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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 91–149–4]

Oriental Fruit Fly Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are quarantining a portion of San Diego County, CA, because of the Oriental fruit fly, and restricting interstate movement of regulated articles from the quarantined area. This action is necessary on an emergency basis to prevent the spread of the Oriental fruit fly into noninfested areas of the United States.

DATES: Interim rule effective February 10, 1993. Consideration will be given only to comments received on or before April 19, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 91–149–4. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 640, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20740, (301) 436–8247.

SUPPLEMENTARY INFORMATION:

Background

The Oriental fruit fly, *Bactrocera dorsalis* (Hendel), is a destructive pest of numerous fruits (especially citrus fruits), nuts, vegetables, and berries. The Oriental fruit fly can cause serious economic losses. Heavy infestations can cause complete loss of crops. The short life cycle of this pest permits the rapid development of serious outbreaks.

In an interim rule effective on July 9, 1992, and published in the Federal Register on July 15, 1992 (57 FR 31305–31306, Docket No. 91–149–2), we removed the regulations in 7 CFR 301.93 through 301.93–10, "Subpart—Oriental Fruit Fly," which designated portions of Los Angeles, Riverside, and San Bernardino Counties in California as quarantined areas and imposed restrictions on the interstate movement of regulated articles from those areas. This action was warranted because we had determined that the Oriental fruit fly had been eradicated from Los Angeles, Riverside, and San Bernardino Counties and that the regulations were no longer necessary.

Since then, trapping surveys by inspectors of the State of California, local county agencies, and by inspectors of the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), have revealed that a portion of San Diego County, CA, is infested with the Oriental fruit fly. Specifically, since August 21, 1992, inspectors have collected nine Oriental fruit flies in a portion of San Diego County. Therefore, we are amending the "Domestic Quarantine Notices" in 7 CFR part 301 by adding a new subpart, 301.93, "Oriental Fruit Fly" (referred to below as the regulations). These regulations quarantine a portion of San Diego County, CA, because of the Oriental fruit fly and restrict the interstate movement of regulated articles from the quarantined area. At the present time, the Oriental fruit fly is not known to occur anywhere else in the continental United States.

Officials of State agencies of California have begun an intensive Oriental fruit fly eradication program in the quarantined area in California. Also, as explained below, California has taken action to restrict the intrastate movement of certain articles from the quarantined area to prevent the spread of the Oriental fruit fly. Accordingly, this document establishes Federal regulations, which are described below by section, to prevent the spread of the Oriental fruit fly to other States.

Restrictions on Interstate Movement of Regulated Articles (Section 301.93)

Section 301.93 prohibits any person from moving any regulated article interstate from any quarantined area except in accordance with conditions prescribed in the regulations. For informational purposes, a footnote (number 1) has been added to reference the authority of an inspector to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply remedial measures to, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

Definitions (Section 301.93–1)

Section 301.93–1 contains, for informational purposes, definitions of the following terms: "Administrator," "Animal and Plant Health Inspection Service," "Certificate," "Compliance Agreement," "Core area," "Day degrees," "Drip area," "Infestation," "Interstate," "Limited permit," "Moved (Move, Movement)," "Oriental fruit fly," "Person," "Quarantine area," "Regulated article," and "State."

Regulated Articles (Section 301.93–2)

The regulations impose conditions on the interstate movement of those articles that present a significant risk of spreading Oriental fruit fly if moved without restrictions from a quarantined area into or through a noninfested area. These articles, which are designated as regulated articles, may not be moved interstate from a quarantined area except in accordance with conditions specified in §§ 301.93–4 through 301.93–10.

Section 301.93–2 designates as regulated articles a number of fruits, nuts, vegetables, and berries, and soil within the drip area of plants that produce the regulated fruits, nuts, vegetables, or berries. Based on research and experience, the regulated articles listed in § 301.93–2(a) and (b) are articles that are likely to cause the spread of the Oriental fruit fly. In addition, § 301.93–2(c) allows any other product, articles, or means of

conveyance not listed in paragraphs (a) and (b) to be designated as a regulated article if an inspector determines that it presents a risk of spreading the Oriental fruit fly and notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions in the regulations. The provisions for "any other product, article, or means of conveyance" allows an inspector who discovers a risk of spreading Oriental fruit fly (e.g., a truck with Oriental fruit fly pupae in cracks in the floorboards) to regulate the affected articles immediately, by informing the person in possession of the product, article or means of conveyance that it is being regulated.

Fruits, nuts, vegetables, or berries that are canned, dried, or frozen below −17.8 °C. (0 °F.) are not included as regulated articles since the Oriental fruit fly could not survive under those conditions.

Quarantined Area (Section 301.93–3)

As stated in § 301.93–3(a), it is necessary to quarantine areas in which the Oriental fruit fly has been found by an inspector, areas in which the Administrator has reason to believe the Oriental fruit fly is present, and areas the Administrator considers necessary to quarantine because of their proximity to the Oriental fruit fly or their inseparability for quarantine enforcement purposes from localities where Oriental fruit flies have been found.

Section 301.93–3(a) further provides that less than an entire State will be designated as a quarantined area only if the Administrator determines that (1) the State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those that are imposed by our regulations with respect to the interstate movement of these articles; and (2) quarantining less than the entire State will prevent the interstate spread of the Oriental fruit fly. These determinations would indicate that infestations are confined to the quarantined areas and eliminate the need for designating an entire State as a quarantined area.

In accordance with these criteria, we are designating as a quarantined area a portion of San Diego County, CA, as follows:

That portion of San Diego County in the Mira Mesa area beginning at the intersection of Interstate Highway 805 and Mira Mesa Boulevard; then east along Mira Mesa Boulevard to its intersection with Vista Sorrento Parkway; then northwest along Vista Sorrento Parkway to its intersection with Lusk Boulevard; then northeast along Lusk Boulevard to its second intersection with Wateridge Circle; then northeast from said intersection along an imaginary line to the intersection of La Harina Court and Donaker Street; then east along Donaker Street to its intersection with Stargaze Avenue; then east along Stargaze Avenue to its intersection with Black Mountain Road; then southeast along Black Mountain Road to its intersection with Carmel Mountain Road; then northeast and southeast along Carmel Mountain Road to its intersection with Rancho Penasquitos Boulevard; then southeast along Rancho Penasquitos Boulevard to its intersection with Ted Williams Parkway (formerly North City Parkway); then northeast along Ted Williams Parkway to its intersection with Interstate Highway 15; then due east from said intersection along an imaginary line to its intersection with the San Diego city limits; then southeast along the San Diego city limits to its intersection with Pomerado Road; then southwest along Pomerado Road to its intersection with Interstate Highway 15; then southeast along Interstate Highway 15 to its intersection with Miramar Way; then southwest along Miramar Way to its intersection with Miramar Road; then west along Miramar Road to its intersection with Interstate Highway 805; then northwest along Interstate Highway 805 to the point of the beginning.

It is necessary to designate this portion of San Diego County, CA, as a quarantined area because it is an area in which the Oriental fruit fly has been found, or an area in which the Administrator has reason to believe the Oriental fruit fly is present, or an area necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities where the Oriental fruit fly has been found.

There does not appear to be any reason to designate any other quarantined areas in California other than the area specified above. California has adopted and is enforcing regulations imposing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed on the interstate movement of regulated articles under this subpart.

Section 301.93–3(b) provides that the Administrator or an inspector may designate an area as a quarantined area temporarily without publication in the **Federal Register** if there is a basis for listing the area as a quarantined area under § 301.93–3(a) and if the owner or person in possession of the area to be quarantined is given written notice of this action. This is necessary in order to prevent spread of the Oriental fruit fly before restrictions can be published in the **Federal Register** concerning the interstate movement of regulated articles from the designated area.

Conditions Governing the Interstate Movement of Regulated Articles From Quarantined Areas (Sections 301.93–4 Through 301.93–10)

Section 301.93–4

Section 301.93–4(a) requires regulated articles moved interstate from quarantined areas to be accompanied by a certificate or limited permit issued and attached as prescribed by §§ 301.93–5 and 301.93–8, unless moved as prescribed in § 301.93–4(b).

