

under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23 and 17.32. For threatened species, such permits are available for scientific purposes, incidental take, or special purposes consistent with the purposes of the Act.

The Massachusetts Division of Fisheries and Wildlife (Division) has applied to the Service for an incidental take permit pursuant to Section 10(a) of the Act. This permit would authorize the incidental take of piping plovers through otherwise lawful activities occurring on plover breeding beaches. 0. Included in the application is a conservation plan prepared by the Division detailing the activities that would result in incidental take and describing measures that mitigate, minimize and monitor the amount of take.

The draft revised recovery plan for the Atlantic Coast piping plover (U.S. Fish and Wildlife Service, 1995. Piping Plover (*Charadrius melodus*), Atlantic Coast Population, Revised Recovery Plan, Technical/Agency Draft, Hadley, MA. 238pp) identified New England (which includes Massachusetts) as a recovery unit. Guidelines in the draft recovery plan state that permits for incidental take that will reduce the productivity of breeding piping plovers should only be allowed in recovery units where the subpopulation has achieved at least 70% of its portion of the recovery goal. As of 1995, the piping plover population in the New England recovery unit had reached 89% of the recovery goal (555 pairs) specified in the draft recovery plan. Furthermore, under an intensive management program, the Massachusetts piping plover population has increased more than three-fold over the last eight years, from 126 pairs in 1987 to 445 pairs in 1995.

The purpose of the proposed incidental take permit is to provide increased flexibility in managing Massachusetts beaches for use by recreationists and homeowners, while assuring continued progress toward the recovery of the Massachusetts and Atlantic Coast populations of the piping plover. The additional flexibility in managing beaches will prevent a disproportionate expenditure of resources directed at the protection of a few nests or broods in areas where they may significantly disrupt beach access by large numbers of people and be highly vulnerable to disturbance and/or mortality. Management flexibility also will create incentives for the continued participation by beach management agencies and organizations involved in protecting piping plovers.

The proposed action establishes strict eligibility criteria for landowners seeking to participate in permitted activities, and requires that these landowners make additional plover protection commitments, including the use of predator exclosures, prohibition of dogs, and plover monitoring and reporting. The proposed permit would be effective during the 1996 and 1997 plover breeding seasons. Authorized take would only affect piping plovers; take of other federally-listed species is specifically excluded from the proposed action.

Incidental take likely to occur on eligible sites may result from several management options outlined in the conservation plan. Landowners that choose to undertake such actions may apply to be included under the Division's proposed permit that will authorize the incidental take. Proposed authorized activities are (1) reduction of symbolically-fenced buffer areas around plover nests, applicable to one plover nest per site per year; (2) limited use of escorted off-road vehicle caravans or beach taxis for recreational access during periods when unfledged chicks are present on the beach; (3) use of essential vehicles during daylight hours without shorebird monitor escorts; (4) limited use of vehicles for homeowner access after dark through areas with unfledged chicks; and (5) moving eggs from heavily-used pedestrian or vehicle access points.

Take of piping plovers primarily will occur either through direct mortality of chicks, harassment of chicks or adults, or mortality of eggs that occurs as the result of nest abandonment or inadequate incubation or nest defense. As a result of these takings, overall reproductive success will be reduced at individual sites, and adverse effects may occur to immediate habitats of individual pairs or broods. However, the level of incidental take likely to occur will not reduce productivity enough to substantially slow progress toward recovery. Take that occurs as a result of a permit issued to the Division will not include mortality of adults, nor will actions undertaken within the scope of such a permit permanently degrade otherwise suitable habitat.

The Division has proposed to minimize and monitor the level of incidental take through a number of measures. Continued population growth over the duration of the permit should be ensured by conditioning the authorization of incidental take on maintaining average productivity of 1.5 chicks fledged per pair for the entire state, individual Management Units and individual sites. The conservation plan

encompasses a sufficiently large geographic area that should some sites experience adverse effects from environmental or demographic stochasticity, unsuccessful management, or larger incidental take than predicted, those set-backs may be balanced by more favorable conditions or results of management elsewhere in the planning unit. Finally, the proposed permit duration of 2 years will allow for a relatively rapid evaluation of the conservation plan in light of management results and changes in the overall status of the Massachusetts and New England plover populations that may occur in 1996 and 1997.

Alternatives presented by the Division in the conservation plan are limited to the proposed action and the no-action alternative (continuation of current management recommendations without increased flexibility for limited take). In the draft EA, the Service considers four additional alternatives limitation of authorized take to pedestrian activities, limitation of authorized take to motorized activities, issuance of the permit for a duration of one year, and issuance of the permit for a duration of five years.

(NOTICE: Availability of a draft environmental assessment and receipt of an application for an incidental take permit of the Atlantic Coast piping plover in Massachusetts)

Dated: February 2, 1996.

Cathy Short,

Acting Regional Director, Region 5.

