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Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see
announcement on the inside cover of this issue.



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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

- 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:** March 5 at 9:00 a.m.
- WHERE:** Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC
- RESERVATIONS:** 202-523-4538



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Free Electronic Bulletin Board service for Public
Law numbers, Federal Register finding aids, and a list
of Clinton Administration officials is available
on 202-275-1538 or 275-0920.

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

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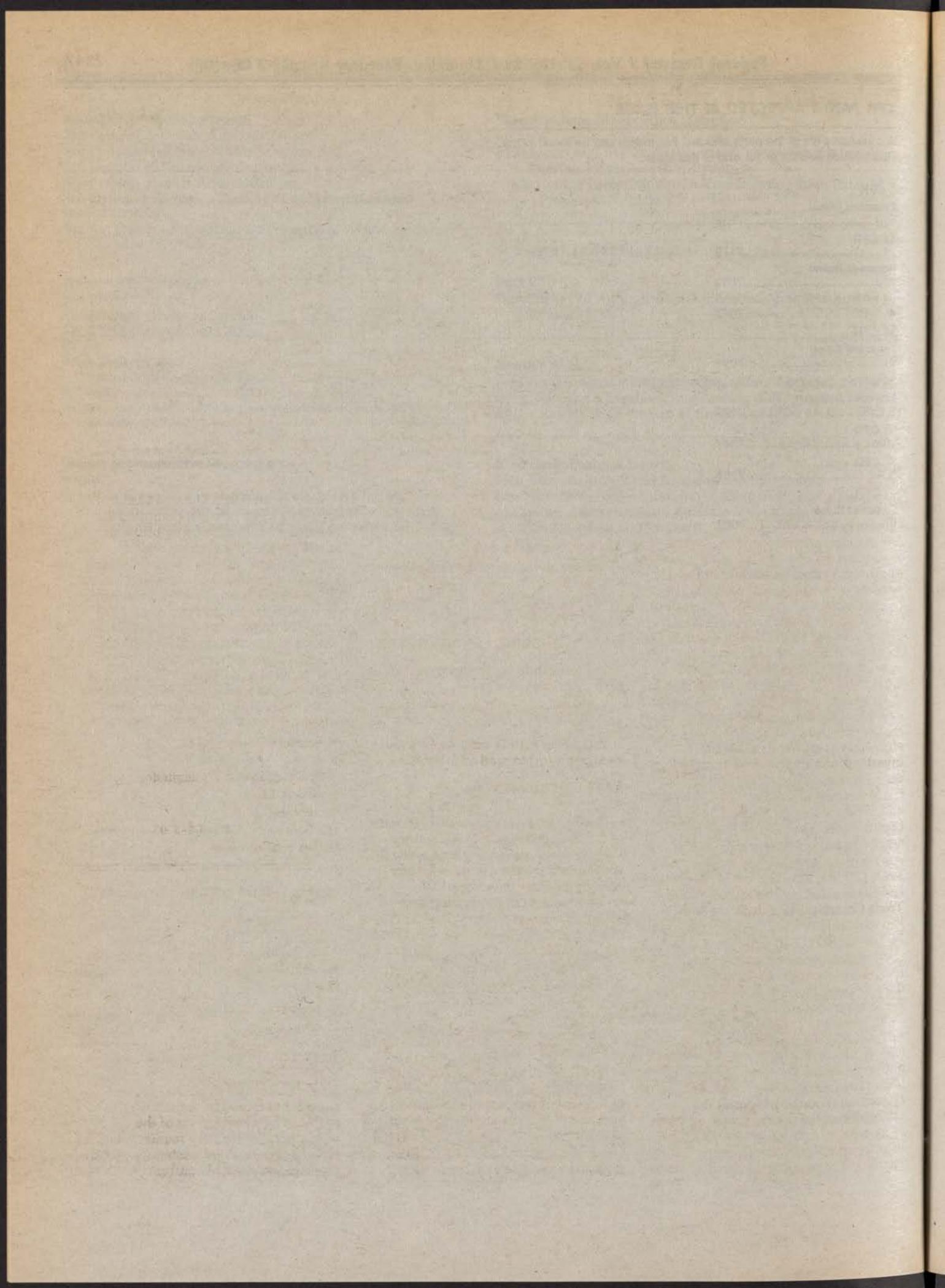
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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

FEDERAL TRADE COMMISSION

16 CFR Part 4

Privacy Act; Implementation

AGENCY: Federal Trade Commission (FTC).

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Privacy Act exemption rule by adding eight systems as exempt systems and deleting two systems no longer maintained by the Commission. The systems of records are exempt from certain Privacy Act provisions due to the investigatory nature of the records. This rule amendment is required in order to invoke the relevant exemptions. The exemptions relieve the Commission of certain restrictions, and, thereby, help ensure that the Commission may efficiently and effectively perform investigations and other authorized duties and activities. This action also renders effective the Privacy Act system notice previously published by the Commission.

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Keith Golden, Information Management and Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580, (202) 326-2410.

SUPPLEMENTARY INFORMATION: The FTC received no comments in response to the proposed Privacy Act Systems of Records notice and corresponding amendments to Commission Rule 4.13(m), 16 CFR 4.13(m) 57 FR 45676 (Oct. 2, 1992). The Privacy Act systems notice provided an up-to-date, complete text of the Commission's notice of its systems of records, proposed the establishment of fourteen new systems of records, and proposed new routine uses for all of the Commission's systems. The proposed amendments to

Commission Rule 4.13(m) proposed that three systems of records previously designated as exempt from certain provisions of the Privacy Act retain that designation, proposed that eight additional new and revised systems of records be designated as exempt from those provisions, and proposed that two systems of records, which are no longer maintained by the Commission, be deleted from the Rule. Accordingly, by this notice, the FTC formally adopts the amendment to Rule 4.13(m) as proposed. This action makes the proposed Systems of Records published in the Federal Register notice, 57 FR 45676 (October 2, 1992), effective without change.

List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Freedom of Information, Privacy, Sunshine Act.

In consideration of the foregoing, the FTC amends title 16, chapter I, subchapter A of the Code of Federal Regulations, as follows:

PART 4—MISCELLANEOUS RULES

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

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46.

2. Section 4.13 is amended by revising paragraph (m) to read as follows:

§ 4.13 Privacy Act Rules.

* * * * *

(m) *Specific exemptions.* (1) Pursuant to 5 U.S.C. 552a(j)(2), investigatory materials maintained by an agency component in connection with any activity relating to criminal law enforcement in the following systems of records are exempt from all subsections of 5 U.S.C. 552a, except (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i), and from the provisions of this section, except as otherwise provided in 5 U.S.C. 552a(j)(2):

Office of Inspector General Investigative Files—FTC

(2) Pursuant to 5 U.S.C. 552a(k)(2), investigatory materials compiled for law enforcement purposes in the following systems of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a, and from the provisions of this section,

except as otherwise provided in 552a(k)(2):

Investigational, Legal, and Public Records—FTC

Disciplinary Action Investigatory Files—FTC
Clearance to Participate Applications and the Commission's Responses Thereto, and Related Documents—FTC

Management Information System—FTC
Office of the Secretary Control and Reporting System—FTC

Office of Inspector General Investigative Files—FTC

Stenographic Reporting Service Requests—FTC

Freedom of Information Act Requests and Appeals—FTC

Privacy Act Requests and Appeals—FTC
Information Retrieval and Indexing System—FTC

(3) Pursuant to 5 U.S.C. 552a(k)(5), investigatory materials compiled to determine suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only where disclosure would reveal the identity of a confidential source of information, in the following systems of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a, and from the provisions of this section, except as otherwise provided in 5 U.S.C. 552a(k)(5):

Personnel Security File—FTC

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93-2671 Filed 2-3-93; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

31 CFR Part 103

Amendment to the Bank Secrecy Act Regulations Regarding Administrative Rulings

AGENCY: Departmental Offices, Treasury.

ACTION: Final rule.

SUMMARY: Treasury is amending the appendix to 31 CFR part 103 to list a new administrative ruling. These rulings are issued in response to requests for clarification of the verification of identity requirements for elderly and disabled customers and the reporting of multiple currency

transactions. They clarify existing and do not create new regulatory requirements.

DATES: Bank Secrecy Act Administrative Rulings 92-1 and 92-2 were effective November 16, 1992.

ADDRESSES: Office of Financial Enforcement, Office of the Assistant Secretary (Enforcement), Department of the Treasury, room 5000 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220. Copies of administrative rulings may be obtained from the Office of Financial Enforcement.

FOR FURTHER INFORMATION CONTACT: A. Carlos Correa, Assistant Director, Regulations and Rulings, Office of Financial Enforcement, 202-622-0400.

SUPPLEMENTARY INFORMATION: The Bank Secrecy Act, Public Law 91-508 (codified at 12 U.S.C. 1730d, 1829b, 1951-1959, and 31 U.S.C. 5311-5326), authorizes the Secretary of the Treasury to require financial institutions to keep records and file reports that the Secretary determines have a high degree of usefulness in criminal, tax, or regulatory matters. The regulations implementing the Bank Secrecy Act are at part 103 of title 31 of the Code of Federal Regulations. On September 22, 1987, Treasury issued final regulations implementing an administrative ruling system for interpretations of the Bank Secrecy Act. 52 FR 35545.

Administrative rulings are published in the appendix to part 103. The administrative rulings are effective when signed. Publication in the *Federal Register* is merely a method of publicizing their existence.

Two rulings are being added to the Appendix by this Final Rule. Bank Secrecy Act Administrative Ruling 92-1 deals with identification of elderly or disabled patrons conducting large currency transactions. Ruling 92-1 deals with the proper completion of the Currency Transaction Report (CTR) when reporting multiple transactions.

Copies of rulings may be obtained by contacting the Office of Financial Enforcement at the address listed above. Please make all requests for rulings in writing, specifying the relevant number or subject of the ruling.

Applicability of Notice and Effective Date Requirements

This amendment merely revises the appendix to add the text of an issued administrative ruling that interprets the Bank Secrecy Act regulations. The regulations in Part 103 are not amended in any way. Therefore, for good cause found, pursuant to 5 U.S.C. 553 (b) and (d), notice and public procedure thereon

and a delayed effective date are unnecessary.

Executive Order 12291

As this final rule promulgates a regulation that is interpretative and imposes no substantive obligation upon any individual or industry, will not have an annual effect on the economy of \$100 million or more, and has no impact upon the costs or prices to consumers, it is not a major rule. Therefore, regulatory impact analysis is not required.

Regulatory Flexibility Act

As no Notice of Proposed Rulemaking is required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or by any other statute, this document is not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document is the Office of Financial Enforcement. However, personnel from other offices participated in its development.

List of Subjects in 31 CFR Part 103

Authority delegations (Government agencies), Banks and banking, Currency, Foreign banking, Investigations, Law enforcement, Reporting and recordkeeping requirements, Taxes.

Amendment

For reasons set forth in the preamble, 31 CFR Part 103 is amended as set forth below:

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

1. The authority citation of Part 103 continues to read as follows:

Authority: Public Law 91-508, Title I, 84 Stat. 1114 (12 U.S.C. 1730d, 1829b and 1951-1959); and the Currency and Foreign Transactions Reporting Act, Pub. L. 91-508, Title II, 84 Stat. 1118, as amended (31 U.S.C. 5311-5326).

2. The Appendix to 31 CFR part 103 is amended by adding at the end the following:

Appendix—Administrative rulings

* * * * *

92-1 (November 16, 1992)

31 U.S.C. 5313—Reports on Domestic Coins and Currency Transactions
 31 U.S.C. 5325—Identification Required to Purchase Certain Monetary Instruments
 31 CFR 103.28—Identification Required
 31 CFR 103.29—Purchases of Bank Checks and Drafts, Cashier's Checks, Money Orders and Traveler's Checks

Identification of elderly or disabled patrons conducting large currency transactions. Financial institutions must file a form 4789, Currency Transaction Report (CTR) on transactions in currency in excess of \$10,000, and must verify and record information about the identity of the person(s) who conduct(s) the transaction in Part I of the CTR. Financial institutions also must record on a chronological log sales of, and verify the identity of individuals who purchase, certain monetary instruments with currency in amounts between \$3,000 and \$10,000, inclusive. Many financial institutions have asked Treasury how they can meet the requirement to examine an identifying document that contains the person's name and address when s/he does not possess such a document (e.g., a driver's license). Financial institutions have indicated that this question arises almost exclusively with their elderly and/or disabled patrons. This Administrative Ruling answers those inquiries.

Issue

How does a financial institution fulfill the requirement to verify and record the name and address of an elderly or disabled individual who conducts a currency transaction in excess of \$10,000 or who purchases certain monetary instruments with currency valued between \$3,000 and \$10,000 when he/she does not possess a passport, alien identification card or other official document, or other document that is normally acceptable within the banking community as a means of identification when cashing checks for nondepositors?

Holding

It is the responsibility of a financial institution to file complete and accurate CTRs and to maintain complete and accurate monetary instrument logs pursuant to 31 CFR §§ 103.27(d) and 103.29 of the BSA regulations. It is also the responsibility of a financial institution to verify and to record the identity of individuals conducting reportable currency transactions and/or cash purchases of certain monetary instruments as required by BSA regulations §§ 103.28 and 103.29. Only if the financial institution is confident that an elderly or disabled patron is who s/he says s/he is may it complete these transactions. A financial institution shall use whatever information it has available, in accordance with its established policies and procedures, to determine its patron's identity. This includes review of its internal records for any information on file, and asking for other forms of identification, including a social security or medicare/medicaid card along with another document which contains both the patron's name and address such as an organizational membership card, voter registration card, utility bill or real estate tax bill. These forms of identification shall also be identified as acceptable in the bank's formal written policy and operating procedures as identification for transactions involving the elderly or the disabled. Once implemented, the financial institution should permit no exception to its policy and procedures. In these cases, the financial institution should record the word "Elderly" or "Disabled" on

the CTR and/or chronological log and the method used to identify the elderly, or disabled patron such as "Social Security and (organization) Membership Card only ID."

Law and Analysis

Before concluding a transaction for which a Currency Transaction Report is required pursuant to 31 CFR 103.22, a financial institution must verify and record the name and address of the individual conducting the transaction. 31 CFR 103.28. Verification of the individual's identity must be made by examination of a document, other than a bank signature card, that is normally acceptable within the banking community as a means of identification when cashing checks for nondepositors (e.g., a driver's license). A bank signature card may be relied upon only if it was issued after documents establishing the identity of the individual were examined and a notation of the method and specific information regarding identification (e.g., state of issuance and driver's license number) was made on the signature card. In each instance, the specific identifying information noted above and used to verify the identity of the individual must be recorded on the CTR. The notation of "known customer" or "bank signature card on file" on the CTR is prohibited. 31 CFR 103.28.

Before issuing or selling bank checks or drafts, cashier's checks, traveler's checks or money orders to an individual(s), for currency between \$3,000 and \$10,000, a financial institution must verify whether the individual has a deposit account or verify the individual's identity. 31 CFR 103.29. Verification may be made by examination of a signature card or other account record at the financial institution if the deposit account holder's name and address were verified at the time the account was opened, or at any subsequent time, and that information was recorded on the signature card or record being examined.

Verification may also be made by examination of a document that contains the name and address of the purchaser and which is normally acceptable within the banking community as a means of identification when cashing checks for nondepositors. In the case of a deposit account holder whose identity has not been previously verified, the financial institution shall record the specific identifying information on its chronological log (e.g. state of issuance and driver's license number). In all situations, the financial institution must record all the appropriate information required by § 103.29(a)(1)(i) for deposit account holders or 103.29(a)(2)(i) for nondeposit account holders.

Certain elderly or disabled patrons do not possess identification documents that would normally be considered acceptable within the banking community (e.g., driver's licenses, passports, or state-issued identification cards). Accordingly, the procedure set forth below should be followed to fulfill the identification verification requirements of §§ 103.28 and 103.29.

Financial institutions may accept as appropriate identification a social security, medicare, medicaid or other insurance card presented along with another document that

contains both the name and address of the patron (e.g. an organization membership or voter registration card, utility or real estate tax bill). Such forms of identification shall be specified in the bank's formal written policy and operating procedures as acceptable identification for transactions involving elderly or disabled patrons who do not possess identification documents normally considered acceptable within the banking community for cashing checks for nondepositors.

This procedure may only be applied if the following circumstances exist. First, the financial institution must establish that the identification the elderly or disabled patron has is limited to a social security or medicare/medicaid card plus another document which contains the patron's name and address. Second, the financial institution must use whatever information it has available, or policies and procedures it has in place, to determine the patron's identity. If the patron is a deposit account holder, the financial institution should review its internal records to determine if there is information on file to verify his/her identity. Only if the financial institution is confident that the elderly or disabled patron is who s/he says s/he is, may the transaction be concluded. Failure to identify an elderly or a disabled customer's identity as required by 31 CFR § 103.28 and as described herein may result in the imposition of civil and or criminal penalties. Finally, the financial institution shall establish a formal written policy and implement operating procedures for processing reportable currency transactions or recording cash sales of certain monetary instruments to elderly or disabled patrons who do not have forms of identification ordinarily considered "acceptable." Once implemented, the financial institution shall permit no exceptions to its policy and procedures. In addition, financial institutions are encouraged to record the elderly or disabled patron's identity and address as well as the method of identification on a signature card or other record when it is obtained and verified.

In completing a CTR, if all of the above conditions are satisfied, the financial institution should enter the words "Elderly" or "Disabled" and the method used to verify the patron's identity, such as "Social Security and (organization) Membership Cards Only ID," in Item 15a.

Similarly, when logging the cash purchase of a monetary instrument(s), the financial institution shall enter on its chronological log the words, "Elderly" or "Disabled," and the method used to verify such patron's identity.

Example

Jesse Fleming, a 75 year old retiree, has been saving \$10 bills for twenty years in order to help pay for his granddaughter's college education. He enters the Trustworthy National Bank where he has no account but his granddaughter has a savings account, and presents \$13,000 in \$10 bills to the teller. He instructs the teller to deposit \$9,000 into his granddaughter's savings account, and requests a cashier's check for \$4,000 made payable to State University.

Because of poor eyesight, Mr. Fleming no longer drives and does not possess a valid driver's license. When asked for identification by the teller he presents a social security card and his retirement organization membership card that contains his name and address.

Application of Law to Example

In this example, the Trustworthy National Bank must check to determine if Mr. Fleming's social security and organizational membership cards are acceptable forms of identification as defined in the bank's policy and procedures. If so, and the bank is confident that Mr. Fleming is who he says he is, it may complete the transaction. Because Mr. Fleming conducted a transaction in currency which exceeded \$10,000 (deposit of \$9,000 and purchase of \$4,000 monetary instrument), First National Bank must complete a CTR. It should record information about Mr. Fleming in Part I of the CTR and in Item 15a record the words "Elderly—Social Security and (organization) Membership Cards Only ID." The balance of the CTR must be appropriately completed as required by §§ 103.22 and 103.27(d). First National Bank must also record the transaction in its monetary instrument sales log because it issued to Mr. Fleming a cashier's check for \$4,000 in currency. Mr. Fleming must be listed as the purchaser and the bank should record on the log the words "Elderly—Social Security and (organization) Membership Cards Only ID" as the method used to verify his identity. In addition, because Mr. Fleming is not a deposit account holder at First National Bank, the bank is required to record on the log all the information required under § 103.29(a)(2)(i) for cash purchases of monetary instruments by nondeposit account holders.

92-2 (November 16, 1992)

31 U.S.C. 5313—Reports on Domestic Coins and Currency Transactions

31 CFR 103.22—Reporting of Currency Transactions

31 CFR 103.28—Identification Required

Proper completion of the Currency Transaction Report (CTR), IRS Form 4789, when reporting multiple transactions. Financial institutions must report transactions in currency that exceed \$10,000 or an exempted account's established exemption limit and provide certain information including verified identifying information about the individual conducting the transaction. Multiple currency transactions must be treated as a single transaction, aggregated, and reported on a single Form 4789, if the financial institution has knowledge that the transactions are by or on behalf of any person and result in either cash in or cash out totalling more than \$10,000, or the exemption limit, during any one business day. All CTRs must be fully and accurately completed. Some or all of the individual transactions which comprise an aggregated CTR are frequently below the \$10,000 reporting or applicable exemption threshold and, as such, are not reportable and financial institutions do not gather the information required to complete a CTR.

Issue

How should a financial institution complete a CTR when multiple transactions are aggregated and reported on a single form and all or part of the information called for in the form may not be known?

Holding

Multiple transactions that total in excess of \$10,000, or an established exemption limit, when aggregated must be reported on a CTR if the financial institution has knowledge that the transactions have occurred. In many cases, the individual transactions being reported are each under \$10,000, or the exemption limit, and the institution was not aware at the time of any one of the transactions that a CTR would be required. Therefore, the identifying information on the person conducting the transaction was not required to be obtained at the time the transaction was conducted.

If after a reasonable effort to obtain the information required to complete items 4 through 15 of the CTR, all or part of such information is not available, the institution must check item 3d to indicate that the information is not being provided because the report involves multiple transactions for which complete information is not available. The institution must, however, provide as much of the information as is reasonably available.

All subsections of item 48 on the CTR must be completed to report the number of transactions involved and the number of locations of the financial institution and zip codes of those locations where the transactions were conducted.

Law and Analysis

Sections 103.22(a)(1) and (c) of the Bank Secrecy Act (BSA) regulations, 31 CFR part 103, require a financial institution to file a CTR for each deposit, withdrawal, exchange of currency, or other payment or transfer, by, through, or to the financial institution, which involves a transaction in currency of more than \$10,000 or the established exemption limit for an exempt account. Multiple transactions must be treated as a single transaction if the financial institution has knowledge that they are by, or on behalf of, any person and result in either cash in or cash out of the financial institution totalling more than \$10,000 or the exemption limit during any one business day. Knowledge, in this context, means knowledge on the part of a partner, director, officer or employee of the financial institution or on the part of any existing automated or manual system at the financial institution that permits it to aggregate transactions.

The purpose of item 3 on the CTR is to indicate why all or part of the information required in items 4 through 15 is not being provided on the form. If the reason information is missing is solely because the transaction(s) occurred through an armored car service, a mail deposit or shipment, or a night deposit or Automated Teller Machine (ATM), the financial institution must check either box a, b, or c, as appropriate, in item 3. CTR instructions state that item 3d is to be checked for multiple transactions where none of the individual transactions exceeds

\$10,000 or the exemption limit and all of the required information might not be available.

As described in Example No. 5 below, there may be situations where one transaction among several exceeds the applicable threshold. Item 3d should be checked whenever multiple transactions are being reported and all or part of the information necessary to complete items 4 through 15 is not available because at the time of any one of the individual transactions, a CTR was not required and the financial institution did not obtain the appropriate information.

When reporting multiple transactions, the financial institution must complete as many of items 4 through 15 as possible. In the event the institution learns that more than one person conducted the multiple transactions being reported, it must check item 2 on the CTR and is encouraged to make reasonable efforts to obtain and report any appropriate information on each of the persons in items 4 through 15 on the front and back of the CTR form, and if necessary, on additional sheets of paper attached to the report.

The purpose of item 48 is to indicate that multiple transactions are involved in the CTR being filed. Items 48 a, b, and c require information about the number of transactions being reported and the number of bank branches and the zip code of each branch where the transactions took place. If multiple transactions exceeding \$10,000 or an account exemption limit occur at the same time, the financial institution should treat the transactions in a manner consistent with its internal transaction posting procedures. For example, if a customer presents four separate deposits, at the same time, totalling over \$10,000, the institution may report the transactions in item 48a to be one or four separate transactions. If the transactions are posted as four separate transactions the financial institution should enter the number 4 in item 48a and the number 1 in item 48b. If the transactions are posted as one transaction the institution should enter the 1 in both 48a and 48b. Reporting the transactions in this manner will guarantee the integrity of the paper trail being created, that is, the number of transactions reported on the CTR will be the same as the number of transactions showing in the institution's records.

These situations should be differentiated from those cases where separate transactions occur at different times during the same business day, and which, when aggregated, exceed \$10,000 or the exemption limit. For instance, if the same or another individual conducts two of the same type of transactions at different times during the same business day at two different branches of the financial institution on behalf of the same person, and the institution has knowledge that the transactions occurred and exceed \$10,000 or the exemption limit, then the financial institution must enter the number 2 in items 48a and 48b.

Examples and Application of Law to Examples**Example No. 1**

Dorothy Fishback presents a teller with three cash deposits to the same account, at

the same time, in amounts of \$5,000, \$6,000, and \$8,500 requesting that the deposits be posted to the account separately. It is the bank's procedure to post the transactions separately. A CTR is completed while the customer is at the teller window.

Application of Law to Example No. 1

A CTR is completed based upon the information obtained at the time Dorothy Fishback presents the multiple transactions. Item 3d would not be checked on the CTR because all of the information in items 4 through 15 is being provided contemporaneously with the transaction. As it is the bank's procedure to post the transactions separately, the number of transactions reported in item 48a would be 3 and the number of branches reported in item 48b would be 1. The zip code for the location where the transactions were conducted would be entered in item 48c.

Example No. 2

Andrew Weiner makes a \$7,000 cash deposit to his account at ABC Federal Savings Bank. Later the same day, Mr. Weiner returns to the same teller and deposits \$5,000 in cash to a different account. At the time Mr. Weiner makes the second deposit, the teller realizes that the two deposits exceed \$10,000 and prepares a CTR obtaining all of the necessary identifying information directly from Mr. Weiner.

Application of Law to Example No. 2

Even though the two transactions were conducted at different times during the same business day, Mr. Weiner conducted both transactions at the same place and the appropriate identifying information was obtained by the teller at the time of the second transaction. Item 3d would not be checked on the CTR. The number of transactions reported in item 48a must be 2 and the number of branches reported in item 48b would be 1. The zip code for the location where the transactions took place would be entered in item 48c.

Example No. 3

Internal auditor Mike Pelzer is reviewing the daily cash transactions report for People's Bank and notices that five cash deposits were made the previous day to account #12345. The total of the deposits is \$25,000 and they were made at three different offices of the bank. Mike researches the account data base and finds that the account belongs to a department store and that the account is exempted for deposits up to \$17,000 per day. Each of the five transactions was under \$17,000.

Application of Law to Example No. 3

Having reviewed the report of aggregated transactions, Mike Pelzer has knowledge that transactions exceeding the account exemption limit have occurred during a single business day. A CTR must be filed. People's Bank is encouraged to make a reasonable effort to provide the information for items 4 through 15 on the CTR. Such efforts could include a search of the institution's records or a phone call to the department store to identify the persons that conducted the transactions. If all of the information is not contained in the

institution's records or otherwise obtained, item 3d must be checked. The number of transactions reported in item 48a must be 5 and the number of branches reported in 48b would be 3. The zip codes for the three locations where the transactions occurred must be entered in item 48c.

Example No. 4

Mrs. Saunders makes a cash withdrawal, for \$4,000, from a joint savings account she owns with her husband. That day her husband, Mr. Saunders, withdraws \$7,000 cash using the same teller. Realizing that the withdrawals exceed \$10,000, the teller obtains identifying information on Mr. Saunders required to complete a CTR.

Application of Law to Example No. 4

In this case, item 2 on the CTR must be checked because the teller knows that more than one person conducted the transactions. Information on Mr. Saunders would appear in Part I and the bank is encouraged to ask him for, or to check its records for the required identifying information on Mrs. Saunders. If after taking reasonable efforts to locate the desired information, all of the required information is not found on file in the institution's records or is not otherwise obtained, box 3d must be checked to indicate that all information is not being provided because multiple transactions are being reported. Whatever information on Mrs. Saunders is contained in the records of the institution must be reported in the continuation of Part I on the back of Form 4789. The number of transactions reported in item 48a must be 2 and the number of branches reported in item 48b would be 1. The zip code for the branch where the transactions took place would be entered in item 48c.

Example No. 5

On another day, Mrs. Saunders makes a deposit of \$3,000 cash and no information required for Part I of the CTR is requested of her. She is followed later the same day by her husband, Mr. Saunders, who deposits \$12,000 in currency and who provides all data required to complete Part I for himself.

Application of Law to Example No. 5

Item 2 on the CTR must be checked because the teller knows that more than one person conducted the transactions.

Information on Mr. Saunders would appear in Part I and the bank is encouraged to ask him for, or to check its records for the required identifying information on Mrs. Saunders. If after taking reasonable efforts to locate the desired information, all of the required information is not found on file in the institution's records or is not otherwise obtained, box 3d must be checked to indicate that all information is not being provided because multiple transactions are being reported. Whatever information on Mrs. Saunders is contained in the records of the institution must be reported in the continuation of Part I on the back of Form 4789. The number of transactions reported in item 48a must be 2 and the number of branches reported in item 48b would be 1. The zip code for the branch where the transactions took place would be entered in item 48c.

Example No. 6

A review of First Federal Bank's daily cash transactions report for a given day indicates several cash deposits to a single account totaling more than \$10,000. Two separate deposits were made in the night depository at the institution's main office, and two deposits were conducted at the teller windows of two other branch locations. Each deposit was under \$10,000.

Application of Law to Example No. 6

Item 3c should be checked to indicate that identifying information is not provided because transactions were received through the night deposit box. If the tellers involved with the two face to face deposits remember who conducted the transactions, institution records can be checked for identifying information. If the records contain some of the information required by items 4 through 15, that information must be provided, and item 3d must be checked to indicate that some information is missing because multiple transactions are being reported and the information was not obtained at the time the transactions were conducted. Item 48a must indicate 4 transactions and item 48b must indicate 3 locations. The zip code of those locations would be provided in item 48c.

Dated: November 16, 1992.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 93-2048 Filed 2-3-93; 8:45 am]

BILLING CODE 4810-25-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

[Docket No. 92-2-PBRA]

1992 Adjustment of the Public Broadcasting Royalty Rates and Terms; Correction

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule; correction.

FOR FURTHER INFORMATION CONTACT:

Linda R. Bocchi, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue NW., suite 918, Washington, DC 20009 (202) 606-4400.

SUMMARY: In Public Broadcasting Royalty Rates and Terms; 1992 Adjustment; Final Rule, in the issue of Tuesday, December 22, 1992, please make the following corrections:

§ 304.7 [Corrected]

1. On page 60956, in column 1, in § 304.7(b)(2), in the table, Concert feature (per minute), should read Concert feature (per half hour).

§ 304.8 [Corrected]

2. On page 60956, in column 3, in § 304.8(b)(1)(ii)(D) remove the 2d and 3d line from the bottom. (This portion of the sentence was repeated.)

Dated: January 29, 1993.

Cindy Daub,

Chairman.

[FR Doc. 93-2646 Filed 2-3-93; 8:45 am]

BILLING CODE 1410-09-M

Proposed Rules

Federal Register

Vol. 58, No. 22

Thursday, February 4, 1993

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 970

RIN 3206-AD76

Nonprocurement Debarment and Suspension

AGENCY: Office of Personnel
Management.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes adoption of the Nonprocurement Debarment and Suspension Common Rule as required by Executive Order 12549. This proposed rule originated from the final rule on Nonprocurement Debarment and Suspension adopted by 27 agencies on May 26, 1988. On January 30, 1989, 6 additional agencies also adopted the final rule. The rules are intended to prevent waste, fraud, and abuse in Federal nonprocurement transactions.

In that this rule has already been subject to public scrutiny and comment, the Office of Personnel Management is requesting public comment on one proposed additional provision, contained in the supplementary information section of this publication.

DATES: Comments on this Notice must be in writing and must be received by March 8, 1993. Late comments will be considered to the extent practicable.

ADDRESSES: All comments must be submitted to Joyce Blalock, Chief, Administrative Sanctions Branch, Office of the Inspector General, Office of Personnel Management, 2300 Clarendon Boulevard, room 1314, Arlington, VA 22201 and Abby L. Block, Chief, Insurance Policy Division, Retirement and Insurance Group, Office of Personnel Management, 1900 E Street NW, room 4351, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Joyce Blalock, Office of the Inspector General, OPM, telephone (703) 908-8688.

SUPPLEMENTARY INFORMATION: As part of the initiatives to curb fraud, waste, and abuse, on February 18, 1986, President

Reagan signed Executive Order 12549, "Debarment and Suspension." It was published on February 21, 1986 (51 FR 6370-6371). The Executive Order established governmentwide effect for an agency's nonprocurement debarment or suspension action.

Section 6 of the Executive Order directed the Office of Management and Budget (OMB) to issue guidelines governing implementation of the Order, and section 3 of the Executive Order directed the departments and agencies to promulgate final rules, consistent with these guidelines. On May 26, 1988, 27 agencies issued a final common rule (53 FR 19161-19211), consistent with OMB's guidelines. The common preamble for that publication provides full background for the promulgation of the Executive Order and the history of the common rulemaking.

The second common rulemaking included the Department of Agriculture and various small Federal agencies which did not participate in the May 26, 1988, publication. These agencies published the final common rule on January 30, 1989 (54 FR 4722-4735). These agencies concluded that the common rulemaking had already been subject to extensive public scrutiny.

To prevent waste, fraud, and abuse in Federal nonprocurement transactions, OPM wishes to give effect to the nonprocurement debarment and suspension actions taken by the 33 other Federal agencies. Transactions between insurance carriers participating as procurement contractors in the Federal Employees Health Benefits Program (FEHBP) and providers of health care services and supplies are "covered transactions" for purposes of implementing the common rule. OPM will exclude health care providers (physicians, hospitals and other individuals or entities which furnish health care services or supplies) from participation in the FEHBP if they have been debarred or suspended from participation by one of the 33 other Federal agencies, e.g., by the Department of Health and Human Services from programs under the Social Security Act.

OPM will be adopting the common rule with the following one proposed additional provision (which will be codified under 5 CFR 970.200(b)):

To protect an enrollee who has not been notified, reimbursement may be provided for

services rendered by a provider who has been debarred or suspended by another Federal agency. At the time of reimbursement, an enrollee who utilized the health care services or supplies of such an excluded party will be notified of the exclusion and that subsequent claims will be denied.

This provision is designed to protect enrollees under the FEHBP. It will allow reimbursement for services rendered by a provider who has been debarred or suspended by another Federal agency. Notice will be provided to the enrollee not to do business with this excluded service provider or supplier in the future and that all subsequent claims for this service provider or supplier will be denied under the FEHBP, except under the case-by-case exception provision in the final common rule (§ 970.215). This additional protection for the enrollee is consistent with the practice of the Department of Labor for its black lung beneficiaries.

Adoption of the common rule is also consistent with the intent of Public Law 102-393, which states that no payment may be made from the Employees Health Benefits Fund to health care providers excluded from participation under title XVIII of the Social Security Act.

OPM will not begin to take its own nonprocurement debarment and suspension actions, which will have governmentwide effect, until OPM incorporates the specific statutory provisions of the Federal Employees Health Benefits Amendments Act of 1988 (5 U.S.C. 8902a). This Notice also informs the public of OPM's intent to propose, within one year, technical amendments to the governmentwide nonprocurement debarment and suspension final common rule to reflect the specific statutory provisions of this Act which are inconsistent with specific provisions of the common rule or which are additional to the provisions of the common rule.

OPM will be proposing for public comment technical amendments to the governmentwide common rule to reflect the unique provisions in this statute. Specific statutory provisions include: A minimum period of debarment, a hearing on the record, and review by the U.S. Court of Appeals.

Office of Personnel Management.

Patricia W. Lattimore,
Acting Director.

[FR Doc. 93-2566 Filed 2-3-93; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 399

[Docket No. 47581, Amdt. 92; Notice 93-3]

RIN 2105-AB83

Unfair Competition by Commonly Owned Carriers in Alaska

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Termination of rulemaking proceeding.

SUMMARY: The Department of Transportation is terminating the rulemaking proceeding in Docket 47581 and is withdrawing its Notice of Proposed Rulemaking (NPRM) issued June 7, 1991 (56 FR 27469, June 14, 1991) to amend 14 CFR Part 399—Statements of General Policy by adding a new policy statement, § 399.89—Unfair Competition by Commonly Owned Carriers in Alaska. After considering the comments to the NPRM and more recent related events in Alaskan air service markets, the Department has decided that a more direct and practicable means of addressing the issues raised in the rulemaking proceeding is to rely on the United States Postal Service, which has both the ability and the primary responsibility, to fashion a practical solution to the current problems caused by its mail distribution practices within Alaska. Therefore, the Department has issued Order 93-1-21, dated January 15, 1993, terminating the rulemaking proceeding in Docket 47581 and invoking its authority under section 405(a) of the Federal Aviation Act (the Act) to identify the USPS practices that are inconsistent with the provisions of the Act and to request that the USPS take appropriate corrective action.

FOR FURTHER INFORMATION CONTACT: Carol A. Woods, Air Carrier Fitness Division, P-56, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

SUPPLEMENTARY INFORMATION: The following is the Department's Order 93-1-21, dated January 15, 1993, which terminates the rulemaking proceeding in Docket 47581 and requests the United

States Postal Service to take appropriate steps to resolve the problems identified in this proceeding.

Issued in Washington, DC, on January 15, 1993.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

In the Matter of Unfair Competition by Commonly Owned Carriers in Alaska; Intra-Alaska Class Service Mail Rates; and Intra-Alaska Bush Service Mail Rate Investigation. [Docket Nos. 47581, 38961 and 44445]

Order

By this Order, the Department of Transportation (1) finds the current practice of the United States Postal Service ("USPS") of tendering separate "equitable" shares of mail to commonly owned certificated air carriers operating in the same market within Alaska, without consideration of service factors in the market, to be inconsistent with the policies of the Federal Aviation Act ("the Act") within the meaning of section 405(a) of the Act; (2) requests that the USPS modify its mail tender practice in such situations to remove the incentive for economic entities to provide service in a market using multiple operating certificates chiefly in order to receive additional mail shares and revenues; and (3) terminates the proposed rulemaking proceeding set forth in Docket 47581 (56 FR 27469, June 4, 1991).

Background

In 1990, the Department received complaints from Alaskan air carriers alleging that two Fairbanks-based section 401 certificated air carriers, Bidzy Ta Hot' Aana, Inc. d/b/a Tanana Air Service and Yutana Airlines, Inc., which are commonly owned by a holding company, the Athabascan Air Group, Inc. ("AAG"), were serving the same Alaskan markets primarily for the purpose of receiving a "disproportionate" share of the mail that the USPS tenders for transport under its equitable tender procedures. AAG also owns a third carrier, Koyukon Air, Inc., whose section 401 certificate authority had not been made effective by the Department. Koyukon had published a prospective schedule of service in direct competition with Tanana and Yutana in various markets.

The Department investigated the situation described by the complainants and found that all of the markets served by Yutana were, in fact, also served by Tanana, which is the older of the two carriers and has the more developed service network. We found that, with both carriers advertising the required minimum scheduled service in a market, the holding company indirectly would be eligible for roughly twice the bypass mail, thus reducing the amount of mail available to competing carriers under USPS rules. The addition of Koyukon to markets served by the other two would result in a triple share for AAG and an even greater loss of mail to other carriers in the market. We further found that the three AAG companies, based at the Fairbanks International Airport, share the same aircraft, ground facilities, crews, office staff, and management.

Mail revenues constitute a much higher percentage of total revenues for Alaskan carriers, particularly bush carriers, than for carriers serving the Lower 48 States. Therefore, the economic impact of the USPS's mail tender practices is a matter of great importance to those carriers and to their customers, who are heavily dependent upon air service. We were concerned that, given the USPS's apparent interpretation of its rules as contemplating equitable tender to each certificate holder providing at least three flights per week in a market, without regard to other factors,¹ carriers would be tempted to maximize the number of certificates under common ownership in an effort to gain a larger percentage of total mail traffic and revenues in each market.

On June 7, 1991, the Department issued a notice of proposed rulemaking ("NPRM") (56 FR 27469, June 14, 1991) proposing to amend 14 CFR Part 399—Statements of General Policy by adding a new policy statement, § 399.89—Unfair Competition by Commonly Owned Carriers in Alaska, declaring that it is the Department's policy to consider it to be an unfair method of competition under section 411 of the Act for commonly owned air carriers to compete in the same Alaskan city-pair market for mail transport revenues.

Comments supporting adoption of the rule were received from Wright Air Service, Inc., Arctic Circle Air Service, Inc., Larry's Flying Service, Inc., and Northern Air Cargo, Inc. The USPS filed a comment stating that it had no objection to the adoption of the rule. Comments filed in opposition to the rule were received from Ketchikan Air Service, Inc., and AAG.

Wright Air Service, Arctic Circle Air, and Larry's Flying Service maintained that the current regulatory atmosphere, wherein an owner may receive a disproportionate financial benefit from having multiple subsidiary section 401 carriers compete for mail revenues in the same markets, would encourage competing carriers to seek multiple section 401 certificates in order to protect their mail transport market shares. Arctic Circle also noted that such a "proliferation" of new section 401 carriers would increase the burden on the Department of Transportation, including the Federal Aviation Administration, in having to certificate and monitor the operations of these multiple air carriers, as well as on the USPS in having to incorporate additional carriers into the mail transport system. Larry's provided data for a three-month period in 1991 showing that, of the eight bush air carriers competing out of Fairbanks, the two AAG carriers received 30.4 percent of the mail by weight (when the average share per carrier should have been 17.8 percent) and 32.7 percent of the mail revenues. Northern Air noted that the issue of fair competition, which is also a goal of

¹ As will be discussed further below, USPS mail distribution procedures for Alaska do prohibit dual tender of mail shares to a carrier as both a subcontractor and a section 401 operator in the same market, as well as designation, for mail tender purposes, of a single schedule/flight in the name of two carriers. See section 732.2—Dual Consideration, *Intra-Alaska Certificated Air Carrier Instructions*, HBK PO-508, March 1992.

the USPS's equitable mail tender policy, is an important one to the health of the Alaskan air carrier industry and efficient mail transport in that State. The USPS stated that it had no objection to the proposed policy statement. It acknowledged that "as a practical matter, the public will look to the Postal Service for enforcement in the first instance." However, since it lacked the necessary records on air carrier ownership to enable it to determine whether related air carriers were serving the same market, the USPS requested that the Department make available to it, at the time of adoption of the final rule, a list of the section 401 carriers operating in Alaska that are related to each other, and to provide periodic updates of this list.

Ketchikan Air Service stated that it was opposed to the rule because it believed that the policy's intention was to prevent carriers from buying, selling, combining with, or entering into joint operating agreements with other carriers. AAG also opposed adoption of the policy statement, stating that the issue covered by this rulemaking should more properly be addressed by the USPS, rather than the Department, since the USPS is more knowledgeable of its needs and how they should be met; and that the USPS has been aware that Tanana and Yutana are related and has found the service offered by the two carriers to be compatible with its needs. AAG argued that the operating efficiencies of related carriers enable them to keep their costs lower than those of non-related carriers, which in turn brings the industry cost average down. Since the USPS bases its mail rates on carriers' costs, mail distribution costs are correspondingly reduced, and the Department's proposal would now penalize AAG for its efficient management structure. AAG argued that the Department's proposed action represents an unjustified intrusion upon a business's right to direct its own course, *i.e.*, to decide to acquire or sell businesses or to enter or exit markets based on economic considerations and that the Department's policy is, in effect, a reinstatement of route regulation and is counter to the spirit of deregulation.

Disposition

After carefully weighing the comments provided in response to the NPRM and considering more recent related events in Alaskan markets, we have decided that a more direct and practicable means of addressing the issues raised in the proceeding is to rely on the USPS, which has both the ability and the primary responsibility, to fashion a practical solution to the current problems caused by its mail distribution practices within Alaska. As has been done once before, we are therefore invoking our authority under section 405(a) of the Act to identify the USPS practices that are inconsistent with the provisions of the Act, and to request that the USPS take appropriate corrective action.²

² See Order 83-3-7, March 1, 1983. Section 405(a) of the Act states that "The Postmaster General is authorized to make such rules and regulations, not inconsistent with the provisions of this Act, or any order, rule, or regulation made by the [Department] thereunder, as may be necessary for the safe and expeditious carriage of mail by aircraft." See also

We find that the policy statement as proposed would be an inappropriate means of accomplishing the underlying intent of the proposal, which is to correct the market and regulatory distortions caused by current mail tender policies. The proposed policy statement is directed at carrier conduct rather than at the consistency of USPS practices with the policies of the Act under section 405. Such an approach raises a number of implementation problems, particularly given the carriers' duty to carry tendered mail. Therefore, since we have decided to directly address the mail tender problem under section 405(a) of the Act, a continuation of the rulemaking is unnecessary and we are terminating the rulemaking proceeding in Docket 47581 and stand ready to cooperate with the USPS to achieve an effective and balanced solution to the problems identified.

It is the USPS that has both the primary authority and the responsibility to determine the tender of mail under its statute and regulations. In this context, we recognize that the USPS, in its comment on the NPRM, acknowledged that, "as a practical matter, the public will look to the Postal Service for enforcement in the first instance," and it requested that the Department make available to it, at the time of adoption of the rule, a list of the commonly owned section 401 carriers operating in Alaska, and to provide periodic updates of this list. We agree with the USPS's reasoning. Its willingness to alter its tender policies to effectuate the basic intent of the proposed rule and, therefore, the intent of this order, is indeed crucial, and its comments suggest that, acting in concert under the strictures of section 405 of the Act, the USPS and the Department can find common ground in harmonizing the needs of the USPS with the policies of the Act.

The comments to the NPRM have not altered our basic conclusion that, given the importance of mail traffic and revenues in Alaska, particularly among bush carriers, the practice of the USPS of tendering equitable shares of mail to each carrier in a market holding a section 401 certificate and publishing a minimum schedule of three flights per week, without more, has created an economic incentive for carriers to maximize the number of certificates under common ownership in an effort to gain a larger percentage of total mail tendered in various markets. The effect of this incentive can be seen in the operations of AAG.³ We

section 5401(b) of the Postal Reorganization Act, 39 U.S.C. 5401(b).

³ As calculated from USPS records and carrier reports filed with the Department for calendar year 1991, mail pay for the seven principal Fairbanks-based bush carriers (Arctic Circle, Frontier, Larry's, Tanana, Warbelow's, Wright Air, and Yutana) averaged \$6,892,263, or 36.5 percent of their total revenues. Taken together, the AAG carriers earned mail pay in 1991 totaling \$1,130,357, or 64.3 percent of their combined revenues. In that year, Tanana's mail pay amounted to 53.9 percent of its total revenues and Yutana's amounted to 88.8 percent of its total revenues. Yutana's 1991 non-mail revenues were therefore less than 12 percent of total revenues, compared to an average of over 63 percent for all seven carriers. We also note that in FY 1992, based on USPS records, Yutana competed with Tanana only in markets where there was competition from other carriers, but not in

would not characterize the impact of this incentive as deceptive, since the number of certificates and the shares of mail pay are quickly apparent to others in the market; also, the effect is not necessarily anticompetitive since competing carriers can regain their lost share of mail by matching certificate with certificate. Rather, the effect of the incentive is not in the public interest or consistent with the policies and provisions of the Act because it results in little, if any, increased service, but does lead to increased costs, increased regulatory burdens, and decreased efficiency.

If other carriers are to protect their mail shares, their only recourse under present USPS practices is to follow the leader and acquire or create additional certificated subsidiaries. In fact, several other Fairbanks-based section 401 bush carriers, after becoming aware of AAG's related-carrier operations, notified the Department that they intended to take this course of action, if necessary, to protect their mail shares. The result of such a proliferation process would not necessarily change mail shares, unless some carriers could not absorb the additional expenses involved, but the costs of all parties would increase: to carrier owners in securing the required authorities, incurring additional ongoing reporting and other regulatory costs, and paying additional operating costs; to the Department in investigating and monitoring their fitness, recording consumer complaints, and collecting and analyzing the operating and financial data that each certificated carrier is required to file; to the FAA in licensing these companies and overseeing their flight operations; and to the USPS in recording and monitoring mail distributions to additional entities. There is little indicating that these additional costs would benefit the public or the USPS through a real increase in service. In cases where some competing carriers could not bear the additional regulatory or operating expenses of maintaining certificate parity, the process could lead to markedly less competition and service as they abandon the market, or cease operations altogether.⁴

The monitoring problems of the USPS would not only include separate mail tender accounts and related auditing for each additional certificate, but also difficult and expensive problems in ensuring compliance with its current regulations on mail security and scheduling. Current USPS regulations, for example, require carriers to adhere to published schedules unless advance notice to the USPS is provided. Comments from USPS field representatives, however, indicate that

markets where Tanana had a monopoly, *i.e.*, at the three small points of Lake Minchumina, Manley Hot Springs, and Minto, where Tanana earned \$82,000 in mail pay in FY 1992.

⁴ In its comments on the NPRM, AAG argued that its combined mail share did not harm competing carriers, citing FY 1990 USPS data indicating that Tanana and Yutana together received only 12 percent of the mail revenues paid to the Fairbanks-based bush carriers. However, 1990 was not typical because Yutana was not eligible for bypass mail for nearly all of that period. Combined AAG total FY 1992 annualized revenues in the six markets where both Tanana and Yutana competed against other carriers show a share in each of those markets of about 46 percent.

commonly owned carriers operating in the same market may find it easier to publish schedules that they then do not operate, instead carrying the mail on flights of the related carrier.⁵ Indeed, carriers that are only nominally separate entities must publish minimum schedules to meet mail tender eligibility criteria, whether or not they can meet them on a consistent basis. Although the failure to substantially conform operations with published schedules may result in violations of our unrealistic-scheduling prohibitions (*see, e.g.*, 14 CFR 399.81 and Order 89-12-9), monitoring compliance with regulations is particularly time-consuming and costly in Alaska.

In 1983, the USPS defended a bush mail distribution policy that equated interline subcontract service with on-line service, found by the Civil Aeronautics Board to be anticompetitive and contrary to the provisions of the Act, on the grounds that "an expanded, indiscriminate interlining policy in Alaska would not necessarily improve mail service and would very definitely impose a significant economic burden on the Postal Service."⁶ In this situation, it would seem that these very same interests of the USPS argue in favor of a change in its equitable tender policy to take account of the different economic interests of commonly owned carriers.

Mail tender practices that create incentives for increased costs and regulatory activities are contrary to a number of policy considerations set forth in section 102 of the Act, including the encouragement of efficiency (paragraphs 3 and 9), the continued strengthening of small air carriers (paragraph 10), and the development and maintenance of a sound regulatory environment in which the air transportation system may be adapted to the present and future needs of the USPS (paragraph 5). Furthermore, the Department currently provides annual subsidy of about \$1.8 million to ten carriers that provide Essential Air Service to 32 Alaskan villages that would otherwise be virtually inaccessible, and the carriers' mail revenues are a factor in determining the amount of subsidy each carrier receives. To the extent that their mail shares would be diminished by certificate proliferation activities, or to the extent that their costs would be increased to maintain parity, costs would be added to this program which are not in the public interest.

We believe that corrective action by the USPS in this instance is consistent not only with its comments on the NPRM, but also with its previous action in the face of attempts by code-sharing or subcontracting carriers to gain multiple mail shares. In that instance, the USPS clarified its regulations, cited above, to provide that "Under no circumstances shall a carrier receive dual Postal consideration as a subcontractor and a '401' operator in the same market. Furthermore, a single schedule/flight is prohibited from carrying two carrier

identifications." While the application of these provisions may occasionally be controversial,⁷ it is manifest that the balancing of interests involved in the interrelationship of USPS mail distribution policies and service patterns in Alaska requires pragmatic adjustments at the operational level regardless of any statutory issues that may be involved. Moreover, it appears that USPS attention to the common-ownership situation may indeed strengthen its ability to implement its existing policies and regulations in this area.

We emphasize that we are not attempting to anticipate or direct the corrective action that the USPS might take in this instance. It may decide to adopt a separate practice in the case of commonly owned carriers, or it may choose to make more general changes. It may choose to tender no more in total to commonly owned carriers in a market than to each independent carrier,⁸ or it may decide to consider percentages of service in some fashion. It may also find an entirely different solution. Our concern is only the removal of the current incentive for the proliferation of certificates for mail tender purposes with little or no regard for other aspects of marketplace economics. We note the position of the USPS that it does not have access to ownership data. We will, of course, provide such data on a timely basis to the extent necessary for the USPS to craft an effective solution to the problem, and we are eager to cooperate fully with the USPS in resolving this situation effectively.

Accordingly,

1. We find that the current practice of the United States Postal Service of tendering separate shares of mail to commonly owned certificated air carriers operating in the same market within Alaska is inconsistent with the provisions of the Federal Aviation Act within the meaning of section 405(a) thereof, to the extent that such practice provides an incentive for economic entities to provide service in a market using multiple certificates primarily in order to receive additional mail shares and revenues;

2. We request that the USPS modify its mail tender policies and/or practices in Alaska to remove the incentive described above;

3. We terminate the proposed rulemaking proceeding in Docket 47581;

4. This order will be served upon all commenters to Docket 47581 and all parties to the proceedings in Dockets 38961 and 44445; and

5. We will publish this order in the *Federal Register*.

Jeffrey N. Shane,
Assistant Secretary for Policy and
International Affairs.

Service List

⁷ *See, e.g.*, a letter from Northern Air Cargo to the USPS dated August 18, 1992, which we have also recently placed in the correspondence section of Docket 47581.

⁸ The USPS is not bound by the solution proposed in the Department's NPRM, which, among other things, suggested that only one of the commonly owned carriers in a market should be tendered mail. Such an all-or-nothing approach could create legal and practical problems requiring careful resolution.

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⁵ *See* USPS correspondence dated January 13, 1992, and January 24, 1992, which we have recently placed in the correspondence section of Docket 47581.

⁶ Order 83-3-7, *supra*, at page 3.

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The Honorable Ted Stevens
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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Proposed Regulation on Contract Market Emergency Actions

AGENCY: Commodity Futures Trading
Commission.

ACTION: Proposed rule; request for
comments.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing rule amendments which would implement the statutory directive set forth in section 213 of the Futures Trading Practices Act of 1992 ("Futures Trading Act") by establishing new procedures for a contract market emergency action. The amendments would require a contract market to make every effort practicable to give the Commission notice of its intention to implement, modify, or terminate a temporary emergency rule before taking action. The contract market also would have to supplement its notice with specific information and documentation. Within ten days of receipt from a contract market of all of the required information, the Commission would make a determination either to permit the rule to remain in effect or to suspend the effect of the rule pending review under section 5a(12)(A) or otherwise, based upon whether the Commission found that the emergency action was arbitrary, capricious, or an abuse of discretion; lacking a reasonable basis in fact; or taken in bad faith by the contract market or its officials. All contract markets would have to maintain in effect rules that were consistent with this regulation.

DATES: Comments on the proposed rule amendments must be received on or before March 8, 1993.

ADDRESSES: Comments on the proposed rule amendments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Shauna L. Turnbull, Special Counsel, Division of Trading and Markets,

Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Background

A. Current Law and Procedures

Contract market emergency actions are governed by section 5a(12)(B) of the Commodity Exchange Act ("Act") and Commission regulation 1.41. Section 5a(12)(B) provides that a contract market, by a two-thirds vote of its governing board, may make a temporary emergency rule effective without prior Commission approval under terms and conditions specified by the Commission. Under current regulation 1.41(a)(4), an emergency is defined as any occurrence or circumstance which is considered an emergency under the rules of a contract market. In addition, the term "emergency" encompasses any other occurrence or circumstance which, in the opinion of the governing board of the contract market, requires immediate action and threatens or may threaten such things as the fair and orderly trading, liquidation, or delivery of futures or option contracts.¹

¹ Regulation 1.41(a)(4)(ii) lists circumstances which a governing board of a contract market may deem emergencies, including:

- (A) Any manipulative activity or attempted manipulative activity;
- (B) Any actual, attempted, or threatened corner, squeeze, congestion, or undue concentration of positions;
- (C) Any circumstances which may materially affect the performance of contracts or commodity options traded on the contract market;
- (D) Any action taken by the United States or any foreign government or any state or local governmental body, any other contract market, board of trade, or any other exchange or trade association (foreign or domestic), which may have a direct impact on trading on the contract market;
- (E) Any circumstance which may have a severe, adverse effect upon the physical functions of a contract market including, for example, fire or other casualty, bomb threats, substantial inclement weather, power failures, communication breakdowns, and transportation breakdowns;
- (F) The bankruptcy or insolvency of any member or member firm of the contract market or the imposition of any injunction or other restraint by any government agency, court or arbitrator upon a member of the contract market which may affect the ability of that member to perform on its contracts;
- (G) Any circumstance in which it appears that a member or any other person has failed to perform contracts of sale for future delivery or commodity option contracts, is insolvent, or is in such financial or operational condition or is conducting business in such a manner that such person cannot be permitted to continue in business without jeopardizing the safety of customer funds, members of the contract market, or the contract market; and
- (H) Any other unusual, unforeseeable and adverse circumstance with respect to which it is impracticable for the contract market to submit, in a timely fashion, a rule to the Commission for prior review under Section 5a(12) of the Act.

Under current regulation 1.41(f), a contract market may place a temporary emergency rule into immediate effect without prior Commission approval and without compliance with the ten-day notice requirement under section 5a(12)(A) of the Act. A temporary emergency rule may not extend beyond the duration of the emergency, as determined by the contract market, and may not continue beyond 30 days after the rule is first put into effect, without express Commission authorization. In addition, a temporary emergency rule may not remain in effect for more than 90 days after it is first put into effect.

A contract market must notify the Commission of the adoption, modification, and termination of a temporary emergency rule by the fastest available means of communication. Written copies of each temporary emergency rule, and any modification and termination of a rule, must be furnished promptly thereafter to the Commission. The contract market must include a complete explanation of the emergency and the action taken to meet the emergency with its submission of the rule.

Upon receipt of notice and an explanation of an emergency, the Division of Trading and Markets ("Division") currently reviews an emergency action under the standard articulated in CFTC Interpretative Letter Number 79-2.² The Office of General Counsel stated in this Interpretative Letter that a contract market emergency rule would violate Regulation 1.41(f) if it were arbitrary, capricious, or an abuse of discretion; lacking a reasonable basis in fact; or taken in bad faith by the contract market or its officials. In addition, section 8a(9) of the Act generally provides that the Commission may direct a contract market to take action necessary to maintain or restore orderly trading whenever the Commission has reason to believe that an emergency exists.

B. Section 213

Section 213 of the Futures Trading Act amends section 5a(12) of the Act to provide for more specific procedures for Commission review of a contract market emergency action. The section requires the Commission to issue regulations which specify the terms and conditions under which a contract market may take emergency action. It also requires a contract market to make every effort practicable to provide the Commission

with notice and a complete explanation of the emergency conditions prior to implementing any temporary emergency rule.³ If the contract market did not provide the Commission with notice and an explanation before making the emergency rule effective, the contract market would have to provide the Commission with such notification and explanation at the earliest possible time.

Within ten days of a receipt of notice and an explanation from the contract market, or as soon as practicable, the Commission must determine whether it is appropriate either to permit a rule to remain in effect during the emergency or to suspend the effect of the rule pending review either under the procedures of section 5a(12)(A) or otherwise. Following this decision, the Commission must submit a report on its determination and the basis for its decision to the affected contract market, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate. If the Commission submitted its report more than ten days after the receipt of notice and explanation, the report would have to include an explanation of why it was not practicable to submit the report within ten days.

II. Overview of Proposed Amendments

A. Definition of "Emergency"

Section 213 requires the Commission to make a formal determination within ten days on whether to permit a temporary emergency rule to remain in effect or to suspend the effect of the rule. Given the intention of Congress to increase Commission oversight of contract market emergency actions, as demonstrated by the new requirements in section 213 for Commission review of temporary emergency rules, the proposed amendments would require greater consistency among contract markets in their definitions of the term "emergency." Consistency in this area would facilitate Commission review and would provide additional guidance to a contract market in their emergency actions.

Specifically, the Commission proposes to delete regulation 1.41(a)(4)(i). This provision permits a contract market to define the term "emergency" as any occurrence or circumstance noted in rules of the contract market. The contract market

² CFTC Interpretative Letter No. 79-2 (Standard of Review of Temporary Emergency Rules Adopted by Contract Markets), (CCH) ¶20,860 (1977-80 Transfer Binder) (July 26, 1979).

³ Section 213 does not apply to a physical emergency that is addressed by actions other than implementation of a temporary emergency rule. This type of physical emergency is governed by Regulation 1.41(g).

must have submitted its rules defining "emergency" to the Commission under section 5a(12) of the Act.

Under the proposed amendments, a contract market would have to ensure that its rules were consistent with modifications to Regulation 1.41(a)(4)(ii) set forth in proposed Regulation 1.41(a)(4). Under this modified provision, a contract market governing board could determine that an emergency existed when, in its opinion, occurrences or circumstances listed in Regulation 1.41(a)(4) required immediate action and threatened or could threaten such things as the fair and orderly trading in, or the liquidation of or delivery pursuant to, any contract for the future delivery of a commodity or any commodity option on such contract market. The occurrences and circumstances listed in regulation 1.41(a)(4) would remain similar to the items currently found in regulation 1.41(a)(4)(ii), with the addition of specific references to failure of the payment system, computer system breakdowns, and screen-based trading system breakdowns.⁴

In addition, the proposed amendments would alter the language of regulation 1.41(a)(4)(ii)(H). Rather than stating that a contract market could find an emergency when there was "[a]ny other unusual, unforeseeable and adverse circumstance with respect to which it is impracticable for the contract market to submit, in a timely fashion, a rule to the Commission for prior review under section 5a(12) of the Act," a contract market could find an emergency under these circumstances only when it was "not practicable" for it to submit a rule to the Commission for prior review. Courts have interpreted the word "impracticable" as meaning "inconvenient."⁵ The change from "impracticable" to "not practicable" would emphasize that a contract market should not declare an emergency merely because it was inconvenient to submit a rule for prior review.

⁴ The proposed amendments also would add computer system breakdowns and screen-based trading system breakdowns to the examples of physical emergencies listed in Regulation 1.41(g).

⁵ *Fifth Mooring Condominium, Inc. v. Shere*, 81 F.R.D. 712, 716 (S.D. Fla. 1978) (the word "impracticable," as used in rule precluding class action unless class is so numerous that joinder of all members is impracticable, refers to whether joinder is inconvenient or difficult); *Jenson v. Continental Financial Corp.*, 404 F. Supp. 806, 809 (D. Minn. 1975) (the word "impracticable," as used in rule precluding class action unless class is so numerous that joinder of all members is impracticable, does not refer to impossibility, but only to difficulty or inconvenience).

B. Temporary Emergency Rule Procedures

1. Prior Notice and Contract Market Submissions

Section 213 directs the Commission to issue regulations that require a contract market to make every effort practicable to notify the Commission of an emergency rule, along with a complete explanation of the emergency involved, prior to making the emergency rule effective. The Commission has proposed amendments to regulation 1.41(f) consistent with this directive. The Commission also is proposing application of the notice provision to the implementation, modification, termination of a temporary emergency rule. Although section 213 did not mention modification to or termination of a temporary emergency rule, the legislative history did not indicate that Congress intended to change the scope of the current Regulation 1.41(f).⁶

Under the proposed amendments, "[a] contract market must make every effort practicable to provide notice to the Commission that it intends to implement, modify or terminate a temporary emergency rule prior to implementing, modifying or terminating the rule. If it is not practicable for the contract market to notify the Commission prior to taking emergency action, the contract market shall provide the Commission with notice of the implementation, modification, or termination of any emergency rule at the earliest possible time." As permitted by section 213, the Commission is proposing to delegate authority for receiving notice to the Director of the Division of Trading and Markets or any employee of the Commission, as may be designated by the Director.

The proposed amendments also specify the information that the contract market should include in its notice of an emergency action. To the extent practicable, a contract market should provide a complete explanation of the contract market action intended or taken to meet the emergency and a description of the nature of the emergency. In any instance in which a contract market did not provide prior notice of an emergency action, the contract market would have to explain why it was not

⁶ In addition, the Commission has proposed amendments to Regulation 1.41(g), governing physical emergencies. Currently, a contract market may take any action necessary to address an physical emergency without notifying the Commission of its action. For purposes of facilitating oversight of contract markets, the proposed amendments would require a contract market to notify the Commission as soon as possible after implementing, modifying, or terminating a physical emergency action.

practicable for it to provide such notice. This explanation would implement the requirement in section 213 that a contract market must "to the extent practicable" provide the Commission with prior notice of an emergency action. A contract market also would have to explain why it was not practicable for it to submit the temporary emergency rule to the Commission for prior review under section 5a(12)(A) of the Act. This required explanation would lessen any likelihood that a contract market would proceed under Regulation 1.41(f) without sufficient cause for emergency action.

The proposed amendments also would require the submission of any available written documentation on the nature of the emergency conditions and the intended or actual emergency action at the time of notification. The Commission particularly would be interested in receiving a draft of a temporary emergency rule, if available, prior to action on the rule by the governing board. Receipt of a draft would facilitate Commission review of any emergency action.

As soon as possible after providing notice, but in no event more than five days after such time, a contract market would have to supplement its notice by submitting additional information to the Commission. The additional information would include:

- (1) A written copy of the temporary emergency rule and any modification to or termination of the rule;
- (2) A complete written explanation of the emergency action;
- (3) Written documentation, not previously provided, of the emergency conditions and the emergency action;
- (4) A copy of the contract market governing board meeting minutes in which the governing board determined to implement a temporary emergency rule, with specified information, described in the proposed regulation, included in the minutes;
- (5) A description of the basis for and procedures followed by a governing board in making any determination as to the eligibility of interested persons to deliberate or to vote on matters relating to the emergency;
- (6) Documentation of all positions in the subject contract market held by governing board members in personal accounts, controlled accounts, any other accounts in which a governing board member had an interest, and customer and proprietary accounts at a governing board member's affiliated firm;⁷ and

⁷ The term "affiliated firm" would be defined in Regulation 1.41(a)(8) as any firm in which the

(7) Such other information as the Commission may require.

The Commission based this list of supplementary information on the types of information currently needed to review emergency rules submitted under Regulation 1.41(f). The position information requests reflect the Commission's need to make a determination on whether the contract market acted in bad faith, discussed below.⁸

2. Commission Action

Section 213 directs the Commission to make a determination within ten days of its receipt of notice and an explanation, or as soon thereafter as practicable, on whether it is appropriate to permit the rule to remain in effect during the emergency or to suspend the effect of the rule pending review either under the procedures of section 5a(12)(A) or otherwise. Thus, under the proposed amendments, within ten days of receipt from a contract market of the notice and supplementary information, or as soon as practicable, the Commission would make a determination either to permit the rule to remain in effect during the pendency of the emergency or to suspend the effect of the rule.

The Commission would permit a rule to remain in effect unless it determined that the contract market's emergency action was arbitrary, capricious, or an abuse of discretion; lacking a reasonable basis in fact; or taken in bad faith by the contract market or its officials. This standard of review is identical to the standard currently used by the Division and articulated in CFTC Interpretative Letter No. 79-2. In considering whether a contract market had acted in bad faith, the Commission, among other things, would review the governing board members' relevant market positions to determine the extent, if any, of participation in the contract market determination by interested members. The Commission also would consider a rule that had met the standard of Interpretative Letter 79-2 as an action that was consistent with the policies

and purposes of the Act. Any Commission findings would be based solely on the information before it at the time and would not preclude subsequent Commission action based on additional or changed information.

Upon finding that a contract market's temporary emergency rule had failed to meet this standard, the Commission would have discretion to suspend the effect of the rule, pending review under section 5a(12)(A) of the Act or otherwise, under the terms and conditions that it deemed appropriate. The Commission would suspend the rule if suspension were not contrary to the public interest and the purposes of section 5a(12) of the Act. In making a determination on whether to suspend a rule that had failed to meet the standard, the Commission would consider the impact of suspension on the affected contract market. Specifically, the Commission may consider whether suspending the rule would harm market participants more than permitting the rule to remain in effect. The Commission would attempt to minimize any adverse market impact of its action by imposing any indicated terms and conditions on a suspension. In addition, nothing in the proposed regulations or the Futures Trading Act would prevent the Commission from issuing its own emergency order under section 8a(9) in lieu of or in conjunction with suspending the effect of a contract market temporary emergency rule. Moreover, neither the regulation, the Act, nor the Commission's review of a temporary emergency rule would in any way affect the institution or conduct of any Commission enforcement action authorized by the Act.

As required by section 213, the Commission would submit a report on its determination and the basis for its determination to the affected contract market; the Committee on Agriculture of the House of Representatives; and the Committee on Agriculture, Nutrition, and Forestry of the Senate. If the report were submitted more than ten days after the Commission had received all of the information required of a contract market, the Commission would include an explanation of why submission within ten days from receipt of notification and explanation was not practicable. A determination by the Commission to suspend the effect of a rule under the proposed amendments would be subject to judicial review on the same basis as an emergency determination under section 8a(9) of the Act.⁹ In addition, each contract market

⁹ Commission emergency actions under section 8a(9) are reviewable only in the United States Court

would have to maintain in effect rules that were consistent with these regulations.

D. Permissible Emergency Actions

For purposes of updating current Regulation 1.41(f)(3), the proposed amendments would expand the list of permissible emergency actions to include certain additional emergency actions which have been taken or may be taken in the future. The proposed amendments would change the permissible emergency actions listed in Regulations 1.41(f)(3) (iii) and (iv) from "[e]xtending the time of delivery" and "[c]hanging delivery points" to "altering delivery terms or conditions." By broadening the language of these provisions and consolidating them into one subsection, the Commission would make clear that a contract market could take a variety of permissible emergency actions associated with delivery.¹⁰ The Commission also added the modification of price limits and circuit breakers to the list of permissible actions. Although contract markets frequently take emergency action by altering price limits, this type of emergency action currently is not listed in Regulation 1.41(f)(3). In addition, the Commission would add the suspension of a contract market prohibition against dual trading to the list of permissible actions. A contract market may need to suspend the effect of any dual trading prohibition, including a prohibition implemented pursuant to section 101 of the Futures Trading Act and regulations to be issued by the Commission, for purposes of restoring or ensuring fair and orderly trading in a contract market.

III. Conclusion

The Commission believes that the proposed amendments to Regulation 1.41 satisfy the statutory directive of the Futures Trading Act. The amendments would create a more formal procedure for Commission oversight of contract market emergency actions. In addition, the amendments would provide greater guidance to a contract market in implementing a temporary emergency

of Appeals for the circuit in which the party seeking review resides or has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit.

