fee by each Series (with the exception of the International Portfolio and the corresponding International Series which have not commenced investment operations, have different advisory arrangements, and have a different fee structure). The combined management and administration fees paid under the master-feeder fund structure would be higher than the current investment advisory fee by 0.15% of average daily net assets annually paid by the Trust. Applicants represent that the Trust's Board of Trustees, after review of the fees, expenses and profitability of the Adviser, determined to approve the increase in fees and concluded that higher management and administration fees were justified, even absent the conversion to the master-feeder fund structure. At the Special Meeting of shareholders of the Trust, shareholders approved the fee increase as part of their approval of the conversion of the Trust to the master-feeder fund structure. Under the new master-feeder fund structure, all of the Series would have management fees that decline with increasing assets. At present, only three Trust Portfolios have such fee structures. Applicants assert that the introduction of such "breakpoints" for all Series could ultimately benefit shareholders by reducing the rate of management fees over time as assets grow.

34. Applicants further assert that upon conversion to the master-feeder fund structure, the Trust's Distribution Plan, adopted pursuant to Rule 12b–1 under the 1940 Act, will be eliminated. The Distribution Plan currently permits each Trust Portfolio to pay up to 0.25% of its average daily net assets for certain items relating to the sale of each Trust Portfolio's share.[7] Applicants maintain that the termination of the current Distribution Plan and the adoption of a new non-fee Distribution Plan, approved by the shareholders of the Trust at the Special Meeting, will eliminate any separate payment for distribution expenses.

[7] Actual expenses under the Distribution Plan for the Trust Portfolio for the year ended December 31, 1994, ranged from 0.01% to 0.07% of average daily net assets per Trust Portfolio.

Applicants' Conditions

The Applicants have consented to the following conditions:

1. A majority of the Trustees or Board of Directors (each a "Board" and collectively, "Boards") of each Insurance Products Funds and Master Fund will consist of persons who are not "interested persons" thereof, as defined by Section 2(a)(19) of the 1940 Act and Rules thereunder and as modified by any applicable orders of the Commission, except that, if this condition is not met by reason of death, disqualification, or bona fide resignation of any trustee or director, then the operation of this condition shall be suspended: (a) for a period of 45 days, if the vacancy or vacancies may be filled by the Board; (b) for a period of 60 days, if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. The Boards will monitor their respective Insurance Products Funds and Master Funds for the existence of any material irreconcilable conflict between the interests of the Contract owners of all Separate Accounts investing in the Insurance Products Funds and Master Funds. A material irreconcilable conflict may arise for a variety of reasons, including: (a) State insurance regulatory authority action; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of the Insurance Products Funds and Master Funds are being managed; (e) a difference in voting instructions given by variable annuity and variable life insurance Contract owners or by Contract owners of different Participating Insurance Companies; or (f) a decision by a Participating Insurance Company to disregard voting instructions of contract owners.

3. Participating Insurance Companies, Investment Adviser (or any other investment advisor of the Insurance Products Funds and/or Master Funds), and any Qualified Plan that executes a fund participation agreement upon

becoming an owner of 10% or more of the assets of an Insurance Products Fund or Master Funds (collectively, "Participants") will report any potential or existing conflicts to the Boards. Participants will be responsible for assisting the appropriate Board in carrying out its responsibilities under these conditions by providing the Board with all information reasonably necessary for it to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each Participant to inform the Board whenever variable contract owner voting instructions are disregarded. The responsibility to report such information and conflicts and to assist the Board will be a contractual obligation of all Participants investing in Insurance Products Funds and Master Funds under their agreements governing participation in such Funds, and such agreements shall provide that these responsibilities will be carried out with a view only to the interests of the Contract owners.

4. If a majority of the Board of an Insurance Products Fund or Master Fund, or majority of its disinterested trustees or directors, determine that a material irreconcilable conflict exists, the relevant Participant, at its expense and to the extent reasonably practicable (as determined by a majority of disinterested trustees or directors), will take any steps necessary to remedy or eliminate the irreconcilable material conflict, including: (a) Withdrawing the assets allocable to some or all of the Separate Accounts from an Insurance Products Fund or Master Fund or any Series thereof and reinvesting those assets in a different investment medium, which may include another series of an Insurance Products Fund or Master Fund, or another Insurance Products Fund or Master Fund, or submitting the question as to whether such segregation should be implemented to a vote of all affected variable Contract owners and, as appropriate, segregating the assets of any appropriate group (*i.e.*, variable annuity or variable annuity Contract owners of one or more Participants) that votes in favor of such segregation, or offering to the affected variable Contract owners the option of making such a change; and (b) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a Participant's decision to disregard Contract owner voting instructions, and that decision represents a minority position or would preclude a majority vote, the Participant may be required, at the election of the relevant Insurance Products Fund or Master Fund, to withdraw its separate account's investment in such Fund, and no charge or penalty will be imposed as a result of such withdrawal.

The responsibility to take remedial action in the event of a Board determination of an irreconcilable material conflict and to bear the cost of such remedial action shall be a contractual obligation of all Participants under their agreements governing their participation in the Insurance Products Funds and Master Funds. The responsibility to take such remedial action shall be carried out with a view only to the interests of the Contract owners.

For the purposes of condition (4), a majority of the disinterested members of the applicable Board shall determine whether or not any proposed action adequately remedies any irreconcilable material conflict, but in no event will the relevant Insurance Products Fund or Master Fund or the Investment Adviser (or any other investment adviser of the Insurance Products Funds and/or Master Funds) be required to establish a new funding medium for any variable contract. Further, no Participant shall be required by this condition (4) to establish a new funding medium for any variable contract if any offer to do so has been declined by a vote of a majority of Contract owners materially affected by the irreconcilable material conflict

5. Any Board's determination of the existence of an irreconcilable material conflict and its implications shall be made known promptly and in writing to all Participants.

6. Participants will provide pass-through voting privileges to all Contract owners so long as the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for variable Contract owners This condition will apply to UIT-Separate Accounts investing in Insurance Products Funds and to Managed-Separate Accounts investing in Master Funds to the extent a vote is required with respect to matters relating to the Master Funds. Accordingly, the Participants, where applicable, will vote shares of an Insurance Products Fund or Master Fund held in their separate accounts in a manner consistent with voting instructions timely received from variable contract owners. Participants will be responsible for assuring that each of their Separate Accounts that participates in the Insurance Products Funds and Master Funds calculates voting privileges in a manner consistent with other Participants. The obligation to calculate voting privileges in a manner consistent with all other Separate Accounts investing in the Insurance Products Fund and Master Fund will be a contractual obligation of all Participants under the agreements governing participation in the Insurance Products Funds or Master Fund. Each Participant will vote shares for which it has not received timely voting instructions, as well as shares it owns, in the same proportion as it votes those shares for which it has received voting instructions.

7 All reports received by the Board of potential or existing conflicts, and all Board action with regard to (a) Determining the existence of a conflict. (b) notifying Participants of a conflict, and (c) determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the appropriate Board or other appropriate records, such minutes or other records shall be made available to the Commission upon request.

8. Each Insurance Products Fund and Master Fund will notify all Participants that Separate Accounts prospectus disclosure (contained in Form N–4 with respect to UIT-Separate Accounts investing in Insurance Products Funds, and in Form N–3 with respect to Managed-Separate Accounts investing in Master Funds) regarding potential risks of mixed and shared funding may be appropriate Each Insurance Products Fund shall disclose in its prospectus that (a) shares of the Fund may be offered to insurance company separate accounts of both annuity and life insurance variable contracts, and to qualified plans, (b) due to differences of tax treatment and other considerations, the interests of various contract owners participating in the Funds and the interests of Qualified Plans investing in the Funds may conflict; and (c) the Board will monitor the Funds for any material conflicts and determine what action, if any, should be taken.

9. Each Insurance Products Fund and Master Fund will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in the shares of the Insurance Products Fund or Master Fund), and in particular each such fund either will either provide for annual meetings (except insofar as the Commission may interpret Section 16 of the 1940 Act not to require such meetings) or comply with Section 16(c) (although the funds are not one of the trusts described in this section), as well as with Section 16(a) and, if applicable, Section 16(b). Further, each Insurance Products Fund and Master Fund will act in accordance with the Commission's interpretation of the requirements of

Section 16(a) with respect to periodic elections of directors (or trustees) and with whatever rules the Commission may adopt with respect thereto.

10. If and to the extent Rule 6e–2 and Rule 6e–3(T) are amended, or Rule 6e–3 is adopted, to provide exemptive relief from any provision of the 1940 Act or the rules thereunder with respect to mixed and shared funding on terms and conditions materially different from any exemptions granted in the order requested, then the Insurance Products Fund, Master Funds and/or the Participants, as appropriate, shall take such steps as may be necessary to comply with Rule 6e–2 and Rule 6e–3(T), as amended, and Rule 6e–3, as adopted, to the extent such Rules are applicable.

11. No less than annually, the Participants shall submit to the Boards such reports, materials or data as such Boards may reasonably request so that the Boards may fully carry out the obligations imposed upon them by these conditions. Such reports, materials, and data shall be submitted more frequently if deemed appropriate by the applicable Boards. The obligations of the Participants to provide these reports, materials, and data to the Boards, when the appropriate Board so reasonably requests, shall be a contractual obligation of all Participants under the agreements governing their participation in the Insurance Products Funds and Master Funds.

12 If a Qualified Plan becomes an owner of 10% or more of the assets of an Insurance Products Fund (or Master Fund), such Qualified Plan shareholder will execute a participation agreement with the applicable Fund. A Qualified Plan shareholder will execute an application containing an acknowledgment of this condition upon such Qualified Plan's initial purchase of shares of the Insurance Products Fund, or beneficial interests of a Master Fund.

Conclusion

For the reasons stated above, Applicants assert that the requested exemptions pursuant to Section 6(c) and Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder, are 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. 95–9517 Filed 4–17–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20997; 811–3791]

SAFECO California Tax-Free Income Fund, Inc.; Notice of Application

April 12, 1995.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: SAFECO California Tax-Free Income Fund, Inc.

RELEVENT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company under the Act.

FILING DATE: The application was filed on March 31, 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 May 8, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, SAFECO Plaza, Seattle, WA 98185.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 942–0571, or Robert A. Robertson, Branch Chief, (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 at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a corporation under the laws of the State of Washington. On July 1, 1983, applicant registered under the Act as an investment company and filed a registration statement under the Securities Act of 1933 to register its shares. The registration statement was declared effective on October 20, 1983 and applicant's initial public offering commenced on that same date.

2. On May 6, 1993, applicant's board of directors approved a plan of reorganization (the "Plan") between applicant and SAFECO Tax-Exempt Bond Trust (the "Trust") on behalf of its series SAFECO California Tax-Free Income Fund (the "Acquiring Fund").[1] The Trust is an investment company organized under the laws of Delaware.

3. By moving its assets from a Washington corporation to a Delaware trust, applicant expects its shareholders to benefit from the adoption of new methods of operations and employment of new technologies that are expected to reduce costs. For example, Washington corporations are required to hold annual meetings, whereas a series of the Trust has no such requirement. Further, Delaware trusts generally have greater flexibility than Washington corporations to respond to future contingencies, allowing such trusts to operate under the most advanced and cost efficient form of organization. For example, Delaware law authorizes electronic or telephonic communications between a Delaware trust and its shareholders. In addition, as one of the several series of the Trust, applicant's shareholders should enjoy certain expense savings through economies of scale that would not be available to a stand-alone entity

4. On May 7, 1993, applicant filed proxy materials with the SEC relating to the proposed reorganization and afterwards distributed such proxy materials to its shareholders. Applicant's shareholders approved the reorganization at a meeting held on August 5, 1993.

5. Pursuant to the Plan, applicant transferred all of its assets and liabilities to the Acquiring Fund on September 30, 1993, in exchange for shares of the Acquiring Fund. The exchange was based on the relative net asset value of applicant and the Acquiring Fund. Immediately thereafter, applicant distributed *pro rata* to its shareholders the Acquiring Fund shares it received in the reorganization. No brokerage commissions were incurred in this reorganization.

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[1] Applicant's board of directors determined that the Plan was in the best interests of applicant and that the interests of applicant's existing shareholders would not be diluted as a result of effecting the transaction.

6. The total expenses incurred in connection with the reorganization, consisting of legal fees, accounting fees, and printing and mailing costs of proxy materials, were $4,867 and were paid by applicant.

7. As of the date of the application, applicant had no assets, debts or liabilities, and was not a party to any litigation or administrative proceeding.

8. Applicant has filed a certificate of dissolution with the State of Washington on October 1, 1993.

9. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9521 Filed 4–17–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20999; 811–1534]

SAFECO Growth Fund, Inc.; Notice of Application

April 12, 1995.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: SAFECO Growth Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company under the Act.

FILING DATE: The application was filed on March 31, 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 May 8, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, SAFECO Plaza, Seattle, WA 98185.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 942–0571, or Robert A. Robertson, Branch Chief, (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 at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a corporation under the laws of the State of Washington. In 1967, applicant filed a registration statement pursuant to section 8(b) of the Act and a registration statement pursuant to the Securities Act of 1933 to register its shares of common stock. After the registration statements became effective, applicant commenced the initial public offering of its shares.

2. On May 6, 1993, applicant's board of directors approved a plan of reorganization (the "Plan") between applicant and SAFECO Common Stock Trust (the "Trust") on behalf of its series SAFECO Growth Fund (the "Acquiring Fund").[1] The Trust is an investment company organized under the laws of Delaware.

3. By moving its assets from a Washington corporation to a Delaware trust, applicant expects its shareholders to benefit from the adoption of new methods of operations and employment of new technologies that are expected to reduce costs. For example, Washington corporations are required to hold annual meetings, whereas a series of the Trust has no such requirement. Further, Delaware trusts generally have greater flexibility than Washington corporations to respond to future contingencies, allowing such trusts to operate under the most advanced and cost efficient form of organization. For example, Delaware law authorizes electronic or telephonic communications between a Delaware trust and its shareholders. In addition, as one of several series of the Trust, applicant's shareholders should enjoy certain expense savings through economies of scale that would not be available to a stand-alone entity.

4. On May 7, 1993, applicant filed proxy materials with the SEC relating to the proposed reorganization and afterwards distributed such proxy materials to its shareholders.

[1] Applicant's board of directors determined that the Plan was in the best interests of applicant and that the interests of applicant's existing shareholders would not be diluted as a result of effecting the transactions.

Applicant's shareholders approved the reorganization at a meeting held on August 5, 1993.

5. Pursuant to the Plan, applicant transferred all of its assets and liabilities to the Fund on September 30, 1993, in exchange for shares of the Acquiring Fund. The exchange was based on the relative net asset value of applicant and the Acquiring Fund. Immediately thereafter, applicant distributed *pro rata* to its shareholders the Acquiring Fund shares it received in the reorganization. No brokerage commissions were incurred in this reorganization.

6. The total expenses incurred in connection with the reorganization, consisting of legal fees, accounting fees, and printing and mailing costs of proxy materials, were $39,242 and were paid by applicant.

7 As of the date of the application, applicant had no assets, debts or liabilities, and was not a party to any litigation or administrative proceeding.

8. Applicant has filed a certificate of dissolution with the State of Washington on October 1, 1993.

9. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 95–9519 Filed 4–17–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21001; 811–5541]

SAFECO High-Yield Bond Fund, Inc.; Notice of Application

April 12, 1995

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: SAFECO High-Yield Bond Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company

FILING DATE: The application was filed on March 31, 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 May 8, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, SAFECO Plaza, Seattle, WA 98185.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company that was organized as a corporation under the laws of the State of Washington. On May 25, 1988, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on September 7, 1988, and the initial public offering commenced on that date.

2. On May 6, 1993, applicant's board of directors approved an agreement and plan of reorganization (the "Plan") between applicant and SAFECO Taxable Bond Trust, a registered open-end management investment company organized under the laws of Delaware (the "Acquiring Fund").[1]

3. By moving its assets from a Washington corporation to a Delaware trust, applicant expects its shareholders to benefit from the adoption of new methods of operations and employment of new technologies that are expected to reduce costs. For example, Washington corporations are required to hold annual meetings, whereas Delaware trusts have no such requirement. Further, Delaware trusts generally have greater flexibility than Washington corporations to respond to future contingencies, allowing such trusts to operate under the most advanced and cost efficient form of organization. For example, Delaware law authorizes electronic or telephonic communications between a Delaware trust and its shareholders. In addition, as one of several series of the Acquiring Fund, applicant's shareholders should enjoy certain expense savings through economies of scale that would not be available to a stand-alone entity.

4. On May 7, 1993, applicant filed proxy materials with the SEC and afterwards distributed such proxy materials to its shareholders. On August 5, 1993, applicant's shareholders approved the reorganization.

5. Pursuant to the Plan, on September 30, 1993, applicant transferred all of its assets to the Acquiring Fund in exchange for shares of the Acquiring Fund. Immediately thereafter, applicant distributed *pro rata* to its shareholders the shares it received from the Acquiring Fund in the reorganization. On September 30, 1993, applicant had 3,068,197.248 shares outstanding, having an aggregate net asset value of $28,290,701.59 and a per share net asset value of $9.22.

6. Expenses incurred in connection with the reorganization, consisting of legal fees, accounting fees, and printing and mailing costs for the proxy solicitation, were approximately $6,776 and were paid by applicant.

7. There are no security holders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

8. Applicant filed articles of dissolution on October 1, 1993 with the State of Washington.

9. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9518 Filed 4–17–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant's board of directors determined that the Plan was in the best interests of applicant and that the interests of applicant's existing shareholders would not be diluted as a result of effecting the transactions.

[Rel. No. IC–20998; 811–1760]

SAFECO Income Fund, Inc.; Notice of Application

April 12, 1995.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: SAFECO Income Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company under the Act.

FILING DATE: The application was filed on March 31, 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 May 8, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, DC 20549. Applicant, SAFECO Plaza, Seattle, WA 98185.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 942–0571, or Robert A. Robertson, Branch Chief, (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 at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a corporation under the laws of the State of Washington. In 1969, applicant filed a registration statement pursuant to section 8(b) of the Act and a registration statement pursuant to the Securities Act of 1933 to register its shares of common stock. The registration statements became effective on July 17, 1969 and the initial public offering of its shares commenced that same date.

2. On May 6, 1993, applicant's board of directors approved a plan of reorganization (the "Plan") between applicant and SAFECO Common Stock Trust (the "Trust) on behalf of its series SAFECO Income Fund (the "Acquiring

Fund).[1] The Trust is an investment company organized under the laws of Delaware.

3. By moving its assets from a Washington corporation to a Delaware trust, applicant expects its shareholders to benefit from the adoption of new methods of operations and employment of new technologies that are expected to reduce costs. For example, Washington corporations are required to hold annual meetings, whereas a series of the Trust has no such requirement. Further, Delaware trusts generally have greater flexibility than Washington corporations to respond to future contingencies, allowing such trusts to operate under the most advanced and cost efficient form of organization. For example, Delaware law authorizes electronic or telephonic communications between a Delaware trust and its shareholders. In addition, as one of several series of the Trust, applicant's shareholders should enjoy certain expense savings through economies of scale that would not be available to a stand-alone entity.

4. On May 7, 1993, applicant filed proxy materials with the SEC relating to the proposed reorganization and afterwards distributed such proxy materials to its shareholders. Applicant's shareholders approved the reorganization at a meeting held on August 5, 1993.

5. Pursuant to the Plan, applicant transferred all of its assets and liabilities to the Fund on September 30, 1993, in exchange for shares of the Fund. The exchange was based on the relative net asset value of applicant and the Acquiring Fund. Immediately thereafter, applicant distributed *pro rata* to its shareholders the Acquiring Fund shares it received in the reorganization. No brokerage commissions were incurred in this reorganization.

6. The total expenses incurred in connection with the reorganization, consisting of legal fees, accounting fees, and printing and mailing costs of proxy materials, were $48,203 and were paid by applicant.

7. As of the date of the application, applicant had no assets, debts or liabilities, and was not a party to any litigation or administrative proceeding.

8. Applicant has filed a certificate of dissolution with the State of Washington on October 1, 1993.

9. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

[1] Applicant's board of directors determined that the Plan was in the best interests of applicant and that the interests of applicant's existing shareholders would not be diluted as a result of effecting the transactions.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-9523 Filed 4-17-95; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-20995; 811-3239]

SAFECO Municipal Bond Fund, Inc.; Notice of Application

April 12, 1995.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: SAFECO Municipal Bond Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on March 31, 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 May 8, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, SAFECO Plaza, Seattle, WA 98185

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942-0572, or C. David Messman, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company that was organized as a corporation under the laws of the State of Washington. On August 10, 1981, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on November 25, 1981, and the initial public offering commenced on that date.

2. On May 6, 1993, applicant's board of directors approved an agreement and plan of reorganization (the "Plan") between applicant and SAFECO Tax-Exempt Bond Trust, a registered open-end management investment company organized under the laws of Delaware (the "Acquiring Fund").[1]

3. By moving its assets from a Washington corporation to a Delaware trust, applicant expects its shareholders to benefit from the adoption of new methods of operations and employment of new technologies that are expected to reduce costs. For example, Washington corporations are required to hold annual meetings, whereas Delaware trusts have no such requirement. Further, Delaware trusts generally have greater flexibility than Washington corporations to respond to future contingencies, allowing such trusts to operate under the most advanced and cost efficient form of organization. For example, Delaware law authorizes electronic or telephonic communications between a Delaware trust and its shareholders. In addition, as one of several series of the Acquiring Fund, applicant's shareholders should enjoy certain expense savings through economies of scale that would not be available to a stand-alone entity.

4. May 7, 1993, applicant filed proxy materials with the SEC and afterwards distributed such proxy materials to its shareholders. On August 5, 1993, applicant's shareholders approved the reorganization.

5. Pursuant to the Plan, on September 30, 1993, applicant transferred all of its assets to the Acquiring Fund in exchange for shares of the Acquiring Fund. Immediately thereafter, applicant distributed *pro rata* to its shareholders the shares it received from the Acquiring Fund in the reorganization. On September 30, 1993, applicant had 39,409,779.448 shares outstanding, having an aggregate net asset value of $578,335,623.90 and a per share net asset value of $14.67.

6. Expenses incurred in connection with the reorganization, consisting of

[1] Applicant's board of directors determined that the Plan was in the best interests of applicant and that the interests of applicant's existing shareholders would not be diluted as a result of effecting the transactions.

legal fees, accounting fees, and printing and mailing costs for the proxy solicitation, were approximately $41,699 and were paid by applicant.

7. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

8. Applicant filed articles of dissolution on October 1, 1993 with the State of Washington.

9. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9524 Filed 4–17–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20994; 811–4055]

SAFECO Tax-Free Money Market Fund, Inc.; Notice of Application

April 12, 1995.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: SAFECO Tax-Free Money Market Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on March 31, 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 May 8, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, SAFECO Plaza, Seattle, WA 98185.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company that was organized as a corporation under the laws of the State of Washington. On June 22, 1984, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on September 25, 1984, and the initial public offering commenced on that date.

2. On May 6, 1993, applicant's board of directors approved an agreement and plan of reorganization (the "Plan") between applicant and SAFECO Money Market Trust, a registered open-end management investment company organized under the laws of Delaware (the "Acquiring Fund").[1]

3. By moving its assets from a Washington corporation to a Delaware trust, applicant expects its shareholders to benefit from the adoption of new methods of operations and employment of new technologies that are expected to reduce costs. For example, Washington corporations are required to hold annual meetings, whereas Delaware trusts have no such requirement. Further, Delaware trusts generally have greater flexibility than Washington corporations to respond to future contingencies, allowing such trusts to operate under the most advanced and cost efficient form of organization. For example, Delaware law authorizes electronic or telephonic communications between a Delaware trust and its shareholders. In addition, as one of several series of the Acquiring Fund, applicant's shareholders should enjoy certain expense savings through economies of scale that would not be available to a stand-alone entity.

4. On May 7, 1993, applicant filed proxy materials with the SEC and afterwards distributed such proxy materials to its shareholders. On August 5, 1993, applicant's shareholders approved the reorganization.

5. Pursuant to the Plan, on September 30, 1993, applicant transferred all of its assets to the Acquiring Fund in exchange for shares of the Acquiring Fund. Immediately thereafter, applicant distributed *pro rata* to its shareholders the shares it received from the Acquiring Fund in the reorganization. On September 30, 1993, applicant had 79,275,051.010 shares outstanding, having an aggregate net asset value of $79,275,051.01 and a per share net asset value of $1.00.

6. Expenses incurred in connection with the reorganization, consisting of legal fees, accounting fees, and printing and mailing costs for the proxy solicitation, were approximately $9,174 and were paid by applicant.

7. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

8. Applicant filed articles of dissolution on October 1, 1993 with the State of Washington.

9. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9525 Filed 4–17–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20996; 811–7298]

SAFECO Washington State Municipal Bond Fund, Inc.; Notice of Application

April 12, 1995.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: SAFECO Washington State Municipal Bond Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company under the Act.

FILING DATE: The application was filed on March 31, 1995.

[1] Applicant's board of directors determined that the Plan was in the best interests of applicant and that the interests of applicant's existing shareholders would not be diluted as a result of effecting the transactions.

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 May 8, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W. Washington, D.C. 20549. Applicant, SAFECO Plaza, Seattle, WA 98185.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 942–0571, or Robert A. Robertson, Branch Chief, (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 at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a corporation under the laws of the State of Washington. On September 4, 1990, applicant registered under the Act as an investment company and filed a registration statement under the Securities Act of 1933 to register its shares. The registration statement became effective on March 18, 1993 and the initial public offering of its shares commenced on that date.

2. On May 6, 1993, applicant's board of directors approved a plan of reorganization (the "Plan") between applicant and SAFECO Tax-Exempt Bond Trust (the "Trust") on behalf of its series, SAFECO Washington State Municipal Bond Fund (the "Acquiring Fund").[1] The Trust is an investment company organized under the laws of Delaware.

3. By moving its assets from a Washington corporation to a Delaware trust, applicant expects its shareholders to benefit from the adoption of new methods of operations and employment of new technologies that are expected to reduce costs. For example, Washington corporations are required to hold annual meetings, whereas a series of the Trust has no such requirement. Further, Delaware trusts generally have greater flexibility than Washington corporations to respond to future contingencies, allowing such trusts to operate under the most advanced and cost efficient form of organization. For example, Delaware law authorizes electronic or telephonic communications between a Delaware trust and its shareholders. In addition, as one of several series of the Trust, applicant's shareholders should enjoy certain expense savings through economies of scale that would not be available to a stand-alone entity.

4. On May 7, 1993, applicant filed proxy materials with the SEC relating to the proposed reorganization and afterwards distributed such proxy materials to its shareholders. Applicant's shareholders approved the reorganization at a meeting held on August 5, 1993.

5. Pursuant to the Plan, applicant transferred all of its assets and liabilities to the Acquiring Fund on September 30, 1993, in exchange for shares of the Acquiring Fund. The exchange was based on the relative net asset value of applicant and the Acquiring Fund. Immediately thereafter, applicant distributed *pro rata* to its shareholders the Acquiring Fund shares it received in the reorganization. No brokerage commissions were incurred in this reorganization.

6. The total expenses incurred in connection with the reorganization, consisting of legal fees, accounting fees, and printing and mailing costs of proxy materials, were $120. Applicant's former investment adviser, SAFECO Asset Management Company, paid these expenses.

7. As of the date of the application, applicant had no assets, debts or liabilities, and was not a party to any litigation or administrative proceeding.

8. Applicant has filed a certificate of dissolution with the State of Washington on October 1, 1993.

9. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9522 Filed 4–17–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant's board of directors determined that the Plan was in the best interests of applicant and that the interests of applicant's existing shareholders would not be diluted as a result of effecting the transactions.

SMALL BUSINESS ADMINISTRATION

[Application No. 99000164]

Capital for Entrepreneurs, Inc.; Notice of Filing of an Application for a License To Operate as a Specialized Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1995)) by Capital for Entrepreneurs, Inc., 4747 Troost Avenue, Kansas City, Missouri 64110, for a license to operate as a specialized small business investment company (SSBIC) under the Small Business Investment Act of 1958, as amended (15 U.S.C. et. seq.), and the Rules and Regulations promulgated thereunder. Capital for Entrepreneurs, Inc. is a Missouri corporation.

The Applicant will be wholly owned by the Center for Business Innovation, located at the same address as the applicant. The officers and directors of Capital for Entrepreneurs, Inc. are:

Name and Title

Robert J. Sherwood, President, Manager
Patti J. Klinko, Vice President, Secretary
Bertram E. Berkley, Director
Tension Envelope, 819 E. 19 Street, Kansas City, MO 64108
David M. Brain, Director
KPMG Peat Marwick, 1600 Commerce Bank Building, Kansas City, MO 64106
Terrence P. Dunn, Director
J.E. Dunn Construction Company, 929 Holmes, Kansas City, MO 64106
Tom D. Harmon, Director
Central Mortgage Bancshares, Inc., 4435 Main Street, Kansas City, MO 64111
Walter J. Rychlewski III, Director
Resume Expert Systems, 1201 E. West College, Liberty, MO 64068

Mr. Sherwood and Ms. Klinko have offices at 4747 Troost Avenue, Kansas City, Missouri.

The applicant will have total committed capital of $2.9 million. It will be a source of debt and equity financings for qualified small business concerns, and will invest primarily in the Kansas City area.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SSBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Kansas City, Missouri.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: April 9, 1995.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 95–9443 Filed 4–17–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 2189]

International Telecommunications Advisory Committee

Standardization Sector (ITAC–T) Study Group D; Meeting Notice

The Department of State announces that the United States International Telecommunications Advisory Committee Standardization Sector (ITAC–T), Study Group D will meet on Thursday, June 1, 1995, Room 1205, at 9:30 a.m. at the Department of State, 2201 C Street NW., Washington, DC 20521.

The agenda for Study Group D will include a report of the April meeting of ITU–T Study Group 14, and consideration of U.S.A. and company contributions to the June meeting of ITU–T Study Group 7. Other matters within the competence of Study Group D, including Rapporteur meeting reports may be considered during that meeting.

Persons presenting contributions to Study Group D should bring 20 copies of such contributions to the meeting.

Members of the General Public may attend and join in the discussions, subject to the control of the Chair. Persons intending to attend the above U.S. Study Group Meeting must announce this not later than 5 days before the meeting to the Department of State, 202–647–0201 (fax: 202–647–7407). The announcement must include name, social security number, and date of birth. The above includes government and non-government attendees. All attendees must use the "C" Street entrance. One of the following valid ID's will be required for admittance: any U.S. drivers' license with photo, a passport, or a U.S. Government agency ID.

Dated: April 4, 1995.

Earl S. Barbely,

Chairman, U.S. ITAC for Telecommunications Standardization Sector.

[FR Doc. 95–9462 Filed 4–17–95; 8:45 am]

BILLING CODE 4710–45–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular; Turbine Engine Windmilling and Rotor Locking

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability of proposed advisory circulars and request for comments.

SUMMARY: This notice announces the availability of an Advisory Circular (AC), which combines, No's. 33.74 and 33.92, Turbine Engine Windmilling and Rotor Locking.

DATES: Comments must be received on or before May 18, 1995.

ADDRESSES: Send all comments on the proposed AC to the Federal Aviation Administration, Attn: Engine and Propeller Standards Staff, ANE–110, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, MA, 01803–5299.

FOR FURTHER INFORMATION CONTACT: John Golinski, Engine and Propeller Standards Staff, ANE–110, 12 New England Executive Park, Burlington, MA, 01803–5299, telephone (617) 238–7119, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION

Comments Invited

A copy of the subject AC may be obtained by contacting the person named above under **FOR FURTHER INFORMATION CONTACT.** Interested persons are invited to comment on the proposed AC, and submit such written data, views, or arguments as they desire. Commenters must identify the subject of the AC, and submit comments in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Engine and Propeller Directorate, Aircraft Certification Service before issuance of the final AC.

Background

This AC is on the subjects of turbine engine windmilling and rotor locking tests that were identified as areas where differences existed between the Joint Aviation Requirements-Engines, and part 33 of the Federal Aviation Regulations. A study group composed of representatives of the Federal Aviation Administration, the Joint Aviation Authorities, Transport Canada and the Aviation Industry worked to produce a set of improved and harmonized requirements. These requirements have been published as a notice of proposed rulemaking in the **Federal Register** on March 6, 1995.

This advisory circular, published under the authority granted to the Administrator by 49 U.S.C. 106(g), 49 U.S.C. App. 1354(a), 1421 and 1423, provides guidance for these proposed requirements.

Issued in Burlington, Massachusetts, on April 7, 1995.

James C. Jones,

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

[FR Doc. 95–9500 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–13–M

Proposed Advisory Circular; Turbine Engine Vibration Survey

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability of proposed advisory circulars and request for comments.