Section 301.93–4(b) allows a regulated article to move interstate without a certificate or limited permit if the article originates outside of a quarantined area, if it is moved directly through the quarantined area without stopping except for refueling or for traffic conditions such as traffic lights and stop signs, if it is shipped in an enclosed vehicle or is completely covered so as to prevent access by Oriental fruit flies, if the point of origin is indicated on the waybill, and if the enclosed vehicle or enclosure which contains the regulated article is not opened, unpacked, or unloaded in the quarantined area.

Section 301.93–4(c) allows the USDA to move regulated articles interstate without a certificate or limited permit for experimental or scientific purposes. However, the regulated articles must be moved in accordance with a permit issued by the Administrator, under conditions that prevent the spread of the Oriental fruit fly.

Section 301.93–4 contains a footnote (number 2) to remind persons that other applicable domestic plant quarantine and regulation requirements may need to be met for interstate movement.

Section 301.93–5

Under Federal domestic plant quarantine programs, there is a difference between the use of certificates and limited permits. Certificates are issued for regulated articles upon a finding by an inspector that, because of certain conditions (e.g. the article is free of Oriental fruit fly), there is an absence of a pest risk prior to movement. Regulated articles accompanied by a certificate can be moved interstate without further restrictions being imposed. Limited permits are issued for regulated articles when an inspector has determined that,

because of a possible pest risk, such articles may be safely moved interstate only subject to further restrictions, such as movement to limited areas and movement for limited purposes. Section 301.93–5 explains the conditions for issuing a certificate or limited permit.

Specifically, § 301.93–5(a) provides that a certificate will be issued by an inspector for the movement of a regulated article if the inspector determines that the article:

(1) Is free of Oriental fruit fly, has been treated in accordance with § 301.93–10, or comes from premises of origin free from Oriental fruit fly and has not been exposed to Oriental fruit fly;

(2) Will be moved in compliance with any additional emergency conditions deemed necessary to prevent the spread of Oriental fruit fly pursuant to section 105 of the Federal Plant Pest Act; and

(3) Is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to that article.

A footnote (number 3) is added to provide information on the location of inspectors.

A footnote (number 4) explains that the Secretary of Agriculture may, pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), take emergency actions.

Section 301.93–5(b) provides for the issuance of a limited permit (in lieu of a certificate) by an inspector for movement of a regulated article if the inspector determines that the article is to be moved to a specified destination for specified handling, utilization, or processing, and that the movement will not result in the spread of Oriental fruit fly.

Section 301.93–5(c) allows any person who has entered into and is operating under a compliance agreement to execute a certificate or limited permit for the interstate movement of a regulated article after an inspector has made a determination that the article is eligible for a certificate or limited permit in accordance with § 301.93–5 (a) or (b).

Also § 301.93–5(d) contains provisions for the withdrawal of a certificate or limited permit by an inspector upon a determination by the inspector that the holder of the certificate or limited permit has not complied with conditions for the use of the document. This section also contains provisions for notifying the holder of the reasons for the withdrawal and for holding a hearing if there is any conflict concerning any material fact.

Section 301.93–6

Section 301.93–6 provides for the issuance and cancellation of compliance agreements. Specifically, compliance agreements may be entered into by any person engaged in growing, handling, or moving regulated articles who agrees in writing to comply with the provisions of subpart 301.93. Compliance agreements are provided for the convenience of persons who are involved in frequent shipments of regulated articles from quarantined areas; they are written to ensure that persons issuing certificates or limited permits are knowledgeable with respect to the requirements of subpart 301.93 and have agreed to comply with them.

Section 301.93–6 also provides that an inspector supervising enforcement of a compliance agreement may cancel the agreement upon finding that a person who has entered into the agreement has failed to comply with any of the provisions of the regulations. The inspector will notify the holder of the compliance agreement of the reasons for cancellation and offer an opportunity for a hearing to resolve any conflicts of material fact. This section contains a footnote (number 5) to explain where compliance agreement forms can be obtained.

Sections 301.93–7, 301.93–8, and 301.93–9

Section 301.93–7 provides that any person who desires a certificate or limited permit to move regulated articles must, as far in advance of movement as possible (but no less than 48 hours before the desired movement), request an inspector to issue a certificate or limited permit. This provision ensures that persons desiring inspection services can obtain them before the intended movement date. A footnote (number 6) refers persons back to § 301.93–5(a), footnote 3, which explains how to contact the inspectors for inspection or how to obtain additional information from offices of the Animal and Plant Health Inspection Service.

Section 301.93–8 requires the certificate or limited permit issued for the movement of the regulated article to be attached to the regulated article, or to a container carrying the regulated article, or to the accompanying waybill during the interstate movement. This section requires, however, that the certificate or limited permit may be attached to the consignee's copy of the waybill only if the regulated article is sufficiently described on the certificate, limited permit, or waybill to identify the regulated article. This provision is necessary for enforcement purposes.

Section 301.93–9 explains the APHIS policy that services of an inspector that are needed to comply with the regulations in subpart 301.93 are provided without cost during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays). The user will be responsible for all costs and charges arising from inspection and other services provided outside of normal business hours.

Section 301.93–10

Section 301.93–10 sets forth treatments that qualify bell pepper, citrus and grapes, tomato, and soil for the issuance of a certificate as provided in § 301.93–5, and a treatment for premises on which regulated articles are grown. This section also identifies authorized treatments for the Oriental fruit fly that are contained in the Plant Protection and Quarantine Treatment Manual. The Plant Protection and Quarantine Treatment Manual is incorporated by reference in the Code of Federal Regulations at 7 CFR part 300. Research has determined that these treatments are adequate to destroy the Oriental fruit fly. Section 301.93–10 also includes a footnote (number 7) stating that some varieties of fruit may be injured by the approved treatments and that shippers should test treat before making commercial shipments.

The treatments for bell pepper, citrus and grapes, tomato, soil, and premises in § 301.93–10 are as follows:

(a) Fruits and vegetables.

(1) *Bell Pepper.*

(i) *Vapor Heat.* Heat by saturated water vapor at 44.4 °C. (112 °F.) until approximate center of bell pepper reaches 44.4 °C (112 °F.). Maintain at 44.4 °C. (112 °F.) for 8¾ hours, then immediately cool.

(2) *Citrus and grapes.*

(i) *Fumigation plus refrigeration.* Fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32 g/m^3 methyl bromide at 21 °C. (70 °F.) or above, minimum gas concentrations 25 g/m^3 at ½ hour, 18 g/m^3 at 2 or 2½ hours, 17 g/m^3 at 3 hours. Fumigate for a minimum of 2 hours. Then, aerate fruit at least 2 hours before refrigeration (but begin refrigeration no more than 24 hours after fumigation is completed). Refrigerate based upon fumigation exposure time listed in the table below:

Fumigation exposure time	Refrigeration	
	Days	Temperature
2 hours	4	0.55–2.7 °C. (33–37 °F.)
	11	3.33–8.3 °C. (38–47 °F.)

Fumigation exposure time	Refrigeration	
	Days	Temperature
2½ hours	4	1.11–4.44 °C. (34–40 °F.)
	6	5.0–8.33 °C. (41–47 °F.)
	10	8.88–13.33 °C. (48–56 °F.)
3 hours	3	6.11–8.33 °C. (43–47 °F.)
	6	9.88–13.33 °C. (48–56 °F.)

(ii) *Refrigeration plus fumigation.* Refrigerate for 21 days at 0.55 °C. (33 °F.) or below, then fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with—

(A) 48 g/m³ (3 lb/1000 ft³) methyl bromide for 2 hours at 4.5 °C. (40–59 °F.), minimum gas concentration 44 g/m³ at ½ hour, 36 g/m³ at 2 hours; or

(B) 40 g/m³ (2½ lb/1000 ft³) methyl bromide for 2 hours at 15.5–20.5 °C. (60–69 °F.), minimum gas concentration 36 g/m³ at ½ hour, 28 g/m³ at 2 hours; or

(C) 32 g/m³ (2 lb/1000 ft³) methyl bromide for 2 hours at 21–26 °C. (70–79 °F.), minimum gas concentration 30 g/m³ at ½ hour, 25 g/m³ at 2 hours.

(3) *Tomato.*

(i) *Fumigation.* Fumigate with methyl bromide at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32 g/m³ (2 lb/1000 ft³) for 3½ hours at 21 °C. (70 °F.) or above.

(ii) *Vapor heat.* Heat by saturated water vapor at 44.4 °C. (112 °F.) until approximate center of tomato reaches 44.4 °C. (112 °F.). Maintain at 44.4 °C. (112 °F.) for for 8¾ hours, then immediately cool.