¹⁰ This amendment would be consistent with CFTC Interpretative Letter No. 77-7, in which the Office of General Counsel stated that a contract market could reduce the number of days for delivery through an emergency action, even though such action was not specified in Regulation 1.41. CFTC Interpretative Letter No. 77-7 (Emergency Reduction of Time for Delivery), (CCH) ¶20,417 [1977-80 Transfer Binder] (1977). The amendment also would be consistent with the language of most contract market emergency rules.

person is a general partner, officer, director, employee, or owner of more than ten percent of the equity interest. See *infra* footnote 8. As position information is subject to the confidentiality provisions of section 8 and is not generally publicly available, the Commission will be particularly sensitive to the treatment of such information in any report.

⁸ Additional guidance in this area will be provided by the forthcoming proposed rules under section 217 of the Futures Trading Act, which prohibits voting by interested members. Nevertheless, the Commission at this time has endeavored to identify the relevant exchange documents that would provide the basis for making required decisions on the existence of any conflict of interest.

rule. Finally, they would reflect current practices and technology.

IV. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA") 5 U.S.C. 601 *et seq.*, requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The proposed amendments to Regulation 1.41(f) affect contract markets. The Commission previously has established that contract markets are not "small entities" for purposes of the RFA, and that the Commission, therefore, need not consider the effect of the proposed amendments on contract markets. 47 FR 18618, 18619 (April 30, 1982).

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 ("PRA"), 44 U.S.C. 3501 *et seq.*, imposes certain requirements on federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission has submitted the proposed amendments and their associated information collection requirements to the Office of Management and Budget ("OMB"). The burden associated with the entire collection, including the proposed amendments, is as follows:

Average burden hours per response:
83.01

Number of respondents: 1375

Frequency of response: on occasion

The burden associated with the proposed amendments is as follows:

Average burden hours per responses: 2.0

Number of respondents: 239

Frequency of response: on occasion

Persons wishing to comment on the information which would be required by the proposed amendments should contact Gary Waxman, Office of Management and Budget, room 3228, NEOB, Washington, DC 20503, (202) 395-7340. Copies of the information collection submission to OMB are available from Joe F. Mink, CFTC Clearance Officer, 2033 K Street NW., Washington, DC 20581, (202) 254-9735.

List of Subjects in 17 CFR Part 1

Definitions, Registration, Minimum financial and related reporting requirements, Prohibited trading in commodity options, Customer's money, Securities and property, Recordkeeping and miscellaneous.

In consideration of the foregoing and pursuant to the authority contained in

the Commodity Exchange Act and, in particular, sections 5a(12) and 8a(5) thereof, 7 U.S.C. 7a(12) and 12a(5), the Commission proposes to amend part 1 of title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 U.S.C. 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6l, 6m, 6n, 6o, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a-1, 16, 16a, 19, 21, 23 and 24, unless otherwise noted.

2. Section 1.41 would be amended by revising paragraph (a)(4) and adding paragraph (a)(8); by revising paragraphs (f) (2) and (3) and adding paragraph (f) (4) through (9); and by revising paragraph (g) to read as follows:

§ 1.41 Contract market rules; submission of rules to the commission, exemption of certain rules and certain operational and administrative rules, emergencies.

- (a) * * *
- (1) * * *
- (2) * * *
- (3) * * *

(4) The term *emergency* means any occurrence or circumstance listed in this paragraph (a)(4) which, in the opinion of the governing board of the contract market, requires immediate action and threatens or may threaten such things as the fair and orderly trading in, or the liquidation of or delivery pursuant to, any contract for the future delivery of a commodity or any commodity option on such contract market. Occurrences and circumstances which a governing board of a contract market may deem emergencies are limited to the following:

- (i) Any manipulative activity or attempted manipulative activity;
- (ii) Any actual, attempted, or threatened corner, squeeze, congestion, or undue concentration of positions;
- (iii) Any circumstances which may materially affect the performance of contracts or commodity options traded on the contract market, including failure of the payment system;

(iv) Any action taken by the United States or any foreign government or any state or local governmental body, any other contract market, board of trade, or any other exchange or trade association (foreign or domestic), which may have a direct impact on trading on the contract market;

(v) Any circumstances which may have a severe, adverse effect upon the physical functions of a contract market

including, for example, fire or other casualty, bomb threats, substantial inclement weather, power failures, communications breakdowns, computer system breakdowns, screen-based trading system breakdowns, and transportation breakdowns.

(vi) The bankruptcy or insolvency of any member or member firm of the contract market or the imposition of any injunction or other restraint by any government agency, court or arbitrator upon a member of the contract market which may affect the ability of that member to perform on its contracts;

(vii) Any circumstance in which it appears that a member or any other person has failed to perform contracts of sale for future delivery or commodity option contracts, is insolvent, or is in such financial or operational condition or is conducting business in such a manner that such person cannot be permitted to continue in business without jeopardizing the safety of customer funds, members of the contract market, or the contract market; and

(viii) Any other unusual, unforeseeable and adverse circumstance with respect to which it is not practicable for the contract market to submit, in a timely fashion, a rule to the Commission for prior review under section 5a(12)(A) of the Act.

- (5) * * *
- (6) * * *
- (7) * * *

(8) The term *affiliated firm* of a person means any firm in which the person is a general partner, officer, director, employee, or owner of more than ten percent of the equity interest.

- * * * * *
- (f) * * *
- (1) * * *

(2)(i) A contract market must make every effort practicable to provide notice to the Commission that it intends to implement, modify or terminate a temporary emergency rule prior to implementing, modifying or terminating the rule. If it is not practicable for the contract market to notify the Commission prior to taking emergency action, the contract market shall provide the Commission with notice of the implementation, modification, or termination of any emergency rule at the earliest possible time. Notice must be given to the Director of the Division of Trading and Markets or any employee of the Commission, as may be designated by the Director for such purpose. The contract market must provide notice to the Commission by the fastest means available and must use its best efforts to ensure that the notice is actually

received by one of the persons authorized by this paragraph (f)(2)(i). Notice should include:

(A) To the extent practicable, a complete explanation of the contract market action intended or taken to meet the emergency and a description of the nature of the emergency;

(B) In any instance where a contract market does not provide prior notice of an emergency action, an explanation of why it was not practicable for a contract market to provide such notice; and

(C) An explanation of why it was not practicable for the contract market to submit the temporary emergency rule to the Commission for prior review under section 5a(12)(A) of the Act.

(ii) Any available written documentation of the nature of the emergency conditions and the intended or actual emergency action should be submitted at the time of notification.

(3) As soon as possible after providing notice under paragraph (f)(2) of this section, but in no event more than five (5) days after such time, the contract market shall supplement its notice by submitting the following information to the Commission at its Washington, DC headquarters:

(i) A written copy of the temporary emergency rule and any modification to or termination of the rule;

(ii) A complete written explanation of the emergency action;

(iii) Written documentation, not previously provided, of the emergency conditions and the emergency action, including documentation of the reasons for the specific emergency action taken;

(iv) A copy of the minutes of the contract market governing board meeting in which the governing board determined to implement a temporary emergency rule, which minutes must include the names of all persons who were members of the governing board at the time of the meeting; the names of all persons who attended the meeting in person or who were otherwise present by electronic means; the name of any person who recused himself from the meeting, the reason for recusal, and the time that the recusal occurred; the time that notice of the meeting was given to the governing board members and the times that the meeting began and ended; the name of any person who was directed to abstain from deliberating or voting at the meeting; a summary of all discussions; a complete description of any matter voted on; an itemized list of how each governing board member voted; and a summary of any disclosure made by a person on his or her positions in any subject contract market, including disclosure of positions held in personal accounts, controlled accounts,

any other accounts in which a person has an interest, and customer and proprietary accounts at a person's affiliated firm;

(v) A description of the basis for and procedures followed by a governing board in making any determination as to the eligibility of an interested person to deliberate or to vote on matters relating to the emergency;

(vi) Documentation of all positions in the subject contract market held by a governing board member in personal accounts, controlled accounts, any other accounts in which a governing board member has an interest, and customer and proprietary accounts at a governing board member's affiliated firm; and

(vii) Such other information as the Commission may require.

(4) Within 10 days of the receipt from a contract market of all of the information required by paragraphs (f)(2) and (3) of this section, or as soon as practicable thereafter, the Commission will make a determination either:

(i) To permit the rule to remain in effect, consistent with paragraph (f)(1) of this section, or

(ii) To suspend the effect of the rule pending review either under the procedures of section 5a(12)(A) or otherwise.

(5)(i) The Commission will make a determination to permit the temporary emergency rule to remain in effect, consistent with paragraph (f)(1), unless it finds that the contract market's emergency action is:

(A) Arbitrary, capricious or an abuse of discretion;

(B) Lacking a reasonable basis in fact; or

(C) Taken in bad faith by the contract market or its officials.

(ii) If the Commission determines that the contract market's emergency action is arbitrary, capricious or an abuse of discretion; lacking a reasonable basis in fact; or taken in bad faith, then the Commission may, in its discretion and upon such terms and conditions as it deems appropriate, suspend the effect of the rule if it finds that suspension of the rule is not contrary to the public interest and the purposes of section 5a(12) of the Act.

(6)(i) The Commission will submit a report on its determination pursuant to paragraph (f)(5) of this section and the basis for this determination to:

(A) The affected contract market;

(B) The Committee on Agriculture of the House of Representatives; and

(C) The Committee on Agriculture, Nutrition, and Forestry of the Senate.

(ii) If the report is submitted more than 10 days after the Commission receives all of the information required

under paragraphs (f)(2) and (3) from a contract market, the report will include an explanation of why submission within 10 days from receipt of notification and explanation was not practicable.

(7) A determination by the Commission to suspend the effect of a rule under paragraph (f)(5)(i)(B) of this section will be subject to judicial review on the same basis as an emergency determination under section 8a(9) of the Act.

(8) A temporary emergency rule may provide for, or may authorize the contract market, or the governing board thereof or any committee thereof, to undertake actions necessary or appropriate to meet the emergency, including, but not limited to, such actions as:

(i) Limiting trading to liquidation only, in whole or in part, or limiting trading to liquidation only except for new sales by parties who have the commodity to deliver pursuant to such sales;

(ii) Extending or shortening the expiration date for trading in contracts;

(iii) Altering delivery terms or conditions;

(iv) Modifying price limits;

(v) Modifying circuit breakers;

(vi) Ordering the liquidation of contracts, the fixing of a settlement price or the reduction in positions;

(vii) Ordering the transfer of contracts, and the money, securities, and property securing such contracts, held on behalf of customers by a member of the contract market to another member, or other members, of the contract market willing to assume such contracts or obligated to do so;

(viii) Extending, limiting or changing hours of trading;

(ix) Suspending trading; and

(x) Modifying or suspending any provision of the rules of the contract market, including any contract market prohibition against dual trading.

(9) Each contract market must maintain in effect rules that are consistent with this section.

(g) *Physical emergencies.* In the event the physical functions of a contract market are, or are threatened to be, severely and adversely affected by a "physical emergency," such as fire or other casualty, bomb threats, substantial inclement weather, power failures, communications breakdowns, computer system breakdowns, screen-based trading system breakdowns or transportation breakdowns, a contract market official, duly authorized to take such action for and on behalf of the contract market with respect to such a "physical emergency" pursuant to a rule

of the contract market that has been approved by the Commission or has become effective pursuant to section 5a(12) of the Act and this section, may take any action authorized by such rule necessary or appropriate to deal with the emergency, including, but not limited to, suspending trading on the contract market. In no event, however, shall suspension of trading on the contract market by such a designated official continue in effect for more than five (5) days. If so authorized by such a rule of the contract market, the designated official may also order restoration of trading on the contract market, or removal of other restrictions imposed by the official as permitted by this paragraph (g), in the absence of action by the governing board of the contract market, upon a determination by such official that the "physical emergency" has sufficiently abated to permit the physical functions of the contract market to continue in an orderly manner. A contract market must notify the Director of the Division of Trading and Markets or any employee of the Commission, as may be designated by the Director for such purpose, of the implementation, modification or termination of a physical emergency action as soon as possible after taking the action.

* * * * *

3. Section 1.41c as proposed to be added would read as follows:

§ 1.41c Delegation of authority to the Director of the Division of Trading and Markets to receive notice of an emergency action.

The Commission hereby delegates authority to receive notification and explanation of a temporary emergency rule and notification of a physical emergency action, until the Commission orders otherwise, to the Director of the Division of Trading and Markets. This authority may be exercised by the Director or by another employee or employees of the Commission as may be designated from time to time by the Director.

Issued in Washington, DC on January 29, 1993 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-2662 Filed 2-3-93; 8:45 am]

BILLING CODE 6351-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

MSS Above 1 GHz Negotiated Rulemaking Committee

AGENCY: Federal Communications Commission.

ACTION: Notice of Cancellation of public meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, this notice advises interested

persons that the third meeting of the MSS Above 1 GHz Negotiated Rulemaking Committee ("Committee") scheduled for Thursday, February 4, 1993 (58 FR 5319, January 21, 1993) has been cancelled.

FOR FURTHER INFORMATION CONTACT: Kathleen Campbell, Administrative Assistant to the Committee, at (202) 634-1952.

SUPPLEMENTARY INFORMATION: Full Committee meetings are currently scheduled for Wednesday, February 10; Thursday, February 18; Thursday, February 25; Thursday, March 4; Tuesday, March 9; Thursday, March 18; Thursday, March 25; and Friday, April 2.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93-2628 Filed 2-3-93; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 58, No. 22

Thursday, February 4, 1993

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

January 29, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. The list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 690-2118.

Revision

- Agricultural Stabilization and Conservation Service.
- 7 CFR parts 1421, 1425, 1434, and 1427—Loan Deficiency Payments.
- CCC-666LDP, 700, 700A, 701, 709, CCC-Cotton AA and CCC-Cotton AA-1. On occasion.
- Farms; small businesses or organizations; 223,016 responses; 65,415 hours.
- Margaret Wright, (202) 720-8481.

New Collection

- Food Safety and Inspection Service.

Accreditation Fees, Standards, and Procedures for FSIS-Accredited Laboratories.

FSIS 10,110-2; FSIS 10,100-4; FSIS 10,600-1; FSIS 10,120-1.

Recordkeeping; on occasion. Businesses or other for-profit; 11,406 responses; 8,032 hours.

Chuck Williams, (202) 720-7163.

Larry K. Roberson,

Deputy Department Clearance Officer.

[FR Doc. 93-2568 Filed 2-3-93; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Research Service

Notice of Intent to Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to E.I. Du Pont and de Nemours & Company, Inc., having a place of business in Wilmington, Delaware, an exclusive license on U.S. Patent 4,774,098 patented September 27, 1988, "Modified Plant Fiber Additive for Food Formulations."

DATES: Comments must be received on or before April 5, 1993.

ADDRESSES: Send comments to: USDA-ARS—Office of Technology Transfer, Beltsville Agricultural Research Center, Baltimore Boulevard, Building 005, room 403, BARC-W, Beltsville, Maryland 20705-2350.

FOR FURTHER INFORMATION CONTACT: M. Ann Whitehead of the Office of Technology Transfer at the Beltsville address given above; telephone: COMM: 301-504-6786.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to license this invention on an exclusive basis and the company has submitted a complete and sufficient application for a license.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this

published Notice, Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

W.H. Tallent,

Assistant Administrator.

[FR Doc. 93-2665 Filed 2-3-93; 8:45 am]

BILLING CODE 3410-03-M

Federal Grain Inspection Service

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 to the following committee meeting:

Name: Federal grain Inspection Service Advisory Committee.

Date: February 24-25, 1993.

Place: Holiday Inn-Crowne Plaza, 775 12th Street NW., Washington, DC.

Time: 8 a.m. February 24 and February 25.

Purpose: To provide advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the U.S. Grain Standards Act.

The agenda includes: (1) Status of financial matters, (2) Official Commercial Inspection, (3) Aflatoxin Issues, (4) removing large foreign material from Export Shipments, (5) Research Issues, (6) International Monitoring, (7) Pesticide Residue Testing, (8) Regulatory Update, (9) Moisture Reference Methods, (10) Wheat Protein Issues and (11) 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 Acting Administrator, FGIS, U.S. Department of Agriculture, P.O. Box 96454, Washington, DC 20090-6454, telephone (202) 720-0219 or FAX (202) 205-9237.

Dated: January 28, 1993.

David R. Galliant,

Acting Administrator.

[FR Doc. 93-2522 Filed 2-3-93; 8:45 am]

BILLING CODE 3410-EN-M

Forest Service

Exemption of Decision for Beetlejuice Salvage Timber Sale From Appeal, Wallowa-Whitman National Forest, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice to exempt decision from administrative appeal.

SUMMARY: This is a notification that the decision to implement the Beetlejuice Salvage Timber Sale located on the La Grande Ranger District of the Wallowa-Whitman National Forest is exempt from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published in the *Federal Register* on January 23, 1989 (54 FR 3342).

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Bruce Kaufman, Timber Staff, Wallowa-Whitman National Forest, 1550 Dewey Avenue, Baker City, Oregon 97814, phone (503) 523-6391.

SUPPLEMENTARY INFORMATION: The La Grande Ranger District has experienced several epidemic outbreaks of Douglas-fir barkbeetle and western spruce budworm in recent years due to a variety of environmental conditions including historic fire suppression, past logging practices, and the ongoing drought. An aggressive timber salvage program has been ongoing on the district since the early 1980's within stands containing an abundance of Douglas-fir and grand fir. However, the district has recently experienced some isolated instances where overstocked ponderosa pine stands are being infested with western pine beetle (*Dendroctonus brevicomis*). Once populations of these insects are established within a stand, epidemic conditions allow the beetle to cause mortality in trees of all ages that appear vigorous. Western pine beetle can produce up to three broods per year and can also attack stands in conjunction with other insects.

The La Grande District interdisciplinary team (IDT) and public comments received on the salvage program identified the need to salvage dead and dying timber in as short a time as possible while the logs remain merchantable and of high quality without blue stain associated with ponderosa pine. The average size of western pine beetle infested ponderosa pine within the Beetlejuice project is 18 inches in diameter at breast height. In general, the smaller the diameter of the tree the more rapidly it will deteriorate.

During the summer of 1992 the La Grande IDT began the process of scoping and analyzing an ecosystem

restoration project proposal within a project area formally designated as the Birdtrack Springs Restoration Project. This proposal included a variety of activities such as: Timber salvage and stand rehabilitation; relocation of dispersed camping from within the floodplain of the Grande Ronde River to an upland area; rehabilitation of the floodplain by planting hardwood vegetation; and obliteration of several miles of draw-bottom roads. Following distribution of the proposed Birdtrack Springs Restoration project proposal to interested publics and other state and local governments, it was determined that the western pine beetle infestation within the 35 acre ponderosa pine stand originally planned for a salvage/thinning treatment was more important than earlier surveys indicated.

The project ID Team recommended that this stand be included in a separate decision which has been re-named Beetlejuice Salvage Timber Sale due to the urgency of physically removing the beetles before offspring from parent progeny had a chance to infest additional trees in the spring and damage a greater proportion of the stand. The stand will also be commercially thinned to release the remaining healthy ponderosa pine and reduce the likelihood of additional bark beetle infestation. The project was specifically designed to facilitate removal of infested ponderosa pine, utilize dead and dying trees, and improve overall timber stand health.

Through the initial scoping process the following issues were identified for the Beetlejuice environmental analysis: (1) Forest tree health; (2) riparian habitat, fish habitat, and water quality; (3) big game/wildlife habitat; and (4) timber yield and utilization.

The IDT developed the No-Action alternative and an action alternative for the Beetlejuice analysis. The environmental analysis indicated that the salvage project falls within a category of actions that can be excluded from documentation in an environmental impact statement or environmental assessment.

Biological evaluations have been completed for all plant, wildlife, and fish Proposed, Endangered, Threatened, and Sensitive species within the project area. The biological evaluations document that the project can proceed as planned.

This Beetlejuice Salvage Timber Sale was designed to remove western pine beetle from the site by salvaging trees containing beetles and effectively preventing additional infestation of the remaining trees by thinning and improving tree vigor. Cruised volume, of

a 35 acre stand, for the Beetlejuice Salvage includes: 12,000 board feet of dead and dying ponderosa pine and 48,000 board feet of suppressed pine. The project will minimize the amount salvage volume lost and will reduce the chance of losing the entire stand to bark beetle infestation. To expedite this salvage, this project is exempted from appeal (36 CFR part 217). Under this Regulation, the following are exempt from appeal:

Decisions related to rehabilitation of National Forest System Lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as wildfires * * * when the Regional Forester * * * determines and gives notice in the *Federal Register* that good cause exists to exempt such decisions from review under this part.

Upon publication of this notice in the *Federal Register*, this Decision Memo for the Beetlejuice Salvage Timber Sale will be signed by the La Grande District Ranger. Therefore, this project will not be subject to review under 36 CFR part 217.

Dated: January 28, 1993.

Nancy Graybeal,
Deputy Regional Forester.

[FR Doc. 93-2616 Filed 2-3-93; 8:45 am]

BILLING CODE 3410-11-M

Exemption of Decision for Chucker Salvage Timber Sale From Appeal, Willamette National Forest, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice to exempt decision from administrative appeal.

SUMMARY: This is a notification that the decision to implement Chucker Salvage Timber Sale in the area of Groundhog Creek on the Willamette National Forest is exempted from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published in the *Federal Register* on January 23, 1989 (54 FR 3342).

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Darrel L. Kenops, Forest Supervisor, Willamette National Forest, P.O. Box 10607, Eugene, Oregon 97440, phone (503) 465-6517.

SUPPLEMENTARY INFORMATION: In 1990, an intense, localized, windstorm caused extensive windthrow in this area. This material was included in the Woodchuck Timber Sale analysis which also includes green, standing, volume. The green portion of Woodchuck is northern spotted owl habitat and therefore under injunction. A decision was made to process a Decision Memo

on the spotted owl non-habitat portion of Woodchuck so it could be offered for sale immediately. Exemption from appeal of Chucker Salvage is needed to facilitate the rapid removal of the material to reduce further commercial loss of the wood products; reduce the potential for catastrophic losses from wildfire; and to help reduce the spread of insect infestations and disease.

The interdisciplinary team (IDT) began the analysis of the impacts of this project during the scoping meeting held March 13, 1991. After the completion of the scoping process which included mailings to the public and contacts with individuals and State and federal agencies, the following issues were identified: (1) Impacts to big game habitat; (2) habitat diversity; (3) impacts to the watershed; (4) timber supply and economics.

The IDT developed four alternatives, including the No-Action Alternative. The effects of these alternatives were disclosed in the environmental assessment, which was prepared for the original proposal. The Chucker Salvage portion of the proposed action (Alternative D) includes 20 acres of salvage producing 800,000 board feet of timber. Approximately one quarter mile of temporary road will be constructed.

The Chucker Salvage Timber Sale portion of Alternative D is designed to accomplish the project objectives as quickly as possible and minimize economic and resource loss. To expedite this salvage and the accompanying work, this project is exempted from appeal (36 CFR part 217). Under this Regulation, the following are exempt from appeal:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as wildfires, severe wind * * * when the Regional Forester * * * determines and gives notice in the *Federal Register* that good cause exists to exempt such decisions from review under this part.

After publication of this notice in the *Federal Register*, the Decision Memo for Chucker Salvage Timber Sale may be signed by the Forest Supervisor. Therefore, this project will not be subject to review under 36 CFR part 217.

Dated: January 28, 1993.

Nancy Graybeal,

Deputy Regional Forester.

[FR Doc. 93-2614 Filed 2-3-93; 8:45 am]

BILLING CODE 3410-11-M

Exemption of Decision for Knoll Salvage Timber Sale From Appeal, Willamette National Forest, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice to exempt decisions from administrative appeal.

SUMMARY: This is a notification that the decision to implement Knoll Salvage Timber Sale in the area of Packard Creek on the Willamette National Forest is exempted from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published in the *Federal Register* on January 23, 1989 (54 FR 3342).

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Darrel L. Kenops, Forest Supervisor, Willamette National Forest, P.O. Box 10607, Eugene, Oregon 97440, phone (503) 465-6517.

SUPPLEMENTARY INFORMATION: In 1990, an intense, localized, windstorm caused extensive windthrow in this area. This material was included in the Knoll Timber Sale analysis which also includes green, standing, volume. The green portion of Knoll is northern spotted owl habitat and therefore under injunction. A decision was made to process a Decision Notice on the non-spotted owl habitat portion of Knoll so it could be offered for sale immediately. Exemption from appeal of Knoll Salvage is needed to facilitate the rapid removal of the material to reduce further commercial loss of the wood products; reduce the potential for catastrophic losses from wildfire; and to help reduce the spread of insect infestations and disease.

The interdisciplinary team (IDT) began the analysis of the impacts of this project during the scoping meeting held October 10, 1990. After the completion of the scoping process which included mailings to the public and contacts with individuals and State and other federal agencies, the following three issues were identified: (1) Watershed impacts; (2) biological diversity; and (3) timber supply.

The IDT developed four alternatives to analyze, including the No-Action Alternative. The effects of these alternatives were disclosed in the environmental assessment which was prepared for the original proposal. The Knoll Salvage Timber Sale portion of the proposed action (Alternative 4) includes 70 acres of salvage producing 2.2 million board feet of timber. Approximately one quarter mile of temporary road will be constructed.

The Knoll Salvage Timber Sale portion of Alternative 4 is designed to

minimize economic and resource loss. To expedite this salvage project and the accompanying work, this salvage is exempted from appeals (36 CFR part 217). Under this Regulation, the following are exempt from appeal:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as wildfires, severe wind * * * when the Regional Forester * * * determines and gives notice in the *Federal Register* that good cause exists to exempt such decisions from review under this part.

After publication of this notice in the *Federal Register*, this Decision Notice for the Knoll Salvage Timber Sale may be signed by the Forest Supervisor. Therefore, Knoll Salvage Timber Sale will not be subject to review under 36 CFR part 217.

Dated: January 28, 1993.

Nancy Graybeal,

Deputy Regional Forester.

[FR Doc. 93-2615 Filed 2-3-93; 8:45 am]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Agenda and Public Meeting of the West Virginia State Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the West Virginia State Advisory Committee will be convened at 2 p.m. and adjourn at 5 p.m. on Thursday, February 25, 1993, in the Governor's Conference Room, State Capitol, Charleston, WV 25305. The purpose of the meeting is (1) to update Committee members and the public on the Commission; (2) to provide an orientation for new Committee members; and (3) to plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Joan T. Hairston (304-752-3422) or John I. Binkley, Director, ERO, (202-376-7533), or TDD (202-376-8116). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the regional office at least (5) working days before the scheduled date of the meeting.

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

Dated at Washington, DC, January 27, 1993.
Carol-Lee Hurley,
Chief, Regional Programs Coordination Unit.
 [FR Doc. 93-2602 Filed 2-3-93; 8:45 am]
 BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-357-808]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT:

William C. Sjöberg or Linda L. Pasden, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3793.

PRELIMINARY DETERMINATION: We preliminarily determine that certain cold-rolled carbon steel flat products (cold-rolled steel) from Argentina are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated weighted average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on July 20, 1992 (57 FR 33488, July 29, 1992), the following events have occurred.

On August 14, 1992, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case.

On August 19, 1992, the Department of Commerce (the Department) presented a questionnaire to Sociedad Mixta Siderurgia Argentina (SOMISA). This respondent accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided SOMISA with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire response.

SOMISA submitted sales questionnaire responses in September, October, and December, 1992. The petitioner submitted comments relating to these responses in October and

November, 1992 and January 1993. The Department issued supplemental sales questionnaires in October, November, and December, 1992. The respondent submitted responses to these supplemental questionnaires in November and December, 1992. However, due to time constraints, the Department is not using either respondent's December supplemental response or the petitioner's January comments for the purposes of the preliminary determination. The respondent's information will, however, be verified and, together with petitioner's comments, be considered for the final determination.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of the like products in the United States, requested status as co-petitioners in this investigation. Petitioners amended the petition to include the steelworkers as co-petitioners on December 16, 1992.

On December 14, 1992, petitioners alleged that SOMISA sold cold-rolled steel in its home market at prices which were below SOMISA's cost of production. The Department is currently considering this allegation and will initiate an investigation if deemed necessary.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations are affirmative.

Scope of Investigation

The products covered by this investigation constitute a single "class or kind" of merchandise: Certain cold-rolled carbon steel flat products. The full description of the subject merchandise is included in Appendix I of this preliminary determination.

Period of Investigation

The POI is January 1, 1992, through June 30, 1992.

Such or Similar Comparisons

We have determined that the class or kind of the product covered by this investigation also constitutes a single category of such or similar merchandise. Where within a class or kind, there were

no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping duty questionnaire, which is on file in room B-099 of the main building of the Department of Commerce.

Fair Value Comparisons

To determine whether sales of cold-rolled steel from Argentina to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. We did not include barter transactions in the calculation of FMV because we determined that these sales were not in the ordinary course of trade.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States before importation and because exporter's sales price methodology was not otherwise indicated.

We calculated purchase price based on packed, f.o.b. foreign port prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign brokerage, and foreign port and handling charges.

In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of value-added tax (VAT) that would have been collected had the exported merchandise been taxed.

Foreign Market Value

In order to determine whether there was sufficient volume of sales in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales of the subject merchandise to the volume of third country sales of the class or kind of subject merchandise in accordance with section 773(a)(1)(B) of the Act. We found that the home market was viable for sales of cold-rolled steel by SOMISA.

We calculated FMV based on prices charged to unrelated customers in the home market. We compared U.S. sales to home market sales made at different levels of trade due to the fact that there were no sales at identical levels between the home market and the U.S. We made deductions, where appropriate, for cash discounts, credit notes, port and handling charges, and credit expenses.

Pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments for differences in the value added tax, credit expenses, and packing.

The Department disallowed SOMISA's claimed adjustment for quantity discounts because SOMISA provided insufficient evidence to support their claim. The Department disallowed a claimed adjustment for a small sale discount due to SOMISA's inconsistent responses. We disallowed a claimed circumstance of sale adjustment relating to two indirect taxes because both taxes are related to inputs which are not physically incorporated into the exported product.

Currency Conversion

No certified rates of exchange, as furnished by the Federal Reserve Bank of New York, were available for the POI. In place of the official certified rates, we used the average monthly or quarterly exchange rates published by the International Monetary Fund.

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of cold-rolled steel from Argentina that are entered, or withdrawn from warehouse, for consumption on or after the date of publication. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margin, as shown below. The suspension of liquidation will remain in effect until further notice. The average dumping margins are as follows:

Producer/manufacturer/exporter	Weighted-average margin percentage
Sociedad Mixta Siderurgia Argentina	20.28
All Others	20.28

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. Accordingly, the level of export

subsidies as determined in Certain Cold-Rolled Carbon Steel Flat-Rolled Products From Argentina; Final Results of Countervailing Duty Administrative Review, 56 FR 28527 (June 21, 1991), which is 1.75 percent *ad valorem*, will be subtracted from the dumping margin for deposit or bonding purposes, resulting in a cash deposit rate of 18.53 percent *ad valorem* for SOMISA and all other exporters.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b) oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

If this investigation proceeds normally, we will make our final determination by April 12, 1993.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

Appendix I

Scope of the Investigations

The products covered by these investigations, certain flat-rolled steel products, constitute the following four separate "classes or kinds" of merchandise, as outlined below. Although the Harmonized Tariff Schedule of the United States (HTSUS) subheadings are provided for convenience and customs purposes, our written descriptions and the scope of these proceedings are dispositive.

Also outlined below are issues pertaining to the scope of these investigations which have arisen subsequent to their initiation.

Certain Hot-Rolled Carbon Steel Flat Products

These products include hot-rolled carbon steel flat products, of rectangular shape, of a width of 0.5 inch or greater, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils, or in straight lengths which are less than 4.75 millimeters in thickness and measuring at least 10 times the thickness, as currently classifiable in the HTSUS under item numbers 7208.11.0000, 7208.12.0000, 7208.13.1000, 7208.13.5000, 7208.14.1000, 7208.14.5000, 7208.21.1000, 7208.21.5000, 7208.22.1000, 7208.22.5000, 7208.23.1000, 7208.23.5030, 7208.23.5090, 7208.24.1000, 7208.24.5030, 7208.24.5090, 7208.34.1000, 7208.34.5000, 7208.35.1000, 7208.35.5000, 7208.44.0000, 7208.45.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.12.0000, 7211.19.1000, 7211.19.5000, 7211.22.0090, 7211.29.1000, 7211.29.3000, 7211.29.5000, 7211.29.7030, 7211.29.7060, 7211.29.7090, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.30.0000, 7214.40.0010, 7214.50.0010, 7214.60.0010, and 7215.90.5000.

Certain Cold-Rolled Carbon Steel Flat Products

These products include cold-rolled (cold-reduced) carbon steel flat products, of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTSUS under item numbers 7209.11.0000, 7209.12.0030, 7209.12.0090, 7209.13.0030, 7209.13.0090, 7209.14.0030, 7209.14.0090, 7209.21.0000, 7209.22.0000, 7209.23.0000, 7209.24.1000, 7209.24.5000, 7209.31.0000, 7209.32.0000, 7209.33.0000, 7209.34.0000,

7209.41.0000, 7209.42.0000, 7209.43.0000, 7209.44.0000, 7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.30.1030, 7211.30.1090, 7211.30.3000, 7211.30.5000, 7211.41.1000, 7211.41.3030, 7211.41.3090, 7211.41.5000, 7211.41.7030, 7211.41.7060, 7211.41.7090, 7211.49.1030, 7211.49.1090, 7211.49.3000, 7211.49.5030, 7211.49.5060, 7211.49.5090, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7217.11.1000, 7217.11.2000, 7217.11.3000, 7217.19.1000, 7217.19.5000, 7217.21.1000, 7217.29.1000, 7217.29.5000, 7217.31.1000, 7217.39.1000, and 7217.39.5000. Excluded from these investigations is certain shadow mask steel, *i.e.*, aluminum-killed, cold-rolled steel coil that is open-coil annealed, has a carbon content of less than 0.002 percent, is of 0.003 to 0.012 inch in thickness, 15 to 30 inches in width, and has an ultra flat, isotropic surface.

Certain Corrosion-Resistant Carbon Steel Flat Products

These products include flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTSUS under item numbers 7210.31.0000, 7210.39.0000, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.60.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.21.0000, 7212.29.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.5000, 7217.12.1000, 7217.13.1000, 7217.19.1000, 7217.19.5000, 7217.22.5000, 7217.23.5000, 7217.29.1000, 7217.29.5000, 7217.32.5000, 7217.33.5000, 7217.39.1000, and 7217.39.5000. Excluded from these investigations are

flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead ("terne plate"), or both chromium and chromium oxides ("tin-free steel").

Certain Cut-to-Length Carbon Steel Plate

These products include hot-rolled carbon steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTSUS under item numbers 7208.31.0000, 7208.32.0000, 7208.33.1000, 7208.33.5000, 7208.41.0000, 7208.42.0000, 7208.43.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.11.0000, 7211.12.0000, 7211.21.0000, 7211.22.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Excluded from these investigations is grade X-70 plate.

Scope Issues Since the Notices of Initiation

Since the initiation of these investigations on July 20, 1992, the Department has addressed the following scope issues. All memoranda referred to below are available in Import Administration's Central Records Unit located in room B-099 of the Main Commerce Building.

A. Grade X-70 Plate

On July 20 and 22, 1992, petitioners requested that grade X-70 plate be excluded from the scope of the investigations regarding certain cut-to-length carbon steel plate. After analyzing all information submitted on the record regarding this issue, we excluded grade X-70 plate from the scope of those investigations. For further information on this issue, please refer to the August 21, 1992, decision memorandum from Holly Kuga, Director of the Office of Agreements Compliance, to Joseph Spetrini, Deputy Assistant

Secretary for Compliance, and Frank Sailer, Deputy Assistant Secretary for Investigations (the August 21 memo).

B. Shadow Mask Steel

On August 6, 1992, petitioners requested that certain shadow mask steel be excluded from the scope of the investigations regarding certain cold-rolled carbon steel flat products. After analyzing all information submitted on the record regarding this issue, we excluded certain shadow mask steel from the scope of those investigations. For further information on this issue, please refer to the August 21 memo.

C. Coils and Narrow-Width Flat-Rolled Products

On August 21, 1992, the Department requested that petitioners clarify which types of coils, *e.g.*, successively superimposed coils and/or otherwise coiled, such as spirally oscillated coils, they intended to include in the scope of the investigations regarding certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, and certain corrosion-resistant carbon steel flat products. On October 28, 1992, petitioners informed the Department that they intended to include all types of coils in the scope of the above-mentioned investigations. After analyzing all information submitted on the record, we agreed that all types of coils should be covered by those investigations. However, recognizing petitioners' assertion in their petitions that flat-rolled products normally are manufactured in widths of 0.5 inch or greater, we modified the scope of the investigations regarding certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, and certain corrosion-resistant carbon steel flat products so that only coils—and, for consistency, straight lengths—of a width of 0.5 inch or greater are included in the three above-mentioned classes or kinds. For further information on this issue, please refer to the January 25, 1993, decision memorandum from Roland MacDonald, Director of the Office of Agreements Compliance, to Joseph Spetrini, Deputy Assistant Secretary for Compliance, and Richard Moreland, Acting Deputy Assistant Secretary for Investigations (the January 25 memo).

D. Products of Nonrectangular Cross-Section

On November 25, 1992, petitioners requested that products of nonrectangular cross-section be included in the scope of the investigations regarding all four classes or kinds of merchandise. Petitioners

noted that this was a clarification and not a broadening of the scope. After analyzing all information submitted on the record on this issue, we have included products of nonrectangular cross-section in the scope of all four classes or kinds. For further information on this issue, please refer to the January 25 memo.

E. Products of Nonrectangular Shape

On November 25, 1992, petitioners requested that products of nonrectangular shape be included in the scope of the investigations regarding all four classes or kinds of merchandise. After analyzing all information submitted on the record on this issue, we denied petitioners' request. For further information on this issue, please refer to the January 25 memo.

F. Certain Precision Steel Products

On November 18, 1992, Theis Precision Steel Corporation (Theis), an interested party in the investigations regarding certain hot-rolled carbon steel flat products from Germany and Japan, requested that five specific types of hot-rolled "precision steel products" be excluded from the scope of the above-mentioned investigations. After analyzing all information submitted on the record on this issue, we denied Theis's request. For further information on this issue, please refer to the January 25 memo.

G. Certain Clad Products

On November 20, 1992, Regal Ware, Inc. (Regal), an interested party in the investigation regarding certain corrosion-resistant carbon steel flat products from Japan, requested that carbon steel sheet in coil that is clad on both sides with three layers of cold-rolled stainless steel and used in manufacturing cookware be excluded from the scope of the above-mentioned investigation. After analyzing all information submitted on the record on this issue, we denied Regal's request. For further information on this issue, please refer to the January 25 memo.

Appendix II—Issues Common to All Antidumping Investigations of Flat-Rolled Steel Products

A. Arm's Length Test for Related Party Transactions

In the antidumping questionnaire issued to all respondents in these investigations, we required that all home market sales made to the first unrelated customer be reported. The questionnaire states:

Where a sale is made through an affiliated company, the price actually charged to the unrelated buyer must be reported.

Additionally, our questionnaire states:

* * * related party sales shall not be used in making fair value comparisons unless they are demonstrated to be at arm's length.

Many respondents argued either (1) that the burden of reporting downstream sales (*i.e.*, sales made by related resellers to their unrelated customers) was extraordinary and/or (2) that reporting downstream sales was unnecessary because sales to the related reseller were at arm's length. These respondents reported only sales to related resellers and not downstream sales.

For purposes of our preliminary determinations, we first examined whether respondents made a credible attempt to demonstrate that related party sales were at arm's length. If no attempt was made, we presumed that no related party sales were at arm's length. For those that did, we then conducted a detailed analysis to determine if an arm's length relationship exists between a related customer and a respondent. To make this determination, for each related customer, we compared total related party sales (weight averaged for each product tested) to unrelated party sales of identical merchandise. In effect, we calculated customer-specific total average related/unrelated price ratios.

If the customer-specific related/unrelated price ratio was greater than or equal to 99.5 percent (which rounds to 100 percent), we determined that all sales to that related customer were made at arm's length, including sales of individual products to that customer that we were unable to test (because there were no sales of that product to unrelated customers). Conversely, if the customer-specific related/unrelated price ratio was less than 99.5 percent, we determined that all sales to that related customer were not arm's length transactions because, on average, that customer was paying less than unrelated customers for the same merchandise.

We then excluded from our less than fair value (LTFV) analysis all sales to any related customer that we determined did not have an arm's length relationship with the respondent. For some related customers, we were unable to determine whether total average related party sales to that customer were at arm's length because no products sold to that related customer were also sold to unrelated customers. In that case, we excluded all sales to these related customers for which we could not perform the arm's length test.

Some respondents reported downstream sales (*i.e.*, sales made by related resellers to their unrelated customers). If a related customer that made downstream sales was found to

have an arm's length relationship with the respondent, we excluded the downstream sales made by that related customer from our LTFV analysis. If a related customer was not found to have an arm's length relationship with the respondent, we excluded all sales to the related customer, as explained above, but considered all downstream sales made by that related customer and reported by the respondent in our LTFV analysis.

After excluding all related party transactions not found to be at arm's length and appropriate downstream sales from our analysis, we used respondents' reported product concordance to match U.S. sales with sales of identical or most similar home market products. On occasion, the most appropriate match to a U.S. product, based on a respondent's submitted product concordance, was a home market sale that was excluded from our analysis because of changes in the home market database resulting from the application of the arm's length test, as described above. In all such cases where a U.S. sale was left with no home market match, we assigned a margin equal to best information available (BIA) to that U.S. sale. In cases where more than one home market sale would have been matched to a particular U.S. sale, and some, but not all, of those home market sales were excluded from our analysis, we matched the U.S. transaction to the remaining home market sales that were not excluded from our analysis. We did not assign BIA to U.S. sales in these cases.

As BIA, we used the higher of either (1) the average of all margins alleged in the petition for the class or kind of merchandise, or (2) the highest non-aberrational calculated margin for any other sale of merchandise of the same class or kind made by the same respondent.

The Department recognizes that the use of BIA as outlined above may affect the rate for companies that matched U.S. sales to sales to related end-users. In addition, the application of BIA to companies that did not report downstream sales by related resellers may be mitigated as a result of product matches. The Department may revisit these matters for the final determinations.

B. Best Information Available (BIA)

Section 776(c) of the Act requires the Department to use the best information available "whenever a party or any other person refuses or is unable to produce information requested in a timely manner or in the form required,

or otherwise significantly impedes an investigation."

In deciding what to use as best information available, the Department's regulations provide that the Department may take into account whether a party refuses to provide requested information (19 CFR 353.37(b)). Thus, the Department may determine, case by case, what the best information available is. For the purposes of these preliminary determinations, we have applied two tiers of overall BIA:

1. When a company refused to cooperate with the Department or otherwise significantly impeded these proceedings, we have used as BIA the higher of: (a) The highest calculated rate found for any firm for the same class or kind of merchandise in the same country of origin in these less than fair value (LTFV) investigations or (b) the highest margin alleged in the petition for the same class or kind of merchandise in the same country of origin.

2. When a company cooperated with our requests for information but failed to provide the information requested in a timely manner or in the form required, we have used as BIA the higher of: (a) The highest calculated rate found for any firm for the same class or kind of merchandise from the same country of origin in these investigations or (b) the average petition rate for the same class or kind of merchandise from the same country of origin.

In certain situations, we found it necessary to use partial BIA. For any U.S. sales where we were unable to calculate a margin due to a respondent's failure to provide the necessary information, we used as BIA for those particular transactions the higher of: (a) The highest non-aberrational transaction margin calculated for that firm from among the sales of the same class or kind of merchandise where we were able to calculate a margin or (b) the average petition rate for the same class or kind of merchandise from the same country of origin.

C. Critical Circumstances

Petitioners have alleged that "critical circumstances" exist with respect to imports of: hot-rolled steel products from Belgium and Korea; cold-rolled steel products from Belgium and Spain; corrosion-resistant steel products from Korea; and steel plate from Belgium, Spain, Korea, and the United Kingdom.

Section 733(e)(1) of the Act provides that critical circumstances exist if we determine that there is a reasonable basis to believe or suspect that:

(A)(i) There is a history of dumping in the United States or elsewhere of the

class or kind of merchandise which is the subject of the investigation, or

(ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(B) There have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

We normally consider either an outstanding antidumping order in the United States or elsewhere on the subject merchandise to demonstrate a history of dumping. In addition, we normally consider dumping margins of a certain magnitude to impute knowledge of dumping under section 733(e)(1)(A) of the Act (*i.e.*, margins of 25 percent or more when U.S. price is based on purchase price (PP), and margins of 15 percent or more if the U.S. price is based on exporters sales price (ESP). If the U.S. price is based on both PP and ESP, we normally weight-average the 25 percent and 15 percent benchmarks by the volume of PP and ESP sales, to arrive at a weighted-average benchmark percentage for imputing knowledge of dumping.

According to 19 CFR 353.16(f), we generally consider the following to determine whether imports have been massive over a relatively short period of time: (1) Volume and value of the imports; (2) Seasonal trends (if applicable); and (3) The share of domestic consumption accounted for by the imports.

When examining volume and value data, we normally compare the export volume for equal periods immediately preceding and following the filing of the petition (the "pre-initiation period" and the "post-initiation period"), in accordance with 19 CFR 353.16(g). Under 19 CFR 353.16(f)(2), unless the imports in the comparison period have increased by at least 15 percent over the imports during the base period, we will not consider the imports to have been "massive."

To determine whether there have been massive imports of those steel products from the countries named by the petitioners, when available, we relied upon the company-specific export data submitted by respondents for our preliminary analyses. Otherwise, we relied on import statistics provided by the U.S. Bureau of the Census. We were unable to consider import penetration in our analysis because the available data does not reflect post-filing activity. If such information becomes available, we will consider it for the final determinations.

The notices for Belgium, Korea, Spain and the United Kingdom include the results of our analysis based on the foregoing methodology, specific to each of the classes or kinds of merchandise for which petitioners have alleged critical circumstances.

D. Secondary Merchandise

The Department used specific physical matching criteria in these investigations to identify the sales of prime as well as non-prime (off-specification, seconds, co-products, byproducts, etc.) material. The criteria were developed for the questionnaire and required respondents to report salient quality characteristics of the subject merchandise: for example, for hot-rolled steel, "commercial or structural," "drawing," "deep drawing," "pressure vessel," and "other (specify)."

When respondents reported all characteristics of the physical matching criteria for each transaction, the Department could account for the complete range of prime and non-prime material and was thereby able to avoid matching prime to non-prime material. When respondents used all matching criteria in their responses, we included these sales in our analysis.

However, when respondents reported the sales of non-prime material using only some, or none, of the Department's physical matching criteria, we responded as follows:

(1) If the respondent claimed, and the Department preliminarily determined, that the missing information resulted from the nature of the companies record keeping with regard to the merchandise in question, *i.e.*, the record keeping did not contain the level of detail required by the Department's questionnaire, we excluded those sales of non-prime material from the analysis for purposes for the preliminary determination.

(2) If, on the other hand, the respondent did not make this claim about their record keeping, we included in our analysis non-prime U.S. sales and applied to any resulting unmatched U.S. sales best information available (BIA) equal to the higher of: (1) The highest non-aberrational transaction margin calculated for that firm from among the sales of the same class or kind of merchandise, where we were able to calculate a margin; or (2) The average petition margin for the same class or kind of merchandise from the same country of origin.

[FR Doc. 93-2416 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-DS-P

[A-602-803]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Corrosion-Resistant Carbon Steel Flat Products From Australia.

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Sally Craig or Wendy Frankel, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0165.

PRELIMINARY DETERMINATION: We preliminarily determine that imports of certain corrosion-resistant steel from Australia are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated weighted average margin is shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case. The ITC also issued a negative preliminary determination with respect to cold-rolled carbon steel flat products from Australia, an investigation of which was initiated concurrently with the corrosion-resistant steel investigation.

On August 19, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to The Broken Hill Proprietary Company Ltd. and its U.S. subsidiaries, BHP Trading, Inc., SupraCote, Inc., and ASC Pacific, Inc., (collectively, BHP). This respondent accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided BHP with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

On September 17, 1992, the Department presented to BHP section E of the antidumping questionnaire, which concerns further manufacturing in the United States.

BHP submitted sales questionnaire responses for home market and purchase price sales in September and October, 1992. The Department issued a supplemental sales questionnaire for these sales in November, 1992. BHP submitted a response to the November, 1992, supplemental questionnaire in December, 1992.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of the like products in the United States, requested status as co-petitioners in this investigation. Petitioners amended the petition to include the steelworkers as co-petitioners on December 16, 1992.

BHP submitted its response to the portion of Section C relating to further-manufactured sales and to Section E in November, 1992. The Department issued a supplemental questionnaire for further-manufactured sales in December, 1992, as well as a letter informing BHP that it had the opportunity to remedy potential deficiencies in its submissions. BHP submitted its response to the supplemental questionnaire and to the letter on December 21, 1992. However, due to time constraints, the Department is not using the latter December 21, 1992, supplemental responses for purposes of the preliminary determination. This information will, however, be verified and considered for the final determination.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determination, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any investigation for which the preliminary determination is negative.

Postponement of Final Determination

Pursuant to section 735(a)(2)(A) of the Act, on January 22, 1993, BHP requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone the final determination 135 days after the date of publication of the affirmative preliminary determination. Therefore, we are postponing the final

determination until the 135th day after the publication of this notice in the Federal Register.

Scope of the Investigation

The products covered by this investigation constitute a single "class or kind" of merchandise: certain corrosion-resistant carbon steel flat products. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

Period of Investigation

The POI is January 1, 1992, through June 30, 1992.

Such or Similar Comparisons

We have determined that the class or kind of merchandise covered by this investigation also constitutes a single category of such or similar merchandise. Where, within this class or kind, there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping duty questionnaire, which is on file in room B-099 of the main building of the Department of Commerce.

Best Information Available

In accordance with section 776(c) of the Act, we have determined that the use of best information otherwise available (BIA) is appropriate for several claimed adjustments or U.S. sales transactions. For a discussion of our general application of BIA, see the section on "Best Information Available" in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice. For a discussion of BHP-specific BIA applications, please see the "United States Price" and "Foreign Market Value" sections of this notice.

Fair Value Comparisons

To determine whether sales of corrosion-resistant steel from Australia to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

BHP has reported sales of the subject merchandise to related parties in the home market. The Department's

methodology for determining whether or not these transactions are at arms-length prices and should be included in our calculations of USP and FMV is discussed in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is published concurrently with this notice.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the Act, when the subject merchandise was sold to unrelated purchasers in the United States prior to importation. In addition, where certain sales to the first unrelated purchaser took place after importation into the United States, we also based USP on exporter's sales price (ESP), in accordance with section 772(c) of the Act. For ESP sales, where values under certain variables were either misreported or missing, we used the BIA for these values. As BIA, we used the highest value reported under that variable, as long as the highest value was not an aberration. For a full discussion of such situations, see the Concurrence Memorandum for this investigation, which is on file in Room B-099 of the main building of the Department.

We calculated purchase price based on packed prices, with various sales terms (EX DO, FOB W, FOB L, DLGRN, FOB D, DLPEO, DLSDY, DLCAM, DLWAS), to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, foreign inland insurance, marine insurance, ocean freight, port charges, surcharges, U.S. brokerage and handling, U.S. duty, U.S. inland freight, and wharfage, in accordance with section 772(d)(2) of the Act.

We calculated ESP based on packed prices, with various sales terms (EX DO; FOB warehouse; freight allowed; freight collect; freight billed—quote; pre-pay add, back out excess; pre-pay and add; pre-pay add and back; and will call), to unrelated customers in the United States. We made deductions, where appropriate, for discounts, foreign inland freight, foreign inland insurance, ocean freight, port charges, surcharges, U.S. brokerage and handling, U.S. duty, U.S. inland freight, and wharfage, in accordance with section 772(d)(2) of the Act. We made additional deductions, where appropriate, for charges (credits issued for problems related to order), credit expenses, inventory carrying costs, third party commissions, U.S. indirect selling expenses, and warehousing expenses, in accordance with section 772(e) of the Act.

In addition, we made further deductions from ESP, where appropriate, for all value added to the corrosion-resistant steel in the United States, pursuant to section 772(e)(3) of the Act. The value added consists of the costs associated with the production of the further-manufactured products, other than the costs associated with the imported corrosion-resistant steel, and a proportional amount of any profit related to the further manufacture. Profit was calculated by deducting all applicable expenses from the sales price. The total profit was then allocated proportionally to all components of cost. Only the profit attributable to the value added was deducted from ESP.

In determining the costs incurred to produce the further-manufactured products, the Department included: (1) The costs of manufacture; (2) movement and packing expenses; and (3) general expenses, including selling, general and administrative expenses, and interest expenses.

Where we were unable to fully merge the home and U.S. market cost databases into ASCP's further manufacturing sales database due to problems with respondent's instructions, we applied as BIA the higher of the highest non-aberrant transaction margin calculated for BHP where we were able to calculate a margin or the average petition rate for the same class or kind of merchandise from the same country of origin.

Foreign Market Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales of the subject merchandise to the volume of third country sales of the class or kind of subject merchandise, in accordance with section 773(a) of the Act. We found that the home market was viable for sales of corrosion-resistant steel by BHP.

We calculated FMV based on packed, FIS (free into store) prices charged to unrelated customers in the home market and to related customers in the home market whose sales we have determined to be at arm's length under our related party test, as referenced in the "Fair Value Comparisons" section of this notice. For a full discussion of how we treated these sales in this investigation, see the Concurrence Memorandum for this investigation, which is on file in room B-099 of the main building of the Department. In accordance with 19 CFR 353.58, we compared U.S. sales to home market sales made at the same level of trade, where possible. Where we were not able to match at the same level of

trade, we made comparisons without regard to level of trade.

We made deductions from FMV, where appropriate, for discounts, rebates, inland freight, and inland insurance in accordance with section 773(a)(4) of the Act. We did not accept a claim under 19 CFR 353.55 for an adjustment to home market price to account for differences in quantities between sales in the home and U.S. markets (item mass adjustment) because respondent did not provide a correlation between the cost differentials submitted for different quantity ranges and the prices offered on different quantities in the home and U.S. markets. We did not accept an additional claim under 19 CFR 353.55 to apply a quantity discount to all home market sales when discounts were granted to at least 20 percent of sales of such or similar merchandise in the home market. This is because respondent provided insufficient explanation for the calculation or derivation of certain of the constructive quantity discount amounts, which were applied by respondent to the sales that had no actual quantity discounts. For a full discussion of these claimed adjustments, see the Concurrence Memorandum for this investigation, which is on file in room B-099 of the main building of the Department. We rejected a claim for technical service expenses under the computer variable TECHSERH because the narrative response stated that such expenses were included under the "other expense" variable (OTHEXP), which we accepted. Although we accepted a claim for warranty expenses under the computer variable WARRH, we rejected a claim for warranty expenses under the computer variable WARRIH because respondent provided no explanation for this variable in its narrative response.

For home market to purchase price comparisons, in accordance with section 773(a)(4)(B) of the Act and 19 CFR 353.56(a)(2), we made circumstance of sale adjustments, where appropriate, for differences in credit expenses, direct advertising expenses, post-sale warehousing expenses, and warranty expenses. Where appropriate, we added U.S. third-party commissions to FMV and deducted from FMV the weighted-average home market indirect selling expenses, including inventory carrying costs, technical service expenses, and other indirect selling expenses, up to the amount of the third-party commissions incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(1). We deducted home market packing costs and added U.S. packing costs. We also made adjustments, where appropriate, for physical differences in

the merchandise, in accordance with 19 CFR 353.57.

For home market to ESP comparisons, we made deductions, where appropriate, for credit expenses, direct advertising expenses, and warranty expenses. Where appropriate, we also deducted from FMV the weighted-average home market indirect selling expenses, including inventory carrying costs, technical service expenses, and other indirect selling expenses, up to the amount of indirect selling expenses and third-party commissions attributable to the foreign input product for those U.S. sales which have undergone further manufacturing in the United States, in accordance with 19 CFR 353.56(b). We deducted home market packing costs and added U.S. packing costs. We also made adjustments, where appropriate, for physical differences in the merchandise, in accordance with 19 CFR 353.57.

Currency Conversion

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

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of corrosion-resistant steel from Australia that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the *Federal Register*. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice. The LTFV margins are as follows:

Producer/manufacturer/exporter	Weighted-average margin percentage
BHP	21.47
All others	21.47

ITC Notification

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

before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

If this investigation proceeds normally, we will make our final determination by the 135th day after the date of publication of this notice in the *Federal Register*.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2417 Filed 2-3-93; 8:45 am]
BILLING CODE 3510-DS-P

[A-433-803]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cold-Rolled Carbon Steel Flat Products From Austria

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Judith Wey or Stephen Alley, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-6320 or (202) 482-5288, respectively.

PRELIMINARY DETERMINATION: We preliminarily determine that imports of certain cold-rolled carbon steel flat products (cold-rolled steel) from Austria are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown

in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case.

On August 19, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to Voest Alpine Stahl AG (Voest). Voest accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided Voest with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire response.

Since the Department determined at initiation that it had reasonable grounds to believe or suspect that Voest had sold cold-rolled steel in Austria at prices which were below Voest's cost of production, the Department also presented a cost of production and constructed value questionnaire (section D) to Voest.

Voest submitted sales and cost questionnaire responses in September and October 1992. Citing significant deficiencies in Voest's responses, the Department issued a supplemental sales questionnaire on November 5, 1992. Voest submitted its response to this supplemental questionnaire on November 19, 1992.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, requested status as co-petitioners in this investigation. The petition was amended to include the Steelworkers as co-petitioners on December 16, 1992.

On December 11, 1992, we notified respondent that we would allow additional time (until December 21, 1992) for it to provide additional information and remedy deficiencies in its responses. Voest submitted no additional information by the December 21, 1992, deadline.

Voest's section D response was determined to be significantly deficient, and on January 6, 1993, the Department essentially re-issued the section D questionnaire to Voest in the form of a deficiency letter and requested full responses. Voest's supplemental section

D response was received on January 21, 1993.

In a telephone conversation on January 12, 1993, we requested that counsel for Voest confirm, in writing, that Voest had reported all home market sales of the subject merchandise during the POI in its home market sales (section B) response. On January 13, 1993, Voest submitted a letter indicating that its home market sales listing consisted only of sales of identical or similar merchandise that were matched to products sold by Voest in the U.S. market during the POI. On January 15, 1993, Voest requested that it be allowed to submit additional information concerning the unreported home market sales of the subject merchandise.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Postponement of Final Determination

Pursuant to section 735(a)(2)(A) of the Act, on January 22, 1993, Voest requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone the final determination to 135 days after the date of publication of the affirmative preliminary determination. Therefore, we are postponing the final determination until the 135th day after the publication of this notice in the Federal Register.

Scope of the Investigation

The products covered by this investigation constitute a single "class or kind" of merchandise: certain cold-rolled carbon steel flat products. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, which is being published concurrently with this notice.

Period of Investigation

The POI is January 1 through June 30, 1992.

Such or Similar Comparisons

We have determined that the class or kind of merchandise covered by this investigation constitutes a single category of such or similar merchandise.

Fair Value Comparisons

To determine whether sales of cold-rolled steel from Austria to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

Although Voest responded to the Department's questionnaires, as discussed in the "Best Information Available" section of this notice below, it failed to report the majority of its home market sales. In fact, it appears that Voest may have failed to report over 90 percent of its home market sales of such or similar merchandise. Therefore, in accordance with section 776(c) of the Act, our results are based on best information available (BIA). As BIA, we used price and constructed value information provided in the petition. We compared actual U.S. import prices and average customs value U.S. prices derived from IM-145 import statistics to actual home market prices and constructed value. We based our BIA margin on an average of all of the margins in the petition.

United States Price

When basing USP on actual invoice prices of cold-rolled sheet products sold by Voest in the United States, petitioners made adjustments for movement charges based on the average CIF charges for those transactions, as derived from the corresponding IM-145 data. Petitioners also made adjustments for U.S. duty. In accordance with section 772(d)(1)(C) of the Act, petitioners added to USP the amount of value-added tax (VAT) that would have been collected had the exported merchandise been taxed.

When basing USP on average customs value derived from IM-145 statistics, petitioners added to USP the amount of the VAT that would have been collected, had the exported merchandise been taxed.

Foreign Market Value

Petitioners calculated FMV based on home market prices derived from a market research report concerning cold-rolled sheet sold in Austria. The market research report contained information on base prices; width/thickness add-ons and other add-ons, so that home market prices could reflect certain product characteristics. Petitioners made

deductions for rebates, based on information in the market research report. Petitioners made circumstance-of-sale adjustments for differences in credit expenses and the VAT.

Petitioners also calculated FMV based on constructed value information provided in the petition. Petitioners based constructed value on Voest's alleged average process costs for cold-rolled coils, adding amounts for depreciation, selling, general, and administrative expenses, and interest expenses. Petitioners added the statutory minimum eight percent for profit. Petitioners made adjustments to account for the possible variance between the costs of production for specific cold-rolled coils and the average cold-rolled coil costs of production.

Currency Conversion

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

Best Information Available

The Department's questionnaire clearly states that all sales of the subject merchandise during the POI must be reported. In our November 5, 1992, deficiency letter, we stated that "all home market sales of the subject merchandise should be reported. If you have not provided a complete sales listing, revise your response accordingly." As discussed above, on January 13, 1993, Voest submitted a letter indicating that it did not report all home market sales of the subject merchandise during the POI, but instead reported only those home market sales that were matched to U.S. sales.

When comparing the total volume of sales as reported in Voest's section A response to the total volume of reported home market sales, it becomes apparent that Voest has failed to report the vast majority of its home market sales.

Since the issuance of the questionnaire, Voest was informed that all home market sales of the subject merchandise made during the POI should be reported. Although Voest had the opportunity on three separate occasions to provide the Department with these sales, it has failed to provide this information.

The Department has allowed respondents in other concurrent steel cases to provide limited reporting of home market sales which the respondents claimed would never be matched to U.S. products (*i.e.*, product code, product control number, quantity, date of sale, sales invoice number, and

product characteristics as outlined in Appendix V of the Department's questionnaire). In this case, however, Voest did not request that it be allowed not to report these sales or that it be permitted to provide limited reporting. Without the benefit of product characteristic information for all unreported home market transactions, the Department cannot confirm that unreported merchandise would not provide the most suitable match for a U.S. sale.

In Brass Sheet and Strip From Sweden; Final Results of Antidumping Duty Administrative Review (57 FR 29278, July 1, 1992), the Department found that respondent's failure to report all home market sales of the subject merchandise "constituted 'noncompliance with an information request' within the meaning of *Olympic Adhesives, Inc. v. United States* (*Olympic*), 899 F.2d 1565, 1573 (Fed. Cir. 1990), which noncompliance justifies, indeed dictates, use of BIA here * * *. [T]he fact remains that the incomplete and inadequate responses rendered the Department unable to determine accurately the extent to which (respondent) may have sold its merchandise in the United States at prices less than foreign market value * * *."

In *Olympic*, the Court noted that "if responses provided to an information request are only partially complete in that not all questions requiring a response are answered or answers to questions do not fully or accurately supply the information requested, partial completeness under section 1677e(b) may justify resort to the best information available rule * * *. Otherwise, alleged unfair traders would be able to control the amount of antidumping duties by selectively providing ITA with information." *Olympic* at 1572.

Given that the Department has put respondents on notice of the need for strict adherence to its reporting requirements and the treatment of other respondents in companion steel investigations, we have no alternative but to assign Voest a margin based on BIA for the preliminary determination.

In determining what margin to use as BIA, the Department follows a two-tiered methodology, whereby the Department normally assigns lower margins to those respondents who cooperated in an investigation and margins based on more adverse assumptions for those respondents who did not cooperate in an investigation. A full description of the Department's BIA methodology is included in Appendix II-B to the Preliminary Determination of

Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina.

In this case, Voest apparently has attempted to comply with the Department's requests for information. Therefore, we have determined the BIA to be the average of all of the margins in the petition.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of cold-rolled steel from Austria that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Margin percentage
Voest Alpine Stahl AG	19.50
All Others	19.50

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. Accordingly, the level of export subsidies as determined in Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination: Certain Steel Products from Austria (57 FR 57881, December 7, 1992), which is 0.03 percent *ad valorem*, will be subtracted from the dumping margin for deposit or bonding purposes, resulting in a cash deposit rate of 19.47 percent for Voest and all other exporters.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

We will make our final determination by the 135th day after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2418 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-DS-P

[A-423-803, A-423-804, and A-423-805]

Notice of Preliminary Determinations of Sales at Less Than Fair Value and Postponement of Final Determinations: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From Belgium

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Mark Wells or Michelle Frederick, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3003 or (202) 482-0186, respectively.

PRELIMINARY DETERMINATIONS: We preliminarily determine that imports of certain hot-rolled carbon steel flat products (hot-rolled steel), certain cold-rolled carbon steel flat products (cold-rolled steel), and certain cut-to-length carbon steel plate (steel plate) from Belgium are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as

amended (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On July 29, 1992, the Department of Commerce (the Department) published in the Federal Register notice of an addendum (57 FR 33487) to its notice of initiation. The addendum explained that a company that decided to participate in an investigation as a voluntary respondent would be considered a mandatory respondent once it had submitted a questionnaire response.

On August 14, 1992, the U.S. International Trade Commission (ITC) issued affirmative preliminary injury determinations in these cases.

On August 19, 1992, the Department presented antidumping duty questionnaires for cold-rolled steel and hot-rolled steel to Sidmar N.V. (Sidmar), for hot-rolled steel to Cockerill Sambre S.A. (Cockerill Sambre), and for steel plate to S.A. Forges de Clabecq (Clabecq). Within each class or kind of merchandise, these respondents accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI).

In addition, we provided questionnaires to companies that had notified us of their intent to submit voluntary responses for certain classes or kinds of merchandise, as follows: Cockerill Sambre for cold-rolled steel and steel plate; S.A. Fabrique de Fer de Charleroi (FFC) for hot-rolled steel and steel plate; and Usines Gustave Boel for hot-rolled steel and cold-rolled steel.

We also provided all of the above-named companies with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

On August 31, 1992, the Department received notice, transmitted through the Belgian Embassy in Washington, that Cockerill Sambre would not respond to the questionnaire. On September 4, 1992, the Department advised Cockerill Sambre that failure to respond to the questionnaire would result in the use of best information available (BIA) for purposes of estimating Cockerill Sambre's LTFV sales of hot-rolled steel.

Usines Gustave Boel submitted no questionnaire responses in any of these investigations, and FFC did not submit

a questionnaire response in the hot-rolled steel proceeding.

As stated in our August 19, 1992, questionnaire cover letters to those firms indicating a desire to respond voluntarily, non-mandatory respondents will be subject to the "all others" deposit rate in proceedings where they submitted no questionnaire response. Because FFC submitted a response in the steel plate investigation, it is treated as a mandatory respondent for that product only.

On September 17, 1992, the Department presented to Sidmar section E of the antidumping questionnaire, which requested information on value added to hot-rolled and cold-rolled products that underwent further manufacture after importation into the United States.

Clabecq, FFC, and Sidmar submitted sales questionnaire responses in September and October 1992. The Department issued supplemental sales questionnaires in November 1992. Clabecq, FFC, and Sidmar submitted responses to these supplemental questionnaires in November and December 1992.

On December 11, 1992, we notified respondents that we would allow additional time (until December 21, 1992) for them to remedy deficiencies in, or otherwise supplement, their questionnaire responses. We received supplemental responses from FFC and Sidmar in December 1992. However, due to time constraints, the Department is not using these latest responses for purposes of the preliminary determinations. This information will, where appropriate, be verified and considered for the final determinations.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, requested status as co-petitioners in these investigations. The petitions were amended to include the Steelworkers as co-petitioners on December 16, 1992.

In November 1992, petitioners alleged that Clabecq and FFC sold steel plate in the home market at prices below their respective costs of production. In addition, petitioners alleged that Sidmar sold hot-rolled and cold-rolled steel in Belgium at prices below Sidmar's costs of production for these products. On December 21, 1992, the Department determined that it had reasonable grounds to believe or suspect that Clabecq and FFC had sold steel plate in the home market at below cost prices. Cost investigations were therefore

initiated in accordance with section 773(b) of the Act. On January 12, 1993, the Department determined that it had reasonable grounds to believe or suspect that Sidmar had sold cold-rolled steel in the home market at below cost prices. Therefore, a cost investigation was initiated in accordance with section 773(b) of the Act. The Department did not find reason to believe or suspect that Sidmar sold hot-rolled steel in the home market at below cost prices. The Department issued to Clabecq and FFC cost of production questionnaires (section D) on December 23, 1992. The Department issued to Sidmar a section D questionnaire on January 13, 1993. Responses to the section D questionnaire were not received in time for the preliminary determinations. Therefore, we will address the issue of whether respondents were selling subject merchandise in Belgium at below cost prices in our final determinations.

On November 24, 1992, petitioners amended the petitions in these investigations to allege the existence of critical circumstances with respect to imports of hot-rolled steel, cold-rolled steel, and steel plate from Belgium. On December 1, 1992, the Department sent letters to Clabecq, FFC, and Sidmar, requesting information on volume and value of shipments of the subject merchandise to the United States. We received their responses in December 1992 and January 1993.

On December 30, 1992, petitioners again amended the hot-rolled steel petition by providing additional information on the appropriate BIA margin for Cockerill Sambre.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Postponement of Final Determinations

Pursuant to section 735(a)(2)(A) of the Act, on January 14, 1993, Clabecq requested that, in the event of an affirmative preliminary determination in the investigation of steel plate, the Department postpone the final

determination to 135 days after the date of publication of the affirmative preliminary determination. Sidmar filed a similar request on January 22, 1993, with respect to the hot-rolled steel and cold-rolled steel investigations. Therefore, we are postponing the final determinations for these investigations until the 135th day after the publication of this notice in the *Federal Register*.

Scopes of the Investigations

The products covered by these investigations constitute three separate "classes or kinds" of merchandise: Certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, and certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina (Cold-Rolled Steel From Argentina), which is being published concurrently with this notice.

Period of Investigation

The POI is January 1 through June 30, 1992.

Such or Similar Comparisons

We have determined that each of the classes or kinds of products covered by these investigations constitutes a single category of such or similar merchandise. Where, within a class or kind, there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping questionnaire, which is on file in room B-099 of the main building of the Department of Commerce.

Both Clabecq and Sidmar reported that they made home market sales of secondary merchandise. As discussed in Appendix II to Cold-Rolled Steel From Argentina, we have not analyzed any of Clabecq's or Sidmar's home market sales of secondary merchandise because the companies are unable to report the product specifications of those products.