SUMMARY: This notice announces the availability of Advisory Circular (AC), N0. 33.83, Turbine Engine Vibration Survey.

DATES: Comments must be received on or before May 18, 1995.

ADDRESSES: Send all comments on the proposed AC to the Federal Aviation Administration, Attn: Engine and Propeller Standards Staff, ANE–110, Engine and Propeller Directorate, Aircraft Certification Service. 12 New England Executive Park, Burlington, MA, 10803–5299.

FOR FURTHER INFORMATION CONTACT: Thomas Boudreau, Engine and Propeller Standards Staff, ANE–110, 12 New England Executive Park, Burlington, MA, 01803, telephone (617) 238–7117, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the subject AC may be obtained by contacting the person named above under **FOR FURTHER INFORMATION CONTACT.** Interested persons are invited to comment on the proposed AC, and to submit such written data, views, or arguments as they desire, Commenters must identify

the subject of the AC, and submit comments in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Engine and Propeller Directorate, Aircraft Certification Service before issuance of the final AC.

Background

The AC is on the subject of engine vibration tests and surveys, and was identified as one where differences existed between the Joint Aviation Requirements—Engines, and part 33 of the Federal Aviation Regulations. A study group composed of representatives of the Federal Aviation Administration, the Joint Aviation Authorities. Transport Canada and industry worked to produce a set of improved and harmonized requirements that was subsequently incorporated into part 33 of the FAR. This AC is intended to provide guidance in implementing these new harmonzied requirements during certification.

These requirements have been published as a notice of proposed rulemaking in the **Federal Register** on March 16, 1995.

This advisory circular, published under the authority granted to the Administrator by 49 U.S.C. 106(g), 49 U.S.C. App. 1354(a), 1421 and 1423, provides guidance for these proposed requirements,

Issued in Burlington, Massachusetts, on April 7, 1995.

James C. Jones,

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

[FR Doc. 95–9503 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–13–M

Airborne Weather Radar With Forward-Looking Windshear Capability

AGENCY: Federal Aviation Administration.

ACTION: Notice of availability for public comment.

SUMMARY: This notice announces the availability of and request comments on a proposed technical standard order (TSO) pertaining to airborne weather radar with forward-looking windshear capability. The proposed TSO prescribes the minimum performance standards that airborne weather radar with forward-looking windshear capability must meet to be identified with the marking "TSO–C134."

DATES: Comments must identify the TSO file number and be received on or before July 20, 1995.

ADDRESSES: Send all comments on the proposed technical standard order to: Technical Program and Continued Airworthiness Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service—File No. TSO–C134, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Or deliver comments to: Federal Aviation Administration, Room 804, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Program and Continued Airworthiness Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9546.

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 804, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

Background

This is a new TSO that sets forth minimum operational performance standards for airborne weather radar with forward-looking windshear detection capability.

For windshear detection, the airborne radar equipment must detect areas containing windshear activity. It must be capable of correlating and generating appropriate alerts based on F factor. This output must be clear, automatic, concise and distinct to allow for rapid pilot interpretation. The selection of the windshear detection mode must be done automatically during takeoff and landing phases of flight.

This TSO contains standards for weather detection and ground mapping. In the case of weather detection, the airborne radar equipment must detect and display echoes from precipitation in a way that will allow flight crew analysis of probable turbulent areas ahead. In the case of ground mapping, the airborne radar equipment must be able to detect and display echoes from the surface of the earth to allow in-flight analysis.

How to Obtain Copies

A copy of the proposed TSO–C134 may be obtained by contacting **FOR FURTHER INFORMATION CONTACT.** Copies of RTCA Document No. DO–220, "Minimum Operational Performance Standards for Airborne Weather Radar with Forward-Looking Windshear Capability," may be purchased from the RTCA Inc., 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

Issued in Washington, DC, on April 12, 1995.

John K. McGrath,

Manager, Aircraft Engineering Division Aircraft Certification Service.

[FR Doc. 95–9502 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–13–M

Aircraft Flight Recorder and Cockpit Voice Recorder

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of Cancellation of Technical Standard Orders (TSO's) C51a and C84.

SUMMARY: This notice cancels TSO–C51a, Aircraft Flight Recorder and TSO–C84, Cockpit Voice Recorder. TSO–C51a prescribes the minimum performance standards that aircraft flight recorders were required to be identified with marking "TSO–C51a," dated January 6, 1966. TSO–C84 prescribes the minimum performance standards that cockpit voice recorders (CVR) were required to be identified with marking "TSO–C84." This cancellation will ensure that future flight recorders and cockpit voice recorders are produced under TSO–C123a, Cockpit Voice Recorder System, and TSO–C124a, Flight Data Recorder Systems.

EFFECTIVE DATE: May 18, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Programs and Continued Airworthiness Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9546.

SUPPLEMENTARY INFORMATION:

Background

The National Transportation Safety Board reported that seven flight recorder media destroyed by postimpact fire in

six accidents prompted concern about the adequacy of the performance standards for flight recorders. Minimum performance standards for impact and fire protection are outlined in four Technical Standard Orders (TSO's): TSO–C84 and TSO–C123 address CVR's and TSO–C51a and TSO–C124 address FDR's. TSO–C51a and TSO–C84 have essentially the same fire protection requirements; the fire test protocol requirements outlined in these TSO's are less stringent than the requirements outlined in the recently issued TSO–C123 and C124. Further, the fire test protocol in TSO–C51a and C84 is so vague that a recorder could be subjected to temperatures much lower than 1,100 °C due to inadequate burner heat release and still pass the test. The FAA recognized this deficiency in its 1970 report, "Fire Test Criteria for Recorders." The report states:

"This requirement [TSO–C51a/C84] specifies the temperature, but not the source or the BTU rate of the flame. The temperature at the recorder flame impingement area must be 1,100 °C (2,012 °F). Thus, a recorder could meet the TSO requirements by passing a test in which the recorder is exposed to low heat output flames producing a temperature of 1,100 °C at a point of a few inches in front of the recorder while the temperature at the recorder case could be much less than 1,100 °C."

The temperature and duration for the fire test required by TSO's C51a, C84, C123, and C124 are the same. However, only the more exacting test protocol prescribed by TSO–C124 is likely to determine if a recorder will actually survive a high intensity, short duration fire.

Based on the findings of the NTSB, TSO–C54a and TSO–C81 are canceled May 18, 1995. Because of the need to ensure that the data, cockpit voice described above, is preserved, good cause exists to cancel TSO's C51a and C84 without prior notice and opportunity to comment.

Issued in Washington, DC, on April 12, 1995.

John K. McGrath,

Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 95–9501 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 92–58; Notice 4]

Kewet Industri; Grant of Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

Kewet Industri of Hadsund, Denmark, applied for a two-year renewal of its temporary exemption from the automatic restraint requirements of Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*. The exemption, NHTSA Temporary Exemption No. 93–1, was published on February 10, 1993 (58 FR 7905). The basis of the application was that a continued exemption would facilitate the development and field evaluation of a low-emission motor vehicle and would not unreasonably lower the safety level of the vehicle.

Notice of receipt of the application was published on January 12, 1995, and an opportunity afforded for comment (60 FR 3026).

Kewet manufactures a passenger car called the El-Jet. The vehicle is powered by on-board rechargeable batteries which drive an electric traction motor. The El-Jet, which produces no emissions, is therefore a "low-emission motor vehicle" within the meaning of NHTSA's authority to provide temporary exemptions.

In 1992, Kewet argued that the granting of a temporary exemption would facilitate the development of an electric vehicle industry in the United States. The vehicle is so small that it could serve as a replacement for the 3-wheel Cushman type meter reader vehicle in municipal fleets. It provides greater safety for the operator at a substantially lower price. Further, an exemption would promote learning and exchange of information between the Danish electric vehicle industry and the U.S. one. Finally, the El Jet would demonstrate the commercial viability of a "neighborhood electric vehicle."

Petitioner also argued that an exemption would not unreasonably degrade the safety of the vehicle. The El-Jet is equipped with a 3-point restraint system, and will otherwise comply with all applicable Federal motor vehicle safety standards. It complies with all current European motor safety standards and has passed a crash test at 50 kph (30 mph). Its top speed is only 40 mph, reducing the risk of injury. Although Kewet expected to be able to provide a driver's side air bag in all cars manufactured after September 1993, the target date is now the 1996 model year. Originally, Kewet projected sales of 30 to 50 vehicles through 1993; in actuality, sales in 1994 as of August 30 were "less than 35."

In Kewet's opinion, a temporary exemption would be in the public interest and consistent with traffic safety objectives because it is a participant in the Advanced Research Projects Agency (ARPA) Electrical Vehicle Testing Program. It comments that "[p]roviding test data to the national testing program * * * is an important development to the electric vehicle industry." Kewet does not feel that lack of an air bag "has been a safety hazard" because of the El-Jet's low top speed, and intended non-freeway use. The vehicle is equipped with lap and torso belts, and employs "steel roll cage construction."

No comments were received in response to the notice.

While the application was pending, NHTSA asked Kewet to provide further information on the 50 kph crash test to which it had referred. Kewet supplied a copy of a test report by TNO laboratory of Delft, the Netherlands, and a video of the test. The test was conducted to the requirements of ECE R–12 in 1990, and indicates conformance. The El Jet also passed the body block tests at 24.1 kph on the steering wheel, according to the requirements of ECE–12. Kewet confirmed to NHTSA that it will install both a driver and passenger airbag "before the end of 1995."

With respect to the three-point belt system that has been and will be provided in the interim, Kewet submitted a report on its seat belt anchorages by the Danish Technology Institute verifying compliance with E.E.C. Regulation 76/115/E.E.C. These reports have provided NHTSA with the assurance necessary to find that an exemption would not unreasonably lower the safety level of the car. NHTSA notes, too, that the vehicle is certified as complying with all other Federal motor vehicle safety standards.

Although Kewet's market in the U.S. has been extremely limited under its exemption, the El Jet is one of the few exempted vehicles of foreign manufacture, and one which is a purpose-built electric vehicle and not a conversion. Thus, to extend the exemption would enhance the evaluation of electric vehicles under U.S. road conditions. The public interest will be served by the continued participation of the El Jet in ARPA's electric vehicle test program.

Although a one-year extension would appear to be sufficient for Kewet, the agency is providing one of 18 months in the event that unforeseen delays are

encountered in introducing airbag technology into production.

In consideration of the foregoing, it is hereby found that an extension of Kewet's exemption will facilitate the development and field evaluation of a low-emission motor vehicle and would not unreasonably lower the safety level of the vehicle, and, further, that such extension is in the public interest and consistent with the objectives of traffic safety. Accordingly, NHTSA Temporary Exemption No. 93–1 from S4.1.4 of 49 CFR 571.208 Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*, is hereby extended to July 1, 1996.

Authority: 49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.

Issued on April 12, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95–9504 Filed 4–17–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

April 11, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Financial Management Service (FMS)

OMB Number: 1510–0029.
Form Number: TFS 5118.
Type of Review: Extension.
Title: Depositor's Application for Payment of Postal Savings Certificates.
Description: This form is prepared when a depositor has lost, destroyed or misplaced his Postal Savings Certificates. Form properly completed and signed replaces unavailable certificates to support application for payment. If the original certificates show up, this document prevents duplicate payments from being made.
Respondents: Individuals or households
Estimated Number of Respondents: 250.
Estimated Burden Hours Per Response: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 63 hours.
OMB Number: 1510–0038.
Form Number: TFS 6114.
Type of Review: Extension.
Title: More Information Letter.
Description: This form is prepared when information in an inquiry about Postal Savings is insufficient to make a search of files and records.
Respondents: Individuals or households.
Estimated Number of Respondents: 375.
Estimated Burden Hours Per Response: 15 minutes.
Frequency of Response: Other.
Estimated Total Reporting Burden: 94 hours.
OMB Number: 1510–0058.
Form Number: None.
Type of Review: Extension.
Title: Claims on Account of Treasury Checks.
Description: A person making a claim on a Treasury check provides information concerning the check to the agency which authorized the issuance of the check. The information is used to determine if the claimant is entitled to the proceeds of the check. Likely claimants are individual recipients of checks.
Respondents: Individuals or households.
Estimated Number of Respondents: 1.
Estimated Burden Hours Per Response: 1 hour.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 1 hour.
Clearance Officer: Jacqueline R. Perry, (301) 344–8577, Financial Management Service, 3361–L 75th Avenue, Landover, MD 20785.
OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–9446 Filed 4–17–95; 8:45 am]

BILLING CODE 4810–35–P

Public Information Collection Requirements Submitted to OMB for Review

April 10, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0057.
Form Number: IRS Form 1024
Type of Review: Revision
Title: Application for Recognition of Exemption Under Section 501(a)
Description: Organizations seeking exemption from Federal income tax under section 501(a) as an organization described in most paragraphs of section 501(c) must apply to IRS for a ruling letter. The information collected is used to determine whether the organization qualifies for exemption status.
Respondents: Not-for-profit institutions.
Estimated Number of Respondents/Recordkeepers: 4,718.
Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law of the form	Preparing, and sending the form to IRS
1024	53 hr., 5 min	2 hr., 11 min	3 hr., 8 min.
1024, Part IV	1 hr., 12 min	35 min	39 min.
1024, Sch. A	58 min	18 min.	19 min.
1024, Sch. B	1 hr., 40 min	18 min	20 min.
1024, Sch. C	58 min.	12 min	13 min
1024, Sch. D	4 hr., 4 min	18 min	22 min.
1024, Sch. E	1 hr., 40 min	18 min	20 min.
1024, Sch. F	2 hr., 23 min	12 min	14 min.
1024, Sch. G	1 hr., 55 min	6 min	8 min.

Form	Recordkeeping	Learning about the law of the form	Preparing, and sending the form to IRS
1024, Sch. H	1 hr., 40 min	6 min	8 min.
1024, Sch. I	5 hr., 30 min	30 min	37 min.
1024, Sch. J	2 hr., 23 min	6 min	8 min.
1024, Sch. K	3 hr., 21 min	6 min	10 min.

Frequency of Response: On occasion.
Estimated Total Reporting/ Recordkeeping Burden: 290,108 hours.
OMB Number: 1545–0170.
Form Number: IRS Form 4466.
Type of Review: Extension.
Title: Corporation Application for Quick Refund of Overpayment of Estimated Tax.
Description: Form 4466 is used by a corporation to file for an adjustment (quick refund) of overpayment of estimated income tax for the tax year. This information is used to process the claim, so the refund can be issued.
Respondents: Businesses or other for-profit, Farms.
Estimated Number of Respondents/ Recordkeepers: 16,125.
Estimated Burden Hours Per Respondent/Recordkeepers:
Recordkeeping—3 hr., 35 min.
Learning about the law or the form—12 min.
Preparing and sending the form to the IRS—16 min.
Frequency of Response: On occasion.
Estimated Total Reporting/Reporting Burden: 65,306 hours.
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer
[FR Doc. 95–9448 Filed 4–17–95; 8:45 am]
BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

April 11, 1995.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0720.
Form Number: IRS Form 8038–G.
Type of Review: Resubmission.
Title: Information Return for Tax-Exempt Governmental Obligations.
Description: This form collects the information that IRS is required to collect by Code section 149(e). IRS uses the information to assure that tax-exempt bonds are issued consistent with the rules of Internal Revenue Code (IRC) sections 141–149.
Respondents: State, Local or Tribal Government, Not-for-profit institutions.
Estimated Number of Respondents/ Recordkeepers: 14,500.
Estimated Burden Hours Per Respondent/Recordkeeper:
Learning about the law or the form—2 hr., 29 min.
Preparing, copying, assembling and sending the form to the IRS—2 hr., 51 min.
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 857,140 hours.
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer
[FR Doc. 95–9449 Filed 4–17–95; 8:45 am]
BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

April 10, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Speical Request: In order to conduct the two customer satisfaction surveys described below in late-April 1995, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approval of this information collection by April 21, 1995. To obtain copies of these surveys, please write to the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1349.
Form Number: None.
Type of Review: Revision.
Title: 1995 TeleFile Customer Satisfaction Surveys for the Spanish Script.
Description: TeleFile is an innovative method for filing tax returns. It permits taxpayers to use touch-tone telephones to file 1040EZ with the Internal Revenue Service.
The voice processing system that supports TeleFile at the Cincinnati Service Center now has more incoming telephone lines and has been redesigned for 1995 to improve efficiency, provide for more effective processing, and better Management Information Systems reports. In 1995, TeleFile will be offered to eligible taxpayers in three additional areas: The Austin, Denver, and Sacramento Districts. For the first time, Spanish speaking filers will be able to access a Spanish language TeleFile dialogue. The voice signature is not a feature of TeleFile in 1995.
These two customer satisfaction surveys focus specifically on taxpayers who used the Spanish language TeleFile dialogue to successfully file their 1994 tax return and on taxpayers who, had

they used TeleFile, more than likely would have used the Spanish language dialogue. These surveys have been designed to gain information from potential Spanish users of their impression and satisfaction with the Spanish TeleFile dialogue and TeleFile in general.

Respondents: Individuals or households.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours Per Respondent:

Respondents	Time
Spanish-speaking taxpayers	12 minutes.
Non-Spanish-speaking taxpayers.	5 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 425 hours.

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer

[FR Doc. 95–9447 Filed 4–17–95; 8:45 am]

BILLING CODE 4830–01–P

Customs Service

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: U.S. Customs Service, Department of the Treasury

ACTION: Notice of calculation and interest.

SUMMARY: This notice advises the public of an increase in the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts and refunds of Customs duties. For the quarter beginning April 1, 1995, the rates will be 9 percent for overpayments and 10 percent for underpayments. This notice is published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: April 1, 1995.

FOR FURTHER INFORMATION CONTACT: Harry Bunn, U.S. Customs Service, National Finance Center, Revenue Accounting Branch, 6026 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 298–1252.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Interest rates are determined based on the short-term Federal rate. The interest rate that Treasury pays on overpayments will be the short-term Federal rate plus two percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus three percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service on behalf of the Secretary of the Treasury based on the average market yield on outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less, and fluctuate quarterly. The rates effective for a quarter are determined during the first-month period of the previous quarter. The rates of interest for the third quarter of fiscal year (FY) 1995 (the period of April 1–June 30, 1995) are increased to 9 percent for overpayments and 10 percent for underpayments. These rates will remain in effect through June 30, 1995, and are subject to change for the fourth quarter of FY–995 (the period of July 1–September 30, 1995).

Dated: April 11, 1995.

George J. Weise,

Commissioner of Customs.

[FR Doc. 95–9451 Filed 4–17–95; 8:45 am]

BILLING CODE 4820–02–P

[T.D. 95–32]

Tuna Fish—Tariff-Rate Quota

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity for tuna for calendar year 1995.

SUMMARY: Each year the tariff-rate quota for tuna fish described in item 1604.14.20, HTSUS, is based on the United States canned tuna production for the preceding calendar year.

EFFECTIVE DATE: The 1995 tariff-rate quota is applicable to tuna fish entered, or withdrawn from warehouse, for consumption during the period January 1 through December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Karen L. Cooper, Chief, Quota, Technical Programs, Trade Compliance Division, Office of Field Operations, U.S. Customs Service, Washington, DC 20229, (202) 927–5401. It has now been determined that 33,278,830 kilograms of tuna may be entered for consumption or withdrawn from warehouse for consumption during the Calendar Year 1995, at the rate of 6 percent ad valorem under item 1604.14.20, HTSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent ad valorem under item 1604.14.30 HTSUS. (OFO–TC:T:Q)

Dated: April 12, 1995.

Michael H. Lane,

Acting Commissioner

[FR Doc. 95–9452 Filed 4–17–95; 8:45 am]

BILLING CODE 4820–02–P

Office of Foreign Assets Control

Deletions From the List of Specially Designated Nationals of Cuba in Panama

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice of deletions from the list of specially designated nationals of Cuba.

SUMMARY: The Treasury Department is issuing a list of persons, located in Panama, previously designated as specially designated nationals of Cuba who are now no longer considered to be so designated. The original designations were made pursuant to the Cuban Assets Control Regulations.

EFFECTIVE DATE: April 13, 1995.

FOR FURTHER INFORMATION: J. Robert McBrien, Chief, International Programs, Tel.: (202) 622–2420; Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Ave., NW Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability

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Background

On October 31, 1989, the Office of Foreign Assets Control of the U.S. Department of the Treasury published a list identifying certain persons operating in Panama as specially designated nationals of Cuba under the Cuban Assets Control Regulations, 31 CFR part

515 (the "Regulations"). 54 FR 45730 (Oct. 31, 1989). Following a review of additional information, it has been determined that the following entities no longer come within the scope of the term "specially designated national" as defined in § 515.306 of the Regulations. Accordingly, the following names are removed from the list of Specially Designated Nationals of Cuba:

CASAS DE CAMBIO, Panama.
CLUB VILLA FENIX, Panama.
COMPANIA ISTMENA DE AVIACION, Panama.
DUTY FREE SHOP, Balboa Pier, Panama.
DUTY FREE SHOP, Cristobal Pier, Panama.
DUTY FREE SHOP, Patilla Airport, Panama.
DUTY FREE SHOP, Port of Vacamonte, Panama.
DUTY FREE SHOP, Torrijos Airport, Panama.
ECONOLLANTAS, Panama.
EL DEPOSITO, Panama.
EL MILLON, Panama.
HOTEL GRANADA, Panama.
HOTEL NACIONAL, Panama.
HOTEL RIANDE AEROPUERTO, Panama.
HOTEL RIANDE CONTINENTAL, Panama.
JOYERIA Y BOUTIQUE PRETELT, Panama.
MARINEXAM, Panama.
PIEX, Panama.
PROCESOS METALICOS, S.A., Panama.
RADIO VERBO, Panama.
SETRACA, S.A., Panama.
SHAHANI AUTO SUPPLIER, Panama.
SUPERSEGUROS, Panama.
TENERIA TAURO, S.A., Panama.
ZEBETEX INTERNATIONAL, S.A., Panama.

Dated: March 29, 1995.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: April 7, 1995.

John Berry,

Deputy Assistant Secretary (Enforcement).

[FR Doc. 95–9547 Filed 4–13–95; 3:09 pm]

BILLING CODE 4810–25–P

Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice of blocking.

SUMMARY: The Treasury Department is issuing a list of blocked persons and specially designated nationals pursuant to Executive Order 12934 and the Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations who have been designated by the Director, Office of Foreign Assets Control, as being members of the Bosnian Serb military or paramilitary forces or civilian authorities, or who have been determined to be located in or controlled from the Federal Republic of Yugoslavia (Serbia and Montenegro), or acting for or on behalf of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). Property of these persons that is located in the United States or within the possession or control of U.S. persons is blocked, and most transactions with these persons are prohibited. These lists include designations pursuant to 31 CFR part 585 and E.O. 12934 (59 FR 54117).

EFFECTIVE DATE: April 13, 1995, or upon prior **Federal Register** or actual notice.

FOR FURTHER INFORMATION CONTACT: J. Robert McBrien, Chief, International Programs, Tel.: (202) 622–2420, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability

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Background

The Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations, 31 CFR part 585 (the "Regulations"), were issued by the Treasury Department to implement Executive Orders 12808 of May 30, 1992, 12810 of June 5, 1992, and 12831 of January 15, 1993, in which the President declared a national emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)"), invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) and the United Nations Participation Act (22 U.S.C. 287c), and ordered specific measures against the Government of the FRY (S&M). On April 25, 1993 the President issued Executive Order 12846, blocking all property and interests in property of all commercial, industrial, or public utility undertakings or entities organized or located in the FRY (S&M), including property and interests in property of entities, wherever organized or located, owned or controlled by such undertakings or entities.

On October 25, 1994, the President issued Executive Order 12934, expanding the scope of the national emergency to, *inter alia*, block property and interests in property of the Bosnian Serb military and paramilitary forces and the authorities in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces; entities organized or located in those areas; entities owned or controlled by any person in, or resident in, those areas; and any person acting for or on behalf of any of the foregoing.

The Bosnian Serb individuals contained in the list of "Bosnian Serb Civilian and Military Authorities" have been determined by the Treasury Department's Office of Foreign Assets Control ("FAC") to be members of the Bosnian Serb civilian and military authorities. The persons contained in the list of Blocked Persons and Specially Designated Nationals of the FRY (S&M) have been determined by FAC to be (1) organized or located in the FRY (S&M); (2) owned or controlled by entities that are organized or located in the FRY (S&M); or (3) owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of the FRY (S&M) pursuant to § 585.311 of the Regulations. Many of the latter persons have been included in prior notices concerning blocked persons of the FRY (S&M). 57 FR 32051 (July 20, 1992); 59 FR 59460 (Nov. 17, 1994).

U.S. persons are prohibited from engaging in transactions with any of the listed entities or individuals unless the transactions are licensed by FAC. Additionally, all assets within U.S. jurisdiction owned or controlled by these persons are blocked. U.S. persons are not prohibited, however, from paying funds owed to these persons into blocked accounts in domestic U.S. financial institutions held in the names of the blocked persons. Notice of blocking is effective upon the date of filing with the **Federal Register**, or upon prior **Federal Register** or actual notice.

BOSNIAN SERB CIVILIAN AND MILITARY AUTHORITIES

The individuals identified below are members of, or have acted or purported to act, directly or indirectly, on behalf of, (1) the Bosnian Serb military or paramilitary forces within the territory of the Republic of Bosnia and Herzegovina, or (2) the authorities in the territory within the Republic of Bosnia and Herzegovina under the control of those forces (collectively, the "Bosnian

Serb authorities"). The titles in this list are self-claimed, and do not imply U.S. recognition of the Bosnian Serb authorities. The list provides the name, title, location and, if known, the date of birth ("DOB") and place of birth ("POB") of each listed individual. The abbreviation "a.k.a." means "also known as." The abbreviation "SRBH" refers to the self-styled "Serbian Republic" within the Republic of Bosnia and Herzegovina. All property and interests in property of the following individuals are blocked if such property is in or hereafter comes within the United States or the possession or control of a U.S. person, including overseas branches:

Civilian Authorities

ANTIC, Bozidar (President of SRBH Chamber of Commerce), Bosnia–Herzegovina
BJELOJEVIC, Dragomir (Deputy in SRBH Assembly), Pale, Bosnia–Herzegovina
BLAGOJEVIC, Predrag (Diplomat for SRBH), Bosnia–Herzegovina
BLAGOJEVIC, Stanko (Deputy in SRBH Assembly), Bosnia–Herzegovina
BORKOVIC, Ratko (Deputy in SRBH Assembly), Bosnia–Herzegovina
BOSIC, Boro (Minister of Industry and Energy of SRBH), Bosnia–Herzegovina
BRDZANIN, Radoslav (a.k.a. BRDJANIN, Radoslav) (Minister of Housing and Building of SRBH), Bosnia–Herzegovina; POB: Celinac Donji, Bosnia–Herzegovina
BUHA, Aleksa Dr. (Foreign Minister of SRBH), Bosnia–Herzegovina; DOB: November 21, 1939, POB: Gacko, Bosnia–Herzegovina
CVIJANOVIC, Zeljko (Head of *Srpska Novinska Agencija* (SRNA) News Agency in Belgrade), Belgrade, Serbia.
DJOKANOVIC, Dragan (Minister of Veterans' Issues of SRBH), Bosnia–Herzegovina
DODIK, Milorad (Deputy in SRBH Assembly), Banja Luka, Bosnia–Herzegovina
ERCEG, Nikola (Deputy in SRBH Assembly), Banja Luka, Bosnia–Herzegovina
GARIC, Nedeljko (Deputy in SRBH Assembly), Bosnia–Herzegovina
GOSTIC, Uros (Deputy in SRBH Assembly), Bosnia–Herzegovina
ILIC, Vladimir (Diplomat of SRBH), Bosnia–Herzegovina
JOLDIC, Miodrag (Deputy in SRBH Assembly), Doboj, Bosnia–Herzegovina
KALINIC, Dragan Dr. (Minister of Health of SRBH), Bosnia–Herzegovina
KARADZIC, Radovan Dr. (President of SRBH), Bosnia–Herzegovina; DOB: June 19, 1945, POB: Petnica, Montenegro
KOLJEVIC, Nikola Dr. (a Vice–President of SRBH), Bosnia–Herzegovina; DOB: June 9, 1936, POB: Banja Luka, Bosnia–Herzegovina
KOVACEVIC, Sveto (Minister of Trade and Supply of SRBH), Bosnia–Herzegovina
KOZIC, Dusan (Prime Minister of SRBH), Bosnia–Herzegovina
KRAJISNIK, Momcilo (President of SRBH Assembly), Banja Luka, Bosnia–Herzegovina; DOB: January 20, 1945, POB: Radovac, Sarajevo, Bosnia–Herzegovina
KRECA, Milenko (Diplomat of SRBH), Bosnia–Herzegovina
KRUNIC, Goran (Diplomat of SRBH), Bosnia–Herzegovina
LAJIC, Nedeljko (Minister of Transportation and Communication of SRBH), Bosnia–Herzegovina
LAKIC, Nedeljko (Secretary of SRBH), Bosnia–Herzegovina
LUKIC, Vladimir (Deputy in SRBH Assembly), Pale, Bosnia–Herzegovina; DOB: circa 1930.
MAKSIMOVIC, Vojislav (Head of *Srpska Demokratska Stranka Srpskih Zemalja* Deputy Group, Mayor of "Serb Sarajevo"), Sarajevo, Bosnia–Herzegovina; DOB: 1939, POB: Ustikolina, Bosnia–Herzegovina
MICIC, Momcilo (Deputy in SRBH Assembly), Bosnia–Herzegovina
MILANOVIC, Pantelija (Deputy in SRBH Assembly), Pale, Bosnia–Herzegovina
MILJKOVIC, Milan (Deputy in SRBH Assembly), Doboj, Bosnia–Herzegovina
MIOVCIC, Zdravko (Chef du Cabinet of Premier of SRBH), Bosnia–Herzegovina
NEDIC, Miladin (Deputy in SRBH Assembly), Ozren, Bosnia–Herzegovina
NINKOVIC, Milan (Minister of Defense of SRBH), Bosnia–Herzegovina; POB: Doboj Region, Bosnia–Herzegovina
OSTOJIC, Branko (Deputy Prime Minister and Economics Minister of SRBH), Bosnia–Herzegovina
OSTOJIC, Velibor (Deputy in SRBH Assembly), Banja Luka, Bosnia–Herzegovina; DOB: 1945, POB: Foca–Celebici, Bosnia–Herzegovina
PEJIC, Momcilo (SRBH National Bank official), Bosnia–Herzegovina
PEJIC, Ranko (Minister of Finance of SRBH), Bosnia–Herzegovina; DOB: June 12, 1935, POB: Ilijas, Sarajevo, Bosnia–Herzegovina
PERIC, Niksa (Deputy in SRBH Assembly), Bosnia–Herzegovina
PERIC, Vitomir (Secretary of Judicial Issues of SRBH), Bosnia–Herzegovina
PLAVSIC, Biljana (a Vice–President of SRBH), Bosnia–Herzegovina; DOB: July 7, 1930, POB: Banja Luka, Bosnia–Herzegovina
POPOVIC, Vitomir (Deputy in SRBH Assembly), Banja Luka, Bosnia–Herzegovina
PUTIC, Milenko (Deputy in SRBH Assembly), Bosnia–Herzegovina
RAKIC, Zivko (Minister of the Interior of SRBH), Bosnia–Herzegovina
RASUO, Nedeljko (Deputy in SRBH Assembly), Sanski Most, Bosnia–Herzegovina
RENOVICA, Milanko (Special Advisor to President of SRBH), Bosnia–Herzegovina
ROSIC, Jovo (Minister of Justice SRBH), Bosnia–Herzegovina
SAVIC, Milos (Secretary of SRBH Assembly), Bosnia–Herzegovina
SENDIC, Borivoj (Minister of Agriculture and Forestry of SRBH), Bosnia–Herzegovina
SPASIC, Andrea (General Secretary of SRBH), Bosnia–Herzegovina
SRDIC, Srdo (Deputy in SRBH Assembly), Prijedor, Bosnia–Herzegovina
TOHOLJ, Miroslav (Minister of Information of SRBH), Bosnia–Herzegovina; DOB: April 11, 1957, POB: Ljubinje, Bosnia–Herzegovina
TRBOJEVIC, Milan (Counselor to Premier of SRBH), Bosnia–Herzegovina
VOLAS, Cedo (President of Alliance of SRBH Trade Unions), Bosnia–Herzegovina
VRACAR, Milenko (a Governor of SRBH National Bank), Bosnia–Herzegovina
VUCUREVIC, Bozidar (Deputy in SRBH Assembly, Mayor of Trebinje), Trebinje, Bosnia–Herzegovina; DOB: September 22, 1936, POB: Trebinje, Bosnia–Herzegovina
VUKOVIC, Vlado (Assistant Minister of Defense of SRBH) Bosnia–Herzegovina; POB: Doboj Region, Bosnia–Herzegovina
ZAMETICA, Jovan (Advisor and Spokesman for President of SRBH) Bosnia–Herzegovina
ZIGIC, Branislava (Secretary of Ministry of Trade and Supply of SRBH), Bosnia–Herzegovina
ZUKOVIC, Ljubomir (Minister of Education, Science, and Culture of SRBH), Bosnia–Herzegovina