(b) Premises. A field, grove, or area that is located within the quarantined area but outside the infested core area, and that produces regulated articles, must receive regular treatments with malathion bait spray. These treatments must take place at 6 to 10-day intervals, starting a sufficient time before harvest (but not less than 30 days before harvest) to allow for completion of egg and larvae development of the Oriental fruit fly. Determination of the time period must be based on the day degrees model for Oriental fruit fly. Once treatment has begun, it must continue through the harvest period. The malathion bait spray treatment must be applied by aircraft or ground equipment at a rate of 2.4 ounces of technical grade malathion and 9.6 ounces of protein hydrolysate per acre.

(c) Soil. Soil within the drip area of plants which are producing or have produced the fruits, nuts, vegetables, and berries listed in § 301.93–2(a) of this subpart: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the drip area with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour-on treatment procedures are also acceptable.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency situation exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Oriental fruit fly from spreading to noninfested areas of the United States.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This interim rule restricts the interstate movement of regulated articles from a portion of San Diego County, CA. Approximately 11 entities will be affected by this rule. All would be considered small entities. They include three nurseries and eight fruit vendors. These small entities comprise less than 1 percent of the total number of similar entities operating in the State of California. In addition, most of these small entities sell regulated articles primarily for local intrastate, not interstate, movement, and the sale of these articles would not be affected by this regulation.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments, that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost. Also, many of these entities sell other items in addition to the regulated articles so that the effect, if any, of this regulation on these entities would be minimal. Further, the number of affected entities is small compared with the thousands of small entities that move these articles interstate from nonquarantined areas in California and other States.

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

Executive Order 12372

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

Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for the Oriental fruit fly control and eradication program. The assessment provides a basis for the conclusion that the methods employed to eradicate the Oriental fruit fly will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with:

(1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*);

(2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508);

(3) USDA Regulations Implementing NEPA (7 CFR Part 1b); and

(4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC 20250, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. In addition, copies may be obtained by writing to the individual listed under "FOR FURTHER INFORMATION CONTACT."

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this interim rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0088.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended to read as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. Part 301 is amended by adding a new "Subpart—Oriental Fruit Fly" consisting of 301.93 through 301.93–10 to read as follows:

Subpart—Oriental Fruit Fly

Sec.

301.93 Restrictions on interstate movement of regulated articles.
301.93–1 Definitions.
301.93–2 Regulated articles.
301.93–3 Quarantined areas.
301.93–4 Conditions governing the interstate movement of regulated articles from quarantined areas.
301.93–5 Issuance and cancellation of certificates and limited permits.
301.93–6 Compliance agreements and cancellation.
301.93–7 Assembly and inspection of regulated articles.
301.93–8 Attachment and disposition of certificates and limited permits.
301.93–9 Costs and charges.
301.93–10 Treatments.

Subpart—Oriental Fruit Fly

§ 301.93 Restrictions on interstate movement of regulated articles.

No person shall move interstate from any quarantined area any regulated article except in accordance with this subpart.[1]

§ 301.93–1 Definitions.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

Certificate. A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of Oriental fruit fly and may be moved interstate to any destination.

Compliance agreement. A written agreement between the Animal and Plant Health Inspection Service and a person engaged in growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart.

Core area. The 1 square mile area surrounding each property where Oriental fruit fly has been detected.

Day degrees. A mathematical construct combining average temperature over time that is used to calculate the length of an Oriental fruit fly life cycle. Day degrees are the product of the following formula, with all temperatures measured in °F:

[(Minimum Daily Temp + Maximum Daily Temp)/2] − 54°=Day Degrees

Drip area. The area under the canopy of a plant.

Infestation. The presence of the Oriental fruit fly or the existence of circumstances that make it reasonable to believe that the Oriental fruit fly is present.

Inspector. Any employee of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

[1] Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

Interstate. From any State into or through any other State.

Limited permit. A document, in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is eligible for interstate movement in accordance with § 301.93–5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

Move (Move, Movement). Shipped, offered for shipment, received for transportation or transported, carried, or allowed to be moved, shipped, transported, or carried by any means.

Oriental fruit fly. The insect known as Oriental fruit fly (*Bactrocera dorsalis* (Hendel)) in any stage of development.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Quarantined area. Any State, or any portion of a State, listed in § 301.93–3(c) of this subpart.

Regulated article. Any article listed in § 301.93–2 of this subpart or otherwise designated as a regulated article in accordance with § 301.93–2(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.93–3(b) of this subpart.

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory or possession of the United States.

§ 301.93–2 Regulated articles.

The following are regulated articles:

(a) The following fruits, nuts, vegetables, and berries:

Akia (*Wikstromeia phyllyraefolia*)
Alexander laurel (*Calophyllum inophyllum*)
Apple (*Malus sylvestris*)
Apricot (*Prunus armeniaca*)
Avocado (*Persea americana*)
Banana (*Musa paradisiaca var. sapientum*) (*Musa* x *paradisiaca*)
Banana, dwarf (*Musa nana*)
Barbados cherry (*Malpighia glabra*)
Bell pepper (*Capsicum annum*)
Brazil cherry (*Eugenia dombeyi*)
Breadfruit (*Artocarpus altilis*)
Cactus (*Cereus coerulescens*)
Caimitillo (*Chrysophyllum oliviforme*)
Cahsew (*Anacardium occidentale*)
Cherimoya (*Anonna Cherimola*)
Cherry, Catalina (*Prunus ilicifolia*)
Cherry, Portuguese (*P. lusitanica*)
Chile (*Capsicum annum*)
Coffee, Arabian (*Coffea arabica*)
Country gooseberry (*Averrhoa carambola*)
Cucumber (*Cucumis sativas*)
Custard apple (*Annona reticulata*)
Date palm (*Phoenix dactylifera*)
Dragon tree (*Dracena draco*)

Eggfruit tree (*Pouteria campechiana*)
Elengi tree (*Mimusops elengi*)
Fig (*Ficus carica*)
Gourka (*Garcinia celebica*)
Granadilla, sweet (*Passiflora ligularis*)
Grape (*Vitis* spp.)
Grapefruit (*Citrus paradisi*)
Guava (*Psidium guajava*), (*P. littorale*), (*P. cattleianum*)
Imbu (*Spondias tuberosa*)
Jackfruit (*Artocarpus heterophyllus*)
Jerusalem cherry (*Solanum pseudocapsicum*)
Kitembilla (*Dovyalis hebecarpa*)
Kumquat (*Fortunella japonica*)
Laurel (*Calophyllum inophyllum*)
Lemon (*Citrus limon*)
Lime, key or Mexican (*Citrus aurantifolia*)
Lime, Persian (*Citrus latifolia*)
Lime, sweet (*Citrus limetioides*)
Longan (*Euphoria longan*)
Loquat (*Eriobotrya japonica*)
Lychee nut (*Lychee chinensis*)
Malay apple (*Eugenia malaccensis*)
Mammee apple (*Mammea americana*)
Mandarin orange (*Citrus reticulata*) (*tangerine*)
Mango (*Mangifera indica*)
Mangosteen (*Garcinia mangostana*)
Mock orange (*Murraya exotica*)
Mulberry (*Morus nigra*)
Myrtle, downy rose (*Rhodomyrtus tomentosa*)
Natal plum (*Crissa grandiflora*)
Nectarine (*Prunus persica var. nectarina*)
Oleander, yellow (*Thevetia peruviana*)
Orange, calamondin (*Citrus reticulata x. fortunella*)
Orange, Chinese (*Fortunella japonica*)
Orange, king (*Citrus reticulata x. C. sinensis*)
Orange, sweet (*Citrus sinensis*)
Orange, Unshu (*Citrus reticulata var. Unshu*)
Oriental bush red pepper (*Capsicum frutescens abbbreviatum*)
Otaheite apple (*Spondias dulcis*)
Palm, syrup (*Jubaea spectabilis*)
Papaya (*Carica papaya*)
Passionflower (*Passiflora edulis*)
Passionflower, softleaf (*Passiflora mollissima*)
Passionfruit (*Passiflora edulis*) (*yellow lilikoi*)
Peach (*Prunus persica*)
Pear (*Pyrus communis*)
Pepino (*Solanum muricatum*)
Pepper, sweet (*Capsicum frutescens var. grossum*)
Persimmon, Japanese (*Diospyros kaki*)
Pineapple guava (*Feijoa sellowiana*)
Plum (*Prunus americana*)
Pomegranate (*Punica granatum*)
Prickly pear (*Opuntia megacantha*) (*Opuntia ficus indica*)
Prune (*Prunus domestica*)
Pummelo (*Citrus grandis*)
Quince (*Cydonia oblonga*)
Rose apple (*Eugenia jambos*)
Sandalwood (*Santalum paniculatum*)
Sandalwood, white (*Santalum album*)
Santol (*Sandericum koetjape*)
Sapodilla (*Manilkara zapota*)
Sapodilla, chiku (*Manilkara zapota*)
Sapota, white (*Casimiroa edulis*)
Seagrape (*Coccoloba uvifera*)
Sour orange (*Citrus aurantium*)
Soursop (*Annona muricata*)
Star apple (*Chryosophyllum cainito*)
Surinam cherry (*Eugenia uniflora*)
Tomato (*Lycopersicon esculentum*)
Tropical almond (*Terminalia catappa*) (*Terminalia chebula*)
Velvet apple (*Diospyros discolor*)
Walnut (*Juglans hindsii*)
Walnut, English (*Juglans regia*)
Wampi (*Citrus lansium*)
West Indian cherry (*Malpighia punicifolia*)
Ylang-Ylang (*Cananga odorata*)