Fair Value Comparisons

To determine whether sales of hot-rolled steel, cold-rolled steel, and steel plate from Belgium to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

Both Clabecq and Sidmar reported sales of the subject merchandise to

related parties in the home market. The Department's methodology for determining whether or not to include these transactions in our calculations of FMV is discussed in Appendix II to Cold-Rolled Steel From Argentina, which is being published concurrently with this notice.

Clabecq and FFC failed to prepare their model match concordances according to the instructions set forth in Appendix V to our antidumping questionnaire. However, because of the limited number of U.S. and home market models involved, and the relatively small size of the data base, we were able to correct both companies' deficient model matching. For Clabecq, there was sufficient information on the record that we were able to adjust for differences in merchandise. With respect to FFC, where the corrected matching methodology resulted in the use of home market models for which difference in merchandise data was not on the record, statements in the questionnaire response implied that, as BIA, these model matches would be adverse to respondent. This issue will be carefully examined at verification.

Clabecq reported U.S. prices and home market prices on different weight bases. However, because statements on the record by Clabecq indicate that Clabecq's improper reporting resulted in higher margins, we have not attempted to adjust the reported prices to correct for this inconsistency. This issue will be carefully examined at verification.

Because Cockerill Sambre failed to respond to our questionnaire with respect to hot-rolled steel, we based our determination on best information available (BIA) pursuant to 19 CFR 353.37. In determining what to use as BIA, the Department follows a two-tiered methodology, whereby the Department normally assigns lower margins to those respondents who cooperated in an investigation and margins based on more adverse assumptions for those respondents who did not cooperate in an investigation. A full description of the Department's BIA methodology is included in Appendix II to Cold-Rolled Steel From Argentina.

In this case, Cockerill Sambre has been a noncooperative respondent since it did not respond to the Department's antidumping questionnaire for hot-rolled steel. Therefore, we based our determination on the higher of (1) the highest margin based on acceptable information in the petition; or (2) the margin calculated for Sidmar for hot-rolled steel (the other respondent in that investigation). We did not consider petitioners' December 30, 1992, petition

amendment for the hot-rolled steel preliminary determination.

United States Price

For Clabecq steel plate, FFC steel plate and Sidmar cold-rolled steel, we based USP on purchase price, in accordance with section 772(b) of the Act, when the subject merchandise was sold to unrelated purchasers in the United States prior to importation and because exporter's sales price methodology was not otherwise indicated. For Sidmar hot-rolled and cold-rolled steel, where certain sales to the first unrelated purchaser took place after importation into the United States, we based USP on exporter's sales price (ESP), in accordance with section 772(c) of the Act.

In accordance with section 772(d)(1)(C) of the Act, we added to USP, for both purchase price and ESP comparisons, the amount of value-added tax (VAT) that would have been collected had the exported merchandise been taxed. Because there were two VAT rates in effect during the POI, we calculated VAT for each U.S. sale using the rate effective on the date of the U.S. sale. Because some home market sales were not subject to VAT, the two rates used were adjusted to reflect the average imposition rate of VAT on home market sales.

A. Clabecq

For Clabecq, we calculated purchase price based on packed, f.o.b. prices to unrelated customers in the United States. For purposes of the preliminary determination, we accepted Clabecq's claim that sales to one customer were not related party transactions. We made deductions, where appropriate, for the following movement charges in accordance with section 772(d)(2) of the Act: foreign inland freight and foreign brokerage and handling.

We recalculated credit expenses because Clabecq's reported figures were calculated using incorrect credit periods and interest rates.

B. Cockerill Sambre

To calculate USP for sales of hot-rolled steel by Cockerill Sambre, we applied BIA as detailed in Appendix II to Cold-Rolled Steel From Argentina. Because we determined BIA to be the margin calculated for Sidmar for hot-rolled steel, the U.S. prices leading to that margin are discussed in part D of this section, below.

C. FFC

We calculated purchase price based on c.i.f., duty paid prices to unrelated customers in the United States. We

made deductions, where appropriate, for the following movement charges in accordance with section 772(d)(2) of the Act: Foreign inland freight; foreign brokerage and handling; ocean freight; marine insurance; U.S. duties, including harbor maintenance and merchandise processing fees; and U.S. brokerage and handling charges.

We recalculated inland freight charges to be VAT-exclusive because FFC's reported home market prices were inclusive of VAT that FFC paid on charges for freight services.

We recalculated the credit expenses because FFC's reported figures were calculated using the incorrect interest rates.

D. Sidmar

For sales of cold-rolled steel, we calculated purchase price based on packed, f.o.b., c&f or c.i.f., duty paid prices to unrelated customers in the United States. We made deductions, where appropriate, for discounts, and the following movement charges in accordance with section 772(d)(2) of the Act: Foreign inland freight; foreign brokerage and handling; marine insurance; ocean freight; wharfage; U.S. duties; harbor maintenance and merchandise processing fees; U.S. brokerage and handling; and U.S. inland freight.

For sales of both hot-rolled and cold-rolled steel, we calculated ESP based on packed, prepaid, collect-at-customer, or collect-at-plant prices to unrelated customers in the United States. We made deductions, where appropriate, for discounts, and for the following movement charges in accordance with section 772(e) of the Act: Foreign inland freight; foreign brokerage and handling; ocean freight; marine insurance; U.S. duties, including harbor maintenance and merchandise processing fees; U.S. brokerage and handling; U.S. inland freight from port to plant; and U.S. inland freight from plant to customer. We also made deductions, where appropriate, for direct and indirect selling expenses, in accordance with section 772(e) of the Act, as follows: Direct expenses including credit, related party commissions, Belgium-incurred warranty expenses, and U.S.-incurred warranty expenses; and indirect selling expenses including inventory carrying costs and product liability expenses.

In accordance with the Department's instructions, Sidmar reported full information for a sample of its POI ESP sales of cold-rolled products. Therefore, in calculating the overall weighted-average margin percentage, the ESP margin calculated on the sample sales was weighted by the quantity reported

for the entire universe of Sidmar's POI ESP sales of cold-rolled products.

We recalculated Belgium-incurred warranty expenses because the figures reported in the sales listing could not be reconciled with the methodology reported in the narrative part of Sidmar's questionnaire response. We also deducted an amount for U.S.-incurred warranty expenses which Sidmar reported in its narrative, but did not include in its sales listing. We accepted Sidmar's claim, for purposes of these preliminary determinations, that commissions paid to a related party for sales made in the U.S. were at arm's length. For both hot-rolled and cold-rolled products, we have treated the commission expense reported in the Sidmar's U.S. sales listing as denominated in U.S. dollars. Although Sidmar's computer variable description indicated that the commission amount was denominated in Belgian francs, Sidmar's narrative response clearly indicated that the figure reported was in dollars.

We recalculated credit, which Sidmar had incorrectly calculated on a discount-inclusive, rather than discount-net, basis.

In addition, we made further deductions, where appropriate, for all value added to the hot-rolled and cold-rolled steel in the United States, pursuant to section 772(e)(3) of the Act. The value added consists of the costs associated with the production of the further manufactured products, other than the costs associated with the imported flat-rolled steel, and a proportional amount of any profit related to the further manufacturer. Profit was calculated by deducting from the sales price of the finished product the total cost of production of the imported product, as well as all applicable movement charges, discounts, rebates, and commissions. The total profit was then allocated proportionately to all components of cost. Only the profit or loss attributable to the value added was deducted.

In determining the costs incurred to produce the hot-rolled steel or cold-rolled steel product, we included (1) the costs of manufacture; (2) movement and packing expenses; and (3) general expenses, including selling, general, and administrative expenses, and interest expenses.

Foreign Market Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating foreign market value ("FMV"), for each respondent and each class or kind of merchandise, we

compared the volume of home market sales of the subject merchandise to the volume of third country sales of that merchandise, in accordance with section 773(a)(1)(B) of the Act. We found that the home market was viable for sales of steel plate by Clabecq and FFC and hot-rolled steel and cold-rolled steel by Sidmar.

In accordance with 19 CFR 353.58, we compared U.S. sales to home market sales made at the same level of trade, where possible. Where we were not able to match at the same level of trade, we made comparisons without regard to level of trade.

For all comparisons to purchase price sales, pursuant to section 773(a)(4)(B) and 19 CFR 353.56(a)(2), we made circumstance-of-sale adjustments, where appropriate, for differences in credit expenses. For all respondents, we made circumstance-of-sale adjustments for differences between the amount of VAT collected on home market sales and the amount that would have been collected on U.S. sales had the exported merchandise been taxed. We also made adjustments, where appropriate, for physical differences in the merchandise, in accordance with 19 CFR 353.57.

For Clabecq and Sidmar, we deducted home market packing costs and added U.S. packing costs. FFC reported that it did not incur packing costs on U.S. or home market sales.

We calculated FMV based on delivered prices (FFC); delivered or ex-factory prices (Clabecq); and ex-works and free delivered prices (Sidmar). All were home market prices to unrelated customers and/or to related customers whose sales we have determined to be at arm's length, as discussed in the "Fair Value Comparisons" section of this notice.

A. Clabecq

With respect to Clabecq's steel plate sales, for home market to purchase price comparisons, we made deductions, where appropriate for discounts, rebates, and foreign inland freight, in accordance with section 773(a)(4) of the Act.

We also deducted from FMV the lesser of either (1) the amount of the commission paid on the U.S. sale; or (2) the sum of the weighted average of indirect selling expenses paid on the home market sales, in accordance with 19 CFR 353.56(b)(1). Home market indirect selling expenses consisted of, where appropriate, product liability premiums.

We recalculated credit expenses because Clabecq's reported figures were calculated using incorrect credit periods

and interest rates, and were not calculated on a discount-net basis.

Since there were no warranty claims made with respect to POI sales of steel plate, we have disallowed Clabecq's reported warranty expense.

Where appropriate, we adjusted Clabecq's reported amount for similar merchandise adjustment as described above in the "Fair Value Comparisons" section of this notice.

B. Cockerill Sambre

To calculate FMV for Cockerill Sambre, we applied BIA as detailed in Appendix II to Cold-Rolled Steel from Argentina. Because we determined BIA to be the margin calculated for Sidmar for hot-rolled steel, the FMVs leading to that margin are discussed in part D of this section, below.

C. FFC

With respect to FFC's steel plate sales, for home market to purchase price comparisons, we made deductions, where appropriate, for foreign inland freight and quality inspection expenses.

We recalculated credit using the home market short-term interest rate in effect during the POI. Where appropriate, we adjusted FFC's reported amount for similar merchandise adjustment as described above in the "Fair Value Comparisons" section of this notice.

D. Sidmar

Sidmar failed the arm's length test for sales of cold-rolled products to certain related customers in the home market. As a result, home market sales to those related customers were not used in calculating FMV. For U.S. sales that, as a result of this exclusion, no longer had a model match using Sidmar's concordance, we applied BIA as detailed in Appendix II to Cold-Rolled Steel From Argentina.

For all home market sales, technical service expenses that Sidmar had reported as direct selling expenses were reclassified as indirect selling expenses because, based on Sidmar's description, these expenses would have been incurred regardless of whether sales were made.

Finally, Sidmar claimed that end users constitute two distinct levels of trade based upon whether or not the customer is a part of the automotive industry. However, since Sidmar provided insufficient information to support its claim that sales to automotive end users constitute a level of trade distinct from sales to other end users, we have considered all sales to end users as a single level of trade for purposes of our preliminary determinations.

Purchase Price Comparisons

With respect to Sidmar's cold-rolled sales, for home market to purchase price comparisons, we made deductions, where appropriate for discounts, rebates, and foreign inland freight.

Pursuant to section 773(a)(4)(B) and 19 CFR 353.56(a)(2), we made circumstance-of-sale adjustments, where appropriate, for differences in credit expenses, differences in warranty expenses (including both Belgium- and U.S.-incurred warranty expenses), and commissions.

We adjusted for commissions as follows: Where commissions were paid on some home market sales used to calculate FMV, we deducted from FMV both (1) indirect selling expenses attributable to those sales on which commissions were not paid; and (2) commissions. The total deduction was capped by the amount of the commission paid on the U.S. sale. Where no commissions were paid on home market sales used to calculate FMV, in accordance with 19 CFR 353.56(b)(1), we deducted the lesser of either (1) the amount of the commission paid on the U.S. sale; or (2) the sum of the weighted average of indirect selling expenses paid on the home market sales. Home market indirect selling expenses included advertising, technical service expenses, warranty expenses, and inventory carrying expenses. Finally, the amount of the commission paid on the U.S. sale was added to FMV.

We recalculated Belgium-incurred warranty expenses because the figures reported in the sales listing could not be reconciled to the methodology reported in the narrative part of Sidmar's questionnaire response. We also deducted an amount for U.S.-incurred warranty expenses which Sidmar reported in its narrative, but did not include in its sales listing. We accepted Sidmar's claim, for purposes of these preliminary determinations, that commissions paid to a related party for sales made in the U.S. were at arm's length.

ESP Comparisons

With respect to Sidmar's hot-rolled sales, for home market to ESP comparisons, we made deductions, where appropriate, for discounts, rebates, and foreign inland freight. We also deducted direct expenses including warranty expenses, credit, and commissions. Finally, we deducted the weighted-average home market indirect selling expenses, including, where appropriate, advertising, technical services and inventory carrying costs.

Where commissions were paid in both markets, the deduction for home market indirect selling expenses was capped by the amount of indirect selling expenses incurred on U.S. sales. Otherwise, the deduction for home market indirect selling expenses was capped by the sum of U.S. commissions paid (if any) and U.S. indirect selling expenses, in accordance with 19 CFR 353.56(b)(1) and (2).

For home market to ESP comparisons that involved further manufacturing in the United States, the cap to the deduction for home market indirect selling expenses was the portion of U.S. indirect selling expenses and the portion of commissions (if any) attributable to the foreign-produced input product.

We deducted the amount of VAT collected on home market sales and added the amount that was not collected on the U.S. sale by reason of exportation of the merchandise.

We recalculated credit, which Sidmar had incorrectly calculated on a discount-inclusive, rather than discount-net, basis.

For hot-rolled steel, we did not deduct amounts for related party commissions that were reported as third party payments; similarly, for cold-rolled steel, we did not deduct amounts for related party commissions that were reported as rebates and third party payments. These deductions were denied for the preliminary determination because Sidmar did not adequately show that these payments represented arm's length transactions.

Currency Conversion

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

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determinations.

Critical Circumstances

Petitioners allege that "critical circumstances" exist with respect to imports of hot-rolled steel, cold-rolled steel, and steel plate from Belgium. Pursuant to section 733(e)(1) of the Act, we have analyzed the allegations using the methodology described in Appendix II to Cold-Rolled Steel From Argentina.

To determine whether there have been massive imports of hot-rolled steel, cold-rolled steel, and steel plate, we compared, on a company- and class-or-kind-specific basis, export volume for the five months subsequent to the filing

of the petition to export volume for the five months prior to the filing of the petition, using data submitted by Clabecq, FFC, and Sidmar.

In the case of Sidmar, we found that imports of the hot-rolled steel and cold-rolled steel during the period subsequent to receipt of the petition have been massive. Because Cockerill Sambre failed to participate in the investigation, we assume, as BIA, that its shipments to the United States have also been massive since the filing of the petition. In the cases of Clabecq and FFC, we found that imports of steel plate during the period subsequent to receipt of the petition have not been massive.

To determine whether the importers of hot-rolled steel and cold-rolled steel from Belgium knew, or should have known, that the products were being sold at less than fair value, we first considered the preliminary margins in these investigations, as discussed in Appendix II to Cold-Rolled Steel From Argentina. The margins do not indicate that importers of hot-rolled steel from Belgium knew, or should have known, that Cockerill Sambre and Sidmar were selling that product at prices below FMV. The margin for cold-rolled steel does not indicate that importers of cold-rolled steel from Belgium knew, or should have known, that Sidmar was selling that product at prices below FMV.

Therefore, we must determine whether there is a history of dumping in the United States or elsewhere of hot-rolled steel and cold-rolled steel from Belgium. In this case, we find that there is a history of dumping of hot-rolled steel and cold-rolled steel from Belgium because an antidumping duty order was issued covering imports into Mexico of hot-rolled steel and cold-rolled steel from the European Community.

Based on our analyses, we preliminarily determine that critical circumstances exist with respect to all companies' imports of hot-rolled steel and cold-rolled steel from Belgium. We also preliminarily determine that critical circumstances do not exist with respect to imports of steel plate from Belgium.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of steel plate from Belgium that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. For imports of cold-rolled steel and hot-rolled steel, we are directing the Customs Service to

suspend liquidation of all entries of hot-rolled steel from Belgium that are entered, or withdrawn from warehouse, for consumption on or after 90 days prior to the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Weighted-average margin percentage	Critical circumstances
Hot-Rolled Steel:		
Cockerill Sambre	4.87	Yes.
Sidmar	4.87	Yes.
All Others	4.87	Yes.
Cold-Rolled Steel:		
Sidmar	13.10	Yes.
All Others	13.10	Yes.
Steel Plate:		
Clabecq	0.77	No.
FFC	11.07	No.
All Others	0.88	No.

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "(n)o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount.

In its preliminary affirmative determinations in the concurrent countervailing duty investigations involving sales in the United States of hot-rolled steel, cold-rolled steel, and steel plate from Belgium, the Department did not find any export subsidies. Therefore, we did not need to make any offset to the AD deposit rate.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

We will make our final determinations by the 135th day after the publication of this notice in the Federal Register.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

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[A-351-814, A-351-815, A-351-816, and A-351-817]

Notice of Preliminary Determinations of Sales at Less Than Fair Value and Postponement of Final Determinations: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From Brazil

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Bruce Harsh or Alain Letort, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3793.

PRELIMINARY DETERMINATIONS: We preliminarily determine that imports of certain hot-rolled carbon steel flat products (hot-rolled steel), certain cold-rolled carbon steel flat products (cold-rolled steel), certain corrosion-resistant carbon steel flat products (corrosion-resistant steel), and certain cut-to-length carbon steel plate (steel plate) from Brazil are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992 (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued affirmative preliminary injury determinations in these cases.

On August 10, 1992, Companhia Siderúrgica Paulista (COSIPA), one of the respondents named in the petition, informed the Department of Commerce (the Department) that it had not exported the subject merchandise to the United States during the period covered by these investigations. Therefore, on August 19, 1992, the Department presented antidumping duty questionnaires to the two remaining respondents, Companhia Siderúrgica Nacional (CSN) and Usinas Siderúrgicas de Minas Gerais, S.A. (USIMINAS). We also provided CSN and USIMINAS with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

On September 3, 1992, petitioners requested that the Department expand the period of investigation (POI) for COSIPA only in order to capture sales made by COSIPA during the second half of 1991. Petitioners alleged, *inter alia*, that the Department could not capture a representative sample of Brazilian steel exports to the United States without including sales by COSIPA, which has traditionally been a high-volume steel supplier in this market. On September 14, 1992, the Department denied this request, on the grounds that none of the four reasons the Department normally requires to extend the period of investigation (long-term sales contracts, seasonal sales patterns, custom or special-order sales, or unusual sales depression resulting in too few sales for an adequate investigation) were present in these cases. Subsequent to the decision not to include COSIPA in these investigations, however, several facts came to the Department's attention which warranted revisiting the issue. These facts consisted of substantial shipments by COSIPA of the products under investigation during the second half of the POI when, by COSIPA's own admission, there should have been no shipments to the United States after March 1992. On October 8, 1992, the Department, stating that a POI which did not capture any sales by COSIPA was not representative of the normal pattern of trade in steel products imported from Brazil, expanded the POI (for COSIPA only) to the period July 1,

1991 through June 30, 1992, and presented an antidumping questionnaire and model computer program to COSIPA. On November 3, 1992, COSIPA informed the Department of its decision not to participate in these investigations and not to answer the questionnaire.

CSN and USIMINAS submitted sales questionnaire responses in October 1992. As noted above, COSIPA did not submit a sales questionnaire response to the Department. The Department issued supplemental sales questionnaires in November of 1992 to CSN and USIMINAS. CSN and USIMINAS submitted the responses to these supplemental questionnaires in December.

On June 30, 1992, petitioners alleged that COSIPA and USIMINAS sold cold-rolled steel, hot-rolled steel, and steel plate in Brazil at prices which were below the cost of production. On July 20, 1992, the Department determined that it had reasonable grounds to believe or suspect that USIMINAS had sold cold-rolled steel in Brazil below cost, and, therefore, initiated a cost investigation in accordance with section 773(b) of the Act. That same day, the Department determined that it could not initiate a cost investigation on COSIPA or on hot-rolled steel and steel plate from USIMINAS because petitioners had relied for their home-market price information on a study prepared by a consulting firm which petitioners were unwilling to identify. The Department issued USIMINAS section D of the antidumping questionnaire for cold-rolled steel only on August 19, 1992. On October 13, 1992, petitioners pointed out that home-market price information in USIMINAS' own response to section A of the antidumping questionnaire precisely matched the price information in the consulting firm's study. On October 16, 1992, the Department determined—on the basis of (a) the new home-market price information provided by USIMINAS in its response to section A of the antidumping questionnaire, and (b) the cost data contained in petitioners' cost allegation of June 30, 1992—that it had reasonable grounds to believe or suspect that USIMINAS had sold hot-rolled steel and steel plate in Brazil below cost, and, therefore, initiated additional cost investigations in accordance with section 773(b) of the Act. On the same date the Department issued section D of the antidumping questionnaire to USIMINAS for those products. USIMINAS responded to section D on October 19, 1992, for cold-rolled steel, and on December 7, 1992, for hot-rolled steel and steel plate.

On July 14, 1992, petitioners alleged that CSN sold corrosion-resistant steel in Brazil at prices which were below CSN's cost of production. On July 20, 1992, the Department determined that it could not initiate a cost investigation because petitioners had relied for their home-market price information on a study prepared by a consulting firm which petitioners were unwilling to identify. On October 16, 1992, petitioners pointed out that home-market price information in CSN's own response to section A of the antidumping questionnaire precisely matched the price information in the consulting firm's study. On October 21, 1992, the Department determined—on the basis of (a) the new home-market price information provided by CSN in its response to section A of the antidumping questionnaire, and (b) the cost data contained in petitioners' cost allegation of June 30, 1992—that it had reasonable grounds to believe or suspect that CSN had sold corrosion-resistant steel in Brazil below cost, and initiated a cost investigation in accordance with section 773(b) of the Act. The Department issued section D of the antidumping questionnaire to CSN on October 21, 1992. On December 11, 1992, petitioners alleged that CSN sold hot- and cold-rolled steel in Brazil at prices which were below CSN's cost of production. The Department is currently reviewing these allegations.

On January 19, 1993, petitioners requested that, for any of these investigations where the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the publication after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations where the preliminary determination is negative.

Postponement of Final Determinations

Pursuant to section 735(a)(2)(A) of the Act, on January 26, 1993, CSN and USIMINAS requested that, in the event of affirmative preliminary determinations in these investigations, the Department postpone the final determinations to 135 days after the date of publication of the affirmative preliminary determinations. Therefore, we are postponing the final determinations until the 135th day after

the publication of this notice in the Federal Register.

Scope of the Investigations

The products covered by these investigations constitute four separate "classes or kinds" of merchandise: Certain cold-rolled carbon steel flat products, certain hot-rolled carbon steel flat products, certain corrosion-resistant carbon steel flat products, and certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

Period of Investigation

The POI is January 1, 1992 through June 30, 1992 for CSN and USIMINAS, and July 1, 1991 through June 30, 1992 for COSIPA.

Such or Similar Comparisons

We have determined that each of the classes or kinds of the products covered by these investigations also constitute a single category of such or similar merchandise. Where, within a class or kind, there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping duty questionnaire, which is on file in room B-099 of the main building of the Department of Commerce.

Fair Value Comparisons

To determine whether sales of cold-rolled steel, hot-rolled steel, corrosion-resistant steel, and steel plate from Brazil to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

CSN and USIMINAS have reported sales of the subject merchandise to related parties in the home market. The Department's methodology for determining whether or not to include these transactions in our calculations of USP and FMV is discussed in Appendix II of the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is published concurrently with this notice.

Because COSIPA declined to answer the Department's questionnaire, we based our preliminary determinations for that company on the best information otherwise available (BIA),

in accordance with section 776(c) of the Act. In these cases, because we deemed COSIPA to be uncooperative, we used as BIA the highest of: (1) The dumping margins calculated in the petitions, or (2) the highest dumping margin calculated for either CSN or USIMINAS with respect to the relevant class or kind of merchandise.

United States Price

In accordance with section 772(b) of the Act, we based USP for both CSN and USIMINAS on purchase price, because the subject merchandise was sold to unrelated purchasers in the United States before importation.

We made several additions to purchase price. In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of certain value-added and indirect taxes¹ that would have been collected had the Brazilian government taxed the exported merchandise. In the case of CSN only, we added the ICMS to USP during the last two months of the POI when the State of Rio de Janeiro imposed this tax on exported as well as domestically sold products.

We made additional, company-specific adjustments as follows:

A. CSN

For CSN, we calculated purchase price based on packed, f.o.b. or c. & f. prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, foreign inland insurance, warehouse expenses, port and stevedore charges, and ocean freight. In a certain number of U.S. sales of hot- and cold-rolled steel, where the date of shipment was missing, we used as BIA the weighted-average of the movement charges for those sales where the date of shipment was available (see below the "Currency Conversion" section of this notice). In accordance with section 772(d)(1)(B) of the Act, we made an addition to purchase price for duty drawback, *i.e.*, import duties which were rebated or not collected by reason of the exportation of the merchandise to the United States.

¹ These taxes included:

- Fundo de Investimento Social (FINSOCIAL), or Social Investment Fund Tax;
- Imposto sobre a Circulação de Mercadorias e Serviços (ICMS), or Tax on the Circulation of Merchandise and Services, the State-level value-added tax;
- Imposto sobre Produtos Industrializados (IPI), or Tax on Industrialized Products, the Federal value-added tax; and
- Programa de Integração Social (PIS), or Social Integration Program tax.

B. USIMINAS

For USIMINAS, we calculated purchase price based on packed, c. & f. "free out" prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, foreign brokerage and handling charges, and ocean freight. We did not make the upward addition to purchase price USIMINAS had claimed for duty drawback since the respondent did not adequately document or support its claim.

Foreign Market Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating foreign market value (FMV), we compared the volume of home-market sales of the subject merchandise to the volume of third-country sales of each class or kind of subject merchandise, in accordance with section 773(a)(1)(B) of the Act. We found that the home market was viable for sales of hot- and cold-rolled steel by CSN and USIMINAS, corrosion-resistant steel by CSN, and steel plate by USIMINAS.

Publicly available information indicates that Brazil's rate of inflation, as measured by Brazil's INPC index ("Índice Nacional dos Preços ao Consumidor"—equivalent to the Consumer Price Index in the United States), was never less than 20 percent a month from October 1991 through April 1992. Furthermore, in each of the past five years, Brazil's annual inflation rate has never been lower than 225 percent (see *Conjuntura Econômica*, São Paulo, May 1992, p. 71). Under the circumstances, we have determined that Brazil's economy was hyperinflationary during the POI. In accordance with past Department practice, and in order to eliminate the distortional effects of hyperinflation, we calculated separate weighted-average FMV's for each month of the POI where product comparisons were based on identical products.

Where product comparisons were based on non-identical (similar) merchandise, we used home-market sales of similar merchandise in the same month as the date of the U.S. sale, as long as both products were produced during the month of sale, regardless of the destination. We required that both products being compared be produced during the month of the U.S. sale in order to calculate adjustments for differences in the physical characteristics of the merchandise (diffusers) based on actual variable replacement costs of manufacture. Diffusers were based on the difference

between the variable replacement costs of manufacture on the date of sale.

Where no home-market sales of similar merchandise were available for comparison in the same month as the U.S. sale, or where neither product was produced during the month of sale, regardless of destination, we used constructed value (CV) as the basis for foreign market value.

Because of Brazil's hyperinflation, we calculated CV on a monthly basis, rather than on a six-month basis (as is our normal practice), based on replacement cost of production during the month of shipment of the U.S. sale being compared.

In accordance with 19 CFR 353.58, we compared U.S. sales to home-market sales made at the same level of trade. Where we were unable to match sales at the same level of trade, we disregarded the level of trade in our comparisons.

We made an allowance for differences in commissions where commissions were paid in one market but not the other. Pursuant to 19 CFR 353.56(b)(1), we limited the allowance for differences in commissions to the amount of indirect selling expenses actually incurred in the other market.

We also adjusted for differences between certain value-added and other indirect taxes (FINSOCIAL, ICMS, IPI, and PIS) on home-market sales and that amount which would have been collected on U.S. sales if the export sales had been taxed. Because the ICMS tax rate varies with the destination of the merchandise in the home market, we simply deducted the ICMS tax from FMV and made no addition for that tax to USP, except for CSN during the last two months of the POI, when the State of Rio de Janeiro imposed the ICMS tax on exported as well as domestically sold merchandise. We also made a diffmer adjustment, in accordance with 19 CFR 353.57.

We made additional, company-specific adjustments as follows:

A. CSN

Because the overwhelming majority of its U.S. sales of hot- and cold-rolled steel products had identical matches in the home market, CSN did not quantify or report any diffmers for the small percentage of U.S. sales that had no identical, but rather similar, matches in the home market. For those sales, we based FMV on the best information otherwise available, in these cases the highest of (1) the highest non-aberrational calculated dumping margin for CSN, or (2) the average of all the margins in the petition for any company. For CSN, we calculated FMV based on prices charged to unrelated

customers in the home market. CSN also sold the subject merchandise in the home market to a related end-user. We did not apply our "arm's-length" test to those related-party sales because CSN made no attempt to substantiate its claim that those sales were in fact at arm's length. We therefore disregarded CSN's related-party home-market sales. For the remainder of CSN's U.S. sales, we calculated FMV based on at-sight, ex-works prices charged to unrelated customers in the home market. Such prices do not include taxes, packing, or movement expenses.

We made deductions, where appropriate, for discounts and rebates (except those rebates that did not affect the unit price charged to the customer, or were not used in the calculation of the gross unit price). We added U.S. packing costs to the unpacked FMV.

We disallowed the circumstance-of-sale adjustment claimed by CSN for differences in credit expenses between the home market and the U.S. market, because CSN calculated credit expenses and credit revenues in the home market on a different basis and for different periods of time, and because CSN did not report the actual credit income it earned.

B. Usiminas

For USIMINAS, we calculated FMV based on prices charged to unrelated customers in the home market. USIMINAD also sold the subject merchandise in the home market to a related party which was both an end-user and a reseller of the subject merchandise. We did not apply our "arm's-length" test to those related-party sales because USIMINAS made no attempt to substantiate its claim that those sales were in fact at arm's length. We therefore disregarded USIMINAS' related-party home-market sales where the related party was an end-user. However, we did consider in our calculations sales made by that related party to unrelated purchasers in the home market. We also disregarded home-market sales of section- and third-quality products which are not comparable to the merchandise under investigation. (See Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.)

For USIMINAS, we calculated FMV based on f.o.b. prices charged to unrelated customers in the home market. Such prices do not include ICMS, IPI, and movement expenses. We added U.S. packing costs to the unpacked FMV.

We disallowed USIMINAS' claimed circumstance-of-sale adjustment for differences in credit expenses between the U.S. and home markets, because that company did not report interest revenue, although its response indicates that USIMINAS charged its customers interest on home-market sales.

Cost of Production

Based on petitioners' allegations, and in accordance with section 773(b) of the Act, the Department initiated investigations to determine whether CSN's home-market sales of corrosion-resistant steel and USIMINAS' home-market sales of hot- and cold-rolled steel and steel plate were made at less than the cost of production (COP).

If over 90 percent of a respondent's sales of a given product were at prices above the COP, we did not disregard any below-cost sales because we determine that the respondent's below-cost sales were not made in substantial quantities nor over an extended period of time. If between 10 and 90 percent of a respondent's sales of a given product were at prices above the COP, we discarded only the below-cost sales if made over an extended period of time. Where we found that more than 90 percent of respondent's sales of a given product were at prices below the COP, we disregarded all sales of that product made in substantial quantities over an extended period of time, and calculated FMV based on constructed value (CV). We disregarded such below-cost sales because the respondents failed to demonstrate, as requested by the Department in the COP questionnaire, that those below-cost sales were made at prices permitting the recovery of all costs within a reasonable period of time in the normal course of trade.

In order to establish that sales were made over an extended period of time, we performed the following analysis on a product-specific basis: (1) If a respondent sold a product in a single month during the POI and any of those sales were below the COP, or (2) if a respondent sold a product during two months or more of the POI and any of those sales were below the COP during any two of those months, then we deemed below-cost sales to have been made over an extended period of time.

We calculated the COP based on the sum of a respondent's cost of materials, fabrication, general expenses, and home-market packing. We adjusted respondents' cost data as described below.

For CSN, the Department relied on the submitted COP and CV data except in those cases where it appeared that these

costs were not appropriately quantified and/or valued.

1. CSN reported a negative interest expense because, according to its unaudited interim "correção integral" (constant currency) financial statement for the first six months of 1992, interest income exceeded interest expense during the POI. We recalculated financial expenses as a percentage of cost of goods sold (COGS), based upon CSN's audited "legislação societária" (corporate legislation) financial statement for the fiscal year ending on December 31, 1991. We did not offset financial expenses with short-term production-related interest income, since CSN did not separately identify short-term interest income in its response.

2. CSN reported general and administrative expenses (G&A) based upon its unaudited interim "correção integral" financial statement for the first six months of 1992. We recalculated G&A as a percentage of COGS based upon CSN's audited "legislação societária" financial statement for the fiscal year ending on December 31, 1991. We adjusted G&A to include social contribution expenses and depreciation relating to G&A.

For USIMINAS, the Department relied on the submitted COP and CV data except in those cases where it appeared that these costs were not appropriately quantified and/or valued.

1. USIMINAS reported a negative interest expense because, according to its unaudited interim "correção integral" financial statement for the first six months of 1992, interest income exceeded interest expense during the POI. We recalculated financial expenses as a percentage of COGS, based upon USIMINAS' audited "legislação societária" financial statement for the fiscal year ending December 31, 1991. We did not offset financial expenses with short-term production-related interest income, since USIMINAS did not separately identify short-term interest income in its response.

2. USIMINAS reported G&A based upon its unaudited interim "correção integral" financial statement for the first six months of 1992. We recalculated G&A as a percentage of COGS based upon USIMINAS' audited "legislação societária" financial statement for the fiscal year ending December 31, 1991. We adjusted G&A to include social contribution expenses and depreciation relating to G&A. We also included operating expenses net of other income. Finally, we included non-operating expenses (net of non-operating income) because we were unable to determine

whether or not those expenses were related to operations.

3. We included in COP and CV for hot- and cold-rolled steel packing costs which USIMINAS had reported in its response but improperly deducted from COP and CV. We made no addition to COP and CV for packing for steel plate because USIMINAS did not report packing costs for steel plate. We also included inventory holding costs in COP.

4. We used the variable PLATECOM (rather than the variable PLATECOM2, as suggested by the respondent) as BIA for the cost of manufacture for steel plate in our COP and CV calculations, because the variable PLATECOM2 was improperly formatted and not usable in automated data processing.

We compared home-market selling prices, net of movement charges, rebates, and invoice corrections, to the COP for each product. We found that for some products, more than 90 percent of the sales were at prices above the COP. For other products, there were fewer than 10 percent of sales at prices above the COP. For the remainder of the products, between 10 and 90 percent of the sales were at prices above the COP.

Constructed Value

For those products without an adequate number of sales at prices above COP, we based FMV on constructed value (CV), pursuant to section 773(a)(2) of the Act. In accordance with section 773(e) of the Act, we based CV on the sum of the cost of materials, fabrication, general expenses, profit, and U.S. packing. We adjusted CV as discussed in the "Cost of Production" section of this notice. In accordance with section 773(e)(1)(B)(i) of the Act, for general expenses we included in CV the respondents' actual general expenses because they exceeded the statutory minimum of 10 percent of the cost of manufacture. In accordance with section 773(e)(1)(B)(ii) of the Act, we used the statutory minimum of eight percent for profit.

Pursuant to 19 CFR 353.56, when comparing CV to purchase price, we made circumstance-of-sale adjustments, where appropriate, for differences in credit expenses and commissions, as explained in the "Foreign Market Value" section of this notice.

We were unable to calculate CV for a small number of sales. For those sales, we based FMV on BIA, in these cases the highest of (1) the highest non-aberrational calculated dumping margin for the appropriate company and product, or (2) the average of all the margins in the petition for any company.

Currency Conversion

No certified rates of exchange, as furnished by the Federal Reserve Bank of New York, were available for the POI. In place of the official certified rates, we used the daily official exchange rates—the "sell" rate—for Brazilian cruzeiros as published by the Banco Central do Brasil.

In hyperinflationary economies, the Department ordinarily converts movement charges on U.S. sales on the date these charges become payable. In these cases, we converted charges on U.S. sales on the date of shipment, which is the closest approximation to the date the charges become payable.

Verification

As provided in section 766(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of cold-rolled steel, hot-rolled steel, corrosion-resistant steel, and steel plate from Brazil that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice. The LTFV margins are as follows:

Product/manufacturer/exporter	Weighted average margin (percent)
Certain Hot-Rolled Carbon Steel Flat Products:	
CSN	25.47
COSIPA	87.00
USIMINAS	24.16
All Others	45.54
Certain Cold-Rolled Carbon Steel Flat Products:	
CSN	8.47
COSIPA	88.00
USIMINAS	23.54
All Others	40.00
Certain Corrosion-Resistant Carbon Steel Flat Products:	
CSN	58.96
All Others	58.96
Certain Cut-to-Length Carbon Steel Plate:	
COSIPA	109.00
USIMINAS	37.72
All Others	73.96

The products under investigation are also subject to concurrent countervailing duty investigations. Article VI ¶5 of the General Agreement on Tariffs and Trade provides that "[n]o

product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. The Department has determined, in its Preliminary Affirmative Countervailing Duty Determination (sic) and Alignment of Final Countervailing Duty Determinations With Final Antidumping Duty Determinations: Certain Steel Products from Brazil (57 FR 57806—December 7, 1992), that the products under investigation benefitted from export subsidies under two different programs. One program, however, was terminated on December 31, 1991, and the other program resulted in a subsidy which was *de minimis*. The cash deposit rate for both programs was therefore zero. Accordingly, no adjustment to the dumping margin is required.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing. We will make our final determinations in these cases by June 12, 1993.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2420 Filed 2-3-93; 8:45 am]

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[A-122-820, A-122-821, A-122-822, and A-122-823]

Notice of Preliminary Determinations of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From Canada

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Jean Kemp or Art Stern, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3793.

PRELIMINARY DETERMINATIONS: We preliminarily determine that imports of certain hot-rolled carbon steel flat products (hot-rolled steel), certain cold-rolled carbon steel flat products (cold-rolled steel), certain corrosion-resistant carbon steel flat products (corrosion-resistant steel), and certain cut-to-length carbon steel plate (steel plate) from Canada are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On July 29, 1992, the Department of Commerce (the Department) published in the *Federal Register* notice of an addendum to its notice of initiations. The addendum explained that a company that decided to participate in an investigation as a voluntary respondent would be considered a mandatory respondent once it had submitted a questionnaire response.

On August 14, 1992, the U.S. International Trade Commission (ITC) issued affirmative preliminary injury determinations in these cases.

The following producers and/or fabricators of the subject merchandise

voluntarily asked, prior to the August 7, 1992 deadline for such requests, to receive questionnaires in this proceeding: Algoma Steel, Inc. (Algoma), and Continuous Color Coat, Ltd. (CCC). The following service centers also asked, prior to August 7, 1992, to receive questionnaires: Fedmet, Forsythe, Makagon, Manitoba Rolling Mills (MRM), Renown Steel (Renown), and Samuel. On August 18, 1992, the Department determined which companies would be required to respond, and decided not to accept voluntary responses from any service centers.

On August 19, 1992, the Department presented an antidumping duty questionnaire to Cold Metal Products, Inc. (CMP) for cold-rolled steel, Dofasco, Inc. (Dofasco) for hot-rolled steel, cold-rolled steel, and corrosion-resistant steel, IPSCO, Inc. (IPSCO) for steel plate, Sidbec-Dosco, Inc. (Sidbec-Dosco) for cold-rolled steel, and Stelco, Inc. (Stelco) for hot-rolled steel, cold-rolled steel, corrosion-resistant steel, and steel plate.

Within each class or kind of merchandise, these respondents accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided these respondents with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses. In addition, we provided questionnaires to companies that had notified us of their intent to submit voluntary response for certain classes or kinds of merchandise, as follows: Ipsco for the hot-rolled steel investigation and Algoma for the steel plate investigation. Ipsco had already been named as a mandatory respondent in the investigation of steel plate.

Since the Department determined at initiation that it had reasonable grounds to believe or suspect that Stelco had sold steel plate in Canada at prices which were below Stelco's cost of production, the Department initiated an investigation of Stelco's sales of steel plate (57 FR 33488, July 29, 1992) and presented section D (cost of production section) of the antidumping duty questionnaire to Stelco on August 19, 1992. However, on October 20, 1992, Stelco informed the Department that it was unable to respond to section D of the questionnaire.

On August 20, 1992, the Department determined it would not accept a voluntary antidumping response from CCC because it was related to Stelco during the period of investigation and its sales would be investigated as part of

Stelco's response. On September 2, 1992, Algoma withdrew its request for voluntary respondent status in a timely fashion. On September 4, 1992, MRM withdrew its request for voluntary respondent status in a timely fashion.

On September 17, 1992, the Department presented to CMP and IPSCO section E of the antidumping questionnaire, which concerns further manufacturing in the United States. CMP and IPSCO submitted Section E responses on October 28, 1992.

The Department received sales questionnaire responses from respondents on the following dates: September 3, October 20 and October 28, 1992 (CMP); September 3, 1992, and October 20, 1992 (Dofasco); September 3, 1992, and October 20, 1992 (IPSCO); September 4, 1992, and October 20, 1992 (Sidbec-Dosco); and September 11, 1992 (Stelco). The Department issued supplemental questionnaires on the following dates: November 10, 1992, December 16, 1992, and January 6, 1993 (CMP); November 10, 1992 (Dofasco); November 6, 1992 (IPSCO); October 9, 1992, November 10, 1992, and December 15, 1992 (Sidbec-Dosco); and November 10, 1992 (Stelco). The Department received responses to these supplemental questionnaires on the following dates: November 27, 1992, and December 21, 1992 and January 22, 1993 (CMP); November 25, 1992, December 3 and 21, 1992 (Dofasco); November 24, 1992, and December 21, 1992 (IPSCO); October 22, 1992, November 25, 1992, and December 21, 1992 (Sidbec-Dosco); and November 25, 1992 (Stelco).

On December 11, 1992, we notified respondents that we would allow additional time (until December 21, 1992) for them to provide additional information and remedy deficiencies in their responses, but that we would not use December 21, 1992, submissions for our preliminary determinations.

Due to time constraints, the Department is not using the following supplemental responses received too late to be considered for these preliminary determinations: December 21, 1992 and January 22, 1993 (CMP); December 21, 1992 (Dofasco); December 21, 1992 (IPSCO); and December 21, 1992 (Sidbec-Dosco). This information will, however, be considered for the final determinations subject to verification and comment.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture of production of subject merchandise in the United States, entered an

appearance as a co-petitioner in this investigation. The petition was amended to include the Steelworkers as co-petitioners on December 16, 1992.

Petitioners alleged that respondents had sold the following products in Canada at prices below each company's cost of production on the following dates:

CMP: Cold-rolled steel (December 8, 1992);

Dofasco: Hot-rolled steel (December 14, 1992);

IPSCO: Hot-rolled steel and steel plate (December 14, 1992);

Sidbec-Dosco: Cold-rolled steel (December 1, 1992);

Stelco: Hot-rolled steel, cold-rolled steel and corrosion-resistant steel (December 14, 1992).

The Department is considering these cost allegations. If we determine that we have reasonable grounds to believe or suspect that respondents sold one or more of the above products in Canada below cost, we will initiate additional cost investigations, as appropriate, in accordance with section 773(b) of the Act and issue section D of the antidumping questionnaire.

On January 5, 1993, the Department informed Stelco that, because it had not responded to section D of the questionnaire with regard to the steel plate investigation, Stelco would not receive any supplemental questionnaires on its sales data for steel plate.

Scope of the Investigations

The products covered by these investigations constitute four separate "classes or kinds" of merchandise: certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, certain corrosion-resistant carbon steel flat products, and certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, published concurrently with this notice.

Period of Investigation

The POI is January 1, 1992, through June 30, 1992.

Such or Similar Comparisons

We have determined that each of the classes or kinds of the products covered by these investigations also constitute a single category of such or similar merchandise. Where, within a class or kind, there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar

merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping duty questionnaire, which is on file in room B-099 of the main building of the Department of Commerce. Dofasco, Sidbec-Dosco, and IPSCO sold non-prime (secondary) merchandise in the United States and/or Canada during the period of investigation. For a discussion of our treatment of these sales see the section on "Evaluation of Non-Prime Material" in Appendix II to the Preliminary Determinations of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, published concurrently with this notice.

Best Information Available

In accordance with section 776(c) of the Act, we have determined that the use of best information otherwise available (BIA) is appropriate for Stelco's steel plate determination and that partial BIA is appropriate for CMP, and Sidbec-Dosco's cold-rolled investigations and Stelco's hot-rolled investigation. For a discussion of our general application of BIA, see the section on "Best Information Available" in Appendix II to the Preliminary Determinations of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, published concurrently with this notice.

Because Stelco failed to respond to the Department's section D (cost of production) questionnaire for the investigation on steel plate, and because this failure was so significant as to render the entire response inadequate, therefore, as best information available, we are using the highest margin in the petition on steel plate from Canada, which is 68.7 percent.

On October 28, 1992, CMP responded to the Department's section C (U.S. sales) questionnaire for exporter's sales price transactions (ESP) in an untimely fashion. The Department, however, allowed all respondents the opportunity to remedy any deficiencies by December 21, 1992. Therefore, the Department will use CMP's ESP submission for the final determination, subject to comment and verification, but will apply BIA to CMP's ESP sales for the preliminary determination.

In addition, because CMP had U.S. sales with product matches that did not meet the Department's 20-percent difference in merchandise test for similar merchandise and because CMP did not provide constructed value data, we are applying a BIA margin for those U.S. sales. See "Constructed Value" section below. As best information available, for both CMP's ESP sales and its unmatched U.S. sales, we are using

for the preliminary determination the average rate from the petition for cold-rolled steel from Canada, 45.73 percent.

Because Sidbec-Dosco also had U.S. sales with product matches that did not meet the Department's 20-percent difference in merchandise test for similar merchandise and because Sidbec-Dosco did not provide constructed value data, we are applying a BIA margin for those U.S. sales. As best information available, for Sidbec-Dosco's unmatched U.S. sales, we are using for the preliminary determination the average rate from the petition for cold-rolled steel from Canada, 45.73 percent.

Because Stelco did not provide adequate difference in merchandise adjustment data for the Department to conduct its 20-percent difference in merchandise test for similar merchandise, and because Stelco did not provide constructed value data, we are applying a BIA margin for those U.S. sales of hot-rolled steel, cold-rolled steel and corrosion-resistant steel with no matches. See "Constructed Value" section below. As best information available, for Stelco's unmatched U.S. sales of hot-rolled steel, we are using for the preliminary determination, the highest non-aberrant transaction margin calculated for Stelco from among the sales of hot-rolled steel where we were able to calculate a margin, which was 46.07 percent. As best information available, for Stelco's unmatched U.S. sales of cold-rolled steel, we are using for the preliminary determination, the average rate from the petition for cold-rolled steel from Canada, 45.73 percent. As best information available, for Stelco's unmatched U.S. sales of corrosion-resistant steel, we are using for the preliminary determination, the highest non-aberrant transaction margin calculated for Stelco from among the sales of corrosion-resistant steel where we were able to calculate a margin, which was 35.01 percent.

Fair Value Comparisons

To determine whether sales of hot-rolled steel, cold-rolled steel, corrosion-resistant steel, and steel plate from Canada to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

Dofasco, Sidbec-Dosco, and Stelco reported sales of the subject merchandise to related parties in the home market. The Department's methodology for determining whether or not to include home market sales to related parties in our calculations of

USP and FMV is discussed in Preliminary Determinations of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, published concurrently with this notice.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the Act, when the subject merchandise was sold to unrelated purchasers in the United States. For CMP, IPSCO, and Stelco, where certain sales to the first unrelated purchaser took place after importation into the United States, we based USP on ESP, in accordance with section 772(c) of the Act.

In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of value-added tax (VAT) that would have been collected had the exported merchandise been taxed. Canada imposes a seven-percent goods and services tax (GST) on products that are not exported.

We made additional, company-specific adjustments as follows:

A. CMP

For CMP's sales of cold-rolled steel, we calculated purchase price based on packed, f.o.b. prices to unrelated customers in the United States. We made deductions, where appropriate, for cash discounts, foreign inland freight, U.S. brokerage, and U.S. duties.

CMP reported its ESP sales data in an untimely fashion (See "Best Information Available" section). Because we are not considering CMP's ESP sales data for this preliminary determination, we based our antidumping margins for CMP's ESP sales on BIA in accordance with 19 CFR 353.37(a). For CMP's ESP sales we applied the average rate for cold-rolled steel from the petition, 45.73 percent.

B. Dofasco

For Dofasco's sales of hot-rolled steel, cold-rolled steel, and corrosion-resistant steel, we calculated purchase price based on prices to unrelated customers. We made deductions, where appropriate, for cash and other discounts, rebates, and the following movement charges: Foreign brokerage, handling charges, Foreign inland freight, U.S. duty, U.S. inland freight and U.S. brokerage and handling charges.

C. IPSCO

For IPSCO's sales of hot-rolled steel and steel plate, we calculated purchase price based on packed, f.o.b. and freight included prices to unrelated customers in the United States. We made

deductions, where appropriate, for discounts, U.S. inland freight, U.S. brokerage, and U.S. duty.

We calculated ESP for sales of hot-rolled steel and steel plate based on packed, ex-U.S. warehouse prices to unrelated customers in the United States. We made deductions, where appropriate, for discounts, freight to customer, freight to stockpoint, U.S. inland freight, U.S. brokerage, U.S. duty, U.S. warehousing expenses, inventory carrying costs, credit, U.S. commissions, and U.S. incurred indirect selling expenses.

In addition, where appropriate, we made further deduction for all value added to hot-rolled steel in the United States, pursuant to section 772(e)(3) of the Act. The value added consists of the costs of materials, fabrication, and general expenses associated with the production of the further manufactured hot-rolled steel in the United States, and a proportional amount of profit related to the further manufacture. Profit was calculated by deducting all applicable expenses from the sales price of the hot-rolled steel. The total profit was then allocated proportionally to all components of cost. Only the profit attributable to the value added was deducted.

In determining the costs incurred to produce the further manufactured hot-rolled sheet, the Department included (1) the costs of manufacture, (2) movement and packing expenses, and (3) general expenses, including selling, general and administrative expenses (SG&A), and interest expenses.

D. Sidbec-Dosco

For Sidbec-Dosco's sales of cold-rolled steel, we calculated purchase price based on packed, f.o.b. destination prices to unrelated customers in the United States. We made deductions, where appropriate, for discounts, rebates, U.S. and foreign inland freight, U.S. duty, U.S. warehousing, and U.S. brokerage. We recalculated the credit expense deduction because Sidbec-Dosco's reported credit interest calculations did not adequately explain why the interest rate was multiplied by two. We recalculated the credit expenses by dividing Sidbec's reported credit expenses by two and deducted this amount (see also the "Foreign Market Value" section below). To adjust for GST, because Sidbec-Dosco did not provide invoice prices, we multiplied the GST tax rate by the U.S. gross unit price and added this to both U.S. and home market prices. We rejected a level of trade adjustment because Sidbec-Dosco did not substantiate its claim.

E. Stelco

For Stelco, we calculated purchase price for sales of hot-rolled steel, cold-rolled steel and corrosion-resistant steel based on packed, delivered and ex-factory prices to unrelated customers in the United States. We made deductions, where appropriate, for discounts, rebates, U.S. brokerage, inland freight, and U.S. duty. Where appropriate, in addition to adding to USP the amount of GST which would have been collected on U.S. sales if the export sales had been taxed, we also made similar adjustments for provincial sales taxes (PST). We added to purchase price the amount of uncollected and rebated duties and taxes, and post-sale price increases.

We calculated ESP for Stelco's sales of corrosion-resistant steel based on packed, ex-U.S. warehouse prices to unrelated customers in the United States. We made deductions, where appropriate, for discounts, rebates, inland freight, U.S. brokerage, and U.S. duty. We made additional deductions, where appropriate, for U.S. credit, U.S. warranties, inventory carrying costs, warehousing, product liability premia, indirect selling expenses, and U.S. commissions. We added an amount to ESP for uncollected and rebated duties and taxes and post-sale price increases.

Foreign Market Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating foreign market value (FMV), we compared the volume of home market sales of the subject merchandise to the volume of third country sales of each class or kind of subject merchandise, in accordance with section 773(a)(1)(B) of the Act. In accordance with 19 CFR 353.48(a), we found that the home market was viable for sales of subject merchandise by all Canadian respondents.

We calculated FMV based on home market prices. We calculated FMV based on ex-factory, ex-basis point or delivered prices, inclusive of packing, to unrelated customers. See discussion in "Fair Value Comparisons" section above, for treatment of sales to related parties in the home market. In accordance with 19 CFR 353.58, we compared U.S. sales to home market sales made at the same level of trade, where possible.

For home market to purchase price comparisons, pursuant to section 773(a)(4)(B) and 19 CFR 353.56(a)(2), we made circumstance of sale adjustments, where appropriate, for credit and warranty expenses. Where appropriate,

we also made adjustments for differences between GST on home market sales and that which would have been collected on U.S. sales if the export sales had been taxed. We deducted home market packing costs and added U.S. packing costs. Where appropriate, we also made an adjustment for physical differences in the merchandise being compared, in accordance with 19 CFR 353.57.

For home market to ESP comparisons, we made deductions, where appropriate, for credit and warranty expenses. We deducted home market packing costs and added U.S. packing costs. Where appropriate, we also made an adjustment for physical differences in the merchandise, in accordance with 19 CFR 353.57. We made additional, company-specific adjustments as follows:

A. CMP

For CMP's home market to purchase price comparisons of cold-rolled steel, we calculated FMV based on delivered prices to unrelated customers in the home market. We made deductions for inland freight. Pursuant to 19 CFR 353.56, we made circumstance of sale adjustments for differences in credit expenses, warranty expenses, and technical services expenses and we deducted interest revenue from U.S. direct selling expenses. Where appropriate, we added to FMV the amount of U.S. direct expenses. Because CMP incurred only U.S. commissions, we also deducted from FMV, where appropriate, the weighted-average home market indirect selling expenses, including, where appropriate, inventory carrying costs, up to the amount of commissions incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(1).

Because the GST was not included in the gross unit price, we did not subtract it from the home market gross unit price. In accordance with our practice, we calculated that GST which would have been collected on U.S. gross unit price sales had they been taxed and added this amount to FMV.

B. Dofasco

For Dofasco's home market to purchase price comparisons for hot-rolled steel, cold-rolled steel and corrosion-resistant steel, we calculated FMV based on prices in the home market to unrelated customers and to related customers whose sales we determined to be at arm's length under our related party test discussed in the "Fair Value Comparisons" section of this notice. We made deductions for rebates, discounts, inland freight, and home market packing expenses.

Pursuant to 19 CFR 353.56, we made circumstance of sale adjustments for differences in credit expenses, warehousing, warranty expenses, and technical services expenses. Where appropriate, we added to FMV the amount of U.S. direct expenses. Because Dofasco incurred only U.S. commissions, we also deducted from FMV, where appropriate, the weighted-average home market indirect selling expenses, up to the amount of commissions incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(1).

C. IPSCO

For IPSCO, we calculated FMV based on f.o.b. and freight included prices. For home market to purchase price comparisons for hot-rolled steel and steel plate, we made deductions, where appropriate, for discounts, rebates, and inland freight. Pursuant to 19 CFR 353.56, we made circumstance of sale adjustments for differences in credit expenses. Additionally, for hot-rolled steel, we deducted home market commissions. Where appropriate, we added to FMV the amount of U.S. direct expenses. Because IPSCO incurred U.S. commissions only on its U.S. sales of steel plate, we deducted home market indirect selling expenses up to the amount of commissions incurred on U.S. sales from FMV for steel plate.

Because the GST was not included in the gross unit price, we did not subtract it from the home market gross unit price. In accordance with our practice, we calculated that GST which would have been collected on U.S. gross unit price sales had they been taxed and added this amount to FMV.

For home market to ESP comparisons for hot-rolled steel and steel plate, we made deductions, where appropriate, for discounts, rebates, credit expenses, product certification expenses, and inland freight. For both products, we also deducted from FMV the weighted-average indirect selling expenses, including where appropriate, inventory carrying costs, up to the amount of commissions in the other market, in accordance with 19 CFR 353.56(b)(1). For home market to ESP comparisons for hot-rolled steel, we also deducted home market commissions.

D. Sidbec-Dosco

For Sidbec-Dosco's sales of cold-rolled steel, we calculated FMV based on delivered prices to unrelated customers in the home market. We disregarded Sidbec's sales to its home market related customer, which were not at arm's length under our related party test discussed in the "Fair Value Comparisons" section of this notice. We

deducted a discount for prime products. We recalculated the credit expense deduction because Sidbec-Dosco's reported credit interest calculations did not adequately explain why the interest rate was multiplied by two. We recalculated the credit expenses by dividing Sidbec's reported credit expenses by two and deducted this amount (see also the "United States Price" section above). Where appropriate, we added to FMV the amount of U.S. direct expenses. We rejected Sidbec-Dosco's claims for the following adjustments because they did not specify to which sales they applied or failed to provide the data on their computer tape in time for us to use it for the preliminary determination: rebates for defective merchandise, inland freight, and warehousing expenses.

Because the GST was not included in the gross unit price, we did not subtract it from the home market gross unit price. In accordance with our practice, we calculated that GST which would have been collected on U.S. gross unit price sales had they been taxed and added this amount to FMV.

E. Stelco

For Stelco's sales of hot-rolled steel, cold-rolled steel, and corrosion resistant steel, we calculated FMV based on delivered and ex-factory prices to unrelated customers in the home market and related customers whose sales we have determined to be at arm's length under our related party test discussed in the "Fair Value Comparisons" section of this notice. We included resales by CCC, a related party customer of Stelco. In

addition to adjusting for differences between GST on home market sales and that GST which would have been collected on U.S. sales had the export sales been taxed, where appropriate, we also made similar adjustments for provincial sales taxes (PST).

For home market to purchase price comparisons of hot-rolled steel, cold-rolled steel, and corrosion-resistant steel, pursuant to section 773(a)(4)(B) and 19 CFR 353.56(a)(2), we made circumstance of sale adjustments, where appropriate, for discounts, rebates, inland freight, and direct selling expenses. Where appropriate, we added to FMV the amount of post-sale price increases and U.S. direct expenses. Because Stelco incurred only U.S. commissions, we also deducted from FMV, where appropriate, the weighted-average home market indirect selling expenses, including, where appropriate, inventory carrying costs, up to the amount of commissions incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(1).

For home market to ESP comparisons of corrosion-resistant steel, we made deductions, where appropriate, for discounts, rebates, inland freight, warranties, credit expenses, and indirect selling expenses. Where appropriate, we added to FMV the amount of post-sale price increases. Because Stelco incurred only U.S. commissions, we also deducted from FMV, where appropriate, the weighted-average home market indirect selling expenses, including, where appropriate, inventory carrying costs, up to the amount of indirect selling expenses and commissions

incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(1).

Constructed Value

No respondent supplied constructed value information. Therefore, for those U.S. sales for which we could not find a product concordance match or for which the product did not meet the 20-percent differences in merchandise test, we applied BIA, as explained in the "Best Information Available" section of this notice.

Currency Conversion

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

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of hot-rolled steel, cold-rolled steel, corrosion-resistant steel, and steel plate from Canada that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the *Federal Register*. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice. The LTFV margins are as follows:

Company	Hot-rolled	Cold-rolled	Corrosion-resistant	Plate
CMP	N/A	35.75	N/A	N/A
Dofasco	2.85	*0.47	1.62	N/A
IPSCO	1.05	N/A	N/A	*0.03
Sidbec	N/A	10.16	N/A	N/A
Stelco	10.80	3.49	7.19	88.70
All Others	3.99	10.95	5.96	88.70

*Dofasco's rate for cold-rolled steel is *de minimis*. IPSCO's rate for plate is *de minimis*.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral

presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

If this investigation proceeds normally, we will make our final determination by April 12, 1993.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Joseph A. Spetrini,
Acting Assistant Secretary for Import
Administration.

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BILLING CODE 3510-DS-P

[A-405-802]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cut-to-Length Carbon Steel Plate From Finland

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Andrew McGilvray or David J. Goldberger, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0108 or (202) 482-4136, respectively.

PRELIMINARY DETERMINATION: We preliminarily determine that imports of certain cut-to-length carbon steel plate (steel plate) from Finland are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case.

On August 19, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to Rautaruukki Oy. This respondent accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided this respondent with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

Respondent submitted its sales questionnaire response, and the

Department issued a supplemental sales questionnaire, in October 1992. Respondent submitted the response to this supplemental questionnaire in November 1992.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, requested status as co-petitioners in this investigation. The petition was amended to include the Steelworkers as co-petitioners on December 16, 1992.

On December 11, 1992, we notified respondent that we would allow additional time (until December 21, 1992) for it to provide additional information and remedy deficiencies in its responses. Rautaruukki submitted no new information by the December 21, 1992, deadline.

On December 14, 1992, petitioners alleged that Rautaruukki sold steel plate in Finland at prices which were below its cost of production. On January 7, 1993, the Department determined that it had reasonable grounds to believe or suspect that Rautaruukki had sold steel plate in Finland below cost, and, therefore, initiated a cost investigation in accordance with section 773(b) of the Act. The Department issued to Rautaruukki a cost of production questionnaire (section D) on January 7, 1993. Rautaruukki's response to section D was not received in time to be considered for this determination. However, we will consider this information for the final determination.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determination, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Postponement of Final Determination

Pursuant to section 735(a)(2)(A) of the Act, on January 15, 1993, Rautaruukki requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone the final determination to 135 days after the date of publication of the

affirmative preliminary determination. Therefore, we are postponing the final determination until the 135th day after the publication of this notice in the Federal Register.

Scope of the Investigation

The product covered by this investigation constitutes a single "class or kind" of merchandise: Certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, which is being published concurrently with this notice.

Period of Investigation

The period of investigation is January 1, 1992, through June 30, 1992.

Such or Similar Comparisons

We have determined that the products covered by this investigation constitute a single category of such or similar merchandise. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in appendix V to the antidumping duty questionnaire, which is on file in room B-099 of the main building of the Department of Commerce.

Fair Value Comparisons

To determine whether sales of certain cut-to-length carbon steel plate from Finland to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

Respondent failed to provide in its model match concordance home market matches for certain U.S. sales. In addition, respondent included in the concordance certain products which do not appear to have been sold in its home market. Therefore, some U.S. sales were left without home market matches. Because of the limited size of the data base, for certain of those unmatched U.S. sales, we were able to find alternative matches among home market products. Such rematching was possible only when respondent both (1) sold home market products of the same quality and grade (the first two criteria for this class or kind of merchandise as identified in appendix V of our antidumping questionnaire) and (2) provided differences in merchandise data for the U.S. and home market products involved. For unmatched models which we were unable to

rematch, we used as the best information available the highest margin calculated from among those sales for which we were able to calculate a margin.

Rautaruukki has reported sales of the subject merchandise to related parties in the home market. The Department's methodology for determining whether or not to include these transactions in our calculations of FMV is discussed in appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States before importation and because exporter's sales price methodology was not otherwise indicated.

We calculated purchase price based on prices to unrelated customers. We made deductions, where appropriate, for the following movement charges: Foreign brokerage, marine insurance, ocean freight, U.S. brokerage, and U.S. duty.

In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of value-added tax (VAT) that would have been collected had the exported merchandise been taxed.

We disallowed the following claimed U.S. direct expenses: Advertising, technical services, quality control and other unspecified direct selling expenses. These expenses were disallowed because Rautaruukki failed to provide sufficient information regarding the expenses or because the information provided appeared to indicate that the claimed expenses were indirect. These disallowed direct expenses have been included in the indirect expenses used to offset Rautaruukki's claimed home market commissions.

Foreign Market Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating foreign market value, we compared the volume of home market sales of the subject merchandise to the volume of third country sales of the subject merchandise, in accordance with section 773(a)(1)(B) of the Act. We found that the home market was viable for sales of certain cut-to-length carbon steel plate by Rautaruukki.

We calculated FMV based on prices charged to both unrelated and related

customers in the home market because we found Rautaruukki's sales to related customers to be at arm's length. In accordance with 19 CFR 353.58, we compared U.S. sales to home market sales made at the same level of trade, where possible. We made deductions, where appropriate, for inland freight and discounts and rebates.

Pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments for differences in credit expenses, warranty expenses, and VAT (*i.e.*, "Turnover Tax"). We deducted home market commissions and added U.S. indirect selling expenses, up to the amount of home market commissions, in accordance with 19 CFR 353.56(b)(1).

We reclassified the following claimed home market direct expenses as indirect expenses: Advertising, technical services, quality control and other unspecified direct selling expenses. These expenses were disallowed because Rautaruukki failed to provide sufficient information regarding the expenses or because the information provided appeared to indicate that the claimed expenses were indirect. We disallowed a claimed quantity adjustment because Rautaruukki failed to provide sufficient information regarding this expense to support its claim. We also disallowed Rautaruukki's various claimed rebates because Rautaruukki failed to report individual rebates in separate sales listing fields as required by our antidumping questionnaire.

Currency Conversion

No certified rates of exchange, as furnished by the Federal Reserve Bank of New York, were available for the POI. In place of the official certified rates, we used the average monthly exchange rates published by the International Monetary Fund.

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of steel plate from Finland that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Weighted-average margin percentage
Rautaruukki Oy	53.37
All Others	53.37

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

We will make our final determination by the 135th day after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2411 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-DS-P

[A-427-806, A-427-807, A-427-808, and A-427-809]

Notice of Preliminary Determinations of Sales at Less Than Fair Value and Postponement of Final Determinations: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From France

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT:

Edward Easton or Stephen Alley, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1777 or (202) 482-5288.

PRELIMINARY DETERMINATIONS: We preliminarily determine that imports of certain hot-rolled carbon steel flat products (hot-rolled steel), certain cold-rolled carbon steel flat products (cold-rolled steel), certain corrosion-resistant carbon steel flat products (corrosion-resistant steel), and certain cut-to-length carbon steel plate (steel plate) from France are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992 (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued affirmative preliminary injury determinations in these cases.

On August 19, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to Usinor Sacilor (Usinor). Usinor accounted for at least 60 percent of the exports to the United States for each of the classes or kinds of subject merchandise during the period of investigation (POI). We also provided Usinor with a standard computer program for submitting, on an optional basis, completed margin analyses along with the antidumping duty questionnaire responses.

Since the Department determined at initiation that it had reasonable grounds to believe or suspect that Usinor had sold hot-rolled steel and cold-rolled steel in France at prices which were below Usinor's cost of production, the Department also presented a cost of production questionnaire to Usinor. On September 17, 1992, the Department presented to Usinor section E of the antidumping questionnaire, which concerns further manufacturing in the United States.

On October 9, 1992, in response to Usinor's requests, the Department permitted Usinor to sample sales made by related home market steel service centers and those made by certain related U.S. steel service centers. On October 14, 1992, the Department

permitted the limited reporting of sales information by the related home market steel service centers based on Usinor's claim that other home market sales to unrelated parties and related parties would always provide either identical or the most similar matches to U.S. products.

Usinor submitted its response to the sales and cost sections of the questionnaire in November 1992. Usinor also submitted voluntarily a response to the cost questionnaire in the corrosion-resistant steel and steel plate investigations. Citing deficiencies in Usinor's sales response, the Department issued a supplemental sales questionnaire on November 18, 1992. At that time, we informed Usinor that if it responded to all outstanding requests for information by December 2 and 3, 1992, the due dates for the response to the supplemental questionnaire, the Department would use this information for these preliminary determinations. If, however, Usinor submitted the information after the specified due date, but no later than December 21, 1992, we stated that the Department would consider the information only in making its final determinations. Usinor submitted an incomplete response to the supplemental sales questionnaire on December 2 and 3, 1992.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of the like products in the United States, requested status as co-petitioners in these investigations. Petitioners amended the petitions to include the Steelworkers as co-petitioners on December 16, 1992.

On November 23, 1992, petitioners alleged that Usinor sold corrosion-resistant steel and steel plate in France at prices which were below Usinor's cost of production (COP). On December 22, 1992, the Department determined that it had reasonable grounds to believe or suspect that Usinor had sold corrosion-resistant steel and steel plate in France below the COP and, therefore, initiated additional COP investigations in accordance with section 773(b) of the Act. Inasmuch as Usinor had already submitted COP information for corrosion-resistant steel and steel plate in its original section D questionnaire response for hot-rolled and cold-rolled steel, the Department gave Usinor an opportunity to supplement those submissions.

On December 11, 1992, we notified Usinor that we would allow it to provide additional information and remedy any deficiencies in its responses

by December 21, 1992. Usinor filed an additional submission with an accompanying computer tape on December 21, 1992. On January 6, 1993, Usinor submitted a corrected computer tape.

On January 7, 1993, the Department issued a supplemental cost and further manufacturing questionnaire in the hot-rolled and cold-rolled steel investigations.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Postponement of Final Determinations

Pursuant to section 735(a)(2)(A) of the Act, on January 15, 1993, Usinor requested that, in the event of affirmative preliminary determinations in these investigations, the Department postpone the final determinations to 135 days after the date of publication of the affirmative preliminary determinations. Therefore, we are postponing the final determinations until the 135th day after the publication of this notice in the Federal Register.

Scope of the Investigations

The products covered by these investigations constitute four separate "classes or kinds" of merchandise: Certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, certain corrosion-resistant carbon steel flat products, and certain cut-to-length carbon steel plate. The full descriptions of the subject merchandise are included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

Period of Investigation

The POI is January 1 through June 30, 1992.

Such or Similar Comparisons

We have determined that each of the kinds of products covered by these investigations also constitute single

categories of such or similar merchandise. In accordance with 19 CFR 353.58, we compared U.S. sales to home market sales made at the same level of trade. We adjusted Usinor's reported levels of trade by combining automobile manufacturers with other end users.