Military Authorities

ANDZIC, Rodoljub (Colonel and Commander, Mixed Herzegovina Air Force and Air Defense Brigade, SRBH Forces), Bosnia–Herzegovina
BORIC, Grujo (Major General and Commander, Second Krajina Corps, SRBH Forces, based at Drvar), Bosnia–Herzegovina
BOROJEVIC, Slobodan (Colonel and Commander Eleventh Infantry Brigade, First Krajina Corps, SRBH Forces), Bosnia–Herzegovina
BUNDALO, Ratko (Colonel and Commander, First Combined Antitank Artillery Brigade, First Krajina Corps, SRBH Forces) Bosnia–Herzegovina
DJUKIC, Djordje (Major General and Chief of Logistics SRBH Forces) Bosnia–Herzegovina
GAGOVIC Milislav (Major General SRBH Forces), Bosnia–Herzegovina
GALIC, Stanislav (Major General and a Corps Commander, Sarajevo–Romani Corps, SRBH Forces), Bosnia–Herzegovina
GRUBAC Radovan (Colonel General and Commander, Herzegovina Corps, SRBH Forces) Bosnia–Herzegovina; DOB: 1949.
GVERO, Milan (Colonel Lieutenant General and Deputy Army Commander SRBH Forces), Bosnia–Herzegovina
KELECEVIC, Bosko (Major General and Chief of Staff First Krajina Corps SRBH Forces), Bosnia–Herzegovina
MILOVANOVIC, Manojlo (Major General and Military Chief of Staff, SRBH Forces), Bosnia–Herzegovina, DOB circa 1943–1944, POB Lijevce Polje Bosnia Herzegovina
MILOSEVIC, Dragomir (a.k.a. MILOSEVIC, Dragan) (Major General and Commander, Sarajevo–Romanijski Corps, SRBH Forces), Bosnia–Herzegovina
MLADIC, Ratko (Colonel General and Army Commander, SRBH Forces), Bosnia–Herzegovina; DOB: March 12, 94 POB Bozinovici, Bosnia–Herzegovina
NINKOVIC, Zivomir (Major General and Commander Air Force and Air Defense, SRBH Forces), Bosnia–Herzegovina

SAVIC, Milorad (Lt. Colonel and Commander, Second Krajina Brigade, First Krajina Corps, SRBH Forces), Bosnia–Herzegovina
SIMIC, Jovica (Major General and Commander, Eastern Bosnian Corps, SRBH Forces, based at Bijeljina), Bosnia–Herzegovina
SIMIC, Ratomir (Colonel and Commander, First Armored Brigade, First Krajina Corps, SRBH Forces), Bosnia–Herzegovina
SKORIC, Milan (Lt. Colonel and Commander, Second Armored Brigade, First Krajina Corps, SRBH Forces), Bosnia–Herzegovina
SREMO, Vlado (Major General and Chief of Staff, East Herzegovina Corps, SRBH Forces), Bosnia–Herzegovina; DOB: 1935, POB: Mostar, Bosnia–Herzegovina
TALIC, Momir (Lt. Colonel General and Commander, First Krajina Corps, SRBH Forces, based at Banja Luka), Bosnia–Herzegovina; DOB: July 15, 1942, POB: Valjevo, Serbia
TOPIC, Vlado (Lt. Colonel and Commander, Sixteenth Artillery Brigade, First Krajina Corps, SRBH Forces), Bosnia–Herzegovina; DOB: 1955, POB: Prijedor, Bosnia–Herzegovina
TUBIN, Dusan (Lt. Colonel and Commander, Fifth Kozarska Brigade, First Krajina Corps, SRBH Forces), Bosnia–Herzegovina
ZELJAJA, Radmilo (Colonel and Commander, Forty–third Motorized Brigade, First Krajina Corps, SRBH Forces) Bosnia–Herzegovina
ZIVANOVIC, Milenko (Major General and Commander, Drina Corps, SRBH Forces), Bosnia–Herzegovina
ZUPLJANIN, Slobodan (Lt. Colonel and Commander, Twenty–second Infantry Brigade, First Krajina Corps, SRBH Forces) Bosnia–Hefzegovina

BLOCKED PERSONS AND SPECIALLY DESIGNATED NATIONALS OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

The individuals and companies identified below are organized or located in the Federal Republic of Yugoslavia (Serbia and Montenegro) (hereafter, the "FRY (S&M)"), are owned or controlled by undertakings or entities that are organized or located in the FRY (S&M), or are owned or controlled by, or have acted or purported to act, directly or indirectly, on behalf of the Government of the FRY (S&M). The list provides the name and, to the extent known, location (and, for individuals, the date of birth ("DOB") and/or place of birth ("POB"),) of each blocked individual or entity. The abbreviations "a.k.a.," "f.k.a.," and "n.k.a." mean "also known as," "formerly known as," and "now known as," respectively. Blocked vessel entries indicate the following: vessel name, (call sign), type, size, country (prior country) of registration, and (vessel owner) ((prior vessel owner)). All property and interests in property of the following individuals and entities are blocked if such property is in or hereafter comes within the United States or the possession or control of a U.S. person, including overseas branches; further, no U.S. person may engage in transactions involving the following blocked vessels:

13. JULI, Podgorica, Montenegro, FRY (S&M)
21 MAJ, Belgrade, Serbia, FRY (S&M)
ABRAMOVIC, Miroslava; DOB: February 20, 1956; (moves from country to country) (individual)
ADMIRAL ZMAJEVIC (9HTX3) General Dry Cargo 8,569GT Malta flag (South Adriatic Bulk Shipping Ltd.) (vessel)
AERODROM BEOGRAD (a.k.a. AIRPORT BELGRADE), Belgrade, Serbia, FRY (S&M)
AEROINZINJERING, Belgrade, Serbia, FRY (S&M)
AGENCIA d.d., New York, U.S.A.
AGRO–UNIVERZAL, Kanijiza, Vojvodina, FRY (S&M)
AGROBANKA BELGRADE, all offices worldwide
AGROEXPORT, Belgrade, Serbia, FRY (S&M)
AGROOPREMA, Belgrade, Serbia, FRY (S&M)
AGROPANONIJA, Vrsac, Vojvodina, FRY (S&M)
AGROPROM BANKA d.d., Banja Luka, Bosnia–Herzegovina
AGROPROMET, Kikinda, Vojvodina, FRY (S&M)
AGROVOJVODINA (a.k.a. AGROVOJVODINA EXPORT–IMPORT), 23 Oktobra blvd. 61, 21000 Novi Sad, Vojvodina, FRY (S&M), all offices worldwide, including the following:
Karafiatova 40, Prague 10, Czech Republic;
Katona Jozef utca 10/a, 1137 Budapest 13. ker, Hungary;
Mosfiljmovskaja 42, Moscow, Russia;
Warynskiego 28 m 40, Warsaw, Poland
AIK SUMADIJA, Kragujevac, Serbia, FRY (S&M)
AIK VRANJE, Vranje, Serbia, FRY (S&M)
AIR JUGOSLAVIA, Belgrade, Serbia, FRY (S&M)
AIRE F (f.k.a. OBOD) (9HTG3) General Dry Cargo 13,651GT Malta flag (Oktoih Overseas Shipping Ltd.) (vessel)
AIRPORT BELGRADE (a.k.a. AERODROM BEOGRAD), Belgrade, Serbia, FRY (S&M)
AKA BANK (a.k.a. AKA BANKA, f.k.a. AGRO–KARIC BANK), 109004 Ulyanovskaya 40/22/strenie 1, Moscow, Russia;
Krasnodar, Russia
ALBA (J8FM9) RO/RO Cargo 915GT Saint Vincent flag (Montenegro Overseas Navigation Ltd.) (vessel)
ALUMINUM COOPERATIVE PODGORICA (a.k.a. KOMBINAT ALUMINIJUMA PODGORICA), P.O.B. 22, 81000 Podgorica, Montenegro, FRY (S&M)
AMEROPA MERCHANDISING CORP., East Rockaway, NY, U.S.A.
ANDJIC, Slobodan, Kolazceja 1, 11000 Belgrade, Serbia (individual)
ANGLO–YUGOSLAV BANK (n.k.a. AY BANK LIMITED), London, England
APATEX–APATIN, Industrijska Zona, 25260 Apatin, Serbia, FRY (S&M)
ARENAL SHIPPING S.A., Office 803, Nicolaou Pentadromos Centre, Pentadromos Junction, Limassol, Cyprus
AS IMPEX/AEROSERVIS, Serbia, FRY (S&M)
ASSOCIATED BANK OF KOSOVO (a.k.a. UDRUZENA KOSOVSKA BANKA), all offices worldwide, including the following:
Rossmarkt 14/111, 6000 Frankfurt am Main 1, Germany;
Schauenbergstrasse 8, 8046 Zurich, Switzerland
ASSOCIATED BELGRADE BANK (a.k.a. BEOBANKA d.d.; a.k.a. BEOGRADSKA BANKA d.d.; a.k.a. UDRUZENA BEOGRADSKA BANKA), all offices worldwide, including the following:
38 Rue Ali Azil, Algiers, Algeria;
Landestrasse–Hauptstrasse 1/III, 1030 Vienna, Austria;
40 Rue de l'Ecuyer, BTE 8, 1000 Brussels, Belgium;
Sokolovska 93/2p, Prague 8–Karlin, Czech Republic;
108 Fenchurch Street, London LEC 3M 5 JJ, England;
71 Avenue des Champs–Elysees, 75008 Paris, France;
Alt Moabit 74, 1000 Berlin 21, Germany;
Karlstrasse 31, 4000 Dusseldorf 1, Germany;
85–93/IV Zeil, 6000 Frankfurt am Main, Germany;
Lange Reihe 66, 2000 Hamburg 1, Germany;
Drokstre Strasse 14–16, 3000 Hannover 1, Germany;
Kleine Budergasse 13, 5000 Koln (Cologne) 1, Germany;
Sonnenstrasse 12/III, 8000 Munich 2, Germany;
Tubingerstrasse 72, 7000 Stuttgart 1, Germany;
Piazza Velasca 5, Milan, Italy;
P.O. Box 2869, Tripoli, Libya;
Damrak 28–30/IV, Amsterdam, Netherlands;
Przedstawicielstwo, Aleje Roz 5, Warsaw, Poland;
Kungsgaten 32/VI, P.O. Box 7592, 10393 Stockholm, Sweden;
Uranis Strasse 14/III, 8001 Zurich, Switzerland;
P.O. Box 3502, Harrare, Zimbabwe
ASSOCIATION OF YUGOSLAV RAILWAYS (a.k.a. ZAJEDNICA JUGOSLOVENSKIH ZELEZNICA), Belgrade, Serbia, FRY (S&M)
ASTRO–ORION, Serbia, FRY (S&M)
ATEKS, Belgrade, Serbia, FRY (S&M)
AUTOMOBILE INDUSTRY–CRVENA ZASTAVA (a.k.a. ZASTAVA; a.k.a. ZAVODI CRVENA ZASTAVA–KRAGUJEVAC), Kragujevac, Serbia, FRY (S&M)
AUTOPREVOZ, Pljevlja, Montenegro, FRY (S&M)
AUTOTEHNA, Belgrade, Serbia, FRY (S&M)
AVALA (n.k.a. DAN; f.k.a. GOLD STAR) (J8FN7) Bulk Carrier 27,069GT Denmark (Saint Vincent) Flag (Leonela Shipping) ((Sunbow Maritime S.A.)) (vessel)
AVIOGENEX, Milentia Popovica, 11070 Belgrade, Serbia, FRY (S&M)
AVNOJA 57, Serbia, FRY (S&M)

AVRAMOVIC, Dragoslav; Governor of National Bank of Yugoslavia; Bulevar Revolucije 15, 11000 Belgrade, Serbia, FRY (S&M); 13200 Cleveland Drive, Rockville, Maryland, U.S.A.; DOB: October 14, 1919 (individual)

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BANQUE NATIONALE DE YOUGOSLAVIE (a.k.a. NATIONAL BANK OF YUGOSLAVIA; a.k.a. NARODNA BANKA JUGOSLAVIJE), Belgrade, Serbia, FRY (S&M)

BAR (9HSU3) Bulk Carrier 17,460GT Malta flag (Bar Overseas Shipping Ltd.) (vessel)

BAR OVERSEAS SHIPPING LTD., Valletta, Malte, c/o Rigel Shipmanagement Ltd., Second Floor, Regency House, Republic Street, Valletta, Malta

BAYAMO (f.k.a. NIKSIC) (9HTF3) Bulk Carrier 9,916GT Malta flag (Lovcen Overseas Shipping Ltd.) (vessel)

BEGEJ SHIPYARD, Temisvarski drum bb, 23000 Zrenjanin, Serbia, FRY (S&M)

BEKO, Bulevar Vojvode Bojovica 6–8, 11000 Belgrade, Serbia, FRY (S&M)

BELGRADE–PREDUZECE ROBNIH KUCA, Belgrade, Serbia, FRY (S&M)

BELGRADE RAILROAD TRANSPORTATION ORGANIZATION (a.k.a. ZELEZNICKO TRANSPORTNO PREDUZECE BEOGRAD), Belgrade, Serbia, FRY (S&M)

BEOBANKA d.d. (a.k.a. ASSOCIATED BELGRADE BANK; a.k.a. BEOGRADSKA BANKA d.d.; a.k.a. UDRUZENA BEOGRADSKA BANKA), all offices worldwide (see ASSOCIATED BELGRADE BANK)

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BEOGRAD (n.k.a. MARIEL) (9HSV3) Bulk Carrier 15,396GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)

BEOGRAD AGRICULTURAL COMPLEX PKB, 11213 Padinska Skela, Belgrade, Serbia, FRY (S&M)

BEOGRAD–PREDUZECE ZA UPRAVA ELEKTROENERGICNIK SISTEMA, Belgrade, Serbia, FRY (S&M)

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BEOGRADSKA BANKA DD CYPRUS OFFSHORE BANKING UNIT, Nicosia, Cyprus

BEOGRADSKA PLOVIDBA (a.k.a. BEOPLOV), Lenjinov Bulevar 165A, 11070 Novi Beograd, Serbia, FRY (S&M)

BEOMEDICINA, Belgrade, Serbia, FRY (S&M)

BEOMEDICINA, Vojislava Ilica 145, 11000 Belgrade, Serbia, FRY (S&M)

BEOPLOV (a.k.a. BEOGRADSKA PLOVIDBA), Lenjinov Bulevar 165A, 11070 Novi Beograd, Serbia, FRY (S&M)

BIG ARENA (a.k.a. BIGARENA TRADING LTD.), 21 Kosta Ourani Street, P.O. Box 7001, Limassol, Cyprus

BIG ARENA TRADING LTD. (a.k.a. BIGARENA TRADING LTD.), Moscow, Russia

BIJELO POLJE (n.k.a. C. BLANCO) (9HSW3) Bulk Carrier 17,460GT Malta Flag (Bar Overseas Shipping Ltd.) (vessel)

BIMEL LIMITED, Cyprus

BINGO FRANCE (n.k.a. SIMPO FRANCE), 28 Rue du Puits Dixmes Sennia 606, 94320 Thiais: CEDEX–France

BIP, Bulevar Vojvode Putnika 5, 11000 Belgrade, Serbia, FRY (S&M)

BJELASICA, Bijelo Polje, Serbia, FRY (S&M)

B K COMPANY (a.k.a. BRACA KARIC COMPANY, a.k.a. BRACA KARIC TRADE COMPANY, a.k.a. KARIC BROTHERS HOLDING, a.k.a. B K HOLDING), Palmira Toljatija 3, 11070 Novi Beograd, Serbia, all affiliated companies worldwide, including the following:

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- B K HOLDING TASHKENT, ul. May. d. 85, Tashkent, Uzbekistan;
- B K HOLDING TOBOLYSK (a.k.a. B K HOLDING TOBOLJSK), Gostinica Inostranih Speciyalistov, kin 8, Tobolysk, 6–tya mikrorayon, Tyumenskaya Oblast, Russia;
- B K HOLDING YAKUTSK (a.k.a. B K HOLDING JAKUTSK), ul. Yaroslavskaya, d. 30/1 kv 101, Yakutsk, Siberia, Russia;
- B K HOLDING ZAPOROZHYE (a.k.a. B K HOLDING ZAPOROZJE), Prospekt Lenina, 181, kv. 35, Zaporozhye, 330006 Ukraine;
- B K ING, Moscow, Russia;
- B K TRADE, 5th Voykovskiy pr 12, Moscow, Russia 125171

BOJANA, Cetinje, Montenegro, FRY (S&M)

BOKA (n.k.a. KING LION, f.k.a. HANUMAN) (9HUQ3) General Dry Cargo 13,688GT Malta Flag (Worldwide Ocean Chartering Group) ((South Adriatic Bulk Shipping Ltd.)) (vessel)

BOKA, Herceg Novi, Montenegro, FRY (S&M)

BOKA OCEAN SHIPPING CORPORATION, Monrovia, Liberia, c/o Jugoslavenska Oceanska Plovidba BB, Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro, FRY (S&M)

BOR–TOPIONICA I RAFINERIJA BAKRA, Bor, Serbia, FRY (S&M)

BRACA KARIC (a.k.a. KARIC BROTHERS), Belgrade, Serbia, FRY (S&M) (see also B K COMPANY)

BRACA KARIC COMPANY, 109004 Uyanovskaya 40/22 stroyenie 1, Moscow Russia

BRISA (f.k.a. IVANGRAD) (9HTB3) General Dry Cargo 13,651GT Malta Flag (Oktoih Overseas Shipping Ltd) (vessel)

BRODOGRADILISTE NOVI SAD, Kamenicka ada 1, 21000 Novi Sad, Serbia, FRY (S&M)

BRODOIMPEX, Belgrade, Serbia, FRY (S&M)

BUDVA (9HUH3) Bulk Carrier 17,397GT Malta Flag (South Adriatic Bulk Shipping Ltd.) (vessel)

BUDVANSKA RIVIJERA, Budva, Montenegro, FRY (S&M)

BULK STAR (f.k.a. JUGOMETAL) (J8FN8) Ore/Bulk/Oil Carrier 79,279GT Saint Vincent Flag (Litalia Shipping S.A.) (vessel)

BYE LTD., Morley House, 314–322 Regent Street, London W1R 5AE, England

C. BLANCO (f.k.a. BIJELO POLJE) (9HSW3) Bulk Carrier 17,460GT Malta Flag (Bar Overseas Shipping Ltd.) (vessel)

CANNED FRUIT AND VEGETABLE PRODUCTION OF PROKUPLJE (a.k.a. HISAR–FABRIKA ZA PRERADU VOCA I POVRCA), Prokuplje, Serbia, FRY (S&M)

CENTRAL COMMERZ CONSULTING ENGINEERING TRADING GMBH, Zeppelinallee 71 6000 Frankfurt 90, Germany

CENTROCOOP (a.k.a. CENTROCOOP EXPORT–IMPORT ENTERPRISE), Serbia, FRY (S&M)

CENTROCOOP–BELKAMEN, Kavadarci, Serbia, FRY (S&M)

CENTROCOOP FRANCE EXPORT IMPORT, 31 Rue St Ferdinand, 75017 Paris, France

CENTROCOOP GMBH, Winkelsfelderstrasse 21, 4000 Dusseldorf 30, Germany

CENTROCOOP–HLADNJACA BAR, Bar, Montenegro, FRY (S&M)

CENTROCOOP–INVEST, Belgrade, Serbia, FRY (S&M)

CENTROCOOP ITALIANA (branch office), c/o Intex Srl., Via Della Greppa 4, 34100 Trieste, Italy

CENTROCOOP ITALIANA, Via Vitruvio 43, 20124 Milan, Italy

CENTROCOOP LTD., 162–168 Regent Street, London W1 5TB, England

CENTROCOOP PRAGUE, Gorkeho N16, Prague, Czech Republic
CENTROCOOP–PROIZVODNJA, Belgrade, Serbia, FRY (S&M)
CENTROCOOP WARSAW, Warsaw, Poland
CENTROEXPORT, Belgrade, Serbia, FRY (S&M)
CENTROMARKET, Belgrade, Serbia, FRY (S&M)
CENTROPRODUCT (a.k.a. YUGOTOURS), Eisenberg Business Center, House Asia, Tel Aviv, Israel
CENTROPRODUCT, BARI (a.k.a. YUGOTOURS), Via Principe Amedeo 25, 70121 Bari, Italy
CENTROPRODUCT HELLAS S.A.R.L., Xanthou 5, Kolonaki Square, Athens 10673, Greece
CENTROPRODUCT, ROME (a.k.a. YUGOTOURS), Via Bissolati 76, 00187, Rome, Italy
CENTROPRODUCT S.A., c/Orense 85, Esc. IV, 4A, Madrid, Spain 28020
CENTROPRODUCT, S.A.R.L. (a.k.a. YUGOTOURS S.A.R.L.), 39 avenue de Friedland, 75008 Paris, France
CENTROPRODUCT S.R.L. (a.k.a. YUGOTOURS), Via Agnello 2, 20121 Milan, Italy
CENTROPRODUCT, TRIESTE, Via Fabrio Filzi 10, Trieste, Italy
CENTROPROJEKT, Belgrade, Serbia, FRY (S&M)
CENTROPROM, Knez Mihailova 20, 11000 Belgrade, Serbia, FRY (S&M)
CENTROSLAVIJA, Novi Sad, Vojvodina, FRY (S&M)
CENTROTEKSTIL, Belgrade, Serbia, FRY (S&M)
CENTROTEXTIL AUSSENHANDELS GMBH, Hochstrasse 48, 6000 Frankfurt am Main, Germany
CENTROTEXTIL AUSSENHANDELS GMBH, Karlstrasse 60, 8000 Munich, Germany
CENTROTEXTIL INC., New York, NY, U.S.A.
CESTAR (Unknown) RO/RO Cargo/Ferry 121GT Yugoslavia Flag (Mostogradnja–Gradjevno Preduzece) (vessel)
CETINJE (n.k.a. PLAYA) (9HSY3) Bulk Carrier 9,028GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
CHAMBER OF ECONOMY OF MONTENEGRO (a.k.a. PRIVREDNA KOMORA CRNE GORE), Podgorica, Montenegro, FRY (S&M)
CHAMBER OF ECONOMY OF SERBIA (a.k.a. PRIVREDNA KOMORA SRBIJE), Belgrade, Serbia, FRY (S&M)
CHAMBER OF ECONOMY OF YUGOSLAVIA (a.k.a. PRIVREDNA KOMORA JUGOSLAVIJE), Belgrade, Serbia, FRY (S&M)
CHESA, I., Bd. Magheru 24 et IIf, AP 18, Sector 1, Bucharest, Romania (address of EAST POINT HOLDINGS) (individual)
CICALA, Andrea, Plaza Liberty No. 8, 20131 Milan, Italy (address of EAST POINT HOLDINGS) (individual)
CINEX, Singerstrasse 2/8, 1010 Vienna, Austria
COMBICK AUSSENHANDELS GMBH, all offices, including the following:
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Thalkirchenerstrasse 2, 8000 Munich, Germany;
Windmuehlstrasse 1, 6000 Frankfurt am Main, Germany
COMBICK GMBH, Neuer Markt 1, 1010 Vienna, Austria
COMBICK GMBH, Post Office Box 322079, Militaerstrasse 90, 8004 Zurich, Switzerland
CONTROLBANK, all offices worldwide
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COOPEX, Vienna, Austria
COTRA BV, J Luykenstraat 12 3HG, 1071 CM Amsterdam, Netherlands
CREDIBEL, all offices worldwide
CRNA GORA (9HUL3) Bulk Carrier 36,223GT Malta Flag (Zeta Ocean Shipping Ltd.) (vessel)
CRNA GORA–NIKSIC, Niksic, Montenegro, FRY (S&M)
CRNAGORACOOP, Danilovgrad, Montenegro, FRY (S&M)
DAFIMENT BANK, all offices worldwide
DAN (f.k.a. GOLD STAR; f.k.a. AVALA) (J8FN7) Bulk Carrier 27,069GT Denmark (Saint Vincent) Flag (Leonela Shipping) ((Sunbow Maritime S.A.)) (vessel)
DANILOVGRAD (n.k.a. VEDADO) (9HSZ3) Ore Carrier 15,396GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
DANJAN INC. (a.k.a. DANJAN INTERNATIONAL INC.) L4B 3H7 15 Wertheim Court, Suite 408, Richmond Hill, Toronto, Ontario, Canada
DANUBE (a.k.a. DUNAV), Smederevo, Serbia, FRY (S&M)
DES–SUBOTICA, Gavrila Principa 8, 24000 Subotica, Serbia, FRY (S&M)
DIKOMBAU GMBH (branch office), Flandricher Strasse 13–15, 5000 Koln, Germany
DIKOMBAU GMBH, Lager Weg 16, 6000 Frankfurt am Main, Germany
DIMONT GMBH (a.k.a. DIMONT MONTAGE UND BAU GMBH), Wilhelm–Leuschner–Strasse 68, 6000 Frankfurt am Main, Germany
DINARA, Belgrade, Serbia, FRY (S&M)
DIP (a.k.a. DRVNO INDUSTRIJSKO PREDUZECE), Belgrade, Serbia, FRY (S&M)
DOLPHINA BANK, all offices worldwide
DRAKULIC, Zoran; Capitol Center, 8th Floor, Nicosia, Cyprus; DOB: April 15, 1953 (individual)
DRVNO INDUSTRIJSKO PREDUZECE (a.k.a. DIP), Belgrade, Serbia, FRY (S&M)
DRVOIMPEX, Podgorica, Montenegro, FRY (S&M)
DUNAV (a.k.a. DANUBE), Smederevo, Serbia, FRY (S&M)
DUNAV TISA DUNAV (a.k.a. DUNAV–TISA–DUNAV), Bulevar Marsala Tita 25, 21000 Novi Sad, Vojvodina, FRY (S&M)
DURMITOR (9HUR3) General Dry Cargo 12,375GT Malta Flag (South Cross Shipping Ltd.) (vessel)
DUVANSKA INDUSTRIJA, Nis, Serbia, FRY (S&M)
DUVANSKI KOMBINAT, Podgorica, Montenegro, FRY (S&M)
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Day Building, Bucharest Avenue, OIH Alley No. 1/17, Apt. 8, Teheran, Iran;
Plaza Liberty No. 8, 20131 Milan, Italy;
Bd. Magheru 24 et IIf, AP. 18, Sector 1, Bucharest, Romania;
20 Mantulinskaya Street, App 16, Moscow, Russia;
Belgrade, Serbia, FRY (S&M);
Vul. Prorizna 13, POM. 06, Kiev, Ukraine
EI BULL HN, Nis, Serbia, FRY (S&M)
EI–FABRIKA RADIO CEVI, Nis, Serbia, FRY (S&M)
EI–NIS, Nis, Serbia, FRY (S&M)
ELEKTRODISTRIBUCIJA, Belgrade, Serbia, FRY (S&M)
ELEKTROMETAL, Belgrade, Serbia, FRY (S&M)
ELEKTRONSKA INDUSTRIJA, Bulevar Velika Vlahovica 80–82, 18000 Nis, Serbia, FRY (S&M)
ELEKTROPRIVEDA–PREDUZECE ZA PROIZVODNJU EL. ENERGIJE I UGLJA, Belgrade, Serbia, FRY (S&M)
ELEKTROPRIVREDA CRNE GORE (a.k.a. MONTENEGRO ELECTRIC POWER COMPANY), Podgorica, Montenegro, FRY (S&M)
ELEKTROPRIVREDA KOSOVA (a.k.a. KOSOVO ELECTRIC POWER COMPANY), Pristina, Kosovo, FRY (S&M)
ELEKTROPRIVREDA SRBIJE (a.k.a. SERBIA ELECTRIC POWER INDUSTRY), Belgrade, Serbia, FRY (S&M)
ELEKTROSRBIJA–DISTRIBUCIJA, Kraljevo, Serbia, FRY (S&M)
ELEKTROTIMOK, Zajecar, Serbia, FRY (S&M)
ELEKTROVOJVODINA, Novi Sad, Vojvodina, FRY (S&M)
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ENERGOPROJEKT (BOTSWANA) (PTY) LTD., P.O. Box 445, Gabarone, Botswana;
ENERGOPROJEKT, INC., New York, NY, U.S.A.;
ENERGOPROJEKT, Belgrade, Serbia, FRY (S&M)
ENTERPRISE FOR CONSTRUCTION MACHINERY–RADOJE DAKIC (a.k.a. RADOJE DAKIC), Podgorica, Montenegro, FRY (S&M)
EUROPA INTERNACIONAL (and all offices worldwide), Palmira Toljatija 3, 11070 Novi Beograd, Serbia, FRY (S&M)
EXIMKOS (a.k.a. KOSOVO EXPORT IMPORT GMBH; a.k.a. KOSOVO GMBH; a.k.a. OMEGA GMBH), Maillingerstrasse 34, 8000 Munich 2, Germany
EXPORT IMPORT KOSOVO, Trg Republike 2, 38000 Pristina, Kosovo, FRY (S&M)
FABEG, Belgrade, Serbia, FRY (S&M)