Any fruits, nuts, vegetables, or berries that are canned or dried or frozen below −17.8 °C. (0 °F.) are not regulated articles.

(b) Soil within the drip area of plants that are producing or have produced the fruits, nuts, vegetables, or berries listed in paragraph (a) of this section.

(c) Any other product, article, or means of conveyance not covered by paragraph (a) or (b) of this section that an inspector determines presents a risk of spread of the Oriental fruit fly and notifies the person in possession of it that the product, article, or means of conveyance is subject to the restrictions of this subpart.

§ 301.93–3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area in paragraph (c) of this section each State, or each portion of a State, in which the Oriental fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Oriental fruit fly is present, or that the Administrator considers necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Oriental fruit fly has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the Oriental fruit fly.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing quarantined areas. The Administrator will give written notice of this temporary designation to the owner or person in possession of the nonquarantined area; thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(c) The area described below is designated as a quarantined area:

California

San Diego County. That portion of San Diego County in the Mira Mesa area beginning at the intersection of Interstate Highway 805 and Mira Mesa Boulevard; then east along Mira Mesa Boulevard to its intersection with Vista Sorrento Parkway; then northwest along Vista Sorrento Parkway to its intersection with Lusk Boulevard; then northeast along Lusk Boulevard to its second intersection with Wateridge Circle; then northeast from said intersection along an imaginary line to the intersection of La Harina Court and Donaker Street; then east along Donaker Street to its intersection with Stargaze Avenue; then east along Stargaze Avenue to its intersection with Black Mountain Road; then southeast along Black Mountain Road to its intersection with Carmel Mountain Road; then northeast and southeast along Carmel Mountain Road to its intersection with Rancho Penasquitos Boulevard; then southeast along Rancho Penasquitos Boulevard to its intersection with Ted Williams Parkway (formerly North City Parkway); then northeast along Ted Williams Parkway to its intersection with Interstate Highway 15; then due east from said intersection along an imaginary line to its intersection with the San Diego city limits; then southeast along the San Diego city limits to its intersection with Pomerado Road; then southwest along Pomerado Road to its intersection with Interstate Highway 15; then southeast along Interstate Highway 15 to its intersection with Miramar Way; then southwest along Miramar Way to its intersection with Miramar Road; then west along Miramar Road to its intersection with Interstate Highway 805; then northwest along Interstate Highway 805 to the point of the beginning.

§ 301.93–4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions: [2]

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.93–5 and 301.93–8 of this subpart;

(b) Without a certificate or limited permit, if:

(1) The regulated article originated outside of any quarantined area and is moved directly through (without stopping except for refueling, or for traffic conditions, such as traffic lights or stop signs) the quarantined area in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by Oriental fruit flies (such as canvas, plastic, or closely woven cloth) while moving through the quarantined area; and

(2) The point of origin of the regulated article is indicated on the waybill, and the enclosed vehicle or the enclosure that contains the regulated article is not opened, unpacked, or unloaded in the quarantined area.

(c) Without a certificate or limited permit, if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

(2) Pursuant to a permit issued by the Administrator for the regulated article;

(3) Under conditions specified on the permit and found by the Administrator to be adequate to prevent the spread of Oriental fruit fly; and

(4) With a tag or label bearing the number of the permit issued for the regulated article attached to the outside of the container of the regulated article or attached to the regulated article itself if not in a container.

(Approved by the Office of Management and Budget under control number 0579–0088)

§ 301.93–5 Issuance and cancellation of certificates and limited permits.

(a) An inspector [3] will issue a certificate for the interstate movement of a regulated article if the inspector determines that:

(1) (i) The regulated article has been treated in accordance with § 301.93–10 of this subpart; or

(ii) Based on inspection of the premises of origin, or treatment of the premises of origin in accordance with § 301.93–10(c) of this subpart, the premises are free from Oriental fruit flies and the regulated article has not been exposed to Oriental fruit fly; or

(iii) Based on inspection of the regulated article, it is free of Oriental fruit fly; and

(2) The regulated article is to be moved in compliance with any additional emergency conditions the Administrator may impose, under section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd); [4] to prevent the spread of the Oriental fruit fly; and

(3) The regulated article is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(b) An inspector will issue a limited permit for the interstate movement of a regulated article if the inspector determines that:

(1) The regulated article is to be moved interstate to a specified destination for specified handling, utilization, or processing (the destination and other conditions to be listed in the limited permit), and this interstate movement will not result in the spread of the Oriental fruit fly because life stages of the Oriental fruit fly will be destroyed by the specified handling, utilization, or processing.

(2) The regulated article is to be moved interstate in compliance with any additional emergency conditions the Administrator may impose, under section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd);[4] to prevent the spread of the Oriental fruit fly; and

(3) The regulated article is eligible for interstate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(c) Certificates and limited permits for use for interstate movement of regulated articles may be issued by an inspector or person engaged in growing, handling, or moving regulated articles provided the person is operating under a compliance agreement. A person operating under a compliance agreement may execute a certificate for the interstate movement of a regulated article if an inspector has determined that the regulated article is otherwise eligible for a certificate in accordance with paragraph (a) of this section. A person operating under a compliance agreement may execute a limited permit for interstate movement of a regulated article when an inspector has determined that the regulated article is eligible for a limited permit in accordance with paragraph (b) of this section.

(d) Any certificate or limited permit that has been issued may be withdrawn by an inspector orally or in writing, if the inspector determines that the holder of the certificate or limited permit has not complied with all conditions under this subpart for the use of the certificate or limited permit. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

(Approved by the Office of Management and Budget under control number 0579–0088)

§ 301.93–6 Compliance agreements and cancellation.

(a) Any person engaged in growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the interstate movement of regulated articles under this subpart.[5]

(b) Any compliance agreement may be canceled orally or in writing by an inspector whenever the inspector finds that the person who has entered into the compliance agreement has failed to comply with this subpart. If the cancellation is oral, the cancellation and the reasons for the cancellation will be confirmed in writing as promptly as circumstances allow. Any person whose compliance agreement has been

[2] Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

[3] Inspectors are assigned to local offices of the Animal and Plant Health Inspection Service, which are listed in telephone directories. Information concerning these offices may also be obtained from the Administrator, c/o Domestic and Emergency Operations, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

[4] Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides that the Secretary of Agriculture may—under certain conditions—seize, quarantine, treat, destroy, or apply other remedial measures to articles that the Administrator has reason to believe are infested or infected by or contain plant pests.

[5] Compliance agreement forms are available without charge from the Permits Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, and from local offices of the Animal and Plant Health Inspection Service, which are listed in telephone directories.

canceled may appeal the decision, in writing, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing shall be adopted by the Administrator.

§ 301.93–7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under § 301.93–5(c)), who desires to move a regulated article interstate accompanied by a certificate or limited permit must notify an inspector[6] as far in advance of the desired interstate movement as possible (but no less than 48 hours before the desired interstate movement).

(b) The regulated article must be assembled at the place and in the manner the inspector designates as necessary to comply with this subpart.