Fair Value Comparisons

To determine whether sales of hot-rolled steel, cold-rolled steel, corrosion-resistant steel, and steel plate exported from France to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

Although Usinor responded to the Department's original and supplemental sales questionnaires, as discussed in the "Best Information Available" section of this notice, it failed to provide adequate responses in the hot-rolled steel, cold-rolled steel, and corrosion-resistant steel investigations on a timely basis for our use in the preliminary determinations. Because of this failure, we are basing the preliminary determinations in these investigations, in accordance with section 776(c) of the Act, on the best information available (BIA).

In determining what rate to use as best information available, the Department follows a two-tiered methodology, whereby the Department normally assigns lower rates to those respondents who cooperated in an investigation and rates based on more adverse assumptions for those respondents who did not cooperate in an investigation. A full description of the Department's BIA methodology is included in Appendix II-B to the notice for Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, which is being published concurrently with this notice.

In these cases, Usinor has been a cooperative respondent because it has attempted to comply with the Department's requests for information. Therefore, we have determined BIA to consist of the average of all the margins alleged in each of the respective petitions in the hot-rolled steel, cold-rolled steel, and corrosion-resistant steel investigations.

Usinor did not fully report its U.S. sales of further manufactured products until after the deadline for the submission of all information to be considered for the preliminary determinations in each of these investigations. Although this is moot for the preliminary determinations in the

hot-rolled steel, cold-rolled steel, and corrosion-resistant steel investigations, the Department assigned a BIA margin to Usinor's U.S. sales of further manufactured steel plate, as described in the "United States Price" section of this notice.

United States Price

For the preliminary determinations in the hot-rolled steel, cold-rolled steel, and corrosion-resistant steel investigations, we based USP on information in the petition. For steel plate, we have based USP on information provided by Usinor as well as information in the petition.

Petitioners provided U.S. prices based on a quoted price to U.S. customers, actual sales prices, and values derived from fourth quarter 1991, IM-145 statistics. Petitioners adjusted the actual and quoted prices by deducting foreign inland freight, ocean freight and insurance, U.S. duties, harbor maintenance and merchandising fees, and U.S. inland freight. In accordance with section 772(d)(1)(c) of the Act, petitioners added to USP the amount of value-added tax (VAT) that would have been collected had the U.S. sale been taxed.

For those allegations based upon values derived from IM-145 statistics, petitioners deducted estimated foreign inland freight expenses and added the amount of VAT that would have been collected had the U.S. sale been taxed.

For our preliminary determination in the investigation of steel plate, we based USP, in part, on purchase price, in accordance with section 772(b) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States before importation and because exporter's sales price methodology was not otherwise indicated.

We made deductions, where appropriate, for the following movement charges: Foreign brokerage, foreign inland freight, loading, marine insurance, ocean freight, U.S. brokerage, and U.S. duty. In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of VAT that would have been collected had the U.S. sale been taxed.

For steel plate, we also based USP, in part, on BIA. Usinor had reported further manufactured sales in the United States in addition to its purchase price sales. However, Usinor's further manufactured sales response was incomplete as of the December 2 and 3, 1992, deadline for submission of information to be considered for these preliminary determinations. (See the "Best Information Available" section of

this notice.) As BIA for the further manufactured U.S. sales of steel plate, we selected the highest non-aberrational calculated dumping margin from the purchase price sales transactions. See Appendix II-B to the notice for Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, which is being published concurrently with this notice, for a description of the methodology used to select BIA. We have weight-averaged this BIA margin with the weight-averaged margin calculated for all purchase price sales.

Foreign Market Value

In accordance with section 773(a)(1)(B) of the Act, we compared the volume of home market sales of subject merchandise to the volume of third country sales to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating FMV in each of these preliminary determinations. We found that the home market was viable for sales of each of the classes or kinds of merchandise subject to investigation.

For the preliminary determinations in the hot-rolled steel, cold-rolled steel, and corrosion-resistant steel investigations, we based FMV on home market price quotations and constructed value (CV) information provided in the petition. Petitioners adjusted the home market delivered price quotations by deducting estimated costs for inland freight. In addition, petitioners made circumstance of sale adjustments for credit and, in the case of price quotations, for VAT. They deducted home market packing costs and added U.S. packing costs. Finally, petitioners also made adjustments for physical differences in the merchandise being compared.

Petitioners based CV on Usinor's average process costs for hot-rolled coils, adding amounts for depreciation, selling, general, and administrative expenses, and interest expenses. Adjustments were made for possible variances between the cost of production for the specific hot-rolled coils sold to the United States and an average hot-rolled coil cost.

For the preliminary determination in the steel plate investigation, we calculated FMV based on delivered prices, inclusive of packing, to unrelated customers in the home market and to related customers whose sales we have determined to be at arm's length under our related party methodology. This methodology is explained in Appendix II-A of the Preliminary Determination of Sales at Less Than Fair

Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, which is published concurrently with this notice. We did not include in our analysis any sales to related customers that we determined were not at arm's length. We also excluded from our analysis any sales made by related parties in France of merchandise that had been purchased from Usinor, whether or not the product purchased from Usinor had been processed, further manufactured, or resold as the same product. See the "Best Information Available" section of this notice.

For purchase price comparisons, pursuant to section 773(a)(4)(B) and 19 CFR 353.56(a)(2), we made circumstance of sale adjustments for credit expenses and warranties. We also made a circumstance of sale adjustment for the difference between VAT on home market sales and that which would have been collected on U.S. sales if the export sales had been taxed. We deducted home market packing costs and added U.S. packing costs.

We recalculated home market credit expenses by reducing Usinor's claimed credit days because not all of Usinor's customers appear to benefit from the number of credit days reported and the Department cannot determine, from the responses to our questionnaire, which customers enjoy the different terms. Usinor also claimed a credit day for bank processing that is inconsistent with the Department's practice of using the date the funds from the sale are deposited as the date of payment.

We also recalculated Usinor's claimed U.S. credit expenses. We added credit days because Usinor reported credit days as of the time merchandise was invoiced by the related U.S. importer rather than from the time the merchandise was shipped from the mill in France. We also used the average Bankers Acceptance Rates in effect in the United States during the POI as the interest rate because Usinor subsidiaries had actual borrowings in the United States.

We disallowed Usinor's claim that warranty expenses were a direct selling expense in the home market because the reported expenses were not specific to the class or kind of merchandise.

In addition, we considered payments between related Usinor companies on U.S. sales as commissions because they were directly tied to sales. Moreover, as BIA, we determined these related party commissions to be at arm's length because Usinor provided no information addressing the arm's length criteria set out in our questionnaire. We applied the commissions to the gross unit price of the merchandise because we do not

have the FOB port of export value available to us.

Best Information Available

A. Inaccurate Reporting of Product Control Numbers

On December 21, 1992, more than two weeks after the December 3, 1992, deadline for the submission of all information to be considered for the preliminary determinations, Usinor reported that home market sales listings with corrected control numbers in the hot-rolled steel, cold-rolled steel, and corrosion-resistant steel investigations would be submitted not later than January 6, 1993. Therefore, for purposes of our preliminary determinations, we are assigning margins based on BIA in the investigations of hot-rolled steel, cold-rolled steel, and corrosion-resistant steel. We will, however, consider all information submitted by December 21, 1992, for our final determinations.

The Department's questionnaire instructs respondents to assign a unique control number to each product for every data base in which that product is reported. Usinor did not assign control numbers to its reported home market sales listings correctly in each of these three investigations, as the company admitted in a submission on December 21, 1992.

The incorrect control numbers Usinor submitted in response to the Department's supplemental sales questionnaire in the hot-rolled steel, cold-rolled steel, and corrosion-resistant steel investigations, render the computer tapes inadequate and not useable in the preliminary determinations for the following reasons: (1) Identical home market products may not have been assigned the same control numbers; (2) Home market sales that should have been matched to identical U.S. products may not have been so matched; and (3) U.S. products may not have been matched to the identical or the most similar home market product. For the Department to rely on faulty product coding as the basis for its price comparisons in these investigations would necessarily result in the Department's making incorrect product comparisons that, in turn, would thwart any appropriate price comparisons.

For the Department to use the corrected computer tapes submitted by Usinor on January 6, 1993, would require us to use information supplied well after the clearly established cut-off date for the submission of information used in making these preliminary determinations.

B. Sales of All Products Made by Usinor's Related Parties in France

Usinor has many related companies in the home market to which it "sells" each of the subject classes or kinds of steel. They, in turn, resell, reprocess, or remanufacture it. On the basis of Usinor's representations that the home market sales of these companies, involving steel purchased from Usinor, would never be appropriate for comparisons to U.S. sales, the Department permitted Usinor to report limited information for all sales made by the largest three such related companies and to report limited information for sample invoices by the others. On December 21, 1992, past the deadline for reporting information for use in the preliminary determinations, Usinor reported limited information for all the home market sales of six additional companies because an analysis of their sampled invoices revealed that certain sales would have been appropriate matches to United States sales. Later, in the course of analyzing the computer tapes submitted with the December 2 and 3, 1992, response, the Department found tens of thousands of reported sales transactions by these related companies with incorrect prices or incorrect units of measurement applied to sales quantities. Accordingly, the Department determined that the home market sales reported by these related companies were not useable for our preliminary determinations and decided to use only those home market sales to unrelated purchasers or to other related purchasers that passed the Department's arm's length pricing test, as referenced in the "Foreign Market Value" section of this notice and discussed in detail in Appendix II-A to the notice for Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, which is being published concurrently with this notice.

C. Further Manufactured U.S. Sales of Steel Plate

After its December 2 and 3, 1992, response, Usinor reported an indeterminate number of additional sales and additional price adjustments made by its related steel service centers in the United States. (All such sales made by related steel service centers in the United States are further manufactured transactions.) Because this information, too, was submitted after the deadline for the submission of all information to be considered for the preliminary determinations, the Department assigned a BIA margin for

the further manufactured sales reported in the steel plate investigation.

Currency Conversion

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

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determinations.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of hot-rolled steel, cold-rolled steel, corrosion-resistant steel, and steel plate from France that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice. The LTFV margins are as follows:

Producer/manufacturer/exporter	Average margin
Certain Hot-Rolled Carbon Steel Products:	
Usinor	12.39
All Others	12.39
Certain Cold-Rolled Carbon Steel Products:	
Usinor	13.92
All Others	13.92
Certain Corrosion-Resistant Carbon Steel Flat Products:	
Usinor	10.58
All Others	10.58
Producer/manufacturer/exporter	Weighted-average margin
Certain Cut-to-Length Carbon Steel Plate:	
Usinor	23.70
All Others	23.70

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping and export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of a margin attributable to export subsidies, there is no reason to require a case deposit or bond for that amount.

In a preliminary affirmative determination in the concurrent countervailing duty investigation

involving sales in the United States of hot-rolled steel, cold-rolled steel, corrosion-resistant steel, and steel plate by Usinor, the Department did not find any export subsidies. We therefore have not taken action to offset the antidumping deposit rate to comply with section 772(d)(1)(D) of the Act.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

We will make our final determinations by the 135th day after the publication of this notice in the Federal Register.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2412 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-DS-P

[A-428-813, A-428-814, A-428-815, and A-428-816]

Preliminary Determinations of Sales at Less Than Fair Value and Postponement of Final Determinations: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From Germany

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Cynthia Thirumalai, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2616 and (202) 482-4087, respectively.

PRELIMINARY DETERMINATIONS: We preliminarily determine that imports of certain hot-rolled carbon steel flat products (hot-rolled steel), certain cold-rolled carbon steel flat products (cold-rolled steel), certain corrosion resistant carbon steel flat products (corrosion resistant steel), and certain cut-to-length carbon steel plate (steel plate) from Germany are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued affirmative preliminary injury determinations in these cases.

On August 19, 1992, the Department of Commerce (the Department) presented antidumping duty questionnaires on hot-rolled steel to Preussag Stahl AG (Preussag), on hot-rolled steel and cold-rolled steel to Klöckner Stahl GmbH (Klöckner), on cold-rolled steel and corrosion resistant steel to Thyssen Stahl AG (Thyssen), and on steel plate to AG der Dillinger Hüttenwerke (Dillinger). Within each class or kind of merchandise, these respondents accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided the respondents with a

standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

Section A responses containing general company information were received on September 3, 1992, from Dillinger, Klöckner, Preussag and Thyssen. On September 17, 1992, the Department presented section E of the antidumping questionnaire pertaining to further manufacturing in the United States to Preussag, Thyssen, and Dillinger. On October 20, 1992, responses to sections B and C of the questionnaire regarding home market and U.S. sales, respectively, were received from Dillinger, Klöckner, Preussag and Thyssen. On November 4, 1992, Preussag and Thyssen submitted responses to the section E questionnaire. Dillinger's November 4, 1992, response to Section E lacked the required computer tape and was, therefore, not complete. As a result, Dillinger's Section E response was rejected by the Department as untimely filed (see memorandum from case team to Francis J. Sailer, Deputy Assistant Secretary for Investigations, of November 17, 1992). Dillinger objected to the Department's decision to reject its section E response on December 16, 1992.

The Department informed Dillinger on November 3, 1992, that a rebracketed proprietary version and a new public version of its Section A response would be required since the bracketing of proprietary information in the proprietary version and the summarization of proprietary information in the public version of the response were not adequate. Dillinger submitted revised proprietary and public versions of its section A response on November 4, 1992.

The Department issued supplemental questionnaires pertaining to Sections A, B and C of the questionnaire to Dillinger, Klöckner, Preussag and Thyssen on November 4, 1992. Dillinger submitted responses to its supplemental questionnaire on November 18, 1992; Klöckner filed its supplemental responses on November 19, 1992. On November 18, 1992, Preussag and Thyssen submitted only narrative responses. After being informed by the Department that revised computer tapes accompanying the responses would also be required, both Preussag and Thyssen submitted revised computer tapes on November 20 and 23, 1992, respectively.

On November 16, 1992, Dillinger requested that it be allowed to report only a limited sample of sales made by a related reseller. The Department

issued sampling instructions to Dillinger on November 18, 1992.

On November 18, 1992, Theis Precision Steel Corporation, an importer of certain hot-rolled steel products, requested that seat belt retractor spring steel, piston ring steel, shock absorber steel, throwaway blade steel, and carbon band saw steel be classified as distinct classes or kinds of merchandise separate from hot-rolled steel and, thus, excluded from the scope of investigation. A consumer of the products imported and subsequently converted by Theis, Kern-Liebers USA, supported the request of Theis to exclude certain products from the scope of the investigation of hot-rolled steel on January 7, 1993. Petitioners objected to the request by Theis on January 15, 1993. This request is addressed in Appendix I of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina which is being published concurrently with this notice.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, requested status as co-petitioners in these investigations. Petitioners amended the petitions to include the Steelworkers as co-petitioners on December 16, 1992.

On November 25, 1992, petitioners filed a request to amend the scopes of the investigations. Dillinger objected to petitioners' requested scope amendments on December 31, 1992.

In November 1992, petitioners alleged that Preussag and Klöckner sold hot-rolled steel, that Klöckner and Thyssen sold cold-rolled steel, that Thyssen sold corrosion resistant steel, and that Dillinger sold steel plate in the home market at prices below the cost of production (COP).

During the month of December, the Department received comments from Preussag, Klöckner, Thyssen, and Dillinger regarding petitioners' allegations of sales below COP in the respective cases, and rebuttal comments from petitioners. On December 21, 1992, the Department determined that it had reasonable grounds to believe or suspect that Preussag had sold hot-rolled steel, that Thyssen had sold cold-rolled and corrosion resistant steel, and that Dillinger had sold steel plate in the home market below COP. As a result, the Department initiated sales below cost investigations in accordance with section 773(b) of the Act. A sales below cost investigation was not initiated regarding Klöckner at the same time

because proprietary information in petitioners' allegation regarding Klöckner was not properly summarized in the public version. Petitioners submitted an updated public version of its allegation of sales below cost regarding Klöckner on December 11, 1993. On January 12, 1993, the Department determined that it had reasonable grounds to believe or suspect that Klöckner had sold hot-rolled and cold-rolled steel in the home market below COP and, therefore, initiated a sales below cost investigation. The Department issued section D of the questionnaire pertaining to COP and constructed value (CV) to Thyssen and Dillinger on December 22, 1992, and to Klöckner on January 13, 1993. The Department did not issue Preussag section D of the antidumping questionnaire for reasons explained below (see Best Information Available section of this notice). Allegations of sales below cost were not received in time for the Department to perform sales below cost analyses for the preliminary determinations. Therefore, we will address the issue of whether respondents were selling subject merchandise in Germany at prices below COP in our final determinations.

On December 2, 1992, Dillinger submitted the sample of sales made by its related reseller; however, it failed to follow the Department's instructions and, as a result, reported an incorrect sample. Petitioners objected to Dillinger's sampling methodology on December 8, 1992.

On December 11, 1992, we notified all respondents that they would be given additional time to supplement information on the record and to remedy deficiencies in their responses on or before December 21, 1992. We received supplemental responses from Klöckner, Thyssen and Dillinger.

Petitioners filed comments in advance of the Department's preliminary determinations regarding the responses of Dillinger on January 8 and 15, 1993; of Klöckner on January 6, 1993; of Preussag on January 7 and 19, 1993; and of Thyssen on January 8, 1993. Klöckner responded to petitioners' comments on January 14, 1993. In response to a request from the Department, Thyssen made a submission on January 15, 1993, clarifying certain information in its responses.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided

that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Postponement of Final Determinations

Pursuant to section 735(a)(2)(A) of the Act, Dillinger, Klöckner, Preussag and Thyssen in January 1993 requested that, in the event of affirmative preliminary determinations in their respective investigations, the Department postpone the final determinations to 135 days after the date of publication of the affirmative preliminary determinations. Therefore, we are postponing the final determinations until the 135th day after the date of publication of this notice in the Federal Register.

Scope of the Investigations

The products covered by these investigations constitute four separate "classes or kinds" of merchandise: Certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, certain corrosion resistant carbon steel flat products, and certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina which is being published concurrently with this notice.

Period of Investigation

The POI is January 1 through June 30, 1992.

Such or Similar Comparisons

We have determined that each of the classes or kinds of products covered by these investigations also constitute single categories of such or similar merchandise. Where, within a class or kind, there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping duty questionnaire, which is on file in room B-099 of the main building of the Department of Commerce. We made comparisons at the same level of trade, where possible. Where we were not able to match sales at the same level of trade, we made comparisons without regard to level of trade. We adjusted Thyssen's reported levels of trade by combining automobile manufacturers with other end users.

Best Information Available

We based our preliminary determinations on the best information available (BIA) in accordance with section 776(c) of the Act, for Dillinger (steel plate), Klöckner (hot-rolled and cold-rolled steel) and Preussag (hot-rolled steel).

Dillinger

On November 16, 1992, Dillinger requested that it be allowed to report a sample of sales made by a related reseller in the home market. In its letter granting Dillinger permission to sample these sales, the Department said, "given the late date on which you notified us of your reporting burden and the fact that this burden only applies to home market sales, no extensions will be granted beyond December 2, 1992. If your response is unclear or inadequate, it will be rejected." As stated above in the Case History section of this notice, Dillinger failed to sample properly sales made by the related reseller in the home market. As a result, its sampling methodology resulted in a disproportionate share of sampled sales being taken from the latter part of the POI. Because of concerns over Dillinger's self-selection of sample data, the Department determined that information submitted by Dillinger pertaining to its sampled sales was unusable. Furthermore, Dillinger's home market sales information was incomplete as of December 2, 1992, the last date by which the Department stated that information on the sampled sales could be submitted for consideration in the preliminary determination.

Unlike other respondents that reported sales to related customers and claimed that these sales were at arm's length, Dillinger has not reported sales to its related customers nor made a claim that such sales are at arm's length. Accordingly, we consider the sales made by Dillinger's related reseller essential to performing our less than fair value analysis. Therefore, we are basing our preliminary determination for Dillinger on BIA (see memorandum to R. Moreland, Acting Deputy Assistant Secretary for Investigations, of December 14, 1992).

In its letter of December 11, 1992, the Department allowed Dillinger to provide a corrected sample and to remedy other deficiencies in its responses for consideration for the final determination. On December 21, 1992, Dillinger submitted a revised sample in response to the December 11, 1992 letter. Dillinger's revised sample will be subject to verification and, if found to be

appropriate, considered for our final determination.

Klöckner

For many home market sales, Klöckner failed to report transaction prices in either its original questionnaire response or its deficiency response. In addition, Klöckner reported sales to related resellers claiming that these were arm's length transactions. In its December 21, 1992, submission in response to the Department's invitation to remedy outstanding deficiencies and supplement information on the record, Klöckner provided none of the missing price information.

Home market sales without price information were made to both related and unrelated customers, and include the majority of home market products matched to U.S. sales. As a result, we are unable to perform the arm's length test outlined in Appendix II-A of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina. We find that any calculation of estimated preliminary dumping margins based on Klöckner's reported information in its present form would be unreliable given the large number of home market sales lacking price information and our inability to perform the arm's length test for related party transactions. Therefore, we are basing our preliminary determinations for Klöckner on BIA (see memorandum from case team to Richard W. Moreland of January 25, 1993).

Preussag

In its October 20, 1992, response to Section B of the questionnaire, Preussag failed to report home market sales of slit coils and cut-to-length sheets believing these products would not be matched to U.S. sales. The Department's deficiency letter of November 4, 1992, repeated its instructions in the questionnaire requiring Preussag to report all home market sales, with explicit reference to sales of slit coil and cut-to-length sheet. In Preussag's November 19, 1992, response to the deficiency letter, it again failed to report sales of slit coil and cut-to-length sheet. The Department made an additional request for complete home market sales reporting of subject merchandise in its letter of December 11, 1992. In Preussag's December 21, 1992, response to the December 11, 1992, letter, it failed, for the third time, to provide complete home market sales information.

Without any information on the record regarding Preussag's home market sales of slit coil and cut-to-length sheet, we are unable to ascertain

whether the products Preussag has reported are the most appropriate matches for U.S. products. In addition, the Department has given Preussag ample opportunity to provide complete information on its home market sales of subject merchandise. To allow Preussag to choose what it considers to be the most appropriate match to U.S. products and disregard the Department's requests for information in this matter might encourage future respondents to also selectively report home market sales. Therefore, we have assigned Preussag an estimated dumping margin based on BIA for the preliminary determination, and intend not to verify its data.

BIA Margins

Since Dillinger, Klöckner and Preussag have attempted to comply with the Department's requests for information, we have assigned to them the BIA rate for cooperative respondents. For a detailed explanation of the methodology used to calculate the BIA rate, see Appendix II-B of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina which is being published concurrently with this notice.

Fair Value Comparisons

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales for each class or kind of the subject merchandise to the volume of third country sales of each class or kind of subject merchandise, in accordance with section 773(a)(1)(B) of the Act. We found that the home market was viable for all respondents and their respective sales of the relevant classes or kinds of merchandise.

To determine whether sales of hot-rolled steel, cold-rolled steel, corrosion resistant steel and steel plate from Germany to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV) for each company, as specified in the "United States Price" and "Foreign Market Value" sections of this notice. As stated above, we based USP and FMV on information provided in the petition for Dillinger, Klöckner and Preussag. We based our margin calculation for Thyssen on its submitted data.

United States Price

Dillinger, Klöckner, and Preussag

We based USP on information contained in the petition for Dillinger, Klöckner and Preussag. Petitioners' estimates of USP are based on actual delivered price quotations to U.S. customers obtained from domestic industry sources, and on customs values taken from IM-145 import statistics.

Petitioners adjusted the delivered price quotations for foreign inland freight, ocean freight and insurance, U.S. duty, harbor maintenance fees, merchandise processing fees, and U.S. inland freight. In making price-to-price comparisons, petitioners added to USP the amount of value-added tax (VAT) that would have been collected had the U.S. sale been taxed, in accordance with section 772(d)(1)(C) of the Act. Petitioners deducted amounts for foreign inland freight from the customs values.

Thyssen

We based USP for both cold-rolled and corrosion resistant steel on exporter's sales price (ESP), in accordance with section 772(c) of the Act, because all sales to the first unrelated purchaser took place after importation into the United States.

We calculated ESP based on packed prices at which the merchandise was sold at various terms to unrelated customers in the United States. In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of VAT that would have been collected had the U.S. sale been taxed. We also added an amount for currency exchange gains realized by Thyssen.

We made deductions, where appropriate, for cash discounts, foreign inland freight, marine insurance, ocean freight, U.S. customs duty, merchandising processing fee, harbor maintenance fee, inland freight to Thyssen's U.S. warehouses, U.S. inland freight to the customer, U.S. customs brokerage, credit expense, warranty expenses, technical services expenses, warehouse expenses, inventory carrying cost, other indirect selling expenses incurred in the United States, and a portion of the claimed non-U.S. indirect selling expenses incurred in Germany. We disallowed the remaining portion of indirect selling expenses incurred in Germany for the reasons stated below in the Foreign Market Value section of this notice.

In addition, we made further deductions, where appropriate, for all value added in the United States, pursuant to section 772(e)(3) of the Act. The value added consists of the costs

associated with the production of the further manufactured products, other than the costs associated with the imported products and a proportional amount of any profit related to the further manufacture. Profit was calculated by deducting all applicable expenses from the sales price. The total profit was then allocated proportionally to all components of cost. Only the profit attributable to the value added in the United States was deducted.

In determining the costs incurred to produce the further manufactured products, the Department included (1) the costs of manufacture; (2) movement and packing expenses; and (3) general expenses, including selling, general and administrative expenses, and interest expenses.

Thyssen omitted from its questionnaire response the materials portion of U.S. manufacturing cost for certain further manufactured sales which had not undergone further manufacture as of the time Thyssen replied to the relevant portion of our questionnaire. For the purpose of these preliminary determinations, we have assigned these sales a margin based on BIA pursuant to section 776(c) of the Act because Thyssen failed to report estimates of the materials costs that will eventually be incurred, thereby understating its further manufacturing expenses on these sales. As BIA, we assigned the highest non-aberrational margin calculated for any other sale made by Thyssen pursuant to our methodology outlined in Appendix II of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina.

In addition, Thyssen omitted cost of production information for the product imported into the United States on certain sales for which further manufacturing was performed in the United States by parties unrelated to Thyssen. Without such information, we are unable to calculate the amount of profit to be allocated to the further manufacturing cost of these sales. We therefore used BIA to determine the profit allocation amount. As BIA, we have used the highest allocated profit figure which we calculated for any other sale.

Foreign Market Value

Dillinger, Klöckner and Preussag

We calculated FMV based on information contained in the petition for Dillinger, Klöckner and Preussag. Petitioners' estimates of FMV are based on price quotations and price lists

obtained through market research in Germany, and CV.

Ex-freight basis point prices were adjusted by petitioners for price extras, discounts, and inland freight, where appropriate, to arrive at ex-factory prices. Petitioners then made circumstance of sale adjustments to account for differences in credit expenses between Germany and the United States. Petitioners deducted home market packing costs and added packing costs for U.S. sales. In accordance with section 772(d)(1)(C) of the Act, petitioners also added the amount of VAT that would have been incurred had the U.S. sale been taxed.

To calculate CV, petitioners used the costs of producing the subject merchandise by a domestic producer and adjusted these costs for known differences between Germany and the United States. Costs of manufacturing a base product for each class or kind of merchandise, including materials, labor, overhead and depreciation, were adjusted to calculate the costs of manufacturing (COMs) of individual products. To the COMs, petitioners added an amount for selling, general and administrative expenses (SG&A) to arrive at the COP for each individual product. As SG&A, petitioners used the higher of amounts calculated from the financial statements of German producers, or the statutory minimum of ten percent, as appropriate. To the COP for each product, petitioners added the statutory minimum of eight percent for profit, and an amount for packing.

Thyssen

Thyssen reported sales of the subject merchandise to related customers in the home market. In this case, we disregarded certain home market sales to related customers that we found not to be arm's length transactions. The Department's methodology for determining whether or not to include these transactions in our calculations of FMV is discussed in Appendix II of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina. For U.S. sales left with no home market comparison products as a result of performing the arm's length test, we assigned margins based on BIA. As BIA, we used the highest calculated non-aberrational margin.

We calculated FMV based on ex-freight basis point prices to unrelated customers in the home market and to related customers whose sales we have determined to be at arm's length. We made deductions for discounts, commissions, insurance, freight adjustments, and credit and warranty

expenses. We also deducted from FMV the weighted-average home market indirect selling expenses, up to the amount of indirect selling expenses incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(2), or, for those U.S. sales which have undergone further manufacturing in the United States, up to the amount of indirect selling expenses incurred on U.S. sales attributable to the foreign input product. However, for home market products compared to further manufactured sales for which Thyssen omitted cost of production information (see United States Price section of this notice), we did not deduct home market indirect selling expenses because we were unable to calculate the amount of indirect selling expenses attributable to the foreign input product. In addition, we disallowed part of the claimed adjustment for home market indirect selling expenses because these expenses were inadequately explained and, based on the description provided, appeared in part to be production costs, rather than selling expenses. (As noted above, we also adjusted reported U.S. indirect selling expenses by disallowing the same portion of the expenses incurred on U.S. sales.) We also made a circumstance of sale adjustment for the difference between VAT on home market sales and that which would have been collected on U.S. sales if the export sales had been taxed. We deducted home market packing costs and added U.S. packing costs.

Currency Conversion

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank in accordance with 19 CFR 353.60.

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determinations.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of hot-rolled steel, cold-rolled steel, corrosion resistant steel and steel plate from Germany that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Average margin percentage
Hot-Rolled Steel:	
Preussag Stahl AG	29.02
Klöckner Stahl GmbH	29.02
All Others	29.02
Cold-rolled Steel:	
Klöckner Stahl GmbH	23.54
Thyssen Stahl AG	11.13
All Others	15.00
Corrosion Resistant Steel:	
Thyssen Stahl AG	5.04
All Others	5.04
Steel Plate:	
Dillinger Hüttenwerke	16.29
All Others	16.29

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping and export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount.

In its preliminary affirmative determinations in the concurrent countervailing duty investigations involving sales in the United States of hot-rolled steel, cold-rolled steel, corrosion resistant steel and steel plate from Germany, the Department did not find any export subsidies. Therefore, we did not need to make any offset to the antidumping duty deposit rate.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

We will make our final determinations by the 135th day after the publication of this notice in the Federal Register.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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[A-475-806 and A-475-807]

Notice of Preliminary Determinations of Sales at Less Than Fair Value; Certain Cold-Rolled Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Italy

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Lori Way or Judith Wey, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0656 or (202) 482-6320, respectively.

PRELIMINARY DETERMINATIONS: We preliminarily determine that imports of certain cold-rolled carbon steel flat products (cold-rolled steel) and certain cut-to-length carbon steel plate (steel plate) from Italy are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued affirmative preliminary injury determinations in these cases. The ITC also issued a negative preliminary determination with respect to certain hot-rolled carbon steel flat products from Italy, an investigation which was initiated concurrently with the cold-rolled steel and steel plate investigations.

On August 19, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to ILVA, S.p.A. (ILVA).

This respondent accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided ILVA with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

Since the Department determined at initiation that it had reasonable grounds to believe or suspect that ILVA had sold cold-rolled steel and steel plate in Italy at prices which were below ILVA's cost of production, the Department also presented a cost of production and constructed value questionnaire (section D) to ILVA.

ILVA submitted sales and cost questionnaire responses in September and November 1992. Citing significant deficiencies in ILVA's sales responses, the Department issued a supplemental sales questionnaire on November 20, 1992. ILVA submitted its responses to this supplemental questionnaire in December 1992.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, requested status as co-petitioners in these investigations. The petitions were amended to include Steelworkers as co-petitioners on December 16, 1992.

ILVA's section D cost response was determined to be significantly deficient. On December 10, 1992, the Department issued a supplemental section D cost questionnaire.

On December 11, 1992, we notified respondent that we would allow additional time (until December 21, 1992) for it to provide additional information and remedy deficiencies in its responses. ILVA submitted some additional information by the December 21, 1992, deadline.

On January 15, 1993, the deadline for ILVA's section D deficiency response, ILVA informed the Department that it was not providing its supplemental section D information at this time. ILVA did not request an extension of time to file this response.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel

products for which the preliminary determinations were affirmative.

Petitioners submitted comments on January 22, 1993, and requested that we consider these comments for our preliminary determinations. These comments were submitted too late for consideration for the preliminary determinations, but will be considered for the final determinations.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Scope of the Investigations

The products covered by these investigations constitute two separate "classes or kinds" of merchandise: Certain cold-rolled carbon steel flat products and certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

Period of Investigation

The POI is January 1 through June 30, 1992.

Such or Similar Comparisons

We have determined that the classes or kinds of merchandise covered by these investigations constitute single categories of such or similar merchandise.

Fair Value Comparisons

To determine whether sales of cold-rolled steel and steel plate from Italy to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

Although ILVA responded to the Department's original sales and cost questionnaires and the supplemental sales questionnaire, as discussed in the "Best Information Available" section of this notice below, it failed to provide adequate responses. In addition, ILVA failed to provide a supplemental section D response. Therefore, in accordance with section 776(c) of the Act, our results are based on best information available (BIA).

In determining what margin to use as BIA, the Department follows a two-tiered methodology, whereby the Department normally assigns lower margins to those respondents who cooperated in an investigation and

margins based on more adverse assumptions for those respondents who did not cooperate in an investigation. A full description of the Department's BIA methodology is included in Appendix II-B to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

We considered ILVA to be a cooperative respondent in these investigations until it indicated that it would not respond to our supplemental section D questionnaire by the due date. Further, ILVA did not request an extension of time to file this response. When it failed to file its supplemental section D response, we considered ILVA to have withdrawn from these investigations, and consequently determined ILVA to be an uncooperative respondent. Therefore, we have determined BIA to be the highest of the margins alleged in the petitions.

As BIA, we used prices and constructed value information provided in the petitions. We compared U.S. prices derived from IM-145 import statistics to constructed value (cold-rolled steel) and home market prices (steel plate) and based our determinations on the comparison that yielded the highest margin.

United States Price

We based USP for cold-rolled steel and steel plate on information provided in the petitions. Petitioners based USP on IM-145 import statistics. For steel plate, petitioners made deductions for foreign inland freight based on information provided in the petition.

In accordance with section 772(d)(1)(C) of the Act, for steel plate, petitioners added to USP the amount of value-added tax (VAT) that would have been collected had the exported merchandise been taxed.

Foreign Market Value

We based FMV for cold-rolled steel on constructed value information provided in the petition. Petitioners added materials, labor, overhead, depreciation, and U.S. packing costs. Petitioners added the statutory minimum of ten percent for selling, general, and administrative expenses and eight percent for profit. Pursuant to 19 CFR 353.56, petitioners made circumstance-of-sale adjustments for differences in credit expenses.

Petitioners calculated FMV for steel plate based on a market research report on home market price quotes that was provided in the petition. The market research report contained information

on base prices, thickness/width add-ons, and other dimensional add-ons, so that home market prices could reflect certain characteristics of merchandise for which there was a U.S. price in the petition. Petitioners made deductions for discounts and credit expenses based on information provided in the petition. Pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments for differences in credit expenses.

Petitioners also made a circumstance-of-sale adjustment for the difference between VAT on home market sales and that which would have been collected on U.S. sales if the export sales had been taxed. Petitioners deducted home market packing costs and added U.S. packing costs.

Currency Conversion

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

Best Information Available

Due to the numerous significant deficiencies in ILVA's sales and cost questionnaire responses and its failure to provide a supplemental cost questionnaire response, the Department is compelled to use BIA in making its preliminary determinations and to cancel verification. The significant deficiencies in ILVA's responses are discussed below.

On January 15, 1993, the deadline for ILVA's section D deficiency response, ILVA informed the Department that it was not providing the supplemental section D information at this time. ILVA did not request an extension of time to file this response. Any additional information filed subsequently would therefore be considered untimely filed. ILVA's failure to provide or request an extension of time to provide this information is the basis for our determination that ILVA is an uncooperative respondent.

For both cold-rolled steel and steel plate, ILVA's original section D cost response also contained significant deficiencies. For instance, ILVA's cost of manufacturing data was not in the product specific format required by the Department. ILVA provided no product control numbers or methodology to enable the Department to attribute any of such costs to specific products. ILVA did not calculate a cost of sales for purposes of responding to these investigations. ILVA failed to provide any explanation or supporting documentation for its calculated G&A rate and interest rate. Additionally,

ILVA has not provided its 1991 financial statements.

The Department determined ILVA's cold-rolled steel product concordance to be inadequate and unusable for purposes of matching home market products to U.S. products due to the following specific deficiencies: (1) The Department's questionnaire instructs respondents to assign a unique control number to each product for every data base in which that product is reported. ILVA has not assigned a unique control number to each product in its product concordance. Instead, ILVA assigned the same control number to multiple home market products with different physical characteristics; (2) ILVA did not assign to identical home market products the same control numbers; therefore, certain home market sales that should have been matched to U.S. sales may have been excluded from ILVA's product concordance; (3) ILVA incorrectly assigned to identical U.S. products different control numbers with the result that different home market products are matched to identical U.S. products; (4) ILVA did not assign to products with identical characteristics the same control number in its sales and product concordance databases, thereby precluding any use of the concordance to match home market sales to U.S. sales; (5) ILVA has defined some matches as "similar" rather than "identical" when the U.S. and home market products have identical physical characteristics; and (6) based on ILVA's December 4, 1992, deficiency response, it appears that ILVA incorrectly based its product matching on factors such as "steel quality group" and "performance criteria" rather than on the physical characteristics detailed in the Department's Appendix V matching hierarchy.

The Department also determined ILVA's product concordance for steel plate to be significantly deficient: (1) ILVA has assigned the same U.S. control number to products that have different physical characteristics; (2) the control numbers in ILVA's product concordance do not appear in the home market sales listing, thereby precluding any use of the concordance to match home market sales to U.S. sales; and (3) ILVA does not appear to have followed the Department's Appendix V matching hierarchy. Based on ILVA's explanation of its product codes, it has not matched U.S. sales to home market sales of the same grade.

We encountered several problems when we attempted to re-match ILVA's U.S. sales of plate. We searched for home market products with identical grades to the U.S. products. We found

identical grade matches, but the reported thickness groups were not identical matches, and the reported heat treatment for the U.S. and home market product were also not the same. Because we could not make identical matches, we would have needed to make difference in merchandise (difmer) adjustments for which we did not have the necessary difmer information. Respondent also had not provided the necessary cost of production and constructed value information. In addition, because grade was not reported for several of ILVA's home market products, we could not be certain that such products would not have been an identical or more similar match. There were also discrepancies between the width and thickness group codes assigned and the actual widths and thicknesses reported by ILVA in both the U.S. and home market databases.

ILVA has indicated that up to 25 percent of its sales of cold-rolled steel undergo further processing in the United States. However, ILVA has not provided a section E further manufacturing questionnaire response, and it has not identified in its sales listing which of its sales of cold-rolled steel are further processed. ILVA's reported gross unit prices reflect the costs of further processing in the United States, but ILVA has not reported the actual further processing costs. Without being able to deduct value-added further processing costs from ILVA's reported U.S. gross unit price, we would be unable to perform a LTFV analysis on U.S. and home market sales.

ILVA has interpreted the statute to conclude that it is exempt from providing further manufacturing information, since its U.S. date of sale may precede the further manufacturing operations performed in the United States. However, the fact that further processing was performed on these sales before delivery to the first unrelated U.S. customer, and that the price paid by that customer reflects such processing, serve to cast doubt on ILVA's claim that these are purchase price transactions. In addition, the circumstances surrounding the processing and sales activity in the United States leads the Department to question whether ILVA has reported the correct date of sale for these transactions.

The Department's questionnaire instructed respondents to report all sales of subject merchandise made by related parties. In its November 20, 1992, deficiency letter, the Department instructed ILVA to report sales by related parties, or to demonstrate that

(1) ILVA has no operational control over these companies, and pricing and production decisions are made independently without participation by ILVA, (2) there is not a close relationship between ILVA and these companies in terms of shared board members or directors, ownership, sharing of sales and customer information, joint billing, management, etc., and (3) ILVA cannot compel these related entities to provide U.S. and home market sales information.

Evidence on the record indicates that ILVA may exercise, or is capable of exercising, some control over its related entities and therefore possesses the potential to influence its related entities' pricing and production decisions. ILVA has not reported sales by related Italian entities in which it holds a "minority interest", and has not provided convincing evidence that sales by such entities should not have been reported. If ILVA can exercise control over its related entities, such control could result in price manipulation in the home market and U.S. market.

There are no strict administrative or judicial guidelines as to when the Department should collapse related producers for purposes of reporting requirements. The Department's current standard is to determine whether the relationship between the related parties is such that there is a strong possibility of price or production manipulation between or among them. The Department's practice is generally to collapse related parties where there is a strong possibility of price manipulation. (See, e.g., Final Determination of Sales at Less Than Fair Value: Gray Portland Cement and Clinker from Japan (56 FR 12156, March 22, 1991); Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany (54 FR 18992, May 3, 1989)). The cases involving the decision of whether or not to collapse related parties for these purposes suggests that the percentage ownership of the parent of the subsidiary is not itself a sure indicator of when the Department determines collapsing is appropriate. Rather, the Department has regarded percentage ownership as one of many factors to consider in making these determinations.

Additional factors the Department considers in determining when it is appropriate to collapse related parties are: (1) Whether related parties have similar production processes, facilities or equipment so as to facilitate shifting of production between facilities; (2) whether related parties share marketing

and sales information or offices; (3) whether related parties have interlocking boards of directors; and (4) whether and to what extent the parent is involved in the pricing or production decisions of the subsidiaries.

ILVA has reported that it has "minority interests" (less than 40 percent) in several related entities. Despite ILVA's central argument that it should not be required to report sales by related entities in which it owns a "minority interest", ILVA's indirect and direct percentage stock ownership in these entities is significant enough that it may enable ILVA to influence pricing and production decisions.

In addition to ILVA's ownership interests in its related entities, certain of these entities also have interlocking directorships with ILVA. Individuals serving in management positions at ILVA also act in a management capacity for certain of ILVA's related entities. Because there are shared board members and management between ILVA and certain of its related entities, there is the potential for sharing of information.

Based on information provided in Iron and Steel Works of the World, ILVA and its related entities potentially possess similar production processes, facilities, and equipment, thereby enabling ILVA and its related entities to facilitate the shifting of production between their facilities.

Concerning the sharing of marketing and sales information or offices and whether and to what extent the parent is involved in the pricing or production decisions of the subsidiaries, ILVA has stated that its related entities make decisions independently, without consulting with or obtaining approval from ILVA. At a minimum, ILVA possesses knowledge of its related entities' operations, as evidenced by the fact that ILVA has provided estimated shipment information for certain of its related entities.

While ILVA has claimed that it has no operational control over these related entities and does not control their pricing decisions, it has failed to provide documentation supporting these claims, (e.g., financial documents and board reports from ILVA and its related entities demonstrating no strong financial or decision-making relationship or affidavits from mutually affiliated directors).

ILVA has failed to provide convincing evidence that sales made by certain of its related parties should not have been reported. In fact, the evidence on the record indicates that ILVA may exercise, or be able to exercise, some control over its related entities, requiring that sales be reported.

ILVA stated that it sells the subject merchandise "primarily" on an actual weight basis in the home market and "generally" on a theoretical minimum weight (TMW) basis in the United States. In the Department's November 20, 1992, deficiency letter, we instructed ILVA to explain its different weight bases and how its home market actual weights can be converted to a TMW basis in order for the Department to make "apples-to-apples" comparisons. In its December 4, 1992, deficiency response, ILVA stated that its average actual weight was more than its TMW. In its December 21, 1992, submission ILVA provided a conversion factor which it stated should be multiplied by the TMW weights to convert TMW to actual weights.

ILVA's December 4 and 21, 1992 responses contained conflicting information concerning its conversion factors. ILVA has also failed to provide a narrative explanation or supporting documentation demonstrating how conversion factors were derived. Without appropriate conversion factors, we cannot make "apples-to-apples" comparisons.

In summary, there are numerous significant deficiencies in ILVA's sales and cost questionnaire responses, including ILVA's failure to: (1) Provide adequate product concordances; (2) provide further manufacturing information for cold-rolled steel products; (3) report sales by related parties in which ILVA owns a minority interest or to demonstrate that ILVA asserts no controlling interest; (4) provide appropriate actual weight/theoretical minimum weight conversion factors; and (5) provide complete and useable section D information. In addition, ILVA has failed to provide a supplemental section D response by the due date. Based on the numerous deficiencies in ILVA's responses and its failure to submit its supplemental section D questionnaire response, the Department is compelled to use BIA in making its preliminary determinations and to cancel verification.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of cold-rolled steel and steel plate from Italy that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This

suspension of liquidation will remain in effect until further notice.

Certain Cold-Rolled Carbon Steel Flat Products:

Producer/manufacturer/exporter	Margin percentage
ILVA S.p.A.	50.15
All Others	50.15
Certain Cut-to-Length Carbon Steel Plate:	
ILVA S.p.A.	53.88
All Others	53.88

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount.

In its affirmative preliminary determination in the concurrent countervailing duty investigation involving sales in the United States of cold-rolled steel and steel plate from Italy, the Department did not find any export subsidies. Therefore, we did not need to make any offset to the antidumping deposit rate.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

If these investigations proceed normally, we will make our final determinations by April 12, 1993.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2414 Filed 2-3-93; 8:45 am]
BILLING CODE 3510-08-P

[A-588-824, A-588-825, and -A-588-826]

Notice of Preliminary Determinations of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, and Certain Corrosion-Resistant Carbon Steel Flat Products From Japan

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT:

Jonathan Freilich, Stephen Jacques, or James Rice, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3793.

PRELIMINARY DETERMINATIONS: We

preliminarily determine that imports of certain hot-rolled carbon steel flat products (hot-rolled steel), certain cold-rolled carbon steel flat products (cold-rolled steel), and certain corrosion-resistant carbon steel flat products (corrosion-resistant steel) from Japan are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued affirmative preliminary injury determinations in these cases. The ITC also issued a negative preliminary determination with respect to cut-to-length carbon steel plate products from Japan, an investigation of which was initiated concurrently with the cold-rolled steel, hot-rolled steel, and corrosion-resistant steel investigations.

On August 26, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to Kawasaki Steel Corporation (Kawasaki), NKK Steel Corporation (NKK), Nippon Steel Corporation (Nippon), and Sumitomo Metal Industries (Sumitomo) through the Japanese Ministry of International Trade and Industry. These respondents accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided these respondents with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses. On September 17, 1992, the Department presented to Sumitomo Section E of the Antidumping questionnaire, which concerns further manufacturing in the United States. Sumitomo did not respond to the Section E questionnaire. All four Japanese respondents submitted sales questionnaire responses in October 1992.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of the like products in the United States, requested status as co-petitioners in these investigations. Petitioners amended the petition to include the steelworkers as co-petitioners on December 16, 1992.

The Department issued supplemental sales questionnaires in November and December 1992. All four respondents submitted their responses to these supplemental sales questionnaires in December 1992. However, due to time constraints, the Department is not using any information received on or after December 21, 1992, for purposes of the preliminary determinations. This information will, however, be verified and considered for the final determinations.

On December 11, 1992, petitioners alleged that NKK and Nippon sold cold-rolled steel in the home market at prices which were below their cost of production. On December 11, 1992, petitioners also alleged that Kawasaki and Nippon sold corrosion resistant steel at prices that were below its cost of production. On December 24, 1992, petitioners alleged that Sumitomo sold cold-rolled steel in the home market at prices which were below the cost of production. On January 14, 1993, Sumitomo withdrew all of its information from the record, stating that it would no longer participate in these investigations. On January 22, 1993, the

Department determined that it had reasonable grounds to believe or suspect that NKK and Nippon had sold cold-rolled steel in the home market below cost, and therefore, initiated cost investigations in accordance with section 773(b) of the Act. On January 25, 1993, the Department determined that it had reasonable grounds to believe or suspect that Nippon and Kawasaki had sold corrosion-resistant steel in the home market below cost, and therefore, initiated cost investigations in accordance with section 773(b) of the Act. The Department issued to NKK, Kawasaki, and Nippon section D of the antidumping questionnaire on January 22 and January 26, 1993. However, we have not received cost data in time for consideration for these preliminary determinations. We will verify any timely and complete responses. The results of these COP investigations will be used in the final determinations of these investigations.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determinations until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations are affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any investigations for which the preliminary determination is negative.

Scope of the Investigations

The products covered by these investigations constitute three separate "classes or kinds" of merchandise: Certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, and certain corrosion-resistant carbon steel flat products. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

Period of Investigation

The POI is January 1, 1992, through June 30, 1992.

Such or Similar Comparisons

We have determined that each of the classes or kinds of products covered by these investigations also constitutes a

single category of such or similar merchandise. Where, within a class or kind, there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping duty questionnaire, which is on file in room B-099 of the main building of the Department of Commerce. NKK requested that the high carbon steel category be divided into two separate subcategories. We did not agree to NKK's categorization of high carbon steel and therefore the Department is not subdividing the category for comparison purposes. NKK sold production overrun merchandise in the United States and/or Japan during the POI. For a discussion of our treatment of these sales see the section on "Evaluation of Non-Prime/Production Overrun Material" in Appendix II to the Preliminary Determinations of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, published concurrently with this notice.

Best Information Available

In accordance with section 776(c) of the Act, we have determined that the use of best information otherwise available (BIA) is appropriate for several firms. For certain firms, total BIA was necessary, while for other firms, only partial BIA was applied. For a discussion of our general application of BIA, see the section on "Best Information Available" in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, published concurrently with this notice.

Kawasaki has four related manufacturers that produce corrosion-resistant steel. In such cases, the Department's questionnaire requires respondents to collapse related manufacturers' sales of the subject merchandise, and to submit a response that consolidates the respondent's data with those of its related manufacturers. Kawasaki failed to do this with respect to three related manufacturers. Although Kawasaki did provide this data for the fourth related manufacturer, the information was not submitted in time for consideration for the preliminary determination. We will consider whether to use this information for the final determination. Therefore, for this preliminary determination we are applying an overall BIA rate for Kawasaki.

Since Kawasaki attempted to substantially cooperate with the Department, as BIA we used the higher

of (1) The highest calculated rate in these investigations for this class or kind of merchandise for any firm from Japan or (2) the average petition rate for this class or kind of merchandise from Japan.

Sumitomo withdrew its information from the record of these investigations; therefore, we are considering Sumitomo to be nonresponsive and are applying an overall BIA rate to Sumitomo. Because Sumitomo refused to cooperate with the Department as BIA we have used the higher of: (1) The highest calculated rate in these investigations for each class or kind of merchandise for any firm from Japan; or (2) the highest margin alleged in the antidumping petition for each class or kind of merchandise.

Fair Value Comparisons

To determine whether sales of hot-rolled, cold-rolled and corrosion resistant steel from Japan to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

NKK, Nippon, and Kawasaki have reported sales of the subject merchandise to related parties in the home market. The Department's methodology for determining whether or not these transactions are at arm's length prices and should be included in our calculations of USP and FMV is discussed in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is published concurrently with this notice. If application of the arm's length test resulted in unmatched U.S. sales, we used BIA for those sales.

Nippon incorrectly included the level of trade as part of the model match concordance. In addition, Nippon applied an inappropriate methodology for accounting for level of trade. For similar matches Nippon matched sales of less similar models at the same or the most comparable level of trade rather than matching sales of more similar products at other levels of trade. Therefore, for these sales we applied BIA. In all circumstances where we applied BIA for unmatched U.S. sales, we used the higher of: (1) The highest non-aberrant transaction margin calculated for that firm among the sales of the same class or kind of merchandise where we were able to calculate a margin or (2) the average petition rate for the same class or kind of merchandise from the same country of origin.

United States Price

For NKK and Nippon we based USP on purchase price, in accordance with section 772(b) of the Act, because the subject merchandise was sold to unrelated trading companies in Japan for export to the U.S. and to unrelated customers in the U.S. prior to exportation to the United States.

In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of consumption tax that would have been collected had the exported merchandise been taxed.

We made additional company specific adjustments as follows:

A. NKK

For NKK we calculated purchase price based on packed F.O.B. and F.A.S. prices to unrelated trading companies in Japan which then exported the merchandise to the United States. We made adjustments, where appropriate, for rebates, foreign inland freight, and surcharges. We reclassified technical service expenses from a direct to an indirect selling expense because these services consisted of activities not directly related to sales of subject merchandise.

B. Nippon

For Nippon, we calculated purchase price based on packed F.O.B. port of export prices to unrelated trading companies in Japan for export to the U.S. and to unrelated customers in the United States. We made deductions, where appropriate, for discounts, rebates, and the following movement charges: Truck delivery plant to customer, ocean freight, handling, and truck delivery port to customer. We reclassified technical service expenses from a direct to an indirect selling expense because these services consisted of activities not directly related to sales of subject merchandise.

Foreign Market Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating foreign market value (FMV), we compared the volume of home market sales of the subject merchandise to the volume of third country sales of subject merchandise, in accordance with section 773(a)(1)(B) of the Act. We found that the home market was viable for sales of certain cold-rolled carbon steel flat products and certain hot-rolled carbon steel flat products by NKK and Nippon, and for sales of certain corrosion-resistant carbon steel flat products by Kawasaki and Nippon.

Price to Price Comparisons

For these preliminary determinations we based FMV on home market prices. We calculated FMV based on ex-factory, FOB or delivered prices inclusive of packing, to unrelated customers and to related customers whose sales we have determined to be at arm's length under our related party test referenced in the Fair Value Comparison section of this notice. In accordance with 19 CFR 353.58, we compared U.S. sales to home market sales made at the same level of trade, where possible. Where we were not able to match at the same level of trade we made comparisons without regard to level of trade. For home market to purchase price comparisons, pursuant to section 773(a)(4)(B) and 19 CFR 353.56(a)(2), we made circumstance of sale adjustments for direct selling expenses. We also made a circumstance of sale adjustment for the difference between consumption taxes on home market sales and those which would have been collected on U.S. sales if the export sales had been taxed. We deducted home market packing costs and added U.S. packing costs. Where appropriate, we also made an adjustment for physical differences in the merchandise, in accordance with 19 CFR 353.57. We made additional company specific adjustments as follows:

A. NKK

For NKK we calculated FMV based on ex mill, free delivered, free on truck, ex ship and ex quay prices charged to both related and unrelated customers in the home market. Sales to several related customers were not used as we found these sales not to be at arm's length prices. We made adjustments, where appropriate, for rebates, discounts, and inland freight.

We also made circumstance-of-sale adjustments for differences in credit expenses, interest revenue, and warranty expenses. In addition, we made an offset adjustment where commissions were paid in the home market but not in the United States. We reclassified technical service expenses from a direct to an indirect selling expense because these services consisted of activities not directly related to sales of subject merchandise. Therefore, we did not adjust FMV for this item for purposes of purchase price comparisons.

B. Nippon

We calculated FMV based on F.O.B. point of delivery prices charged to both related and unrelated customers in the home market. Sales to several related

customers were not used as we found these sales not to be at arm's length prices. We also collapsed the home market sales of four manufacturers related to Nippon into Nippon's home market sales data base. In addition, Nippon sampled home market sales transactions pursuant to the Department's letter of October 9, 1992. We made deductions, where appropriate, for discounts, rebates, and movement expenses.

We also made circumstance-of-sale adjustments for differences in credit expenses, interest revenue, warranty expenses, third party payments, commissions, and other additions to price. In addition, we made an offset adjustment where commissions were paid in the home market but not in the United States. We denied an adjustment for home market inventory carrying costs because the company did not calculate the expense appropriately. We reclassified technical service expenses from a direct to an indirect selling expense because these services consisted of activities not directly related to sales of subject merchandise. Therefore, we did not adjust FMV for this item for purposes of purchase price comparisons.

Currency Conversion

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

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of hot-rolled steel, cold-rolled steel, and corrosion-resistant steel from Japan that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice. The preliminary LTFV margins are as follows:

Producer/ manufac- turer/ex- porter	Margin percentage		
	Cold-rolled	Hot-rolled	Corrosion- resistant
Kawasaki Steel Corp.	NA	NA	26.71
NKK Steel Corp.	22.86	24.98	NA
Nippon Steel Corp.	15.22	21.16	26.71
Sumitomo Metal In- dustries ..	22.86	24.98	NA
All Others ..	19.82	23.67	26.71

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

If this investigation proceeds normally, we will make our final determination by April 12, 1993.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2415 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-DS-P

[A-580-814, A-580-815, A-580-816, and A-580-817]

Notice of Preliminary Determinations of Sales at Less Than Fair Value and Postponement of Final Determinations: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From Korea

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or Karin Price, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2923.

PRELIMINARY DETERMINATIONS: We preliminarily determine that imports of certain hot-rolled carbon steel flat products (hot-rolled steel), certain cold-rolled carbon steel flat products (cold-rolled steel), certain corrosion-resistant carbon steel flat products (corrosion-resistant steel), and certain cut-to-length carbon steel plate (steel plate) from Korea are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued affirmative preliminary injury determinations in these cases.

On August 19, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to Pohang Iron and Steel Company, Ltd. (POSCO), with regard to the investigations of hot-rolled, cold-rolled, and corrosion-resistant steel, and to Dongkuk Steel Mill Company, Ltd. (Dongkuk), with regard to the investigation of steel plate. These respondents accounted for at least 60 percent of the exports of each class or kind of the subject merchandise to the United States during the period of investigation (POI). We also provided POSCO and Dongkuk with a standard computer program for submitting, on an

optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

Since the Department determined at initiation that it had reasonable grounds to believe or suspect that POSCO had sold hot-rolled steel in Korea at prices which were below POSCO's cost of production, the Department also presented section D of the antidumping duty questionnaire to POSCO. On September 17, 1992 the Department presented to POSCO, in the investigation of hot-rolled steel, section E of the antidumping questionnaire, which concerns further manufacturing in the United States.

POSCO submitted sales questionnaire responses on September 10, 1992, and October 19, 1992. In its questionnaire response, POSCO failed to report home market sales by related parties and U.S. sales by three related parties, Feralloy Reliance Limited Partnership (FRLP), Pohang Coated Steel (PCS), and Pohang Steel Industries (PSI). On November 2, 1992, and November 10, 1992, the Department requested that POSCO submit these data to the Department. These responses were received on November 9, 1992, and December 2, 1992. In our November 10, 1992 letter, we informed POSCO that we might not be able to use the U.S. sales data due to time constraints, and that, for U.S. sales by PCS and PSI, we might resort to the use of best information available (BIA) for the preliminary determination. As suggested in our November 10, 1992 letter, the Department is not using the U.S. sales data contained in the December 2, 1992 response for purposes of the preliminary determinations. This information will, however, be verified and considered for the final determinations. The Department issued a supplemental sales questionnaire to POSCO on November 13, 1992. POSCO submitted the response to this supplemental questionnaire on November 30, 1992.

On November 6, 1992, petitioners alleged that POSCO sold cold-rolled and corrosion-resistant steel in the home market at prices which were below POSCO's cost of production. On December 16, 1992, the Department determined that it had reasonable grounds to believe or suspect that POSCO had sold cold-rolled and corrosion-resistant steel in the home market below cost, and therefore initiated additional cost investigations in accordance with section 773(b) of the Act. The Department issued to POSCO section D of the antidumping questionnaire, in the investigations of cold-rolled and corrosion-resistant steel, on December 31, 1992. The responses

are due on February 1, 1993, and will be verified and considered for the final determinations.

Dongkuk submitted sales questionnaire responses on September 10, 1992 and October 19, 1992. The Department issued a supplemental sales questionnaire on November 24, 1992. Dongkuk submitted the response to this supplemental questionnaire on December 9, 1992.

On November 12, 1992, petitioners alleged that Dongkuk sold steel plate in the home market at prices which were below Dongkuk's cost of production. On January 26, 1993, the Department determined that it had reasonable grounds to believe or suspect that Dongkuk had sold steel plate in the home market below cost, and therefore, initiated an additional cost investigation in accordance with section 773(b) of the Act. The Department issued Dongkuk section D of the antidumping questionnaire on January 26, 1993. The response is due on February 25, 1993, and will be verified and considered for the final determinations.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, entered an appearance as co-petitioner in these investigations. The petition was amended to include the Steelworkers as co-petitioners on December 16, 1992.

On January 12, 1993, POSCO and Dongkuk requested that, in the event of affirmative preliminary determinations in these investigations, the Department postpone the final determinations to 135 days after the date of publication of the affirmative preliminary determinations. See "Postponement of Final Determinations" section of this notice.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations are affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Postponement of Final Determinations

Pursuant to section 735(a)(2)(A) of the Act, the respondents have requested that, in the event of affirmative preliminary determinations in these investigations, the Department postpone the final determinations to 135 days after the date of publication of the affirmative preliminary determinations. Therefore, we are postponing the final determinations to the 135th day after the publication of this notice in the Federal Register.

Scope of the Investigations

The products covered by these investigations constitute four separate "classes or kinds" of merchandise: Certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, certain corrosion-resistant carbon steel flat products, and certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

Period of Investigation

The POI is January 1, 1992, through June 30, 1992.

Such or Similar Comparisons

We have determined that each of the classes or kinds of the products covered by these investigations also constitutes a single category of such or similar merchandise. Where, within a class or kind, there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping duty questionnaire, which is on file in room B-099 of the main building of the Department of Commerce.

Fair Value Comparisons

To determine whether sales of hot-rolled steel, cold-rolled steel, corrosion-resistant steel, and steel plate from Korea to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

We first attempted to compare U.S. sales to home market sales of identical merchandise at the same level of trade; if no such match was available, we then attempted to compare the U.S. sale to a home market sale of identical merchandise at a different level of trade. If there was no identical match, sales of

the most similar model at the same level of trade were used, then sales of the most similar model at a different level of trade, etc.

POSCO has reported sales of the subject merchandise to related parties in the home market. POSCO has stated that home market sales to related parties are not made at arm's length prices. Therefore, these sales have been excluded from our calculations of FMV. Dongkuk has also reported sales of the subject merchandise to related parties in the home market. None of these sales was of merchandise identical to that sold to the United States. Because we were able to compare all of Dongkuk's merchandise sold to the United States to identical merchandise sold to unrelated customers in the home market, sales to related parties in the home market have been excluded from our calculations of FMV.

United States Price

For POSCO and Dongkuk, we based USP on purchase price (PP), in accordance with section 772(b) of the Act, when the subject merchandise was sold to unrelated purchasers in the United States prior to importation. In addition, for POSCO's sales of hot-rolled steel, where certain sales to the first unrelated purchaser took place after importation into the United States, we also based USP on exporter's sales price (ESP), in accordance with section 772(c) of the Act.

In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of value added tax (VAT) that would have been collected had the merchandise not been exported. We also made an addition for duty drawback, *i.e.*, import duties which were rebated or not collected by reason of the exportation of the merchandise. We made additional, company-specific adjustments as follows:

A. POSCO

For POSCO's sales of hot-rolled steel, we calculated PP based on packed, C&F U.S. port prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland movement expenses (inland freight and brokerage) and ocean freight.

We calculated ESP based on packed, ex-U.S. warehouse or delivered prices to unrelated customers in the United States. These sales were made by POSCO's related company, U.S.S.—POSCO Industries, Inc. (UPI). We made deductions, where appropriate, for discounts, rebates, foreign movement expenses (inland freight and brokerage), ocean freight, marine insurance, U.S.

duties, U.S. inland freight, U.S. brokerage, credit, commissions, warranties, and indirect selling expenses, including technical service expenses. We made additions for interest revenue offsetting U.S. credit expenses.

We also deducted all value added to hot-rolled steel after importation, pursuant to section 772(e)(3) of the Act. The value added consists of the costs associated with the production of the further-manufactured products, other than the costs associated with the imported hot-rolled steel, as well as a proportional amount of profit or loss attributable to the value added. Profit or loss was calculated by deducting from the sales price of hot-rolled steel all production and selling costs incurred by the company for hot-rolled steel. The total profit or loss was then allocated proportionately to all components of cost. Only the profit or loss attributable to the value added in the United States was deducted. In determining the costs incurred to produce hot-rolled steel, we included (1) The costs of manufacture, (2) movement and packing expenses, and (3) general expenses, including SG&A and interest expenses.

For the hot-rolled steel investigation, POSCO has not provided certain sales information for sales by FRLP, as requested by the Department. POSCO notes in its questionnaire response that, although FRLP maintains the records which would allow FRLP to determine the source of the hot-rolled steel it purchases, compiling this information would be difficult. Since POSCO could have, but did not provide the data, we have used BIA for these sales. We are using a cooperative BIA rate which, as discussed in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, is the higher of (1) The average margin from the petition, or (2) the highest non-aberrational margin of any of POSCO's sales of hot-rolled steel.

Also for the hot-rolled steel investigation, we were unable to analyze UPI's sales of secondary grade merchandise because POSCO has claimed that UPI does not, in the normal course of business, retain data on the product characteristics of such merchandise. Therefore, we have excluded these sales from the preliminary determination. See Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina.

For POSCO's sales of cold-rolled steel, we calculated PP based on packed, C&F U.S. port prices to unrelated customers

in the United States. We made deductions, where appropriate, for foreign inland movement expenses (inland freight and brokerage) and ocean freight.

U.S. sales of corrosion-resistant steel include sales made by POSCO and two related companies, PCS and PSI. As indicated in our November 10, 1992 letter to POSCO, in which we requested that POSCO submit sales data not reported in its questionnaire response, for sales by PCS and PSI, we are using BIA. As discussed in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, we are using a cooperative BIA rate which is the higher of (1) The average margin from the petition, or (2) the highest non-aberrational margin of any of POSCO's sales of corrosion-resistant steel. For POSCO's sales, we calculated PP based on packed, C&F U.S. port prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland movement expenses (inland freight and brokerage), and ocean freight.

B. Dongkuk

For Dongkuk's sales of steel plate, we calculated PP based on packed, C&F and ex-dock duty paid prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland movement expenses (inland freight and brokerage), ocean freight, marine insurance, U.S. brokerage and handling, U.S. duty and U.S. inland freight.

Foreign Market Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales of each class or kind of the subject merchandise to the volume of third country sales of each class or kind of subject merchandise, in accordance with section 773(a)(1)(B) of the Act. We found that the home market was viable for sales of hot-rolled, cold-rolled, and corrosion-resistant steel by POSCO and for sales of steel plate by Dongkuk.

Cost of Production

Based on petitioners' allegation, and in accordance with section 773(b) of the Act, the Department initiated an investigation to determine whether POSCO had home market sales of hot-rolled steel that were made at prices less than the cost of production (COP). The Department also has initiated sales below cost investigations with regard to

POSCO's home market sales of cold-rolled and corrosion-resistant steel, and Dongkuk's home market sales of steel plate. However, we have only included the COP investigation of hot-rolled steel in our analysis for the preliminary determinations in these investigations. We should receive the data for the COP investigations of cold-rolled and corrosion-resistant steel on February 1, 1993 and for the COP investigation of steel plate on February 25, 1993.

If over 90 percent of a respondent's sales of a given model were at prices above the COP, we did not disregard any below-cost sales because, in accordance with our longstanding policy, we do not consider such below-cost sales to be made in substantial quantities or over an extended period of time. If between ten and 90 percent of a respondent's sales of a given model were at prices above the COP, we discarded only the below-cost sales if made over an extended period of time. Where we found that more than 90 percent of respondent's sales of a given model were at prices below the COP, we disregarded all sales for that model made in substantial quantities over an extended period of time, and calculated FMV based on constructed value (CV). In addition, we disregarded such below cost sales because respondent failed to demonstrate, as requested by the Department in the COP questionnaire, that such below-cost sales were made at prices which will permit recovery of all costs within a reasonable period of time in the normal course of trade.

We considered sales to have been made over an extended period of time if (1) a respondent only has sales in a single month during the POI and any of those sales are below the COP, or (2) a respondent has sales during the POI for two months or more and has made any sales at below the COP during any two of those months.

We calculated the COP based on the sum of a respondent's cost of materials, fabrication, general expenses, and packing. We adjusted respondent's cost data as described below:

For POSCO, the Department relied on POSCO's submitted COP and CV data except in those cases where it appeared that these costs were not appropriately quantified and/or valued, as described below:

1. We adjusted submitted general and administrative (G&A) expenses to exclude several non-operating income items;

2. We included an amount to account for costs incurred at POSCO's Kwangyang Works plant, since these costs were not included by the company;

3. We revised interest expense using POSCO's audited unconsolidated financial statements for the year ended December 31, 1991, since it appears the calculation submitted by POSCO was based on its unaudited combined financial statements;

4. We included all current foreign exchange gains and losses in the revised interest expense calculation;

5. We adjusted UPI's submitted G&A expense calculation to include amortized start-up expenses based on the amortization period reported in its audited financial statements; and

6. We adjusted UPI's submitted interest expense calculation to reflect interest expense as reported in its 1991 audited financial statements.

We compared home market selling prices, net of movement charges, to each product's COP. We found that for some products, more than 90 percent of the sales were at prices above the COP. For other products, there were fewer than 10 percent of sales at prices above COP. For the remainder of the products, between 10 and 90 percent of the sales were at prices above the COP.

Price-to-Price Comparisons

For those hot-rolled products for which we have an adequate number of sales at prices above the COP, and for all cold-rolled, corrosion-resistant, and steel plate products, we based FMV on home market prices. We calculated FMV based on ex-factory or delivered prices, inclusive of packing, to unrelated customers. Local sales to domestic purchasers of merchandise which POSCO knows is to be exported have been excluded from the calculation of FMV. We will further examine this issue for the final determination.

For home market to PP comparisons, pursuant to section 773(a)(4)(B) of the Act and 19 CFR 353.56(a)(2), we deducted inland freight and made circumstance-of-sale adjustments, where appropriate, for credit, technical services, and warranty expenses. We also made a circumstance-of-sale adjustment for the difference between VAT on home market sales and that which would have been collected on U.S. sales if the export sales had been taxed. We deducted home market packing costs and added U.S. packing costs.

For home market to ESP comparisons, we made deductions, where appropriate, for foreign inland freight, credit, warranty, and warehousing expenses. We also deducted from FMV the weighted-average home market indirect selling expenses, including, where appropriate, advertising and inventory carrying costs, up to the

amount of indirect selling expenses and commissions incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(2), or the amount of these expenses attributable to the foreign input product for those U.S. sales which have undergone further manufacturing in the United States. We also made a circumstance-of-sale adjustment for the difference between VAT on home market sales and that which would have been collected on U.S. sales if the export sales had been taxed. We deducted home market packing costs and added U.S. packing costs. We made additional, company-specific adjustments as follows:

POSCO

For POSCO, we made an adjustment, where appropriate, for physical differences in the merchandise in accordance with 19 CFR 353.57.