FABRIKA KABLOVA, Zajecar, Serbia, FRY (S&M)
FABRIKA OPREME I DELOVA, Bor, Serbia, FRY (S&M)
FABRIKA PUMPI JASTREBAC NIS, 12 Februara Bulevar 82, 18000 Nis, Serbia; FRY (S&M)
FABRIKA STAKLA–ZAJECAR, Zajecar, Serbia, FRY (S&M)
FABRIKA VENTILA ZA PNEUMATIKU, Bor, Serbia, FRY (S&M)
FAKULTET ZA MENADZMENT, Narodnog Fronta 43, Belgrade 11000, Serbia, FRY (S&M)
FAM, Krusevac, Serbia, FRY (S&M)
FAP–FAMOS, Belgrade, Serbia, FRY (S&M)
FCI HOLDING S.A. 3 Rte de Sion, 3960 Sierre, Switzerland
FEDERAL DIRECTORATE OF SUPPLY AND PROCUREMENT, Belgrade, Serbia, FRY (S&M)
FERONIKL–GLOGOVAC, Glogovac, Kosovo, FRY (S&M)
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FURNITURE AMERICANA, Hackensack, NJ
G. L. LEGIN, 21 Kosta Ourani Street, Limassol, Cyprus
G. L. LEGIN, Bolshaya Pochtovaya Street Nr 1, Moscow, Russia
GAS, Novi Sad, Vojvodina, FRY (S&M)
GENERAL COMMERCE GMBH, Kaufinger Strasse 35, 8000 Munich 2, Germany
GENERAL IKL CORPORATION, Blauvelt, NY, U.S.A.
GENERAL MOTORS YU, Belgrade, Serbia, FRY (S&M)
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GENERALEXPORT BEIJING, Unit 08–06/07, Liang Ma Tower, 8 North Dong San Huan Road, Chao Yang District, Beijing, China;
GENERALEXPORT BRATISLAVA (a.k.a. YUGOTOURS), Palisady 31/II, 81106 Bratislava, Slovak Republic;
GENERALEXPORT BUCHAREST, P.O. 22, Bd. N Balcescu Nr. 26, Sector 1, Bucharest, Romania;
GENERALEXPORT BUDAPEST, Vaci Utca 19–21 (5th Floor), 1052 Budapest V, Hungary;
GENERALEXPORT CAIRO, 21, Ahmed Heshmet Str. Zamalek, 1st Floor, Suite 4, Cairo, Egypt;
GENERALEXPORT DAMASCUS, P.O. Box 2883, Tajhiz Street, Kardous Building, Damascus, Syria;
GENERALEXPORT ISTANBUL (a.k.a. GENERALEXPORT LIAISON OFFICE), Dag. Apt. Daire No. 10, Cumhuriyet Cad. No. 10, Elmadag, Istanbul, Turkey;
GENERALEXPORT KHARTOUM (a.k.a. GENEX LTD. SUDAN; a.k.a. GENERALEXPORT REPRESENTATIVE OFFICE), P.O. Box 6013, El Nugumi Str 10 Khartoum, Sudan;
GENERALEXPORT KIEV, Kiev, Ukraine;
GENERALEXPORT KUWAIT, P.O. Box 1661 Safat, 13017, Safat Al Kuwait;
GENERALEXPORT LOME, (a.k.a. GENEX LOME–TOGO), P.O. Box 4410, Lome, Togo;
GENERALEXPORT MOSCOW, Ul. Raevskogo 4, 121248 Moscow, Russia;
GENERALEXPORT NORILSK, Norilsk, Russia;
GENERALEXPORT PRAGUE (a.k.a. YUGOTOURS), Stepanska 57/II, 11000 Prague, Czech Republic;
GENERALEXPORT RIGA, Kirowa 21, 2 floor, kv. 4, Riga, Latvia;
GENERALEXPORT SAINT PETERSBURG, Kirowski Prospekt 26/28 kv 101, St. Petersburg, Russia;
GENERALEXPORT SOCHI, Pirogowa 30 a, Sochi, Russia;
GENERALEXPORT SOFIA, Aleksandar Stambolijski 49/III, 1000 Sofia, Bulgaria;
GENERALEXPORT TASHKENT, Tashkent, Uzbekistan;
GENERALEXPORT TEHRAN, P.O. Box 11365–7633, Str. Kharim Khane zand No. 1/53, Tehran, Iran;
GENERALEXPORT ULAN BATOR, 6 Mikrorajon, Dom 41, Kvartira 9/4, Ulan Bator, Mongolia;
GENERALEXPORT VOLGOGRAD, Chuikowa 37, 4 floor, kv 4, Volgograd, Russia;
GENERALEXPORT WARSAW, Ul. Wspolna 35 m. 8, 00–519 Warsaw, Poland;
GENERALEXPORT YEREVAN, Yerevan, Armenia
GENEX (a.k.a. GENERALEXPORT), Belgrade, Serbia, FRY (S&M) (see GENERALEXPORT)
GENEX–AGRAR, Post Office Box 636, Vladimira Popovica 8, 11070 Novi Beograd, Serbia, FRY (S&M)
GENEX–ENGINEERING, Post Office Box 636, Vladimira Popovica 8, 11070 Novi Beograd, Serbia, FRY (S&M)
GENEX–INVEST, Post Office Box 636, Vladimira Popovica 8, 11070 Novi Beograd, Serbia, FRY (S&M)
GENEX KRISTAL, Belgrade, Serbia, FRY (S&M)
GENEX LTD. SUDAN (a.k.a. GENERALEXPORT KHARTOUM; a.k.a. GENERALEXPORT REPRESENTATIVE OFFICE), P.O. Box 6013, El Nugumi Str 10 Khartoum, Sudan
GENEX MAGREB, Tunisia
GENEX–METALS, Post Office Box 636, Narodnih Heroja 43, 11070 Novi Beograd, Serbia, FRY (S&M)
GENEX–PHARM, CHEMICALS AND CRUDE OIL, Post Office Box 636, Vladimira Popovica 8, 11070 Novi Beograd, Serbia, FRY (S&M)
GENEX–REPRESENTATION, Post Office Box 636, Dure Dakovica 31, 11000 Belgrade, Serbia, FRY (S&M)
GENEX–TEXTILES, LEATHER AND FOOTWEAR, Post Office Box 636, Vladimira Popovica 8, 11070 Novi Beograd, Serbia, FRY (S&M)
GENEX–TIMBER, PAPER AND PRINTING Post Office Box 636, Narodnih Heroja 43 11070 Novi Beograd, Serbia, FRY (S&M)
GEOINSTITUT, Rovinjska 12, 11000 Belgrade, Serbia, FRY (S&M)
GIK KOMGRAP, Podgorica, Montenegro, FRY (S&M)
GLIMMER MARITIME S.A., Panama City, Panama, c/o Beogradska Plovidba, Lenjinov Bulevar 165A, 11070 Novi Beograd, Serbia, FRY (S&M)
GLOBAL, Novi Sad, Vojvodina, FRY (S&M)
GOLD STAR (n.k.a. DAN; f.k.a. AVALA) (J8FN7) Bulk Carrier 27,069GT Denmark (Saint Vincent) Flag (Leonela Shipping ((Sunbow Maritime S.A.)) (vessel)
GORNJI IBAR, Rozaje, Montenegro, FRY (S&M)
GOSA, 11420 Smederevska Palanka, Industrijska 70, Serbia, FRY (S&M)
GOSA, Smederevo, Serbia, FRY (S&M)
GRUPO ICD–PAMS–SG, Belgrade, Serbia, FRY (S&M)
GUANA (f.k.a. KOLASIN) (Unknown) Bulk Carrier 9,916GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
GUMAPLAST, Indija, Vojvodina, FRY (S&M)
GVOZDENOVIC, Zaga; Xenios Commercial Centre, Archbishop Makarios III Avenue Suite 504 (address of J.U.B. HOLDINGS); DOB: July 22, 1941 (individual)
HANUMAN (n.k.a. KING LION, f.k.a. BOKA) (9HUQ3) General Dry Cargo 13,688GT Malta Flag (Worldwide Ocean Chartering Group) ((South Adriatic Bulk Shipping Ltd.)) (vessel)
HELINCO LTD., Amerikis 10, Athens 134, Greece
HELSER LTD. 7 Lassani Street, Thiseos 64 Ampelokipi, Thessaloniki, Greece
HEMOFARM, Vrsac, Vojvodina, FRY (S&M)
HEMPRO, Belgrade, Serbia, FRY (S&M)
HEMPRO BELGRADE, Mala Stepanska 15, Prague, Czech Republic
HEMPRO–BELGRADE REPRESENTATION Str. Uiliam Gladston 38 fl 1, 1000 Sofia, Bulgaria
HEMPRO–EXPORT UND IMPORT GMBH, Luisenstrasse 46 IV, 1040 Berlin, Germany
HEMPRO–JUGOSLAWISCH–DEUTSCHE GMBH, Eschersheimer Landstrasse 61 6000 Frankfurt am Main, Germany
HEMPRO, Kutuzovskii Prospekt d 13 kv 2 Moscow, Russia
HERCEG NOVI (9HUN3) General Dry Cargo 9,698GT Malta Flag (South Cross Shipping Ltd.) (vessel)
HIP–PETROHEMIJA, Pancevo, Vojvodina, FRY (S&M)
HIPOZAL BANKA, all offices worldwide
HISAR–FABRIKA ZA PRERADU VOCA I POVRCA (a.k.a. CANNED FRUIT AND VEGETABLE PRODUCTION OF PROKUPLJE), Prokuplje, Serbia, FRY (S&M)
I.G.C. LTD., 57 Ledra Street No. 7, Nicosia, Cyprus
I.P.T. COMPANY, INC., Warminster PA, U.S.A.
ICN–GALENIKA, Belgrade, Serbia, FRY (S&M)

IGALO (YUFC) Ferry 299GT Yugoslavia Flag (Komunalno Poduzece) (vessel)
IKARUS, Belgrade, Serbia, FRY (S&M)
IKL (a.k.a. INDUSTRIJA KOTRLJAJUCIH LEZAJA), Kneza Danila 23–25, 11000 Belgrade, Serbia, FRY (S&M)
IMI, Palmira Toljatija 3, 11070 Novi Beograd, Serbia, FRY (S&M)
IMI, Dragomira Vukovica BB, 38300 Pec, Kosovo, FRY (S&M)
IMK 14 OKTOBAR (a.k.a. METALWORKING MACHINES AND COMPONENTS INDUSTRY 14 OCTOBER), Krusevac, Serbia, FRY (S&M)
IMLEK, Zajecar, Serbia, FRY (S&M)
IMPEX OVERSEAS CORPORATION, New York, NY, U.S.A.
IMPEXPRODUKT, Wipplingerstrasse 36, 1010 Vienna, Austria
IMPREGNACIJA DRVETA, Kolasin, Montenegro, FRY (S&M)
IMR–INDUSTRIJA MOTORA RAKOVICA (a.k.a. MOTOR INDUSTRY OF RAKOVICA), Belgrade, Serbia, FRY (S&M)
IMT–INDUSTRIJA MOTORA I TRAKTORA (a.k.a. MACHINES AND TRACTORS INDUSTRY), Belgrade, Serbia, FRY (S&M)
INCETRA ETABLISSEMENT S.A., Corso Elvezia 10/II, Lugano, Switzerland
INCETRA ETABLISSEMENT S.A., Vaduz, Liechtenstein
INDUSTRIAIMPEX, Marka Miljanova 17, 81000 Podgorica, Montenegro, FRY (S&M)
INDUSTRIAIMPORT, Vuka Karadzica 41, 81000 Podgorica, Montenegro, FRY (S&M)
INDUSTRIJA ALATA, Trebinje, Bosnia–Herzegovina
INDUSTRIJA KABLOVA, Svetozarevo, Serbia, FRY (S&M)
INDUSTRIJA KOTRLJAJUCIH LEZAJA (a.k.a. IKL), Kneza Danila 23–25, 11000 Belgrade, Serbia, FRY (S&M)
INDUSTRIJAIMPORT, Podgorica, Montenegro, FRY (S&M)
INEC ENGINEERING CO. LTD., 175 Regent Street, London W1, England
INEC UK LTD., R/O Albion Street, London, W2 2AS England
INEX (a.k.a INEX–INTEREXPORT LTD., a.k.a. INTEREXPORT LTD. CO.), 27 Marta 69, Belgrade, Serbia, FRY (S&M)
INEX AG, Bahnhofquai 15, 8001 Zurich, Switzerland, and all offices worldwide, including the following:
Schottengasse 4/17, 1010 Vienna, Austria;
Milan, Italy;
Paris, France;
Istanbul, Turkey
INEX BANKA d.d., all offices worldwide
INEX FRANCE SARL, 40 rue des Mathurins, 75008 Paris, France
INEX GMBH (a.k.a. INEX IMPORT EXPORT GMBH), all offices, including the following:
Luisenstrasse 46, 1040 Berlin, Germany;
Stiftstrasse 30/121, 6000 Frankfurt am Main, Germany;
4330 Muelheim, Germany;
Schwanthalerstrasse 3W, 8000 Munich, Germany
INEX–INTEREXPORT, all offices worldwide, including the following (see also INEX):
Pruga e kongresit e permetit 192–196, Tirana, Albania;
24, Boulevard Youcef Zirout, Algiers, Algeria;
Vienna, Austria;
Road 7, House 42/F, Banani/Dhaka–13, Bangladesh;
Ul. Oboriste 9, Sofia, Bulgaria;
4–2–81 Jianguomenwai, Beijing, China;
Linea No. 5e/NyO, Vedado, Havana, Cuba;
Sokolovska 93/III, Prague 3–Karlin, Czech Republic;
12, Mohamed Talaat Nooman Street, Alexandria, Egypt;
16, Cherif Street app. 21–22, Cairo, Egypt;
Joanu Igrigoriadou 6 str 55236, Thessaloniki, Greece;
Dozsa Gyorgy ut 92/b, Budapest VI, Hungary;
No. 149, Ave. Iranshahr, Shomali Bldg. 555, 5th Floor, Tehran, Iran;
6 B (Duplex Annex), Saeet Hail Road, M.A.C. H.S., Karachi, Pakistan;
Szpitalna 6, Warsaw, Poland;
Dumitru Lemnea Nr. 3/3 ap. 7, Bucharest, Romania;
Krasnogvardeyski Proyezd 25, Gostilnica Soyuz II, Moscow, Russia;
Kutuzovski Prospekt 7/4, Korpus No. 6, Biro 38, Moscow, Russia;
Lenina 2, Tyumen, Russia;
Culenova 5/1, 381646 Bratislava, Slovak Republic;
Palacio de la Prenso, Plaza Callao 4–70 B, 13 Madrid, Spain
INEX–INTEREXPORT ENGINEERING, 4, Shawarbi Street, Apt. #5, Cairo, Egypt
INEX–INTEREXPORT HIP DEVELOPMENT AND ENGINEERING CONSORTIUM, That Al Emad Complex, Tripoli, Libya
INEX–INTEREXPORT LTD (a.k.a INTEREXPORT LTD. CO.; a.k.a. INEX), 27 Marta 69, Belgrade, Serbia, FRY (S&M) (see INEX)
INEX ITALIANA SRL, all offices, including the following:
Via Antonio de Recante 4y, 20124 Milan, Italy;
XX Settembre 3/2, 34121 Trieste, Italy
INEX PETROL AG, Karntner Ring 17/15, 1010 Vienna, Austria
INEX PETROL AG, Bahnhofquai 15, 8001 Zurich, Switzerland
INEX TOURS INTERNATIONAL SRL, Via Vittor Pisani, 20124 Milan, Italy
INEX TURIST, Belgrade, Serbia, FRY (S&M)
INEXAMER COMMERCIAL CORPORATION, New York, NY, U.S.A.
INEXPRODUCT LTD., 40–43, Chancery Lane, London W.C. 2, England
INFORMATIKA, Belgrade, Serbia, FRY (S&M)
ING, Dr., Bd. Magheru 24 et III, AP 18, Sector 1, Bucharest, Romania (address of EAST POINT HOLDINGS) (individual)
INKOTEHNA, Belgrade, Serbia, FRY (S&M)
INLIT SRL, V le Vittorio Veneto 24, 20124 Milan, Italy
INOS, Belgrade, Serbia, FRY (S&M)
INPEA, Kursovoi Per 1 KV.3, Moscow, Russia
INPEA, Romania
INPEA (OVERSEAS) LTD, 284 Archbishop Makarios III Avenue, Fortuna Bldg., Block B, 2nd Floor, Limassol, Cyprus
INPROM, Podgorica, Montenegro, FRY (S&M)
INSTITUT B K, Palmira Toljatija 3, 11070 Novi Beograd, Serbia, FRY (S&M)
INSTITUT MIHAJLO PUPIN, Belgrade, Serbia, FRY (S&M)
INSTITUT ZA SISTEME, Belgrade, Serbia, FRY (S&M)
INSTITUT ZA SPOLJNU TRGOVINU (a.k.a. FOREIGN TRADE INSTITUTE), Belgrade, Serbia, FRY (S&M)
INTEREXPORT, Blvd. E. Jacqmain 162, WTC–V 19e etage, 1000 Brussels, Belgium
INTEREXPORT, Belgrade, Serbia, FRY (S&M)
INTEREXPORT COMPANY LTD., Mutende Road, Woodlands Residential Area, Lusaka, Zambia
INTEREXPORT LTD. CO. (a.k.a. INEX; a.k.a. INEX–INTEREXPORT LTD), 27 Marta 69, Belgrade, Serbia, FRY (S&M)
INTERKOMERC, Belgrade, Serbia, FRY (S&M)
INTERNATIONAL GENEX BANK, all offices worldwide
INTERNATIONAL TRADE MARKETING, Belgrade, Serbia, FRY (S&M)
INTERPROGRESS A.G., Renggerstrasse 50, 8037, Zurich, Switzerland
INTERPROGRESS EUROPE, 16 Avenue Hoche, 75008 Paris, France
INTERPROGRESS FRANKFURT (a.k.a. INTERPROGRESS GMBH), Hermann–Mattern Strasse 46/III, Berlin, Germany;
Reuterweg 93, 6000 Frankfurt am Main, Germany
INTERPROGRESS GMBH (a.k.a. INTERPROGRESS FRANKFURT), Hermann–Mattern Strasse 46/III, Berlin, Germany;
Reuterweg 93, 6000 Frankfurt am Main, Germany
INTERPROGRESS IMPORT EXPORT CO LTD., 63–66 Hatton Garden, EC1N 8LE London, England
INTERPROGRESS PRT LTD., P.O. Box 937 Pymble NSW 2073, Sydney, Australia
INTERPROGRESS S.T.R.L., 16 Avenue Hoche, 75008 Paris, France
INTERPROGRESS TRADING CORPORATION, New York, NY, U.S.A.
INTERSERVIS, Vojvodina, FRY (S&M)
INTERTEHNA, Belgrade, Serbia, FRY (S&M)
INTYBRA REPRESENTACAO & COMERCIO SA, Rua Visc de Inhauma 134 S/927, Rio de Janeiro, Brazil
INVEST–COMMERCE SARL, 65 Rue de Paris, 92110 Clichy, France
INVEST–IMPORT, Belgrade, Serbia, FRY (S&M), all affiliates worldwide, including the following:
INVEST–IMPORT ALGERIA, 2 Chemin Abdelcrim Dziri Villa, Samarcande El Biar, Algiers, Algeria;
INVEST–IMPORT BURMA, Sule Pagoda Road 136, Rangoon, Burma;
INVEST–IMPORT CHINA, Embassy of the FRY, Commercial Bureau, 1–22 Diplomatic Office Building, San Li Tun, Beijing, China;
INVEST–IMPORT CZECH REPUBLIC, Prague, Czech Republic;
INVEST–IMPORT EGYPT, 21 Ahmed Orabi Str., Mohandessin, Cairo, Egypt;
INVEST–IMPORT, Hermann–Mattern Strasse 46, 1040 Berlin, Germany;
INVEST–IMPORT IRAN, Blvd. No. 202, 4th Floor, Taleghani Avenue, Sepahbod Gharani Crossroad, Tehran, Iran;

INVEST–IMPORT IRAQ, P.O. Box 631, Baghdad, Iraq;
INVEST–IMPORT LIBYA, Shara Omar Mukatar 310/III, Office 11, Tripoli, Libya;
INVEST–IMPORT, Soimonovsku per. 1, Moscow, Russia;
INVEST–IMPORT– U. EXPORT GMBH, Graf–Adolf–Strasse 72–74, 4000 Dusseldorf 1, Germany;
INVEST–IMPORT UAE, Arbift Tower, Office No. 1503, Dubai, United Arab Emirates
INVESTBANKA (a.k.a. OSNOVNA PRIVREDNO–INVESTICIONA BANKA), all offices worldwide (headquartered in Belgrade, Serbia, FRY (S&M))
INVESTBANKA BELGRADE, all offices worldwide
INVESTICIONA BANKA TITOGRAD (a.k.a. MONTENEGROBANKA d.d.), Bulevar Revolucije 1, P. O. Box 183, 81001 Podgorica, Montenegro, FRY (S&M), all offices worldwide (headquartered in Podgorica, Montenegro, FRY (S&M))
INVESTINZENJERING, Belgrade, Serbia, FRY (S&M)
IOANNIDES, Pambos, 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus (individual)
ITALKOPRODUCT, Piazza Cavour 3, 20121 Milan, Italy
ITRANS, Serbia, FRY (S&M)
IVANGRAD (n.k.a. BRISA) (9HTB3) General Dry Cargo 13,651GT Malta Flag (Oktoih Overseas Shipping Ltd) (vessel)
IVO LOLA RIBAR–Beograd, Belgrade, Serbia, FRY (S&M)
J&K LTD. (a.k.a. JNK LTD.) Wildwoods, Theobalds Park Rd., Crews Hill, Enfield–Middlesex, England
J.I.B. INSPECTION LTD. (a.k.a. JUGOINSPEKT LTD.; a.k.a. JUGOINSPEKT (CYPRUS) LTD.), 57 Ledra St, No. 7, Nicosia, Cyprus
J.U.B. HOLDINGS LTD, 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus; registered address: Xenios Commercial Centre, Archbishop Makarios III Avenue, Suite 504, Nicosia, Cyprus
JAT (a.k.a. JAVNO PREDUZECE ZA VAZDUSNI SAOBRACAJ; a.k.a. JUGOSLOVENSKI AEROTRANSPORT; a.k.a. YUGOSLAV AIRLINES), Belgrade, Serbia, FRY (S&M), all offices worldwide
JAVNO PREDUZECE PTT SRBIJE (a.k.a. PUBLIC ENTERPRISE OF POST, TELEGRAPH, AND TELEPHONE OF SERBIA), Serbia, FRY (S&M)
JAVNO PREDUZECE ZA VAZDUSNI SAOBRACAJ, Belgrade, Serbia, FRY (S&M), all offices worldwide (see JAT)
JB INTERNATIONAL SHIPPING AND COMMERCIAL GMBH, Alter Wall 36, 2000 Hamburg 11, Germany
JIK BANKA d.d. (a.k.a. JUGOSLOVENSKA IZVOZNA I KREDITNA BANKA d.d.; a.k.a. YUGOSLAV EXPORT AND CREDIT BANK INC.), all offices worldwide (see JUGOSLOVENSKA IZVOZNA I KREDITNA BANKA d.d.)
JNA (a.k.a. JUGOSLOVENSKA NARODNA ARMIJA; a.k.a. YUGOSLAV NATIONAL ARMY), Belgrade, Serbia, FRY (S&M)
JOINT REPRESENTATIVE OFFICE OF YUGOSLAV BANKS, Mosfiljmovskaja 42, 7332 Moscow, Russia
JOINT REPRESENTATIVE OFFICE OF YUGOSLAV BANKS, No. 17 2nd Street Pakistan Avenue, Dr. Beheshti Avenue, Teheran, Iran
JOINT REPRESENTATIVE OFFICE OF YUGOSLAV BANKS, Piazza Santa Maria Beltrade 2, 20121 Milan, Italy
JOINT REPRESENTATIVE OFFICE OF YUGOSLAV BANKS, Ta Yuan Cun–dipl. Office bldg. 2–8–1, Beijing, China
JOP (a.k.a. JUGOOCEANIJA; a.k.a. JUGOSLAVENSKA OCEANSKA PLOVIDBA BB; a.k.a. YUGOSLAV OCEAN LINES), Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro, FRY (S&M)
JUGOAGENT, Belgrade, Serbia, FRY (S&M)
JUGOAGENT, HAMBURG REPRESENTATIVE OFFICE, Hamburg, Germany
JUGOALAT, Novi Sad, Vojvodina, FRY (S&M)
JUGOAUTO, Belgrade, Serbia, FRY (S&M)
JUGOAZBEST, Milanovac, Serbia, FRY (S&M)
JUGOBANKA (a.k.a. BANK FOR FOREIGN TRADE AD; a.k.a. JUGOBANKA d.d.; a.k.a. YUGOBANKA), all offices worldwide, including the following:
Argentinenstrasse 22/II/4–11, 1040 Vienna, Austria;
Salisbury House, First Floor (Rooms 378–379), London, EC2M5RT, England;
25, Rue Lauriston, 75116 Paris, France;
Kurfurstenstrasse 106/II, 1000 Berlin 30, Germany;
Klosterstrasse 34/I, 4000 Dusseldorf, Germany;
Goether Strasse 2/II, 6000 Frankfurt am Main 1, Germany;
Schledusenbruecke 1–4, 2000 Hamburg 36, Germany;
Georgestrasse 36/3, 3000 Hannover, Germany;
c/o BFG M–7 m No 16–17, 6800 Mannheim, Germany;
Sonnenstrasse 12/III, 8000 Munich, Germany;
Am Plaerer 2, 8500 Nuremberg, Germany;
Koenigstrasse 54/8, 7000 Stuttgart 1, Germany;
c/o Yugoslav Chamber of Economy, Saadoun Str., Shalen Bldg., Baghdad, Iraq;
P.O. Box 2869, Tripoli, Libya;
Singel 512, Amsterdam 1017 AX, Netherlands;
Kungsgatan 55/3, 11122 Stockholm, Sweden;
Zweierstrasse 169/1, 8003 Zurich, Switzerland
JUGOBANKA (a.k.a. BANK FOR FOREIGN TRADE AD–SKOPJE; a.k.a. JUGOBANKA d.d.; a.k.a. YUGOBANKA), Skopje, Former Yugoslav Republic of Macedonia
JUGOBROD, Belgrade, Serbia, FRY (S&M)
JUGODRVO, Belgrade, Serbia, FRY (S&M)
JUGODUVAN, Nis, Serbia, FRY (S&M)
JUGOELEKTRO, Belgrade, Serbia, FRY (S&M)
JUGOELEKTRO, BERLIN BRANCH OFFICE, Berlin, Germany
JUGOEXPORT, Belgrade, Serbia, FRY (S&M)
JUGOEXPORT GMBH, Bronnerstrasse 17, 6000 Frankfurt am Main 1, Germany
JUGOHEMIJA, Belgrade, Serbia, FRY (S&M)
JUGOINSPEKT (CYPRUS) LTD. (see J.I.B. INSPECTION LTD.)
JUGOINSPEKT LTD. (see J.I.B. INSPECTION LTD.)
JUGOINSPEKT, Serbia, FRY (S&M)
JUGOLABORATORIJA, Belgrade, Serbia, FRY (S&M)
JUGOLEK, Belgrade, Serbia, FRY (S&M)
JUGOMETAL (f.k.a. BULK STAR) (J8FN8) Ore/Bulk/Oil Carrier 79,279GT Saint Vincent Flag (Litalia Shipping S.A.) (vessel)
JUGOMETAL, 92 Archbishop Makarios III Avenue, Nicosia, Cyprus
JUGOMETAL, Belgrade, Serbia, FRY (S&M)
JUGOMONTANA (a.k.a. YUGOMONTANA), Belgrade, Serbia, FRY (S&M)
JUGOOCEANIJA (a.k.a. JOP; a.k.a. JUGOSLAVENSKA OCEANSKA PLOVIDBA BB; a.k.a. YUGOSLAV OCEAN LINES), Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro, FRY (S&M)
JUGOOCEANIJA, Kotor, Montenegro, FRY (S&M)
JUGOPAPIR, Belgrade, Serbia, FRY (S&M)
JUGOPETROL, Belgrade, Serbia, FRY (S&M)
JUGOPREVOZ, Belgrade, Serbia, FRY (S&M)
JUGOSKANDIA A.B., Noerrebrogade 26, 2200 Copenhagen N, Denmark
JUGOSKANDIA AB, Raadhusgt 17, 0158 Oslo 1, Norway
JUGOSKANDIA AB, Sveavagen 59, 113 59 Stockholm, Sweden
JUGOSKANDIA AB, Topeliuksenkatu 3b, A5, 00260 Helsinki 26, Finland
JUGOSKANDIK d.d., all offices worldwide
JUGOSLAVENSKA OCEANSKA PLOVIDBA BB (a.k.a. JOP; a.k.a. JUGOOCEANIJA; a.k.a. YUGOSLAV OCEAN LINES), Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro, FRY (S&M)
JUGOSLOVENSKA BANKA ZA MEDJUNARODNU EKONOMSKU SARADNJU (a.k.a. YUBMES; a.k.a. YUGOSLAV BANK FOR INTERNATIONAL ECONOMIC COOPERATION), all offices worldwide
JUGOSLOVENSKA IZVOZNA I KREDITNA BANKA d.d. (a.k.a. JIK BANKA d.d.; a.k.a. YUGOSLAV EXPORT AND CREDIT BANK INC.), P.O. Box 234, Knez Mihailova 42, 11000 Belgrade, Serbia, FRY (S&M) (headquartered in Belgrade, Serbia, FRY (S&M)), all offices worldwide, including the following:
Mohren Strasse 17/III, Berlin, Germany;
Via Carducci 20–II, Piano Scala A, 34122 Trieste, Italy
JUGOSLOVENSKA NARODNA ARMIJA (a.k.a. JNA; a.k.a. YUGOSLAV NATIONAL ARMY), Belgrade, Serbia, FRY (S&M)
JUGOSLOVENSKA POMORSKA AGENCIJA (a.k.a. YUGOSLAV SHIPPING AGENCY), Belgrade, Serbia, FRY (S&M)
JUGOSLOVENSKI AEROTRANSPORT (a.k.a. JAT; a.k.a. JAVNO PREDUZECE ZA VAZDUSNI SAOBRACAJ; a.k.a. YUGOSLAV AIRLINES), Belgrade, Serbia, FRY (S&M)
JUGOTEHNA, Belgrade, Serbia, FRY (S&M)
JUGOVO (n.k.a. BLUE STAR) (J8FN4) Ore/Oil Carrier 53,029GT Saint Vincent Flag (Road Town Shipping S.A.) (vessel)