§ 301.93–8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at all times during the interstate movement, must be attached to the outside of the container containing the regulated article, attached to the regulated article itself if not in a container, or attached to the consignee's copy of the accompanying waybill: *Provided however,* That the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill only if the regulated article is sufficiently described on the certificate, limited permit, or waybill to identify the regulated article.

(b) The certificate or limited permit for the interstate movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article.

(Approved by the Office of Management and Budget under control number 0579–0088)

§ 301.93–9 Costs and charges.

The services of the inspector during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) will be furnished without cost. The user will be responsible for all costs and charges arising from inspection and other services provided outside of normal business hours.

§ 301.93–10 Treatments.

Treatment schedules listed in the Plant Protection and Quarantine Treatment manual to destroy the Oriental fruit fly are approved for use on regulated articles. The Plant Protection and Quarantine Treatment Manual is incorporated by reference. For the full identification of this standard, see § 300.1 of this chapter, "Materials incorporated by reference". The following treatments can be used for bell pepper, citrus and grape, tomato, premises, and soil:

(a) *Fruits and vegetables*[7]—(1) *Bell Pepper*—(i) *Vapor Heat.* Heat by saturated water vapor at 44.4 °C. (112 °F.) until approximate centers of bell pepper reaches 44.4 °C (112 °F.). Maintain at 44.4 °C. (112 °F.) for 8¾ hours, then immediately cool.

(2) *Citrus and grapes*—(i) *Fumigation plus refrigeration.* Fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32 g/m³ methyl bromide at 21 °C. (70 °F.) or above, minimum gas concentrations 25 g/m³ at ½ hour, 18 g/m³ at 2 or 2½ hours, 17 g/m³ at 3 hours. Fumigate for a minimum of 2 hours. Then, aerate fruit at least 2 hours before refrigeration (but begin refrigeration no more than 24 hours after fumigation is completed). Refrigerate based upon fumigation exposure time listed in the table below:

Fumigation exposure time	Refrigeration	
	Days	Temperature
2 hours	4	0.55–2.7 °C. (33–37 °F.)
	11	3.33–8.3 °C. (38–47 °F.)
2½ hours	4	1.11–4.44 °C. (34–40 °F.)
	6	5.0–8.33 °C. (41–47 °F.)
	10	8.88–13.33 °C. (48–56 °F.)
3 hours	3	6.11–8.33 °C. (43–47 °F.)
	6	9.88–13.33 °C. (48–56 °F.)

(ii) *Refrigeration plus fumigation.* Refrigerate for 21 days at 0.55 °C. (33 °F.) or below, then fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with—

(A) 48 g/m³ (3 lb/1000 ft³) methyl bromide for 2 hours at 4.5 °C. (40–59 °F.), minimum gas concentration 44 g/m³ at ½ hour, 36 g/m³ at 2 hours; or

(B) 40 g/m³ (2½ lb/1000 ft³) methyl bromide for 2 hours at 15.5–20.5 °C. (60–69 °F.), minimum gas concentration 36 g/m³ at ½ hour, 28 g/m³ at 2 hours; or

(C) 32 g/m³ (2 lb/1000 ft³) methyl bromide for 2 hours at 21–26 °C. (70–79 °F.), minimum gas concentration 30 g/m³ at ½ hour, 25 g/m³ at 2 hours.

(3) *Tomato—(i) Fumigation.* Fumigate with methyl bromide at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32g/m³ (2 lb/1000 ft³) for 3½ hours at 21 °C. (70 °F.) or above, minimum gas concentration 26 g/m³ at ½ hour, 14 g/m³ at 4 hours.

(ii) *Vapor heat.* Heat by saturated water vapor at 44.4 °C. (112 °F.) until approximate center of tomato reaches 44.4 °C. (112 °F.). Maintain at 44.4 °C. (112 °F.) for 8¾ hours, then immediately cool.

(b) *Premises.* A field, grove, or area that is located within the quarantined area but outside the infested core area, and that produces regulated articles, must receive regular treatments with malathion bait spray. These treatments must take place at 6- to 10-day intervals, starting a sufficient time before harvest (but not less than 30 days before harvest) to allow for completion of egg and larvae development of the Oriental Fruit Fly. Determination of the time period must be based on the day degrees model for Oriental fruit fly. Once treatment has begun, it must continue through the harvest period. The malathion bait spray treatment must be applied by aircraft or ground equipment at a rate of 2.4 ounces of technical grade malathion and 9.6 ounces of protein hydrolysate per acre.

(c) *Soil.* Soil within the drip area of plants which are producing or have produced the fruits, nuts, vegetables, and berries listed in § 301.93–2(a) of this subpart: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the drip area with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour-on treatment procedures are also acceptable.

Done in Washington, DC, this 10th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–3523 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–34–M

[6] See footnote 3 at § 301.93–5(a).

[7] Some varieties of fruit may be injured by approved treatments. The USDA is not liable for damages caused by this quarantine. Commodities should be tested by the shipper to determine each commodity's tolerance before commercial shipments are attempted.

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7 CFR Part 319

[Docket No. 91–074–4]

Importation of Monterey Pine and Douglas-fir Logs From New Zealand

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending our foreign quarantine regulations by adding a new "Subpart—Logs From New Zealand" to establish restrictions concerning certain logs imported from New Zealand. The new subpart affects persons importing Monterey pine and Douglas-fir logs from New Zealand by requiring that the logs meet certain treatment, handling and other requirements to be eligible for importation into the United States. This change appears necessary because there is increased interest in importing large volumes of logs into the United States, and restrictions are necessary to control plant pest risks associated with importing these logs.

DATES: Interim rule effective January 19, 1993. Consideration will be given only to comments received on or before April 19, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 91–074–4. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Richard L. Orr, Entomologist, Planning and Design, PPQ, APHIS, USDA, room 810, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8939.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) is establishing "Subpart—Logs From New Zealand," 7 CFR 319.40–1 through 319.40–8 (referred to below as the regulations) to control the plant pest risks presented by the importation of Monterey pine and Douglas-fir logs from New Zealand.

As noted in an Advance Notice of Proposed Rulemaking published in the Federal Register on September 22, 1992 (57 FR 43628–43632, Docket No. 91–074–2), we are also developing comprehensive regulations to control the plant pest risks presented by the importation of logs, lumber, and other unmanufactured wood from anywhere in the world. We expect to propose these comprehensive regulations in the near future. However, in the course of developing the comprehensive regulations, we have identified plant pest risks associated with current importations of logs from New Zealand, and have also identified regulatory requirements that would control these pest risks. Therefore, to reduce these plant pest risks as soon as possible, we are imposing regulatory requirements for certain logs from New Zealand.

During the development of this rule, the Forest Service of the United States Department of Agriculture completed a pest risk assessment for the importation of Monterey pine and Douglas-fir from New Zealand [1] (referred to below as the New Zealand Assessment). APHIS employed a great deal of the information generated by the assessment in developing this rule. The study helped us expand and refine a model for addressing plant pest risks associated with importing these species from New Zealand.

Approach of the Interim Regulations

This rule attempts to accomplish the following objectives:

- Identify the types of articles to be regulated (Monterey pine and Douglas-fir logs);
- List the types of requirements, procedures, and treatments that can help control plant pest risks (e.g., permits issued by APHIS; certificates issues by New Zealand; harvesting, storage, and shipping practices; chemical and physical treatments; restriction of destinations or uses for the imported logs);
- Establish specific importation requirements for the logs. The requirements of each section of this rule are discussed below.

Section 319.40–1 Definitions

This section establishes basic definitions of terms used throughout the regulations. The definitions of "Administrator," "APHIS," "Certificate," "Compliance agreement," "Import (imported, importation)," "Inspector," "Permit," "Plant pest," "Port of first arrival," "Treatment Manual," and "United States" are consistent with our use of these terms in other foreign quarantine regulations in part 319, and describe the framework in which we propose to conduct operations to enforce our regulations.

A key definition, "Log," reads "The bole of a *Pinus radiata* (Monterey pine) or *Pseudotsuga menziesii* (Douglas-fir) tree from New Zealand; trimmed timber from such a tree that has not been further sawn." These logs are the articles to which the requirements of the rule apply. We are regulating logs of the two species from New Zealand because importers plan to bring substantial volumes of these logs to the United States, and the New Zealand assessment has identified significant plant pests associated with these logs. Currently, the only importation requirement applied to these logs is inspection at the port of first arrival, followed by mandatory treatment or re-export if certain plant pests are found. Under these regulations, these logs must meet additional requirements to be eligible for importation. We have also defined the term "sealed (sealable) container."