Dongkuk

For Dongkuk's PP sales, we made an adjustment for U.S. commissions by deducting home market indirect selling expenses up to the amount of the U.S. commission.

Constructed Value

For those models of hot-rolled steel without an adequate number of sales at prices above COP, and for those models for which COP was not provided, we based FMV on CV, pursuant to section 773(b) of the Act. CV was only required for PP sales. In accordance with section 773(e) of the Act, we based CV on the sum of the cost of materials, fabrication, general and administrative expenses, U.S. packing, and profit. We adjusted CV as discussed in the "Cost of Production" section of this notice. We reduced interest for an amount attributable to maintaining accounts receivable to avoid double counting imputed credit. We used the actual general expenses, in accordance with section 773(e)(1)(B)(i) of the Act, because they exceeded the statutory minimum of ten percent of the cost of manufacture. In accordance with section 773(e)(1)(B)(ii) of the Act, for profit we used the statutory minimum of eight percent.

For CV to PP comparisons, we made circumstance-of-sale adjustments, where appropriate, for credit and warranty expenses. We adjusted CV for home market direct selling expenses, in accordance with 19 CFR 353.56(b)(1). CV was not required for ESP sales.

Currency Conversion

We made currency conversions based on the official exchange rates in effect

on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determinations.

Critical Circumstances

Petitioners allege that "critical circumstances" exist with respect to imports of certain hot-rolled steel, certain corrosion-resistant steel, and certain steel plate from Korea. Pursuant to section 733(e)(1) of the Act, we have analyzed the allegations using the methodology described in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina.

To determine whether or not there have been massive imports of hot-rolled steel and corrosion-resistant steel by POSCO, and steel plate by Dongkuk, we analyzed export data supplied by the respondents. For hot-rolled steel, we compared the five-month period subsequent to the filing of the petition to the five-month period prior to the filing of the petition. For corrosion-resistant steel and steel plate, we had sufficient data to compare six-month periods prior to and subsequent to the petition.

For corrosion-resistant steel, we found that the volume of imports did not increase by 15 percent or more from the pre-initiation period to the post-initiation period. Therefore, we preliminarily determine that there have not been massive imports of the subject merchandise over a relatively short period of time. Because we did not find that massive imports exist with respect to corrosion-resistant steel from Korea, there was no need to establish whether there was a history of dumping or whether importers had knowledge of dumping.

The data for hot-rolled steel and steel plate showed that, for each class or kind, the volume of imports increased by 15 percent or more from the pre-initiation period to the post-initiation period. We did a similar analysis of the 1991 export data for these two classes or kinds to ensure that the increases in exports did not simply reflect seasonal trends. We found no indication that the increases were occasioned by seasonal trends. Therefore, in accordance with 19 CFR 353.16(f), we preliminarily find that exports of hot-rolled steel by POSCO and steel plate by Dongkuk have been massive over a relatively short period of time. To determine whether or not the importers of hot-rolled steel and

steel plate knew or should have known that the merchandise was being sold at less than fair value, we considered the preliminary margins in these investigations, as discussed in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina. The margins indicate that importers should have known that hot-rolled steel was being sold at less than fair value. The margins do not indicate that importers should have known that steel plate was being sold at less than fair value. Although Dongkuk's margins do not indicate knowledge of dumping, a history of dumping of the same class or kind of steel plate has been established according to 19 CFR 353.16(a)(1)(i), in the antidumping duty order on Carbon Steel Plate from the Republic of Korea, 49 FR 33298 (August 22, 1984).

Based on our analysis, we preliminarily determine that critical circumstances do exist with respect to imports of hot-rolled steel, and exist with respect to steel plate from Korea. We find that critical circumstances do not exist with respect to corrosion-resistant steel from Korea.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of cold-rolled steel and corrosion-resistant steel from Korea that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register, and entries of hot-rolled steel and steel plate on or after the date 90 days prior to the date of publication. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice. The LTFV margins are as follows:

Producer/manufacturer/exporter	Weighted-average margin percentage
Certain Hot-Rolled Carbon Steel Flat Products: Pohang Iron and Steel Company, Ltd.	30.00
All Others	30.00
Certain Cold-Rolled Carbon Steel Flat Products: Pohang Iron and Steel Company, Ltd.	12.73
All Others	12.73
Certain Corrosion-Resistant Carbon Steel Flat Products: Pohang Iron and Steel Company, Ltd.	3.28
All Others	3.28

Producer/manufacturer/exporter	Weighted-average margin percentage
Certain Cut-to-Length Carbon Steel Plate: Dongkuk Steel Mill Company, Ltd. ...	4.72
All Others	4.72

Adjustment of Deposit Rates for Countervailing Duties

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no basis to require a cash deposit or bond for that amount.

Accordingly, the level of export subsidies as determined in the Preliminary Affirmative Countervailing Duty Determinations and Alignment of Final Countervailing Duty Determinations with Final Antidumping Duty Determinations: Certain Steel Products from Korea (57 FR 57761, December 7, 1992), which are 0.01 percent *ad valorem* for hot-rolled steel, 0.03 percent *ad valorem* for cold-rolled steel, 0.06 percent *ad valorem* for corrosion-resistant steel, and 0.01 percent *ad valorem* for steel plate, will be subtracted from the respective dumping margins for cash deposit or bonding purposes. This results in deposit rates of 29.99 percent for POSCO and all other exporters of hot-rolled steel, 12.70 percent for POSCO and all other exporters of cold-rolled steel, 3.22 percent for POSCO and all other exporters of corrosion-resistant steel, and 4.71 percent for Dongkuk and all other exporters of steel plate.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

If this investigation proceeds normally, we will make our final determination by the 135th day after the publication of this notice in the *Federal Register*.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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[A-201-808; A-201-809]

Notice of Preliminary Determinations of Sales at Less Than Fair Value: Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate from Mexico

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: N. Gerard Zapiain or Robin Gray, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3793.

PRELIMINARY DETERMINATIONS: We preliminarily determine that imports of certain corrosion-resistant carbon steel flat products (corrosion-resistant steel products), and certain cut-to-length carbon steel plate (cut-to-length steel plate) from Mexico are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992 (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC)

issued affirmative preliminary injury determinations in these cases.

On August 19, 1992, the Department of Commerce (the Department) presented sections A, B, and C of its antidumping duty questionnaire to Altos Hornos de Mexico, S.A. de C.V. (AHMSA), and to Industrias Monterrey, S.A. de C.V. (IMSA). These respondents accounted for at least 60 percent of the exports of the subject merchandise to the United States. We also provided AHMSA and IMSA with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

The deadline set for AHMSA and IMSA to respond to section A of the questionnaire was September 3, and the due date to respond to sections B and C was October 5.

On August 26, AHMSA requested a two-week extension for filing its response to section A. On September 1, the Department granted the full extension, thus making September 17, 1992 the due date for AHMSA's section A response.

On September 11, 1992, AHMSA informed the Department that it had decided not to respond to the antidumping questionnaire since it "could not justify the time and expense of responding to the questionnaire given the negligible amount of the subject merchandise exported by AHMSA to the United States."

On August 31, IMSA requested an extension to file its response to section A until September 11, 1992; on September 2, the Department granted the full extension. On September 26, 1992, IMSA requested a three-week extension to file its response to sections B and C of the questionnaire, moving the due date to October 26. On October 2, 1992, the Department granted IMSA an extension until October 20, 1992 to file its response to sections B and C of the questionnaire. IMSA submitted its sales questionnaire response for section A of the questionnaire on September 11, 1992 and, on October 20, 1992, its response to sections B and C. The Department issued a supplemental questionnaire on November 9, 1992. IMSA submitted the written narrative to this supplemental questionnaire on November 24, 1992, and submitted its computer tapes on November 27, 1992.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of the like products in the United States, requested status as co-petitioners in these investigations.

Petitioners amended the petition to include the Steelworkers as co-petitioners on December 16, 1992.

On December 11, 1992, petitioners alleged that IMSA sold corrosion-resistant steel products in Mexico at prices which were below IMSA's cost of production. The Department is currently considering this allegation and will initiate an investigation if deemed necessary.

On December 11, 1992, the Department afforded respondents an opportunity to provide additional information to be considered in its final determination; the deadline for such submissions was December 21, 1992. On that date, IMSA furnished its response. However, due to time constraints, the Department is not using this supplemental response for purposes of the preliminary determination. This information will, however, be verified and considered for the final determination.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Scope of the Investigations

The products covered by these investigations constitute two classes or kinds of merchandise: corrosion-resistant carbon flat steel products and cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

We received comments from IMSA arguing that U.S. origin cold-rolled coil processed in Mexico and returned to the United States as corrosion-resistant sheet under Harmonized Tariff System (HTS) item 9802.00.60 should be excluded from this investigation. IMSA further states that even if U.S. imports under HTS item 9802.00.60 are subject to this investigation, "Grade E" sheet processed from U.S. origin full-hard cold-rolled coil should be excluded

because it is not of Mexican origin. IMSA states that Grade E sheet does not undergo any annealing process and that the Customs Service has consistently ruled that galvanizing steel without subjecting it to the annealing process is not a substantial transformation. Therefore, according to Customs rules, Grade E sheet is considered to be of U.S., not Mexican, origin.

Section 479A of the Customs and Trade Act of 1990, Public Law 382, 104 Stat. 629, 705 (1990) provides that metal items imported under HTS item 9802.00.60 can be subject to duties imposed under the antidumping and countervailing duty laws. Moreover, as we have consistently stated in past cases, the Department is not bound by Customs' rules of origin when determining country of origin for antidumping or countervailing duty purposes. See, e.g. Erasable Programmable Read Only Memories (EPROMs) from Japan: Final Determination of Sales at Less Than Fair Value, 51 FR 39680 (October 30, 1986). Subject merchandise imported under HTS item 9802.00.60 is covered by this investigation, and we preliminarily determine that Grade E sheet processed in Mexico from full-hard cold-rolled coils is of Mexican origin and therefore, constitutes subject merchandise. We will, however, consider further comments and/or technical information regarding the origin of the Grade E sheet for the purpose of this investigation, and will address such comments in our final determination.

Period of Investigation

The period of investigation (POI) is January 1, 1992 through June 30, 1992.

Use of Best Information Available

AHMSA

As stated above, AHMSA did not respond to the questionnaire. Therefore, the Department, in accordance with section 776(c) of the Act, used the best information available (BIA) for AHMSA. Section 353.37(b) of the Department's regulations provides that the Department may take into account whether a party fails to provide requested information, or otherwise significantly impedes the Department's investigation in determining what is the best information available. Because AHMSA failed to respond to the questionnaire, consistent with Department practice, we are using as BIA for AHMSA petitioner's highest adjusted margin of 49.25 percent. (See, e.g., Heavy-forged Hand Tools from the People's Republic of China, 56 FR Reg. 244 (January 1, 1991)).

For a discussion of our general application of best information available, see the section on "Best Information Available" in Appendix II the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, published concurrently with this notice.

IMSA

As a result of the following significant flaws in responses provided, the Department also used BIA for IMSA for purposes of the preliminary determination.

1. Improper Determination of Date of Sale

For both U.S. and home market sales, IMSA reported the date of invoice as date of sale indicating that: (1) "customers can often change their orders after the original purchase order"; (2) "several invoices or shipments can occur from one purchase order"; (3) "the final tonnage shipped (and invoiced) might not correspond to that in the order"; and (4) purchase orders are not entered on IMSA's computer."

The Department's questionnaire, Appendix II, "Glossary of Terms," clearly states that "there can be no new dates of sale after shipment." Because IMSA normally generates its invoice after shipment, the reported date of sale followed the date of shipment for over 70% of IMSA's home market sales by an average of eight days; this is also the case for sales to the United States. The reported dates of sale are, in some cases, more than two months after the purchase order dates. Therefore, the home market and U.S. databases reported by IMSA may be distorted because sales invoiced during the POI may have actually been made prior to the POI, and sales made during the POI but not invoiced until later would not have been included in the databases provided.

The purchase order date would normally be considered the date of sale, unless the essential terms of sale change subsequent to issuance of the purchase order. In the steel industry, the terms of sale generally specify that the quantity shipped can vary from the quantity ordered within a specific level. Therefore, a difference in the actual tonnage shipped and the amount stated on the original order does not necessarily represent a change in the terms of sale.

Respondent's second point is irrelevant. The fact that multiple shipments/invoices can be generated from one purchase order simply means

that different invoice and shipment dates can be associated with the same sale date. An examination of the documentation provided by IMSA also calls into question their alleged inability to provide sales data by purchase order date, if that is the appropriate date of sale. For example, a review of the sales documents for a sale to one company showed that the purchase order date was recorded on the internal production order, the Special Summary Steel Invoice, and the shipping documents. Further, IMSA may have in its computer system at least a close proxy to the purchase order date, i.e., the internal production order date, which typically follows the purchase order by not more than several days.

2. Product Matches resulting in DIFMERs greater than Twenty Percent

IMSA stated that for four of its U.S. ESP sales, no home market product could be identified that was within the twenty percent difference-in-merchandise (DIFMER) range. The company advised the Department that it would provide alternate matches for these sales. No such information was provided. Moreover, in a random sample analyzed by the Department, many more U.S. sales were found to be out of the DIFMER range of twenty percent, and no alternate matches or constructed value data exists for those sales.

3. Level of Trade

IMSA did not classify its customers by level of trade for either its home market or U.S. purchase price sales, as requested in the Department's original questionnaire. Instead, IMSA classified its customers by sector, i.e., commercial, industrial, or construction.

Other Issues

In addition to the fundamental flaws described above, there were other discrepancies which undermined the Department's confidence in IMSA's data and contributed to the decision to use best information available.

(a) ESP Packing Charges—IMSA did not report packing expenses for any of its U.S. ESP sales. However, respondent did claim packing expenses for all of its purchase price and home market sales.

(b) Miscellaneous Errors:

(1) U.S. Sales Expenses—IMSA reports that certain expenses on U.S. sales had not been incurred, but lists such charges in the computer printout.

(2) Rebates—IMSA states in the narrative that no rebates were granted, but reports a rebate for at least one purchase price sale.

(3) Quality Control Costs—IMSA claims in its supplementary response that no such expenses are paid, yet reports such costs on the computer printout.

(4) Duferco's Indirect Selling

Expenses—supplementary questionnaire response states that none are claimed, but computer printout lists amounts under this heading.

(5) Other Expenses—IMSA provides no written explanation whatsoever for this adjustment. However, the ESP computer printout lists data in this column.

(6) "Other" Category—For U.S. ESP sales, IMSA matches sales in one "STRENGTU" category to sales in one of two other categories reported for sales in the home market. IMSA does not explain what this category means, or the basis on which it matches to one of the two home market categories.

(7) Unexplained Codes in Home Market Sales Listing—In IMSA's home market sales listing codes 5 through 7 appear for the product characteristic "FINISHH." However, the index to this listing describes only codes 1 through 4.

Because of the numerous defects in the information IMSA provided, consistent with Department practice, we have used best information available for the preliminary determination. Since IMSA attempted to substantially cooperate with the Department, as BIA we used the average petition rate for this class or kind of merchandise from Mexico.

Verifications

Because AHMSA has declined to cooperate in the investigation of cut-to-length carbon steel plate, no verification will be necessary for this investigation.

With respect to corrosion-resistant carbon steel products, according to section 776(b) of the Act, we will verify the information submitted by IMSA, at which time we will review the issues discussed above regarding the company's questionnaire responses. We will then consider the results of verification in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of cut-to-length steel plate and corrosion-resistant carbon steel products from Mexico that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated

preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice. The LTFV margins are as follows for cut-to-length steel plate:

Producer/manufacturer/exporter	Weighted-average margin percentage
AHMSA, S.A. de C.V.	49.25
All Others	49.25

The LTFV margins are as follows for corrosion-resistant steel products:

Producer/manufactures/exported	Weighted-average margin percentage
IMSA, S.A. de C.V.	76.12
All others	76.12

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping and export subsidization." This provision is implemented by 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. Accordingly, the level of export subsidies as determined in Preliminary Affirmative Countervailing Duty Determinations and Alignment of Final Countervailing Duty Determinations with Final Antidumping Duty Determinations: Certain Steel Products from Mexico, 57 FR 57813 (December 7, 1992), which is .07 percent *ad valorem* for certain cut-to-length carbon steel products, and 5.01 percent *ad valorem* for certain corrosion-resistant carbon steel flat products, will be subtracted from the dumping margins for deposit or bonding purposes, resulting in a cash deposit rate of 49.18 percent *ad valorem* for certain cut-to-length carbon steel products for AHMSA and all other exporters, and a cash deposit rate of 71.11 percent *ad valorem* for certain corrosion-resistant carbon steel flat products for IMSA and all other exporters.

ITC Notification

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

of these preliminary determinations or 45 days after our final determinations.

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

If this investigation proceeds normally, we will make our final determination by April 12, 1993.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated January 26, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2423 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-DS-P

[A-421-803 and A-421-804]

Notice of Preliminary Determinations of Sales at Less Than Fair Value and Postponement of Final Determinations: Certain Hot-Rolled Carbon Steel Flat Products and Certain Cold-Rolled Carbon Steel Flat Products from the Netherlands

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT:

Jeffery B. Denning or David J. Goldberger, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4194 or (202) 482-4136, respectively.

PRELIMINARY DETERMINATIONS: We preliminarily determine that imports of certain hot-rolled carbon steel flat products (hot-rolled steel) and certain cold-rolled carbon steel flat products (cold-rolled steel) from the Netherlands are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of

the Tariff Act of 1930, as amended (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued affirmative preliminary injury determinations in these cases.

On August 19, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to Hoogovens Groep BV. Hoogovens accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided Hoogovens with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses. Since the Department determined at initiation that it had reasonable grounds to believe or suspect that Hoogovens had sold the subject merchandise in the Netherlands at prices which were below Hoogovens' cost of production, the Department also presented to Hoogovens our cost of production questionnaire (Section D). Hoogovens submitted its responses to these questionnaires in September and October 1992.

On September 17, 1992, we presented Hoogovens with section E of our antidumping questionnaire, dealing with United States value-added sales transactions. Hoogovens submitted its response to this questionnaire in November 1992.

The Department issued supplemental questionnaires in November 1992. Hoogovens provided responses to these questionnaires in November and December 1992.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, requested status as co-petitioner in these investigations. The petitions were amended to include the Steelworkers as co-petitioners on December 16, 1992.

On December 11, 1992, we notified Hoogovens that we would allow additional time (until December 21, 1992) for it to provide additional information and remedy deficiencies in its responses. Hoogovens submitted

additional information by the December 21, 1992, deadline.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Postponement of Final Determinations

Pursuant to section 735(a)(2)(A) of the Act, on January 22, 1993, Hoogovens requested that, in the event of an affirmative preliminary determination in these investigations, the Department postpone the final determinations to 135 days after the date of publication of the affirmative preliminary determinations. Therefore, we are postponing the final determinations until the 135th day after the publication of this notice in the Federal Register.

Scope of the Investigations

The products covered by these investigations constitute two separate "classes or kinds" of merchandise: certain hot-rolled carbon steel flat products and certain cold-rolled carbon steel flat products. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina (Cold-Rolled Steel from Argentina), which is being published concurrently with this notice.

Period of Investigation

The POI is January 1, 1992, through June 30, 1992.

Such or Similar Comparisons

We have determined that each of the classes or kinds of the products covered by these investigations constitutes a single category of such or similar merchandise. Where, within a class or kind, there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping duty questionnaire, which is on file in Room B-099 of the

main building of the Department of Commerce.

Hoogovens reported sales in the U.S. of secondary merchandise and scrap material. As discussed in Appendix II to Cold-Rolled Steel from Argentina, we have analyzed those sales for which Hoogovens was able to provide complete product specification data, and have not analyzed those sales for which Hoogovens was unable to provide product specification data.

Fair Value Comparisons

To determine whether sales of hot-rolled steel and cold-rolled steel from the Netherlands to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

In a few instances, we found that Hoogovens' proposed model matches submitted in its concordance for the hot-rolled steel investigation did not follow the Department's model matching criteria, as outlined in Appendix V. However, since Hoogovens provided all necessary data for rematching, and the number of models involved was relatively small, we rematched the U.S. sales in accordance with that criteria. Additionally, in both its hot-rolled steel and cold-rolled steel concordances, Hoogovens proposed a few matches of U.S. products with home market products which have differences in merchandise (difmers) in excess of that allowed by the Department's "20 percent difmer test." Based upon an analysis of all home market products, we have selected, where possible, new matches which fit within the aforementioned matching methodology and which meet the Department's difmer test. See, Memorandum to File, dated January 21, 1993. In the cold-rolled steel investigation there was no acceptable match which would meet the 20 percent difmer test for one U.S. product. Further, Hoogovens failed to submit constructed value data for these sales. Consequently, we are calculating the margins for these sales based on the best information available (BIA), pursuant to section 776(c) of the Act. For a discussion of our methodology for determining BIA in these investigations, see Appendix II to Cold-Rolled Steel from Argentina.

Hoogovens has reported sales of the subject merchandise to related parties in the home market. For purposes of our preliminary determinations we have accepted some of those sales (hot-rolled steel only), and rejected others, based on our determination that these sales were

not at arm's length. The Department's methodology for determining whether or not home market sales are made at arm's length is discussed in appendix II to Cold-Rolled Steel from Argentina, which is being published concurrently with this notice.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the Act, when the subject merchandise was sold to unrelated purchasers in the United States prior to importation and because exporter's sales price methodology was not otherwise indicated. In addition, where sales to the first unrelated purchaser took place after importation of the subject merchandise into the United States, we based USP on exporter's sales price, in accordance with section 772(c) of the Act.

For both hot-rolled and cold-rolled steel, we calculated purchase price based on packed, delivered and/or undelivered prices to unrelated customers in the United States. We made deductions, where appropriate, for discounts, foreign brokerage and handling, foreign inland freight, ocean freight, marine insurance, U.S. brokerage, U.S. duties and U.S. inland freight, in accordance with section 772(d)(2) of the Act.

For both hot-rolled and cold-rolled steel, we calculated exporter's sales price based on packed, delivered and/or undelivered prices to unrelated customers in the United States. We made deductions, where appropriate, for discounts, foreign brokerage and handling, foreign inland freight, ocean freight, marine insurance, U.S. brokerage, U.S. duties and U.S. inland freight, in accordance with section 772(d)(2) of the Act.

We made additional deductions, where appropriate, for commissions, credit expenses, warranty expenses, product liability premium expenses, technical service expenses and inventory carrying expenses, in accordance with section 772(e) of the Act.

For certain hot-rolled steel and cold-rolled steel ESP sales, Hoogovens reported no amount in the sales listing for certain types of expenses where, according to the narrative portion of the response, an expense was incurred. These expenses include credit expenses and indirect selling expenses. For the missing credit expenses, we calculated the expense based on sales and payments dates reported in the response. For indirect selling expenses we assigned, as BIA pursuant to section 776(c) of the Act, the highest value for

that expense reported in the ESP sales database.

We also deducted all value added to the subject merchandise after importation, pursuant to section 772(e)(3) of the Act. The U.S. value added consists of the costs of materials, fabrication, and general expenses associated with the portion of the subject merchandise further manufactured in the United States as well as a proportional amount of profit or loss attributable to the value added. We recalculated Hoogovens' reported total cost of further manufacturing because the reported interest expense included an amount relating to accounts receivable and finished goods inventory, which costs were also included in the submitted selling expenses. Profit or loss was calculated by deducting from the sales price of the further manufactured merchandise all production and selling costs, including commissions where appropriate, incurred by the company for such merchandise. The total profit or loss was then allocated proportionately to all components of cost. Only the profit or loss attributable to the value added was deducted. In determining the costs incurred to produce the subject merchandise, we included (1) materials, (2) fabrication, and (3) general expenses, including selling, general and administrative expenses (SG&A), research and development expenses, and interest expenses.

For certain hot-rolled steel and cold-rolled steel sales involving further manufacturing, Hoogovens failed to report amounts for the costs of further manufacturing. Consequently, for preliminary determinations, we are calculating the margins for these sales based on BIA, pursuant to section 776(c) of the Act. (See, Appendix II to Cold-Rolled Steel from Argentina for a discussion of our methodology for determining BIA in these investigations.)

In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of value-added tax (VAT) that would have been collected had the U.S. sales been taxed.

Foreign Market Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating FMV, we compared, for each class or kind of merchandise, the volume of home market sales of the merchandise to the volume of third country sales of the merchandise, in accordance with section 773(a)(1)(B) of the Act. We found that the home market

was viable for Hoogovens' sales of both classes or kinds of merchandise.

For hot-rolled steel, we calculated FMV based on delivered prices charged to unrelated customers in the home market, as well as prices charged to related customers where such prices were found to be at arm's length (see, discussion of our arm's length test in the "Fair Value Comparisons" section of this notice). For cold-rolled steel, we calculated FMV based on delivered and undelivered prices charged to unrelated customers in the home market. For both hot-rolled and cold-rolled steel, we compared U.S. sales to home market sales made at the same level of trade, where possible, in accordance with 19 CFR 353.58. Where we were not able to match at the same level of trade, we made comparisons without regard to the level of trade. Hoogovens claimed that home market end-users constitute two distinct levels of trade based upon whether or not the customer is a part of the automotive industry. However, for purposes of these preliminary determinations since Hoogovens provided insufficient information to support this claim, we have considered all sales to home market end-users as a single level of trade.

For both hot-rolled and cold-rolled steel, we made deductions, where appropriate for discounts and inland freight, in accordance with section 773(a)(4) of the Act. For cold-rolled steel we also made deductions for certain rebates.

For home market to purchase price comparisons, pursuant to section 773(a)(4)(B) and 19 CFR 353.56(a)(2), we made circumstance of sale adjustments, where appropriate, for credit expenses and warranty expenses. We also made a circumstance of sale adjustment for the difference between the VAT on home market sales and that which would have been collected on U.S. sales if the export sales had been taxed. We deducted home market packing costs and added U.S. packing costs.

For home market to ESP comparisons which involved further manufacturing in the United States, we made deductions, where appropriate, for credit expenses and warranty expenses. Where appropriate, we also deducted from FMV the weighted-average home market indirect selling expenses, including inventory carrying costs and product liability premium expenses, up to the amount of indirect selling expenses and, where appropriate, commissions incurred on the U.S. sales, in accordance with 19 CFR 353.56(b). Since these comparisons involve further manufacturing, in determining the ESP offset amount we utilized that portion of

indirect selling expenses and commissions which is attributable to the foreign input product. We also made a circumstance of sale adjustment for the difference between VAT on home market sales and that which would have been collected on U.S. sales if the export sales had been taxed. Finally, we deducted home market packing costs and added U.S. packing costs.

Cost of Production

Based on petitioners' allegations, and in accordance with section 773(b) of the Act, the Department initiated investigations to determine whether Hoogovens had home market sales of hot-rolled steel and cold-rolled steel that were made at less than their respective costs of production (COP).

We calculated the COP based on the sum of a Hoogovens' cost of materials, fabrication, general expenses, and packing. We made no adjustments to Hoogovens' reported cost data. We compared home market selling prices, net of movement charges, rebates, and invoice corrections, to each model's COP.

In both the hot-rolled steel and the cold-rolled steel COP investigations, Hoogovens has been found to have had no sales below the COP. Therefore, for these preliminary determinations in determining FMV we have not disregarded any of Hoogovens' home market sales based upon their being at less than the COP.

Currency Conversion

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

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of hot-rolled steel and cold-rolled steel from the Netherlands that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of these preliminary determinations. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer	Weighted-average margin percentage
Hot-Rolled Steel:	
Hoogovens Groep, BV	26.34
All Others	26.34
Cold-Rolled Steel:	
Hoogovens Groep, BV	23.20
All Others	23.20

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

We will make our final determinations by the 135th day after the date of publication of this notice in the Federal Register.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2405 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-09-P

[A-455-802]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cut-to-Length Carbon Steel Plate From Poland

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT:

Judith Wey or Stephen Alley, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-6320 or 482-5288, respectively.

PRELIMINARY DETERMINATION: We preliminarily determine that imports of certain cut-to-length carbon steel plate (steel plate) from Poland are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On July 29, 1992, we contacted the Embassy of Poland and requested that it identify the Polish exporters of steel plate to the United States during the period of investigation (POI). We received a response on August 5, 1992, identifying PHZ Stalexport as the exporter of steel plate, and Huta Czestochowa/Czestochowa, Huta Batory/Chorzow Batory, and Huta Ostrowiec/Ostrowiec Swietokrzyski as manufacturers of steel plate. On August 6, 1992, we received a notice of appearance on behalf of PHZ Stalexport and Huta Czestochowa, (collectively Stalexport) which indicated that Huta Czestochowa was also an exporter of steel plate to the United States.

On August 14, 1992, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case.

On August 20, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to counsel for Stalexport. Stalexport was designated as responsible for collecting the necessary information from Huta Czestochowa and any other companies in Poland that are known to export and/or manufacture steel plate for export to the United States.

In the letter accompanying the questionnaire, we explained that in past cases, the Department has treated Poland as a nonmarket economy (NME) country, and that, in accordance with section 771(18)(c) of the Act, the Department's prior determination that Poland is an NME country will remain in effect until revoked. We invited the Polish authorities to provide

information regarding: (1) Whether the Department should continue to treat Poland as an NME country and (2) whether available information would permit the Department to base foreign market value (FMV) on price information under section 773(a) of the Act. We stated that, unless Poland was determined to no longer be an NME, FMV would be based on factors-of-production as required in section 773(c) of the Act. We also informed the Polish authorities that, if they intended to claim market-oriented industry (MOI) status with regard to the steel plate industry, they should respond to Attachment I of the questionnaire based upon criteria established in recent antidumping investigations. Additionally, we requested that, if the Polish authorities intended to assert that multiple exporters of the subject merchandise were separate and independent based upon the Department's established criteria and therefore entitled to separate antidumping margins should there be any, they should respond to Attachment II of the questionnaire.

On August 28, 1992, Stalexport requested that Poland be reclassified as a market economy country. The Department is considering this request and will address it at a later date. Stalexport also requested that it be issued section B of the questionnaire concerning home market/third country sales. We did so on September 4, 1992.

Stalexport submitted its sections A (General Information), C (Sales to the United States), and D (Factors of Production) questionnaire responses in September and October 1992. On October 20, 1992, Stalexport requested that its section B reporting requirements be reduced. On October 21, 1992, we informed Stalexport that Poland's classification as an NME country had not been revoked and that Stalexport's section B response would be considered only if Poland's NME status were to be revoked or if the industry producing steel plate were determined to be a MOI. We detailed for Stalexport how it could limit its reporting of information for those home market sales of products which it believed would never be matched to a U.S. sale, if FMV were to be based on home market sales.

On October 21, 1992, Import Administration's Office of Policy recommended that the following six surrogate countries, in order of preference, be used for valuing the factors of production in this investigation: Thailand; South Africa; Malaysia; Mexico; Argentina; and Turkey. On October 21, 1992, we invited interested parties to this

investigation to submit publicly available data they believed the Department should consider when valuing the Polish factors of production.

On November 3, 1992, the Department issued a supplemental questionnaire concerning sections A, C, and D. Stalexport's response was received on November 17, 1992.

Stalexport submitted its section B response on November 3, 1992. On November 10, 1992, we received a letter from Stalexport indicating that its section B response was incomplete and did not contain the required information for sales of products which Stalexport thought would never be matched to U.S. sales. Stalexport indicated that for it to comply with the Department's reporting requirements and submit a complete response would take months.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, requested status as co-petitioners in this investigation. The petitioner was amended to include the Steelworkers as co-petitioners on December 16, 1992.

On November 23, 1992, petitioners submitted publicly available data they believed the Department should consider when valuing the Polish factors of production.

On December 11, 1992, we notified respondent that we would allow additional time for it to provide additional information and remedy deficiencies in its responses. At that time, we informed Stalexport that any additional information submitted would not be considered for our preliminary determination, but would be considered for the final determination. Stalexport submitted additional factors of production information on December 16, 1992.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Postponement of Final Determination

Pursuant to section 735(a)(2)(A) of the Act, on January 8, 1993, Stalexport requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone the final determination to 135 days after the date of publication of the affirmative preliminary determination. Therefore, we are postponing the final determination until the 135th day after the publication of this notice in the Federal Register.

Scope of Investigation

The product covered by this investigation constitutes a single "class or kind" of merchandise: certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

Such or Similar Comparisons

We have determined that the class or kind of merchandise covered by this investigation constitutes a single category of such or similar merchandise.

Period of Investigation

The POI is January 1 through June 30, 1992.

Fair Value Comparisons

To determine whether sales of steel plate from Poland to the United States were made at less than fair value, we compared the United States price (USP) to the FMV, as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

Although Stalexport responded to the Department's questionnaires, it failed, in a timely manner for the preliminary determination, to provide complete factors of production information for the mill primarily responsible for production of the subject merchandise. Stalexport did not submit complete factors of production information for Huta Czysta until December 16, 1992, after the deadline for submission of information for consideration for the preliminary determination. Therefore, in accordance with section 776(c) of the Act, we have based our preliminary determination on best information available (BIA). We will consider the supplemental information submitted by Stalexport for our final determination.

In determining what margin to use as BIA, the Department follows a two-tiered methodology, whereby the Department normally assigns lower margins to those respondents who

cooperated in an investigation and margins based on more adverse assumptions for those respondents who did not cooperate in an investigation. A full description of the Department's BIA methodology is included in Appendix II-B to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina.

In this case, Stalexport has been a cooperative respondent and has attempted to comply with the Department's requests for information. Therefore, we have determined BIA to be the average of the calculated margins based on U.S. prices and acceptable surrogate-country information provided in the petition, as described below.

United States Price

We based USP on information provided in the petition. Petitioners calculated USP based on actual delivered price quotations for Polish steel plate for sale in the United States. Petitioners made deductions for ocean freight and insurance based on the average CIF charges, as derived from IM-145 import statistics. Petitioners also made adjustments for U.S. duty.

Foreign Market Value

We based FMV on information provided in the petition. In accordance with section 773(c) of the Act, petitioners calculated FMV using the factors of production methodology. Petitioners based their calculations on production costs in 15 potential surrogate countries. For this determination we have accepted only those FMV calculations which are based upon factor values taken from South Africa, Mexico, Argentina, and Turkey, which are countries the Department regards as acceptable surrogates in this investigation.

Petitioners calculated the values of raw materials, labor, and energy using surrogate costs and, where possible, Polish usage rates based on usage rates of a Polish steel producer, Sendzimir Iron and Steel Works. Petitioners summed these values and added amounts for selling, general, and administrative expenses, depreciation, and interest expenses. Finally, petitioners added the statutory minimum of eight percent for profit.

Currency Conversion

Petitioners made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank. Where Federal Reserve rates were not available, petitioners used the average monthly exchange

rates published by the International Monetary Fund.

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of steel plate from Poland that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Average margin percentage
PHZ Stalexport and All Others	75.44

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

We will make our final determination by the 135th day after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2406 Filed 2-3-93; 8:45 am]
BILLING CODE 3510-DS-P

[A-485-803]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From Romania

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Erik Wurga or David J. Goldberger, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0922 or (202) 482-4136, respectively.

PRELIMINARY DETERMINATION: We preliminarily determine that imports of certain cut-to-length carbon steel plate (steel plate) from Romania are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on July 20, 1992 (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case.

On August 20, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to the Romanian Embassy in Washington for transmittal to Metalexportimport (MEI) in Romania. The Department established a deadline of September 4, 1992, for responding to section A of the questionnaire. MEI accounted for all exports of the subject merchandise to the United States during the period of investigation (POI).

MEI submitted a response to section A of the questionnaire (which requested general information on respondent's organization, accounting practices, merchandise, and total sales of subject merchandise in all markets), on September 9, 1992.

On September 15, 1992, MEI's section A response was rejected and returned, and MEI was informed that no further responses to the questionnaire would be accepted. This action was taken because MEI had neither filed its response by the September 4, 1992, deadline nor made a timely request for an extension of that deadline. A second section A response, filed by MEI on September 11, 1992, was rejected and returned for the same reasons on September 25, 1992.

On September 18 and September 30, 1992, MEI requested additional time to file its questionnaire response. The Department rejected these requests by letters of September 29 and October 9, 1992. On October 5, 1992, MEI filed responses to sections C and D of the questionnaire; these responses were returned on October 9, 1992. Although the section C and D responses were submitted by the deadline that had been set forth in the original questionnaire for these sections, on September 15, 1992, letter informed MEI that no further responses to the questionnaire would be accepted. MEI's section C and D responses were thus unsolicited and, accordingly, were returned pursuant to 19 CFR 353.31(b)(2).

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, requested status as co-petitioners in this investigation. The petition was amended to include the Steelworkers as co-petitioners on December 16, 1992.

On January 19, 1993, petitioners requested that, if the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determination, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Scope of the Investigation

The product covered by this investigation constitutes a single "class or kind" of merchandise: certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-

Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

Period of Investigation

The POI is January 1 through June 30, 1992.

Such or Similar Comparisons

We have determined that the merchandise covered by this investigation constitutes a single category of such or similar merchandise.

Fair Value Comparisons

To determine whether sales of steel plate from Romania to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. We based our determination on best information available (BIA) as required by section 776(c) of the Act.

In determining what to use as BIA, the Department follows a two-tiered methodology, whereby the Department normally assigns lower margins to those respondents who cooperated in an investigation and margins based on more adverse assumptions for those respondents who did not cooperate in an investigation. A full description of the Department's BIA methodology is included in Appendix II-B to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, published concurrently with this notice.

Because MEI indicated continued willingness to comply with the Department's request for information, we consider it to be a cooperative respondent despite having failed to file a timely response to our questionnaire. Accordingly, we have determined BIA to be the average of those margins calculated based on U.S. prices and appropriate surrogate country information provided in the petition, as described below.

United States Price

We calculated USP based on actual price quotations contained in the petition. Petitioners made deductions, where appropriate, for the following movement charges: Insurance, ocean freight, and U.S. duties.

Foreign Market Value

In accordance with section 773(c) of the Act, we calculated FMV based on information in the petition. Petitioners used the factors-of-production methodology. Petitioners based their calculations on production costs in

potential surrogate countries. From those countries for which petitioners provided information, we selected Argentina, Chile, and Turkey as the most appropriate surrogate countries on which to base valuation of Romanian production factors because, of the countries considered as appropriate surrogates in the most recent investigation involving products from Romania, those countries have been deemed appropriate surrogate countries. See Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe from Romania (57 FR 42957, September 17, 1992).

For each of the three countries that we have selected as appropriate surrogates, petitioners calculated the value of raw materials, labor, and energy using costs in the surrogate country and, where possible, Romanian usage rates. Petitioners summed these values, and then added an amount for overhead and general expenses. Finally, petitioners added the statutory minimum eight percent profit. Petitioners provided no information on packing factors or costs. Consequently, no amount for packing was added.

Currency Conversion

Petitioners made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank or, where Federal Reserve Bank rates were not available, based on the average monthly exchange rates published by the International Monetary Fund.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of steel plate from Romania that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Average margin percentage
Metallexportimport and All Other Companies	75.04

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC

will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

If this investigation proceeds normally, we will make our final determination by April 12, 1993.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2407 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-08-P

[A-469-802 and A-469-803]

Notice of Preliminary Determinations of Sales at Less Than Fair Value and Postponement of Final Determinations: Certain Cold-Rolled Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Spain

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT:

Andrew McGilvray or David J. Goldberger, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0108 or (202) 482-4136, respectively.

PRELIMINARY DETERMINATIONS: We preliminarily determine that imports of certain cold-rolled carbon steel flat products (cold-rolled steel) and certain cut-to-length carbon steel plate (steel plate) from Spain are being, or are likely

to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of these investigations on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued affirmative preliminary injury determinations in these cases.

On August 19, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to Empresa Nacional Siderurgica, S.A. (Ensidesa). This respondent accounted for at least 60 percent of the exports of each class or kind of the subject merchandise to the United States during the period of investigation (POI). We also provided this respondent with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

Respondent submitted sales questionnaire responses in September and October 1992. The Department issued a supplemental sales questionnaire in November 1992. Respondent submitted the response to this supplemental questionnaire in December 1992.

On November 6, 1992, petitioners alleged that Ensidesa sold cold-rolled steel and steel plate in Spain at prices which were below its cost of production. On January 7, 1993, the Department determined that it had reasonable grounds to believe or suspect that Ensidesa had sold cold-rolled steel and steel plate in Spain below cost and, therefore, initiated cost investigations in accordance with section 773(b) of the Act. The Department issued to Ensidesa a cost of production questionnaire (section D) on the same date. Ensidesa's response to section D was not received in time to be considered for these determinations. However, we will consider this information for the final determinations.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of the products in the United States, entered an appearance as a co-petitioner in these investigations. The petitions were amended to include

the Steelworkers as co-petitioners on December 16, 1992.

On November 24, 1992, and January 6, 1993, respectively, petitioners alleged the existence of critical circumstances with regard to imports of steel plate and cold-rolled steel from Spain.

On December 11, 1992, we notified respondent that we would allow additional time (until December 21, 1992) for it to provide additional information and remedy deficiencies in its responses. Ensidesa submitted additional information by the December 21, 1992, deadline.

On January 19, 1993, petitioners requested that, for any of these investigations for which the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determinations, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Postponement of Final Determinations

Pursuant to section 735(a)(2)(A) of the Act, on January 15, 1993, Ensidesa requested that, in the event of an affirmative preliminary determination in either of these investigations, the Department postpone the final determination to 135 days after the date of publication of the affirmative preliminary determination. Therefore, we are postponing the final determinations until the 135th day after the publication of this notice in the Federal Register.

Scope of the Investigations

The products covered by these investigations constitute two separate "classes or kinds" of merchandise: certain cold-rolled carbon steel flat products and certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

Period of Investigations

The POI is January 1 through June 30, 1992.

Such or Similar Comparisons

We have determined that each of the classes or kinds of the products covered by these investigations constitutes a single category of such or similar merchandise. Where, within a class or kind, there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping duty questionnaire, which is on file in room B-099 of the main building of the Department of Commerce.

Fair Value Comparisons

To determine whether sales of cold-rolled steel and steel plate from Spain to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

Ensidesa has reported sales of the subject merchandise to related parties in the home market. The Department's methodology for determining whether or not to include these transactions in our calculations of FMV is discussed in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina.

Ensidesa has reported that sales of steel plate in the United States were made, and reported to the Department, on a theoretical weight basis, while home market sales, except for those to certain customers, were made and reported on an actual weight basis. We have used respondent's conversion factor, submitted on December 21, 1992, to convert home market actual weight values to a theoretical weight basis for comparison to U.S. sales. We were able to use this single factor from Ensidesa's December 21, 1992, submission because of the limited burden on the Department. Since respondent did not submit information enabling the Department to distinguish home market theoretical-weight sales from home market actual-weight sales, we have used the conversion factor on all home market sales.

Ensidesa failed to provide in its model match concordance home market matches for a few U.S. sales of cold-rolled steel. In those instances, we used as the best information available the highest margin calculated among cold-rolled sales for which we were able to calculate a margin.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the

Act, because the subject merchandise was sold to unrelated purchasers in the United States before importation and because exporter's sales price methodology was not otherwise indicated.

We calculated purchase price based on prices to unrelated customers. We made deductions, where appropriate, for the following movement charges: Marine insurance, ocean freight, U.S. brokerage, and U.S. duty.

In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of value-added tax (VAT) that would have been collected had the exported merchandise been taxed.

Foreign Market Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating foreign market value, we compared the volume of home market sales of the subject merchandise to the volume of third country sales of each class or kind of subject merchandise, in accordance with section 773(a)(1)(B) of the Act. We found that the home market was viable for sales by Ensidesa of both cold-rolled steel and steel plate.

We calculated FMV based on prices charged to unrelated and related customers in the home market because we found Ensidesa's sales to its related customers to be at arm's length. In accordance with 19 CFR 353.58, we compared U.S. sales to home market sales made at the same level of trade, where possible. We made deductions, where appropriate, for discounts and rebates.

Pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments for differences in credit expenses and interest revenue, and for VAT incurred on home market sales and not on export sales.

Currency Conversion

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

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determinations.

Critical Circumstances

Petitioners allege that "critical circumstances" exist with respect to imports of cold-rolled steel and steel plate from Spain. Pursuant to section 733(e)(1) of the Act, we have analyzed the allegations using the methodology

described in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina. To determine whether or not there have been massive imports of steel plate, we compared export volume for the six months subsequent to the filing of the petition to the six months prior to the filing of the petition, using data submitted by Ensidesa. For cold-rolled products, we used U.S. Department of Commerce import statistics since information from Ensidesa was not available for the preliminary determination. In both cases, we found that imports of the subject merchandise from Spain during the period subsequent to receipt of the petition have been massive.

To determine whether or not the importers of the products knew or should have known that they were being sold at less than fair value, we considered the preliminary margins in these investigations, as discussed in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina. The margins indicate that importers of cold-rolled steel should have known that it was being sold at less than fair value, and that importers of steel plate should have known that it was being sold at less than fair value.

Based on our analyses, we preliminarily determine that critical circumstances do exist with respect to imports of cold-rolled steel from Spain, and that critical circumstances do exist with respect to imports of steel plate from Spain.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of cold-rolled steel and steel plate from Spain that are entered, or withdrawn from warehouse, for consumption on or after the date 90 days prior to the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Weighted-average margin percentage
Cold-Rolled Steel:	
Ensidesa	41.81
All Others	41.81

Producer/manufacturer/exporter	Weighted-average margin percentage
Steel Plate:	
Ensidesa	105.61
All Others	105.61

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping and export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount.

In its preliminary affirmative determination in the concurrent countervailing duty investigation involving sales in the United States of cold-rolled steel and steel plate from Spain, the Department did not find any export subsidies. Therefore, we did not need to make any offset to the AD deposit rate.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

We will make our final determinations by the 135th day after the publication of this notice in the *Federal Register*.

These determinations are published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,
Acting Assistant Secretary for Import
Administration.
[FR Doc. 93-2408 Filed 2-3-93; 8:45 am]
BILLING CODE 3510-DS-P

[A-401-805]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cut-to-Length Carbon Steel Plate From Sweden

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Erik Warga or David J. Goldberger, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0922 or (202) 482-4136, respectively.

PRELIMINARY DETERMINATION: We preliminarily determine that imports of certain cut-to-length carbon steel plate (steel plate) from Sweden are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case.

On August 19, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to Svenskt Staal, AB (SSAB). This respondent accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided SSAB with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

SSAB responded to section A of our questionnaire (which requested general information on respondent's organization, accounting practices, merchandise, and total sales of subject

merchandise in all markets) in September 1992. In October 1992, SSAB submitted its responses to sections B and C of our questionnaire, which request information on sales in the home market and in the United States, respectively.

The Department issued, and received a response to, a deficiency letter in November 1992.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, requested status as co-petitioners in this investigation. The petition was amended to include the Steelworkers as co-petitioners on December 16, 1992.

On December 9, 1992, petitioners alleged that SSAB made home market sales of the subject merchandise at prices below the cost of production (COP) during the POI. Since the Department determined that it had reasonable grounds to believe or suspect that SSAB had sold steel plate at prices which were below SSAB's COP, the Department presented a cost of production questionnaire (section D) to SSAB on January 19, 1993.

On December 11, 1992, we notified SSAB that we would allow additional time (until December 21, 1992) for it to remedy deficiencies in, or otherwise supplement, its questionnaire responses. We received a supplemental response from SSAB in December 1992. However, due to time constraints, the Department is not using this latest response for purposes of the preliminary determination. This information will, where appropriate, be verified and considered for the final determination.

On January 19, 1993, petitioners requested that, if the preliminary determination in this investigation is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determination, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of this investigation if the preliminary determination is negative.

Postponement of Final Determination

Pursuant to section 735(a)(2)(A) of the Act, on January 22, 1993, SSAB requested that, in the event of an affirmative preliminary determination

in this investigation, the Department postpone the final determination to 135 days after the date of publication of the affirmative preliminary determination. Therefore, we are postponing the final determination for this investigation until the 135th day after the publication of this notice in the **Federal Register**.

Scope of the Investigation

The product covered by this investigation constitutes a single "class or kind" of merchandise: certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, which is being published concurrently with this notice.

Period of Investigation

The POI is January 1 through June 30, 1992.

Such or Similar Comparisons

We have determined that the product covered by this investigation constitutes a single category of such or similar merchandise.

Fair Value Comparisons

To determine whether sales of steel plate from Sweden to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

Because respondent failed to respond adequately to our questionnaire, we based our determination on best information available (BIA) pursuant to section 776(c) of the Act. Chief among respondent's questionnaire deficiencies were failure to report sales to the first unrelated party, failure to prepare its model match concordance according to the instructions set forth in appendix V to the Department's antidumping questionnaire, and failure to define products as unique based on our matching criteria, as instructed in our antidumping questionnaire.

The relatively large number of models and transactions contained in respondent's questionnaire response rendered infeasible any attempt by the Department to correct the product identification and matching deficiencies in time for the preliminary determination.

In determining what to use as BIA, the Department follows a two-tiered methodology, whereby the Department normally assigns lower margins to those respondents who substantially

cooperated in an investigation and margins based on more adverse assumptions for those respondents who did not cooperate in an investigation. A full description of the Department's BIA methodology is included in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, published concurrently with this notice. Because SSAB has responded to all our requests for information, we have determined it to be substantially cooperative for purposes of this preliminary determination.

We compared U.S. and home market prices, as provided in the petition. As BIA, we based our determination on the average of all margins based on information in the petition.

United States Price

We calculated USP based on prices contained in the petition. Petitioners made deductions, where appropriate, for the following movement charges: Foreign inland freight; ocean freight and insurance; U.S. duty; harbor maintenance fees; and merchandise processing fees.

In accordance with section 772(d)(1)(C) of the Act, petitioners added to USP the amount of value-added tax (VAT) that would have been collected had the exported sale been taxed.

Foreign Market Value

We calculated FMV based on home market prices provided in the petition. Petitioners made deductions, where appropriate, for discounts and credit expenses.

Pursuant to 19 CFR 353.56, petitioners made circumstance-of-sale adjustments for differences in credit expenses. A circumstance-of-sale adjustment for the difference between VAT on home market sales and that which would have been collected on U.S. sales if the export sales had been taxed was also made. Home market packing costs were deducted and U.S. packing costs were added.

Currency Conversion

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

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determinations.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of steel plate from Sweden that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Average margin percentage
Svenskt Staal, AB	21.77
All Others	21.77

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount.

In its preliminary affirmative determination in the concurrent countervailing duty investigation involving sales in the United States of steel plate by SSAB, the Department did not find any export subsidies. Therefore, we did not need to make any offset to the antidumping deposit rate.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

We will make our final determination by the 135th day after the publication of this notice in the *Federal Register*.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 23, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2409 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-DS-P

(A-412-814)

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cut-to-Length Carbon Steel Plate from the United Kingdom

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

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Erik Warga or David J. Goldberger, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0922 or (202) 482-4136, respectively.

PRELIMINARY DETERMINATION: We preliminarily determine that imports of certain cut-to-length carbon steel plate (steel plate) from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on July 20, 1992, (57 FR 33488, July 29, 1992), the following events have occurred:

On August 14, 1992, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case. The ITC also issued a negative preliminary determination with respect to cold-rolled carbon steel flat products from the United Kingdom, an investigation of which was initiated concurrently with the steel plate investigation.

On August 19, 1992, the Department of Commerce (the Department)

presented an antidumping duty questionnaire to British Steel plc (British Steel). This respondent accounted for at least 60 percent of the exports of the subject merchandise to the United States during the period of investigation (POI). We also provided British Steel with a standard computer program for submitting, on an optional basis, a completed margin analysis along with the antidumping duty questionnaire responses.

Since the Department determined at initiation that it had reasonable grounds to believe or suspect that British Steel had sold steel plate in the United Kingdom at prices which were below British Steel's cost of production, the Department also presented a cost of production questionnaire (section D) to British Steel.

British Steel notified the Department on September 3, 1992, that it would not participate in this investigation.

On November 21, 1992, the United Steelworkers of America (AFL-CIO/CLC) (Steelworkers), a certified union representative of an industry whose workers are engaged in the manufacture or production of like products in the United States, requested status as co-petitioners in this investigation. The petition was amended to include the Steelworkers as co-petitioners on December 16, 1992.

On November 24, 1992, petitioners alleged the existence of critical circumstances pursuant to section 733(e). Respondent rebutted petitioners' critical circumstances allegation on December 23, 1992. On January 19, 1993, respondent filed additional comments on the issue of critical circumstances, as well as the basis for the Department's preliminary LTFV determination.

On January 19, 1993, petitioners requested that, in the event that the preliminary determination is negative, the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determination, provided that similar requests are received in all other concurrent antidumping investigations of flat-rolled steel products for which the preliminary determinations were affirmative.

On January 25, 1993, petitioners amended their request to request unconditional postponement of any of these investigations for which the preliminary determination is negative.

Postponement of Final Determination

Pursuant to section 735(a)(2)(A) of the Act, on January 22, 1993, British Steel requested that, in the event of an affirmative preliminary determination

in this investigation, the Department postpone the final determination to 135 days after the date of publication of the affirmative preliminary determination. Therefore, we are postponing the final determination for this investigation until the 135th day after the publication of this notice in the *Federal Register*.

Scope of the Investigation

The product covered by this investigation constitutes a single "class or kind" of merchandise: Certain cut-to-length carbon steel plate. The full description of the subject merchandise is included in Appendix I to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, which is being published concurrently with this notice.

Period of Investigation

The POI is January 1 through June 30, 1992.

Such or Similar Comparisons

We have determined that the merchandise covered by this investigation constitutes a single category of such or similar merchandise.

Fair Value Comparisons

To determine whether sales of steel plate from the United Kingdom to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

Because respondent failed to respond to our questionnaire, we based our determination on best information available (BIA) pursuant to section 776(c) of the Act.

In determining what to use as BIA, the Department follows a two-tiered methodology, whereby the Department normally assigns lower margins to those respondents who cooperated in an investigation and margins based on more adverse assumptions for those respondents who did not cooperate in an investigation. A full description of the Department's BIA methodology is included in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina.

We compared U.S. prices to home market prices, as provided in the petition. As BIA, given that British Steel has been uncooperative, we based our determination on the comparison that yielded the highest margin.

United States Price

We calculated USP based on average customs values of subject merchandise imported into the United States, as reported in the petition. Petitioners deducted foreign inland freight.

In accordance with section 772(d)(1)(C) of the Act, petitioners added to USP the amount of value-added tax (VAT) that would have been collected had the exported merchandise been taxed.

Foreign Market Value

We calculated FMV based on home market prices provided in the petition. Petitioners made deductions, where appropriate, for discounts and credit expenses.

Pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments for differences in credit expenses. For price-to-price comparisons, we also made a circumstance-of-sale adjustment for the difference between VAT on home market sales and that which would have been collected on U.S. sales if the export sales had been taxed. When comparing actual prices, we deducted home market packing costs and added U.S. packing costs.

Currency Conversion

Petitioners made currency conversions based on the official exchange rates in effect during the quarter of the U.S. sale as certified by the Federal Reserve Bank.

Critical Circumstances

Petitioners allege that "critical circumstances" exist with respect to imports of steel plate from the United Kingdom. Pursuant to section 733(e)(1) of the Act, we have analyzed the allegations using the methodology described in Appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina.

With respect to our determination as to whether there have been massive imports of steel plate, we note that respondent failed to respond to our questionnaire. By deciding not to submit a questionnaire response, British Steel explicitly indicated that it did not intend to be an active participant in the investigation. Accordingly, the Department is under no obligation to consider factual information contained in other submissions from such a respondent in making LTFV determinations. Therefore, factual information contained in British Steel's December 23, 1992, and January 19, 1993, submissions on critical circumstances has not been considered.

Because British Steel has refused to provide requested information, the Department must resort to BIA. In these particular circumstances, the most adverse BIA is warranted. Therefore, we determine that imports were massive over a relatively short period.

To determine whether the importers knew or should have known that the merchandise was being sold at less than fair value, we considered the preliminary margins in these investigations, as discussed in appendix II to the Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina. The preliminary margins indicate that importers knew, or should have known, that imports of steel plate from the United Kingdom were being sold in the United States at less than fair value.

Based on our analysis, we preliminarily determine that critical circumstances exist with respect to imports of steel plate from the United Kingdom.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of steel plate from the United Kingdom that are entered, or withdrawn from warehouse, for consumption on or after the date 90 days before the date of publication of this notice in the *Federal Register*. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Margin percentage
British Steel plc	109.22
All Others	109.22

Article VI, paragraph 5 of the General Agreement on Tariffs and Trade provides that "[n]o product . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount.

In its preliminary affirmative determination in the concurrent countervailing duty investigation involving sales in the United States of steel plate from the United Kingdom, the Department did not find any export

subsidies. Therefore, we did not need to make any offset to the AD deposit rate.

ITC Notification

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

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

A schedule for case briefs, rebuttal briefs, and hearings, if requested, will be published at a later date after all interested parties have had the opportunity to request a hearing.

We will make our final determination by the 135th day after the publication of this notice in the *Federal Register*.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 26, 1993.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

[FR Doc. 93-2410 Filed 2-3-93; 8:45 am]
BILLING CODE 3510-DS-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**Cancellation of Staged Entry for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China**

January 29, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs cancelling staged entry periods.

EFFECTIVE DATE: February 1, 1993.

FOR FURTHER INFORMATION CONTACT:
Anne Novak, International Trade

Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6703. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On December 30, 1992, a notice was published in the *Federal Register* (57 FR 62304), which announced, among other things, the establishment of staged entry periods for cotton and man-made fiber textile products in Categories 314 and 617, produced or manufactured in China and exported during the period beginning on January 1, 1992 and extending through December 31, 1992. It has been determined by CITA that the remaining staged entry periods for Categories 314 and 617 are no longer needed.

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 57 FR 54976, published on November 23, 1992).

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

January 29, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: To facilitate implementation of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated February 2, 1988, as amended, between the Governments of the United States and the People's Republic of China, I request that, effective on February 1, 1993, you cancel the staged entry periods established in the directive dated December 23, 1992 for cotton and man-made fiber textile products in Categories 314 and 617, produced or manufactured in the People's Republic of China.

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,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-2650 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-DR-F

Settlement of an Import Limit for Certain Wool Textile Products Produced or Manufactured in the Arab Republic of Egypt

February 1, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: February 8, 1993.

FOR FURTHER INFORMATION CONTACT:

Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated January 6, 1993, the Governments of the United States and the Arab Republic of Egypt agreed amend their Bilateral Cotton and Man-Made Fiber Textile Agreement, effected by exchange of notes dated March 15, 1992 and June 9, 1992, to include the coverage of wool textile and apparel products. In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish a limit for wool textile products in Category 448 for the period beginning on January 1, 1993 and extending through December 31, 1993.

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 57 FR 54976, published on November 23, 1992). Also see 57 FR 54221, published on November 17, 1992; and 57 FR 59092, published on December 14, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the

implementation of certain of its provisions.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 1, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Effective on February 8, 1993, you are directed to cancel the directive dated December 8, 1992, which directed you to count imports of wool textile products in Category 448, produced or manufactured in Egypt and exported during the period beginning on November 27, 1992 and extending through November 26, 1993.

Also, this directive amends, but does not cancel, the directive issued to you on November 10, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in the Arab Republic of Egypt and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on February 8, 1993, you are directed, pursuant to a Memorandum of Understanding dated January 6, 1993, to amend the November 10, 1992 directive to include a limit for Category 448 at a level of 16,000 dozen¹.

Import charges will be provided at a later date.

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,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-2652 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-DR-F

Textile and Apparel Categories With the Harmonized Tariff Schedule of the United States; Changes to the 1993 Correlation

February 1, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Changes to the 1993 Correlation.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

¹ The limit has not been adjusted to account for any imports exported after December 31, 1992.

The Correlation: Textile and Apparel Categories based on the Harmonized Tariff Schedule of the United States (1993) presents the harmonized tariff numbers under each of the cotton, wool, man-made fiber, silk blend and other vegetable fiber categories used by the United States in monitoring imports of these textile products and in the administration of the bilateral agreement program. The following changes will be published in the first supplement to the Harmonized Tariff Schedule of the United States (1993):

Category	Changes to the 1993 Correlation
237	Delete 6103.43.2025 Delete 6104.63.1030
659	Add 6103.43.2025—definition remains unchanged. Add 6104.63.1030—definition remains unchanged.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-2651 Filed 2-3-93; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of Defense.

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Defense FAR Supplement, part 236, Construction and Architect-Engineer Contracts, and related clauses at 252.236; OMB Control No. 0704-0255.

Type of Request: Revision.
Average Burden Hours/Minutes per Response: 103 Hours.

Responses per Respondent: 1.
Number of Respondents: 2,680.
Annual Burden Hours: 276,620.
Annual Responses: 2,680.
Needs and Uses: DoD FAR Supplement, part 236 prescribes policies and procedures for contracting for construction and architect-engineer services. The information generated by these requirements is used by Government personnel to (a) evaluate contractor offers for modifications, (b) determine that the contractor has removed all obstructions to navigation, and (c) review contractor requests for payment.

Affected Public: Businesses or other for-profit; Non-profit institutions, and Small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: February 1, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93-2631 Filed 2-3-93; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of Defense.

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Defense FAR Supplement, Part 225, Foreign Acquisition.

Type of Request: New Collection.
Average Burden Hours/Minutes per Response: 25 hours.

Responses per Respondent: 1.
Number of Respondents: 181.
Annual Burden Hours: 45.
Annual Responses: 181.

Needs and Uses: Section 834 of the National Defense Authorization Act for Fiscal Year 1992 extends the restriction on acquisition of certain machine tools and accessories through fiscal year 1996. Implementation of this statutory restriction includes a contract provision which requires offerors to list machine tool accessories not specifically required by the specifications. If such accessories are not of U.S. or Canadian origin, the country of manufacture and cost must be identified.

Affected Public: Businesses or other for-profit; and small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: February 1, 1993

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93-2632 Filed 2-3-93; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Government-Owned Inventions; Availability for Licensing

AGENCY: Department of the Navy, Defense.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for \$3.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$6.95 each (\$10.95 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent applications copies sold to avoid premature disclosure.

DATES: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of Naval Research (Code OCCCIP), Arlington, Virginia 22217-5660, telephone (703) 696-4001.

Patent 5,079,220: PROCESS FOR SINGLE CRYSTAL GROWTH OF HIGH TC SUPERCONDUCTORS; filed 25 May 1989; patented 7 January 1992.

- Patent 5,082,318: GIRTH HITCHING MECHANISM; filed 26 October 1990; patented 21 January 1992.
- Patent 5,083,128: LOW OBSERVABILITY APERTURE DESIGN FOR EXPENDABLE COUNTERMEASURES DEVICE; filed 1 April 1986; patented 21 January 1992.
- Patent 5,083,909: SEAWATER HYDRAULIC VANE TYPE PUMP; filed 29 November 1990; patented 21 January 1992.
- Patent 5,085,998: BIODEGRADATION OF 2,4,6-TRINITROTOLUENE BY WHITE ROT FUNGUS; filed 7 May 1991; patented 4 February 1992.
- Patent 5,086,432: RESONANTLY PUMPED ERBIUM-DOPED, 2.8 MICRON SOLID STATE LASER WITH HIGH SLOPE EFFICIENCY; filed 23 May 1991; patented 4 February 1992.
- Patent 5,089,941: FLUX CONTAINMENT DEVICE, filed 6 September 1990; patented 18 February 1992.
- Patent 5,091,362: SILVER COATED SUPERCONDUCTING CERAMIC POWDER; filed 10 October 1990; patented 25 February 1992.
- Patent 5,092,944: HIGH ENERGY CAST EXPLOSIVES BASED ON DINITROPROPYLACRYLATE; filed 7 May 1976; patented 3 March 1992.
- Patent 5,092,945: GLYCIDYL AZINE PROPELLANT WITH ANTIGASSING ADDITIVES; filed 1 March 1982; patented 3 March 1992.
- Patent 5,093,235: IMMUNO-DYE REAGENT AND ASSAY FOR DETECTION OF ENDOTOXIN, filed 29 September 1989; patented 3 March 1992.
- Patent 5,097,156: CIRCUITRY FOR COMPENSATING FOR TRANSISTOR PARAMETER MISMATCHES IN CMOS ANALOG FOUR QUADRANT MULTIPLIER; filed 11 April 1991; patented 17 March 1992.
- Patent 5,097,265: TRIANGULAR TARGET BOAT REFLECTOR; filed 24 May 1991; patented 17 March 1992.
- Patent 5,097,477: A LASER DIODE PUMPED MULTIPLE ROD RING LASER ALLOWING COMBINATION OF MULTIPLE PUMP SOURCES; filed 7 May 1991; patented 17 March 1992.
- Patent 5,098,588: NEW CLASS OF LUBRICANTS DERIVED FROM ARCHAEABACTERIAL LIPIDS; filed 29 November 1989; patented 24 March 1992.
- Patent 5,101,181: LOGARITHMIC-PERIODIC MICROWAVE MULTIPLEXER, filed 12 June 1990; patented 31 March 1992.
- Patent 5,103,174: MAGNETIC FIELD SENSOR AND DEVICE FOR DETERMINING THE MAGNETOSTRICTION OF A MATERIAL BASED ON A TUNNELING TIP DETECTOR AND METHODS OF USING SAME; filed 26 February 1990; patented 7 April 1992.
- Patent 5,103,280: DUAL ACTIVE LAYER PHOTOCONDUCTOR; filed 29 June 1988; patented 7 April 1992.
- Patent 5,104,222: SYSTEM AND METHOD FOR MINIMIZING INPUT POLARIZATION-INDUCED PHASE NOISE IN INTERFEROMETRIC FIBER-OPTIC SENSOR DEPOLARIZED INPUT LIGHT; filed 18 September 1990; patented 14 April 1992.
- Patent 5,106,829: METHOD OF MAKING SUBSTANTIALLY SINGLE PHASE SUPERCONDUCTING OXIDE CERAMICS HAVING A TC ABOVE 85 DEGREES; filed 19 September 1990; patented 21 April 1992.
- Patent 5,107,270: METHOD AND APPARATUS FOR INCREASING A RADAR'S RANGE WITH IMPROVED SCAN-TO-SCAN INTEGRATION OF DOPPLER FILTERED SIGNALS; filed 22 June 1990; patented 21 April 1992.
- Patent 5,108,393: NON-INVASIVE BODY-CLAMP; filed 8 April 1991; patented 28 April 1992.
- Patent 5,108,931: METHOD FOR DETECTING CHEMICAL VAPORS USING A LASING DYE SENSOR; filed 16 September 1988; patented 28 April 1992.
- Patent 5,110,334: METHOD OF PRODUCING GLASS FIBER WITH CORES OF A DIFFERENT MATERIAL; filed 31 July 1990; patented 5 May 1992.
- Patent 5,110,760: METHOD OF NANOMETER LITHOGRAPHY; filed 28 September 1990; patented 5 May 1992.
- Patent 5,111,438: METHOD OF ACOUSTIC PROCESSING FOR ACOUSTIC IMAGE CLASSIFICATION; filed 28 October 1991; patented 5 May 1992.
- Patent 5,113,367: CROSS ENTROPY DECONVOLVER CIRCUIT ADAPTABLE TO CHANGING CONVOLUTION FUNCTIONS; filed 31 January 1990; patented 12 May 1992.
- Patent 5,114,104: ARTICULATED CONTROL SURFACE; filed 1 October 1990; patented 19 May 1992.
- Patent 5,115,483: HIGH STRENGTH IN-LINE FIBER OPTIC CONNECTOR; filed 26 April 1991; patented 19 May 1992.
- Patent 5,115,668: NON-INVASIVE PRESSURE MEASURING DEVICE & METHOD; filed 30 November 1990; patented 26 May 1992.
- Patent 5,115,710: LOAD-REDUCING ROCKET NOZZLE OPERATION METHOD; filed 15 February 1991; patented 26 May 1992.
- Patent 5,116,268: BUOY FLOTATION GIMBAL; filed 10 June 1991; patented 26 May 1992.
- Patent 5,117,397: PLANAR WAVEFRONT SIMULATOR; filed 4 October 1991; patented 26 May 1992.
- Patent 5,117,731: TACTICAL OVERBOARD ACOUSTIC DECOY; filed 14 November 1991; patented 2 June 1992.
- Patent 5,119,751: VERTICAL STABILIZER INSTALLED TOWED ARRAY HANDLING SYSTEM; filed 23 November 1990; patented 9 June 1992.
- Patent 5,120,133: INTERFEROMETER WITH TWO PHASE-CONJUGATE MIRRORS; filed 21 December 1990; patented 9 June 1992.
- Patent 5,120,704: METHOD OF MAKING TL-SR-CA-CU-OXIDE SUPERCONDUCTORS COMPRISING HEATING AT ELEVATED PRESSURES IN A SEALED CONTAINER; filed 8 November 1989; patented 9 June 1992.
- Patent 5,122,989: DIGITAL ECHO REPEATER; filed 26 September 1991; patented 16 June 1992.
- Patent 5,123,361: ANNULAR VORTEX COMBUSTOR; filed 25 November 1991; patented 23 June 1992.
- Patent 5,125,265: CONTAMINATION CAPACITANCE PROBE SYSTEM; filed 9 October 1990; patented 30 June 1992.
- Patent 5,125,268: METHOD AND APPARATUS FOR ACOUSTICALLY MEASURING RAINFALL; filed 8 July 1991; patented 30 June 1992.
- Patent 5,126,674: PLANAR IMAGING NUCLEAR MAGNETIC RESONANCE; filed 29 August 1990; patented 30 June 1992.
- Patent 5,126,978: UNDERSEA DATA COLLECTION ANALYSIS AND DISPLAY SYSTEM; filed 23 April 1991; patented 30 June 1992.
- Patent 5,127,275: IN-LINE LOAD CELL FOR FLEXIBLE STRENGTH MEMBER MATERIAL; filed 27 August 1990; patented 7 July 1992.
- Patent 5,131,538: FIBER OPTIC COIL SHIPPING AND STORAGE CONTAINER; filed 11 March 1991; patented 21 July 1992.
- Patent 5,133,663: PORTABLE AUTOMATIC RADAR SIMULATOR; filed 23 January 1992; patented 28 July 1992.
- Patent 5,134,361: OPTICAL SYSTEM FOR LINEARIZING NON-LINEAR ELECTRO-OPTIC; filed 19 February 1991; patented 28 July 1992.