JUHOMONYSNS (CYPRUS) LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus
KAMENARI (Unknown) RO/RO Cargo/Ferry 161GT Yugoslavia Flag (Komunalno Poduzece) (vessel)
KAPETAN MARTINOVIC (9HTY3) General Dry Cargo 8,569GT Malta Flag (South Adriatic Bulk Shipping Ltd.) (vessel)
KARIC BANKA CYPRUS OFFSHORE BANKING UNIT, Nicosia, Cyprus
KARIC BANKA dd BELGRADE, all offices worldwide
KARIC, Bogoljub, Palmira Toljatija 3, 11070 Novi Beograd, Serbia, FRY (S&M); DOB: January 17, 1954, POB: Pec, Kosovo; Nationality: Serbian (individual)
KARIC BROTHERS (a.k.a. BRACA KARIC), Belgrade, Serbia, FRY (S&M) (see also B K COMPANY)
KARIC, Dragomir, Palmira Toljatija 3, 11070 Novi Beograd, Serbia, FRY (S&M); DOB: October 21, 1949; Nationality: Serbian (individual)
KARIC, Milanka, Wildwoods, Theobalds Park Rd., Crews Hill, Enfield, Middlesex, England; DOB: September 16, 1957 (individual)
KARIC, Slavica, 7 Gevgelis Street, Nicosia, Cyprus; DOB: October 28, 1958, POB: Pec, Kosovo; Nationality: Serbian (individual)
KARIC, Sreten, 7 Gevgelis Street, Nicosia, Cyprus; DOB: July 20, 1948, POB: Pec, Kosovo; Nationality: Serbian (individual)
KARIC, Zoran, Palmira Toljatija 3, 11070 Novi Beograd, Serbia, FRY (S&M); DOB: December 27, 1950 (individual)
KARIC BANKA, Palmira Toljatija 3, 11070 Novi Beograd, Serbia, FRY (S&M)
KARIC BANKA CYPRUS OFFSHORE BANKING UNIT, 66 Archbishop Makarios III Avenue, Cronos Court, 2nd Floor, Nicosia, Cyprus
KAT, Podgorica, Montenegro, FRY (S&M)
KING LION (f.k.a. HANUMAN, f.k.a. BOKA) (9HUQ3) General Dry Cargo 13,688GT Malta Flag (Worldwide Ocean Chartering Group) (vessel)
KLUZ, Belgrade, Serbia, FRY (S&M)
KOIMPEX, Novi Sad, Vojvodina, FRY (S&M)
KOLASIN (n.k.a. GUANA) (Unknown) Bulk Carrier 9,916GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
KOLUBARA 1 (Unknown) Dredger 958GT Yugoslavia Flag (Bagersko Brodarsko Preduzece) (vessel)
KOMBINAT ALUMINIJUMA PODGORICA (a.k.a. ALUMINUM COOPERATIVE PODGORICA), P.O.B. 22, 81000 Podgorica, Montenegro, FRY (S&M)
KOMGRAP (a.k.a. KOMGRAP–GRO), Terazije 4, P.O. Box 468, 11001 Belgrade, Serbia, FRY (S&M)
KOMGRAP–GRO (a.k.a. KOMGRAP), Terazije 4, P.O. Box 468, 11001 Belgrade, Serbia, FRY (S&M)
KOMOVI (n.k.a. MONTE) (9HTD3) General Dry Cargo 9,183GT Malta Flag (Bar Overseas Shipping Ltd.) (vessel)
KOMUNALNO PODUZECE, 5, Hercegovacke Brigada, 81340 Herceg–Novi, Montenegro, FRY (S&M)
KONSTRUKTOR, Pancevo, Vojvodina, FRY (S&M)
KOOPERATIVA, Novi Sad, Vojvodina, FRY (S&M)
KOPAONIK, Belgrade, Serbia, FRY (S&M)
KOPRODUCT LTD., 2 Albion Place, King's Terrace, Galena Road, London W6 0QT, England
KOPRODUKT (a.k.a. KOPRODUKT ZA UNUTRASNJU I SPOLJNU TRGOVINU I ZASTUPANJE STRANIH PREDUZECA), Bulevar Marsala Tita 6, 21000 Novi Sad, Vojvodina, FRY (S&M)
KORDUN (9HSQ3) General Dry Cargo 38,551GT Malta Flag (Kotor Overseas Shipping Ltd.) (vessel)
KOSMAJ (9HSP3) Bulk Carrier 38,550GT Malta Flag (Kotor Overseas Shipping Ltd.) (vessel)
KOSOVO ELECTRIC POWER COMPANY (a.k.a. ELEKTROPRIVREDA KOSOVA), Pristina, Kosovo, FRY (S&M)
KOSOVO GMBH (a.k.a. EXIMKOS; a.k.a. KOSOVO EXPORT IMPORT GMBH; a.k.a. OMEGA GMBH), Maillingerstrasse 34, 8000 Munich 2, Germany
KOSOVSKA BANKA, all offices (headquartered in Pristina, Kosovo, FRY (S&M))
KOSTIC, Bosko, AY Bank Ltd., 11/15 St. Mary–at–Hill, EC3R8EE London, England (individual)
KOTOR OVERSEAS SHIPPING LTD., Valletta, Malta, c/o Jugoslavenska Oceanska Plovidba BB, Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro, FRY (S&M)
KREDITNA BANKA BEOGRAD, all offices worldwide
KREDITNA BANKA BEOGRAD CYPRUS OFFSHORE BANKING UNIT, Nicosia, Cyprus
KREDITNA BANKA PRISTINA, all offices worldwide
KREDITNA BANKA SUBOTICA, all offices worldwide
KRUSEVAC PROMET, Krusevac, Serbia, FRY (S&M)
KRUSIK, Valjevo, Serbia, FRY (S&M)
KUGLEX, Belgrade, Serbia, FRY (S&M)
KUPRES (n.k.a. RAMA) (9HUP3) General Dry Cargo 13,688 GT Cyprus (Malta) Flag (New Owner Unknown) ((South Adriatic Bulk Shipping Ltd.)) (vessel)
LAKE STAR (n.k.a. SERIFOS; f.k.a SKADARLIJA) (JIFN3) Bulk Carrier 15,847GT Panama (Saint Vincent) Flag (Brilliant Night Shipping S.A.) ((Novi Shipping Company S.A.)) (vessel)
LAMEDON TRADING LTD., Evagoras Papachristouforou Street, Themis Court Bldg., 1st Floor, P.O. Box 561, Limassol, Cyprus
LEPETANE (Unknown) RO/RO Cargo/Ferry 132GT Yugoslavia Flag (Komunalno Poduzece) (vessel)
LETEKS–LESKOVAC (a.k.a. WOOL AND TEXTILE INDUSTRY OF LESKOVAC), Leskovac, Serbia, FRY (S&M)
LIRIJA, Prizren, Kosovo, FRY (S&M)
LITALIA SHIPPING S.A., Panama City, Panama, c/o Beogradska Plovidba, Lenjinov Bulevar 165A, 11070 Novi Beograd, Serbia, FRY (S&M)
LIVNICA, Kikinda, Vojvodina, FRY (S&M)
LOVCEN (9HTU3) General Dry Cargo 12,375GT Malta Flag (South Cross Shipping Ltd.) (vessel)
LOVCEN OVERSEAS SHIPPING LTD., Valletta, Malta, c/o Rigel Shipmanagement Ltd., Second Floor, Regency House, Republic Street, Valletta, Malta
LUCIANO HOPE (f.k.a. POMORAC) (3EIE4) Bulk Carrier 20,904GT Liberia Flag (Citimark Shipping Limited) (vessel)
LUKA BAR–PREDUZECE, 81350 Bar, Montenegro, FRY (S&M)
LZTK, Kikinda, Vojvodina, FRY (S&M)
M POINT KFT (a.k.a. EAST POINT HOLDINGS), International Trade Center, Balcsy–Zalhazky 12/304, Budapest, 1051 Hungary
MAADI, N., Day Building, Bucharest Avenue, OIH Alley No. 1/17, Apt 8, Teheran, Iran (address of EAST POINT HOLDINGS) (individual)
MACHINE INDUSTRY OF NIS (a.k.a. MIN–MASINSKA INDUSTRIJA), Nis, Serbia, FRY (S&M)
MACHINES AND TRACTORS INDUSTRY (a.k.a. IMT–INDUSTRIJA MOTORA I TRAKTORA), Belgrade, Serbia, FRY (S&M)
MAG INTERTRADE, Serbia, FRY (S&M)
MAGNOHROM, Kraljevo, Serbia, FRY (S&M)
MARIEL (f.k.a. BEOGRAD) (9HSV3) Bulk Carrier 15,396GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
MARKONIZONI, Serbia, FRY (S&M)
MASINOKOMERC, Knez Mihajlova 1–3, P. Fah 232, 11000 Belgrade, Serbia, FRY (S&M)
MASLAKOVIC, Dusan, Ior. Dragovica. I., Nicosia, Cyprus; Xenios Commercial Centre, Archbishop Makarios III Avenue, Suite 504, Nicosia, Cyprus (address of J.U.B. Holdings) (individual)
MATROZ–CELLULOSE AND PAPER INDUSTRY (a.k.a. MATROZ SREMSKA MITROVICA), Sremska Mitrovica, Vojvodina, FRY (S&M)
MEDCHOICE HOLIDAYS LTD. (a.k.a. YUGOTOURS LTD.), Chesham House, 150 Regent Street, London W1R 6BB, England
MEDIFINANCE BANK, all offices (headquartered in Belgrade, Serbia, FRY (S&M))
MEDISA SARAJEVO, Sarajevo, Bosnia–Herzegovina
MEDITRADE LTD., all offices (headquartered in Belgrade, Serbia, FRY (S&M))
MERIMA, Krusevac, Serbia, FRY (S&M)
MESOVITA BANKA d.d (a.k.a. PKB BANKA; a.k.a. POLJOPRIVREDNI KREDITNA BEOGRAD BANKA), all offices (headquartered in Belgrade, Serbia, FRY (S&M))
METAL AND PLASTIC COMPONENTS PRODUCTION (a.k.a. PROGRES PRIZREN), Prizren, Kosovo, FRY (S&M)
METAL UND STAHL HANDELS GMBH, Seilergasse 14, 1010 Vienna, Austria
METAL UND STAHL HANDELS GMBH, Strase Lutherana Corp. D–2, Bucharest, Romania
METALAC, Suboticka 23, 11050 Belgrade, Serbia, FRY (S&M)
METALCHEM BOMBAY, Yugoslav Trade Commission Office, Vaswani Mansion 1st Floor, 120/4 Dinsha Caccha Road, Bombay, India 400020

METALCHEM DIS TICARET LTD, Iskele Cadd., Iskele Arkasi, Sokak No 13 (Cami Yani), Uskudar–Salacak, Istanbul, Turkey
METALCHEM FRANCE S.A.R.L., 16 Avenue Franklin Roosevelt, 75008 Paris, France
METALCHEM INTERNATIONAL LTD., 79/83 Great Portland Street, London W1N 5FA, England
METALCHEMICAL COMMERCIAL CORPORATION, New York, NY, U.S.A.
METALIA S.R.L., Via Vittor Pisani 14, 20124 Milan, Italy
METALLIA HANDELS GMBH, Berliner Allee 61, Postf. 20 05 20, 4000 Dusseldorf 1, Germany
METALLIA MADRID, Plaza Castillia 3/1702, 28046 Madrid, Spain
METALOPLASTIKA, Jevrenova br 111, 15000 Sabac, Serbia, FRY (S&M)
METALSERVIS, Belgrade, Serbia, FRY (S&M)
METALURGICAL COOPERATIVE OF SMEDEREVO (a.k.a. MKS–METALURSKI KOMBINAT SMEDEREVO), Smederevo, Serbia, FRY (S&M)
METALURSKO METALSKI KOMBINAT NIKSIC, Niksic, Montenegro, FRY (S&M)
METALWORKING MACHINES AND COMPONENTS INDUSTRY 14 OCTOBER (a.k.a. IMK 14 OKTOBAR), Krusevac, Serbia, FRY (S&M)
METTA TRADING LTD., 79–83 Great Portland Street, London WIN 5FA, England
MG NORD TRADING COMPANY, Belgrade, Serbia, FRY (S&M)
MIHIC, Vukasin; Ul. Majke Jevrosime 39, Belgrade, Serbia, FRY (S&M); DOB: July 17, 1928 (individual)
MILENA SHIP MANAGEMENT CO. LTD. (a.k.a. MILENA LINES), Masons Building, 86, The Strand, Sliema, Malta
MIN–MASINSKA INDUSTRIJA (a.k.a. MACHINE INDUSTRY OF NIS), Nis, Serbia, FRY (S&M)
MINEL, Belgrade, Serbia, FRY (S&M)
MINEX AD. CO., 33 Vsegradska Street, Nis, Serbia, FRY (S&M)
MINING METALLURGY–CHEMICAL COMBINATION OF LEAD AND ZINC (a.k.a. TREPCA–KOSOVSKA MITROVICA), Kosovska Mitrovica, Kosovo, FRY (S&M)
MJESOVITO, Herceg Novi, Montenegro, FRY (S&M)
MKS–METALURSKI KOMBINAT SMEDEREVO (a.k.a. METALLURGICAL COOPERATIVE OF SMEDEREVO), Smederevo, Serbia, FRY (S&M)
MOA (f.k.a. VIRPAZAR) (9HTM3) General Dry Cargo 9,201GT Malta Flag (Bar Overseas Shipping Ltd.) (vessel)
MONTE (f.k.a. KOMOVI) (9HTD3) General Dry Cargo 9,183GT Malta Flag (Bar Overseas Shipping Ltd.) (vessel)
MONTENEGRIN RAILROAD TRANSPORTATION ORGANIZATION (a.k.a. ZELEZNICKO TRANSPORTNO PREDUZECE CRNE GORE), Montenegro, FRY (S&M)
MONTENEGRO ELECTRIC POWER COMPANY (a.k.a. ELEKTROPRIVREDA CRNE GORE), Podgorica, Montenegro, FRY (S&M)
MONTENEGRO EXPORT NIKSIC, 1052 Vaci u 19/21, Budapest, Hungary
MONTENEGRO EXPORT YUGOSLAVIA, Kuruclesi ut 19/b, Budapest II, Hungary
MONTENEGRO OCEAN SHIPPING (n.k.a. SOUTH CROSS SHIPPING LTD.), Valletta, Malta; c/o Milena Ship Management Co. Ltd., Masons Building, 86, The Strand, Sliema, Malta
MONTENEGRO OVERSEAS NAVIGATION LTD., Panama City, Panama; c/o Prekookeanska Plovidba, P.O. Box 87, Marsala Tita 46, 85000 Bar, Montenegro, FRY (S&M)
MONTENEGRO POST, TELEGRAPH AND TELEPHONE (a.k.a. PTT CRNE GORE), Montenegro, FRY (S&M)
MONTENEGROBANKA COMPANY, Kaiserstrasse 3, Frankfurt am Main, Germany
MONTENEGROBANKA d.d. (a.k.a. INVESTICIONA BANKA TITOGRAD), Bulevar Revolucije 1, P. O. Box 183, 81001 Podgorica, Montenegro, FRY (S&M), all offices worldwide (headquartered in Podgorica, Montenegro, FRY (S&M))
MONTENEGROEXPORT PREDSTAVITELSTVO FIRMY (MONTENEGROEXPORT REPRESENTATIVE OFFICE), B Pereiaslavskaia d 7 kv 118, Moscow, Russia
MONTENEGROEXPORT STROIPLOSCADKA YUGOSLAVSKOI FIRMY, 1–i Krasnogvardeyskii Proyezd, Moscow, Russia
MONTENEGROEXPRES–BUDVA (a.k.a. TOURIST ENTERPRISE MONTENEGROEXPRES), Budva, Montenegro, FRY (S&M)
MONTEX BANKA d.d., all offices (headquartered in Belgrade, Serbia, FRY (S&M))
MONTEX, Niksic, Montenegro, FRY (S&M)
MONTINVEST, Bulevar revolucije 84, P.O.Box 821, 11001 Belgrade, Serbia, FRY (S&M)
MONTINVEST, Wilhelm–Leuschner Strasse 68, 6000 Frankfurt am Main 1, Germany
MORACA (9HTE3) General Dry Cargo 13,651GT Malta Flag (Oktoih Overseas Shipping Ltd.) (vessel)
MORAVA, Serbia, FRY (S&M)
MOSLAVINA (9HTW3) General Dry Cargo 11,771GT Malta Flag (South Adriatic Bulk Shipping Ltd.) (vessel)
MOSTOGRADNJA–GRADJEVNO PREDUZECE, Vlajkoviceva 19A, 11000 Belgrade, Serbia, FRY (S&M)
MOTOR INDUSTRY OF RAKOVICA (a.k.a. IMR–INDUSTRIJA MOTORA RAKOVICA), Beigrade, Serbia, FRY (S&M)
NACIONAL, Serbia, FRY (S&M)
NACIONAL SHOP, Belgrade, Serbia, FRY (S&M)
NAFTAGAS, Novi Sad, Vojvodina, FRY (S&M)
NAFTAGAS–PROMET, Novi Sad, Vojvodina, FRY (S&M)
NAFTAGAS–REFINERIJA, Pancevo, Vojvodina, FRY (S&M)
NAP–COMBICK OEL GMBH, Windmuehlstrasse 1, 6000 Frankfurt am Main 1, Germany
NARODNA BANKA CRNE GORE (a.k.a. NATIONAL BANK OF MONTENEGRO), Podgorica, Montenegro, FRY (S&M)
NARODNA BANKA JUGOSLAVIJE (a.k.a. BANQUE NATIONALE DE YOUGOSLAVIE; a.k.a. NATIONAL BANK OF YUGOSLAVIA), Belgrade, Serbia, FRY (S&M)
NARODNA BANKA SRBIJE (a.k.a. NATIONAL BANK OF SERBIA), Belgrade, Serbia, FRY (S&M)
NATIONAL BANK OF MONTENEGRO (a.k.a. NARODNA BANKA CRNE GORE), Podgorica, Montenegro, FRY (S&M)
NATIONAL BANK OF SERBIA (a.k.a. NARODNA BANKA SRBIJE), Belgrade, Serbia, FRY (S&M)
NATIONAL BANK OF YUGOSLAVIA (a.k.a. BANQUE NATIONALE DE YOUGOSLAVIE; a.k.a. NARODNA BANKA JUGOSLAVIJE), Belgrade, Serbia, FRY (S&M)
NEDELJKOVIC, Olivera (f.k.a. KARIC, Olivera); DOB: 1960 (individual)
NIGERIAN ENGINEERING AND CONSTRUCTION CO. LTD., Ebute–Metta, Lagos, Nigeria
NIKSA BANKA, all offices (headquartered in Belgrade, Serbia, FRY (S&M))
NIKSIC (n.k.a. BAYAMO) (9HTF3) Bulk Carrier 9,916GT Malta flag (Lovcen Overseas Shipping Ltd.) (vessel)
NIPE (f.k.a. ULCINJ) (9HTL3) Bulk Carrier 9,028GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
NIS–NAFTA INDUSTRIJA SRBIJE (a.k.a. SERBIAN PETROLEUM INDUSTRY), Novi Sad, Vojvodina, FRY (S&M)
NISSAL, Bulevar Veljka Vlahovica bb, 18000 Nis, Serbia, FRY (S&M)
NOLIVEL, Belgrade, Serbia, FRY (S&M)
NOVI SAD RAILROAD TRANSPORTATION ORGANIZATION (a.k.a. ZELEZNICKO TRANSPORTNO PREDUZECE NOVI SAD), Novi Sad, Vojvodina, FRY (S&M)
NOVI SHIPPING COMPANY S.A., Panama City, Panama, c/o Beogradska Plovidba, Lenjinov Bulevar 165A, Novi Beograd, 11070 Novi Beograd, Serbia, FRY (S&M)
NOVINSKA AGENCIJA TANJUG (a.k.a. TANJUG), Belgrade, Serbia, FRY (S&M)
NOVKABEL, Novi Sad, Vojvodina, FRY (S&M)
NOVOSADSKA BANKA d.d., all offices (headquartered in Novi Sad, Vojvodina FRY (S&M))
NOVOSADSKA FABRIKA KABELA, Novi Sad, Vojvodina, FRY (S&M)
OBOD (n.k.a. AIRE F) (9HTG3) General Dry Cargo 13,651GT Malta flag (Oktoih Overseas Shipping Ltd.) (vessel)
OBOD CETINJE–ELEKTROINDUSTRIJA, Cetinje, Montenegro, FRY (S&M)
OCEANIC BULK SHIPPING S.A., Panama City, Panama, c/o Jugoslavenska Oceanska Plovidba BB, Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro, FRY (S&M)
OKTOIH OVERSEAS SHIPPING LTD., Valletta, Malta, c/o Rigel Shipmanagement Ltd., Second Floor, Regency House, Republic Street, Valletta, Malta

OMEGA GMBH (a.k.a. EXIMKOS; a.k.a. KOSOVO EXPORT IMPORT GMBH; a.k.a. KOSOVO GMBH), Maillingerstrasse 34, 8000 Munich 2, Germany
OMNIAUTO, Belgrade, Serbia, FRY (S&M)
OMNIKOMERC, Belgrade, Serbia, FRY (S&M)
OPTIKA–BEOGRAD, Belgrade, Serbia, FRY (S&M)
ORE STAR (f.k.a. SMEDEREVO) (J8FN9) Ore/Oil Carrier 86,401GT Saint Vincent Flag (Glimmer Maritime S.A.) (vessel)
ORJEN (9HSO3) Bulk Carrier 38,551GT Malta Flag (Kotor Overseas Shipping Ltd.) (vessel)
OSA CHARTERING, Belgrade, Serbia, FRY (S&M)
OSA CHARTERING, Cyprus
OSBORNE TRADING COMPANY LTD., Berengaria Bldg., 25 Spyrou Araouzou Street, Limassol, Cyprus
OSNOVNA BANKA POLJOPRIVEDNA BANKA, Novi Sad, Vojvodina, FRY (S&M)
OSNOVNA PRIVREDNO–INVESTICIONA BANKA (a.k.a. INVESTBANKA), all offices (headquartered in Belgrade, Serbia, FRY (S&M))
PALOMA WEST HANDELS GMBH, Frankfurt am Main, Germany
PAMUCNI KOMBINAT YUMKO, Vranje, Serbia, FRY (S&M)
PANCEVO HEMIJSKA INDUSTRIJA, Spoljnostarcevacka 80, 26000 Pancevo. Serbia, FRY (S&M)
PANONSKA BANKA d.d., all offices (headquartered in Novi Sad, Vojvodina, FRY (S&M))
PAPADOPOULOS, Tassos; 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus; DOB: 1933 (individual)
PBS BOSANSKA GRADISKA DD, Bosanska Gradiska, Bosnia–Herzegovina
PCL PELCAM TRADE LTD. (a.k.a. UBB INVESTMENTS & FINANCE), 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus
PERAST (Unknown) RO/RO Cargo/Ferry 131GT Yugoslavia Flag (Komunalno Poduzece) (vessel)
PEROVIC, D., Kursovoi Per 1 KV 3, Moscow, Russia (address of INPEA) (individual)
PETROMED LTD., 18b Charles Street, London W1X 7HD, Great Britain
PIECAS, Stanko, Day Building, Bucharest Avenue, OIH Alley No. 1/17, Apt 8, Teheran, Iran (address of EAST POINT HOLDINGS) (individual)
PIK BECEJ, Becej, Vojvodina, FRY (S&M)
PIK POZAREVAC, Pozarevac, Serbia, FRY (S&M)
PIK SIRMIUM, Sremska Mitrovica, Vojvodina, FRY (S&M)
PIK SOMBOR, Sombor, Vojvodina, FRY (S&M)
PIK TAKOVO, Gornji Milanovac, Serbia, FRY (S&M)
PIK TAMIS, Pancevo, Vojvodina, FRY (S&M)
PIVA (n.k.a. RIO B) (9HTH3) General Dry Cargo 9,324GT Malta Flag (Bar Overseas Shipping Ltd.) (vessel)
PKB (a.k.a. POLJOPRIVREDNI KOMBINAT BEOGRAD), Padinska Skela, Serbia, FRY (S&M)
PKB BANKA (a.k.a. MESOVITA BANKA d.d.; a.k.a. POLJOPRIVREDNI KREDITNA BEOGRAD BANKA), all offices (headquartered in Belgrade, Serbia, FRY (S&M))
PKB COMMERCE, Belgrade, Serbia, FRY (S&M)
PKB HERCEG NOVI, Herceg Novi, Montenegro, FRY (S&M)
PLAYA (f.k.a. CETINJE) (9HSY3) Bulk Carrier 9,028GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
PLJEVANSKA BANKA, all offices (headquartered in Podgorica, Montenegro, FRY (S&M))
POLIMKA, Ivangrad, Montenegro, FRY (S&M)
POLJOPRIVREDNA BANKA OSNOVNA BANKA, all offices worldwide
POLJOPRIVREDNI KOMBINAT BEOGRAD (a.k.a. PKB), Padinska Skela, Serbia, FRY (S&M)
POLJOPRIVREDNI KREDITNA BEOGRAD BANKA (a.k.a. MESOVITA BANKA d.d.; a.k.a. PKB BANKA), all offices (headquartered in Belgrade, Serbia, FRY (S&M))
POMORAC (n.k.a. LUCIANO HOPE) (3EIE4) Bulk Carrier 20,904GT Liberia (Panama) Flag (Citimark Shipping Limited) ((Oceanic Bulk Shipping S.A.)) (vessel)
PREDUZECE ZA GAZDOVANJE SUMAMA–SRBIJASUME (a.k.a. PUBLIC FORESTRY ENTERPRISE–SRBIJASUME), Serbia, FRY (S&M)
PREDUZETNICKA BANKA d.d., all offices (headquartered in Belgrade, Serbia, FRY (S&M))
PREKOOKEANSKA PLOVIDBA, P.O. Box 87, Marsala Tita 46, 85000 Bar, Montenegro, FRY (S&M)
PRELIC, M., Vul. Prorizna 13, POM. 06, Kiev, Ukraine (address of EAST POINT HOLDINGS) (individual)
PRISTINSKA BANKA d.d., all offices (headquartered in Pristina, Kosovo, FRY (S&M))
PRIVATNA PRIVREDNA BANKA, all offices (headquartered in Montenegro, FRY (S&M))
PRIVREDNA BANKA BEOGRAD d.d., all offices (headquartered in Belgrade, Serbia, FRY (S&M))
PRIVREDNA BANKA NOVI SAD d.d., all offices (headquartered in Novi Sad, Vojvodina, FRY (S&M))
PRIVREDNA BANKA SARAJEVO DD (Bijeljina), Bijeljina, Bosnia–Herzegovina
PRIVREDNA BANKA SARAJEVO DD (Brcko), Brcko, Bosnia–Herzegovina
PRIVREDNA BANKA SARAJEVO DD (Doboj), Doboj, Bosnia–Herzegovina
PRIVREDNA BANKA SARAJEVO DD (Foca), Foca, Bosnia–Herzegovina
PRIVREDNA BANKA SARAJEVO DD (Prijedor), Prijedor, Bosnia–Herzegovina
PRIVREDNA BANKA SARAJEVO DD (Titov Drvar), Titov Drvar, Bosnia–Herzegovina
PRIVREDNA BANKA SARAJEVO DD (Trebinje), Trebinje, Bosnia–Herzegovina
PRIVREDNA BANKA SARAJEVO DD (Zvornik), Zvornik, Bosnia–Herzegovina
PRIVREDNA KOMORA CRNE GORE (a.k.a. CHAMBER OF ECONOMY OF MONTENEGRO), Podgorica, Montenegro, FRY (S&M)
PRIVREDNA KOMORA JUGOSLAVIJE (a.k.a. CHAMBER OF ECONOMY OF YUGOSLAVIA), Belgrade, Serbia, FRY (S&M)
PRIVREDNA KOMORA SRBIJE (a.k.a. CHAMBER OF ECONOMY OF SERBIA), Belgrade, Serbia, FRY (S&M)
PROGRES BAGHDAD BRANCH OFFICE, Section 929 Street, 12 House 35/9/35. Baghdad, Iraq
PROGRES, Belgrade, Serbia, FRY (S&M)
PROGRES BUCUREST (a.k.a. PROGRES BUCHAREST), B–Dul Balcesku No 32–34/I, Bucharest, Romania
PROGRES INTERAGRAR, Belgrade, Serbia. FRY (S&M)
PROGRES PRIZREN (a.k.a. METAL AND PLASTIC COMPONENTS PRODUCTION), Prizren, Kosovo. FRY (S&M)
PROGRES TRADE REPRESENTATION IN IRAN, Ayattolah Teleghani Ave No. 202/V, Teheran, Iran
PROGRESS BEOGRAD (a.k.a. PROGRESS BEOGRAD PREDSTAVITELYSTVO), St Gorkog 56 kv 112, 12 50 47 Moscow Russia
PROGRESS BUDAPEST, Kepviselet 6. Ferenczi Istvan 12/I, 1053 Budapest. Hungary
PROGRESS REPRESENTATION OFFICE. Sipka No. 7, Sofia 7, Bulgaria
PROGRESS REPRESENTATIVE OFFICE. Szpitalna 6, Przedstawicielstvo w Warszawie, Warsaw, Poland
PROITAL S.R.L., Filiale Di Trieste, 34122 Trieste, Italy
PROITAL S.R.L., Via napo Torriani 31/1. Milan, Italy
PROMET, Niksic, Montenegro, FRY (S&M)
PROMIMPRO EXPORTS AND IMPORTS LTD., 70 Archbishop Makarios III Avenue, Afemia Bldg., 3rd Floor. Nicosia, Cyprus
PROMIMPRO EXPORTS AND IMPORTS LTD., 70 Archbishop Makarios III Avenue, Afemia Bldg., 3rd Floor. Nicosia, Cyprus
PRVA PETROLETKA, Trstenik, Serbia. FRY (S&M)
PRVA SRPSKA KOMERCIALJNA BANKA, all offices (headquartered in Nis. Serbia FRY (S&M))
PRVI FEBRUAR (9HTZ3) Bulk Carrier 17,233GT Malta Flag (South Adriatic Bulk Shipping Ltd.) (vessel)
PRVI MAJ, 18300 Pirot, Serbia, FRY (S&M)
PRVOBORAC, Niksic, Montenegro. FRY (S&M)
PRZEDSTAWICIELSTWO JUGOSLOWIANSKIEJ HANDLU ZAGRANICZNEGO HEMPRO, Szpitalna 6 m 16, Warsaw, Poland
PTT CRNE GORE (a.k.a. MONTENEGRO POST, TELEGRAPH AND TELEPHONE), Montenegro, FRY (S&M)
PTT JUGOSLAVIJE (a.k.a. YUGOSLAV POST, TELEGRAPH AND TELEPHONE) (including all Serbian and Montenegrin affiliates), Belgrade, Serbia, FRY (S&M).
PTT SRBIJA (a.k.a. SERBIA POST, TELEGRAPH AND TELEPHONE). Belgrade, Serbia, FRY (S&M)

PUBLIC ENTERPRISE OF POST, TELEGRAPH, AND TELEPHONE OF SERBIA (a.k.a. JAVNO PREDUZECE PTT SRBIJE), Serbia, FRY (S&M)
PUBLIC FORESTRY ENTERPRISE–SRBIJASUME (a.k.a. PREDUZECE ZA GAZDOVANJE SUMAMA–SRBIJASUME), Serbia, FRY (S&M)
PUTNIK, Belgrade, Serbia, FRY (S&M)
RAD GRADJEVINSKO PREDUZECE, Belgrade, Serbia, FRY (S&M)
RADIO TELEVIZIJA BEOGRAD (a.k.a. RTB), Belgrade, Serbia, FRY (S&M)
RADIO TELEVIZIJA CRNE GORE (a.k.a. RTV CRNE GORE) (including all affiliates), Podgorica, Montenegro, FRY (S&M)
RADIO TELEVIZIJA NOVI SAD (a.k.a. RTV NOVI SAD), Novi Sad, Vojvodina, FRY (S&M)
RADIO TELEVIZIJA PRISTINA (a.k.a. RTV PRISTINA), Pristina, Kosovo, FRY (S&M)
RADIO TELEVIZIJA SRBIJE (a.k.a. RTV SRBIJE) (including all affiliates), Belgrade, Serbia, FRY (S&M)
RADNIK (n.k.a. SOPHIE HOPE) (3ELK3) Bulk Carrier 17,882GT Liberia (Panama) Flag (Pocatelo Shipping Ltd.) ((Oceanic Bulk Shipping S.A.)) (vessel)
RADOJE DAKIC (a.k.a. ENTERPRISE FOR CONSTRUCTION MACHINERY–RADOJE DAKIC), Podgorica, Montenegro, FRY (S&M)
RAFINERIJA, Novi Sad, Vojvodina, FRY (S&M)
RAMA (f.k.a. KUPRES) (9HUP3) General Dry Cargo 13,688 GT Cyprus Flag (White Star Shipping Co. Ltd.) (vessel)
RANK XEROX YU, Belgrade, Serbia, FRY (S&M)
RAPID, Belgrade, Serbia, FRY (S&M)
RAPID CO, Studentski trg 4, 11000 Belgrade, Serbia, FRY (S&M)
RATAR, Podgorica, Montenegro, FRY (S&M)
RATKO MITROVIC–BEOGRAD, Belgrade, Serbia, FRY (S&M)
REKORD, Belgrade, Serbia, FRY (S&M)
RIGEL SHIPMANAGEMENT LTD., Second Floor, Regency House, Republic Street, Valletta, Malta
RIO B (f.k.a. PIVA) (9HTH3) General Dry Cargo 9,324GT Malta Flag (Bar Overseas Shipping Ltd.) (vessel)
RIO G (f.k.a. TARA) (9HTK3) General Dry Cargo 9,201GT Malta Flag (Bar Overseas Shipping Ltd.) (vessel)
RISAN (9HUD3) General Dry Cargo 9,698GT Malta Flag (Zeta Ocean Shipping Ltd.) (vessel)
RIVAMED SHIPPING LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus
ROBNE KUCE BEOGRAD, Belgrade, Serbia, FRY (S&M)
ROZAJE, Polimlje, Serbia, FRY (S&M)
RTB (a.k.a. RADIO TELEVIZIJA BEOGRAD), Belgrade, Serbia, FRY (S&M)
RTB BOR, Bor, Serbia, FRY (S&M)
RTV CRNE GORE (a.k.a. RADIO TELEVIZIJA CRNE GORE) (including all affiliates), Podgorica, Montenegro, FRY (S&M)
RTV NOVI SAD (a.k.a. RADIO TELEVIZIJA NOVI SAD), Novi Sad, Vojvodina, FRY (S&M)
RTV PRISTINA (a.k.a. RADIO TELEVIZIJA PRISTINA), Pristina, Kosovo, FRY (S&M)
RTV SRBIJE (a.k.a. RADIO TELEVIZIJA SRBIJE) (including all affiliates), Belgrade, Serbia, FRY (S&M)
RUDEX INTERNATIONAL LTD, 37–38 Margaret St, London W1N 8PS, England
RUDI CAJAVEC, Banja Luka, Bosnia–Herzegovina
RUDIMEX GMBH, Landstrasse Hauptstrasse 1/3–25, 1030 Vienna, Austria
RUDNAP DD (a.k.a. RUDNAP EXPORT–IMPORT), 10 ul. Vuka Karadzica, 11001 Belgrade, Serbia, FRY (S&M), all offices worldwide, including the following:
Algiers branch office, 12 Rue Tirman, Algiers, Algeria;
Beijing representative office, Beijing, China;
Berlin branch office, Berlin, Germany:
Jakarta representative office, Jakarta, Indonesia;
Katowice representative office, Katowice, Poland;
Moscow representative office, Moscow, Russia;
Prague branch office, U Obecniho Dvora 2, Prague 1, Czech Republic;
Rio de Janiero branch office, Rio de Janiero, Brazil;
Tehran representative office, Tehran, Iran
RUDNICI BAKRA I NEMETALA, Bor, Serbia, FRY (S&M)
RUDNICI BOKSITA, Niksic, Montenegro, FRY (S&M)
RUDNIK BAKRA, Majdanpek, Serbia, FRY (S&M)
RUDNIK–GORNJI MILANOVAC, Gornji Milanovac, Serbia, FRY (S&M)
RUDNIK UGLJA, Pljevlja, Montenegro, FRY (S&M)
RUL–LESKOVAC, Leskovac, Serbia, FRY (S&M)
RUMIJA (9HTI3) General Dry Cargo 8,954GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
RUMIJATRANS, Bar, Montenegro, FRY (S&M)
S.A.V. MUENCHEN (a.k.a. SAV SYSTEM AGROVOJVODINA VERTRIEBS GMBH: a.k.a. SEVER–AGROVOJVODINA GMBH), all offices, including the following:
Wagenlager Borsigstrasse 5–7, 5090 Leverkusen, Germany;
Augustin Strasse 33, 8000 Munich, Germany
SANITAS, Cetinje, Montenegro, FRY (S&M)
SARENAC, Slobodan, Inex–Interexport Ltd., 27 Marta 69, Belgrade, Serbia, FRY (S&M) (individual)
SAV SYSTEM AGROVOJVODINA VERTRIEBS GMBH, all offices (see S.A.V. MUENCHEN)
SAVA, Serbia, FRY (S&M)
SBS, Belgrade, Serbia, FRY (S&M)
SDK (a.k.a. SLUZBA DRUSTVENOG KNJIGOVODSTVA; a.k.a. SOCIAL ACCOUNTING SERVICE), Belgrade, Serbia, FRY (S&M)
SECYCO, 66 Archbishop Makarios III Avenue, Cronos Court, Office 23–24, Nicosia, Cyprus
SEKULAREC, Mirko, Plaza Liberty No. 8, 20131 Milan, Italy (address of EAST POINT HOLDINGS) (individual)
SEME, Belgrade, Serbia, FRY (S&M)
SERBIA ELECTRIC POWER COMPANY (a.k.a. ELEKTROPRIVREDA SRBIJE), Belgrade, Serbia, FRY (S&M)
SERBIA POST, TELEGRAPH AND TELEPHONE (a.k.a. PTT SRBIJA), Belgrade, Serbia, FRY (S&M)
SERBIAN PETROLEUM INDUSTRY (a.k.a. NIS–NAFTA INDUSTRIJA SRBIJE), Novi Sad, Vojvodina, FRY (S&M)
SERBIAN RAILROAD TRANSPORTATION ORGANIZATION (a.k.a. ZELEZNICKO TRANSPORTNO PREDUZECE SRBIJE) Belgrade, Serbia, FRY (S&M)
SERIFOS (f.k.a. LAKE STAR; f.k.a SKADARLIJA) (JIFN3) Bulk Carrier 15,847GT Panama (Saint Vincent) Flag (Brilliant Night Shipping S.A.) ((Novi Shipping Company S.A.)) (vessel)
SERVISIPORT, Podgorica, Montenegro, FRY (S&M)
SERVO MIHALJ, Zrenjanin, Vojvodina, FRY (S&M)
SEVER–AGROVOJVODINA GMBH, all offices (see S.A.V. MUENCHEN)
SEVER, Subotica, Vojvodina, FRY (S&M)
SEVOJNO OVERSEAS CORPORATION, Englewood, NJ, U.S.A.
SIAF SA, 11, rue du C Beaux, Casablanca, Morocco
SIMA POGACAREVIC–SIMPO (a.k.a. SIMPO), Vranje, Serbia, FRY (S&M) (see SIMPO)
SIMIT GMBH 1010 Karlsplatz 1/2, Vienna, Austria
SIMIT GMBH, Representative Office Sun Li Tun Diplomatic Office Bldg. 1–21, Beijing, China 100600
SIMPO (a.k.a. SIMA POGACAREVIC–SIMPO), Vranje, Serbia, FRY (S&M), all offices worldwide, including the following:
9 Ovenecka, Prague 17000, Czech Republic;
c/o GENEX, Stepanska 57/11, Prague, Czech Republic;
Staples Corner West; 717 North Circular Road, London, England;
2 Rue Ernest Psichari, Paris, France:
49 Blockdammweg, Berlin C 1157, Germany;
Roberta Karolya 67, Budapest, Hungary:
Via Tre Case 69–/A, Limena, Italy;
22 Via S Sofia, Milan 20122, Italy;
Ciech–Stomill 7422, Lipcast, Poland;
Rybex–Odrowezo 1, Szczecin, Poland;
Paged, Warsaw, Poland;
Podvale 27, Warsaw, Poland
Kv 103, 62 Moskva Dom, Bolshaya Gruzinskaya, Moscow, Russia;
c/o GENEX, Kutozovskii pr. 13 Podezd 3, kv. 111, Moscow, Russia;
Svetonikolski Trg 6, Belgrade 11000, Serbia, FRY (S&M);
Turin, Italy;
SIMPO (UK) LTD., 14–15 Berners Street, London, England
SIMPO BRD, Moll–Strasse 10, 1020 Berlin, Germany
SIMPO FRANCE (f.k.a. BINGO FRANCE), 28 Rue du Puits Dixmes Sennia 606, 94320 Thiais–CEDEX, France
SIMPO FURNITURE (CYPRUS) LTD., 1 Myklas Street, Flat 303, Nicosia, Cyprus
SIMPO–INDUSTRIJA NAMESTAJA TAPETARIJE, Deuseka 1, Belgrade, Serbia, FRY (S&M)