Section 319.40–2 General Prohibitions and Restrictions

This section establishes general requirements for importation that apply to logs. These requirements include a permit issued by APHIS, a certificate issued by the plant protection service of New Zealand, and other documentation that must accompany the logs.

The permit requirement ensures that for each request to allow importation of logs, APHIS has determined the logs are eligible for importation in accordance with the regulations and has given permission for movement of the logs into the United States.

The certificate requirement ensures that imported logs are accompanied by a certificate that documents that the logs meet requirements in this rule that can be verified by the plant protection service of New Zealand. In addition, the certificates issued by New Zealand usually contain the following information: The genus and species of the tree from which the logs were derived; the country of origin; the quantity of logs to be imported, and any treatments of the logs which are required by the regulations and were performed prior to arrival at the port of first arrival in the United States.

In some cases, all of this information may not be contained in the certificate. Where this is so, any of the required information not contained in the certificate must be contained in an additional document signed by the importer and accompanying the logs.

Section 319.40–3 Application for a Permit To Import Logs; Issuance and Withdrawal of Permits

This section describes how an importer may apply for a permit, how APHIS would evaluate the application and issue a permit, and how APHIS could withdraw a permit if the person to whom the permit is issued does not comply with importation requirements.

[1] "Pest Risk Assessment of the Importation of *Pinus radiata* and Douglas-fir Logs from New Zealand," USDA, Forest Service, Miscellaneous Publication No. 1508, October 1992. This publication can be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

A person who wishes to obtain a permit must submit a written application for the permit that provides detailed information about the logs proposed for importation. APHIS will evaluate this information to determine whether to issue a permit. The permit application must include the following information:

1. The specific type of logs to be imported, including the genus and species name of the trees from which the logs were derived;
2. The country where the trees from which the logs were derived were harvested;
3. The quantity of logs to be imported;
4. A description of any processing, treatment, or special handling of the logs performed prior to importation into the United States;
5. A description of any processing, treatment, or special handling of the logs intended to be performed following importation;
6. Whether the logs will be imported in a sealed container or in a ship's hold;
7. The means of conveyance to be used to import the logs into the United States;
8. The intended port of first arrival in the United States of the logs;
9. The destination and intended use of the logs;
10. The name and address of the applicant and, if the applicant's address is not within the United States, the name and address of an agent in the United States whom the applicant names for acceptance of service of process; and,
11. A statement certifying the applicant as the importer of record.

This information is needed to determine whether the logs covered by the application appear to be eligible for importation, and to coordinate APHIS activities for enforcing the regulations at ports of first arrival and elsewhere (e.g., at processing facilities operating under compliance agreements; see § 319.40–6 below).

Section 319.40–3(b) states that when APHIS reviews a permit application, we would determine whether the logs covered by the application are eligible for importation from New Zealand under § 319.40–4, "Importation and entry requirements for logs," which is discussed below. If the logs are eligible for importation, APHIS will issue a permit.

Section 319.40–3 also authorizes the inspector or the Administrator to withdraw a permit if the inspector or the Administrator determines that the person to whom a permit is issued has not complied with a condition for use of the permit or has violated any requirement of this subpart. If the withdrawal is oral, the decision to withdraw the permit and the reasons for withdrawal of the permit shall be confirmed in writing as promptly as circumstances permit. This section also allows any person whose permit is withdrawn to appeal the withdrawal of the permit within 10 days after receiving written notification of the withdrawal. The appeal must, however, state all the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Administrator must grant or deny the appeal in writing, stating the reasons for granting or denying the appeal as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict. Rules of practice concerning the hearing shall be adopted by the Administrator. These provisions will provide a fair method of resolving disputes regarding the withdrawal of permits.

Section 319.40–4 Importation and Entry Requirements for Logs

This section imposes certain specified requirements on the importation of Monterey pine and Douglas-fir logs from New Zealand, in addition to the permit and certificate requirements of § 319.40–2.

The importation requirements established for Monterey pine and Douglas-fir logs from New Zealand are designed to control the plant pest risks identified in "Pest Risk Assessment of the Importation of *Pinus radiata* and Douglas-fir Logs from New Zealand" (the New Zealand assessment; see Footnote 1). The New Zealand assessment screened over 300 plant pests that have been recorded on Monterey pine and Douglas-fir in New Zealand, and included detailed studies of the risks associated with five insects and two pathogenic fungi that were identified as representative of the groups of organisms posing a potential plan pest problem. The insects, which are all deep wood borers that would not be removed from logs by surface treatments, are *Kalotermes brouni* (New Zealand brownwood termite), *Platypus apicalis* (Platypus gracilis) (native pinhole borer), *Prionoplus reticularis* (huhu beetle), and *Sirex noctilio*. The pathogenic fungi are *Leptographium truncatum* and *Amylostereum areolatum*.

The importation requirements and treatments needed to control the risk of introducing these plant pests into the United States will also serve to prevent the introduction of other plant pests that were identified in the New Zealand assessment. For example, this rule requires methyl bromide fumigation of the logs to control the five insects named above, because other treatments or requirements (short of heat treatment) cannot ensure that the subsurface wood of a log is free from these plant pests. The required methyl bromide fumigation will also destroy other significant plant pests identified in the New Zealand assessment (such as insects of the families *Cerambycidae, Curculionidae, Termopsidae,* and *Scolytidae*), eliminating the need to develop separate requirements to address the risks presented by these plant pests. Similarly, this rule requires that logs must be sent to facilities in the United States that will subject the lumber derived from the logs to a specific heat treatment. This requirement primarily addresses the pathogenic fungi *Leptographium truncatum* and *Amylostereum areolatum*, but the heat treatment will also destroy any other plant pests associated with the logs.

These regulations impose the following requirements for importation of Monterey pine and Douglas-fir logs from New Zealand. Some of the handling and treatment requirements apply prior to importation, some at the port of first arrival, and some at a facility where the logs are processed in the United States.

The requirements that apply to these logs prior to importation include a requirement that the logs must be from live, healthy trees that are apparently free of plant pests, plant pest damage, and decay organisms. This requirement reduces the potential for shipping logs that present a significant risk of introducing plant pests into the United States. Another pre-importation requirement is that the logs must be debarked and fumigated with methyl bromide in accordance with the standards established by § 319.40–5(d). If fumigation is done in a sealed container, it must be the same sealed container which is used to export the logs to the United States. This minimizes the chance that logs fumigated in one container could become contaminated with plant pests from another, unfumigated container. Fumigation is required because it effectively destroys many plant pests of concern. Debarking removes plant pests associated with the bark and makes holes made by borer plant pests visible to inspection.

The logs must be kept segregated from other wood articles during movement to the United States through the time the logs have been processed at a facility in the United States. This requirement

would help prevent possible movement of plant pests from the logs to other wood articles that could host the pests, and from other wood articles to the logs. The only exception to this segregation requirement is that wood packing materials that have been fumigated in accordance with § 319.40–5(d) may be in the same ship's hold with uncontainerized logs, or in the same container with containerized logs. Wood packing materials are often used to facilitate movement of logs, and by requiring that they be fumigated, we control the pest risk the wood packing materials might otherwise present.

After importation, the logs must be moved directly to a sawmill or other processing facility that operates under a compliance agreement in accordance with § 319.40–6. At the facility, lumber sawn from the logs must immediately be heat treated with moisture reduction in accordance with § 319.40–5(c). This immediate heat treatment reduces the opportunity for deep-wood pests that might be exposed by the cutting operation to move from the freshly-cut lumber. Other products generated from the logs must be disposed of by burning, heat processing, or other processing that will destroy any plant pests associated with the articles. Composting and use as mulch are prohibited unless preceded by fumigation in accordance with § 319.40–5(d) or heat treatment with moisture reduction in accordance with § 319.40–5(c). Mulching or composting of untreated chips would distribute the chips in soil and enhance opportunities for pest movement. Wood chips and sawdust may be moved in enclosed trucks for processing at another facility operating under a compliance agreement in accordance with § 319.40–6, if they are moved in enclosed trucks to control pest risk in transit.

The logs and other products from the logs would have to be processed at the facility operating under a compliance agreement within 60 days from the time the logs are released from the port of entry. This time requirement would reduce opportunities for the logs to be processed other than in accordance with the regulations, and would reduce the time during which our inspectors monitor compliance to a manageable span of time for each shipment.