Patent 5,134,508: OPTICAL HIGH-SPEED PARALLEL BACKPLANE; filed 29 January 1990; patented 28 July 1992.

Patent 5,136,241: DEVICE TO MEASURE UNWANTED ELECTRIC AND MAGNETIC FIELD INDUCED VOLTAGES IN REMOTE MEASUREMENT SENSORS; filed 27 August 1990; patented 4 August 1992.

Patent 5,138,311: BROADBAND QUADRIFILAR PHASE ARRAY HELIX; filed 17 October 1990; patented 11 August 1992.

Patent 5,138,587: HARBOR APPROACH-DEFENSE EMBEDDED SYSTEM; filed 27 June 1991; patented 11 August 1992.

Patent 5,139,679: TREATMENT OF WASTEWATER CONTAINING CITRIC ACID AND TRIETHANOLAMINE; filed 24 February 1992; patented 18 August 1992.

Patent 5,143,545: ANTIFOULING MARINE COATINGS; filed 15 March 1991; patented 1 September 1992.

Patent 5,144,587: EXPANDABLE, LONG, MOVING ECHO RADIATOR; filed 27 June 1991; patented 1 September 1992.

Patent 5,144,595: ADAPTIVE STATISTICAL FILTER PROVIDING IMPROVED PERFORMANCE FOR TARGET MOTION ANALYSIS NOISE DISCRIMINATION; filed 27 January 1992; patented 1 September 1992.

Patent 5,145,257: INFRARED FIBER-OPTICAL TEMPERATURE SENSOR; filed 21 August 1991; patented 8 September 1992.

Patent 5,146,145: ELECTRIC DRIVE SYSTEM FOR SUBMARINE MACHINERY; filed 10 June 1991; patented 8 September 1992.

Patent 5,148,762: SAFETY LINE HARNESS; filed 11 January 1990; patented 22 September 1992.

Patent 5,150,064: METHOD AND APPARATUS FOR DETERMINING PARAMETERS OF A TRANSMISSION LINE DEPLOYED IN A SEAWATER ENVIRONMENT; filed 1 August 1991; patented 22 September 1992.

Patent 5,150,127: PORTABLE RADAR SIMULATOR; filed 5 May 1992; patented 22 September 1992.

Patent 5,150,414: METHOD AND APPARATUS FOR SIGNAL PREDICTION IN A TIME-VARYING SIGNAL SYSTEM; filed 27 March 1991; patented 22 September 1992.

Patent 5,154,788: METHOD FABRICATING LOAD-BEARING COMPOSITES FREE FROM MICROBUCKLING DEFORMATION UP TO A PREDETERMINED LOAD;

filed 3 July 1991; patented 13 October 1992.

Patent Application 756,261: LASER OPTICAL MOUSE; filed 15 August 1991.

Patent Application 806,384: DEPOLARIZED LIGHT SOURCE FOR FIBER OPTIC SENSORS; filed 13 December 1991.

Patent Application 811,335: AN EFFICIENT BATCHED-REPORT GATING TECHNIQUE; filed 20 December 1991.

Patent Application 828,630: SUPERSTRENGTH METAL COMPOSITE MATERIAL AND PROCESS FOR MAKING THE SAME; filed 31 January 1992.

Patent Application 839,159: 800-B/S VOICE COMMUNICATION PROCESSOR; filed 21 February 1992.

Patent Application 841,105: MODE TRANSITION MATRIX MEASUREMENT SYSTEM; filed 25 February 1992.

Patent Application 841,699: HOT WATER STORAGE TANK FOR SOLAR COLLECTORS; filed 26 February 1992.

Patent Application 867,577: ARBITRARY WAVEFORM GENERATOR; filed 13 April 1992.

Patent Application 872,263: ADAPTIVE FORMED SIGNAL-FREE REFERENCE SYSTEM; filed 16 April 1992.

Patent Application 880,271: I/O INTERFACE VME BUS AND SYNCHRONOUS SERIAL DATA COMPUTER; filed 8 May 1992.

Patent Application 888,074: FIBER-OPTIC TESTING SYSTEM HAVING A DETECTION CIRCUIT; filed 26 May 1992.

Dated: 26 January 1993.

Michael P. Rummel,
LCDR, JAGC, USN, Federal Register Liaison
Officer.

[FR Doc. 93-2601 Filed 2-3-93; 8:45 am]

BILLING CODE 3810-AE-M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Privacy Act; Systems of Records

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Annual notice of systems of records.

SUMMARY: Each Federal agency is required by the Privacy Act of 1974, 5 U.S.C. 552a, to publish annually a description of the systems of records it maintains containing personal information. In this notice the Board provides the required information on four previously-noticed systems of records.

FOR FURTHER INFORMATION CONTACT: Robert M. Andersen, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004, (202) 208-6387.

SUPPLEMENTARY INFORMATION: The Board currently maintains four systems of records under the Privacy Act. Each system is described below.

Systems of Records

DNFSB-1

SYSTEM NAME:

Personnel Security Files.

SECURITY CLASSIFICATION:

Classified and unclassified materials.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Washington, DC 20004.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with DNFSB and DNFSB contractors; consultants; other individuals requiring access to classified materials and facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel security folders and requests for security clearances, Forms SF 86, 86A, 87, 312, and DOE Forms 5631.18, 5631.29, 5631.20, and 5631.21. In addition, records containing the following information:

- (1) Security clearance request information;
- (2) Radiation exposure and whole body count, including any mandatory training associated with site work/visits;
- (3) Records of security education and foreign travel lectures;
- (4) Records of any security infractions;
- (5) Names of individuals visiting DNFSB;
- (6) Employee identification files (including photographs) maintained for access purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Defense Authorization Act, Fiscal Year 1989 (amended the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.] by adding new Chapter 21—Defense Nuclear Facilities Safety Board).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DNFSB-(1) to monitor radiation exposure of its employees and contractors, (2) to determine which individuals should have access to classified material and to be able to

transfer clearances to other facilities for visitor control purposes.

DOE-(1) to monitor radiation exposure of visitors to the various DOE facilities in the United States, (2) to determine eligibility for security clearances.

Other Federal and State Health Institutions—To monitor radiation exposure of DNFSB personnel.

STORAGE:

Paper records, magnetic disk, and computer printouts.

RETRIEVABILITY:

By name, social security number, and numeric code.

SAFEGUARDS:

Access is limited to employees having a need to know. Records are stored in locked file cabinets in a controlled access area.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in the "General Records Schedules" published by National Archives and Records Administration, Washington, DC. Records within DNFSB are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

SYSTEM MANAGER AND ADDRESS:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004. Attention: Security Management Officer.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB-1 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004. Required identifying information: Complete name, social security number, and date of birth.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure.

RECORD SOURCE CATEGORIES:

Subject individuals, Questionnaire for Sensitive Positions (SF-86), agency files, official visitor logs, contractors,

and DOE Personnel Security Branch. Radiation exposure records are obtained from previous employee records, DOE contractors' film badges, and dosimetry badges.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB-2

SYSTEM NAME:

Administrative and Travel Files.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Ave., NW., Washington, DC 20004.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with DNFSB, including DNFSB contractors and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing the following information:

- (1) Time and attendance;
- (2) Payroll actions and deduction information requests;
- (3) Authorizations for overtime and night differential;
- (4) Credit cards and telephone calling cards issued to individuals;
- (5) Destination, itinerary, mode and purpose of travel;
- (6) Date(s) of travel and all expenses;
- (7) Passport number;
- (8) Requests for advance of funds, and voucher with receipts;
- (9) Travel authorizations;
- (10) Name, address, social security number and birth date;
- (11) Employee parking permits;
- (12) Employee public transit subsidy applications and vouchers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Defense Authorization Act, Fiscal Year 1989 (amended the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) by adding new Chapter 21—Defense Nuclear Facilities Safety Board).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Treasury Department—To collect withheld taxes, print payroll checks, and issuing savings bonds.
Internal Revenue Service—To process Federal income tax.
State and Local Governments—To process state and local income tax.
Office of Personnel Management—Retirement records and benefits.

Social Security Administration—Social Security records and benefits.
Department of Labor—To process Workmen's Compensation claims.
Department of Defense—Military Retired Pay Offices—To adjust Military retirement.
Savings Institutions—To credit accounts for savings made through payroll deductions.
Health Insurance Carriers—To process insurance claims.
General Accounting Office—Audit—To verify accuracy and legality of disbursement.
Veterans Administration—To evaluate veteran's benefits to which the individual may be entitled.
States' Departments of Employment Security—To determine entitlement to unemployment compensation or other state benefits.
Travel Agencies—To process travel itineraries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, magnetic disk, and computer printouts.

RETRIEVABILITY:

By name, social security number, travel dates, and alphanumeric code.

SAFEGUARDS:

Access is limited to employees having a need to know. Records are stored in locked file cabinets in a controlled access area in accordance with Board directives and Federal guidelines.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in the "General Records Schedules" published by National Archives and Records Administration, Washington, DC. Records within DNFSB are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

SYSTEM MANAGER AND ADDRESS:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004. Attention: Chief Administrative Officer.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB-2 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004. Required identifying information: Complete name, social security number, and date of birth.

RECORDS ACCESS PROCEDURE:

Same as Notification procedures above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure.

RECORD SOURCE CATEGORIES:

Subject individuals, timekeepers, official personnel records, GSA for accounting and payroll, OPM for official personnel records, IRS and State officials for withholding and tax information, and travel agency contract.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB-3**SYSTEM NAME:**

Drug Testing Program Records—DNFSB.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION: PRIMARY SYSTEM:

Division of Personnel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Washington, DC 20004.

DUPLICATE SYSTEMS:

Duplicate systems may exist, in whole or in part, at contractor testing laboratories and collection/evaluation facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DNFSB employees and applicants for employment with the DNFSB.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information regarding results of the drug testing program; requests for and results or initial, confirmatory and follow-up testing, if appropriate; additional information supplied by DNFSB employees or employment applicants in challenge to positive test results; information supplied by individuals concerning alleged drug abuse by Board employees or contractors; and written statements or medical evaluations of attending physicals and/or information regarding prescription or nonprescription drugs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

- (1) Executive order 12564; September 15, 1986.
- (2) Section 503 of the Supplemental Appropriations Act of 1987, Public Law 100-71, 101 Stat. 391, 468-471, codified at 5 U.S.C. 7301 note (1987).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

- Information in these records may be used by the DNFSB management:
- (1) To identify substance abusers within the agency;
 - (2) To initiate counseling and rehabilitation programs;
 - (3) To take personnel actions;
 - (4) To take personnel security actions; and
 - (5) For statistical purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained on paper in file folders.

RETRIEVABILITY:

Records are indexed and accessed by name and social security number.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access, with records maintained and used with the highest regard for personal privacy. Records in the Division of Personnel are stored in an approved security container under the immediate control of the Director, Division of Personnel, or designee. Records in laboratory/collection/evaluation facilities will be stored under appropriate security measures so that access is limited and controlled.

RETENTION AND DISPOSAL:

- (1) Test results, whether negative or positive, and other drug screening records filed in the Division of Personnel will be retained and retrieved as indicated under the Retrievability category. When an individual terminates employment with the DNFSB, negative test results will be destroyed by shredding, or by other approved disposal methods. Positive test results will be maintained through the conclusion of any administrative or judicial proceedings, at which time they will be destroyed by shredding, or by other approved disposal methods.
- (2) Test results, whether negative or positive, on file in contractor testing laboratories, ordinarily will be maintained for a minimum of two years in the laboratories. Upon instructions provided by the Division of Personnel, the results will be transferred to the Division of Personnel when the contract is terminated or whenever an individual, previously subjected to urinalysis by the laboratory, terminates employment with the DNFSB. Records received from the laboratories by the

Division of Personnel will be incorporated into other records in the system, or if the individual has terminated, those records reflecting negative test results will be destroyed by shredding, or by other approved disposal methods. Positive test results will be maintained through the conclusion of any administrative or judicial proceedings, at which time they will be destroyed by shredding, or by other approved disposal methods.

(3) Negative specimens will be destroyed according to laboratory/contractor procedures.

(4) Positive specimens will be maintained through the conclusion of administrative or judicial proceedings.

SYSTEM MANAGER AND ADDRESS:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004, Attention: Director of Personnel.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if a system of records contains information about him/her should be directed to Director of Personnel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004. Required identifying information: Complete name, social security number.

RECORD ACCESS PROCEDURE:

Same as Notification procedures above, except individual must show official photo identification, such as driver license or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

DNFSB employees and employment applicants who have been identified for drug testing, who have been tested, or who have admitted abusing drugs prior to being tested; physicians making statements regarding medical evaluations and/or authorized prescriptions for drugs; individuals providing information concerning alleged drug abuse by Board employees or contractors: DNFSB contractors for processing, including but not limited to, specimen collection, laboratories for analysis, and medical evaluations; and DNFSB staff administering the drug testing program to ensure the achievement of a drug-free workplace.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), the Board has exempted portions of this

system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(c), (h), and (j), and (f). The exemption is invoked for information in the system of records which would disclose the identity of a person who has supplied information on drug abuse by a Board employee or contractor.

DNFSB-4

SYSTEM NAME:

Personnel Files.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Ave., NW., Washington, DC 20004

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with the DNFSB, including DNFSB contractors and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning the following information:

- (1) Name, social security number, sex, date of birth, home address, grade level, and occupational code
- (2) Official Personnel Folders (SF-66), Service Record Cards (SF-7), and SF-171
- (3) Records on suggestions, awards, and bonuses.
- (4) Training requests, authorization data, and training course evaluations
- (5) Employee appraisals, appeals, grievances, and complaints
- (6) Employee disciplinary actions
- (7) Employee retirement records
- (8) Records on employment transfer
- (9) Applications for employment with the DNFSB

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Defense Authorization Act, Fiscal Year 1989 (amended the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) by adding new Chapter 21—Defense Nuclear Facilities Safety Board).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

GSA—Maintains official personnel records for DNFSB.

Office of Personnel Management—Transfer and retirement records and benefits, and collection of anonymous statistical reports.

Social Security Administration—Social Security records and benefits.

Federal, State, or Local government agencies—For the purpose of

investigating individuals in connection with, security clearances, and administrative or judicial proceedings.

Private Organizations—For the purpose of verifying employees' employment status with the DNFSB.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, magnetic disk, and computer printouts.

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Access is limited to employees having a need-to-know. Records are stored in locked file cabinets in a controlled access area in accordance with Board directives and Federal guidelines.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in the "General Records Schedules" published by National Archives and Records Administration, Washington, DC. Records within DNFSB are destroyed by shredding or burning, as appropriate.

SYSTEM MANAGER AND ADDRESS:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004, Attention: Director of Personnel.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if a system of records contains information about him/her should be directed to Director of Personnel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004. Required identifying information: Complete name, social security number, and date of birth.

RECORD ACCESS PROCEDURE:

Same as Notification procedures above, except individual must show official photo identification, such as driver's license or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

Subject individuals, official personnel records, GSA, OPM for official personnel records, State employment agencies, educational institutions, and supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: January 29, 1993.

John T. Conway,
Chairman.

[FR Doc. 93-2661 Filed 2-3-93; 8:45 am]

BILLING CODE 6620-KD-M

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 Management Service, 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 March 8, 1993.

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, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: Cary Green (202) 708-5174.

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 Management Service 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 Cary Green at the address specified above.

Dated: January 29, 1993.

Cary Green,

Director, Information Resources Management Service.

Office of Elementary and Secondary Education

Type of Review: Extension

Title: Application for State Educational Agency Grants under the Desegregation of Public Education Program

Frequency: Annually

Affected Public: State or local governments

Reporting Burden:

Responses: 53

Burden Hours: 461.1

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: The application is used by State Educational Agencies to apply for assistance under title IV of the Civil Rights Act of 1964. The Department uses this information to evaluate the proposed projects and make awards in accordance with program regulations.

Office of Postsecondary Education

Type of Review: New

Title: Credit Reform System

Frequency: Quarterly

Affected Public: State or local governments; non-profit institutions

Reporting Burden:

Responses: 48

Burden Hours: 1920

Recordkeeping Burden:

Recordkeepers: 12

Burden Hours: 48

Abstract: this form will be used to collect loan data from 12 guarantee agencies to budget and account for the Federal Family Education Loan programs under credit reform. The Department will use the information for management and budget purposes.

Office of Research and Improvement

Type of Review: Revision

Title: Application for Educational Research and Development Center Program

Frequency: Quarterly

Affected Public: Non-profit institutions

Reporting Burden:

Responses: 20

Burden Hours: 2,800

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: The Office of Research invites research and development centers established by institutions of higher education or by interstate agencies to conduct educational research and development to submit applications for an award.

Office of Policy and Planning

Type of Review: Revision

Title: Evaluation of Upward Bound

Frequency: One-time

Affected Public: Individuals or households; non-profit institutions

Reporting Burden:

Responses: 5,140

Burden Hours: 3,598

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: The evaluation of Upward Bound will include case studies of 20 Upward Bound grantees.

[FR Doc. 93-2604 Filed 2-3-93; 8:45 am]

BILLING CODE 4000-01-M

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming closed meeting of the Nominations Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATED: February 5, 1993.

TIME: 9 a.m. to 4:30 p.m.

LOCATION: Hyatt Regency Hotel, 400 New Jersey Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, suite 825, 800 North Capitol Street, NW., Washington, DC, 20002-4233, Telephone: (202) 357-6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), title III-C of the Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of

1988 (Pub. L. 100-297), (20 U.S.C. 1221e-1).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

The Nominations Committee of the National Assessment Governing Board will meet on February 5, 1993 from 9 a.m. until 4:30 p.m. to review the nominees recommended for Board membership. This meeting will be closed to the public to permit the Committee to discuss the nominees' qualifications to serve in the respective category. The review and subsequent discussions of this information relate solely to the internal rules and practices of an agency and would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (2) and (6) of section 552b(c) of title 5 U.S.C.

The public is given less than fifteen days notice of this meeting because of problems encountered in securing a meeting place.

A summary of the activities of the meeting and related matters, which are informative to the public, consistent with the policy of 5 U.S.C. 552b, will be available to the public within fourteen days after the meeting.

Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, suite 825, 800 North Capitol Street, NW., Washington, DC, from 8:30 a.m. to 5 p.m.

Dated: January 29, 1993.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 93-2564 Filed 2-3-93; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Financial Assistance for Rural Education Enrichment Program

AGENCY: Department of Energy (DOE) Albuquerque Field Office (AL).

ACTION: Notice of Program Interest (NOPI).

SUMMARY: DOE-AL, in order to further the Department's goal of providing support for science, mathematics, and engineering education, is seeking the

submission of unsolicited proposals from rural public school districts within the state of New Mexico. The purpose of this financial assistance is to stimulate the development and motivation of students in the math and sciences to provide the trained human resources to meet the environmental restoration and waste management needs of the nation.

SUPPLEMENTARY INFORMATION: Public school districts located in rural areas of New Mexico are eligible to submit a proposal to participate in this program. A rural area is defined as that territory of the state that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing area with a population density of more than one hundred persons per square mile, according to the latest decennial census of the United States. The school districts of Chama, Belen, Lordsburg, Zuni, and Santa Rosa, which have already received financial assistance from DOE, are not eligible to participate in this program.

ELIGIBLE ACTIVITIES: The Rural Education Enrichment Program encourages the individual public school district to design programs to meet their specific needs in light of the overall objectives of the program:

(1) Support and sustain excellence and innovation in the teaching of math and science.

(2) Provide new opportunities for math and science teachers.

(3) Encourage programs which inspire students to pursue careers in environmental sciences.

In designing programs to meet these objectives, school districts may want to consider the following types of projects:

(1) Teacher training in the most current math and science techniques.

(2) Purchase appropriate math and science manipulatives for the classroom.

(3) Afterschool math and science workshops for getting parents involved in school activities.

(4) Integrated math and science programs.

(5) Student incentives for math and science programs.

AWARD SIZE AND DURATION: Financial assistance awards of approximately \$25,000 will be awarded to ten rural New Mexico public school districts during fiscal year (FY) 1993. If sufficient funds are made available, awards of approximately \$25,000 will also be available during FY 1994 and FY 1995. Proposals should be prepared to reflect activities for a three-year period. DOE expects projects to begin by June 1, 1993.

PROPOSAL PREPARATION GUIDELINES: Applicants must provide the following information in their proposal package:

(1) *School District Information*—A summary of information on the school district. Larger school districts which plan to implement this program in a select group of schools should also provide supplemental information on each of these schools. The following information should be included:

(a) School district name, mailing address, and telephone number.

(b) Name of school superintendent.

(c) Name of faculty point of contact.

(d) Name and address of parent organization contact.

(e) Student enrollment by type of school (i.e., elementary, middle, and high school).

(f) Names of participating teachers and the grade levels which they teach.

(2) *Proposed Activities*—A narrative description of the proposed activities to meet one or more of the objectives of the Education Enrichment Program. The narrative should be a minimum of two and a maximum of five typed pages.

(3) *Schedule of Activities*—A listing or timeline of the dates when major activities will occur.

(4) *Budget*—A summary of all program related items or activities that cost money. No more than half of the total project budget may be spent on non-consumable items. Non-consumable items have a useful life of more than one year, such as microscopes, computer peripherals, and materials consumable items include such things as labor costs, periodicals, specimens, film, and development costs.

Manny Martinez, Director of Education Programs, is available to provide technical assistance in answering questions or meeting with school districts interested in submitting a proposal. Mr. Martinez can be reached at (505) 845-6790.

DOE assumes no responsibility for any costs associated with proposal preparation under this announcement.

EVALUATION PROCESS AND SELECTION CRITERIA: Proposals will be reviewed and rated by a panel consisting of DOE employees and New Mexico educators based upon the criteria listed below:

(1) The potential contribution which the proposed effort is expected to make to the program's objectives.

(2) Evidence of overall merit.

(3) Unique capabilities, related experience, and techniques of the school staff, or a combination of these, as integral factors for achieving the program's objectives.

(4) Use of unique, innovative, or meritorious methods, approaches or ideas.

Half of the grants awarded will be reserved for the rural public school districts with a total student enrollment of 2,500 or less.

CLOSING DATE FOR SUBMISSION OF PROPOSALS: To be eligible, proposals must be postmarked no later than March 15, 1993. Proposals should be sent to Mr. Manny Martinez, Director of Education Programs, U.S. Department of Energy, Albuquerque Field Office, P.O. Box 5400, Albuquerque, New Mexico 87185-5400.

FOR FURTHER INFORMATION CONTACT: All technical questions concerning this NOPI should be directed to Manny Martinez, Director of Education Programs, Albuquerque Field Office, U.S. Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87185-5400, Telephone: (505) 845-6790. All other inquiries should be directed to Erwin E. Fragua, Contract Specialist, U.S. Department of Energy, Albuquerque Field Office, P.O. Box 5400, Albuquerque, New Mexico 87185-5400, Telephone: (505) 845-6442.

Issued in Albuquerque, New Mexico, on January 26, 1993.

Richard A. Marquez,
Assistant Manager for Management and Administration.
[FR Doc. 93-2668 Filed 2-3-93; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 848-019 Nevada]

Wells Rural Electric Co.; Availability of Environmental Assessment

January 28, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application for amendment of license to install a surge tank at the Trout Creek Project on Trout Creek, Elko County, Nevada. The staff of OHL's Division of Project Compliance and Administration prepared an Environmental Assessment (EA) for the proposed action. In the EA, the staff concludes that construction and operation of the surge tank would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's

offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2588 Filed 2-3-93; 8:45 am]

BILLING CODE 8717-01-M

[Docket PL93-2-000]

Prior Notice and Filing Requirements Under Part II of the Federal Power Act; Notice Setting Date for Supplemental Comments and Answers

January 29, 1993.

As announced by Chairman Allday at yesterday's technical conference¹ in this proceeding, supplemental comments and answers to questions may be filed on or before March 1, 1993.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2634 Filed 2-3-93; 8:45 am]

BILLING CODE 8717-01-M

[Docket No. JD93-03307T, Texas-99]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

January 28, 1993.

Take notice that on January 21, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Lower Vicksburg Patriot Sand Formation underlying a portion of Hidalgo County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area, lying within Railroad Commission District 4, covers approximately 3,200 acres in portions of the following abstracts and surveys:

San Salvador del Tule Grant, Abstract No. 290

Santa Anita Grant, Abstract No. 63

The notice of determination also contains Texas' findings that the referenced portion of the Lower Vicksburg Patriot Sand Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in

accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2587 Filed 2-3-93; 8:45 am]

BILLING CODE 8717-01-M

[Docket No. JD93-03309T Texas-101]

Texas; NGPA Determination by Jurisdictional Agency Designating Tight Formation

January 29, 1993.

Take notice that on January 21, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Vicksburg Formation, Monte Christo (56-A, N) Field underlying a portion of Hidalgo County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area, lying within Railroad Commission District 4, includes:

Valley Farms Subdivision
"Santa Anita" Manuel Gomez Survey (A-63)
All of portions of Lots 56, 65-67, 74-76, 85-87, 94-96

The notice of determination also contains Texas' findings that the referenced portion of the Vicksburg Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2636 Filed 2-3-93; 8:45 am]

BILLING CODE 8717-01-M

[Docket No. JD93-03308T Texas-100]

Texas; NGPA Determination by Jurisdictional Agency Designating Tight Formation

January 29, 1993.

Take notice that on January 21, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Vicksburg

Formation, Monte Christo (58, 59 Cons.) Field underlying a portion of Hidalgo County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area, lying within Railroad Commission District 4, includes:

Valley Farms Subdivision
"Santa Anita" Manuel Gomez Survey (A-63)
All or portions of Lots 56, 65-66, 74-76, 85-87, 94-96

Take notice of determination also contains Texas' findings that the referenced portion of the Vicksburg Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2635 Filed 2-3-93; 8:45 am]

BILLING CODE 8717-01-M

[Docket No. TA93-1-1-003]

Alabama-Tennessee Natural Gas Co.; Notice of Filing

January 29, 1993.

Take notice that on January 15, 1993, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), in response to the Commission's letter order issued on December 31, 1992 in the above-referenced proceeding, submitted for filing a schedule showing gas received and delivered for the period June, 1991 through August, 1992.

Alabama-Tennessee states that the schedule shows Alabama-Tennessee's actual lost and unaccounted for gas for the PGA period was 0.79 percent, contrary to the conclusion as stated in the December 31 letter order.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before February 5, 1993. 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

¹ Notice of Technical Conference and Request for Comments, issued December 9, 1992 (57 FR 59339, December 15, 1992).

on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2645 Filed 2-3-93; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-161-027]

ANR Pipeline Co.; Notice of Compliance Filing

January 29, 1993.

Take notice that on December 30, 1992, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, the following tariff sheets:

First Revised Volume No. 1
First Revised Sheet No. 122
First Revised Sheet No. 123
First Revised Sheet No. 124

ANR states that the tariff sheets are being filed in compliance with the November 1, 1992 order which required ANR to file within 60 days an updated Index of Purchasers.

ANR states that copies of the filing have been served by mail to all parties in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before February 5, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2643 Filed 2-3-93; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 2612 Maine]

Central Maine Power Co.; Intent To File an Application for a New License

January 29, 1993.

Take notice that Central Maine Power Company, the existing licensee for the Flagstaff Storage Project No. 2612, filed a timely notice of intent to file an application for a new license, pursuant to 18 CFR 16.6 of the Commission's Regulations. The original license for Project No. 2612 was issued effective January 1, 1948, and expires December 31, 1997.

The project is located on the Dead River in the unorganized townships of Flagstaff, Bigelow, Carrying Place, Dead River, Spring Lake and Eustis in Somerset and Franklin Counties, Maine. The principal works of the Flagstaff Project include a storage reservoir and one dam; with zero installed plant capacity.

Pursuant to 18 CFR 16.7, the licensee is required henceforth to make available certain information to the public. This information is now available from the licensee at its offices on Anthony Avenue, Augusta, ME 04336, and may be viewed Monday through Friday from 8 a.m. to 3:30 p.m.

Pursuant to 18 CFR 16.8, 16.9 and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1995.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2638 Filed 2-3-93; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TQ93-3-23-001]

Eastern Shore Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

January 29, 1993.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on January 14, 1993 certain revised tariff sheets included in appendix A attached to the filing. Such sheets are proposed to be effective February 1, 1993.

ESNG states that the substitute tariff sheets are being filed due to various transposition errors and keypunch errors that did not change the sales rates but corrected the components that when added together make up the sales rates from the original quarterly filing in Docket No. TQ93-3-23-000.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before February 5, 1993. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2633 Filed 2-3-93; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 2061 Idaho]

Idaho Power Co.; Intent To File an Application for a New License

January 29, 1993.

Take notice that Idaho Power Company, the existing licensee for the Lower Salmon Falls Hydroelectric Project No. 2061, filed a timely notice of intent to file an application for a new license, pursuant to 18 CFR 16.6 of the Commission's Regulations. The original license for Project No. 2061 was issued effective December 24, 1947, and expires December 23, 1997.

The project is located on the Snake River in Twin Falls and Gooding Counties, Idaho. The principal works of the Lower Salmon Falls Project include a reservoir; a concrete overflow dam and a gated concrete spillway; a powerhouse with an installed capacity of 60,000 kW; two 138-kV transmission lines; and appurtenant facilities.

Pursuant to 18 CFR 16.7, the licensee is required henceforth to make available certain information to the public. This information is now available from the licensee at 1221 West Idaho Street, Corporate Library, Second Floor, P.O. Box 70, Boise, Idaho 83707, Phone: (208) 383-2491.

Pursuant to 18 CFR 16.8, 16.9 and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 23, 1995.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2639 Filed 2-3-93; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 1975 Idaho]

Idaho Power Co.; Intent To File an Application for a New License

January 29, 1993.

Take notice that Idaho Power Company, the existing licensee for the Bliss Hydroelectric Project No. 1975, filed a timely notice of intent to file an application for a new license, pursuant

to 18 CFR 16.6 of the Commission's Regulations. The original license for Project No. 1975 was issued effective March 1, 1948, and expires February 28, 1998.

The project is located on the Snake River in Elmore and Gooding Counties, Idaho. The principal works of the Bliss Project include a reservoir; a concrete gravity dam with a concrete spillway; a concrete powerhouse at the base of the dam with an installed capacity of 75,000 kW; one 138-kV transmission line; and appurtenant facilities.

Pursuant to 18 CFR 16.7, the licensee is required henceforth to make available certain information to the public. This information is now available from the licensee at 1221 West Idaho Street, Corporate Library, Second Floor, P.O. Box 70, Boise, Idaho 83707, Phone: (208) 383-2491.

Pursuant to 18 CFR 16.8, 16.9 and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by February 28, 1996.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2637 Filed 2-3-93; 8:45 am]
BILLING CODE 8717-01-M

[Docket Nos. RP91-224-007 and RP92-1-012]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

January 29, 1993.

Take notice that Northern Natural Gas Company (Northern) on January 15, 1993, tendered for filing to become part of Northern's FERC Gas Tariff, the following tariff sheets, proposed to be effective January 15, 1993:

Fourth Revised Volume No. 1
Fourth Revised Sheet No. 53
Second Revised Sheet No. 262
First Revised Sheet No. 262A
Original Sheet No. 262B
Second Revised Sheet No. 277

Northern states that such tariff sheets are being submitted in compliance with the Commission's Letter Order dated October 29, 1992, in Docket Nos. RP91-224-005, RP91-224-006, RP92-1-009 and RP92-1-010, to clarify the tariff provisions regarding processing.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before February 5, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2640 Filed 2-3-93; 8:45 am]
BILLING CODE 8717-01-M

[Docket No. RP92-162-003]

Superior Offshore Pipeline Co.; Notice of Compliance Filing

January 29, 1993.

Take notice that on December 4, 1992, Superior Offshore Pipeline Company (SOPCO), in compliance with the Commission's letter order dated November 19, 1992, in the above-captioned docket, tendered for filing the following revised tariff sheets:

First Revised Volume No. 1

First Substitute Original Sheet No. 35a
First Substitute Original Sheet No. 36a

SOPCO states that copies of the filing have been served upon all of SOPCO customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before February 5, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2642 Filed 2-3-93; 8:45 am]
BILLING CODE 8717-01-M

[Docket No. RP92-162-004]

Superior Offshore Pipeline Co., Notice of Compliance Filing

January 29, 1993.

Take notice that on December 11, 1992, Superior Offshore Pipeline

Company (SOPCO), pursuant to the Commission's order issued on June 26, 1992, submitted its compliance filing in the above-captioned docket. SOPCO states that it inadvertently omitted from an earlier version of this filing made on July 24, 1992 the revisions required in section 8(c) (Scheduling and Notification Interruption) of its Firm Transportation Service.

SOPCO states that it is filing for inclusion in its FERC Gas Tariff the revisions as follows:

Substitute First Revised Sheet No. 15

SOPCO states that copies of the filing have been served upon all of SOPCO customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before February 5, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 93-2644 Filed 2-3-93; 8:45 am]
BILLING CODE 8717-01-M

[Docket Nos. TA93-1-17-003, TQ93-4-17-001 and TF93-3-17-001]

Texas Eastern Transmission Corp.; Motion To Continue PGA Rates

January 28, 1993.

Take notice that on January 26, 1993, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing a motion to continue in effect its January 8, 1993 PGA rates, conditioned upon pre-determined eligibility of certain costs.

Texas Eastern requests that the Commission permit Texas Eastern to continue in effect the January 8, 1993 PGA rates that were approved by Commission order dated January 15, 1993, in Docket No. TF93-3-17-000; not place into effect Texas Eastern's annual PGA filing (December 2 and December 31, 1992, in Docket Nos. TA93-1-17 and TQ93-3-17) or its January 8, 1993 out-of-cycle PGA filing in Docket No. TQ93-4-17-000; and find that Texas Eastern may recover through direct billing in accordance with Order No. 636 any unrecovered gas costs resulting from the January 8, 1993 rates

that were approved by the Commission's January 15, 1993 order. Texas Eastern also requested a shortened notice and comment period on the motion.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. In light of Texas Eastern's request and notice and protest period will be shortened. All such protests should be filed on or before February 3, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-2586 Filed 2-3-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM93-7-29-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

January 29, 1993.

Take notice that Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing on January 25, 1993 Third Revised Sixth Revised Sheet No. 28 to its FERC Gas Tariff, Third Revised Volume No. 1, which tariff sheet is proposed to be effective January 12, 1993.

TGPL states that the purpose of the instant filing is to track a rate change attributable to the storage service purchased from North Penn Gas Company (North Penn) under its Storage Service rate schedule the costs of which are included in the rates and charges payable under Transco's Rate Schedule SS-1. The tracking filing is being made pursuant to section 5 of TGPL's Rate Schedule SS-1.

Included in appendix A attached to the filing is the explanation of the rate change and details regarding the computation of the revised SS-1 rates.

TGPL states that copies of the filing are being mailed to each of its SS-1 customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the

Commission's Rules and Regulations. All such motions or protests should be filed on or before February 5, 1993. 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. 93-2641 Filed 2-3-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL93-14-000]

Western Resources, Inc; Notice of Filing

January 28, 1993.

Take notice that on January 7, 1993, Western Resources, Inc. (Western Resources) tendered for filing an Application for Waiver. Western Resources requests that the Commission issue an order waiving the effect of its generally FAC regulations and allow the Company to book its Amax buy-down costs to Account 151, Fuel Stock and to recover such costs through the operation of its fuel adjustment clause.

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, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 8, 1993. 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. 93-2589 Filed 2-3-93; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[Docket No. FE C&E 93-03—Certification Notice—113]

Notice of Filing Certification of Compliance: Coal Capability of New Electric Powerplant, Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Gordonsville Energy, L.P. has submitted a coal capability self-certification pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of the self-certification filing is available for public inspection upon request in the Office of Fuels Programs, Fossil Energy, room 3F-056, FE-52, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586-9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) on the day it is filed with the Secretary. The Secretary is required to publish a notice in the Federal Register that a certification has been filed. The following owners/operators of proposed new baseload powerplants have filed self-certifications in accordance with section 201(d).

Owner: Gordonsville Energy, L.P., Fairfax, Virginia.

Operator: Gordonsville Energy, L.P. Location: Louisa County, near Gordonsville, Virginia.

Plant Configuration: Topping-cycle cogenerations (Units I and II).

Capacity: 128 megawatts each (Units I and II).

Fuel: Natural gas.

Purchasing Utilities: Virginia Electric and Power Company.

Expected In-Service Date: 1994 (Units I and II).

Issued in Washington, DC, on January 29, 1993.

Anthony J. Como.

Director, Office of Coal & Electricity, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-2669 Filed 2-3-93; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Notice of Floodplain/Wetland Involvement for the Big George-Carter Mountain Transmission Line Rebuild Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of floodplain and wetlands involvement.

SUMMARY: The Department of Energy proposes to rebuild and upgrade a 69-kilovolt (kV) transmission line to 115-kV in floodplains and wetlands in Park and Hot Springs Counties, Wyoming. In accordance with 10 CFR part 1022, DOE will prepare a floodplain and wetlands assessment and will perform this proposed action in a manner so as to avoid or minimize potential harm to or within the affected floodplain and wetlands.

DATES: Public comments or suggestions concerning the floodplain involvement of Western Area Power Administration's (Western) proposed action are invited. Written comments are due no later than February 19, 1993.

ADDRESSES: Comments or suggestions should be sent to: Mr. Robert H. Jones, Acting Area Manager, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 490-7200.

FOR FURTHER INFORMATION ON THIS PROPOSED ACTION, CONTACT: Rodney D. Jones, Environmental Specialist, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 490-7371.

FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN/WETLAND ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT: Carol M. Borgstrom, Director, Office of NEPA Oversight, EH-25, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4600 or (800) 472-2756.

SUPPLEMENTARY INFORMATION: Western is proposing to replace approximately 28.2 miles of its existing Big George-Carter Mountain 69-kV transmission line in Park County and Hot Springs County, Wyoming. The line would be built to 115-kV specifications and operated at 69-kV. The transmission line crosses the

floodplain of the Greybull River, and floodplains of its tributaries. In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements at 10 CFR part 1022, DOE will prepare a floodplain and wetlands assessment for the proposed action. The floodplain and wetlands assessment will be part of the environmental assessment (EA) which Western is preparing for the proposed project in accordance with the National Environmental Policy Act. A floodplain statement of findings will be included in any finding of no significant impact that is issued following the completion of the EA.

Issued at Golden, Colorado, on January 21, 1993.

William H. Clagett,
Administrator.

[FR Doc. 93-2670 Filed 2-3-93; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

January 28, 1993.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037 (202) 857-3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0440.

Title: Fee Processing Form.

Form Number: FCC Form 155.

Action: Extension of a currently approved collection.

Respondents: Individuals or households and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 16,000 responses; .166 hours average burden per response; 2,656 hours total annual burden.

Needs and Uses: The information contained on the FCC Form 155, Fee Processing Form, is used by the Commission's lockbox bank (Mellon Bank, Pittsburgh, PA) to verify that the amount remitted by the payee for Commission services or licenses is correct, as stated on the FCC Form 155. The lockbox bank key enters the data contained on the FCC Form 155 to provide the required linkage between the deposit and the application or filing. The resulting data base is electronically transmitted to the FCC daily for internal control, audit, management planning and reporting purposes. The data base, which essentially provides a record of who paid what fee on which day, and is also used in the event it becomes necessary to refund a fee.

Federal Communications Commission.

Donna R. Searcy,
Secretary.

[FR Doc. 93-2553 Filed 2-3-93; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee on Advanced Television Service; Special Panel Meeting

The time of the meeting of the Special Panel of the Advisory Committee on Advanced Television Service set to convene on Monday, February 8, 1993, at the Sheraton Premiere Hotel, Vienna, Virginia, has been changed. The Special Panel will convene at 9 a.m. (rather than 10 a.m.) on Monday.

Any questions regarding this meeting should be directed to Robert Hopkins at (202) 828-3130 or William Hassinger at (202) 632-6460.

Federal Communications Commission.

Donna R. Searcy,
Secretary.

[FR Doc. 93-2554 Filed 2-3-93; 8:45 am]

BILLING CODE 6712-01-M

Calvary Educational Broadcasting Network, Inc. Applications, etc.

1. The Commission has before it the following application for an FM station license renewal:

Applicant, City, and State	File No.	MM Docket No.
Calvary Educational Broadcasting Network, Inc.; Poplar Bluff, MO.	BRED-891103UA	92-122

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above application has

been designated for hearing upon the issues set forth below.

1. To determine whether Calvary Educational Broadcasting Network, Inc. violated § 73.318 of Commission's Rules, 47 CFR 73.318 ("FM blanketing interference"), and, if so, the nature and extent of this violation;

2. To determine, whether Calvary has misrepresented facts or lacked candor in its statements to the Commission regarding the extent and success of its efforts to correct the blanketing interference problems;

3. To determine whether the licensee's management and operation of Station KOKS was so negligent, careless, or inept, or evidenced such disregard for the Commission's rules, that it cannot be relied upon to fulfill the responsibilities imposed upon it;

4. To determine, in light of the evidence adduced pursuant to the preceding issues, whether or not grant of the subject license renewal application would serve the public interest, convenience and necessity.

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800.)

Federal Communications Commission.

Donna R. Searcy,
Secretary.

[FR Doc. 93-2555 Filed 2-3-93; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Secretary's Council on Health Promotion and Disease Prevention; Notice of Reestablishment

Pursuant to Public Law 92-643, the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) announces the reestablishment by the Secretary of the Secretary's Council on Health Promotion and Disease Prevention.

The Committee shall advise and make recommendations to the Secretary and the Assistant Secretary for Health on health promotion and disease prevention activities and on the national goals and objectives to enhance the

health status and reduce health risks for all Americans.

The Committee shall terminate on December 1, 1994, unless the Secretary, DHHS formally determines that continuance is in the public interest.

Dated: January 22, 1993.

J. Michael McGinnis,
Deputy Assistant Secretary for Health,
Director, Office of Disease Prevention and Health Promotion.

[FR Doc. 93-2559 Filed 2-3-93; 8:45 am]

BILLING CODE 4160-17-M

Statement of Organization, Functions, and Delegations of Authority

Part H, Public Health Service (PHS), Chapter HA (Office of the Assistant Secretary for Health), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (DHHS) (42 FR 61318, December 2, 1977, as amended most recently at 58 FR 107, January 4, 1993 is amended to reflect functional changes in the Office of Minority Health (OMH), Office of the Assistant Secretary for Health, to improve administrative management responsiveness in support of OMH activities.

Office of the Assistant Secretary for Health

Under Chapter HA, Office of the Assistant Secretary for Health, Section HA-20, Functions, under Office of Minority Health (HAM), following the statement for the Division of Community Demonstrations and Assistance (HAM4), delete the title and statement for the Division of Management Support (HAM5), and substitute the following:

Division of Grants Management (HAM5)

The Division of Grants Management is responsible for all business matters associated with the review, negotiation, award, and administration of grants and cooperative and interagency agreements as well as interpreting grants administration policies and provisions. The Division: (1) Advises and assists in developing, implementing, and evaluating program plans, strategies, regulations, guidelines, procedures and program announcements; (2) provides consultation and technical assistance on grant matters and procedures to internal staff, applicants and grantees; (3) serves as the central point for distribution and receipt of all grant applications, correspondence, reports and related documents; (4) performs cost analyses and negotiates final project budget on approved grant applications prior to

award to determine the necessity, reasonableness, allocability, and allowability of the amounts in the budget in accordance with applicable cost principles; (5) issues Notices of Grant Awards; (6) is responsible for the postaward administration of funded projects; (7) analyzes individual and total financial commitments, forecasting future obligations and identifying potential lapses of appropriations and status of Federal funds available for each program; (8) performs monitoring of grants to ensure compliance with grant policies and sound business practices; (9) performs all actions necessary to the closeout of projects; (10) maintains general program information files and official individual grant files; and (11) provides information for the PHS Grants Management Information System.

Dated: January 25, 1993.

Audrey F. Manley,
Acting Assistant Secretary for Health.

[FR Doc. 93-2560 Filed 2-3-93; 8:45 am]

BILLING CODE 4160-17-M

Statement of Organization, Functions, and Delegations of Authority

Part H, Public Health Service (PHS), Chapter HA (Office of the Assistant Secretary for Health), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (DHHS) (42 FR 61318, December 2, 1977, as amended most recently at 57 FR 47107-08, October 14, 1992), is amended to revise the functional statements to reflect more accurately the responsibilities and activities in the Office of Research Integrity (HAG) and to retitle the Division of Policy (HAG2) as the Division of Policy and Education, and the Division of Research Integrity Assurance (HAG3) as the Division of Research Investigations.

This notice does not affect the authority of the Food and Drug Administration to conduct investigations of alleged misconduct solely involving regulated research.

Office of the Assistant Secretary for Health

Under Chapter HA, Office of the Assistant Secretary for Health, HA-20, Functions, after the statement for the Office of Research Integrity (HAG), delete the titles and statements for the Division of Policy (HAG2) and the Division of Research Integrity Assurance (HAG3), and insert the following:

*Division of Policy and Education
(HAG2)*

The Director and staff: (1) Develop policies, procedures, and regulations for presentation to the Advisory Committee on Scientific Integrity for their review and recommendation to the Assistant Secretary for Health and the Secretary; (2) administer, review, and approve institutional assurances documents; (3) administer the PHS ALERT system which provides pertinent information on research misconduct findings and sanctions to PHS awarding officials; (4) provide administrative and program support to the Advisory Committee on Scientific Integrity; (5) develop and implement research misconduct prevention and education activities in PHS extramural and intramural programs; (6) coordinate the dissemination of research integrity policies, procedures, and regulations; (7) conduct policy analyses and studies to improve PHS research integrity policies and procedures, including studies requested by the Advisory Committee; and (8) coordinate Freedom of Information (FOI) and Privacy Act responsibilities pertaining to research misconduct issues.

*Division of Research Investigations
(HAG3)*

The Director and staff: (1) Review and monitor investigations conducted by applicant and awardee institutions; (2) conduct investigations involving extramural and intramural research programs when necessary; (3) develop findings and misconduct and proposed sanctions; (4) evaluate investigations and investigatory findings of the applicant and awardee institutions and make findings of misconduct and propose appropriate sanctions; (5) assist the Office of the General Counsel (OGC) in preparing and presenting cases for hearings before the Research Integrity Adjudications Panel of the DHHS Departmental Appeals Board; (6) provide information on PHS policies and procedures, as requested, to researchers who have made an allegation or have been accused of research misconduct; and (7) assure that PHS policies and procedures are properly implemented in intramural and extramural misconduct cases.

Section HA-30, Delegations of Authority

All delegations and redelegations of authority to officials of the Office of Research Integrity that were in effect prior to the effective date of this reorganization and are consistent with this reorganization shall continue in effect pending further redelegation.

Dated: January 15, 1993.

James O. Mason,

Assistant Secretary for Health.

[FR Doc. 93-2561 Filed 2-3-93; 8:45 am]

BILLING CODE 4160-17-M

Centers for Disease Control and Prevention

Childhood Blood Lead Surveillance Cooperative Agreement Recipient; Meeting

The National Center for Environmental Health (NCEH), of the Centers for Disease Control and Prevention (CDC), announces the following meeting.

Name: Meeting of CDC Funded Childhood Blood Lead Surveillance Cooperative Agreement Recipients.

Times and Dates:

8:30 a.m.-5 p.m., February 18, 1993.

8:30 a.m.-12 noon, February 19, 1993.

Place: CDC, (Chamblee Facility),

Building 101, Conference room 1301, 4770 Buford Highway, NE., Chamblee, Georgia 30341.

Status: Open to the public, limited only by space available.

Purpose: This meeting will provide the recipients of CDC Cooperative Agreement funds a forum to review program progress and discuss surveillance issues and concerns.

Matters To Be Discussed: Topics to be discussed at this meeting include case definitions and data fields for the National Childhood Blood Lead Surveillance System. There will be a demonstration of how surveillance data can be obtained from the Systematic Tracking of Elevated Lead Levels and Remediation software program developed by CDC.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Carol Pertowski, M.D., Childhood Lead Poisoning Prevention Branch, Division of Environmental Hazards and Health Effects (F42), NCEH, CDC, 4770 Buford Highway, NE., Chamblee, Georgia 30341, telephone 404/488-7330.

Written comments are welcome and should be received by the contact person no later than February 11, 1993. Persons wishing to make oral comments at the meeting should notify the contact person in writing or by telephone no later than close of business February 11, 1993. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests to make oral comments, it may be

necessary to limit the time of each presenter.

Dated: January 28, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-2617 Filed 2-3-93; 8:45 am]

BILLING CODE 4160-18-M

Childhood Lead Poisoning Prevention Program Grantee Workshop; Meetings

The National Center for Environmental Health (NCEH), of the Centers for Disease Control and Prevention (CDC), announces the following workshop.

Name: CDC Funded Childhood Lead Poisoning Prevention Program Grantee Workshop.

Times and Dates:

9 a.m.-5 p.m., March 1-3, 1993.

9 a.m.-12 noon, March 4, 1993.

Place: Swissotel Atlanta, 3391 Peachtree Road, NE., Atlanta, Georgia 30326.

Status: Open to the public, limited only by space available.

Purpose: The primary purpose of this workshop is to provide assistance to CDC's Childhood Lead Poisoning Prevention grant recipients in addressing program development, assessment and evaluation issues and concerns.

Matters to be Discussed: Topics to be discussed include information management, program evaluation, new information on epidemiologic studies to support program activities, and training issues.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Dave Forney, Childhood Lead Poisoning Prevention Branch, Division of Environmental Hazards and Health Effects (F42), NCEH, CDC, 4770 Buford Highway, NE., Chamblee, Georgia 30341, telephone 404/488-7330.

Written comments are welcome and should be received by the contact person no later than February 22, 1993. Persons wishing to make oral comments at the workshop should notify the contact person in writing or by telephone no later than February 22, 1993. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests to make oral comments, it may be necessary to limit the time of each presenter.

Dated: January 28, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination,
Centers for Disease Control and Prevention
(CDC).

[FR Doc. 93-2619 Filed 2-3-93; 8:45 am]

BILLING CODE 4160-18-M

Fernald Dosimetry Reconstruction Project Workshop: Public Meeting

The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC), and the Radiological Assessments Corporation announce the following meeting.

Name: Fernald Dosimetry Reconstruction Project Workshop.

Time and Date: 7 p.m.-9 p.m.,
February 18, 1993.

Place: Sheraton Springdale Hotel,
Paul Weimer Room, 11911 Sheraton
Lane, Springdale, Ohio 45246.

Status: Open to the public for observation and comment, limited only by space available. The meeting room accommodates approximately 50 people.

Purpose: Under the Memorandum of Understanding with the Department of Energy (DOE), the Department of Health and Human Services has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. The purpose of the workshop is to review the Task 4 report, Environmental Pathway Analysis—Models and Validation for the Fernald Dosimetry Reconstruction Project, and methods for calculating radiation doses to the public. In addition, CDC's information on demographics of the Fernald area from 1950 through 1990 will be reviewed.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Paul Renard, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE., (F-35), Atlanta, Georgia 30341-3724, telephone 404/488-7040.

Dated: January 28, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination,
Centers for Disease Control and Prevention
(CDC).

[FR Doc. 93-2620 Filed 2-3-93; 8:45 am]

BILLING CODE 4160-18-M

Fetal Alcohol Syndrome (FAS) Prevention Technical Assistance Workshop for Cooperative Agreement Recipients; Meeting

The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC), announces the following meeting.

Name: Fetal Alcohol Syndrome (FAS) Prevention Technical Assistance Workshop for Cooperative Agreement Recipients.

Times and Dates: 8 a.m.-4:30 p.m.,
February 18, 1993.

8:30 a.m.-3:45 p.m., February 19,
1993.

Place: Holiday Inn Decatur
Conference Plaza, 130 Clairemont
Avenue, Decatur, Georgia 30030.

Status: Open.

SUPPLEMENTARY INFORMATION: The workshop will convene a group of recipients of CDC FAS Prevention and FAS Research Cooperative Agreements, and recipients of Disability Prevention Program Grants with FAS project activities.

FAS is a birth defect syndrome which is the most common environmental cause of mental retardation. Studies estimate that there are about 8,000 new cases of FAS each year, even though the cause has been known since the early 1970s. Although FAS has no cure, it is preventable. CDC is actively involved in research on the prevalence of FAS in different populations, epidemiologic risk factors associated with FAS, methods for identifying specific women at risk for having children with FAS, and what types of intervention strategies will be most successful at reducing the incidence of FAS.

Purpose: The primary purpose of this workshop is to provide technical assistance to recipients of CDC cooperative agreements as they implement FAS state prevention and FAS prevention research programs. The workshop is not designed to provide general information on FAS or FAS prevention.

Contact Person for Additional Information: R. Louise Floyd, D.S.N., Chief, Fetal Alcohol Syndrome Prevention Section, Developmental Disabilities Branch, Division of Birth Defects and Developmental Disabilities, NCEH, CDC, Mailstop F-15, 4770 Buford Highway, NE., Atlanta, Georgia 30341-3724, telephone 404/488-7370.

Dated: January 28, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination,
Centers for Disease Control and Prevention
(CDC).

[FR Doc. 93-2618 Filed 2-3-93; 8:45 am]

BILLING CODE 4160-18-M

Health Care Financing Administration

Public Information Collection Requirements Submitted to the Office of Management and Budget for Clearance

AGENCY: Health Care Financing
Administration, HHS.

The Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information in compliance with the Paperwork Reduction Act (Public Law 96-511).

1. **Type of Request:** Extension; **Title of Information Collection:** Information Collection Requirements—State Plan Requirements and Other Provisions Relating to Third Party Liability (TPL) Programs; **Form Number:** HCFA-R-122; **Use:** These requirements allow States to exclude specific codes from the diagnosis and trauma code edits if the State submits documentation to HCFA to substantiate exclusion. The regulation also imposes some provider requirements—States are required to monitor provider compliance; **Frequency:** On occasion; **Respondents:** State/local governments; **Estimated Number of Responses:** 55; **Average Hours per Response:** 1; **Total Estimated Burden Hours:** 55.

2. **Type of Request:** Extension; **Title of Information Collection:** Information Collection Requirements for Requesting Cost Avoidance Waivers; **Form Number:** HCFA-R-121; **Use:** These requirements allow States to seek and obtain waivers from using the cost avoidance method of claims payment when a third party is liable. The State must submit documentation to substantiate that it is at least as cost effective to pay claims and seek recovery from the third party as it is to "cost avoid" the claims; **Frequency:** On occasion; **Respondents:** State/local governments; **Estimated Number of Responses:** 35; **Average Hours per Response:** 8; **Total Estimated Burden Hours:** 280.

3. **Type of Request:** New; **Title of Information Collection:** Visual Display Terminal (VDT) Operators' Eye Care Program; **Form Numbers:** HCFA-81; **Use:** The form is needed to gather

information necessary to process employees' requests to participate in the VDT Operator's Eye Care Program. Part of the form will be completed by HCFA employees, their supervisors and personal eye care practitioners, and opticians contracted to provide services to HCFA; *Frequency*: On occasion; *Respondents*: State/local governments, individuals/households, Federal agencies/employees, and small businesses/organizations; *Estimated Number of Responses*: 200; *Average Time per Response*: 4 minutes; *Total Estimated Burden Hours*: 13.

4. *Type of Request*: Revision; *Title of Information Collection*: Medicare/Medicaid Hospital Swing-Bed Survey Report Form; *Form Number*: HCFA-1537C; *Use*: In order to participate in the Medicare program as a "swing-bed" hospital, a provider must meet the Federal standards. This form will be used to record providers compliance with the standards and report this information to the Federal Government; *Frequency*: Annually; *Respondents*: State/local governments; *Estimated Number of Responses*: 1,500; *Average Hours per Response*: .25; *Total Estimated Burden Hours*: 375.

5. *Type of Request*: New; *Title of Information Collection*: Request for Approval as a Hospital Provider of Extended Care Services (Swing-Bed) in the Medicare and Medicaid Programs; *Form Number*: HCFA-605; *Use*: This is a facility identification and screening form to be completed by hospitals requesting initial approval for providing "swing-bed" services under the Federal Medicare and Medicaid programs; *Frequency*: One-time; *Respondents*: Businesses/other for profit, Federal agencies/employees, non-profit institutions; *Estimated Number of Responses*: 1,500; *Average Hours per Response*: .25; *Total Estimated Burden Hours*: 375.

6. *Type of Request*: New; *Title of Information Collection*: Evaluation of Medicaid Extension Demonstration; *Form Number*: HCFA-R-151; *Use*: This collection consists of two annual surveys of families of school children in Maine, Florida, and Michigan and will evaluate the effectiveness of the Medicaid extension demonstrations, mandated under section 6407 of OBRA 1989, to increase the access and quality of care to uninsured children under alternative health insurance delivery models; *Frequency*: Annually; *Respondents*: Individuals/households; *Estimated Number of Responses*: 10,400; *Average Hours per Response*: .0743; *Total Estimated Burden Hours*: 773.

7. *Type of Request*: Revision; *Title of Information Collection*: Questions on Other Insurance Available to Medicare Beneficiaries—Medicare Secondary Payer; *Form Number*: HCFA-250-254; *Use*: The questionnaire will be mailed to all new Medicare beneficiaries to determine if there is other insurance primary to Medicare. These forms extend and standardize the collection activity previously approved and will centralize it under one contract; *Frequency*: On occasion; *Respondents*: Individuals/households; *Estimated Number of Responses*: 2.6 million; *Average Hours per Response*: .25; *Total Estimated Burden Hours*: 650,000.

8. *Type of Request*: New; *Title of Information Collection*: Long Term Care Program and Market Characteristics Study; *Form Number*: HCFA-R-147; *Use*: This survey will collect primary and secondary data to study the effects of nursing home and home health care characteristics and markets for Medicare and Medicaid services in 50 States. This effort will add 4 years to an existing database and will result in preparation of a public-use database; *Frequency*: Annually; *Respondents*: State/local governments; *Estimated Number of Responses*: 51; *Average Hours per Response*: 2.25; *Total Estimated Burden Hours*: 115.

9. *Type of Request*: Revision; *Title of Information Collection*: Medicare Contractor Administrative Budget and Cost Reporting System Forms; *Form Numbers*: HCFA-1523, 1523A-G, 1524, 1524A-G, 2580, 3258, 3259; *Use*: These forms are multi-use financial management forms completed by Medicare intermediaries and carriers. This revision includes an additional schedule covering fraud and abuse activities. HCFA uses the information to reimburse the intermediaries and carriers for administrative costs and to prepare the budget for the upcoming year; *Frequency*: Annually/Quarterly/Monthly; *Respondents*: Businesses/other for profit and non-profit institutions; *Estimated Number of Responses*: 1,470; *Average Hours per Response*: 54.43; *Total Estimated Burden Hours*: 80,016.

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 directly to the following address: OMB Reports Management Branch, Attention: Allison Eydt, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: January 21, 1993.

William Toby, Jr.,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 93-2557 Filed 2-3-93; 8:45 am]

BILLING CODE 4120-03-M

Public Information Collection Requirements Submitted to the Office of Management and Budget for Clearance

AGENCY: Health Care Financing Administration, HHS.

The Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information in compliance with the Paperwork Reduction Act (Pub. L. 96-511).

1. *Type of Request*: New; *Title of Information Collection*: Long Term Care Program and Market Characteristics Study; *Form Number*: HCFA-R-147; *Use*: Results of this study will permit HCFA to study the effects of nursing home and home health care characteristics and markets for Medicare and Medicaid services in 50 States; *Frequency*: Annually; *Respondents*: State/local governments; *Estimated Number of Responses*: 51; *Average Hours per Response*: 1.58; *Total Estimated Burden Hours*: 81.

2. *Type of Request*: Extension; *Title of Information Collection*: Medicare Collection of Medical Information on Home Health Services; *Form Number*: HCFA-485-488; *Use*: These forms are used by Medicare fiscal intermediaries to assure that reimbursement is made to home health agencies only for services that are covered under Medicare Part A or B. The information describes the patient and level of medical needs and/or services provided; *Frequency*: On occasion; *Respondents*: Businesses/other for profit and small businesses or organizations; *Estimated Number of Responses*: 10,988,500; *Average Hours per Response*: .25; *Total Estimated Burden Hours*: 2,747,125.

3. *Type of Request*: Extension; *Title of Information Collection*: Annual Report on Home and Community-based Services Waivers; *Form Numbers*: HCFA-372; *Use*: States with an approved waiver under section 1915(c) of the Social Security Act submit Form HCFA-372 so that HCFA can (1) verify that State assurances regarding waiver cost-effectiveness are met and (2) determine the waiver's impact on the type, amount, and cost of services provided under the State plan and the

welfare of recipients; *Frequency*: Annually; *Respondents*: State/local governments; *Estimated Number of Responses*: 127; *Average Hours per Response*: 40; *Total Estimated Burden Hours*: 5,080.

4. *Type of Request*: New; *Title of Information Collection*: Medicaid Capitated Managed Care Program for Supplemental Security Supplemental Security Income (SSI) Disabled; *Form Number*: HCFA-R-149; *Use*: The results of this mail/telephone survey will permit HCFA to examine plans' experiences to determine how well managed care can meet the needs of SSI disabled adults while containing costs; *Frequency*: One-time; *Respondents*: State/local governments, businesses/other for profit, non-profit institutions, and small businesses/organizations; *Estimated Number of Responses*: 139; *Average Hours per Response*: .75; *Total Estimated Burden Hours*: 104.

5. *Type of Request*: Reinstatement; *Title of Information Collection*: HCFA Forms and Manuals Order; *Form Number*: HCFA-1961; *Use*: This form is used by Medicare intermediaries, carriers, State agencies, Social Security Administration, and End Stage Renal Disease networks to order Medicare/Medicaid forms and program manuals from HCFA; *Frequency*: Semi-annually; *Respondents*: State/local governments, businesses/other for profit, non-profit institutions, and federal agencies/employees; *Estimated Number of Responses*: 584; *Average Hours per Response*: 3.983; *Total Estimated Burden Hours*: 2,326.

6. *Type of Request*: Reinstatement; *Title of Information Collection*: Health Maintenance Organization (HMO) and Competitive Medical Plan (CMP) National Data Reporting Requirements (NDRR); *Form Number*: HCFA-906; *Use*: The NDRR provides HCFA with information required to effectively monitor and evaluate the progress and effectiveness of the HMO/CMP program and to seek corrective action by HMO/CMPs, as appropriate. This ensures the protection of Federal investment and enrolled members of HMO/CMPs and provides statistical data for continued regulation; *Frequency*: Quarterly; *Respondents*: State/local governments, businesses/other for profit and non-profit institutions; *Estimated Number of Responses*: 1,007; *Average Hours per Response*: 2.612; *Total Estimated Burden Hours*: 2,630.

7. *Type of Request*: Reinstatement; *Title of Information Collection*: Information Collection Requirements in 42 CFR 411.25, 411.32(c), 411.65(b)(2), and 489.20(f), Medicare Secondary Payer; *Form Number*: HCFA-R-136;

Use: These information collection requirements are necessary for HCFA to determine situations where Medicare does not have primary responsibility for paying the medical expenses of a Medicare beneficiary; *Frequency*: On occasion; *Respondents*: Individuals/households and businesses/other for profit; *Estimated Number of Responses*: 11,845,835; *Average Hours per Response*: .033; *Total Estimated Burden Hours*: 394,834 (reporting) and 267,030 (recordkeeping) for a total of 661,864.

8. *Type of Request*: Revision; *Title of Information Collection*: Independent Rural Health Clinic/Federally Qualified Health Center Cost Report; *Form Numbers*: HCFA-222; *Use*: This form is used by independent rural health clinics and federally qualified health centers to report their health care costs to determine amounts reimbursable for the services furnished to Medicare beneficiaries; *Frequency*: Annually; *Respondents*: Non-profit institutions and businesses/other for profit; *Estimated Number of Responses*: 2,000; *Average Hours per Response*: 10; *Total Estimated Burden Hours*: 20,000 (reporting) and 80,000 (recordkeeping) for a total of 100,000.

9. *Type of Request*: Reinstatement; *Title of Information Collection*: Outpatient Rehabilitation Provider Cost Report; *Form Number*: HCFA-2088; *Use*: This form is used to determine Medicare reimbursement for outpatient services rendered to Medicare beneficiaries; *Frequency*: Annually; *Respondents*: Businesses/other for profit; *Estimated Number of Responses*: 2,050; *Average Hours per Response*: 10; *Total Estimated Burden Hours*: 20,500 (reporting) and 184,500 (recordkeeping) for a total of 205,000.

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 directly to the following address: OMB Reports Management Branch, Attention: Allison Eydt, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: December 29, 1993.

William Toby, Jr.,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 93-2558 Filed 2-3-93; 8:45 am]

BILLING CODE 4120-03-M

Indian Health Service

List of Recipients of Indian Health Scholarships Under the Indian Health Scholarship Program

The regulations governing Indian Health Care Improvement Act Programs (Pub. L. 94-437) provides at 42 CFR 36.334 that the Indian Health Service shall publish annually in the *Federal Register* a list of recipients of Indian Health Scholarships, including the name of each recipient, school and tribal affiliation, if applicable. These scholarships were awarded under authority of sections 102 and 104 of Public Law 100-713, the Indian Health Care Amendments of 1988 (25 U.S.C. 1613-1613a).