SIMPO INTERNATIONAL (BRANCH OFFICE), Dufourstrasse 107, Zurich, Switzerland
SIMPO INTERNATIONAL, London, England
SIMPO SPOL GMBH, Prague, Czech Republic
SIMPO SRL, Bassano Del Vialle Dele Fosse 30, Grappa, Italy
SINTELON, Bela Palanka, Serbia, FRY (S&M)
SKADARLIJA (n.k.a. SERIFOS; f.k.a. LAKE STAR) (JIFN3) Bulk Carrier 15,84GT Panama (Saint Vincent) Flag (Brilliant Night Shipping S.A.) ((Novi Shipping Company S.A.)) (vessel)
SLAVEN (YTMP) Tanker 126GT Yugoslavia Flag (Komunalno Poduzece) (vessel)
SLAVIJA BANKA, all offices (headquartered in Belgrade, Serbia, FRY (S&M))
SLUZBA DRUSTVENOG KNJIGOVODSTVA (a.k.a. SDK; a.k.a. SOCIAL ACCOUNTING SERVICE), Belgrade, Serbia, FRY (S&M)
SMEDEREVSKA BANKA d.d., all offices (headquartered in Belgrade, Serbia, FRY (S&M))
SMEDEREVO (n.k.a. ORE STAR) (J8FN9) Ore/Oil Carrier 86,401GT Saint Vincent Flag (Glimmer Maritime S.A.) (vessel)
SOCIAL ACCOUNTING SERVICE (a.k.a. SDK; a.k.a. SLUZBA DRUSTVENOG KNJIGOVODSTVA), Belgrade, Serbia, FRY (S&M)
SOCIETE GENERALE YUGOSLAV BANK d.d., Belgrade, Serbia, FRY (S&M)
SOMBOR PROMET–AGROSAVEZ, Sombor, Vojvodina, FRY (S&M)
SOPHIE HOPE (f.k.a. RADNIK) (3ELK3) Bulk Carrier 17,882GT Liberia Flag (Pocatelo Shipping Ltd.) (vessel)
SOUTH ADRIATIC BULK SHIPPING LTD., Valletta, Malta, c/o Jugoslavenska Oceanska Plovidba BB, Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro, FRY (S&M)
SOUTH CROSS SHIPPING LTD. (f.k.a. MONTENEGRO OCEAN SHIPPING), Valletta, Malta, c/o Milena Ship Management Co. Ltd., Masons Building, 86, The Strand, Sliema, Malta
SOZINA (YTCS) Tug 169GT Yugoslavia (Luka Bar–Preduzece) (vessel)
SP DNEPRO–KARIC (a.k.a. SP DNJEPRO–KARIC), ul. Nabareznaya Lenina 33, kom 313, Dnepropetrovsk, Ukraine 320081
SP DNEPROMETALIN (a.k.a. SP DNJEPROMETALIN), ul. Artelyinaya 10, Dnepropetrovsk, Ukraine 320081.
SP MASSIV KARIC (a.k.a. MASSIV K, a.k.a. MASSIV–KARITSCH, a.k.a. KARIC MASSIV, and a.k.a. MASSIV–KARICHI), 627720 RSFSR, Tyumenenskaya Oblast, Sovyetstrayon, Yagorks, ul. Mira, 43
SP MKT–KARIC, ul. Transportnaya Dom 10, Odincovo, Moscow 143000, Russia
SPLITSKA BANKA DD SPLIT (Knin). Knin, Croatia
SRBIJA–KRAGUJEVAC, Kragujevac, Serbia, FRY (S&M)
SRBIJATURIST, Nis, Serbia, FRY (S&M)
SRBOCOOP, Belgrade, Serbia, FRY (S&M)
SRPSKA FABRIKA STAKLA. Paracin, Serbia, FRY (S&M)
STELJIC, Marko; Bulevar Marsala Tita 11, 11000 Beograd, Serbia, FRY (S&M); DOB: October 10, 1935 (individual)
SUKO, Pirot, Serbia, FRY (S&M)
SUMADIJA (9HUI3) Bulk Carrier 17,939GT Malta Flag (South Adriatic Bulk Shipping Ltd.) (vessel)
SUNBOW MARITIME S.A., Panama City, Panama, c/o Beogradska Plovidba, Lenjinov Bulevar 165A, Novi Beograd, 11070 Novi Beograd, Serbia, FRY (S&M)
SUTJESKA (9HSN3) Bulk Carrier 38,551GT Malta Flag (Kotor Overseas Shipping Ltd.) (vessel)
SVAJCARSKO–JUGOSLOVENSKA BANKA, all offices (headquartered in Serbia, FRY (S&M))
SVETI STEFAN (9HTJ3) Pax/RO/RO Cargo/Ferry 1,637GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
TACON GROUP, Serbia, FRY (S&M)
TAKOVO, Belgrade, Serbia, FRY (S&M)
TANJUG (a.k.a. NOVINSKA AGENCIJA TANJUG), Belgrade, Serbia, FRY (S&M)
TARA (CETINJA), Cetinje, Montenegro, FRY (S&M)
TARA (n.k.a. RIO G) (9HTK3) General Dry Cargo 9,201GT Malta Flag (Bar Overseas Shipping Ltd.) (vessel)
TARA (PLJEVLJA), Pljevlja, Montenegro, FRY (S&M)
TASLAW NOMINEES LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus
TASLAW SECRETARIAL LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus
TASLAW SERVICES LTD., 2 Sofoules Street, Chanteclair Bldg., 2nd Floor, No. 205, Nicosia, Cyprus
TAT TRADING LTD., Limassol, Cyprus
TECNOPROM (CYPRUS) LTD., 57 Ledra Street, No. 7, Nicosia, Cyprus
TEHNOGAS, Kraljevo, Serbia, FRY (S&M)
TEHNOHEMIJA, Belgrade, Serbia, FRY (S&M)
TEHNOPROMET, Belgrade, Serbia, FRY (S&M)
TEHNOSERVIS, Belgrade, Serbia, FRY (S&M)
TEKING–INVEST, Belgrade, Serbia, FRY (S&M)
TEKNOX, Belgrade, Serbia, FRY (S&M)
TEKSTILNI KOMBINAT RASKA, Novi Pazar, Serbia, FRY (S&M)
TELEOPTIK, Belgrade, Serbia, FRY (S&M)
TEXTILE INDUSTRY OF GRDELICA (a.k.a. TIG–TEKSTILNA INDUSTRIJA GRDELICA), Grdelica, Serbia, FRY (S&M)
THRIFTFINE LTD., 47 Great Marlborough Street, London W1V 2AS, Great Britain
TIG–TEKSTILNA INDUSTRIJA GRDELICA (a.k.a. TEXTILE INDUSTRY OF GRDELICA), Grdelica, Serbia, FRY (S&M)
TIGAR AMERICA, Jacksonville, Florida, U.S.A.
TIGAR, Pirot, Serbia, FRY (S&M)
TIVAT (9HUM3) General Dry Cargo 9,698GT Malta Flag (Zeta Ocean Shipping Ltd.) (vessel)
TOPOLICA (Unknown) Tug 169GT Yugoslavia (Luka Bar–Preduzece) (vessel)
TOURIST ASSOCIATION OF YUGOSLAVIA (a.k.a. TURISTICKI SAVEZ JUGOSLAVIJE), Belgrade, Serbia, FRY (S&M)
TOURIST ENTERPRISE MONTENEGROEXPRES (a.k.a. MONTENEGROEXPRES–BUDVA), Budva, Montenegro, FRY (S&M)
TRAFI HOLDINGS LTD., 18 Ayios Dometios Street, Nicosia, Cyprus
TRANSPORT, Kolasin, Montenegro, FRY (S&M)
TRANSSERVIS, Bijelo Polje, Montenegro, FRY (S&M)
TREBJESA, Niksic, Montenegro, FRY (S&M)
TREPCA–KOSOVSKA MITROVICA (a.k.a. MINING METALLURGY–CHEMICAL COMBINATION OF LEAD AND ZINC), Kosovska Mitrovica, Kosovo, FRY (S&M)
TRGOPRODUKT, Pancevo, Vojvodina, FRY (S&M)
TRGOPROMET, Cetinje, Montenegro, FRY (S&M)
TRGOVACKA BANKA d.d., Belgrade, Serbia, FRY (S&M)
TRGOVINA KOSOVO, Prizren, Kosovo, FRY (S&M)
TRINAESTI JULI (a.k.a. 13th JULY) (9HTQ3) Bulk Carrier 17,233GT Malta Flag (Zeta Ocean Shipping Ltd.) (vessel)
T.S.M. LTD., China HK City Tower II 1109, 33 Canton Road, T.S.T. (Tsim Sha Tsui), Kowloon, Hong Kong
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TWEPICO LTD., 209 Archbishop Makarios III Avenue, Fytides Bldg., Apt. 102, Limassol, Cyprus
UDRUZENA BEOGRADSKA BANKA (a.k.a. ASSOCIATED BELGRADE BANK; a.k.a. BEOBANKA d.d.; a.k.a. BEOGRADSKA BANKA d.d.), all offices worldwide (see ASSOCIATED BELGRADE BANK)
UDRUZENA KOSOVSKA BANKA (a.k.a. ASSOCIATED BANK OF KOSOVO), all offices worldwide (see ASSOCIATED BANK OF KOSOVO)
UDRUZENJE YU VISA, Belgrade, Serbia, FRY (S&M)
ULCINJ (n.k.a. NIPE) (9HTL3) Bulk Carrier 9,028GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
UNIFARM, Podgorica, Montenegro, FRY (S&M)
UNION BANKA d.d., Belgrade, Serbia, FRY (S&M)
UNIONPROMET, Novi Sad, Vojvodina, FRY (S&M)
UNITED CONSULTING CO. LTD., Cester Ho, Third Fl., Lusaka, Zambia
UNIVERZAL, Mjevrosime 51, 11000 Belgrade, Serbia, FRY (S&M)
UTVA, Pancevo, Vojvodina, FRY (S&M)
VALJAONICA ALUMINIJUMA, Sevojno Uzice, Serbia, FRY (S&M)
VASIC, Zoran, Palmira Toljatija 3, 11070 Novi Beograd, Serbia, FRY (S&M) (individual)
VEDADO (f.k.a. DANILOVGRAD) (9HSZ3) Ore Carrier 15,396GT Malta Flag (Lovcen Overseas Shipping Ltd.) (vessel)
VELETRGOVINA, Kolasin, Montenegro, FRY (S&M)
VELIMIR JAKIC, Pljevlja, Montenegro, FRY (S&M)
VERIMPEX GMBH–IMPORT AND EXPORT, Bohmerstrasse 6, 6000 Frankfurt am Main 1, Germany

VETPROM, Belgrade, Serbia, FRY (S&M)
VIRPAZAR (n.k.a. MOA) (9HTM3) General Dry Cargo 9,201GT Malta Flag (Bar Overseas Shipping Ltd.) (vessel)
VISCOSE AND CELLULOSE INDUSTRY OF LOZNICA (a.k.a. VISKOZA–LOZNICA), Loznica, Serbia, FRY (S&M)
VISKOZA–LOZNICA (a.k.a. VISCOSE AND CELLULOSE INDUSTRY OF LOZNICA), Loznica, Serbia, FRY (S&M)
VOCARCOOP–UNION, Belgrade, Serbia, FRY (S&M)
VOJVODINA–SREMSKA MITROVICA, Sremska Mitrovica, Vojvodina, FRY (S&M)
VOJVODINA TOURS, Novi Sad, Vojvodina, FRY (S&M)
VOJVODJANSKA BANKA d.d., all offices worldwide (see BANK OF VOJVODINA)
VRSACKA BANKA d.d., Vrsac, Serbia, FRY (S&M)
VUCIC, Borka, 2 Knez Mihajlova, 1000 Belgrade, Serbia, FRY (S&M) (individual)
VUJNOVIC, Milorad; 21 Kosta Ourani Street, P.O. Box 3410, Limassol, Cyprus (address of INPEA (OVERSEAS) HOLDING LTD.); DOB: March 20, 1957 (individual)
VUKOVARSKA BANKA DD, Vukovar, Croatia
VUNKO, Bijelo Polje, Montenegro, FRY (S&M)
VUP, Danilovgrad, Montenegro, FRY (S&M)
WOOL AND TEXTILE INDUSTRY OF LESKOVAC (a.k.a. LETEKS–LESKOVAC), Leskovac, Serbia, FRY (S&M)
YATZO Group, Serbia, FRY (S&M)
YES HOLDING INTERNATIONAL LTD., Archbishop Makarios III Avenue, Xenios Commercial Center, 5th Floor, No. 501, Nicosia, Cyprus
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YOUGO–ARAB COMPANY LTD, 58–60 Dighenis Akritas Avenue, Ghinis Building, 3rd, 8th, and 9th Floors, P.O. Box 2217, Nicosia, Cyprus
YU KOMERC B K, Jevrejska ul. 7, 11000 Beograd, Serbia, FRY (S&M)
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YUCHI, Kunlun Hotel, 2 Xin Nan Lu Chao Yang District, Beijing, China
YUCYCO (a.k.a. YUCICO), 66 Archbishop Makarios III Avenue, Cronos Court II, Nicosia, Cyprus
YUGO CANADA INC. (a.k.a. YUGOCANADA INC. TORONTO; a.k.a. YUGOTOURS OF CANADA), 100 Adelaide Street W., Ste. 1350, Toronto, Ontario M5H 1S3, Canada
YUGO CARS (a.k.a. ZASTAVA (GB) LTD.), Gloucester House, Basingstoke Road, Reading, Berkshire, RG2 OQW England
YUGOBANKA (a.k.a. BANK FOR FOREIGN TRADE AD; a.k.a. JUGOBANKA; a.k.a. JUGOBANKA d.d.), all offices worldwide (see JUGOBANKA)
YUGOBANKA (a.k.a. BANK FOR FOREIGN TRADE AD–SKOPJE; a.k.a. JUGOBANKA; a.k.a. JUGOBANKA d.d.), Skopje, Former Yugoslav Republic of Macedonia
YUGOCANADA INC. TORONTO (a.k.a. YUGO CANADA INC.; a.k.a. YUGOTOURS OF CANADA), 100 Adelaide Street W., Ste. 1350, Toronto, Ontario M5H 1S3, Canada
YUGOEXPORT, New York, NY, U.S.A.
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YUGOSLAVIA COMMERCE, Belgrade, Serbia, FRY (S&M)
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39 avenue de Friedland, 75008 Paris, France;
Wilmerdorfer Strasse 134, 1000 Berlin 12, Germany;
Huttenstrasse 3, 4000 Dusseldorf 1, Germany;
Schwanthalerstrasse 83, 8000 Munich 2, Germany;
Steinstrasse 15, 7000 Stuttgart 1, Germany;
(a.k.a. CENTROPRODUCT), Eisenberg Business Center, House Asia, Tel Aviv, Israel;
(a.k.a. CENTROPRODUCT, BARI), Via Principe Amedeo 25, 70121 Bari, Italy;
(a.k.a. CENTROPRODUCT S.R.L.), Via Agnello 2, 20121 Milan, Italy;
(a.k.a. CENTROPRODUCT, ROME), Via Bissolati 76, 00187, Rome, Italy
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YUGOTOURS A.G., Militaerstrasse 90, 8004 Zurich, Switzerland
YUGOTOURS AB, P.O. Box 3097, Olof Palmes Gata 24, 10361 Stockholm, Sweden
YUGOTOURS B.V., Buikslotermeerplein 6, 1025 EX Amsterdam, Netherlands
YUGOTOURS GMBH, Post Office Box 16848, Windmuehlstrasse 1, 6000 Frankfurt am Main 1, Germany
YUGOTOURS LTD., 37a Great Charles Street, York House, Birmingham, B3 3JY, England
YUGOTOURS LTD. (a.k.a. MEDCHOICE HOLIDAYS LTD.), Chesham House, 150 Regent Street, London WIR 6BB, England
YUGOTOURS LTD., Cheshire House, 18/0 Booth Street, Manchester M2 4AN, England
YUGOTOURS LTD., 115 Bath Street, Glasgow, Scotland G2 2SZ
YUGOTOURS OF CANADA (a.k.a. YUGOCANADA INC. TORONTO; a.k.a. YUGO CANADA INC.), 100 Adelaide Street W., Ste. 1350, Toronto, Ontario M5H 1S3, Canada
YUGOTOURS–REISEN GMBH, Kaerntnerstrasse 26, Vienna, Austria
YUGOTOURS S.A., Rue de Princes 8–10, 1000 Brussels, Belgium
YUGOTOURS S.A.R.L. (a.k.a. CENTROPRODUCT, S.A.R.L.), 39 avenue de Friedland, 75008 Paris, France
YUMBES (a.k.a. JUGOSLOVENSKA BANKA ZA MEDJUNARODNU EKONOMSKU SARADNJU; a.k.a. YUGOSLAV BANK FOR INTERNATIONAL ECONOMIC COOPERATION), all offices worldwide
YUNIVERSAL, Singer Strasse 2/15, 1010 Vienna, Austria
YUSACO, Serbia, FRY (S&M)
ZAJEDNICA JUGOSLOVENSKIH ZELEZNICA (a.k.a. ASSOCIATION OF YUGOSLAV RAILWAYS), Belgrade, Serbia, FRY (S&M)
ZAMBIA ENGINEERING AND CONTRACTING CO., Zecco Bldg., Mukwa Road, Lusaka, Zambia
ZASTAVA (a.k.a. AUTOMOBILE INDUSTRY–CRVENA ZASTAVA; a.k.a. ZAVODI CRVENA ZASTAVA–KRAGUJEVAC), Kragujevac, Serbia, FRY (S&M)
ZASTAVA (GB) LTD. (a.k.a. YUGO CARS), Gloucester House, Basingstoke Road, Reading, Berkshire, RG2 OQW England
ZASTAVA IMPEX, Belgrade, Serbia, FRY (S&M)
ZASTAVA JUGO AUTOMOBILI, Kragujevac, Serbia, FRY (S&M)
ZASTAVA–PRIVREDNA VOZILA, Kragujevac, Serbia, FRY (S&M)
ZAVOD ZA E. EKSP., Belgrade, Serbia, FRY (S&M)
ZAVODI CRVENA ZASTAVA–KRAGUJEVAC (a.k.a. AUTOMOBILE INDUSTRY–CRVENA ZASTAVA; a.k.a. ZASTAVA), Kragujevac, Serbia, FRY (S&M)
ZCZ/YUGOMEDICA, Kragujevac, Serbia, FRY (S&M)
ZDRAVLJE, Leskovac, Serbia, FRY (S&M)
ZECEVIC, Miodrag, Banque Franco Yugoslav, 18 Rue de Tilsitt, 75017 Paris, France (individual)
ZELATRANS, Podgorica, Montenegro, FRY (S&M)
ZELENGORA, Belgrade, Serbia, FRY (S&M)
ZELEZARA BORIS KIDRIC, Niksic, Montenegro, FRY (S&M)
ZELEZNICKO TRANSPORTNO PREDUZECE BEOGRAD (a.k.a. BELGRADE RAILROAD TRANSPORTATION ORGANIZATION), Belgrade, Serbia, FRY (S&M)

ZELEZNICKO TRANSPORTNO PREDUZECE CRNE GORE (a.k.a. MONTENEGRIN RAILROAD TRANSPORTATION ORGANIZATION), Montenegro, FRY (S&M)
ZELEZNICKO TRANSPORTNO PREDUZECE NOVI SAD (a.k.a. NOVI SAD RAILROAD TRANSPORTATION ORGANIZATION), Novi Sad, Vojvodina, FRY (S&M)
ZELEZNICKO TRANSPORTNO PREDUZECE SRBIJE (a.k.a. SERBIAN RAILROAD TRANSPORTATION ORGANIZATION) Belgrade, Serbia, FRY (S&M)
ZETA (9HTV3) General Dry Cargo 9,862GT Malta Flag (South Cross Shipping Ltd.) (vessel)
ZETA OCEAN SHIPPING LTD., Valletta, Malta, c/o Jugoslavenska Oceanska Plovidba BB, Njegoseva, P.O. Box 18, 85330 Kotor, Montenegro, FRY (S&M)
ZORKA, Sabac, Serbia, FRY (S&M)
ZTP BELGRADE, Belgrade, Serbia, FRY (S&M)
ZTP, Podgorica, Montenegro, FRY (S&M)
ZUPA–KRUSEVAC, Krusevac, Serbia, FRY (S&M)

Dated: March 29, 1995.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: April 7, 1995.

John Berry

Deputy Assistant Secretary (Enforcement).

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UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 F.R. 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 F.R. 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "James McNeill Whistler" (See List [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C. from on or about May 28, 1995 through August 20, 1995, is in the national interest. Public Notice of this determination is ordered to be published in the **Federal Register.**

Dated: April 12, 1995.

Les Jin,

General Counsel.

[FR Doc. 95–9498 Filed 4–17–95; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Ms. Carol B. Epstein, Assistant General Counsel, at (202) 619–6981, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, S.W., Washington, D.C. 20547.

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Piet Mondrian: 1872–1944" (See List [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C. from on or about June 11,1995 through September 4, 1995, and the Museum of Modern Art, New York, N.Y. from on or about January 23, 1996 is in the national interest. Public Notice of this determination is ordered to be published in the **Federal Register.**

Dated: April 12, 1995.

Les Jin,

General Counsel.

[FR Doc. 95–9499 Filed 4–17–95; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Mr. Paul W. Manning, Assistant General Counsel, at (202) 619–5097, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, S.W., Washington, D.C. 20547.

Sunshine Act Meetings

Federal Register
Vol. 60, No. 74
Tuesday, April 18, 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).

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, April 18, 1995.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Joy Technologies,* Docket No. WEST 93–129. (Issues include whether a vendor of mining equipment may be cited as an independent contractor-operator based on the actions of its service representative.)

2. *Lakeview Rock Products, Inc.,* Docket Nos. WEVA 94–308–M et seq. (Issues include consideration of the operator's request for a 30 day extension of time to file a petition for discretionary review.)

No earlier announcement of the meeting was possible. Any person attending the open portion of this meeting who requires special accessibility features and/or auxiliary aides, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

[FR Doc. 95–9653 Filed 4–14–95; 1:57 pm]

BILLING CODE 6735–01–M

STATE JUSTICE INSTITUTE

TIME AND DATE: Friday, April 28, 1995, 9 a.m.–5 p.m.; Saturday, April 29, 1995, 9 a.m.–noon.

PLACE: State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.

MATTERS TO BE CONSIDERED: FY 1995 grant requests and internal Institute business.

PORTIONS OPEN TO THE PUBLIC: Board discussion of grant requests and internal business, except those matters noted below.

PORTIONS CLOSED TO THE PUBLIC: Internal personnel matters; Board committee meetings.

CONTACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314, (703) 684–6100.

David I. Tevelin,

Executive Director.

[FR Doc. 95–9667 Filed 4–14–95; 1:57 pm]

BILLING CODE 6820–SC–M

Corrections

Federal Register
Vol. 60, No. 74
Tuesday, April 18, 1995

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Forest Service

Willamette Provincial Interagency Executive Committee (PIEC), Advisory Committee

Correction

In notice document 95–7445 appearing on page 15746 in the issue of Monday, March 27, 1995, in the second column, under **SUMMARY**, in the fifth line, "255 Capitol Street" should read "355 Capitol Street".

BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 290

Defense Contract Audit Agency (DCAA) Freedom of Information Act Program

Correction

In rule document 95–8652 beginning on page 18005 in the issue of Monday, April 10, 1995, the **EFFECTIVE DATE** should read "(April 10, 1995).".

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[FRL-5182-8]

RIN 2040-AC60

Amendment to Requirements for National Pollution Discharge Elimination System (NPDES) Permits for Storm Water Discharges Under Section 402(p)(6) of the Clean Water Act

Correction

In rule document 95–8209 beginning on page 17950 in the issue of Friday April 7, 1995, make the following corrections:

On page 17950, in the second column, under the heading "**DATES**", in the second and last lines, "August 2, 1995" should read "August 7, 1995".

On page 17953, in the third column, in the last line of the first complete paragraph, "August 2, 2001" should read "August 6, 2001".

§ 122.26 [Corrected]

On page 17957, in the first column, in § 122.26(g)(1)(ii), in the second line, "August 2, 2001" should read "August 6, 2001".

BILLING CODE 1505–01–D

DEPARTMENT OF LABOR

Office of the Secretary

Delinquent Filer Voluntary Compliance Program

Correction

In notice document 95–7742 beginning on page 16505 in the issue of Thursday, March 30, 1995, make the following correction:

On page 16505, in the second column, under A. Justification, in the 3rd full paragraph, in the 19th line, "$40" should read "$50".

BILLING CODE 1505–01–D

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 580

Civil Money Penalties—Procedures for Assessing and Contesting Penalties

Correction

In rule document 95–8335 beginning on page 17221 in the issue of Wednesday, April 5, 1995, make the following correction:

On page 17222, in column one, under the heading "**II. Background**", second paragraph, in the 10th line, "not" should read "now".

BILLING CODE 1505–01–D

federal register

Tuesday
April 18, 1995

Part II

Department of Education

Secondary Education and Transitional Services for Youth With Disabilities Program; Final Priority and Invitation to Apply for New Awards; Notices

DEPARTMENT OF EDUCATION

Secondary Education and Transitional Services for Youth With Disabilities Program

AGENCY: Department of Education.

ACTION: Notice of final priority.

SUMMARY: The Secretary of Education announces a final priority for an award to provide technical assistance to improve the transition for youth with disabilities from school to work and other postsecondary settings. This priority is intended to provide technical assistance to support students with disabilities in a wide range of school to work experiences and promote their successful transition to a variety of postsecondary settings. The Secretary also announces selection criteria that will be applied in evaluating applications submitted for this competition.

EFFECTIVE DATE: This priority takes effect May 18, 1995.

FOR FURTHER INFORMATION CONTACT: Joseph Clair, U.S. Department of Education, 600 Independence Avenue, S.W., Room 4622, Switzer Building, Washington, D.C. 20202–2644. Telephone: (202) 205–9503. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

SUPPLEMENTARY INFORMATION: Over the last decade, four pieces of Federal legislation have been enacted that affect the transition of students with disabilities from school to postsecondary settings, including gainful employment. These include amendments to the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973, and passage of the School-to-Work Opportunities Act of 1994 and the Goals 2000: Educate America Act. Each piece of legislation is described below.

The Individuals with Disabilities Education Act, as amended, now requires that a statement of needed transition services be included in the individualized education program (IEP) of all eligible students beginning no later than age 16, and at a younger age if appropriate, and that the statement of required services be updated on an annual basis. 20 U.S.C. 1401(a)(20)(D). Transition services are defined as "a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities * * * and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation." 20 U.S.C. 1401(a)(19).

The Rehabilitation Act now requires the State Vocational Rehabilitation programs to enter into formal interagency cooperative agreements with education officials responsible for the provision of a free appropriate public education to students with disabilities in order to facilitate the development and accomplishment of long term rehabilitation goals, intermediate rehabilitation objectives, and goals and objectives to enable students with disabilities to live independently before leaving the school setting. State vocational rehabilitation plans must address: (i) provisions for determining State lead agencies and qualified personnel responsible for transition services; (ii) procedures for outreach to and identification of youth in need of such services; and (iii) a timeframe for evaluation and follow-up of youth who have received such services. 29 U.S.C. 721(a)(24).

In May of 1994, President Clinton signed into law the School-to-Work Opportunities Act of 1994. This law, administered jointly by the Departments of Education and Labor, establishes a national framework within which all States can create statewide School-to-Work Opportunities systems. These systems will be designed to help youth acquire the knowledge, skills, abilities, and labor market information they need to make a smooth and effective transition from school to career-oriented work and to further education and training.

Under the School-to-Work Opportunities Act of 1994, 20 U.S.C. 6101 et seq., States and local partnerships are developing and implementing plans for school-to-work opportunities systems that will provide opportunities for all students, including those with disabilities, to prepare successfully for high-skill, high-wage jobs or further education and training. Any student who completes a School-to-Work Opportunities program of study will receive: (1) a high school diploma; (2) a certificate or diploma recognizing one or two years of postsecondary education, if appropriate; and (3) a portable, industry-recognized skill certificate. While each State and locality will have broad latitude to design its own system, every system will have common core components:

- *Work-based learning.* Providing students with a planned program of job training and work experiences in a broad range of tasks in an occupational area, as well as workplace mentoring.
- *School-based learning.* Including a coherent multi-year sequence of instruction—typically including at least 2 years of secondary education and at least 1 or 2 years of postsecondary education—tied to occupational skills standards and challenging academic standards such as those established by States under Goals 2000.
- *Connecting activities.* To ensure coordination of the work- and school-based learning components, such as providing technical assistance in designing work-based learning, matching students with employers' work-based learning opportunities, and collecting information on what happens to students after they complete the program.