Section 319.40–5 Treatments and Safeguards

This section describes the methods for conducting several treatments that are required in other parts of the regulations in connection with importing logs. APHIS has studied these treatments and determined that they are effective means for reducing plant pest risk in logs. We continue to evaluate the effectiveness of other treatments, and it is likely that this section of the regulations will be revised from time to time as new information identifies other effective treatments, or reveals limits to the effectiveness of the treatments required in this rule.

Logs may only be imported if accompanied by a certificate issued by the New Zealand plant protection service that certifies that the logs have been subjected to treatments required prior to arrival of the logs in the United States. Section 319.40–5(a) concerns APHIS actions in the event that APHIS determines that certificates or other documents required for the importation of logs are inaccurate. If APHIS determines that a certificate or other document required for the importation of logs is inaccurate, the logs that are the subject of the certificate or other document may be refused entry into the United States. In addition, APHIS may determine not to accept any further certificates for the importation of logs in accordance with this subpart from New Zealand, and APHIS may determine not to allow the importation of any or all logs from New Zealand until corrective action acceptable to APHIS establishes that certificates issued in that country will be accurate.

There is no general requirement in these regulations that treatments performed outside the United States must be performed under the supervision of an APHIS inspector. To ensure the proper application of treatments and safeguards that do not occur under direct APHIS supervision, APHIS will conduct monitoring inspections of treatments and safeguards applied in New Zealand in accordance with this section.

Paragraphs (b) through (d) of § 319.40–5 contain the minimum requirements for the following treatments: Debarking; heat treatment; and methyl bromide fumigation. Various combinations of these treatments are required for the importation of logs in accordance with § 319.40–4. The requirements for performing each treatment are discussed below.

Debarking. The standard is that no more than 2 percent of the surface of all logs in a shipment may retain bark, with no single log retaining bark on more than 5 percent of its surface.

Debarking is effective in eliminating many plant pests and pathogens on the surface of the logs, as well as most found within and immediately beneath the bark itself. Debarking also facilitates inspection for the presence of boring insects at the port of first arrival. Inspecting bark on large quantities of logs is a difficult, time-consuming process and is not practical.

To be effective, bark removal must be thorough. From a practical viewpoint, APHIS recognizes that complete removal of every scrap of bark is not practical. A tolerance level of 2 percent, with no single log retaining bark on more than 5 percent of its surface, appears reasonable to us based on our experience inspecting shipments at ports of first arrival and observing debarking operations. We believe that the plant pest risk associated with the remaining 5 percent of bark on an imported log would be minimized by the other regulatory controls applicable to the importation of logs, such as fumigation, kiln drying, consuming, or manufacturing products of the logs.

Heat treatment with moisture reduction. Heat treatment procedures may employ dry hear, exposure to microwave energy, or any other method that raises the temperature of the center of each treated article to at least 56° C. and maintains the article at that center temperature for at least 30 minutes and reduces the moisture content of the article to 20 percent or less. This will ensure that any plant pests that were not eliminated by other measures are eliminated.

Heat, in various forms, has long been used as a nonchemical treatment for wood. The efficacy of heat treatments depends on heating the treated article throughout to a temperature that will kill plants pests. Based on scientific studies by the Forest Service and inspection of heat-treated materials, we have determined that heating any article until the center of the article reaches at least 56° C. and maintaining that temperature for at least 30 minutes will destroy plant pests.

Methyl bromide fumigation. Methyl bromide is very effective against plant pests, including all stages of insects, mites, snails, slugs, and nematodes, as well as most fungi. Its effectiveness as a fumigant was discovered in 1932. Since then, it has become the fumigant of choice in quarantine treatments.

Methyl bromide diffuses laterally and downward readily, and upward slowly. These characteristics make blower or fan circulation essential, at least during the first 15–60 minutes, to ensure thorough gas distribution. In addition, circulation enhances penetration. A volatilizer is required when introducing methyl bromide. Products to be fumigated must be enclosed.

Studies have shown that methyl bromide fumigation effectively kills plant pests if conducted in a way that ensures exposure of the entire article to

the necessary gas concentration for the necessary time. However, circumstances during treatment can reduce the effectiveness of the fumigation.

The following minimum standard for methyl bromide fumigation treatment is required for logs. Any method of fumigation that meets or exceeds the specified temperature/time/concentration standards is acceptable. Information on the effectiveness of methyl bromide fumigation for regulated logs when used in accordance with the specified temperature/time/concentration standards is available through the office identified in the "FOR FURTHER INFORMATION CONTACT" section of this document.

The logs and the ambient air must be at a temperature of 5° C. (41° F.) or above throughout fumigation. The fumigation must be conducted using schedule T–404 contained in the Treatment Manual, or, using any fumigation method with an initial methyl bromide concentration of at least 120 g/m^3 with exposure and concentration levels adequate to provide a concentration-time product of at least 1920 gram-hours calculated on the initial dosage.

Section 319.40–6 Processing at Facilities Operating Under Compliance Agreements

This rule allows the importation of logs that may continue to present a low level risk of introducing plant pests into the United States until the time the logs are processed. To prevent the introduction of plant pests from these logs into the United States, we require that the logs be moved from the port of first arrival directly to a processing facility and processed there, under conditions that would minimize the introduction of plant pests.

To ensure that such facilities operate in a manner that will prevent introduction of plant pests, we require that such facilities operate under a compliance agreement with APHIS. The compliance agreement would specify safeguards necessary to prevent spread of plant pests from the processing facility, such as disinfestation practices, covering or container requirements, requirements for disposal of waste food or byproducts, requirements to ensure the processing method effectively destroys plant pests, and application of chemical materials in accordance with the Treatment Manual.

Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever the inspector finds that the person who entered into the compliance agreement has failed to comply with the conditions of the compliance agreement. If the cancellation is oral, the decision to cancel the compliance agreement and the reasons for cancellation of the compliance agreement shall be confirmed in writing as promptly as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to the Administrator within 10 days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. The Administrator shall grant or deny the appeal, in writing, stating the reasons for granting or denying the appeal as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict. Rules of practice governing the hearing will be adopted by the Administrator. These provisions will provide a fair method of resolving disputes regarding withdrawal.

Section 319.40–7 Inspection and Other Requirements at Port of First Arrival

This section sets forth standards for enforcement of these regulations at the ports where imported logs arrive in the United States and are inspected. It requires logs from New Zealand to be inspected at the port of first arrival and cleaned or treated as required by an inspector. Further, this section states that an inspector may inspect any log, at a time and place determined by the inspector; that an inspector may order the logs to be treated, or may refuse entry of the logs, if the logs do not comply with the regulatory requirements or are contaminated with plant pests, soil, or prohibited contaminants; and requires that the logs must meet certain marking and identity requirements designed to assist inspection of logs at the port of first arrival. This section also allows inspectors to take samples from logs for the purpose of determining whether the logs contain plant pests that are not apparent to visual inspection, but can be detected in a laboratory.

Section 319.40–7 contains the following specific requirements:

• *Procedures for all logs.* All logs imported are required, as a condition of entry into the United States, to be inspected, and are subject to any cleaning or treatment at the port of first arrival that is required by an inspector, and the logs and any products of the logs shall be subject to reinspection, cleaning, and treatment at the option of an inspector at any time and place before all applicable requirements of this subpart have been accomplished.

Logs shall be assembled for inspection at the port of first arrival, or at any other place prescribed by an inspector, at a place and time and in a manner designed by an inspector. If an inspector finds that a shipment of logs imported into the United States is so infested with a plant pest that, in the judgment of the inspector, the logs cannot be cleaned or treated, or contain soil or other prohibited contaminants, the entire shipment may be refused entry into the United States.

No person shall move any logs imported into the United States from the port of first arrival unless and until an inspector notifies the person, in writing or through an electronic database, that the logs have been inspected and found to be apparently free of plant pests, and are in compliance with all regulations in this subpart.

• *Visual examination of logs at port of first arrival.* Logs imported into the United States which have been debarked in accordance with § 319.40–5(b) and can be safely and practically inspected would be visually examined for plant pests at the port of first arrival. Treatment appropriate to the logs and contained in the Treatment Manual will be required if plant pests are found.