The following is a list of Indian Health Scholarship Recipients for Fiscal Year 1992:

Aaberg, Aaden-Elleph, University of Alaska, Aleut
 Abe, Winifred Vivian, University of Phoenix, Navajo
 Abeita, Camila Ann, University of New Mexico, Pueblo
 Abold, Carol Ann, Colorado State University, Oglala Sioux
 Aceveda, Marcia Lynn, University of Washington, Navajo
 Adkison, Dean Wendell, Loma Linda University, Aleut
 Akins, Thea Lorena, Weber State College, Penobscot
 Albert, Corrina Dynalle, New Mexico State University, Pueblo
 Allard, Stephanie, North Dakota State Univ., Turtle Mt. Chippewa
 Allen, Alana Dawn, Northeastern Oklahoma A&M, Cherokee
 Allen, Phylomine, University of South Dakota, Turtle Mt. Chippewa
 Allick, Albert P., University of Minnesota, Turtle Mt. Chippewa
 Alstrom, Gail, Stanford University, Alaska
 Anderson, Channa Lee, Oklahoma State University, Creek
 Anderson, Matthew C., Eastern Oklahoma State University, Choctaw
 Anderson, Raymond, Phoenix College, Navajo
 Antone, Lucy T., Pima Community College, Navajo
 Arkansas, Carmen, Appalachian State University, Cherokee
 Arkie, Carolyn Ann, University of New Mexico, Pueblo of Acoma
 Armijo, Darlene Jean, Albuquerque Tech. Vocational Inst., Pueblo
 Armstrong, Samantha Dee, Texas Women's University, Cherokee
 Arteaga, Leta M., University of North Dakota, School of Med., Navajo
 Arviso, Alberta, Washington State University, Navajo

- Arviso, Angela Mary, Arizona State University, Navajo
- Atkins, Shanun Micaela, Colorado State University, Kiowa
- Auten, Krista Renae, East Central Oklahoma State University, Choctaw
- Azure, Joan Marie, Belcourt Community College, Turtle Mt. Chippewa
- Azure, Joette D., University of North Dakota, Turtle Mt. Chippewa
- Azure, Lane Alan, University of North Dakota, Turtle Mt. Chippewa
- Baker, Biron Dale, University of North Dakota, Three Affiliated
- Baloo, Mary Ann, University of New Mexico, Navajo
- Bancroft, Trina Ann, University of Colorado, Navajo
- Barlow, Allen, San Juan College, Navajo
- Barnes, Mannix Deroin, University of Oklahoma, Dental School, Kiowa
- Barnett, Frank, University of Washington, School of Soc. Work, Alaska
- Barnett, Ronald Ray, Boston University, School of Medicine, Creek
- Bartlett, Onna Mae, University of North Dakota, Rosebud Sioux
- Bartmess, Valene N., University of Oklahoma, Hlth. Sci. Center, Creek
- Bartolaba, Miguela Mae, University of Alaska, Alaska
- Beard, Candis Lesley, University of Oklahoma, Chickasaw
- Beauvais, Robert James, University of Hawaii, Rosebud Sioux
- Becenti, Roland, Northern Arizona University, Navajo
- Beets, Billy Conn, University of Minnesota, Cherokee
- Begay, Adriann Westine, University of North Dakota, Navajo
- Begay, Angela Ann, Kansas Newman College, Navajo
- Begay, Carol Jean, Ft. Lewis College, Navajo
- Begay, Elsie, University of Albuquerque, Navajo
- Begay, Lelia, Northern Arizona University, Navajo
- Begay, Melinda Rose, San Juan College, Navajo
- Begay, Morris Wayne, University of New Mexico, Navajo
- Begay, Tina Rae, University of Arizona, Navajo
- Begay, Tommy Kenneth, University of Arizona, Navajo
- Belgarde, Clayton M., University of Minnesota, Turtle Mt. Chippewa
- Belgarde, Patrick Edward, North Dakota State University, Chippewa
- Bell, Whitney Merle, University of North Dakota, Three Affiliated
- Benally, Belinda Jane, Arizona State University, Navajo
- Benally, Cheryl Lynn, University of Arizona, Navajo
- Bender, Darlyn-Luree, University of Mary, Cheyenne River Sioux
- Benn, Denise Michelle, Hinds Community College, Mississippi
- Choctaw
- Berry, Tamara Jean Dillon, Abilene Christian University, Cherokee
- Berryhill, Wayne Edward, University of Minnesota, Creek
- Bethel, Dennis Wayne, University of California, Alabama-Quassarte
- Bia, Clair, Western New Mexico University, Navajo
- Billedeaux, Mary-Jane, Salish Kootenai College, Confederated Salish
- Billie, Sharon Lynn, Northern Arizona University, Navajo
- Billy, Julie Ann, University of Utah, Navajo
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- Bird, Evelyn Catherine, University of California, Tohono O'Odham
- Birdinground Hogan, Valerie Suzette, University of Osteo Med., Crow
- Birney, Debra Lynn, Oklahoma Baptist University, Creek
- Bitselley, Wendolyn, Northern Arizona University, Navajo
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- Blackwater, Norma, University of North Dakota, Navajo
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- Blue, Donald Ray, East Central Oklahoma State University, Lumbee
- Blue, Joanne Cecile, University of North Dakota, Turtle Mt. Chippewa
- Blue, Joleen Renee, Bemidji State University, Bad River Band
- Blue, Virginia Pamela, University of North Dakota, Turtle Mt. Chippewa
- Bluehouse, Orpha Eleanor, Phoenix College, Navajo
- Bluehouse, Sandra Carolene, New Mexico State University, Navajo
- Bogdanski, Matilda Catherine, University of Washington, Alaska
- Bormann, Teresa Jo, University of South Dakota, Oglala Sioux
- Boyle, John William, University of Oklahoma, Cherokee
- Bradley-Faherty, Margaret Marie, University of New Mexico, Cherokee
- Brazil, Holly Jean, Oklahoma Baptist University, Chickasaw
- Brewster, Cindy Lou, Northeastern Oklahoma State University, Cherokee
- Brings, Terra Beth, Huron College, Lower Brule Sioux
- Brock, Tammy Sue, University of Central Oklahoma, Choctaw
- Brown, Emmeline Gail, Salish Kootenai College, Crow
- Brown, Freddie Herman, University of Utah, Navajo
- Brown, Heather Dawn, Oklahoma State University, Choctaw
- Brown, Valerie Lee, University of North Dakota, Cherokee
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- Buckley, Erica Dawn, Bacone College, Creek
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- Burnette, Ronald, Arizona State University, Apache
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- Caley, Jean Karen, University of Alaska, Alaska
- Calf Looking, Patrick Faron, University of Montana, Blackfeet
- Campbell Abrahamson, Lucinda J., Washington State University, Spokane
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- Carpenter, Julie Camille, Oklahoma City University, Chickasaw Nation
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- Clanton, Marc Anthony, University of Denver, Cherokee Nation
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- Collins, Gloria Ann, Utah State University, Assiniboine and Sioux
- Cooney, Norman James, University of New Mexico, Zuni
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- Eagle, Gloria Jean, University of Colorado, Three Affiliated
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- Fox, Valerie Louise, Mayo Medical School, Minnesota Chippewa
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- Gatzman, Sidney Joseph, Langston University, Choctaw Nation
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- Ghahate, Alvera Jean, University of New Mexico, Zuni
- Gibbons, Philip Jeffre Y, Connors State College, Cherokee Nation
- Gilbert, Barbara Louise, University of Hawaii, Spokane Tribe
- Gilham, Quentin Edward, Eastern Montana College, Blackfeet
- Givan, Janis Marie, University of Washington, Port Gamble Tribe
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- Hansen, Anamarie-June, Oregon Institute of Technology, Aleut
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- Hardy, Joseph, University of New Mexico, Navajo
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- Haycock-Whitehair, Lorraine, Colorado State University, Navajo
- Hayes, Robert Wayne, Rose State College, Chickasaw Nation
- Heffington, Jina Suzette, Lynchburg General Hospital, Choctaw Nation
- Hendren, Florence Velma, University of New Mexico, Navajo
- Henry, Daniel James, University of North Dakota, Turtle Mt. Chippewa
- Henshaw, Aubrey Judson, University of Oklahoma, Cherokee Nation
- Heredia, Joyce Christine, University of New Mexico, Zuni
- Herrod, Jon David, University of Kansas, Cheyenne-Arapaho
- Hicks, Kimberlee Rujuan, Northeastern State University, Creek Nation
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- Hillaire, Carla Rae, University of North Dakota, Lummi
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- Hudson, Dana Noel, University of Oklahoma, Kiowa
- Hunter, Terry Lynn, University of Oklahoma, Kiowa
- Ignace, Lyle Anthony, University of Minnesota, Coeur D'Alene
- Iron Moccasin, Brian Aquilar, Northern Arizona University, Navajo
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- Ivey, Jimmy Don, East Central University, Chickasaw Nation
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- Jake, Kirsten Leigh, University of Oklahoma, Pawnee
- Jarvis, David Lloyd, University of Washington, Osage
- Jenkins, Holly S., East Central Oklahoma State University, Cherokee
- Jenkins, Jeffery Lee, University of Oklahoma, Cherokee
- Jensen, Carmen Sue, Colorado State University, Oglala Sioux
- Jim, Cepha K., University of New Mexico, Navajo
- John, Wendy Theo, University of Hawaii, Seneca Nation of New York
- Johnson, Brian Lee, Northeastern State University, Choctaw
- Johnson, Britt Shannon, University of Oklahoma, Choctaw
- Johnson, Murna Mae, University of New Mexico, Navajo
- Jondreau, Michelle Marie, University of California, Keweenaw Bay
- Jones, Catherine Jeanne, Rogers State College, Onondaga
- Jones, Denise Dawn, University of New Mexico, Navajo
- Jones, Stella Marie, Wichita State University, Creek
- Jones-Ingram, Deanna Eileen, Missouri Southern State, Cherokee
- Jordan, Florence Mary, San Juan College, Navajo
- Judson, Susan Beulah, University of Maine, Penobscot
- Jumping-Eagle, Sara Juanita, University of North Dakota, Oglala
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- Lacroix, Joe Mathe, University of North Dakota, Devils Lake Soix
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- Lamar, Regina Ann, University of Oklahoma, Blackfeet
- Lambert, Angela Marie, Western Carolina University, Eastern Cherokee
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- Laroque, Michael J., University of North Dakota, Turtle Mt. Chippewa
- Lashley, Joseph Grant, St. Louis University, Chickasaw
- Latray, James Eldon, Montana State University, Blackfeet
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- Lincoln, Carol Sue, University of New Mexico, Navajo
- Little, Elaine Benally, University of New Mexico, Navajo
- Locklear, Grover Kevin, Boston University, Lumbee
- Lofgren, Paul Arthur, Catholic University, Cherokee Nation
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- Lohnes, Lisa Rae, University of New Mexico, Devils Lake Sioux
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- Lord, Darlene Marie, University of Alaska, Alaska
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- Luger, Patrick A., University of North Dakota, Standing Rock Sioux
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- Lynch, Roger Harvey, University of Arizona, Navajo
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- Malone-Parker, Sharon Frances, Northern Arizona University, Navajo
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- Mayer, Monica, University of North Dakota, Three Affiliated
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- Painter, Michael Wayne, University of Washington, Cherokee
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- Patterson, Gregory Frank, Oklahoma Baptist University, Cherokee
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- Peterson, Jolene Ann, University of Nebraska, Cheyenne River Sioux

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- Simon, Ramona P., Cheyenne River Lakota Nursing Program, Cheyenne
- Simpson, Colleen Mae, University of North Dakota, Crow
- Simpson, Loren Patrick, University of North Dakota, Washoe
- Simpson, Shawna M., East Central University, Confederated Salish
- Siow, David Earl, University of New Mexico, Pueblo of Laguna
- Sky, Francine, University of New Mexico, Navajo
- Small, Arlene, Salish Kootenai, Assiniboine
- Smalley, Jack Owen, University of Missouri, Standing Rock Sioux
- Smiley, Bennett, American River College, Gila River
- Smiley, Clarence, University of New Mexico, Navajo
- Smith, Margie Ida, University of Washington, Kiana Village
- Smith, Marian D., University of Hawaii, Confederated of Yakima
- Smith, Martin Douglas, Washington State University, Assiniboine
- Snyder, Orrenzo Benally, University of Iowa, Navajo
- Soap, Chris Lee, Northeastern State University, Cherokee
- Spencer, Irene, Albuquerque Technical Vocational Institute, Navajo
- Stacey (Gene), Miriam Jean, Northern Arizona University, Hopi
- Starritt, Glenna Ann, California State University, Hoopa Valley
- Stephens, Connie Ann, University of Central Oklahoma, Cherokee
- Stewart, Mark Gregory, Rush University, Echota Cherokee
- Stewart, Millie Faith, Salish Kootenai, Crow
- Stoeckmann, Kyle Jane Clark, University of Arizona, Caddo
- Stone, Joseph B., Utah State University, Blackfeet
- Strickland, Deena Joanne, Tulane University, Lumbee
- Strickland, Shakira Dawn, Eastern Oklahoma State University, Choctaw
- Sudder, Carol Elaine, University of Hawaii, Aleut
- Sully, Debra Jo, Oglala Sioux Community College, Rosebud Sioux
- Summers, Heather Dawn, East Central Oklahoma State, Chickasaw
- Sunday, Robyn Rachelle, University of Oklahoma, Cherokee
- Susan, Myrtis, Central Arizona University, White Mt. Apache
- Sutton, Nicholas Lloyd, Stanford University, Alaska
- Taber, Sherra L., Eastern Oklahoma State College, Choctaw
- Taylor, Alice-Faye, Oklahoma Univ. Health Sciences Center, Choctaw
- Taylor Laurie Ann, University of Vermont, Miami Nation of Indians
- Taylor, (Ebert), Mendy Ann, Fort Lewis College, Osage
- Teague, Gloria Ann, University of Oklahoma, Cherokee
- Teehee, Michael Don, Connors State College, Cherokee
- Teller, Donnell Rae, Northern Arizona University, Navajo
- Thomas, Jennifer Lee, Minot State College, Turtle Mt. Chippewa
- Thomas, Leonard Don, University of New Mexico, Navajo
- Thomas, Pauletta, University of New Mexico, Navajo
- Thomas, Quinton Keith, University of North Dakota, Navajo
- Thompson, Karen-Lee, South Dakota State Univ., Cheyenne River Sioux

- Thompson, Tracy Lee, College of Osteo-
Medicine of Oklahoma, Cherokee
- Thornton, Luella Vann, Loma Linda
University, Eastern Band Cherokee
- Tims, Janice Kathleen, University of
Oklahoma, Choctaw
- Tincher, Michelle, University of North
Dakota, Ft. Belknap
- Todicheeney, Debbie B., Northern
Arizona University, Navajo
- Toledo, Lauren, Trucker Meadows
Community College, Pueblo of Laguna
- Tollefsen, Cheryl Collins, University of
North Dakota, Arapahoe
- Tracy, Rachael Lavina, Arizona State
University, Navajo
- Treat, Shannon N., East Central
Oklahoma State University,
Chickasaw
- Truesdell, Michael Paul, University of
Arizona, White Mt. Apache
- Tso, Glenn, Pima Medical Institute,
Navajo
- Tso, Lenora, University of Albuquerque,
Navajo
- Two bears, Shantell, University of North
Dakota, Standing Rock Sioux
- Tyon, Warren Glen, University of
Oklahoma, Choctaw
- Underwood, Michael Randolph,
University of Oklahoma, Navajo
- Valderas, Anna M., University of
Oklahoma, Choctaw
- Van Tuyl-Ziegler, Amy Sandell,
University of Oklahoma, Cherokee
- Vanatta, Elizabeth Ann, Neosho County
College, Cherokee
- Vanbuskirk, Paula Elaine, University of
Oklahoma, Chickasaw
- Vandall, Kristen Dawn, Northern
Montana College, Turtle Mt.
Chippewa
- Varner, Denise Ann, Humbolt State
University, Creek
- Vent, Liza Sarah, University of Alaska,
Huslia
- Vicenti, Darren, University of New
Mexico, Hopi
- Vickers, Francine Judith, University of
Colorado, Pueblo of Isleta
- Vigneux, Katherine-Valandra, Gateway
Comm. College, Rosebud Sioux
- Vilas, Arleigh Wayne, Bemidji State
University, Minnesota Chippewa
- Vizenor, Kristi, North Dakota State
University, Minnesota Chippewa
- Wagner, Patricia A., Salish Kootenai,
Blackfeet
- Wahkinney, Michael Alan, University of
Oklahoma, Comanche
- Wails, Sharon Loretta, Northern
Oklahoma College, Creek Nation
- Walker, Thomas Stuart, University of
North Dakota, Three Affiliated
- Wanna, Katherine Nora, University of
North Dakota, Sisseton-Wahpeton
- Wanoskia, Floydina S., University of
New Mexico, Jicarilla Apache
- Waquie, Anna, Albuquerque Tech.
Vocational Institute, Pueblo of Jemez
- Warhol, Peter, University of Minnesota,
Sisseton-Wahpeton Sioux
- Warlick, Ethan Aaron, University of
Kansas, Cherokee
- Warlick, Matthew Eli, University of
Oklahoma, Cherokee
- Warren, William Earl, University of
Minnesota, Minnesota Chippewa
- Watchman, Emily Rose, University of
Oklahoma, Navajo
- Watts, Kenneth L., Southwestern State
College, Choctaw
- Watty, Mandel, Southwestern
Community College, Eastern Band
Cherokee
- Webber, George Stewart, University of
Montana, Blackfeet
- Webber, Jaime Scott, Northeastern State
University, Quapaw
- Wedding, Pamela Sue, Oklahoma State
University, Cherokee
- Welch, Brian Keith, East Central
University, Choctaw
- Welch, Trudy E., Western Carolina
University, Eastern Band Cherokee
- Wero, Anthony, Northern Arizona
University, Navajo
- West, Darin Joy, Ann Arundel
Community College, Mississippi
Choctaw
- West, Jess, Bishop Clarkson College,
Cheyenne River Sioux
- West, Michael, George Washington
University, Mississippi Choctaw
- Westbrook, Sonja, California School of
Prof. Psychology, Comanche
- Weston, Evelyn Jewel, Oglala Lakota
College, Oglala Sioux
- Whipple, Katherine Joy, University of
Minnesota, Spokane Tribe
- White, Betty Jane, Baker University,
Cherokee
- White, Valinda Jeanne, North Dakota
State University, Santee Sioux
- White Eyes, Robbi Marie, Cheyenne
River Lakota, Cheyenne
- White Horse, Marilyn, University of
North Dakota, Three Affiliated
- White Horse, Wyatt Arthur, Augustana
College, Rosebud Sioux
- Whitman, Carolene Elizabeth A.,
University of New Mexico, Navajo
- Widow, Norma Mary, Cheyenne River
Lakota, Cheyenne
- Wiegand, Shannon Lea, University of
Washington, Chippewa
- Wight, Teresa Lynn, Carroll College,
Crow
- Wilcox, Christopher Michael,
Northeastern State University,
Cherokee
- Wilkie, Penny Marie, University of
North Dakota, Turtle Mt. Chippewa
- Willhoite, Lois Darlene, Rogers State
College, Cherokee
- Williams, Bonnie-Loretta, University of
Tulsa, Cherokee
- Williams, Carmelita Sue, University of
New Mexico, Navajo
- Williams, Jeana Lynn, George
Washington University, Cherokee
- Williams, Karen Elizabeth, University of
Alaska, Alaska
- Williams, Randal Alan, East Central
University, Chickasaw
- Williams, Verdi Elizabeth, Pacific
Lutheran University, Sitka
- Williams, Vern Raymond, Boise State
University, Creek Nation
- Williams, Winona Delores, Salish
Kootenai College, Ft. Belknap
- Williamson, Tracy Lynn, University of
Montana, Blackfeet
- Wills, Susan Elaine, University of
Missouri, Creek Nation
- Wilson, Kathy Susan, Washington
University, Aleut
- Wind, William Alva, Eureka College,
Creek Nation
- Womack, Bob Hayward, University of
Oklahoma, Choctaw
- Wood, Susan Kay, University of Tulsa,
Cherokee
- Woodbridge, Lorna Kaye, University of
Kansas, Cherokee
- Wright, Wenda Leann, University of
New Mexico, Rosebud Sioux
- Wynecoop, Teresa Ann, Eastern
Washington State, Spokane
- Yazzie, Delvin, University of New
Mexico, Navajo
- Yazzie, Elvira Eva, Northern Arizona
University, Navajo
- Yazzie, Eulalia Faye, University of New
Mexico, Navajo
- Yazzie, Jeannette, Glendale Community
College, Navajo
- Yazzie, Lucille, University of Utah,
Navajo
- Yazzie, Nadine Rae, Northern Arizona
University, Navajo
- Ybarra, Ysidro Patrick, Flathead Valley
Community College, Crow
- Yeager, Gail Ann, Wayne State
University, Pueblo of Acoma
- Yellow Cloud, Kendra E., South Dakota
State University, Oglala Sioux
- Yellowman, Marilyn Frances, Arizona
State University, Navajo
- Young, Roseann, Mesa Community
College, Navajo
- Yuselew, Melissa, New Mexico State
University, Zuni
- Yuselew, Tracy, Western New Mexico
University, Zuni
- Zegiel, Catherine M., Arizona State
University, Standing Rock Sioux
- Zonnie, Bertha C., Northern Arizona
University, Navajo

FOR FURTHER INFORMATION CONTACT: Mr.
Wesley J. Picciotti, Chief, Scholarship
Branch, Indian Health Service,
Twinbrook Metro Plaza, suite 100,
12300 Twinbrook Parkway, Rockville,
Maryland 20852; Telephone 301/443-
6197.

Dated: January 27, 1993.
Everett R. Rhoades,
Assistant Surgeon General, Director.
 [FR Doc. 93-2556 Filed 2-3-93; 8:45 am]
 BILLING CODE 4180-16-M

National Institutes of Health

National Cancer Institute; Notice of Meeting of the Cancer Research Manpower Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, on February 17-19, 1993, The Saint James Hotel, 950 24th Street, NW., Washington, DC 20037.

This meeting will be open to the public on February 17, 1993, from 7:30 p.m. to 8 p.m., to review administrative details and other cancer research manpower review issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on February 17 from 8 p.m. to recess, February 18 from 8 a.m. to recess and on February 19 from 8 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Mary Bell, Scientific Review Administrator, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, room 809, National Institutes of Health, Bethesda, Maryland 20892 (301/496-7978) will furnish substantive program information.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Mary Bell, (301) 496-7978 in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and

Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: January 26, 1993.

Susan Feldman,
Committee Management Officer, NIH.
 [FR Doc. 93-2577 Filed 2-3-93; 8:45 am]
 BILLING CODE 4140-01-M

National Institute on Deafness and Other Communication Disorders; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the following National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications, contract proposal, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Dates of Meeting: February 19, 1993.

Time of Meeting: February 19-8 a.m. until adjournment.

Place of Meeting: Radisson Hotel Metrodome, 615 Washington Avenue, SE., Minneapolis, MN.

Agenda: Review of Program Project Grant.

Contact Person: Dr. Mary Nekola, Scientific Review Administrator, NIDCD/SRB, Executive Plaza South, room 400B, Bethesda, Maryland 20892, (301) 496-8683.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Other Communicative Disorders)

Dated: January 26, 1993.

Susan K. Feldman,
Committee Management Officer, NIH.
 [FR Doc. 93-2592 Filed 2-3-93; 8:45 am]
 BILLING CODE 4140-01-M

National Institute on Deafness and Other Communication Disorders; Notice of Meeting of the Deafness and Other Communication Disorders Programs Advisory Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Deafness and Other Communication Disorders Programs Advisory Committee on March 19, 1993. The meeting will take place from 8:30 a.m. to 5 p.m. in Conference Room 6, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The meeting, which will be open to the public, is being held to discuss the Extramural Research and Training Support programs. Attendance by the public will be limited to space available.

Further information concerning the Committee meeting may be obtained from Dr. Ralph F. Naunton, Executive Secretary, NIDCD Programs Advisory Committee, National Institute on Deafness and Other Communication Disorders, Executive Plaza South, room 400B, National Institutes of Health, Bethesda, Maryland 20892, 301-496-1804. A summary of the meeting and a roster of the members may also be obtained from his office.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Other Communicative Disorders)

Dated: January 26, 1993.

Susan K. Feldman,
NIH Committee Management Officer.
 [FR Doc. 93-2578 Filed 2-3-93; 8:45 am]
 BILLING CODE 4140-01-M

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting of Subcommittee D of the Diabetes and Digestive and Kidney Diseases Special Grants Review Committee

Pursuant to Public Law 92-463, notice is hereby given of a meeting of Subcommittee D of the Diabetes and Digestive and Kidney Diseases Special Grants Review Committee, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), on February 25-26, 1993, at the Columbia Inn, Wincopin Circle, Columbia, Maryland 21044. This meeting will be open to the public on February 25 from 2 p.m. to 2:15 p.m. to discuss administrative details or other issues relating to committee activities. Attendance by the public will be limited to space available. Notice of the meeting rooms will be posted in the hotel lobby.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on February 25 from 2:15 p.m. to recess and February 26 from 8 a.m. to adjournment for the review, discussion and evaluation of individual research grant applications. Discussion of these applications could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winnie Martinez, Committee Management Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Building 31, room 9A19, Bethesda, Maryland 20892, 301-496-6917, will provide a summary of the meeting and a roster of the committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 93.847-849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: January 26, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-2580 Filed 2-3-93; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting of Subcommittee B of the Diabetes and Digestive and Kidney Diseases Special Grants Review Committee

Pursuant to Public Law 92-463, notice is hereby given of a meeting of Subcommittee B of the Diabetes and Digestive and Kidney Diseases Special Grants Review Committee, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), on March 4-5, 1993, at the Embassy Suites Hotel, Chevy Chase Pavillion, 4300 Military Road, NW., Washington, DC 20015. This meeting will be open to the public on March 4 from 8 a.m. to 8:15 a.m. to discuss administrative details or other issues relating to committee activities. Attendance by the public will be limited to space available. Notice of the meeting rooms will be posted in the hotel lobby.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on March 4

from 8:15 a.m. to recess and March 5 from 8 a.m. to adjournment for the review, discussion and evaluation of individual research grant applications. Discussion of these applications could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winnie Martinez, Committee Management Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Building 31, room 9A19, Bethesda, Maryland 20892, 301-496-6917, will provide a summary of the meeting and a roster of the committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 93.847-849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: January 26, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-2581 Filed 2-3-93; 8:45 am]

BILLING CODE 4140-01-M

National Library of Medicine; Meeting of the Biomedical Library Review Committee

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Biomedical Library Review Committee on March 3-4, 1993, convening on March 3 at 8:30 a.m. in the Board Room and on March 4 at 8:30 a.m. in Conference Room B of the National Library of Medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on March 3 will be open to the public from 8:30 a.m. to approximately 11 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Roger Dahlen at 301-496-4221 two weeks before the meeting.

In accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting on March 3 will be closed to the public for the review, discussion, and evaluation of individual grant applications from 11 a.m. to approximately 5 p.m., and on

March 4 from 8:30 a.m. to adjournment. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Scientific Review Administrator, and Chief, Biomedical Information Support Branch, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone number: 301-496-4221, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.879—Medical Library Assistance, National Institutes of Health.)

Dated: January 26, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-2576 Filed 2-3-93; 8:45 am]

BILLING CODE 4140-01-M

National Library of Medicine; Notice of Meeting of the Literature Selection Technical Review Committee

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Literature Selection Technical Review Committee, National Library of Medicine, on March 4-5, 1993, convening at 9 a.m. on March 4 and at 8:30 a.m. on March 5 in the Board Room of the National Library of Medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on March 4 will be open to the public from 9 a.m. to approximately 10:30 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Diane Gibbs at 301-496-6921 two weeks before the meeting.

In accordance with provisions set forth in section 552b(c)(9)(B), title 5, U.S.C. Public Law 92-463, the meeting will be closed on March 4 from 10:30 a.m. to approximately 5 p.m. and on March 5 from 8:30 a.m. to adjournment for the review and discussion of individual journals as potential titles to be indexed by the National Library of Medicine. The presence of individuals associated with these publications could hinder fair and open discussion and

evaluation of individual journals by the Committee members.

Mrs. Lois Ann Colaanni, Scientific Review Administrator of the Committee, and Associate Director, Library Operations, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone number: 301-496-6921, will provide a summary of the meeting, rosters of the committee members, and other information pertaining to the meeting.

Dated: January 26, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-2579 Filed 2-3-93; 8:45 am]

BILLING CODE 4140-01-M

Division of Research Grants; Notice of Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the following study sections for February through March 1993, and the

individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public for approximately one half hour at the beginning of the first session of the first day of the meeting during the discussion of administrative details relating to study section business. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301-496-7534 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each scientific review administrator, whose telephone number is provided. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the scientific review administrator to confirm the exact date, time and location. All times are a.m. unless otherwise specified.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the scientific review administrator at least two weeks in advance of the meeting.

Study section	February-March 1993 meetings	Time	Location
AIDS & Related Research 1: Dr. Sami Mayyasi; Tel. 301-496-0012	Mar. 1-2	8	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
AIDS & Related Research 2: Dr. Gilbert Meier; Tel. 301-496-5191	Feb. 26	8	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 3: Dr. Marcel Pons; Tel. 301-496-7286	Feb. 22-24	8:30	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 4: Dr. Mohindar Poonian; Tel. 301-496-4666	Mar. 1-2	8:30	Hyatt Regency, Bethesda, MD.
AIDS & Related Research 5: Dr. Mohindar Poonian; Tel. 301-496-4666	Mar. 12	8:30	Holiday Inn Crowne Plaza, Rockville, MD.
AIDS & Related Research 6: Dr. Gilbert Meier; Tel. 301-496-5191	Mar. 8	8	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 7: Dr. Gilbert Meier; Tel. 301-496-5191	Mar. 12	8	Holiday Inn, Chevy Chase, MD.
Behavioral and Neurosciences—1: Dr. Luigi Giacometti; Tel. 301-496-5352	Mar. 17-19	9	St. James Hotel, Washington, DC.
Behavioral and Neurosciences—2: Dr. Luigi Giacometti; Tel. 301-496-5352	Mar. 9	8:30	St. James Hotel, Washington, DC.
Biological Sciences—1: Dr. James R. King; Tel. 301-496-1067	Mar. 24-26	8:30	St. James Hotel, Washington, DC.
Biological Sciences—2: Dr. Syed Amir; Tel. 301-402-2693	Mar. 15-17	8:30	Holiday Inn, Chevy Chase, MD.
Biological Sciences—3: Dr. Donna Dean; Tel. 301-402-2690	Mar. 22-23	8:30	Holiday Inn, Chevy Chase, MD.
Biomedical Sciences: Dr. Charles Baker; Tel. 301-496-7150	Mar. 22-24	8:30	Holiday Inn, Chevy Chase, MD.
Clinical Sciences—1: Mrs. Jo Pelham; Tel. 301-496-7477	Mar. 11-12	8:30	Holiday Inn, Chevy Chase, MD.
Clinical Sciences—2: Mrs. Jo Pelham; Tel. 301-496-7477	Mar. 18-19	8	Holiday Inn, Bethesda, MD.
Immunology, Virology & Pathology: Dr. Lynwood Jones; Tel. 301-496-7510	Mar. 17-19	8:30	Holiday Inn, Chevy Chase, MD.
International & Cooperative Projects: Dr. G.B. Warren; Tel. 301-496-7600	Mar. 15-17	8	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Physiological Sciences: Dr. Nicholas Mazarrella; Tel. 301-496-1069	Mar. 25-26	8	Holiday Inn Crowne Plaza, Rockville, MD.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 26, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-2591 Filed 2-3-93; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This

notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-697830

Applicant: U.S. Fish and Wildlife Service, Regional Director—Region 3, Twin Cities, MN

The applicant requests an amendment to their current permit to take Karner blue butterfly (*Lycaeides melissa samuelis*) for purposes of scientific research and enhancement of propagation or survival of the species in accordance with recovery documents.

PRT-773926

Applicant: Dennis W. Engler, North Riverside, IL

The applicant requests a permit to purchase in interstate commerce one male and two female captive-hatched eastern indigo snakes (*Drymarchon corais couperi*) from Don Hamper, Columbus, OH, for enhancement of propagation and survival of the species. PRT-775641

Applicant: John Aynes, Oklahoma City, OK

The applicant requests a permit to import 3 captive born Siberian tigers (*Panthera tigris altaica*) and 2 captive born snow leopards (*P. uncia*) from the Alberta Wildlife Park, Canada for the purpose of enhancement of propagation.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive,

room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: January 29, 1993.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 93-2584 Filed 2-3-93; 8:45 am]

BILLING CODE 4310-55-M

Availability of Final Environmental Impact Statement on the Proposed Tijuana Estuary Tidal Restoration Program, Tijuana Slough National Wildlife Refuge/Tijuana River National Estuarine Reserve, San Diego County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, this notice advises the public that the U.S. Fish and Wildlife Service and the California State Coastal Conservancy have prepared a Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on the proposed Tijuana Estuary Tidal Restoration Program at Tijuana Slough National Wildlife Refuge/Tijuana River National Estuarine Reserve, San Diego County, California. The Tijuana Slough Refuge provides habitat for four federally listed endangered birds, a plant and one state listed endangered bird. Six alternative plans have been considered. No final decision can be made on this proposal during the 30 days following the filing of this Final EIS/EIR, in accordance with the Council of Environmental Quality Regulations, 40 CFR 1506.10(b)(2).

ADDRESSES: The Final EIS/EIR may be inspected by appointment during normal business hours at: U.S. Fish and Wildlife Service, Southern California Coastal Complex, 301 Caspian Way, Imperial Beach, CA 91933. Telephone: (619) 575-1290. U.S. Fish and Wildlife Service, Enhancement Office, 2730 Loker Ave. West, Carlsbad, CA 92008. Telephone: (619) 431-9440. The California State Coastal Conservancy,

1330 Broadway, suite 1100, Oakland, CA 94612-2530. Telephone: (510) 286-1015.

Public libraries in San Diego County will also have the Final EIS/EIR available for review; contact the Southern California Coastal Complex for a list of specific libraries.

FOR FURTHER INFORMATION CONTACT: Mari Hoffmann-Nelson, Wildlife Biologist, Southern California Coastal Complex, P.O. Box 335, Imperial Beach, CA 91933. Telephone: (619) 575-1290.

SUPPLEMENTARY INFORMATION: The Tijuana Estuary is the southern-most estuary in the United States on the Pacific coast. The Tijuana Estuary is within the Tijuana River National Estuarine Research Reserve, which was established in 1982 by the National Oceanic Atmospheric Administration. Tijuana Slough National Wildlife Refuge is part of the Reserve. The Reserve encompasses approximately 2,531 acres of tidal and non-tidal land extending north from the border between the United States and Mexico. The Tijuana Estuary Management Plan was developed in 1986 to provide a framework for future enhancement of the estuary and to address the physical changes that were adversely affecting the estuary. The primary goal of this plan is to protect the estuarine environment and resources within the Reserve in a manner consistent with the policies of land-ownership and the agencies regulating land use in the Reserve. The Tijuana Estuary Tidal Restoration Program was developed in response to the 1986 plan and subsequent analysis that have documented the decline in resource values and the need for restoration in the Reserve.

The lead agencies in the project, the U.S. Fish and Wildlife Service and the California State Coastal Conservancy, have undertaken restoration planning and this analysis at the request of the Tijuana River National Estuarine Sanctuary Management Authority (TRNESMA). The local, state and Federal agencies that make up TRNESMA acted in response to a series of hydrological and biological studies of the estuary. These studies indicated that a rapid and perhaps catastrophic loss of resource values could occur at the Tijuana Estuary unless action was taken to reverse trends that were currently underway. This deterioration includes loss of significant endangered species habitat.

This document constitutes the foundation for the restoration project. Because of the large scale of the proposed project and a recognition of

the present rudimentary knowledge of the art and science of wetland restoration, the project will be undertaken in increments. This approach to restoration, termed "the modular approach", will begin the "Model Project". The Model Project, consisting of a 20 acre marsh restoration and other actions, is subjected to a more rigorous level of impact analysis in this document than is the overall 495-acre Restoration Project. The EIS/EIR serves as a first step in the permitting process for the Model Project. Supplemental impact assessments providing more detailed information will be required under NEPA and CEQA before proceeding with subsequent project modules.

The purpose of the restoration project is to define and implement a program that will assure the long-term protection of the valuable Tijuana Estuary ecosystem. A key element in the restoration of the estuary has always been to return to an earlier historic state when tidal flushing was self-maintaining. Another important element is to develop a restoration plan based on what has been learned of the estuary's historic condition and what can be achieved under existing constraints. The tidal prism has decreased from 1,550 acre-feet in 1852 to 290 acre-feet in 1989. In 1852, the tidally-influenced portion of the estuary was approximately 870 acres compared to the current 330 acres. The 1852 tidal slough channels extended into the estuary over 3,000 feet east, 5,000 feet north and 2,000 feet south of the tidal inlet. While these channels still extend into the east, north and south portions of the estuary, the northern channel is migrating eastward into an erosion-resistant headland and the southern channels are constricted due to sedimentation. In addition, the marsh plain dissected by the southern arm is approximately two feet higher in elevation than that of the north arm. The mouth of the estuary was estimated to be 1,000 feet wide in 1852, when the ebb-flow velocities were strong enough to scour away sand deposited by wave action in the tidal inlet, and to keep the mouth open. The mouth is now about 100 feet wide, and the reduction in tidal prism has substantially reduced the tidal scouring of the entrance channel, making it unstable and susceptible to closure.

Six alternative plans were considered: (1) No action, (2) Restoration of Wetlands in the Central Estuary, (3) Restoration of 250 Acres in the South Arm, (4) Restoration of 500 Acres in the South Arm, (5) Minimum Dredging, and

(6) Alternatives to a River Training Structure.

Alternative 4 is the preferred alternative. This alternative is designed to increase salt marsh habitat and restore tidal flushing to areas that have been silted-in over the past few decades. The Program consists of two related projects: (1) The Model Project and (2) the 495-acre Restoration Project. The Model Project will be implemented first and consists of three components: (a) Oneonta Slough Widening; (b) construction of the Connector Channel; and (c) construction of a 20-acre experimental marsh. The 495-acre Restoration Project consists of four components: (a) Restoration of 495 acres of tidal marsh in the south arm; (b) construction of a river training structure; (c) stabilization of sand dunes; and (d) restoration of riparian habitat.

Restoration of the tidal marsh will proceed in modules. This will facilitate the learning process because early modules will generate information about how well procedures work, what problems develop, and what unforeseen benefits might be capitalized upon in designing future modules. The river training structure will protect the restored tidal marsh, thus reducing the risk of closure of the mouth and loss of tidal flushing by protecting against the loss of tidal volume due to sedimentation. The total footprint of the 495-acre Restoration Project with a river training structure will be between 507 and 540 acres depending on the alternative design for the river training structure.

Copies of the Final EIS have been sent to all agencies and individuals who participated in the scoping process, submitted comments to the Draft EIS/EIR, and have requested copies of the Draft EIS/EIR. A limited number of copies of the Final EIS/EIR may be obtained upon request from the contact person identified above. A Record of Decision will be prepared on this proposal after a minimum of 30 days following the filing of the FEIS/FEIR.

Dated: January 22, 1993.

John H. Doebel,

Acting Regional Director.

[FR Doc. 93-2621 Filed 2-3-93; 8:45 am]

BILLING CODE 4310-55-M

Receipt of Application for Permit

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972,

as amended (16 U.S.C. 1361 *et seq.*, the Endangered Species Act of 1973, as amended (U.S.C. 1531, *et seq.*) and the regulations governing marine mammals and endangered species (50 CFR parts 17 and 18).

PRT-684532

Applicant: U.S. Fish and Wildlife Service, National Ecology Center, San Simeon, CA

Type of Permit: Scientific Research.

Name of Animals: West Indian Manatee (*Trichechus manatus*).

Summary of Activity to be Authorized: The applicant requests amendment to their current permit, which currently authorizes non-harmful behavioral and physiological studies on captive-manatees, to include non-harmful and non-invasive behavioral and physiological studies on free-ranging tame manatees.

Source of Marine Mammals for Research: Wild and captive manatees and all sexes and ages to be used in the research throughout its range.

Period of Activity: Through 1994.

Concurrent with the publication of this notice in the *Federal Register*, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, Office of Management Authority (OMA), 4401 N. Fairfax Dr., room 432, Arlington, VA 22203 and must be received by the Director within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, OMA, 4401 North Fairfax Drive, room 432, Arlington, VA 22203. Phone: (1-800-358-2104); Fax: (703/358-2281).

Dated: January 29, 1993.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 93-2585 Filed 2-3-93; 8:45 am]

BILLING CODE 4310-55-M

Great Lakes Panel on Nonindigenous Aquatic Nuisance Species Meeting

AGENCY: Department of the Interior, Fish and Wildlife Service.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Great Lakes Panel on Nonindigenous Aquatic Nuisance Species (Great Lakes Panel), a regional committee of the Aquatic Nuisance Species Task Force. A number of subjects will be discussed, including: the proposed annual report to the Task Force; the information/education strategy on nonindigenous species for the Great Lakes; and State Aquatic Nuisance Species Management Plans. The meeting is open to the public. Interested persons may make oral statements to the Panel or may file written statements for consideration.

DATES: The Great Lakes Panel will meet from 1 p.m. to 5 p.m. on Monday, February 22, 1993.

ADDRESSES: The meeting will be held in Room Pier 9 at the Westin Harbour Castle, 1 Harbour Square in Toronto, Canada.

FOR FURTHER INFORMATION CONTACT:

Kathe Glassner-Schwayder, Great Lakes Commission, The Argus Building, 400 Fourth Street, Ann Arbor, Michigan, at (313) 665-9135.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Great Lakes Panel on Nonindigenous Aquatic Nuisance Species, a regional committee of the Aquatic Nuisance Species Task Force established under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101-646, 104 Stat. 4761, 16 U.S.C. 4701 *et seq.*, November 29, 1990). Minutes of meeting will be maintained by Coordinator, Aquatic Nuisance Species Task Force, room 840, 4401 North Fairfax Drive, Arlington, Virginia 22203 and the Great Lakes Panel Coordinator, Great Lakes Commission, The Argus Building, 400 Fourth Street, Ann Arbor, Michigan, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: January 29, 1993.

Gary Edwards,

Assistant Director—Fisheries, Co-Chair, Aquatic Nuisance Species Task Force.

[FR Doc. 93-2654 Filed 2-3-93; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey**Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act**

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau Clearance Office at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1028-0013), Washington, DC 20503, telephone: (202) 395-7340.

Title: Inventory of Hydrologic Data.

OMB Approval Number: 1028-0013.

Abstract: The collection is required to provide a data base for coordination of water-data acquisition activities in compliance with OMB Memorandum M-92-01, dated December 10, 1991, Coordination of Water Resources Information. It is used within all governmental, academic, and private levels of the water-data community for national or regional network design and operation and for water resources and environmental management planning.

Bureau Form Number: 9-1981-1 through 9-1981-7A.

Frequency: Biennially.

Description of Respondents: Federal, State, County, River Basin, Interstate, Municipality, Local Government.

Estimated Completion Time: .575 hours.

Annual Response: 1624.

Annual Burden Hours: 467.

Bureau Clearance Officer: Geraldine A. Wilson, (703) 648-7309.

Dated: November 4, 1992.

Philip Cohen,

Chief Hydrologist.

[FR Doc. 93-2603 Filed 2-3-93; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[MT-070-4210-05; M81444]

Realty Action; Noncompetitive Sale of Public Lands in Madison County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Noncompetitive sale of public lands in Madison County, Montana.

SUMMARY: The following lands have been found suitable for sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, title 43 United States Code, section 1713), at not less than the estimated fair market value:

Montana Principal Meridian

T. 4 S., R. 8 W., Section 29, S½ SE¼ NW¼

The above described land comprising 20 acres, is being offered to Garrison Ranches, Inc., the adjoining landowner, who has a past history of use of the land and has improvements on the tract.

DATES: Comments regarding the proposed sale of lands must be submitted by March 22, 1993 to the Butte District Manager, Bureau of Land Management, PO Box 3388, Butte, MT 59702. Any adverse comments will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of objections, this proposed realty action will become final.

FOR FURTHER INFORMATION CONTACT:

Edward Scherick, Area Manager, 1005 Selway Drive, Dillon, MT 59725; (406) 683-2337.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the above described lands from all forms of appropriation under the public land laws, including the mining laws, pending disposition of this action or on November 1, 1993, whichever occurs first. The surface estate and the mineral estate, except for saleable minerals on a portion of the tract, will be sold. Acceptance of the direct sale offer will qualify the purchaser to make application for conveyance of that portion of the mineral interest which will not be reserved. The patent when issued will contain a reservation for the following terms, conditions, and reservations:

1. A right-of-way 60 feet in width for a dedicated county road known as "The Burma Road."

2. Reservation to the United States for a right-of-way for ditches and canals in accordance with 43 U.S.C. 945.

3. A reservation to the United States for the saleable minerals on the NE¼ NW¼ SW¼ SE¼ NW¼, N½ NE¼ SW¼ SE¼ NW¼, N½ SE¼ SE¼ NW¼, and the N½ S½ SE¼ SE¼ NW¼.

4. A reservation for MTM79306, a Community Gravel Pit, as it affects that portion of the tract located north of the County Road.

5. A reservation for MTM60935, a right-of-way 20 feet in width for an electrical distribution line.

Dated: January 25, 1993.

James R. Owings,

District Manager.

[FR Doc. 93-2600 Filed 2-3-93; 8:45 am]

BILLING CODE 4310-DN-M

[WO 220-93-4320-03]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004-0020), Washington, DC 20503, Telephone 202-395-7340.

Title: Exchange-Of-Use Grazing Agreement.

OMB Approval Number: 1004-0020.

Abstract: Individuals or farm owners may request this use agreement for recognition of unfenced and intermingled private land in the grazing capacity and management objectives for an allotment.

Bureau Form Number: 4130-4.

Frequency: On occasion.

Description of Respondents: Livestock grazing permittees using the public lands.

Estimated Completion Time: 20 minutes.

Annual Response: 600.

Annual Burden Hours: 198.

Bureau Clearance Officer (Alternate): Gerri Jenkins 202-653-6105.

Dated: November 17, 1992.

Henry Noldan,

Acting Assistant Director, Land and Renewable Resources.

[FR Doc. 93-2599 Filed 2-3-93; 8:45 am]

BILLING CODE 4310-84-M

[CO-050-4333-04]

Draft Rationing Plan for Commercial Use of Arkansas River

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) Canon City District,

in cooperation with the Colorado Division of Parks and Outdoor Recreation (DPOR), announces the availability of a draft Rationing Plan for commercial use of the Arkansas River within the Arkansas Headwaters Recreation Area (AHRA). The AHRA is jointly managed by BLM and DPOR through a Cooperative Management Agreement. Through this Agreement, both agencies were involved in the development of this plan.

DATES: Written comments should be sent in by February 27, 1993.

ADDRESSES: Copies of the draft Rationing Plan are available from: Arkansas Headwaters Recreation Area, P.O. Box 126, Salida, CO 81201, telephone (719) 539-7289. Written comments should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Pete Zwaneveld, Outdoor Recreation Planner, BLM Canon City District, P.O. Box 2200, Canon City, CO 81215-2200, telephone (719) 275-0631 or Steve Reese, Park Manager, Arkansas Headwaters Recreation Area, P.O. Box 126, Salida, CO 81201, telephone (719) 539-7289.

SUPPLEMENTARY INFORMATION: Development of this draft Rationing Plan was based on decisions in the Arkansas River Recreation Management Plan, approved in 1988. That Plan identified a specific threshold for triggering the development of a rationing plan. That threshold was met during the 1991 use season.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 93-2575 Filed 2-3-93; 8:45 am]

BILLING CODE 4310-JB-M

[NV-030-03-4210-05; NVN 34192]

Realty Action; Conveyance of Public Land in Douglas County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Initiation of a 45-day public comment period on the proposed classification of public land for recreation and public purposes.

SUMMARY: Pursuant to the authority in the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*), a 45-day public comment period is initiated on the following land proposed to be classified as suitable for lease and sale to the State of Nevada for a maintenance station:

Mt. Diablo Meridian, Nevada

T. 12 N., R. 20 E.,

Sec. 13, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 10.00 acres.

SUPPLEMENTARY INFORMATION: The public land is located four miles southeast of Gardnerville at the Gardnerville Maintenance Station. The land is currently classified for lease and this action will modify the classification to include sale. The land is not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

The land is now and will continue to be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

DATES: For a period of 45 days from the date of publication of this notice in the *Federal Register*, interested parties may submit comments.

ADDRESSES: Written comments should be sent to: Walker Resource Area Manager, Bureau of Land Management, 1535 Hot Springs Road, suite 300, Carson City, NV 89706-0638. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Charles J. Kihm, Walker Area Realty Specialist, Bureau of Land Management, 1535 Hot Springs Road, suite 300, Carson City, NV 89706-0638; (702) 885-6000.

Dated: January 26, 1993.

John Matthiessen,

Walker Resource Area Manager.

[FR Doc. 93-2594 Filed 2-3-93; 8:45 am]

BILLING CODE 4310-HC-M

National Park Service

Prince William Forest Park, Virginia,
General Management Plan/
Environmental Assessment

AGENCY: National Park Service; Interior.

ACTION: Notice of Release of the Draft General Management Plan/
Environmental Assessment.

SUMMARY: Pursuant to Council on Environmental Quality regulations and National Park Service policy, the National Park Service (NPS) announces the release of the Draft General Management Plan/Environmental Assessment (GMP/EA) for Prince William Forest Park, Virginia. The document will be on public review until April 9, 1993. A public meeting will be held Saturday, March 6 at the A.J. Ferlazzo Building, First Floor, Northwest Wing, Fire and Rescue Classroom, 160-C, 15941 Cardinal Drive, Woodbridge, Virginia. The meeting will be held from 9 am-12 noon and 1 pm-4 pm. Copies of the GMP/EA, staff, information and exhibits about the park will be available as well as comment sheets.

The draft GMP/EA presents three alternatives for future management and use of Prince William Forest Park. Alternative A, the preferred alternative, will enhance existing use. Under this alternative, the NPS would undertake actions to improve visitor experiences and enhance general public use of park facilities at the park while retaining and expanding existing facilities and current patterns of use. The "Resource Management Plan" would be implemented to ensure long-term protection of significant resources, and land protection options would be initiated to protect the Quantico Creek watershed. Alternative B will continue existing management and operations at the park. Managers would continue to accommodate traditional recreational activities while preserving important natural and cultural features; the approved Resource Management Plan would provide direction in preservation efforts. Existing facilities would be modified to meet basic health and safety requirements. The land protection strategy would be to continue working cooperatively with adjacent landowners and management authorities to ensure that the significant resources of the park are not threatened. Alternative C would achieve many of the park's objectives by concentrating active use in an attractive natural setting near the park entrance and removing facilities and development-intensive activities from the core of the park. A forested area on Quantico Creek north of the Pine Grove, Telegraph Road, and Cabin Camp 3 developments would be designated as the main visitor use areas in the park, and would be linked to offer opportunities ranging from structured group picnicking and sheltered camping

to casual play and nature study along streambanks. After the visitor use area is established, the loop road would be removed from the park interior, and this large area of mature piedmont forest would be restored to its natural condition, to be reached only on foot. To further meet the natural resource management objectives, certain private lands and in particular the lands now on the Quantico Marine Corps Base that include the uppermost portion of the Quantico Creek watershed would be brought under NPS management through land exchanges.

For copies of the draft GMP/EA, please contact: Superintendent, Prince William Forest, P.O. Box 209, Triangle, Virginia 22172.

Again, the review period for this document ends April 6, 1993. All review comments must be postmarked no later than April 6, 1993.

Dated: January 29, 1993.

Chrysantra L. Walter,

Acting Regional Director, National Capital Region.

[FR Doc. 93-2565 Filed 2-3-93; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; Corporation for Open Systems International

Notice is hereby given that, on December 24, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Corporation for Open Systems International ("COS") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing certain information. 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 changes are as follows: Tekelec, Inc., Calabasas, CA; and ISODE Consortium, Inc., London, England, and Austin, TX, have become members of COS on September 25, 1992 and October 26, 1992, respectively. COS was advised that Dowty Network Systems, Inc. ("Dowty"), a member of COS, has been acquired by Cray Electronic Holdings plc, a United Kingdom company, and that Dowty has been merged into Cray Communications, Inc. and its operations moved to Annapolis, MD.

On May 14, 1986, COS filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on June 11, 1986 (51 FR 21260).

The last notification was filed with the Department on March 9, 1992. A notice was published in the Federal Register pursuant to section 6(b) of the Act on May 5, 1992 (57 FR 19310).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93-2574 Filed 2-3-93; 8:45 am]

BILLING CODE 4410-01-M

LIBRARY OF CONGRESS

American Folklife Center; Board of Trustees Meeting

AGENCY: Library of Congress.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Board of Trustees of the American Folklife Center. This notice also describes the functions of the Center. Notice of this meeting is required in accordance with Public Law 94-463.

DATES: Friday, February 26, 1993; 9 a.m. to 1 p.m.

ADDRESSES: Librarian's Conference Room, LM 608, Library of Congress, Washington, DC 20540.

FOR FURTHER INFORMATION CONTACT: Raymond L. Dockstader, Deputy Director, American Folklife Center, Washington, DC 20540.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Raymond Dockstader at (202) 707-6590.

The American Folklife Center was created by the U.S. Congress with passage of Public Law 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publications, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by

others. In the brief period of the Center's operation it has energetically carried out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,

Deputy Director, American Folklife Center.

[FR Doc. 93-2573 Filed 2-3-93; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93-009]

NASA Advisory Council (NAC), Space Science and Applications Advisory Committee (SSAAC), Astrophysics Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science and Applications Advisory Committee, Astrophysics Subcommittee.

DATES: February 18, 1993, 9:30 a.m. to 5:15 p.m.; and February 19, 1993, 8:15 a.m. to 4:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, room MIC-5, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Lia LaPiana, Code SZ, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-0346.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Developments Since October 1992 Meeting
- Status of FY 1993 and 1994 Budgets
- INTEGRAL and XTE Mission Updates
- Strategies for the Astrophysics Missions Operations and Data Analysis Program
- Astrophysics Division Education Strategy
- Status of Infrared, Submillimeter and Radio Missions
- New Office of Advanced Concepts and Technology
- Historical Perspective of NASA
- Potential Measures of the Scientific Productivity of Astrophysics Missions

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: January 27, 1993.

John W. Gaff,
Advisory Committee Management Officer,
National Aeronautics and Space
Administration.

[FR Doc. 93-2563 Filed 2-3-93; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the
Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) a request for clearance of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted by March 8, 1993.

ADDRESSES: Send comments to Mr. Steve Semenuk, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Ms. Roberta Dunn, National Endowment for the Arts, Congressional Liaison Office, room 525, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5434).

FOR FURTHER INFORMATION CONTACT: Ms. Judith O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests the review of a revised collection of information. This entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: FY 94 Opera-Musical Theater
Application Guidelines

Frequency of Collection: One-time

Respondents: Non-profit institutions.

Use: Guideline instructions and applications elicit relevant information from non-profit arts organizations that apply for funding under the Opera-Musical Theater Program. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the application review process.

Estimated Number of Respondents: 412
Average Burden Hours Per Response: 26.95

Total Estimated Burden: 11,100

Robbi Dunn,

Congressional Liaison, National Endowment
for the Arts.

[FR Doc. 93-2571 Filed 2-3-93; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Advisory Panel; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Organizational Grants Section) to the National Council on the Arts will be held on March 2-3, 1993 from 9 a.m.-6 p.m., March 4, from 9 a.m.-7 p.m. and March 5 from 9 a.m.-4 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 5 from 2 p.m.-4 p.m. The topic will be policy discussion.

The remaining portions of this meeting on March 2-3 from 9 a.m.-6 p.m., March 4 from 9 a.m.-7 p.m. and March 5 from 9 a.m.-2 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, as amended, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies,

National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Office, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5439.

Dated: January 28, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National
Endowment for the Arts.

[FR Doc. 93-2570 Filed 2-3-93; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Advisory Panel; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (The Arts on Television Section) to the National Council on the Arts will be held on March 3, 1993 from 9:15 a.m.-6:30 p.m. and March 4 from 9 a.m.-5:30 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on March 3 from 9:15 a.m.-9:45 a.m. and March 4 from 4 p.m.-5:30 p.m. The topics will be introductory remarks and policy discussion.

The remaining portions of this meeting on March 3 from 9:45 a.m.-6:30 p.m. and March 4 from 9 a.m.-4 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100

Pennsylvania Avenue, NW.,
Washington, DC 20506, 202/682-5532,
TTY 202/682-5496, at least seven (7)
days prior to the meeting.

Further information with reference to
this meeting can be obtained from Ms.
Yvonne M. Sabine, Advisory Committee
Management Officer, National
Endowment for the Arts, Washington,
DC 20506, or call (202) 682-5439.

Dated: January 28, 1993.

Yvonne M. Sabine,

*Director, Panel Operations, National
Endowment for the Arts.*

[FR Doc. 93-2569 Filed 2-3-93; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

DOE/NSF Nuclear Science Advisory Committee; Notice of Meeting

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-
463, as amended), the National Science
Foundation announces the following
meeting:

Date and Time: February 26, 1993 from 9
a.m. to 6 p.m.; February 27, 1993 from 8:30
a.m. to 12 noon.

Place: National Science Foundation, room
540, 1800 G St., NW., Washington, DC 20550.

Type of Meeting: Open.

Contact Person: John W. Lightbody,
Program Director for Nuclear Physics,
National Science Foundation, 1800 G St.
NW., Washington, DC 20550. Telephone:
(202) 357-7993.

Minutes: May be obtained from the contact
person listed above.

Purpose of Meeting: To advise the National
Science Foundation and the Department of
Energy on scientific priorities within the
field of basic nuclear science research.

Agenda: Status of DOE and NSF Nuclear
Physics Programs—Report on the NSF-
Conducted Review of NSF-Supported
University Based Nuclear Physics Labs—
Presentation and Discussion of the Report of
the NSAC Subcommittee on NSF-Sponsored
National User Facilities for Nuclear
Physics—Preparation of a Response to the
Charge to NSAC on the Apportionment of the
Budgets to the User Facilities Under Several
Overall Budget Cut Scenarios—Public
Comment(*)—(*) Persons wishing to speak
should make arrangements through the
Contact Person identified above.

Dated: February 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-2658 Filed 2-3-93; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Earth Sciences; Notice of Meeting

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-

463, as amended), the National Science
Foundation announces the following
meeting:

Date and Time: February 23-25, 1993; 8:30
a.m. to 5 p.m.

Place: Room 543, National Science
Foundation, 1800 G Street NW., Washington,
DC 20550.

Type of Meeting: Open.

Contact Person: Dr. James F. Hays, Division
Director, Division of Earth Sciences, room
602, National Science Foundation,
Washington, DC 20550, (202) 357-7958.

Minutes: May be obtained from the contact
person listed above.

Purpose of Meeting: To provide advice,
recommendations, and oversight concerning
support for research and research-related
activities in the Earth Sciences.

Agenda: Review of NSF program
performance; Long Range Planning for Earth
Sciences programs.

Dated: February 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-2656 Filed 2-3-93; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-
463, as amended), the National Science
Foundation announces the following
meeting:

Date and Time: February 24-26, 1993; 8
a.m.-5 p.m.

Place: St. James Hotel, 950 24th Street,
NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Wanda E. Ward,
Program Director, Career Access, HRD room
1225, National Science Foundation, 1800 G
St. NW., Washington, DC 20550. Telephone:
(202) 357-7461.

Purpose of Meeting: To provide advice and
recommendations concerning proposals
submitted to NSF for financial support.

Agenda: To review and evaluate Summer
Science Camps proposals as part of the
selection process for awards.

Reason for Closing: The proposals being
reviewed include information of a
proprietary or confidential nature, including
technical information; financial data, such as
salaries; and personal information
concerning individuals associated with the
proposals. These matters are exempt under 5
U.S.C. 552b(c), (4) and (6) of the Government
in the Sunshine Act.

Dated: February 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-2657 Filed 2-3-93; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-
463 as amended), the National Science
Foundation announces the following
meetings:

Name: Special Emphasis Panel in Materials
Research (DMR).

Date, Time and Place: February 23, 1993;
8:30 a.m.-5 p.m. NSF Conference & Training
Center, 1110 Vermont Avenue, NW., rooms
500 C & E, Washington, DC 20550 and
February 24, 1993; 8:30 a.m.-5 p.m. NSF
Conference & Training Center, 1110 Vermont
Avenue, NW., room 500 C, Washington, DC
20550.

Type of Meetings: Closed.

Contact Person: Dr. John C. Hurt, Program
Director, Materials Research Groups, Division
of Materials Research, room 408, National
Science Foundation, Washington, DC, 20550.
Telephone (202) 357-9791.

Purpose of Meetings: To provide advice
and recommendations concerning support for
the Materials Research Groups on Advanced
Processing.

Agenda: Examine proposals, reviewers'
evaluations, and make recommendations for
new and renewal awards for Materials
Research Groups in the FY 1993 competition.

Reason for Closing: The proposals being
reviewed include information of a
proprietary or confidential nature, including
technical information, financial data such as
salaries, and personal information
concerning individuals associated with the
proposals. These matters are exempt under 5
U.S.C. 552b(c) (4) and (6) of the Government
in the Sunshine Act.

Dated: February 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-2659 Filed 2-3-93; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Research, Evaluation, and Dissemination; Notice of Meeting

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-
463, as amended), the National Science
Foundation announces the following
meeting:

Date and Time: February 26, 1993; 8:30
a.m.-5 p.m.

Place: St. James Hotel, 950 24th Street
NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Madeleine J. Long,
Special Assistant for Comprehensive Design
and Planning, Education and Human
Resources, room 516, National Science
Foundation, 1800 G St. NW., Washington, DC
20550. Telephone: (202) 357-9522.

Purpose of Meeting: To determine
technical assistance needs for the Urban
Systemic Initiatives.

Agenda: To examine planning proposals to
help determine the nature and scope of

technical assistance necessary under the Urban Systemic Initiatives.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 1, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-2660 Filed 2-3-93; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-334]

Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for Hearing; Duquesne Light Company, et al

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-66 issued to Duquesne Light Company (the licensee) for operation of the Beaver Valley Power Station, Unit No. 1, located in Beaver County, Pennsylvania.

The proposed amendment would modify the appendix A Technical Specifications (TSs) to allow for increasing the number of spent fuel assemblies that may be stored in the spent-fuel pool. The changes would allow for 1627 storage locations, including two that would be used for storage cans for defective fuel. Additionally, the changes also would allow for the storage of fuel with U-235 enrichment up to 5.0% (weight). The proposed amendment would affect TS sections 3/4 9.14, 5.6.1, and 5.6.3, and table 3.9-1.

The present allowable spent fuel storage at Unit 1 is limited to 833 assemblies. The number of unused storage locations in the spent-fuel storage racks is sufficient for operational needs, including sufficient reserve capacity for full-core discharge, through 1996. The proposed increased capacity is projected to be sufficient to support facility operation through the year 2013, including full-core reserve storage capability.

The proposed increase in the storage capacity will be accomplished by replacing the current spent-fuel storage racks with 13 new free-standing high-density storage modules (racks). Two

different rack designs would be used to accommodate fuel with initial U-235 enrichments up to 5% (weight), and various fuel burnup. Both designs would be fabricated from stainless steel and would incorporate Boral neutron absorber material.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

A. The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)). The following previously analyzed accidents have been considered by the licensee:

1. Dropped spent fuel assembly—The radiological consequences of a dropped spent fuel assembly are not significantly increased from the previous analysis. The thyroid dose and whole body gamma dose at the exclusion boundary are bounded by the results of the previous analysis, and the whole body beta dose is increased only slightly. Criticality analysis shows that k_{eff} will remain ≤ 0.95 as before. The fuel handling equipment is not affected by the proposed storage rack replacement; therefore, the probability of a dropped spent fuel assembly accident is unchanged.

2. Dropped spent-fuel cask—The proposed rack replacement has no effect upon the procedures or equipment to be used for handling a spent-fuel cask. Therefore, the probability or consequences of this type accident are unchanged.

3. Dropped heavy load—The movement of loads in excess of 3000 pounds over spent fuel stored in the storage pool is prohibited whenever spent fuel assemblies are in the pool by

the Appendix A Technical Specifications. This prohibition is not affected by the proposed rack replacement. All rack replacement work in the spent-fuel pool will be controlled and performed in accordance with specific written procedures and administrative control to preclude movement of a rack directly over any fuel. Therefore, the probability of this type accident is not changed significantly.

4. Seismic events—The new racks are designed and will be fabricated as seismic Category I structures in accordance with Regulatory Guide 1.29, Rev. 3 (1978) whereas the existing racks are seismic Category II structures. The racks are designed so that the integrity of the racks and pool structure will be maintained during and after a safe shutdown earthquake for all postulated loading conditions. Therefore, the consequences of a seismic event are not increased.

5. Loss of spent-fuel pool cooling flow—The proposed modification will increase the heat load in the spent-fuel pool. However, even in the event of a complete failure of the spent-fuel pool cooling system, the evaluation shows that there is sufficient time available to provide alternate means of pool cooling. Therefore, the consequences of this accident are not increased. The proposed rack replacement does not involve any change to the spent-fuel pool cooling system; therefore, the probability of this accident is not affected.

B. The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)). The physical and/or operational changes that would be allowed by the amendment are an increase in the initial fuel enrichment and an increase in the amount of spent fuel that may be stored in the pool through replacement of the existing storage racks. These changes do not create the possibility of a new or different kind of accident. The fuel handling operations that will be conducted with the new racks are similar to those that are currently in use, and the fuel handling operations will be accomplished using the currently-installed equipment. However, the change to a two-region spent-fuel pool requires the performance of additional evaluations to assure that the criticality criterion is not violated through misplacement of unirradiated fuel with 5% initial enrichment into a Region 2 storage cell or adjacent to the outside of a Region 2 rack module. No new types of operations will be conducted as a result of the proposed amendment

following the replacement of the storage racks, and no unproven technology is utilized in the replacement racks.

C. The changes do not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)). Analyses have been performed to demonstrate that the established criticality-acceptance criterion ($k_{eff} \leq 0.95$), including uncertainties, is satisfied under all conditions of storage rack loading, fuel enrichment and burnup, and events involving mispositioned fuel. Thermal-hydraulic analyses demonstrate that even though the heat load to the pool will be increased, the existing poolcooling system will maintain the bulk water temperature below 165 °F assuring a substantial margin to bulk boiling. These analyses also show that nucleate boiling will not occur in the hottest fuel assembly. Structural considerations assure that margins of safety for spent-fuel pool structural loading and margins of safety against rack tilting, deflection, or movement have been maintained. Rack materials used are proven to be compatible with the pool and fuel assemblies.

Based on this review, it appears that the three criteria of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within thirty (30) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Directives Review 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 P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, 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 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 8, 1993, 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 20555 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 Panel, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition also should 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 fifteen (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 fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a

specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final

determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

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 20555, by the above date. Where petitions are filed during the last ten (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 Jay E. Silberg, 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 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).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following

argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41670, October 15, 1985) to 10 CFR 2.1101 *et seq.* Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within 10 days of an order granting a request for a hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR part 2, subpart G, and 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, these procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in adjudicatory hearing. If no party to the proceedings requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G, apply.

For further details with respect to this action, see the application for amendment dated November 2, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Rockville, Maryland, this 28th day of January, 1993.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, Project Directorate I-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93-2627 Filed 2-3-93; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Proposed Action and Request for Public Comment With Respect to the European Community Pursuant to Title VII of the Omnibus Trade and Competitiveness Act of 1988

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of intention of prohibit awards of contracts by federal agencies for products and services from some or all of the Member States of the European Community (EC). Action to take effect with respect to U.S. issuances of solicitation published on or after March 22, 1993. Request for public comment concerning this as well as additional possible actions to be taken with respect to the European Community regarding discrimination against U.S. businesses in government procurement.

SUMMARY: On April 22, 1992, the President identified the EC under title VII of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2515, as amended), as discriminating against U.S. businesses in government procurement. The President committed to take action against the EC if such discrimination were not eliminated.

The United States Trade Representative (USTR), on behalf of the Administration, announces that the Administration intends to prohibit awards of contracts by federal agencies for products and services from some or all of the EC's twelve member states. This prohibition will take effect with respect to U.S. issuances of solicitation published on or after March 22, 1993. Purchases covered by the Agreement on Government Procurement (Code) and purchases by U.S. government agencies in support of U.S. national security interests, including all procurements by the Department of Defense, will be excluded from this action. Also excluded will be specific procurements or classes of procurements where public health, safety, or public interest considerations require such exclusions. This action will be taken pursuant to title VII of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2515, as amended). This action will not be taken if the discrimination identified

in the April 22, 1992 title VII identification is eliminated prior to the scheduled imposition of the action, or if the President determines such action to be contrary to the national interest. The details of the specific action to be taken will be published in a subsequent **Federal Register** notice. USTR requests written comments from the public concerning the above action.

Parties are also invited to comment concerning the costs and benefits of continued U.S. participation in the Code, in connection with a U.S. Government study of the desirability and feasibility of withdrawing from the Code, which is now being initiated. Comments are also invited on the impact of other possible actions restricting imports of telecommunications and power generation equipment from some or all of the EC member states, and other possible actions under title VII and other U.S. laws.

DATES: The USTR invites all interested persons to provide written comments concerning the proposed action and other possible actions. Submissions are to be made, in English, by noon on Friday, March 5, 1993.

ADDRESSES: Comments may be submitted to the Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20506, and must include not less than twenty (20) copies. Submissions will be available for public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover page and succeeding pages. Such submissions must be accompanied by a nonconfidential summary thereof.

FOR FURTHER INFORMATION CONTACT: Scott Pearson, Office of Europe and the Mediterranean, USTR (202-395-3211), or Sanford Reback, Assistant General Counsel, USTR (202-395-7203), Office of the United States Trade Representative, 600 Seventeenth Street, NW., Washington, DC 20506.

SUPPLEMENTARY INFORMATION: On February 21, 1992, in its report to the Congress concerning its "Early Review" of certain procurement practices of the EC, France, Germany, and Italy under title VII, the Bush Administration identified the EC for the discriminatory procurement policies of government-owned telecommunications and electrical utilities in certain EC member states. Specifically cited was the EC's "Utilities Directive" (Directive on the

Procurement Procedures of Entities Operating in the Water, Energy, Transport, and Telecommunications sectors—EEC 90/531), which came into effect on January 1, 1993, and which requires EC utilities to favor EC goods over those of the U.S. and other foreign countries. The Directive replaces the informal barriers U.S. firms had faced previously in some EC markets with official discrimination in all EC utilities markets, with the exception of Spain, where the Directive will become effective on January 1, 1996, and Greece and Portugal, where the Directive will become effective on January 1, 1998.

On April 22, 1992, pursuant to section 305(g)(1)(a) of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2515(g)(1)(a)), the President identified the EC as a country that maintains, in government procurement, a significant and persistent pattern or practice of discrimination against U.S. products or services that results in identifiable harm to U.S. businesses. In accordance with the provisions of title VII, the President modified the imposition of sanctions so that they would take effect by January 1993, subject to EC implementation of the discriminatory provisions of the Utilities Directive. The President noted that, in accordance with the statute, the sanctions would be equivalent, in their effect, to the discrimination against U.S. products or services, and would be subject to such terms and conditions as he considers appropriate. (57 FR 15217)

The United States is engaged in intensive negotiations with the EC, both to expand coverage of the Code and to reach a bilateral market access agreement for telecommunications equipment procurement. Seven rounds of bilateral negotiations between the U.S. and the EC, along with several rounds of meetings under the Code, were held in 1992. Progress to date, however, has not been sufficient to conclude either bilateral or multilateral agreements that would eliminate EC discrimination.

Consequently, USTR, on behalf of the Administration, proposes to prohibit awards of contracts by federal agencies for products and services from some or all of the Member States of the European Community (EC). This action will take effect with respect to U.S. issuances of solicitation published on or after March 22, 1993. Purchases covered by the United States under the Code and purchases by U.S. government agencies in support of U.S. national security interests, including all procurements by the Department of Defense, will be excluded from this action. (Contracts for the purchase of products valued at or above \$176,000 by the U.S. Government

agencies listed in Annex A are generally covered under the Code. Contracts for the purchase of services, including construction, or purchases by U.S. Government agencies not on the list in Annex A, or contracts valued at less than \$176,000 by any U.S. Government agency, are not covered under the Code). Also excluded will be specific procurements or classes of procurements where public health, safety, or public interest considerations require such exclusions. This action will not be taken if the discrimination cited in the April 22, 1992 title VII identification is eliminated prior to the scheduled imposition of the action, or if the President determines such action to be contrary to the national interest. USTR requests written comments from the public concerning the above action.

Parties are also invited to comment concerning the costs and benefits of continued U.S. participation in the Code, in connection with a U.S. Government study of the desirability and feasibility of withdrawing from the Code, which is now being initiated. Comments are also invited on the impact of other possible actions restricting imports of telecommunications and power generation equipment from some or all of the EC member states, and other possible actions under title VII and other U.S. laws.

Frederick L. Montgomery,
Chairman, Trade Policy Staff Committee.

Annex A

Department of Agriculture
Department of Commerce
Department of Education
Department of Health and Human Services
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of State
United States Agency for International Development
Department of the Treasury
General Services Administration
National Aeronautics and Space Administration
Department of Veterans Affairs
Environmental Protection Agency
United States Information Agency
National Science Foundation
Panama Canal Commission
Executive Office of the President
Farm Credit Administration
National Credit Union Administration
Merit Systems Protection Board
ACTION
United States Arms Control and Disarmament Agency
Office of Thrift Supervision
Federal Housing Finance Board
National Labor Relations Board
National Mediation Board

Railroad Retirement Board
 American Battle Monuments Commission
 Federal Communications Commission
 Federal Trade Commission
 Interstate Commerce Commission
 Securities and Exchange Commission
 Office of Personnel Management
 United States International Trade Commission
 Export-Import Bank of the United States
 Federal Mediation and Conciliation Service
 Selective Service System
 Smithsonian Institution
 Federal Deposit Insurance Corporation
 Consumer Product Safety Commission
 Equal Employment Opportunity Commission
 Federal Maritime Commission
 National Transportation Safety Board
 Nuclear Regulatory Commission
 Overseas Private Investment Corporation
 Administration Conference of the United States
 Board for International Broadcasting
 Commission on Civil Rights
 Commodity Futures Trading Commission
 Peace Corps
 National Archives and Records Administration
 Department of Defense (national security purchases excluded)

[FR Doc. 93-2667 Filed 2-3-93; 8:45 am]
 BILLING CODE 3190-01-M

PHYSICIAN PAYMENT REVIEW COMMISSION

Commission Meeting

AGENCY: Physician Payment Review Commission.

ACTION: Notice of public hearing and meeting.

SUMMARY: The Commission will hold its next public meeting on Monday, February 22 and Tuesday, February 23, 1993 in the National Gallery Room A at the Omni Georgetown Hotel, 2121 P Street NW., Washington, DC (202-293-3100). The meeting is scheduled to begin at 9 a.m. on Monday. The public meeting will be devoted to review of the Commission's recommendations for its 1993 annual report to the Congress. Once that review is completed, the Commission will go into executive session to edit the chapters of the report. It is likely that all of the meeting on Tuesday will be in executive session.

ADDRESSES: The Commission is located at 2120 L Street, NW., in suite 510, Washington, DC. The telephone number is 202/653-7220.

FOR FURTHER INFORMATION CONTACT: Annette Hennessey, Executive Assistant or Lauren LeRoy, Deputy Director at 202/653-7220.