The intent of the Goals 2000: Educate America Act, 20 U.S.C. 5801 et seq., is to provide resources to States and communities to help all students achieve the high standards they will need to meet the challenges of the 21st century. The law supports State and local efforts to set challenging standards that will strengthen education in their States and communities—teaching, curriculum, and assessments aligned with higher standards.

Goals 2000 also establishes a National Skill Standards Board to assist in the development of rigorous occupational standards that are relevant to industry. This Board will have broad-based representation from business, labor and education and will identify the specific knowledge, skill, and ability levels needed to perform a given job in a given industry. Standards endorsed by the board would be linked to the highest international standards and would promote the transition to high-performance jobs.

This award will be jointly funded in fiscal year 1995 under three statutory authorities: (1) the Secondary Education and Transitional Services for Youth with Disabilities Program authorized by section 626 of the Individuals with Disabilities Education Act; (2) sections 202(b) (4) and (6) of the Rehabilitation Act of 1973; and (3) the Cooperative Demonstration Program authorized by section 420A of the Carl D. Perkins Vocational and Applied Technology Education Act (the Perkins Act). In fiscal year 1996, the award will include funding from section 311(d) of the Rehabilitation Act of 1973. The Secretary has determined that this joint award is necessary because of the need to provide technical assistance to support students with disabilities in a wide range of school to work experiences and promote their successful transition to a variety of

postsecondary settings including gainful employment.

The funds provided under the Cooperative Demonstration Program must meet the cost-sharing requirement of section 420A(b)(2) of the Perkins Act implemented by 34 CFR 426.30. In the first year of the project, we anticipate providing $25,000 from the Cooperative Demonstration program. The funds provided under section 311(d) of the Rehabilitation Act of 1973 must be used only for youth with severe disabilities.

In the application notice, we will inform potential applicants how much funding we estimate will come from each program for fiscal year 1995. As noted above, we anticipate that the source and amount of funding will change in future years and will notify the grantee. If other sources of funding are added that would result in additional requirements in a future year, the Secretary will notify the grantee concerning those requirements.

The Department believes that people involved in providing educational, related, and transitional services to individuals with disabilities need better information, particularly in areas such as: (1) meeting the transition requirements in Part B of the Individuals with Disabilities Education Act, the Rehabilitation Act, and the School-to-Work Opportunities Act; (2) helping students with disabilities access transition programs including those supported by developing School-to-Work Opportunities systems; (3) overcoming administrative, attitudinal, and programmatic barriers that limit the planning and implementation of effective practices for students with disabilities in transitional programs, such as those that school personnel can use to encourage and facilitate extensive student/parent involvement; (4) working with statewide School-to-Work Opportunities systems to help students with disabilities acquire the academic and occupational skills, abilities, and labor market information they need to make a smooth and effective transition from school to career-oriented work or to further education or training; (5) building on and enriching current promising programs such as tech-prep education, career academies, school-to-apprenticeship, youth apprenticeship, cooperative education, adult education, adult services, and business-education compacts; (6) facilitating the representation of disability interests in the formation of partnerships among secondary and postsecondary educational institutions, private and public employers, labor organizations, government, community groups, parents, and other key groups; and (7) ensuring that students with disabilities, including those with severe disabilities, are provided an integrated array of learning experiences in the classroom and at the worksite, including appropriate modification of curriculum, instructional techniques, equipment, and the work environment.

On December 2, 1994 the Secretary published a notice of proposed priority for this program in the **Federal Register** (59 FR 62248).

Note: This notice of final priority does *not* solicit applications. A notice inviting applications under this program is published in a separate notice in this issue of the **Federal Register.**

Analysis of Comments and Changes

The Department is in the process of reviewing its priorities to focus them more closely on improving results for children, including children with disabilities, and on eliminating prescriptive requirements that are unnecessary to achieve program purposes and that may limit the creative approaches in carrying out activities. This priority has been reviewed by the Department with these considerations in mind.

The statement of purpose for the priority has been revised to more clearly reflect the goal of ensuring that young individuals with disabilities acquire the skills and knowledge, have the experiences, and receive the services and supports they need to achieve successful postschool outcomes. Technical assistance activities described in the "Purpose" section have been broadened consistent with achieving this goal, while specific targets for technical assistance are still included in the "Priority" section. Numerous prescriptive requirements detailing how activities are to be conducted have been eliminated. These include requirements to field-test, revise, and publicize user-friendly documentation of model practices; to document proven and exemplary practices by collecting, analyzing, and reporting a variety of descriptive and outcome data; and to provide information in a number of narrowly defined specific areas.

In response to the Secretary's invitation in the notice of proposed priority, twelve parties submitted comments. An analysis of the comments follows.

Comment: One commenter recommended that the current State Systems for Transition Services projects receive additional funding to provide the types of activities proposed in this priority.

Discussion: The Secretary acknowledges that the activities and relationships developed by the State Systems for Transition Services projects are important to promote successful transition outcomes for youth with disabilities, including their participation in programs supported by school-to-work opportunities systems, at the State and local levels. However, the Secretary believes that it is necessary that one technical assistance project be supported to identify, disseminate, and provide information on proven practices and approaches from a national perspective that can successfully support and accommodate students with disabilities, including those with severe disabilities, in transition from school to employment and other postsecondary environments.

Change: None.

Comment: One commenter proposed that a requirement be added that the technical assistance project enter into an agreement with a parent training and information center which has expertise in technical assistance on transition.

Discussion: While the priority emphasizes the importance of involving parents in many of the activities of the technical assistance project, the Secretary believes that requiring the project to enter into an agreement with a specific parent training and information center or centers would be overly prescriptive. However, applicants may propose such an activity in their application to address the involvement of parents.

Change: None.

Comment: One commenter requested that the following points be considered: (1) the establishment of guidelines for joint monitoring; (2) the removal of any lead agency provisions; (3) the past success and failure of applicants in providing nationwide technical assistance to States; and (4) the establishment of linkages with one-stop career centers.

Discussion: In relation to both joint monitoring and lead agency provision, the Secretary stresses the importance of having a project lead agency be responsible to a Federal lead agency although other agencies will be involved in activities such as monitoring and accountability.

The Secretary notes that the establishment of linkages or working relationships with relevant agencies, such as one-stop career centers, is an activity that both School-to-Work and OSERS transition grantees are currently encouraged to address in the implementation of their projects. This priority would allow technical assistance in developing such linkages be available to these grantees.

Change: None.

Comment: One commenter suggests that consistent with other school-to-work grants, partnerships be eligible to apply for the technical assistance project.

Discussion: Eligible applicants for the technical assistance project include institutions of higher education (IHEs), state educational agencies (SEAs), local educational agencies (LEAs), and other public or private non-profit institutions or agencies. The School-to-Work Opportunities Act defines "local partnership" as meaning a local entity that is responsible for a local School-to-Work Opportunities program. If a partnership fits within the definition of eligible applicant for this priority, it may apply. However, the recipient of the grant is expected to demonstrate the expertise necessary for a national technical assistance project.

Change: None.

Comment: One commenter asked that the priority focus on the following issues: (1) training students to have a meaningful role in their own transition plans; (2) meeting the spirit of the law, including how the various laws can work together rather than separately; and (3) exploring the effectiveness of transition programs which begin before the age of 16.

Discussion: All of these issues are currently being addressed in a range of transition efforts supported by the Office of Special Education and Rehabilitative Services (OSERS). The Secretary has identified as one of the activities of the technical assistance project to prepare information, including information on current projects, in user friendly formats for dissemination to relevant audiences. In addition, the technical assistance project must provide technical assistance to these projects. These activities will produce material on proven practices that address these issues.

Change: None.

Comment: One commenter suggested that vocational rehabilitation agencies be included as eligible applicants.

Discussion: Vocational rehabilitation agencies are eligible to submit applications under this priority.

Change: None.

Comment: One commenter recommended that the priority emphasize to a greater extent (1) the development of relationships with the State School-to-Work Implementation Projects and the State Systems for Transition Services projects and (2) the need for creating a national network of innovators and implementors.

Discussion: Language in the current priority does emphasize the development of relationships with the State School-to-Work Implementation projects and the State Systems for Transition Services projects as well as creating a national network of innovators and implementors through the dissemination of information on proven practices and current projects, including funded research and model demonstration projects. OSERS currently supports a separate Institute to Evaluate and Provide Technical Assistance to States Implementing Cooperative Projects to Improve Transition Services.

Change: Language has been added to the priority requiring the technical assistance project to coordinate activities with other technical assistance providers such as the Institute to Evaluate and Provide Technical Assistance to States Implementing Cooperative Projects to Improve Transition Services.

Comment: One commenter states that it should be clear that this Technical Assistance Project is not responsible for monitoring or evaluating either the State School-to-Work Implementation projects or the State Systems for Transition Services projects.

Discussion: OSERS currently supports a project to provide technical assistance to the State Systems for Transition Services projects to improve their evaluation design. A purpose of this technical assistance project is to assist the Departments of Education and Labor in evaluating School-to-Work Opportunities Systems. Therefore, technical assistance will be available to State School-to-Work Implementation projects on incorporating students with disabilities into the evaluation design of their school-to-work effort. However, this project is not specifically responsible for monitoring or evaluating State School-to-Work Implementation projects or State Systems for Transition Services projects.

Change: None.

Comment: One commenter suggests that technical assistance which develops or enhances state-level "systemic reform" would have more benefits and long-term outcomes than providing technical assistance to current staff. Consideration should also be given to the development of incentives to encourage States to coordinate among multiple Federal workforce education and training programs, specifically in regard to serving youth with disabilities.

Discussion: The technical assistance project must provide technical assistance, upon request, to States receiving School-to-Work Opportunities Development Grants and provide technical assistance in accordance with agreements developed with States receiving School-to-Work Opportunities Implementation Grants as well as providing technical assistance to relevant staff as their School-to-Work systems are emerging.

The Secretary agrees that in order to ensure that transition programs are successful, relevant employment training agencies must be involved in the proposed activities. This would include coordinating with State agencies which administer other Federal workforce education and training programs, including programs supported under the Job Training Partnership Act and the Perkins Act.

Change: Language has been added to the priority to indicate that, in order to be effectively implemented, relevant employment training agencies must be involved in the proposed project activities.

Comment: One commenter seeks clarification as to the extent to which the documentation of project outcomes will align with those outcomes specified in the eight National Education Goals contained in Goals 2000: Educate America Act, in addition to those outlined in IDEA and the School-to-Work Opportunities Act.

Discussion: The Goals 2000: Educate America Act contains several initiatives which impact on the successful school-to-work transition of all students. These initiatives include the establishment of high academic and skill standards, and the creation of a National Skill Standards Board.

Change: The Secretary agrees with the commenter, and the relevant initiatives contained in this Act have been described under the Supplementary Information section of the priority.

Comment: One commenter requested that the priority incorporate the development of a core data base on the extent to which youth with disabilities have access to, participate in, and benefit from the full range of School-to-Work Opportunities systems. This data base could also be used for program planning, program improvement, and policy development at the local, State, and national level. Specific activities should emphasize (1) the development of computer-based tools and resources for data base planning and policy development and (2) the provision of evaluation technical assistance in relation to performance management systems.

Discussion: The priority currently requires that the technical assistance project identify proven practices and information that is useful in addressing the secondary education, transitional service, and postsecondary education

needs of individuals with disabilities, including individuals with severe disabilities. The development of a core data base would be one means of meeting this requirement and applicants can propose such an activity in their application. However, the Secretary believes that requiring the development of such a data base would be overly prescriptive.

The priority also requires that this information be disseminated to all relevant audiences, including policy makers, administrators, teachers, other service providers, parents and individuals with disabilities, and that the technical assistance project will assist the Departments of Education and Labor in evaluating School-to-Work Opportunities systems. Therefore, the Secretary believes that sufficient data will be available at the national, State, and local levels which could be used for program planning, program improvement, and policy development.

Change: None.

Absolute Priority: Accessing School-to-Work, Secondary, and Postsecondary Environments—A Technical Assistance and Dissemination Effort

Purpose: The goal of this project is to help ensure that young individuals with disabilities acquire the skills and knowledge, have the experiences, and receive the services and supports they need to achieve successful postschool outcomes, including gainful employment and independent living. The project would do this by: (1) preparing and disseminating information on how best to meet the secondary education, transitional service, and postsecondary education needs of individuals with disabilities, including individuals with severe disabilities, in user-friendly formats to relevant audiences such as policy makers, administrators, teachers, other service providers, parents, and individuals with disabilities; and (2) making available technical assistance to personnel responsible for providing transitional services for individuals with disabilities, particularly personnel working on planning and implementing School-to-Work Opportunities systems. A critical focus of this project is assisting personnel responsible for providing transitional services and School-to-Work Opportunities grantees to develop the necessary skills and knowledge base to assist individuals with disabilities, including those with severe disabilities, to become integrated into appropriate transition programs and School-to-Work Opportunities systems established by States. In order to be effectively implemented, students, parents, relevant employment training agencies and other providers of adult services, and members of underrepresented populations, such as minorities, women, and disadvantaged persons, must be involved in the proposed activities.

Technical assistance may be provided in a variety of ways including training sessions, on-going consultation, participation in national meetings, one-on-one State visits, and visits to successful School-to-Work Opportunities systems.

The Secretary anticipates funding one cooperative agreement with a project period of up to 60 months subject to the requirements of 34 CFR 75.253(a) for continuation awards. In making the initial award, the Secretary will consider the extent to which applicants provide evidence that States receiving School-to-Work Opportunities grants are likely to participate in technical assistance activities provided by the Technical Assistance Project.

In determining whether to continue this technical assistance project for the third, fourth, and fifth years, the Secretary, in addition to applying the requirements of 34 CFR 75.253(a), will consider the recommendation of a review team consisting of three experts selected by the Secretary. The review, including a two-day visit to the project, is to be performed during the third quarter of the second year and must be included in the year's evaluation required under 34 CFR 75.590. Funds to cover costs associated with the services to be performed by the review team are estimated to be approximately $4,000.

Priority

The Technical Assistance Project must:

(1) Identify proven practices and information that is useful in addressing the secondary education, transitional service, and postsecondary education needs of individuals with disabilities, including individuals with severe disabilities.

(2) Prepare information, including information on proven practices and current projects, in user-friendly formats for dissemination to relevant audiences, including policy makers, administrators, teachers, other service providers, parents, individuals with disabilities, and others.

(3) Disseminate information to all relevant audiences directly and, where possible, through using existing networks, systems, and mechanisms such as INet, the National Library of Education, Office of Special Education Programs' clearinghouses, the Office of Educational Research and Improvement's 10 regional educational laboratories, parent training and information centers, and State information networks.

(4) Provide technical assistance upon request to States receiving School-to-Work Opportunities Development Grants.

(5) Provide technical assistance in accordance with agreements developed with States receiving School-to-Work Opportunities Implementation Grants.

(6) Provide technical assistance to Office of Special Education and Rehabilitative Services projects in the areas of secondary education, transitional services, and postsecondary education, including support for meetings.

(7) Assist the Departments of Education and Labor in evaluating School-to-Work Opportunities systems.

(8) In years two and four, conduct a national forum that identifies persistent problems, proposes solutions, and responds to emerging issues and trends in providing students with disabilities with access to School-to-Work Opportunities systems.

(9) Coordinate activities with other technical assistance providers such as Federal technical assistance efforts related to the implementation of the School-to-Work Opportunities Act and the Institute to Evaluate and Provide Technical Assistance to States Implementing Cooperative Projects to Improve Transition Services.

Selection Criteria for Evaluating Applications

Under the secondary education, transitional, and postsecondary education technical assistance and information dissemination competition, the Secretary uses the following selection criteria. These criteria were taken from 34 CFR 380.11(a)–(e) and 380.13 (f) and (g).

(a) *Plan of Operation.* (10 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The extent to which the plan of management is effective and ensures proper and efficient administration of the project; and

(2) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition.

(b) *Quality of key personnel.* (15 points) (1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (b)(1)(i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(2) To determine personnel qualifications under paragraph (b)(1)(i) and (ii) of this section, the Secretary considers—

(i) Experience and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(c) *Budget and cost-effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Are appropriate to the project; and

(2) To the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (10 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

(f) *Evidence of need.* (10 points) (1) The Secretary reviews each application to assess whether the need for the proposed technical assistance has been adequately justified.

(2) The Secretary determines the extent to which the application—

(i) Describes the technical assistance needs to be addressed by the project;

(ii) Describes how the applicant identified those needs;

(iii) Describes how those needs will be met by the project; and

(iv) Describes the benefits to be gained by meeting those needs.

(g) *Project design.* (40 points) (1) The Secretary reviews each application to evaluate the quality of the proposed technical assistance project design.

(2) The Secretary determines the extent to which—

(i) The technical assistance objectives are designed to meet the identified needs and are clearly defined, measurable, and achievable;

(ii) The content of the proposed technical assistance and instructional approach are appropriate for the project participants.

(3) The Secretary determines the extent to which each application provides for—

(i) A method for gaining the participation of prospective target populations in need of technical assistance;

(ii) Innovative procedures for disseminating information and imparting skills to project participants; and

(iii) Use of current research findings and information on model practices in providing the technical assistance.

Eligible Applicants: Institutions of Higher Education (IHEs), State educational agencies (SEAs), Local educational agencies (LEAs), and other public or private non-profit institutions or agencies.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable Program Regulations: 34 CFR Part 326 and 34 CFR Part 426.

Program Authority: 20 U.S.C. 1425, 20 U.S.C. 2420a, 29 U.S.C. 761a(b) (4) and (6), 29 U.S.C. 777a(d), and 20 U.S.C. 1231(b).

(Catalog of Federal Domestic Assistance Number 84.158, Secondary Education and Transitional Services for Youth with Disabilities Program)

Dated: April 13, 1995.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–9511 Filed 4–17–95; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.158]

Secondary Education and Transitional Services for Youth With Disabilities Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995

Purpose of Program: To assist youth with disabilities in the transition from secondary school to postsecondary environments, such as competitive or supported employment, and to ensure that secondary special education and transitional services result in competitive or supported employment for youth with disabilities.

This priority support the National Educational Goals by assisting those with disabilities in meeting school readiness and adult literacy goals.

Elibible Applicants: Institutions of higher education (IHEs), State educational agencies (SEAs), Local educational agencies (LEAs), and other public or private nonprofit institutions or agencies.

Deadline for Transmittal of Applications: June 2, 1995.

Deadline for Intergovernmental Review: August 1, 1995.

Applications Available: April 18, 1995.

Available Funds: $1,400,000.

Estimated Range of Awards: $1,400,000

Estimated Average Size of Awards: $1,400,000

Estimated Number of Awards: 1

Project Period: Up to 60 months

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations in 34 CFR Parts 326 and 426.

Priority: The priority in the notice of final priority for this program, as published elsewhere in this issue of the **Federal Register** applies to this competition.

For Applications: To request an application telephone (202) 205–8162. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

FOR FURTHER INFORMATION CONTACT: Michael Ward, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 4624, Switzer Building, Washington, D.C. 20202–2644. Telephone : (202) 205–8163. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

Information about the Department's funding opportunities including copies

of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 20 U.S.C. 1425, 20 U.S.C. 2420a, 20 U.S.C. 761a(b) (4) and (6), 29 U.S.C. 777a(d), and 20 U.S.C. 1231(b).

Dated: April 13, 1995.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–9512 Filed 4–17–95; 8:45 am]

BILLING CODE 4000–01–P

federal register

Tuesday
April 18, 1995

Part III

Department of Justice

Office of Justice Programs

28 CFR Part 90

STOP Violence Against Women Formula and Discretionary Grants Program (Grants to Combat Violent Crimes Against Women); Final Rule

DEPARTMENT OF JUSTICE

Office of Justice Programs

28 CFR Part 90

[OJP No. 1015F]

RIN 1121–AA27

STOP Violence Against Women Formula and Discretionary Grants Program (Grants to Combat Violent Crimes Against Women)

AGENCY: U.S. Department of Justice, Office of Justice Programs.

ACTION: Final rule.

SUMMARY: The Violence Against Women Program Office, Office of Justice Programs (OJP), U.S. Department of Justice is publishing final regulations governing the implementation of the STOP (Services • Training • Officers • Prosecutors) Violence Against Women Formula and Discretionary Grants Program, hereafter referred to as the Program, authorized by Title IV of the Violent Crime Control and Law Enforcement Act of 1994.

DATES: The final rule is effective April 18, 1995.

ADDRESSES: The Office of Justice Programs, Violence Against Women Program Office, 633 Indiana Avenue NW., 4th Floor, Washington, DC 20531 is responsible for implementing this final rule.

FOR FURTHER INFORMATION CONTACT: The Department of Justice Response Center at 1–800–421–6770 or (202) 307–1480, or Kathy Schwartz, Administrator, Violence Against Women Program Office, Office of Justice Programs (202) 307–6026.

SUPPLEMENTARY INFORMATION: The Violence Against Women Act (VAWA), as enacted by the 103rd Congress, is set out in Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103–322, 108 Stat. 1796 (Sept. 13, 1994). The VAWA, in part, amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended (the Omnibus Act), 42 U.S.C. 3711 *et seq.*, by adding a new 'Part T'. Part T comprises Sections 2001 through 2006, to be codified at 42 U.S.C. 3796gg through 3796gg–5. Unless otherwise specified, statutory references to those provisions will be to the Sections in Part T of the Omnibus Act, as amended by the VAWA.

This new Program authorizes FY 1995 Federal financial assistance to States for developing and strengthening effective law enforcement and prosecution strategies and victim services in cases involving violent crimes against women. Offices and agencies of State government, units of local government, Indian tribal governments, and nonprofit, nongovernmental victim services programs are eligible to apply to States for subgrants under Subpart B of these regulations. Indian tribal governments are also eligible to apply directly to the Office of Justice Programs for discretionary grants under Subpart C of these regulations.

On December 28, 1994, the Office of Justice Programs published a proposed rule on the implementation of the Violence Against Women Formula and Discretionary Grants Program ("Grants to Combat Violent Crime Against Women Program") in the **Federal Register** (Volume 59, No. 258, page 66830). Comments were specifically solicited regarding, but not limited to, the following issues:

(1) The scope of the impact on States, units of local government, and Indian tribal governments of the mandate that exempts sexual assault victims from paying out-of-pocket costs with regard to forensic medical exams (Section 90.14 of Subpart B of this regulation).

(2) Whether the scope of the services identified in Section 90.2(b) of Subpart A (the definition of forensic examination) of this proposed regulation adequately covers the needs of victims and prosecutors.

(3) The special needs of Indian tribal governments in implementing the discretionary grants program authorized by the Violence Against Women Act.

(4) The scope of the impact on States, units of local government, and Indian tribal governments of the mandate prohibiting the imposition of criminal court-related costs on domestic violence victims, and proposed timetables for States, local governments, and Indian tribal governments in meeting this mandate (Section 90.15 of Subpart B of this regulation).

(5) Approaches to addressing allocation and distribution requirements applicable to States, as set out in Section 90.16 of Subpart B, in making subgrants to units of local government.

The Office of Justice Programs received 69 letters commenting on the proposed regulations: 24 from State and local government agencies (including district attorneys, criminal justice planning agencies, and health and human service departments); 16 from Statewide domestic violence coalitions; 14 from local victim services programs; 10 from national organizations and public interest groups; 2 from Members of the United States Congress; 2 from concerned citizens; and 1 from an Indian tribal government. The Office of Justice Programs gratefully acknowledges the agencies, organizations, and individuals who took the time to express their views. Comments are on file at OJP's Violence Against Women Program Office.

In preparing the Final rule, OJP is interpreting the scope of the Program as broadly as possible while adhering closely to the letter and spirit of the legislation. Language contained in the final regulations has been modified to reflect the following changes:

- The introductory paragraph, The Violence Against Women Act of 1994, has been modified to emphasize the reduction of violence as the intent of the Act.
- Subparts B and C have been modified to incorporate the name of the VAWA grant program, STOP Violence Against Women.
- § 90.1(b) has been modified to clarify that offices and agencies of State government are eligible to apply for subgrants from this Program, as well as units of local government, Indian tribal governments, and nonprofit, nongovernmental victim services programs.
- § 90.2(a) has been modified to clarify that the definition of domestic violence includes any crime of violence considered to be an act of domestic violence according to State law.
- § 90.2(b) has been modified to clarify the minimum procedures included in a forensic medical examination and to delete the words "lack of consent."
- § 90.2(e) has been expanded to clarify that State offices or agencies that provide prosecution support services may receive grant funds and to set out some examples of functions and services that can be supported.
- § 90.2(i) has been expanded to clarify the range of programs eligible to receive grant funds designated as "victim services."
- § 90.11(b) has been modified to clarify that grantees and subgrantees shall develop the State implementation plan. In addition, the phrase "courts, probation and parole agencies" has been added to clarify that the goal of the planning process is the enhanced coordination and integration of these, and other, components of the criminal justice system.
- § 90.14 and § 90.53 have been modified to incorporate "* * * full out-of-pocket costs * * *" wherever references are made to the forensic medical examination costs that States must incur.
- § 90.14(a) and (c) have been expanded to define out-of-pocket costs and to clarify a State's discretion in covering additional costs.

• § 90.16(a)(2) has been modified to clarify how funds remaining after award of the base amount will be allocated, and to specify that Indian tribal populations will not be included in a State's population.

• § 90.16(a)(3) has been modified to add the word "offices" in reference to eligible subgrantees.

• § 90.16(b)(1) has been modified to clarify that States should consider Indian reservations in assessing need.

• § 90.16(b)(4) has been modified to encourage States to consider Indian populations in disbursing monies to previously underserved populations.

• § 90.17 has been modified to clarify the matching requirements and the permissibility of in-kind match.

• § 90.18 has been modified to clarify the non-supplantation requirement.

• § 90.20(b) now addresses Application Requirements.

• § 90.20(b)(3) and (4) have been modified to replace the words "include proof of" with the word "certify."

• § 90.23, previously entitled "Grantee Reporting," now describes the type of information that should be included in the State Implementation Plan.

• § 90.24 now addresses grantee reporting requirements.

• § 90.51(b) and § 90.57 have been modified to encourage Indian tribal applicants to develop their implementation plans through consultation with women in the communities to be served as well as tribal law enforcement, prosecutors, courts, and victim services agencies, to the extent they exist.

• § 90.54 has been modified to delete reference to a specific number of discretionary grants that will be awarded.

• § 90.57(b)(2) has been modified to encourage tribal applicants to integrate into their plans tribal methods of addressing violent crimes against women.

Several suggested modifications were not incorporated into the regulations.

• No conditions have been imposed that would limit the State's payment of the full out-of-pocket costs of forensic medical examinations for victims of sexual assault, and the time frame for compliance with this requirement has not been extended. This is a legislatively-established requirement that States must meet to be eligible to apply for these funds.

• A uniform definition of "advocacy" has not been incorporated into the Final Rule. "Advocacy" has different meanings in different contexts, all of which may be appropriate for the various groups involved in and benefiting from this grant program.

• The States are not required to include the number of violent crimes against women reported to law enforcement and the number of those offenses prosecuted each year as a factor in determining the allocation of funds. They may establish their own criteria for allocating these funds, within the intent and parameters of the Violence Against Women Act.

• In developing their plans to implement this Program, the States are not required to clearly articulate the cessation of violence against women as the State's overriding purpose. States may establish their own goals and objectives for this Program, within the parameters of the Act.

• A provision allowing Statewide victim services organizations to seek a review by the Office of Justice Programs of any State applications that does not adequately involve victim services programs in the development of the State plan has not been incorporated into the Final Rule. The Act does not specify the level of involvement victim services programs must play in the development of the State plan beyond requiring the States to consult and coordinate with them.

• Development of sexual assault and domestic violence prevention curricula for schools has not been included as a purpose for which these grant funds may be used. Sections 40151 and 40251 of the Violence Against Women Act authorize funds for the Department of Health and Human Services to develop such educational programs, beginning in Fiscal Year 1996.

Statement of the Problem

There are three aspects to violence against women in the United States which reflect the compelling nature of the problem. First, there are a tremendous number of incidents of violent crimes against women, many of which are often hidden and under-reported. The following statistics taken from the Bureau of Justice Statistics' 1994 data from the National Crime Victimization Survey, and a recent Bureau of Justice Statistics report, Violence Against Women (January 1994), paint a grim picture of violence against women in America:

• Over two-thirds of violent crimes committed against women were committed by someone known to them.

• Over 1 million women a year are victims of violence perpetrated by husbands or boyfriends.

• Every year, nearly 500,000 women and girls age 12 or older are victims of rape or attempted rape.

• Data from 1992 show that one-third of all female murder victims over age 14 were killed by an intimate, such as a boyfriend, spouse, or ex-spouse.

• Over half of the family violence crime victimizations result in injuries to the victim; female victims are more likely to sustain injuries at the hands of intimates than strangers.

• Less than half of all violent crime against women is ever reported to law enforcement officials.

• Over one-fifth of those convicted of intimate violent offenses reported having been physically or sexually abused during childhood.

• Over one-third of those incarcerated for harming an intimate had a previous conviction for a violent offense.

The second aspect of the problem is that only recently has society has begun to view violence against women as a serious criminal problem. In domestic violence cases, where the victim knows the perpetrator, there has been a tendency to consider the matter a private dispute and not a crime for public scrutiny or judgment. Even when the violence comes at the hands of a stranger, as in many cases of sexual assault, the incident has too often been blamed more on the victim than on the perpetrator.

The third aspect of the problem lies in the traditional response by the justice system to incidents of violence against women. Existing criminal justice and victim services efforts to alleviate the problem have been fragmented due to lack of resources and/or coordination. Consequently, the criminal justice system has too often not been responsive to women in domestic violence and sexual assault cases.

The Violence Against Women Act of 1994

The Violence Against Women Act reflects a firm commitment towards working to change the criminal justice system's response to violence that occurs when any woman is threatened or assaulted by someone with whom she has or has had an intimate relationship, with whom she was previously acquainted, or who is a stranger. By committing significant Federal resources and attention to restructuring and strengthening the criminal justice response to women who have been, or potentially could be, victimized by violence, we can more effectively ensure the safety of all women.

Law Enforcement and Prosecution Grants To Reduce Violent Crimes Against Women

For FY 1995, Congress appropriated $26 million to the Department of Justice

as a down payment towards assistance to combat violent crimes against women. Part T authorizes an appropriation of $130 million for FY 1996 and increasing amounts in succeeding years.

Thus, the $26 million appropriation for FY 1995 is the initial step of a multi-year Program designed to encourage States to implement innovative and effective criminal justice approaches to this problem. The Violence Against Women Act enumerates the following seven broad purposes for which funds may be used:

(1) Training for law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;

(2) Developing, training, or expanding units of law enforcement officers and prosecutors that specifically target violent crimes against women;

(3) Developing and implementing more effective police and prosecution policies and services for preventing and responding to violent crimes against women;

(4) Developing and improving data collection and communications systems linking police, prosecutors, and courts or for purposes of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions;

(5) Developing, expanding, or improving victim services programs, including improved delivery of such services for racial, cultural, linguistic, and ethnic minorities, and the disabled, and providing specialized domestic violence court advocates;

(6) Developing and enhancing programs addressing stalking; and

(7) Developing and enhancing programs addressing the special needs and circumstances of Indian tribes in dealing with violent crimes against women.

Additionally, by statute, 4% of the amount appropriated each year is available for Indian tribal governments through a discretionary program. For FY 1995, the discretionary program will fund a limited number of programs. Tribes, which may apply individually or as a consortium in order to maximize resources, are encouraged to develop programs which address their unique needs.

A Coordinated and Integrated Approach to the Problem

By definition, a coordinated and integrated approach suggests a partnership among law enforcement, prosecution, the courts, victim advocates and service providers. The goal of this Program is to encourage States and localities to restructure and strengthen the criminal justice response to be proactive in dealing with this problem; to draw on the experience of all the players in the system, including the advocate community; and to develop a comprehensive set of strategies to deal with this complex problem. The development of such strategies necessitates collaboration among police, prosecutors, the courts, and victim services providers. Thus, the Program requires that jurisdictions draw into the planning process the experience of nongovernmental victim services and State domestic violence and sexual assault coalitions, as well as existing domestic violence and sexual assault task forces and coordinating councils, in addition to police, prosecutors and the courts. Examples of innovative approaches include those:

- Instituting comprehensive training programs to change attitudes that have traditionally prevented the criminal justice system from adequately responding to the problem.
- Forming specialized units within police departments and prosecutors' offices, or specialized multi-disciplinary units, devoted exclusively to the handling of domestic violence and sexual assault cases.
- Establishing sexual trauma units in emergency rooms where forensic examinations, victim counseling, and victim advocacy are equally available.
- Developing strategies that maximize resources by establishing regional approaches, such as the registration and enforcement of protective orders across jurisdictional lines.
- Establishing protocols to achieve better coordination in the handling of cases involving violence against women between civil and criminal courts.
- Establishing and expanding victim services that address the special needs of women from minority and ethnic communities, women who are disabled, or women who do not speak English.