[FR Doc. 96-3145 Filed 2-12-96; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Hart Communication Foundation

Notice is hereby given that, on September 28, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), Hart Communication Foundation ("HCF") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the identities of the new members are: Peek Measurement Ltd., Winchester, Hampshire, ENGLAND;

Robertshaw Tennessee, Knoxville, TN; Rossel Messtechnik GmbH & Co., Werne, GERMANY; Softing GmbH, Muchen, GERMANY; Solatron Transducers, Farnborough, Hampshire, ENGLAND; The Foxboro Company, Foxboro, MA; and Yamatake-Honeywell Co., Ltd., Samukawa-machi, JAPAN.

The following are no longer members of HCF: AIM Automation and Instr. Management Oy; and UTSI International Corp.

No other changes have been made in the membership, nature and objectives of the consortium. Membership in HCF remains open, and HCF intends to file additional written notifications disclosing all changes in membership.

On March 17, 1994, HCF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on May 5, 1994 (59 FR 23234). The last notification was filed with the Department on June 26, 1995. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on December 5, 1995 (60 FR 62260).

Constance K. Robinson,  
*Director of Operations, Antitrust Division.*  
[FR Doc. 96-3095 Filed 2-12-96; 8:45 am]  
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#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993—PIMA Research Task Force**

Notice is hereby given that, on January 18, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), the PIMA Third Generation Blowing Agent Research Task Force (the "Research Task Force") filed notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the Research Task Force. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: The Polyisocyanurate Insulation Manufacturers Association ("PIMA"), Washington, DC; AlliedSignal Inc., Morristown, NJ; BASF Corp., Mount Olive, NJ; Bayer, Pittsburgh, PA; The Dow Chemical Company, Midland, MI; Elf Atochem North America, Inc., Philadelphia, PA; Exxon Chemical Co., Baytown, TX; Goldschmidt Chemical Co., Hopewell,

VA; ICI Americas, West Gurnee, IL; Solvay Performance Chemicals, Greenwich, CT; Phillips Chemical Co., Bartlesville, OK; Stepan Co., Northfield, IL; E.I. DuPont de Nemours & Co., Wilmington, DE; and Premium Polymers, Austin, TX. Pursuant to an EPA ozone layer protection mandate, the polyisocyanurate insulation industry must cease its use of "HCFC 141b" as a blowing agent for the production of polyisocyanurate foam by 2002. The Research Task Force is being established in order to conduct research and testing of alternative blowing agents and to develop baseline performance data so as to ensure the availability of an acceptable blowing agent by 2002.

Constance K. Robinson,  
*Director of Operations, Antitrust Division.*  
[FR Doc. 96-3093 Filed 2-12-96; 8:45 am]  
BILLING CODE 4410-01-M

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993—Collaboration Agreement Relating to High Temperature Superconducting Josephson Junction Technology**

Notice is hereby given that, on November 29, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), TRW, Inc., for itself and for the participants in the Collaboration Agreement Relating to High Temperature Superconducting Josephson Junction Technology (the "Collaboration Agreement"), has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the Collaboration Agreement. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties to the Collaboration Agreement are: TRW, Inc., Redondo Beach, CA; Westinghouse Electric Corporation, Pittsburgh, PA; and Conductus, Inc., Sunnyvale, CA. The general areas of planned activity for the parties to the Collaborative Agreement are research and development with the intent to establish a joint road map for the development of a multilayer high temperature superconducting junction technology which will support the fabrication of integrated circuits with no on-chip redundancy containing at least

20 Josephson Junctions with greater than 10% yield, by April, 1996.

Constance K. Robinson,  
*Director of Operations, Antitrust Division.*  
[FR Doc. 96-3094 Filed 2-12-96; 8:45 am]  
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#### **Drug Enforcement Administration**

##### **Manufacturer of Controlled Substances; Notice of Application**

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 20, 1995, Ansys, Inc., 2 Goodyear, Irvine, California 92718, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235) .....	I
Methcathinone (1237) .....	I
Heroin (9200) .....	I
Phencyclidine (7471) .....	II
1-Piperidinocyclohexanecarbo -nitrile (8603).	II
Levorphanol (9220) .....	II

The firm plans to manufacture the listed controlled substances to produce standards and controls for in-vitro diagnostic drug testing systems.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in triplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 15, 1996.

Dated: February 2, 1996.  
Gene R. Haislip,  
*Deputy Assistant Administrator, Office of  
Diversion Control, Drug Enforcement  
Administration.*

[FR Doc. 96-3169 Filed 2-12-96; 8:45 am]  
BILLING CODE 4410-09-M

##### **Manufacturer of Controlled Substances; Notice of Application**

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 17, 1995, Isotec, Inc., 3858 Benner Road, Miamisburg, Ohio 45342, made application to the Drug Enforcement Administration (DEA) for registration as