SUPPLEMENTARY INFORMATION: More precise information on the plans for the meeting will be available on

Wednesday, February 17, 1993. Please direct all requests for information to Annette Hennessey.

Paul B. Ginsburg,
Executive Director.

[FR Doc. 93-2562 Filed 2-3-93; 8:45 am]
 BILLING CODE 8020-SE-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-31786; File No. CBOE-92-39]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by Chicago Board Options Exchange, Inc. Relating to the Trading of Options on Industry Indices

January 28, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), notice is hereby given that on December 14, 1992, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. 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 CBOE proposes to review its rules to permit it to trade options on industry indices that satisfy certain criteria without further Commission review pursuant to Rule 19b-4 of the Securities Exchange Act of 1934.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE 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 CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant parts 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 revise CBOE Rules 24.2 and 24.9 to permit the Exchange to trade options on industry indices that satisfy certain criteria without further review by the Commission. In addition, the proposed rule change would amend CBOE Rule 24.9 to establish standards for adjusting the composition of stock indices underlying index options.

The Commission previously has approved the trading on CBOE of options on a number of industry indices. Specifically, on August 26, 1983, the Commission approved listing and trading on CBOE of options on the Oil (Integrated International) Industry Index. (Exchange Act Release No. 20125 (August 26, 1983).) In approving those options, the Commission noted that CBOE had not proposed standards for making adjustments to that index, a concern the Commission reiterated when it subsequently approved options on the Standard & Poor's ("S&P") Office and Business Equipment Industry Index (Exchange Act Release No. 20178 (September 13, 1983)), as well as options on the S&P Transportation Index and the S&P Telephone Index (Exchange Act Release No. 20717 (March 6, 1984)). More recently, the Commission has approved options on the CBOE BioTech Index (Exchange Act Release No. 31243 (September 28, 1992)).

The Exchange currently has in place certain rules that have been approved by the Commission which govern the trading of options on industry indices. The Exchange proposes to establish additional criteria for industry indices so that the Exchange could, if a particular index satisfies these criteria, trade an option on that index without further review by the Commission. The Exchange believes that, due to the cyclical nature of investor interest in different industry sectors, it is important that options on industry indices be introduced as close in time to the emergence of investor interest as possible. While the Commission and its staff have attempted, given the regulatory process and the staff's limited resources, to approve applications to trade such options in a timely manner, the Exchange believes that eliminating the need for the Commission to approve an industry index that satisfies criteria that have previously been approved by the Commission benefits investors seeking to trade such options while

simultaneously reducing the administrative burden on the Commission and the Exchange.

The proposed rule change revises the Exchange's rules in the following manner. First, the proposal adds a provision to CBOE Rule 24.2 stating that the Exchange may list an index option contract without prior Commission approval under the standards set forth in the Exchange's rules. In addition, the proposal adds paragraph (d) and Interpretation .06 to CBOE Rule 24.9 to set forth the criteria that an option on an industry index would be required to satisfy at the time it is initially listed for trading before such option could be traded on the Exchange without prior Commission approval. Under these criteria: (1) Each of the underlying securities in the index must have an aggregate market value of \$50 million; (2) the average monthly trading volume across all U.S. markets for each of the underlying securities in each of the six months preceding such listing must have been at least 1 million shares;¹ (3) if any foreign country securities or ADRs thereon represented in an index cause a particular foreign country's weight in the index to exceed 20% of the index's numerical index value, the Exchange will have in place a surveillance agreement with the appropriate regulatory organization in that country; (4) absent exceptional circumstances, 90% of the numerical value of an industry index must be accounted for by securities that satisfy the criteria of Exchange Rule 5.3; (5) all industry indices must be comprised of at least five securities, all of which either must be listed on national securities exchange or designated as NASDAQ/National Market System securities; and (6) the value of an industry index option at expiration must be calculated by reference to the opening prices of the underlying securities.

In addition to the foregoing, the Exchange also proposes to add subparagraph (a)(6) to Rule 24.9 to establish standards for making adjustments to indices underlying index options traded on the Exchange once those options have begun trading. Where the index is compiled by an entity other than the Exchange, the composition of the index will reflect changes made by the index publisher. If the Exchange compiles the index, the Exchange would change the composition of the index by adding,

deleting or replacing any of the securities comprising the index if, in the Exchange's judgment, such action is necessary or appropriate to maintain the quality or character of the index.

2. Basis

CBOE believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act") and Section 6(b)(5) of the Act in particular in that it is designed to remove impediments to and perfect the mechanism of a free and open market in options on industry indices.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer 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 such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to the file number in the caption above and should be submitted by February 25, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 93-2596 Filed 2-3-93; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges in Eight Over-the-Counter Issues

January 28, 1993.

On January 18, 1993, the Philadelphia Stock Exchange, Inc. ("PHLX") submitted an application for unlisted trading privileges ("UTP") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") securities, i.e., securities not registered under section 12(b) of the Act.

File No.	Issuer
7-10072 ...	U.S. Healthcare Inc., Common Stock, \$0.005 Par Value.
7-10073 ...	Biomet Incorporated, Common Stock, No Par Value.
7-10074 ...	Tele-Communications Inc., Class A Common Stock, \$1 Par Value.
7-10075 ...	Midiantic Corporation Inc., Common Stock, \$3 Par Value.
7-10076 ...	Medco Containment Services, Inc., Common Stock, \$0.01 Par Value.
7-10077 ...	Telefonos De Mexico S.A. (ADS), Series A Shares (Nominative Shares), No Par Value.
7-10078 ...	Noise Cancellation, Technologies, Common Stock.
7-10079 ...	DeBeers consolidated Mines, Ltd., S. Ordinary Stock, R0.05 Par Value.

The above-referenced issues are being applied for as an expansion of the Exchange's program in which OTC securities are being traded pursuant to the granting of UTP.

Comments

Interested persons are invited to submit, on or before February 18, 1993 written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Commentators are asked to address whether they

¹ The average monthly trading volume of American Depositary Receipts ("ADRs") will be calculated by multiplying the number of ADRs traded on U.S. markets during a month by the number of shares underlying each ADR.

believe the requested grant to UTP would be consistent with section 12(f)(1), which requires that, in considering an application for extension of UTP in OTC securities, the Commission consider, among other matters, the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a National Market System.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 93-2595 Filed 2-3-93; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-19244; 811-5265]

Federated Variable Rate Mortgage Securities Trust; Notice of Application for Deregistration

January 28, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Federated Variable Rate Mortgage Securities Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on October 11, 1990, and amended on April 19, 1991, April 3, 1992, and January 15, 1993.

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 February 22, 1993, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, Federated Investors Tower, Pittsburgh, PA 15222-3779.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Staff Attorney, (202) 272-2511, or C. David Messman, Branch Chief, (202) 272-3018 (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 a non-diversified open-end management company organized as a Massachusetts business trust. On August 6, 1987, applicant registered under the Act by filing a Notification of Registration on Form N-8A. On this same date, applicant filed a registration statement pursuant to section 8(b) of the Act, and pursuant to the Securities Act of 1933, to register an indefinite number of shares. Applicant's registration statement was declared effective, and its initial public offering commenced on October 8, 1987.

2. On January 30, 1990, applicant's board of trustees approved an Agreement and Plan of Reorganization (the "Plan") between the applicant and Federated Income Trust ("FIT"). Proxy materials related to the Plan were distributed to applicant's shareholders on March 27, 1990. At a special meeting of shareholders held on April 26, 1990, a majority of applicant's shareholders approved the Plan.

3. On April 26, 1990 (the "Closing Date"), applicant transferred all of its assets to FIT in exchange for shares issued by FIT. FIT is an affiliated person of the applicant by virtue of having a common investment adviser. The exchange was made in accordance with the requirements of rule 17a-8.

4. Applicant distributed the FIT shares it received to its shareholders *pro rata* in complete liquidation of the applicant. As a result of the exchange, each of applicant's shareholders became the owner of that number of full and fractional shares of FIT having a total net asset value of his or her holdings in the applicant.

5. The expenses related to the Plan amounted to \$53,113. Because the costs associated with the merger were above the expense cap established for applicant, these expenses were paid by applicant's investment adviser.

6. At the time of filing of this application, applicant had no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceedings. Applicant is not engaged, nor does it propose to engage in any business

activities other than those necessary to wind-up its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.
Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 93-2598 Filed 2-3-93; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-19243; 811-4425]

Noddings Investment Trust; Notice of Deregistration

January 27, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Noddings Investment Trust.

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 December 7, 1992, and a supplemental letter was filed on January 26, 1993.

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 February 22, 1993, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, Two Mid America Plaza, suite 920, Oak Brook Terrace, Illinois 60181.

FOR FURTHER INFORMATION CONTACT: Felicia H. Kung, Senior Attorney, at (202) 504-2803, or Elizabeth G. Osterman, Branch Chief, at (202) 272-3016 (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 a registered open-end, diversified investment company, and is organized as a business trust under Massachusetts law. On August 31, 1987, applicant acquired all of the assets and liabilities of Noddings-Calamos Convertible Growth Fund (the "Series"), a series of Noddings-Calamos Convertible Funds, Inc. ("Noddings-Calamos"). Following the reorganization, applicant adopted Noddings-Calamos' registration statement. The Series was renamed "Noddings Convertible Strategies Fund" (the "Fund"), and is applicant's only series.

2. At a meeting on June 23, 1992, applicant's board of trustees determined that, given the Fund's declining assets and the fixed and incremental costs involved in its operations, the Fund had insufficient net assets to be economically viable. Accordingly, the board of trustees unanimously adopted a resolution declaring that liquidation and dissolution of the Fund was advisable, and directed that the resolution be submitted to the shareholders for consideration. At a meeting held on August 19, 1992, a majority of the Fund's outstanding shares voted in favor of liquidation and dissolution. As a result, applicant commenced redemption of securityholders' shares on September 18, 1992. Shares were redeemed on a rolling basis at the net asset value of such shares as of the time they were tendered. The final redemption of applicant's shares occurred on October 9, 1992. During the redemption period, the variation in net asset value paid per share was between \$6.84 and \$6.85 per share.

3. Expenses applicable to the liquidation were paid by Noddings Investment Group, Inc., applicant's investment adviser. No brokerage commissions were paid in connection with the liquidation.

4. As of the date of the application, applicant had no shareholders, assets or liabilities, and was not a party to any current or pending litigation or administrative proceeding.

5. Applicant is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

6. Applicant intends to file a statement with the State of Massachusetts reporting its termination and the termination of the Fund.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-2597 Filed 2-3-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration**

[FHWA Docket No. 92-35]

**Studies of the Regulation of
Emergency Vehicles on the Interstate
System and Transporters of Water Well
Drilling Rigs on Public Highways;
Request for Comments**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Reopening of comment period.

SUMMARY: The FHWA issued a notice and request for comments in the *Federal Register* on October 13, 1992 (57 FR 46940). The notice requested information to assist the Secretary in responding to a provision of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requiring two studies of vehicle weight laws. The first is a study of: (a) State laws regulating the use of the Interstate System by emergency vehicles during delivery to or operation by a firefighting agency; and (b) the issuance of permits to exempt such vehicles from the maximum weight limits on the Interstates. The second is a study of State or Federal regulations which place a burden on transporters of water well drilling rigs on public highways. The emergency vehicle study must be submitted to Congress by June 18, 1993, and the water well drilling rig study by December 18, 1993. The comment period closed January 11, 1993.

The FHWA received a petition from the International Association of Fire Chiefs dated December 18, 1992, stating that it will require additional time to collect the requested information. As a result, they requested that the closing date be extended for 60 days.

A petition was also received from the National Ground Water Association dated January 6, 1993, stating that it has established an industry task force to accumulate, organize, and evaluate the information to be submitted. They requested a 280 day extension of the comment period for this purpose.

After carefully considering the requests, the FHWA has decided to allow additional time for comments in order to obtain more and better information for the studies. Since the emergency vehicle study must be

submitted to Congress by June 18, 1993, a 60 day extension will allow approximately three months after the closing date to evaluate the information and submit the study to Congress. Therefore, the comment period will be reopened and extended to March 15, 1993.

The water well drilling rig study must be submitted to Congress by December 18, 1993. In order to allow the same three-month evaluation period after the close of the comment period, it will be reopened and extended for approximately eight months to September 20, 1993.

The comment period for the emergency vehicle study is hereby reopened and extended to March 15, 1993, and the comment period for the water well drilling rig study is hereby reopened and extended to September 20, 1993.

DATES: Responses to the emergency vehicle study must be received by March 15, 1993 and responses to the water well drilling rig study must be received by September 20, 1993.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 92-35, Federal Highway Administration, room 4232, HCC-10, Office of the Chief Counsel, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Klimek, Office of Motor Carrier Information Management, at (202) 366-2212 or Mr. Charles Medalen, Office of the Chief Counsel, at (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

Authority: Secs. 411 and 416 of Pub. L. 97-424, 96 Stat 2097, 2150; 23 U.S.C. 315; 49 CFR 1.48.

Issued on: January 29, 1993.

E. Dean Carlson,

Executive Director.

[FR Doc. 93-2629 Filed 2-3-93; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Fond du Lac County, Wisconsin

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) may be prepared for the proposed reconstruction and expansion of U.S. Highway 151 in Fond du Lac County, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Ms. Jacki Lawton, Environmental Coordinator, Federal Highway Administration, 4502 Vernon Boulevard, Madison, Wisconsin 53705-4905; Telephone: (608) 264-5967. You may also contact Ms. Carol Cutshall, Director, Office of Environmental Analysis, Wisconsin Department of Transportation, 4802 Sheboygan Avenue, Madison, Wisconsin, 53707; Telephone: (608) 266-9626.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation, may prepare an Environmental Impact Statement (EIS) on a proposal to reconstruct and expand U.S. Highway 151 between the cities of Waupun and Fond du Lac in Fond du Lac County, Wisconsin, a distance of about 16 miles. An initial environmental assessment will be prepared to evaluate the significance of impacts on the quality of the human environment, and to determine the need for a full EIS.

The expansion of USH 151 is being considered to improve the safety of the roadway and provide additional roadway capacity for present and future traffic volumes. Alternatives under consideration include: (1) No build; (2) widen U.S. Highway 151 to four lanes along its present alignment; and (3) realignment at select locations.

Information describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed, or are known to have interest in this proposal. Public information meetings will be held in the project corridor throughout data gathering and development of alternatives. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft environmental document will be available for public and agency review and comment prior to the public hearing. Agencies having an interest in, or jurisdiction regarding, the proposed action, will be contacted throughout the development and refinement of alternatives.

To ensure that the full range of issues related to this proposed action are

addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the environmental document should be directed to FHWA or the Wisconsin Department of Transportation at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. This document is being prepared in conformance with 40 CFR part 1500 and the FHWA regulations. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: January 22, 1993.

James R. Zavoral,
Area Engineer, Madison, Wisconsin.

[FR Doc. 93-2567 Filed 2-3-93; 8:45 am]

BILLING CODE 4910-22-M

**Environmental Impact Statement;
Decatur, Hardin, Wayne Counties, TN**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Decatur, Hardin, and Wayne Counties, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. Wright B. Aldridge, Jr., Research and Technical Systems Engineer, Federal Highway Administration, 249 Cumberland Bend Drive, Nashville, TN 37228; Telephone (615) 736-7106.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Tennessee Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct a two-lane facility from U.S. 64 (State Route 15) east of Savannah to existing State Route 69 south of Decaturville in Decatur, Hardin, and Wayne Counties, Tennessee. The proposed improved State Route 69 would be on new location and be approximately 20-25 miles in length, depending upon the choice of proposed alternatives. Improvements to the corridor are considered necessary to provide for both present and projected traffic needs.

Options under consideration include (1) taking no action and (2) constructing a two-lane facility on new location. There are three major build alternatives, with variations, under consideration.

Letters describing the proposed action and soliciting comments were sent to

appropriate Federal, state, and local agencies in May, 1992. A public hearing will be held at a future date. Public notice will be given of the time and place of this hearing. The Draft EIS will be available for public and agency review and comment. These activities are providing input regarding the scope of the EIS.

To insure that the full range of issues to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning the proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalogue of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding state and local clearinghouse review of federal and federally assisted programs and projects apply to this program.)

Issued on: January 25, 1993.

Wright B. Aldridge, Jr.,
*Research & Technical Systems, Tennessee
Division, Nashville, Tennessee.*

[FR Doc. 93-2572 Filed 2-3-93; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

**Notice of Application for Approval of
Discontinuance or Modification of a
Railroad Signal System or Relief From
the Requirements of 49 CFR Part 236**

Pursuant to 49 CFR part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

**Block Signal Application (BS-AP)—No.
3210**

Applicant: Southern Pacific Transportation Company, Mr. J. A. Turner, Engineer—Signals, Southern Pacific Building, One Market Plaza, San Francisco, California 94105.

The Southern Pacific Transportation Company seeks approval of the proposed discontinuance and removal of the traffic control system on the single main track between Black Butte, California, milepost C-345.34 and Gazelle, California, milepost C-360.84 and the automatic block signal system on the single main track, between Gazelle, California, milepost C-360.84 and Ashland, Oregon, milepost C-428.42, on the Shasta Division, Siskiyou District, a distance of approximately 83 miles.

The reason given for the proposed changes is that the traffic on the route is such that the signal system is no longer required and it will reduce costs and improve train operations.

BS-AP—No. 3211

Applicants:

Central Vermont Railway, Incorporated, Mr. Chris J. Burger, General Manager, 2 Federal Street, St. Albans, Vermont 05478
National Railroad Passenger Corporation, Mr. James L. Larson, Assistant Vice President Operations and Planning, 60 Massachusetts Avenue, NE., Washington, DC 20002

Central Vermont Railway, Incorporated (CV) and the National Railroad Passenger Corporation jointly seek approval of the proposed discontinuance and removal of "Elm Street" Interlocking, milepost 0.0, in St. Albans, Vermont, on the CV Swanton Subdivision, consisting of the following:

1. The removal of the nine controlled interlocking signals, numbers 13LA, 13LB, 13LC, 13R, 15R, 25L, 25RA, 25RB, and 25RC;
2. The conversion of the seven power-operated switches to hand operation; and
3. The installation of one operative approach signal for northward train movements.

The reasons given for the proposed changes is to eliminate facilities no longer required for present day operations and the cost to maintain the aging signal system.

BS-AP—No. 3212

Applicant: Atchison, Topeka and Santa Fe Railway Company, Mr. W.S. Seery, Director Signal Systems, System Communications and Signal Building, 4515 Kansas Avenue, Kansas City, Kansas 66106.

The Atchison, Topeka and Santa Fe Railway Company seeks approval of the proposed discontinuance and removal of two automatic block signals, numbers 182 and 191, near Eudora, Kansas, milepost 19.08, on the single main track, Eastern Region, Topeka Subdivision.

The reason given for the proposed changes is that the signals are no longer required due to the retirement of the siding at Eudora.

BS-AP—No. 3213

Applicant: Atchison, Topeka and Santa Fe Railway Company, Mr. W.S. Seery, Director Signal Systems, System Communications and Signal Building, 4515 Kansas Avenue, Kansas City, Kansas 66106.

The Atchison, Topeka and Santa Fe Railway Company seeks approval of the proposed discontinuance and removal of two automatic block signals, numbers 372 and 373, near Lecompton, Kansas, mileposts 37.0 and 38.0, on the single main track, Eastern Region, Topeka Subdivision.

The reason given for the proposed changes is that the signals are no longer required due to the retirement of the siding at Lecompton.

BS-AP—No. 3214

Applicant: Atchison, Topeka and Santa Fe Railway Company, Mr. W.S. Seery, Director Signal Systems, System Communications and Signal Building, 4515 Kansas Avenue, Kansas City, Kansas 66106.

The Atchison, Topeka and Santa Fe Railway Company seeks approval of the proposed discontinuance and removal of 4 controlled signals (numbers R46, 12R, 12LA, and 12LB) and 13 automatic block signals (numbers 31, 32, 33, 34, 41, 42, 43, R41, 44, 47, 49, 52, and 54), on the two main tracks, between milepost 3.0 and 6.0, near Corwith, Illinois, Eastern Region, Chillicothe Subdivision.

The reason given for the proposed changes is that the signals are no longer required due to changes in operating requirements.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on February 1, 1993.

Phil Olekszyk,

Deputy Associate Administrator for Safety.
[FR Doc. 93-2664 Filed 2-3-93; 8:45 am]

BILLING CODE 4910-06-M

Federal Transit Administration

Environmental Impact Statement, Fixed Guideway Transit System (Tren Urbano), Phase 1, San Juan Metropolitan Area, PR

AGENCY: Federal Transit Administration, DOT.

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

SUMMARY: The Federal Transit Administration (FTA) and the Puerto Rico Department of Transportation and Public Works (DTPW), through its agency, the Puerto Rico Highway and Transportation Authority (PRHTA), intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA), for transportation improvements in the San Juan Metropolitan Area (SJMA). The action to be taken is the construction of Phase 1 of a fixed guideway transit system beginning at the south end of Santurce Ward in the Municipality of San Juan and ending in the Municipality of Bayamon. The action is necessary to reduce traffic congestion, high energy consumption and other impacts of motor vehicle use. The local lead agency (DTPW/PRHTA) will make certain that the EIS also satisfies the requirements of the Puerto Rico Environmental Policy Act (PREPA) and serves as the EIS required by this Act. Besides the light rail alternative, the EIS will evaluate the No Action and Transportation System Management (TSM) Alternatives and any new alternatives generated through the scoping process. Scoping will be accomplished through correspondence with interested persons, organizations and federal, state, and local agencies. The comments received at three public meetings will be considered.

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered should be sent to (in addition to those received at or subsequent to the three public meetings) Mr. Jose S. Rodriguez, Deputy Executive Director for Transportation, Puerto Rico Highway and Transportation Authority, P.O. Box 42007, Minillas Station, San Juan, Puerto Rico 00940-2007 by March 8, 1993.

Scoping Meetings: Scoping meetings were held at the following locations:

1. Tuesday, October 20, 1992, at 10 a.m. in the Engineers and Surveyors Association Building in Hato Rey Ward, San Juan, Puerto Rico 00918.
2. Wednesday, October 21, 1992, at 10 a.m. in the Bayamon Municipal Assembly Room located at the

intersection of Maceo and Degetau Streets, Bayamon, Puerto Rico 00956.

3. Tuesday, December 1, 1992, at 9 a.m. in the Minillas Government Center Building in Santurce Ward, San Juan, Puerto Rico, 00940-2007.

Transcripts of these meetings are available for review at the PRHTA Environmental Studies Office (see ADDRESSES section below).

ADDRESSES: *Written comments* concerning the project scope should be sent to Jose S. Rodriguez, Deputy Executive Director for Transportation, Puerto Rico Highway and Transportation Authority, P.O. Box 42007, San Juan, Puerto Rico 00940-42007.

FOR FURTHER INFORMATION CONTACT: Mr. Roger H. Krahl, Director, Program Development Staff, Federal Transit Administration, Telephone (404) 347-7875.

SUPPLEMENTARY INFORMATION

I. Scoping

FTA and the local lead agency invite interested individuals, organizations, and federal, state and local agencies to participate in defining the alternatives to be evaluated in the EIS and defining the alternatives to be evaluated in the EIS and identifying any significant social, economic or environmental issues related to the alternatives. Additional information regarding the proposed project may be obtained by contacting Mr. Jose S. Rodriguez at the address above or by visiting or calling the Environmental Studies Office, located in room 504, 15th Floor, South Building, Minillas Government Center, Santurce, Puerto Rico. The telephone number is (809) 727-6290. Scoping comments made orally at the three public meetings in October and December will be considered. Additional scoping comments may be made in writing. See the ADDRESSES section above. During scoping, comments should focus on identifying specific social, economic or environmental impacts to be evaluated and suggested alternatives that are less costly or less environmentally damaging while achieving similar transit objectives. Scoping is not the appropriate time to indicate preference for a particular alternative. Comments on preference should be communicated after the Draft EIS has been completed. To be placed on the mailing list, contact Mr. Jose S. Rodriguez.

II. Description of Study Area and Project Need

The proposed project consists of 19 kilometers of light transit to be

constructed between Santurce Ward in the Municipality of San Juan and the northwestern part of the Municipality of Bayamon. The guideway will be a sequence of two-track elevated sections and ground sections due to traffic and topographical factors.

The northern terminus of the proposed project is in Santurce Ward, near Sagrado Corazon Street, just north of the Martin Pena Canal. The route will extend southwestward through Hato Rey and Rio Piedras Wards of the Municipality of San Juan. From Rio Piedras Ward, the alignment will take a westerly alignment through the Municipalities of Guaynabo and Bayamon, traversing through the Municipality of Bayamon and ending at Luchetti Industrial Park, east of the PR-5 and PR-28 interchange, for an approximate length of 19 kilometers.

III. Alternatives

Alternatives under consideration include: (1) Building the Locally Preferred Alternative (LPA) as described above and variations that may arise during the environmental and design process; (2) The No-Build Alternative which will consist of all transit service and highway and transit facilities that now exist or that are included in the Ten Year Plan and will be operational by the year 2010; and, (3) the Bus/TSM Alternative that consists of providing the best transit service that can be reasonably provided without the construction of major transit capital projects such as the fixed guideway system now proposed. This alternative would include TSM measures that are now under study: for example, the provision of an HOV lane in PR-2 between San Juan and Bayamon, and the provision of new bus routes between Carolina and San Juan, and between Bayamon and San Juan. It would also include the reconstruction of several important interchanges on PR-2 in Buchanan and Caparra, the PR-28 and PR-165 interchange in Catano, and the upgrading of a segment of PR-5 in Catano. The construction of a segment of Martinez Nadal Freeway and segments of PR-21, 65th Infantry Freeway in Guaynabo-Bayamon, where a portion of the LPA is planned to be constructed, would also be part of this alternative.

IV. Probable Effects

In the EIS, the FTA and the local lead agency will evaluate all significant social, economic and environmental impacts of the alternatives. Among the primary issues are the expected increases in transit ridership, the capital outlays needed to construct the project,

the cost of operating and maintaining the facilities created by the project, and financial impacts on the funding agencies. Environmental and social impacts proposed for analysis include land use and neighborhood impacts, traffic and parking impacts near stations, visual impacts, impacts on cultural resources, and noise and vibration impacts. Impacts on natural areas, rare and endangered species, air and water quality, groundwater, and geologic forms will also be covered. The impacts will be evaluated both for the construction period and for the long-term period of operation. Measures to mitigate significant adverse impacts will be considered.

V. FTA Procedures

According to the Federal Transit Act, as amended, and FTA policy, the Draft EIS will be prepared in conjunction with an Alternative Analysis, and the Final EIS in conjunction with Preliminary Engineering. After its publication, the Draft EIS will be available for public and agency review and comment, and a public hearing will be held. On the basis of the Draft EIS and comments received, the Puerto Rico Highway and Transportation Authority will select a locally preferred alternative and seek approval from FTA to continue with Preliminary Engineering and preparation of the Final EIS.

Issued on: February 1, 1993.

Peter N. Stowell,

Regional Federal Transit Administrator.

[FR Doc. 93-2673 Filed 2-3-93; 8:45 am]

BILLING CODE 4910-57-M

National Highway Traffic Safety Administration

[Docket No. 92-67; Notice 2]

TRW Inc.; Grant of Petition for Determination of Inconsequential Noncompliance

Pursuant to 49 CFR part 556, TRW Inc. (TRW) of Cleveland, Ohio petitioned the agency on behalf of the Quality Safety Systems Company (QSS) of Ontario, Canada, a partnership whose owners are TRW Canada Ltd. and Tokai Rika Co., Ltd. TRW determined that some of the safety belts manufactured by QSS, which are installed on Toyota trucks manufactured by New United Motor Manufacturing, Inc. (NUMMI), fail to comply with the labeling requirements of 49 CFR 571.209, "Seat Belt Assemblies," (Federal Motor Vehicle Safety Standard (FMVSS) No. 209). TRW then filed an appropriate report pursuant to 49 CFR part 573.

TRW's petition also asked that NUMMI and Toyota be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*). The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice grants that petition. Notice of receipt of the petition was published on December 7, 1992, and an opportunity afforded for comment (57 FR 57867).

As of October 27, 1992, QSS had found a total of 40 front safety belts which did not comply with the labeling requirements of FMVSS No. 209. Section S4.1(j) of the standard requires that:

[e]ach seat belt assembly shall be permanently and legibly marked or labeled with year of manufacture, model, and name or trademark of manufacturer or distributor, or of importer if manufactured outside the United States.

The model number on the label is different for the different seating positions. In some instances, the label for the right front belt assembly (Model Number 50026N) was inadvertently applied to the left front seat belt assembly (Model Number 50027N). In other instances, the label for the left assembly was inadvertently applied to the right assembly.

TRW supported its petition for inconsequential noncompliance with the following:

The subject seat belt assemblies, while incorrectly labeled, were correctly shipped in containers including only seat belt assemblies for the left or right side, as the case may be. Because of the design of the seat belt assemblies, it would have been very difficult to inadvertently install either of the front seat belt assemblies on the wrong side of the vehicle. Operators at NUMMI have been interviewed and have indicated that they believe it did not occur.

Neither NUMMI nor Toyota is aware of any owner complaints, field reports or allegations of hazardous circumstances relating to either (i) mislabeled seat belt assemblies or (ii) misapplication of seat belt assemblies in Toyota Trucks. In addition, neither NUMMI nor Toyota has found any mislabeled seat belt assembly that was incorrectly installed.

Replacement parts for the subject seat belt assemblies are not distributed through the general automotive after market; they are only sold by Toyota dealers. Toyota dealers utilize a system to obtain replacement parts which is based on part numbers assigned by Toyota. Each seat belt assembly has been assigned a Toyota part number.

The number appearing on the seat belts themselves is not the part number under which the belt is cataloged and sold. If an owner of a Toyota Truck wished to replace a seat belt, he would order it by providing the following information to a Toyota dealer:

"1993 Toyota Truck, seat belt, driver (or passenger) side, color (blue, black, etc.)" and not by the QSS model number appearing on the belt label. The Toyota dealer would look up the proper part number from a parts book, and select the belt from stock (or order it) by the Toyota part number.

The mislabeling in question relates to the QSS model numbers that are printed on the seat belt label. Because Toyota's parts ordering system is based on Toyota's part numbers, it will not be impaired by the subject mislabeling. In support of the foregoing, [TRW] would note that NHTSA recently granted a petition for exemption filed by Chrysler Corporation (Docket No. 92-24). The Chrysler petition concerned 375,000 vehicles which were not marked or labeled in accordance with FMVSS 209. Based on its conclusion that Chrysler's part ordering system would prevent misapplication, NHTSA granted the petition on October 5, 1992 (See 57 FR 45865). TRW would also make reference to comments in support of that petition submitted by both Volkswagen of America, Inc. and the Automotive Occupant Restraints Council."

No comments were received on the TRW petition.

The TRW petition raises two issues. The first of these is whether the improper labeling may have caused NUMMI to install the restraints improperly. TRW stated that it had interviewed the NUMMI personnel who installed the restraints and these persons expressed their belief that the belts were properly installed. Because of the obvious differences between a left and right restraint, and the fact that individuals familiar with safety belt assemblies installed them, NHTSA has concluded that the belts were properly installed.

The second issue is whether an incorrect QSS model number might result in the purchase of the wrong replacement belt. This could result in a delay in installation of a replacement belt, which has a potential adverse effect upon safety. Although the noncompliant belts have reversed model numbers, NHTSA deems it unlikely that confusion will result. As with Chrysler, the structure of Toyota's parts ordering system makes confusion unlikely because Toyota depends on the number that it assigns to the part, instead of on the number assigned by QSS. In summary, when a person obtains replacement restraints through a Toyota dealer, the difference in belt configuration, the structure of the parts ordering system, and comparison of old parts to new ones will all help to assure that the belts are not misapplied.

For the reasons set forth above, NHTSA finds that the petitioner has met its burden of persuasion that the noncompliance herein described is

inconsequential as it relates to motor vehicle safety, and grants its petition.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on: January 29, 1993.

Barry Felrice,

Associated Administrator for Rulemaking.

[FR Doc. 93-2590 Filed 2-3-93; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

January 29, 1993.

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 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515-0117.

Form Number: None.

Type of Review: Extension.

Title: Establishment of Container Station.

Description: A container station that is independent of either an importing carrier or a bonded carrier may be established at any port or portion thereof where under the jurisdiction of district director. This information collection is the application to establish such a container station.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 177.

Estimated Burden Hours Per

Respondent: 2 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 354 hours.

OMB Number: 1515-0133.

Form Number: None.

Type of Review: Extension.

Title: Application to Receive Free Materials in a Bonded Manufacturing Warehouse.

Description: The proprietor of a bonded manufacturing warehouse must make application to the district director to enter into that warehouse any domestic merchandise, except

merchandise which subject to IRS tax, which is to be used in connection with the manufacture of articles permitted to be manufactured.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 8.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 3,000 hours.

Clearance Officer: Ralph Meyer (202) 927-1552, U.S. Customs Service, Paperwork Management Branch, room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93-2593 Filed 2-3-93; 8:45 am]

BILLING CODE 4820-02-M

Public Information Collection Requirements Submitted to OMB for Review

The Department of the 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 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

SPECIAL REQUEST: The Department is requesting approval of the Internal Revenue Service Survey, described below, by February 12, 1993, in order to implement this study by February 15, 1993. To allow public review and comment on this survey a copy will accompany this notice. Comments should be received by close of business February 10, 1993.

Internal Revenue Service

OMB Number: New

Form Number: None

Type of Review: New collection

Title: Forms Distribution Improvement Survey

Description: The proposed telephone study would be conducted on a national basis and would question individual taxpayers who call the IRS

distribution centers to order tax forms, instructions, and/or publications. This study will attempt to identify taxpayers' actions and habits when filling out their tax returns. Additionally, taxpayers will be questioned to determine if they are willing to provide their social security number when they call to order tax forms. The information collected by this proposed study will allow the IRS to make changes to the forms distribution process that would: (1) Reduce the number of taxpayers having to call the IRS to order additional copies of items, and (2) provide taxpayers with better service.

Respondents: Individuals or households

Estimated Number of Respondents: 2,136

Estimated Burden Hours Per Respondent: 3 minutes

Frequency of Response: On occasion

Estimated Total Reporting Burden: 1,575 hours

Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

Forms Distribution Improvement Survey

We are trying to gather information that will allow the IRS to improve the service provided by our tax forms distribution channels. Would you help us by taking about 3 minutes of your time to answer some questions?

1. Yes
2. No

1. The tax forms and materials you are ordering will be used: (read first 3 responses to caller)

1. By an Individual Taxpayer
2. By an Accountant or Bookkeeper
3. By a Business
4. Don't Know

* If the caller answered something other than "by individual taxpayer", read this: Thank You for Your Time and Cooperation!! and end the conversation.

2. Did you hire someone (such as an accountant or bookkeeping service) to do your federal income taxes last year (1991 Tax Year)?

1. Yes
2. No
3. Don't Know

3. Did you receive your 1992 tax forms and instruction booklet in the mail?

1. Yes skip to 6

2. No

3. Don't Know

Only ask the caller questions 4 & 5 if they responded "no" or "don't know" to question 3!

4. Did you receive a post card from the IRS that included a label to use when you file your tax return?

1. Yes skip to 6

2. No

3. Don't Know

Only ask the caller question 5 if they responded "no" or "don't know" to question 4!

5. Have you moved sometime within the last 12 months?

1. Yes

2. No

3. Don't Know

6. How willing would you be to give your Social Security Number when you call to order tax forms if it would allow us to automatically send them to you in the future? Would you be: (read first 5 responses to caller)

1. Very Willing

2. Willing

3. Neither Willing nor Unwilling

4. Unwilling

5. Very Unwilling

6. Don't Know

7. How many calendar days do you consider to be a reasonable amount of time for it to take to get the tax materials you just ordered? Please stop me when I read the number of days you consider to be reasonable. (read responses until caller stops you)

1. 23 or more days

2. 18-22 days

3. 13-17 days

4. 8-12 days

5. 4-7 days

6. 1-3 days

7. Don't Know

New technologies are available that would allow the IRS to provide tax forms to the public on demand. Because these new technologies are very costly, the IRS would probably charge a fee to obtain forms through them. We would like to see how taxpayers feel about paying a fee to receive tax forms immediately.

This Does Not Mean The IRS Is Going To Start Charging You For Tax Forms.

8. Would you pay between \$.05-\$.25 for each page of a tax form to immediately obtain a copy of the form?

1. Yes go to 9

2. No skip to 10

3. Don't Know skip to 10

Only ask the caller question 9 if they responded "yes" to question 8!

9. What is the maximum amount you would pay per page for the convenience of getting a tax form immediately? (check the "other" box and record the amount if the caller says something other than a listed amount)

1. \$.25
2. \$.20
3. \$.15
4. \$.10
5. \$.05
6. Other (Specify) _____
7. Don't Know

10. How do you make a copy of your income tax return to keep for your records? (read first 5 responses to caller)

1. Keep a Scratch Copy
2. Handwrite or Type an Original
3. Print from Computer
4. Photocopy Forms Sent to IRS
5. Don't Keep a Copy
6. Other (Specify) _____

11. Did you call to order: (read first 2 responses to caller)

1. Additional Copies of Items You Have
2. Items You Do Not Have
3. Both Responses 1 & 2
4. Don't Know

12. Do you usually need the same kinds of tax forms and instruction booklets each year?

1. Yes
2. No
3. Don't Know

13. Would you be able to identify ALL of the tax forms and instruction booklets you need for the 1993 tax year when you submit your 1992 tax return?

1. Yes
2. No
3. Don't Know

14. Do you live in a state that has a state income tax?

1. Yes (Go To 15)
2. No (Skip to **)
3. Don't Know (Skip to **)

15. Does your state require you to file a copy of all or part of your federal income tax return along with your state forms?

1. Yes (Go To 16)
2. No (Skip to **)
3. Don't Know (Skip to **)

16. How do you make a copy of your federal tax forms to file with your State income tax return?

1. Send a Scratch Copy
2. Handwrite or Type an Original
3. Print from Computer
4. Photocopy Forms Sent to IRS
5. Don't Send a Copy to State
6. Other (Specify) _____

17. How would you react to the following statement? Would you:

strongly agree, agree, neither agree nor disagree, disagree, or strongly disagree? If the IRS sent 3 copies of each tax form in my booklet, that would **COMPLETELY ELIMINATE** the need for me to call the IRS to order tax forms and related materials.

1. Strongly Disagree
2. Disagree
3. Neither Agree nor Disagree
4. Agree
5. Strongly Agree
6. Don't Know

** This is the end of the interview. Thank you very much for your time and participation! According to the Paperwork Reduction Act Notice, you can send your comments about the length of the survey to the IRS and the Office of Management and Budget. Do you want me to read the notice and give you the address to send your comments? (If yes, read the box below.)

Paperwork Reduction Act Notice. We ask for this information to carry out the Internal Revenue laws of the United States. Your response is voluntary. The time needed to complete this survey will vary depending on the individual circumstances. The estimated average time is 3 minutes. If you have comments concerning the accuracy of this time estimate or suggestions for making this survey more simple, we would be happy to hear from you. You can write to both the Internal Revenue Service, Washington, DC 20224. Attention: IRS Reports Clearance Officer T:FP; and the Office of Management and Budget, Paperwork Reduction Project; (1545-XXXX); Washington, DC 20503. DO NOT send this survey to either of these offices. Instead use the self-addressed envelope provided.

Assistor Answer—Do Not Ask Caller

Date completed:

Mo. ____ Day ____ Yr. ____
State _____

Taxpayer ordered (check all that apply)

- F1040
F1040A
F1040EZ
Other Forms/Schedules
Instructions
Publications

[FR Doc. 93-2655 Filed 2-3-93; 8:45 am]

BILLING CODE 4830-01-M

Fiscal Services

[Dept. Circ. 570, 1992 Rev., Supp. No. 10]

Surety Companies Acceptable on Federal Bonds; Century Surety Company

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company

under section 9304 to 9308, title 31, of United States Code. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1992 Revision, on page 29365 to reflect this addition:

Century Surety Company. Business Address: P.O. Box 2689, Columbus, Ohio, 43216-2689. Underwriting Limitation^b: \$504,000. Surety Licenses^c: AZ, IN, OH, WI, WV. Incorporated In: Ohio. Federal Process Agents^d.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Funds Management Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874-6765.

Dated: February 1, 1993

Charles F. Schwan III,

Director, Funds Management Division,
Financial Management Service.

[FR Doc. 93-2649 Filed 2-3-93; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1992—Rev., Supp. No. 9]

Surety Companies Acceptable on Federal Bonds; Correction; Contractor's Bonding and Insurance Co.

The above company name was listed in error in the Treasury Department Circular 570, July 1, 1992. The error is hereby corrected to read Contractors Bonding and Insurance Company (Note: The apostrophe in Contractors has been deleted). Federal bond-approving officers should annotate their reference copies of the treasury Circular 570, 1992 Revision, at page 29368 to reflect this change.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, Washington, DC 20227, telephone (202) 874-6507.

Dated: January 29, 1993.

Charles F. Schwan III,

Director, Funds Management Division,
Financial Management Service.

[FR Doc. 93-2647 Filed 2-3-93; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1992 Rev., Supp. No. 11]

Surety Companies Acceptable on Federal Bonds; NAC Reinsurance Corp.

A certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under sections 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1992 Revision, on page 29382 to reflect this addition:

NAC Reinsurance Corporation.
Business Address: One Greenwich Plaza, P.O. Box 2568, Greenwich, CT 06836-2568. *Underwriting Limitation*^b: \$20,970,000. *Surety Licenses*^c: AK, AZ, CA, CO, DE, FL, ID, IL, IN, LA, KY, ME, MD, MA, MI, MN, MS, MT, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SD, TN, UT, VT, VA, WA, WV, WI, WY. *Incorporated In*: New York.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Funds Management Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874-6507.

Dated: December 31, 1992.

Charles F. Schwan III,
Director, Funds Management Division,
Financial Management Service.

[FR Doc. 93-2648 Filed 2-3-93; 8:45 am]

BILLING CODE 4610-35-M

Office of Thrift Supervision

[AC 3: OTS No. 2740]

Coral Gables Federal Savings and Loan Association, Coral Gables, FL; Approval of Conversion Application

Notice is hereby given that on January 22, 1993, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or his/her designee, acting pursuant to delegated authority, approved the application of Coral Gables Federal Savings and Loan Association, Coral Gables, Florida, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of

Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Southeast Regional Office, Office of Thrift Supervision, 1475 Peachtree Street, NE., Atlanta, Georgia 30348-5217.

Dated: January 29, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,
Corporate Secretary.

[FR Doc. 93-2605 Filed 2-3-93; 8:45 am]

BILLING CODE 6720-01-M

[AC-4: OTS No. 1144]

Delta Federal Savings, F.S.B., Delta, CO; Approval of Conversion Application

Notice is hereby given that on January 25, 1993, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or his/her designee, acting pursuant to delegated authority, approved the application of Delta Federal Savings, F.S.B., Delta, Colorado, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, suite 600, Irving, Texas 75309.

Dated: January 29, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,
Corporate Secretary.

[FR Doc. 93-2606 Filed 2-3-93; 8:45 am]

BILLING CODE 6720-01-M

[AC-5: OTS No. 0541]

First Federal Savings and Loan Association of New Castle, New Castle, PA; Approval of Conversion Application

Notice is hereby given that on January 25, 1993, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or his/her designee, acting pursuant to delegated authority, approved the application of First Federal Savings and Loan Association of New Castle, New Castle, Pennsylvania, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place,

18th Floor, Jersey City, New Jersey 07302.

Dated: January 29, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,
Corporate Secretary.

[FR Doc. 93-2607 Filed 2-3-93; 8:45 am]

BILLING CODE 6720-01-M

First Federal Savings Bank of Marion, Marion, IN; Approval of Conversion Application

Notice is hereby given that on December 28, 1992, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or his/her designee, acting pursuant to delegated authority, approved the application of First Federal Savings Bank of Marion, Marion, Indiana to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 Wacker Drive, suite 800, Chicago, Illinois 60601-4360.

Dated: January 29, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,
Corporate Secretary.

[FR Doc. 93-2608 Filed 2-3-93; 8:45 am]

BILLING CODE 6720-01-M

UNITED STATES INFORMATION AGENCY

Cooperative Agreement With a Non-Profit Organization In Support of the Publication of a Quarterly Journal for Professionals Engaged in Overseas Educational Advising on Opportunities for Studying in U.S. institutions of Higher Education and the Performance of Supplemental Research Services for Responding in Inquiries from USIA-Affiliated Overseas Educational Advisers on Various Aspects of Higher Education in the United States

AGENCY: United States Information Agency.

ACTION: Notice—Request for proposals.

SUMMARY: In collaboration with the Agency, the organization will research, write, edit and publish a quarterly reference journal to bring timely and in-depth information on issues and topics of importance to overseas educational advisers. Four issues of the publication are to be prepared during the period of the agreement with 500 copies of each

edition reserved for USIA-designated addressees. An additional service will provide direct replies to reference inquiries from overseas USIA-designated educational advising offices.

DATES: Deadline for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on March 1, 1993. Faxed documents will not be accepted, nor will documents postmarked on March 1, 1993 but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline. Grants should begin April 19, 1993 and extend through April 30, 1994.

ADDRESSES: The original and 14 copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Advising Journal and Related Research, Office of Grants Management, E/XE, room 357, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions should contact Ms. Mary K. Reeber or Ms. Doris B. McCants at U.S. Information Agency, 301 4th St., SW., Advising and Student Services Branch, E/ASA, room 349, Washington, DC 20547, Tel. (202) 619-5434 to a request detailed application packet, which includes all necessary forms, and technical guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION:

Overview

Overall authority for this publication is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256 (Fulbright-Hays Act). The purpose of the Act is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and other countries of the world.

USIA strives to accomplish this goal by supporting the publication of a professional journal for overseas educational advisers who are responsible for providing accurate and unbiased information to foreign nationals about opportunities for studying in the United States. Overseas

advisers and U.S. professionals in education contribute articles to various thematic issues. Past themes have included topics such as: Liberal Arts Colleges; Good Homes for International Students; Advanced Studies in Business and Management; Nursing; Communicating Across Cultures; Financing Higher Education; Community Colleges; Short-Term Training Programs. Themes to be addressed are based on recommendations from overseas advisers, and of an unpaid Advisory Board, with Agency concurrence. The unpaid Advisory Board, made up of professionals in the field of international education, will be selected by grant recipient with Agency concurrence. An Agency officer serves as observer on the Advisory Board.

Each issue will focus on an overall theme or topic in U.S. higher education or educational advising which will be relevant to and increase the professional knowledge of overseas educational advisers working with international students and others who inquire about opportunities for studying in U.S. institutions of higher education. Additionally, each issue will feature current information on academic news, university programs, new advising resources, short-term training programs, current testing announcements, news briefs, reference questions of world-wide interest, and scholarship and financial information useful to overseas educational advisers in the conduct of their duties. USIA will reserve the right to submit relevant articles, as appropriate.

USIA will be consulted by the recipient's editorial staff during the development of issues of the journal. The first edition of the journal will be published and available for overseas distribution no later than 90 days from receipt of the grant with no more than 90 days between subsequent editions.

In addition, funds will be awarded to enable the recipient to perform supplemental research services to respond directly to specific inquiries from USIA-affiliated educational advisers overseas. The research service will answer individually questions that are too narrow, too geographically specific, or too legally sensitive for publication in the aforementioned journal. Typical reference inquiries involve locating unusual degree or postgraduate programs, locating and/or evaluating a particular type of reference publication, locating short-term training and determining institutional accreditation or legitimacy. Many field of study inquiries require defining the field (or fields) in which a topic would

be studied and finding schools that have done research or held courses on that specific topic. The research service should provide for responding to approximately 35-45 reference inquiries per year at a minimum of 100 hours of reference work and the related costs (postage, telephone, fax, duplication).

Pursuant to the Bureau's authorizing legislation, products must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. Programs and projects must conform with all Agency requirements and guidelines and are subject to final review by the USIA contracting officer.

Guidelines

The proposal will include details on the editorial and publication capabilities to produce four issues of the advising journal and the ability to provide accurate and timely supplemental research and reference services for responding directly to inquiries from USIA-affiliated educational advisers. 500 copies of each issue of the publication will be made available to USIA and/or to a mailing facility to be determined by USIA for overseas and internal distribution. In-house desktop publishing facilities are required so that journal issues will be produced quickly and efficiently in an attractive typeset quality format.

Proposed Budget

A comprehensive line item budget should be submitted together with the proposal. The budget should not exceed \$75,000 for publication of four issues of the advising journal and no more than \$5,000 for responding directly to research inquiries from USIA-affiliated overseas educational advisers. Cost-sharing by an organization through journal subscriptions and appropriate advertising to offset production costs in excess of the grant will be a priority criterion for selection. Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to \$60,000 for publication of the journal and conduct of the research service.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also

be reviewed by the appropriate geographic area offices, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. Quality of Program Idea

Proposals should exhibit originality, substance, knowledge of the subject, and ability to produce an attractive quarterly journal which will successfully supply timely information and an in-depth and balanced exploration of issues and topics important to overseas educational advisers. The proposal should demonstrate that the applicant has the resources and professional contacts necessary to respond accurately and quickly to inquiries by overseas educational advisers.

2. Program Planning

Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity. Agenda and plan should adhere to the program

overview and guidelines described above.

3. Institutional Capacity

Proposed personnel and institutional resources should be adequate and appropriate to achieve the program goals.

4. Institution's Track Record/Ability

Applicant should demonstrate a track record of successful programs, including responsible fiscal management. The Agency will consider the past performance of prior grantees and the demonstrated potential of new applicants.

5. Cost Effectiveness

The overhead and administrative components of grants should be kept as low as possible.

6. Cost-sharing

Proposals should demonstrate the organization's ability to sell subscriptions and appropriate advertising to offset some of the costs of publishing the journal. All income derived from subscription or advertising sales of the journal must be applied to the production costs.

7. Evaluation Plan

Proposals should provide a plan for evaluation by readers and recipients of services.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government.

Final awards cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures. A successful bidder may be awarded up to three renewal grants.

Notification

All applicants will be notified of the results of the review process on or about April 15, 1993. Awarded grants will be subject to periodic reporting and evaluation requirements. The successful grantee may be awarded follow-on grants based on performance during the first year.

Dated: January 25, 1993.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93-2363 Filed 2-3-93; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 58, No. 22

Thursday, February 4, 1993

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).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Wednesday, February 17, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-2817 Filed 2-2-93; 2:32 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, February 23, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Reviews.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-2818 Filed 2-2-93; 2:32 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, February 23, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-2819 Filed 2-2-93; 2:32 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Tuesday, February 23, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Objectives.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-2820 Filed 2-2-93; 2:32 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Thursday, February 25, 1993.

PLACE: 2033 K St., NW., Washington, DC, Lower Lobby Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

- Quarterly Review 1st quarter, FY 1993
- Proposed rules on Dual Trading
- Proposed rules on Disciplinary Committees and Governing Boards of Self-Regulatory Organizations

CONTACT PERSON FOR MORE INFORMATION:

Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-2821 Filed 2-2-93; 2:32 pm]

BILLING CODE 6351-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:04 a.m. on Tuesday, February 2, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the probable failure of certain insured banks.

Recommendation regarding the liquidation of a depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,796 (Amendment)

Firstsouth, FA
Pine Bluff, Arkansas

Matters relating to the Corporation's assistance agreement with an insured bank.

Matters relating to the Corporation's supervisory activities.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Stephen R. Steinbrink (Acting Comptroller of the Currency), concurred in by Director Jonathan L. Fiechter (Acting Director, Office

of Thrift Supervision) and Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: February 2, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93-2851 Filed 2-2-93; 3:25 pm]

BILLING CODE 6714-01-M

FEDERAL HOUSING FINANCE BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 58 FR 5059, January 19, 1993.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m. Wednesday, January 27, 1993.

CHANGES IN THE MEETING: The following topics were deleted from the agenda during the open portion of the meeting.

1. Office of Strategic Planning
 - System 2000 Update
 - GSE Hearing
2. Examination and Regulatory Oversight Division
 - Advances Regulations
 - A. Approval of Final Rule
 - B. Approval of Interim Final Rule on Advances to Non-Member Mortgages

CHANGES IN THE MEETING: The following topic was deleted from the agenda during the closed portion of the meeting.

- Approval of the December Board Minutes

The above matter is exempt under Section 552b(c)(9)(B) of title 5 of the United States Code.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408-2837.

Philip L. Conover,

Managing Director.

[FR Doc. 93-2853 Filed 2-2-93; 3:40 pm]

BILLING CODE 6725-01-M

Corrections

Federal Register

Vol. 58, No. 22

Thursday, February 4, 1993

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

Privacy Act; Systems of Records

Correction

In notice document 93-1890 beginning on page 6105 in the issue of Tuesday, January 26, 1993, make the following correction on page 6106, in the second column, under the heading "ROUTINE USES OF RECORDS * * *", in the first paragraph, in the fourth line, "an" should read "a".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-040-5410-10-A100]

Receipt of Application for the Conveyance of Federally-Owned Mineral Interests; Safford District, Arizona

Correction

In notice document 92-31684 appearing on page 62351 in the issue of Wednesday, December 30, 1992, in the second column, in the land description, under "Sec. 35," in the second line, "SW $\frac{1}{2}$ SW $\frac{1}{4}$," should read "W $\frac{1}{2}$ SW $\frac{1}{4}$,".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 91-ASW-26]

Revision of Control Zones; Lafayette, LA; New Iberia, LA

Correction

In rule document 93-361 beginning on page 3217 in the issue of Friday, January 8, 1993, make the following correction:

§ 71.1 [Corrected]

On page 3218, in the amendment to § 71.1, in § 71.171, under the heading ASW LA CZ Lafayette, LA. [Revised], in the fourth line, "30°02'19'" should read "30°12'19'".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[CO-18-90]

RIN 1545-A054

Notice of Proposed Rulemaking Under Section 382 of the Internal Revenue Code of 1986; Limitations on Corporate Net Operating Loss Carryforwards

Correction

In proposed rule document 92-26160 beginning on page 52743 in the issue of Thursday, November 5, 1992, make the following corrections:

1. On page 52744, in the 2d column, in the 2d full paragraph, in the 30th line, "fights" should read "rights".

2. On page 52745, in the first column, in the first line, "it" should read "if".

3. On the same page, in the same column, in the 19th line, "amend" should read "amended".

4. On the same page, in the same column, in the third full paragraph, in the fourth line, "disclosure" should read "disclose".

§ 1.382-2 [Corrected]

5. On page 52746, in the third column, in § 1.382-2(b)(2)(ii), in the second line, "convertible" should read "convertible".

§ 1.382-2T [Corrected]

6. On the same page, in the same column, in § 1.382-2T(a)(2)(i), in the second line, insert "* * *" after "1992.".

§ 1.382-4 [Corrected]

7. On page 52747, in the first column, in § 1.382-4(d)(2)(ii)(a), in the first line, "(a)" should read "(A)".

8. On the same page, in the third column, in § 1.382-4(d)(3)(ii), in the eighth line, delete "the" the second time it appears.

9. On the same page, in the same column, in § 1.382-4(d)(4)(ii), in the 21st line, delete "the transfer after".

10. On page 52748, in the second column, in § 1.382-4(h)(2)(ii)(B), in the first line, "(11)" should read "(1)".

11. On the same page, in the third column, in § 1.382-4(h)(2)(iv)(B), in the first line, "exercise" was misspelled.

12. On the same page, in the same column, in the same section, in the fifth line, "directly" was misspelled.

BILLING CODE 1505-01-D

Faint, illegible text covering the majority of the page, possibly bleed-through from the reverse side.

Federal Register

Thursday
February 4, 1993

Part II

Department of Agriculture

Cooperative State Research Service

Special Research Grants Program,
Aquaculture Research; Fiscal Year 1993;
Solicitation of Applications; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Special Research Grants Program,
Aquaculture Research; Fiscal Year
1993; Solicitation of Applications

Applications are invited for competitive grant awards under the Special Research Grants Program, Aquaculture Research, for fiscal year 1993.

The authority for this program is contained in section 2(c)(1)(A) of the Act of August 4, 1965, Public Law No. 89-106, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, Public Law No. 101-624, (7 U.S.C. 450i(c)(1)(A)). This program is administered by the Cooperative State Research Service (CSRS) of the U.S. Department of Agriculture (USDA). Under this program, and subject to the availability of funds, the Secretary may award grants for periods not to exceed five years, for the support of research projects to further the program discussed below.

Eligible Participants

Proposals may be submitted by any State agricultural experiment station, college, university, other research institution or organization, Federal agency, private organization, corporation, or individual. Proposals from scientists at non-United States organizations will not be considered for support.

Please note that section 726 of the Fiscal Year 1993 Appropriations Act, Public Law No. 102-341, states: "None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total Federal funds provided under each award."

Applicable Regulations

Regulations applicable to this program include the following: (a) The administrative provisions governing the Special Research Grants Program, 7 CFR part 3400 (56 FR 58146, November 15, 1991), which set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to post-award administration of grant projects; (b) the USDA Uniform Federal Assistance Regulations, 7 CFR part 3015; (c) the USDA Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 7 CFR part 3016; (d) the regulations governing

Governmentwide Debarment and Suspension (Nonprocurement) and the Governmentwide Requirements for Drug-Free Workplace (Grants), 7 CFR part 3017; (e) the New Restrictions on Lobbying, 7 CFR part 3018; and (f) the CSRS regulations implementing the National Environmental Policy Act of 1969 (NEPA), 7 CFR part 3407.

Introduction to Program Description

Standard grants will be awarded to support basic studies in selected areas of aquaculture research. Consideration will be given to proposals that address innovative as well as fundamental approaches to the research areas outlined below that are consistent with the mission of USDA. Program subareas and guidelines are provided below as bases from which proposals may be developed:

Program Area

1.0 Aquaculture Research

CSRS Contact: Dr. Meryl Broussard; Telephone: (202) 401-4061.

Funds will be awarded to support research seeking solutions to improve waste management in commercially important aquacultural species. A total of \$298,356 will be available for this program area in fiscal year 1993. This amount may be allocated to a single proposal or multiple proposals.

The overall objective of this research program is to enhance the knowledge base necessary for the continued growth of the domestic aquaculture industry as a form of sustainable agriculture. Emphasis is placed on research leading to improved production efficiency, increased competitiveness and wise environmental stewardship in private sector aquaculture in the United States. Because of limited funds for this program, only proposals focused on the impact of feeds and feeding strategies on waste management in commercially important finfish species will be considered.

Research should be directed toward: Studies aimed at reducing the source of waste in aquacultural systems through improved nutritional efficiency including feed formulation and feeding strategies. Studies should include the quantitative and qualitative characterization of dissolved and solid waste as related to feed formulation and feeding strategies.

Research should consider the availability and digestibility of key nutrients and feed ingredients in the evaluation of existing commercial feeds and alternative feeds designed to reduce waste production in aquacultural systems. Mass balance approaches to

understanding the fate of these nutrients, particularly phosphorus and nitrogen, from feed to waste, should be considered. Emphasis should be placed on the characterization of waste produced by the fish in response to certain feeds and feeding strategies as opposed to characterization of waste from production systems (effluent characterization).

Economic factors should be considered in the evaluation of alternative feeds and feeding strategies. The impact of alternative feeds and feeding strategies on body composition of fish should also be considered. Waste characterization studies should be designed to provide baseline information necessary for the rational design of control systems and alternative waste management strategies.

Priority will be given to multi-disciplinary, multi-institutional team approaches and proposals with the broadest application to the aquaculture industry.

Compliance With NEPA

As outlined in 7 CFR part 3407 (the CSRS regulations implementing NEPA), the environmental data for any proposed project is to be provided to CSRS so that CSRS may determine whether any further action is needed. In some cases, however, the preparation of environmental data may not be required. Certain categories of actions are excluded from the requirements of NEPA. The applicant shall review the following categorical exclusions and determine if the proposed project may fall within one of the categories.

- (1) Department of Agriculture Categorical Exclusions (7 CFR 1b.3).
 - (i) Policy development, planning and implementation which relate to routine activities such as personnel, organizational changes, or similar administrative functions;
 - (ii) Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds;
 - (iii) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;
 - (iv) Educational and informational programs and activities;
 - (v) Civil and criminal law enforcement and investigative activities;
 - (vi) Activities which are advisory and consultative to other agencies and public and private entities; and

(vii) Activities related to trade representation and market development activities abroad.

(2) CSRS Categorical Exclusions (7 CFR 3407.6). Based on previous experience, the following categories of CSRS actions are excluded because they have been found to have limited scope and intensity and to have no significant individual or cumulative impacts on the quality of the human environment:

(i) The following categories of research programs or projects of limited size and magnitude or with only short-term effects on the environment:

(A) Research conducted within any laboratory, greenhouse, or other contained facility where research practices and safeguards prevent environmental impacts;

(B) Surveys, inventories, and similar studies that have limited context and minimal intensity in terms of changes in the environment; and

(C) Testing outside of the laboratory, such as in small isolated field plots, which involves the routine use of

familiar chemicals or biological materials.

(ii) Routine renovation, rehabilitation, or revitalization of physical facilities, including the acquisition and installation of equipment, where such activity is limited in scope and intensity.

In order for CSRS to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, a separate statement must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion and the reasons therefor. If it is the applicant's opinion that the project proposed falls within the categorical exclusions, the specific exclusion must be identified. The information submitted shall be identified in the Table of Contents as "NEPA Considerations" and the narrative statement with supporting

documentation shall be placed after the cover sheet of the proposal.

Even though a project may fall within the categorical exclusions, CSRS may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity, if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present which may cause such activity to have a significant environmental effect.

Review Criteria

Proposals will be evaluated by a peer review group of qualified scientists selected in accord with § 3400.11 of the administrative provisions governing the Special Research Grants Program. In accordance with 7 CFR 3400.5(a), the following selection criteria for proposals will be used in lieu of those which appear in § 3400.15 of the administrative provisions:

Criteria	Maximum score
Overall Scientific and Technical Quality	40
Creative and innovative scientific approach	
Clear, concise, and achievable objectives	
Technical soundness of procedures	
Feasibility of attaining objectives	
Justification, Review of Literature and Current Research	20
Importance of the problem	
Relevance of proposed research to the problem	
Literature focused on specific research approach and objective	
Budget, Resources, and Personnel	20
Necessary facilities, resources, and personnel available	
Budget appropriate for proposed research	
Demonstrated scientific capability of investigators	
Collaboration	10
Evidence of significant contributions by collaborators	
Evidence and justification of multi-disciplinary and/or multi-institutional collaboration	
Application of Research Results	10
Planned application and implementation of research results	
Extension, transferability and publication of results	
Potential for results to enhance agricultural sustainability	
Total	100

How To Obtain Application Materials

Copies of this solicitation, the Application Kit, and the administrative provisions governing this program, 7 CFR part 3400 (56 FR 58146, November 15, 1991), may be obtained by writing to the address or calling the telephone number below:

Proposal Services Branch, Awards Management Division, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, room 303, Aerospace Center, Washington, DC 20250-2200 Telephone: (202) 401-5048.

What To Submit

In addition to the requirements of 7 CFR 3400.4(c), proposals must adhere to the following criteria. An original and nine copies of each proposal submitted are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made.

Each copy of each proposal must include a Form CSRS-661, "Application for Funding." Proposers should note that one copy of this form, preferably the original, must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative. (Form

CSRS-661 and the other required forms and certifications are contained in the September 1992 version of the Application Kit.)

Members of review committees and the staff expect each project description to be complete in itself. Grant proposals must be limited to 15 pages (single-spaced) on one side only exclusive of required forms, and include the summary of progress for any prior Aquaculture Special Research grants, bibliography, and vitae of the principal investigator(s), senior associate(s) and other professional personnel. Reduction by photocopying or other means for the purpose of meeting the 15-page limit is not permitted. Attachment of

appendices is discouraged and should be included only if pertinent to understanding the proposal. Reviewers are not required to read beyond the 15-page maximum to evaluate the proposal.

All copies of each proposal must be mailed in one package and each copy must be stapled securely in the upper left-hand corner. Do not bind. Information should be typed on one side of the page only. Every effort should be made to ensure that the proposal contains all pertinent information when initially submitted. Prior to mailing, compare your proposal with the guidelines contained in the administrative provisions that govern the Special Research Grants Program, 7 CFR part 3400.

Where and When To Submit Grant Applications

Each research grant application must be submitted by the date set forth below to: Proposal Services Branch, Awards Management Division, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of

Agriculture, room 303, Aerospace Center, Washington, DC 20250-2200.

Please Note: Hand-delivered proposals or those delivered by overnight express service should be brought by 4 p.m., April 12, 1993, to: room 303, Aerospace Center, 901 D Street, SW., Washington, DC 20024.

To be considered for funding under the Special Research Grants Program, Aquaculture Research, during fiscal year 1993, proposals must be postmarked by April 12, 1993.

One copy of each proposal not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

Special Requirements

On Form CSRS-661 provided in the Application Kit, the Special Research Grants Program should be indicated in Block 7, and "Aquaculture Research 1.0" should be indicated in Block 8.

Investigators and co-investigators who have received Special Research Grant awards in the Aquaculture area during the past five years must include a brief

summary of progress and a list of publications resulting from such grants.

Supplementary Information

The Special Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.200. For reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524-0022.

Done at Washington, DC, this 1st day of February 1993.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 93-2666 Filed 2-3-93; 8:45 am]

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Federal Register

Vol. 58, No. 22

Thursday, February 4, 1993

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Free Electronic Bulletin Board Service for Public Law Numbers is available on 202-275-1538 or 275-0920.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.
Last List January 25, 1993

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GUIDE: Revised January 1, 1992

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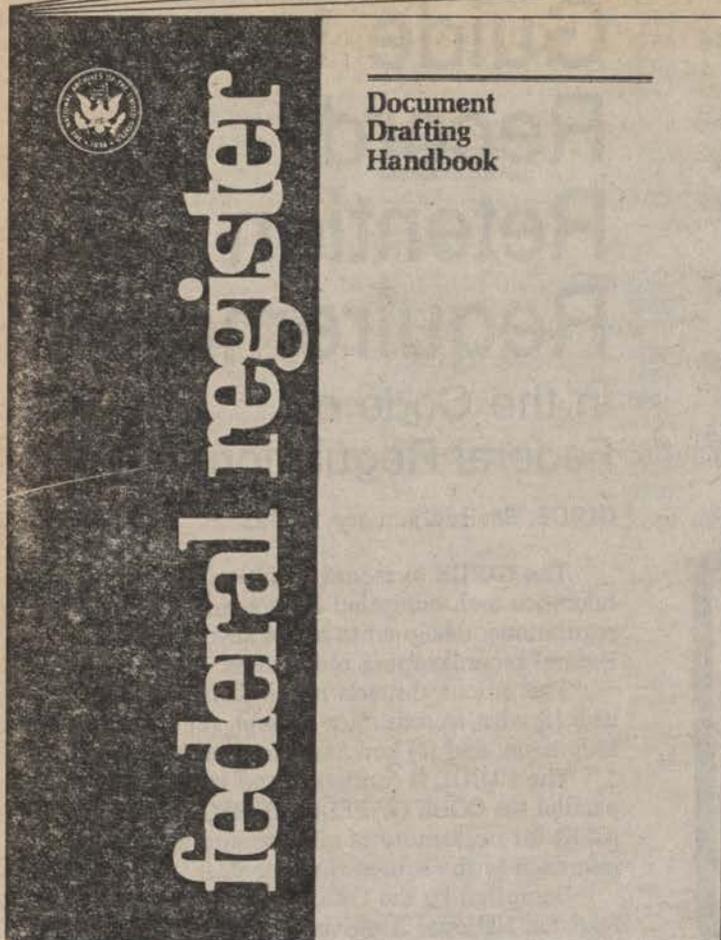
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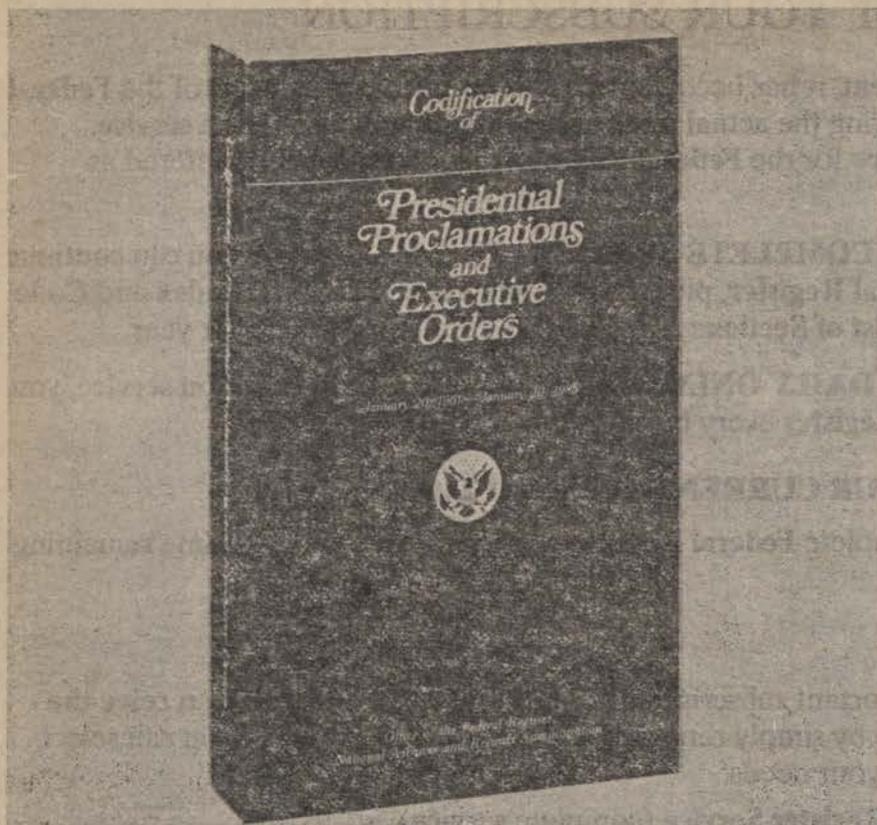
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1870
The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the City of New York, held on the 10th day of January, 1870.

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Deputy Mayor: John A. King
Board of Directors: James H. Wickham, John A. King, John B. King, John C. King, John D. King, John E. King, John F. King, John G. King, John H. King, John I. King, John J. King, John K. King, John L. King, John M. King, John N. King, John O. King, John P. King, John Q. King, John R. King, John S. King, John T. King, John U. King, John V. King, John W. King, John X. King, John Y. King, John Z. King



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