Eligibility Requirements Applicable to the States

To be eligible to receive grants under this Program, States must develop plans which comply with the requirements set out in the Act. Although grant amounts are limited for FY 1995, States should plan their VAWA activities with a view to implementing a continuing Program over the next several years.

First, States will have to demonstrate how they plan to distribute their grant funds each year. At least 25% must be allocated to law enforcement, 25% to prosecution, and 25% to victim services programs. Section 2002(c)(3).

Second, priority must be given to areas of varying geographic size and areas with the greatest showing of need within the State. Need is based on population and the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served. Section 2002(e)(2)(C). States must insure equitable geographic distribution among urban, non-urban, and rural areas. They must also address the needs of populations previously underserved due to geographic location, racial or ethnic barriers, or special needs such as language barriers or physical disabilities. Section 2002(e)(2)(D). States are encouraged to develop preliminary multi-year plans for the disbursement of funds based on geography, need, and underserved populations to achieve a balanced distribution, consistent with the statute, over the life of the Program extending through FY 2000.

Third, in their applications, States and Indian tribal governments must certify that they (or another level of government) will incur the full out-of-pocket costs for forensic medical examinations involving sexual assault victims. Section 2005(a)(1). "Full out-of-pocket costs" means any expense that may be charged to a victim in connection with a forensic medical examination. Additionally, each State and Indian tribal government must also provide certification that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena. Section 2006(a)(1). If the latter condition is not satisfied, States and Indian tribal governments must provide assurances that they will be in compliance by September 13, 1996, or at the end of the next legislative session, whichever is later.

Finally, an important goal of the legislation is to create vehicles for the various participants in the system to begin a dialogue. To help foster this communication, States are required to consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs.

Indian Tribal Governments Discretionary Program

The VAWA requires that 4% of the total funds be set aside for Indian tribal governments. These funds may be used

for the same general purposes set out for the State recipients in the block grant program.

Tribes will be invited to make individual applications, or apply as a consortium or as an inter-tribal group. The VAWA defines Indian tribes to include both those with and without law enforcement authority. Section 2003(3). Consequently, the requirement applicable to State block grants, that at least 25% of the total grant award be allocated respectively to law enforcement, prosecution, and victim assistance, would not be applicable to Indian tribal governments that do not have law enforcement or prosecution. Nonetheless, program plans should be developed through consultation with women in the community to be served, and with tribal law enforcement, prosecutors, courts, and victim services to the extent they exist. Applicants are also encouraged to integrate into their plans tribal methods of dealing with violent crimes against women. Additionally, tribes may want to develop a domestic violence code, if one is not already in place, to facilitate the implementation of strategies which have reduced violence against women in other court systems.

Funding limits the number of discretionary grants in FY 1995. To be eligible for funding under the discretionary program, Indian tribal governments must comply with the forensic medical examination costs and the filing and service fee requirements applicable to the State formula grant program.

Technical Assistance and Training/ Evaluation

The Office of Justice Programs intends to assist States and Indian tribal governments in meeting the Program goal of developing effective coordinated and integrated strategies. A small portion of the funds provided under this Program has been set aside to provide specialized training and technical assistance to States and units of local government and Indian tribal governments to help restructure the system's response to violence against women.

Further, consistent with the statute, the Office of Justice Programs, in conjunction with the National Institute of Justice, will evaluate the effectiveness of the programs established with these funds. Recipients of grants must agree to cooperate with Federally-sponsored evaluations of their projects. In addition, the Attorney General is required by the VAWA to report to Congress on a profile of the persons served, the programs funded, and their effectiveness. Program recipients must therefore specifically provide a statistical summary of persons served, detailing the nature of victimization, and providing data on age, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability. Additionally, program recipients are expected to cooperate with any investigations or audits performed by components of the Department of Justice, including the Civil Rights Division or the Office of the Inspector General.

Administrative Requirements

The Final Rule implements a formula grant program that does not impose any restrictive regulations on the States. The States will benefit from immediate access to the funds available through this program, and it would be contrary to the public interest to delay implementation of the program. Therefore, the Final Rule is effective immediately.

The Office of Justice Programs has determined that this rule is a "significant regulatory action" for purposes of Executive Order 12866 and, accordingly, this rule has been reviewed by the Office of Management and Budget.

In addition, this rule will not have a significant impact on a substantial number of small entities; therefore, an analysis of the impact of these rules on such entities is not required by the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

No information requirements are contained in this rule. Any information collection requirements contained in future application notices for this Program will be reviewed by the Office of Management and Budget, as is required by provisions of the Paperwork Reduction Act, 44 U.S.C. 3504(h).

List of Subjects in 28 CFR Part 90

Grant programs, Judicial administration.

For the reasons set out in the preamble, Title 28, Chapter I of the Code of Federal Regulations is amended by adding the new Part 90 as set forth below.

PART 90—VIOLENCE AGAINST WOMEN

Subpart A—General Provisions

Sec.

Subpart B—The STOP (Services • Training • Officers • Prosecutors) Violence Against Women Formula Grant Program

Subpart C—Indian Tribal Governments Discretionary Grants Program

Authority: 42 U.S.C. 3711 *et seq.*

Subpart A—General Provisions

§ 90.1 General.

(a) This Part implements certain provisions of the Violence Against Women Act (VAWA), which was enacted by Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103–322 (Sept. 13, 1994).

(b) Subpart B of this part defines program eligibility criteria and sets forth requirements for application for and administration of formula grants to States to combat violent crimes against women. This Program under the VAWA was enacted as a new 'Part T' of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (the Omnibus Act), codified at 42 U.S.C. 3796gg through 3796gg–5. Offices and agencies of State government, units of local government, Indian tribal governments, and nonprofit, nongovernmental victim services programs are eligible to apply for subgrants from this Program.

(c) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to Subpart B of this part. In addition, Indian tribal governments may apply directly for discretionary grants under Subpart C of this part.

§ 90.2 Definitions.

(a) *Domestic violence.* (1) As used in this Part, "domestic violence" includes felony or misdemeanor crimes of violence (including threats or attempts) committed:

(i) By a current or former spouse of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is co-habitating with or has co-habitated with the victim as a spouse;

(iv) By a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction receiving grant monies; or

(v) By any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies. Section 2003(1).

(2) For the purposes of this Program, "domestic violence" also includes any crime of violence considered to be an act of domestic violence according to State law.

(b) *Forensic medical examination.* The term "forensic medical examination" means an examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law.

(1) The examination should include at a minimum:

(i) examination of physical trauma;

(ii) determination of penetration or force;

(iii) patient interview; and

(iv) collection and evaluation of evidence.

(2) The inclusion of additional procedures (e.g., testing for sexually transmitted diseases) to obtain evidence may be determined by the State, Indian tribal government, or unit of local government in accordance with its current laws, policies, and practices.

(c) *Indian tribe.* The term "Indian Tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation [as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*)], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Section 2003(3).

(d) *Law enforcement.* The term "law enforcement" means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs). Section 2003(4).

(e) *Prosecution.* For the purposes of this Program, the term "prosecution" means any public office or agency charged with direct responsibility for prosecuting criminal offenders, including such office's or agency's component departments or bureaus (such as governmental victims services programs). Prosecution support services, such as overseeing or participating in Statewide or multi-jurisdictional domestic violence task forces, conducting training for State and local prosecutors or enforcing victim compensation and domestic violence-related restraining orders shall be considered "direct responsibility" for purposes of this program. Section 2003(5).

(f) *Sexual assault.* The term "sexual assault" means any conduct proscribed by Chapter 109A of Title 18, United States Code, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim. Section 2003(6).

(g) *State.* The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(h) *Unit of local government.* For the purposes of Subpart B of this part, the term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or Indian tribe which performs law enforcement functions as determined by the Secretary of Interior, or for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and the Trust Territory of the Pacific Islands.

(i) *Victim services.* The term "victim services" means a nonprofit, nongovernmental organization, that assist victims of domestic violence and/or sexual assault victims. Included in this definition are rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs, such as nonprofit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process. (Section 2003(8).)

(1) For the purposes of this Program, funding may include support for lawyer and nonlawyer advocates, including specialized domestic violence court advocates. Legal or defense services for perpetrators of violence against women may not be supported with grant funds.

(2) The definition also encompasses Indian victim assistance programs and Statewide domestic violence and sexual assault coalitions to the extent they provide direct services to domestic violence and sexual assault victims.

(3) Governmental victim services programs attached to a law enforcement agency or a prosecutor's office may apply for the portions of the State grant designated for law enforcement and prosecution. Governmental victim services programs contracting with nonprofit organizations (e.g., a county nonprofit shelter) are eligible to apply for the portion of the State grant designated for nonprofit, nongovernmental victim services. Governmental victim services programs that are not connected to a law enforcement agency or a prosecutor's office and are not considered nonprofit organizations may apply for funding through the remaining portion of the State grant that is not designated for a specific program area.

Subpart B--The STOP (Services • Training • Officers • Prosecutors) Violence Against Women Formula Grant Program

§ 90.10 Description of STOP (Services • Training • Officers • Prosecutors) Violence Against Women Formula Grant Program.

It is the purpose of this Program to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women. Section 2001(a).

§ 90.11 Program criteria.

(a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to the States, for use by States, Indian tribal governments, units of local government and nonprofit, nongovernmental victim services programs for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

(b) Grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs. Section 2002(c)(2).

The goal of the planning process is the enhanced coordination and integration of law enforcement, prosecution, courts, probation and parole agencies, and victim services in the prevention, identification, and response to cases involving violence against women. States and localities are encouraged to include Indian tribal governments in developing their plans. States and localities should, therefore, consider the needs of Indian tribal governments in developing their law enforcement, prosecution and victims services in cases involving violence against women. Indian tribal governments may also be considered subgrantees of the State. Section 2002(a).

§ 90.12 Eligible purposes.

(a) In General. Grants under this Program shall provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.

(b) Eligible Purposes. Section 2001(b). Grants under this Program may be used for the following purposes:

(1) Training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

(2) Developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

(3) Developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

(4) Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

(5) Developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

(6) Developing, enlarging, or strengthening programs addressing stalking; and

(7) Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

§ 90.13 Eligibility.

(a) All States are eligible to apply for, and to receive, grants to combat violent crimes against women under this Program. Indian tribal governments, units of local government, and nonprofit, nongovernmental victim service programs may receive subgrants from the States under this Program.

(b) For the purpose of this Subpart B, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and, for these purposes, 67% of the amounts allocated shall be allocated to American Samoa, and 33% to the Commonwealth of the Northern Mariana Islands.

§ 90.14 Forensic medical examination payment requirement.

(a) For the purpose of this Subpart B, a State, Indian tribal government or unit of local government shall not be entitled to funds under this Program unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket costs of forensic medical examinations for victims of sexual assault. "Full out-of-pocket costs" means any expense that may be charged to a victim in connection with a forensic medical examination for the purpose of gathering evidence of a sexual assault (e.g., the full cost of the examination, an insurance deductible, or a fee established by the facility conducting the examination). Section 2005(a)(1). For individuals covered by insurance, "full out-of-pocket costs" means any costs that the insurer does not pay.

(b) A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket costs of forensic medical examinations for victims of sexual assault if that governmental entity or some other:

(1) Provides such examinations to victims free of charge;

(2) Arranges for victims to obtain such examinations free of charge; or

(3) Reimburses victims for the cost of such examinations if:

(i) The reimbursement covers the full out-of-pocket costs of such examinations, without any deductible requirement and/or maximum limit on the amount of reimbursement;

(ii) The governmental entity permits victims to apply for reimbursement for not less than one year from the date of the examination;

(iii) The governmental entity provides reimbursement to the victim not later than ninety days after written notification of the victim's expense; and

(iv) The governmental entity provides information at the time of the examination to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement. Section 2005(b).

(c) Coverage of the cost of additional procedures (e.g., testing for sexually transmitted diseases) may be determined by the State or governmental entity responsible for paying the costs; however, formula grant funds cannot be used to pay for the cost of the forensic medical examination or any additional procedures.

§ 90.15 Filing costs for criminal charges.

(a) A State shall not be entitled to funds under this Subpart B unless it:

(1) Certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena (arising from the incident that is the subject of the arrest or criminal prosecution); or

(2) Assures that its laws, policies and practices will be in compliance with the requirements of paragraph (a)(1) of this section by the date on which the next session of the State legislature ends, or by September 13, 1996, whichever is later.

(b) An Indian tribal government or unit of local government shall not be eligible for subgrants from the State unless it complies with the requirements of paragraph (a) of this section with respect to its laws, policies and practices.

(c) If a State does not come into compliance within the time allowed in paragraph (a)(2) of this section, the State will not receive its share of the grant money whether or not individual units of local government are in compliance.

§ 90.16 Availability and allocation of funds.

(a) Section 2002(b) provides for the allocation of the amounts appropriated for this Program as follows:

(1) Allocation to Indian tribal governments. Of the total amounts appropriated for this Program, 4% shall be available for grants directly to Indian tribal governments. This Program is addressed in Subpart C of this part.

(2) Allocation to States. Of the total amounts appropriated for this Program in any fiscal year, after setting aside the portion allocated for discretionary grants to Indian tribal governments covered in paragraph (a) (1) of this section, and setting aside a portion for evaluation, training and technical assistance, a base amount shall be allocated for grants to eligible applicants in each State. After these allocations are made, the remaining funds will be allocated to each State on the basis of the State's relative share of total U.S. population (not including Indian tribal populations). For purposes of determining the distribution of the remaining funds, the most accurate and complete data compiled by the U.S. Bureau of the Census shall be used.

(3) Allocation of Funds within the State. Funds granted to qualified States are to be further subgranted by the State to agencies, offices, and programs including, but not limited to State agencies and offices; public or private nonprofit organizations; units of local government; Indian tribal governments; nonprofit, nongovernmental victim services programs; and legal services programs for victims to carry out programs and projects specified in § 90.12.

(b) In distributing funds received under this part, States must:

(1) Give priority to areas of varying geographic size with the greatest showing of need. In assessing need, States must consider the range and availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas, including Indian reservations. Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis. Section 2002(e)(2)(A).

(2) Take into consideration the population of the geographic area to be served when determining subgrants. Section 2002(e)(2)(B). Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

(3) Equitably distribute monies on a geographic basis, including non-urban and rural areas of various geographic sizes. Section 2002(e)(2)(C). Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

(4) In disbursing monies, States must ensure that the needs of previously underserved populations are identified and addressed in its funding plan. Section 2002(e)(2)(D). For the purposes of this Program, underserved populations include, but are not limited to, populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, including Indian populations, and populations underserved because of special needs such as language barriers or physical disabilities. Section 2003(7). Each State has flexibility to determine its basis for identifying underserved populations, which may include public hearings, needs assessments, task forces, and U.S. Bureau of Census data. Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

(c) States must certify that a minimum of 25% of each year's grant award (75% total) will be allocated, without duplication, to each of the following areas: prosecution, law enforcement, and victim services. Section 2002(c)(3). This requirement applies to States and does not apply to individual subrecipients. This requirement applies to Indian tribal governments to the extent they have law enforcement or prosecution.

§ 90.17 Matching requirements.

(a) The Federal share of a subgrant made under the State formula program may not be expended for more than 75% of the total costs of the individual projects described in a State's implementation plan. Section 2002(f). A 25% non-Federal match is required. This 25% match may be cash or in-kind services. States are expected to submit a narrative that identifies the source of the match.

(b) In-kind match may include donations of expendable equipment, office supplies, workshop or classroom materials, work space, or the monetary value of time contributed by professional and technical personnel and other skilled and unskilled labor if the services they provide are an integral and necessary part of a funded project. The value placed on loaned or donated equipment may not exceed its fair rental value. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the organization or the labor market. Fringe benefits may be included in the valuation. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient organization for its own employees. The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately owned building in the same locality. The basis for determining the value of personal services, materials, equipment, and space must be documented.

(c) The match expenditures must be committed for each funded project and cannot be derived from other Federal funds. Nonprofit, nongovernmental victim services programs funded through subgrants are exempt from the matching requirement; all other subgrantees must provide a 25% match.

(d) Indian tribes, who are subgrantees of a State under this Program, may meet the 25% matching requirement for programs under this Subpart B by using funds appropriated by Congress for the activities of any agency of an Indian tribal government or for the activities of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands.

(e) All funds designated as match are restricted to the same uses as the Violence Against Women Program funds and must be expended within the grant period. The State must ensure that match is identified in a manner that guarantees its accountability during an audit.

§ 90.18 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant non-Federal funds that would otherwise be available for expenditure on activities described in this part. Monies disbursed under this Program must be used to fund new projects, or expand or enhance existing projects. The VAWA funds cannot be used to supplant or replace existing funds already allocated to funding programs. Grant funds may not be used to replace

State or local funds (or, where applicable, funds provided by the Bureau of Indian Affairs) that would, in the absence of Federal aid, be available or forthcoming for programs to combat violence against women. This requirement applies only to State and local public agencies. Section 2002(c)(4).

§ 90.19 State office.

(a) Statewide plan and application. The chief executive of each participating State shall designate a State office for the purposes of:

(1) Certifying qualifications for funding under this Subpart B;

(2) Developing a Statewide plan for implementation of the grants to combat violence against women in consultation and coordination with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence service programs; and

(3) Preparing an application to obtain funds under this Subpart B.

(b) Administration and fund disbursement. In addition to the duties specified by paragraph (a) of this section, the office shall:

(1) Administer funds received under this Subpart B, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements; and

(2) Coordinate the disbursement of funds provided under this part with other State agencies receiving Federal, State, or local funds for domestic or family violence and sexual assault prosecution, prevention, treatment, education, and research activities and programs.

§ 90.20 Application content.

(a) *Format.* Applications from the States for the STOP Violence Against Women Formula Grant Program must be submitted on Standard Form 424, Application for Federal Assistance. The Office of Justice Programs will request the Governor of each State to identify which State agency should receive the Application Kit. The Application Kit will include a Standard Form 424, an Application for Federal Assistance, a list of assurances to which the applicant must agree, and additional guidance on how to prepare and submit an application for grants under this Subpart.

(b) *Requirements.* Applicants in their applications shall at the minimum:

(1) Include documentation from nonprofit, nongovernmental victim services programs describing their participation in developing the plan as provided in Section 90.19(a);

(2) Include documentation from prosecution, law enforcement, and victim services programs to be assisted, demonstrating the need for grant funds, the intended use of the grant funds, the expected results from the use of grant funds, and demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and linguistic background. Section 2002(d)(1);

(3) Certify compliance with the requirements for forensic medical examination payments as provided in Section 90.14(a); and

(4) Certify compliance with the requirements for filing and service costs for domestic violence cases as provided in Section 90.15

(c) *Certifications.* (1) As required by Section 2002(c) each State must certify in its application that it has met the requirements of this Subpart regarding the use of funds for eligible purposes (Section 90.12); allocation of funds for prosecution, law enforcement, and victims services (Section 90.16(c)); non-supplantation (Section 90.18); and the development of a Statewide plan and consultation with victim services programs (Section 90.19(a)(2)).

(2) Each State must certify that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.21 Evaluation.

(a) The National Institute of Justice will conduct an evaluation of these programs. A portion of the overall funds authorized under this grant Program will be set aside for this purpose. Recipients of funds under this subpart must agree to cooperate with Federally-sponsored evaluations of their projects.

(b) Recipients of program funds are strongly encouraged to develop a local evaluation strategy to assess the impact and effectiveness of the program funded under this Subpart. Applicants should consider entering into partnerships with research organizations that are submitting simultaneous grant applications to the National Institute of Justice for this purpose.

§ 90.22 Review of State applications.

(a) *Review criteria.* The provisions of Part T of the Omnibus Act and of these regulations provide the basis for review and approval or disapproval of State applications and amendments in whole or in part.

(b) *Intergovernmental review.* This Program is covered by Executive Order 12372 (Intergovernmental Review of Federal Programs) and implementing regulations at 28 CFR Part 30. A copy of the application submitted to the Office of Justice Programs should also be submitted at the same time to the State's Single Point of Contact, if there is a Single Point of Contact.

(c) *Written notification and reasons for disapproval.* The Office of Justice Programs shall approve or disapprove applications within sixty days of official receipt and shall notify the applicant in writing of the specific reasons for the disapproval of the application in whole or in part. Section 2002(e)(1).

§ 90.23 State implementation plan.

(a) Each State must submit a plan describing its identified goals and how the funds will be used to accomplish those goals. States may use grant funds to accomplish any of the seven identified purposes of the Violence Against Women Act.

(b) The implementation plan should describe how the State, in disbursing monies, will:

(1) Give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

(2) Determine the amount of subgrants based on the population and geographic area to be served;

(3) Equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

(4) Recognize and address the needs of underserved populations. State plans may include but are not required to submit information on specific projects.

(c) State plans will be due 120 days after the date of the award.

§ 90.24 Grantee reporting.

(a) Upon completion of the grant period under this Subpart, a State shall file a performance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this part.

(b) A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the

application, certifying performance of direct services under the grant. The grantee is responsible for collecting demographics about the victims served and including this information in the Annual Performance Report. In addition, the State should assess whether or not annual goals and objectives were achieved and provide a progress report on Statewide coordination efforts. Section 2002(h)(2).

(c) The Assistant Attorney General shall suspend funding for an approved application if:

(1) An applicant fails to submit an annual performance report;

(2) Funds are expended for purposes other than those described in this subchapter; or

(3) A report under this Section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

Subpart C—Indian Tribal Governments Discretionary Program

§ 90.50 Indian tribal governments discretionary program.

(a) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to Subpart B of this part. In addition, Indian tribal governments may apply directly to the Office of Justice Programs for discretionary grants under this Subpart, based on Section 2002(b)(1).

(b) Indian tribal governments under the Violence Against Women Act do not need to have law enforcement authority. Thus, the requirements applicable to State formula grants under Subpart B that at least 25% of the total grant award be allocated to law enforcement and 25% to prosecution, are not applicable to Indian tribal governments which do not have law enforcement authority.

§ 90.51 Program criteria for Indian tribal government discretionary grants.

(a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to Indian tribal governments for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

(b) Grantees shall develop plans for implementation and shall consult and coordinate with, to the extent that they exist, tribal law enforcement; prosecutors; courts; and nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs. Indian tribal government applications must include documentation from nonprofit, nongovernmental victim services programs, if they exist, or from women in the community to be served describing their participation in developing the plan. The goal of the planning process should be to achieve better coordination and integration of law enforcement, prosecution, courts, probation, and victim services—the entire tribal justice system—in the prevention, identification, and response to cases involving violence against women.

§ 90.52 Eligible purposes.

(a) Grants under this Program may provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.

(b) Grants may be used, by Indian tribal governments, for the following purposes (Section 2001(b)):

(1) Training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including the crimes of sexual assault and domestic violence;

(2) Developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

(3) Developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

(4) Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

(5) Developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

(6) Developing, enlarging, or strengthening programs addressing stalking.

§ 90.53 Eligibility of Indian tribal governments.

(a) *General.* Indian tribes as defined by Section 90.2 of this Part shall be eligible for grants under this Subpart.

(b) *Forensic Medical Examination Payment Requirement.*

(1) An Indian tribal government shall not be entitled to funds under this Program unless the Indian tribal government (or other governmental entity) incurs the full out-of-pocket costs of forensic medical examinations for victims of sexual assault.

(2) An Indian tribal government shall be deemed to incur the full out-of-pocket costs of forensic medical examinations for victims of sexual assault if, where applicable, it meets the requirements of Section 90.14(b) or establishes that another governmental entity is responsible for providing the services or reimbursements meeting the requirements of Section 90.14(b).

(c) *Filing Costs for Criminal Charges Requirement.* An Indian tribal government shall not be entitled to funds under this Part unless the Indian tribal government either

(1) Certifies that its laws, policies, and practices do not require the victim to bear the following costs in connection with the prosecution of any misdemeanor or felony domestic violence offense:

(i) The cost associated with filing criminal charges against a domestic violence offender, or

(ii) The costs associated with issuing or serving a warrant, protection order and/or witness subpoena arising from the incident that is the subject of the arrest or criminal prosecution, or

(2) Assures that its laws, policies and practices will be in compliance with these requirements by September 13, 1996. (Section 2006)

§ 90.54 Allocation of funds.

(a) 4% of the total amounts appropriated for this Program under Section 2002(b) shall be available for grants directly to Indian tribal governments.

(b) Indian tribal governments may make individual applications, or apply as a consortium.

(c) Funding limits the number of awards. The selection process will be sensitive to the differences among tribal governments and will take into account the applicants' varying needs in addressing violence against women.

§ 90.55 Matching requirements.

(a) A grant made to an Indian tribal government under this Subpart C may not be expended for more than 75% of the total costs of the individual projects described in the application. Section 2002(g). A 25% non-Federal match is required. This 25% match may be cash or in-kind services. Applicants are expected to submit a narrative that identifies the source of the match.

(b) In-kind match may include donations of expendable equipment, office supplies, workshop or classroom materials, work space, or the monetary value of time contributed by professional and technical personnel and other skilled and unskilled labor if the services they provide are an integral and necessary part of a funded project. The value placed on loaned or donated equipment may not exceed its fair rental value. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the organization or the labor market. Fringe benefits may be included in the valuation. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient organization for its own employees. The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately owned building in the same locality. The basis for determining the value of personal services, materials, equipment, and space must be documented.

(c) The match expenditures must be committed for each funded project and may be derived from funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands. Nonprofit, nongovernmental victim services programs funded through subgrants are exempt from the matching requirement; all other subgrantees must provide a 25% match and reflect how the match will be used.

(d) All funds designated as match are restricted to the same uses as the Violence Against Women Program funds and must be expended within the grant period. The applicant must ensure that match is identified in a manner that guarantees its accountability during an audit.

§ 90.56 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant funds that would otherwise be available to State and local public agencies for expenditure on activities described in this part.

§ 90.57 Application content.

(a) *Format.* Applications from the Indian tribal groups for the Indian Tribal Governments Discretionary Grants Program must, under this Subpart, be submitted on Standard Form 424, *Application for Federal Assistance,* at a time specified by the Office of Justice Programs.

(b) *Programs.* (1) Applications must set forth programs and projects for a one year period which meet the purposes and criteria of the grant program set out in Section 2001(b) and Section 90.12.

(2) Plans should be developed by consulting with tribal law enforcement, prosecutors, courts, and victim services, to the extent that they exist, and women in the community to be served. Applicants are also encouraged to integrate into their plans tribal methods of addressing violent crimes against women. Additionally, tribes may want to develop a domestic violence code, if one is not already in place, to facilitate the implementation of strategies which have reduced violence against women in other court systems.

(c) *Requirements.* Applicants in their applications shall at the minimum:

(1) Describe the project or projects to be funded.

(2) Agree to cooperate with the National Institute of Justice in a Federally-sponsored evaluation of their projects.

(d) *Certifications.*

(1) As required by Section 2002(c) each Indian tribal government must certify in its application that it has met the requirements of this Subpart regarding the use of funds for eligible purposes (Section 90.52); and non-supplantation (Section 90.56).

(2) A certification that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.58 Evaluation.

The National Institute of Justice will conduct an evaluation of these programs.

§ 90.59 Grantee reporting.

(a) Upon completion of the grant period under this Part, an Indian tribal grantee shall file a performance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this Subpart. Section 2002(h)(1).

(b) The Assistant Attorney General shall suspend funding for an approved application if:

(1) An applicant fails to submit an annual performance report;

(2) Funds are expended for purposes other than those described in this subchapter; or

(3) A report under this section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

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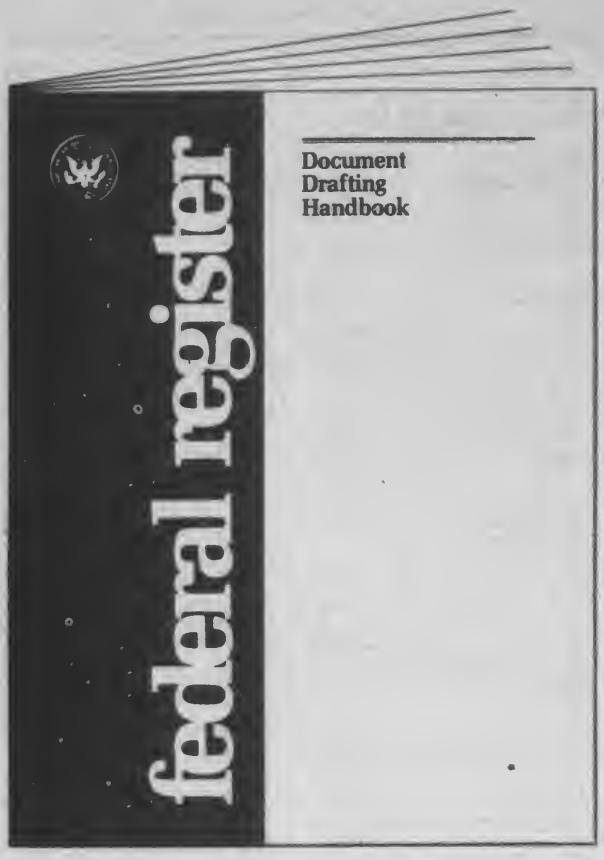

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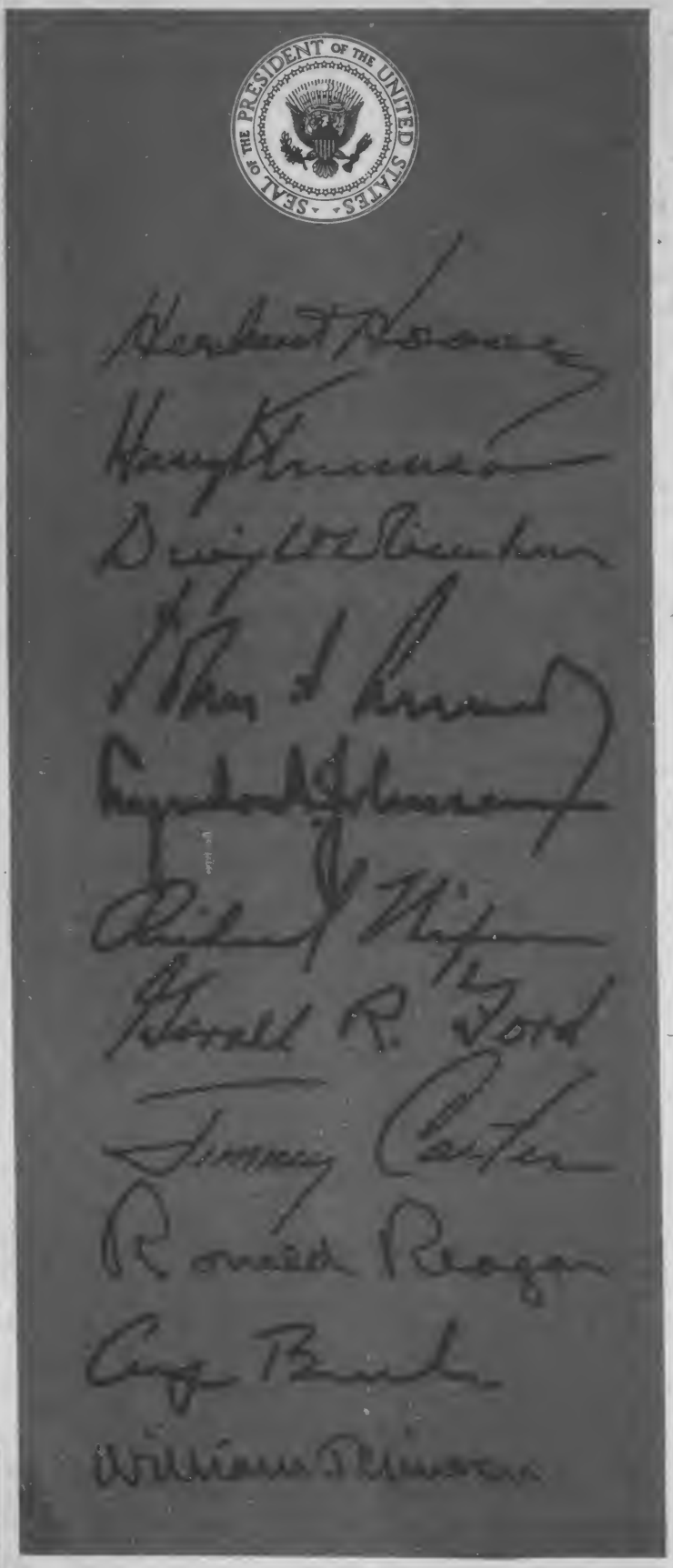

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