• *Marking and identity of logs.* Logs, at the time of importation, must bear on the outer container (if in a container), on the logs (if not in a container), or on a waybill or other shipping document accompanying the logs the following information:

1. Identity and quantity of the logs;
2. Country where the trees from which the logs were derived were grown;
3. Name and address of the person importing the logs;
4. Name and address of consignee of the logs;
5. Identifying shipper's mark and number; and
6. Number of written permit authorizing the importation of the logs into the United States.

• *Sampling for plant pests at port of first arrival.* Any imported logs may be sampled by an inspector for plant pests at the port of first arrival.

Section 319.40–8 Costs and Charges

This section, which is consistent with the similar language in our other foreign quarantine regulations in part 319, addresses the availability of inspector services and the distribution of costs associated with importation of logs. The services of an inspector during regularly assigned hours of duty and at the usual places of duty will be furnished without cost to the importer. The inspector may require the importer to furnish any

special labor, chemicals, packing materials, or other supplies required in handling logs under this subpart. APHIS would not be responsible for any costs or charges, other than those identified in this section. Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Logs from New Zealand pose a serious threat of introducing plant pests into the United States. Losses caused by these plant pests represent a serious threat to the timber industry and the plant resources of the United States. Any delay in implementing these regulations could result in the introduction of plant pests from New Zealand into the United States.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register** including a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The United States has become the world's leading importer of wood and wood products. In 1990, the United States imported the equivalent of 34.4 million cubic meters of logs, lumber, and other wood products valued at about $5.1 billion. Total imports nearly tripled between 1950 and 1990, with most of this increase occurring after 1970. Historically, virtually all wood product imports have been from Canada.

Domestic production of logs, lumber, and other wood products has increased steadily since 1950. In roundwood equivalents, production in 1990 was 1.6 times greater than in 1950. Most timber production occurs in southern and western States. In 1990, Oregon and Washington accounted for about 16 percent of the total U.S. tree harvest.

Domestic logging companies are facing increasing challenges from conservation groups. Conservationists are opposed to many tree harvesting practices, especially clear cutting. In addition, concern over habitats for wildlife has raised questions about replacement of old growth/diversified forests with monoculture. Conservation issues are likely to limit future tree harvests in several northwestern States.

Nationally, commercial forest lands are projected to decrease by about 4 percent over the next 50 years. Production is likely to decline in the Pacific Northwest and increase in the South and Rocky Mountain States. Over the next 50 years, new technologies may allow wood products companies to remove larger amounts of wood products from each tree. A slightly limited domestic harvest combined with higher consumer demand would likely result in an increased demand for imported wood and wood products. Wood imports from alternative sources have the potential to introduce and disseminate exotic plant pests and diseases throughout the United States.

Alternative supplies of logs and other wood products have been located in New Zealand and other countries. This rule amends the foreign quarantine regulations by imposing new restrictions to regulate the importation of Douglas-fir and Monterey pine logs from New Zealand. This rule requires that Douglas-fir and Monterey pine logs from New Zealand meet specific requirements before being allowed entry into the United States. These new regulations are necessary to minimize the potential for the entry and dissemination of exotic plant pests and pathogens into the United States.

The Regulatory Flexibility Act requires that APHIS specifically consider the economic impact of regulations on small entities. At present, there are approximately 4,307 saw mills in the United States. According to Small Business Administration (SBA) data, 4,289 domestic sawmills (99.5 percent) are classified as small entities. Sawmills that employ fewer than 500 people are classified as small according to SBA criteria. Total sales volume for these small sawmills average about $2.2 million annually.

The United States has historically imported a negligible volume of Monterey pine and Douglas-fir from New Zealand. Imported New Zealand logs will likely supplement lumber production in Washington, Oregon, and northern California. Therefore, the economic impact will be concentrated in the Pacific Northwest.

New Zealand industry experts expect that the export of logs to the United States may reach 510,000 cubic meters per year and remain at that rate through the turn of the century. This represents about 3 percent of total annual New Zealand production. The United States currently imports about 6 million cubic meters of logs each year, mostly from Canada. New Zealand imports would comprise about 8 percent of total United States log imports. Potential imports of New Zealand logs represent less than 1 percent of the 60 million cubic meters of timber harvested in Washington, Oregon, and California each year.

Domestic log prices vary widely depending on species and wood quality. Current domestic prices for Monterey pine and Douglas-fir average about $60.67 and $73.33 per cubic meter, respectively. Therefore, if 510,000 cubic meters of logs are imported, APHIS estimates that the annual value of New Zealand log imports would range between $30.9 to $37.4 million, although the value of imports would likely be lower than $30 million during the initial year. This represents less than 1 percent of the annual multi-billion dollar U.S. timber harvest.

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

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. State and local laws and regulations regarding logs imported under this rule will be preempted while the logs are in foreign commerce. No retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this rule. The assessment provides a basis for the

conclusion that the importation of logs under the conditions specified in this rule will not present an unacceptable risk of introducing or disseminating plant pests and will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. In addition, copies may be obtained by writing to the individual listed under "FOR FURTHER INFORMATION CONTACT."

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to: (1) Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, and (2) Clearance Officer, OIRM, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

PART 319—FOREIGN QUARANTINE NOTICES

Accordingly, 7 CFR part 319 is amended by adding a new "Subpart—Logs from New Zealand" (7 CFR 319.40–1 through 319.40–8) as follows:

Subpart—Logs From New Zealand

Sec.

319.40–1 Definitions.
319.40–2 General prohibitions and restrictions.
319.40–3 Application for a permit to import logs; issuance and withdrawal of permits.
319.40–4 Importation and entry requirements for logs.
319.40–5 Treatments and safeguards.
319.40–6 Processing at facilities operating under compliance agreements.
319.40–7 Inspection and other requirements at port of first arrival.
319.40–8 Costs and charges.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 21 U.S.C. 136a; 7 CFR 2.17, 2.51, and 371.2(c).

Subpart—Logs From New Zealand

§ 319.40–1 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed to mean:

Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any employee of the United States Department of Agriculture to whom authority to act in his or her stead is delegated.

APHIS. The Animal and Plant Health Inspection Service, United States Department of Agriculture.

Certificate. A phytosanitary certificate of inspection relating to logs, which is issued by a plant protection official of New Zealand which contains a description of the logs, which certifies that the logs have been inspected, are believed to be free of plant pests, and are believed to be eligible for importation pursuant to the laws and regulations of the United States, and which contains any specific additional declarations required under this subpart.

Compliance agreement. A written agreement between APHIS and a person engaged in processing, handling, or moving logs, in which the person agrees to comply with the requirements of the compliance agreement.

Import (imported, importation). To bring or move into the territorial limits of the United States.

Inspector. Any individual authorized by the Administrator to enforce this subpart.

Log. The bole of a *Pinus radiata* (Monterey pine) or *Pseudotsuga menziesii* (Douglas-fir) tree from New Zealand; trimmed timber from such a tree that has not been further sawn.

Permit. A written authorization to import logs issued in accordance with § 319.40–3.

Plant pest. Any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts of parasitic plants, noxious weeds, viruses, or any organism similar to or allied with any of the foregoing, or any infectious substances, which can injure or cause disease or damage in any plants, parts of plants, or any products of plants.

Port of first arrival. The area (such as a seaport, airport, or land border station) where a person or a means of conveyance first arrives in the United States, and where inspection of logs is carried out by inspectors.

Sealed (sealable) container. A completely enclosed container designed for the storage or transportation of cargo by air, sea, rail, or truck, and constructed of metal, fiberglass, or other similarly sturdy and impenetrable material, providing an enclosure which prevents the entrance or exit of plant pests, and is accessed through doors that can be closed and secured with a lock or seal. Sealed (sealable) containers used for sea and air shipments are distinct and separable from the means of conveyance carrying them.

Treatment manual. The Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at 7 CFR 300.1 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

United States. All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

§ 319.40–2 General prohibitions and restrictions.

(a) No logs may be imported from New Zealand unless a permit has been issued for importation of the logs in accordance with § 319.40–3, and unless the logs meet all other applicable requirements of this subpart.

(b) Certificate required. Any logs imported must be accompanied by a certificate.

(c) Documentation of type, quantity, and origin of logs. Unless the certificate accompanying the logs contains the information required by this paragraph, imported logs must be accompanied by a document signed by the importer stating the genus and species of the trees from which the logs were derived, the country of origin, the quantity of logs to

be imported, and any treatment of the logs required by this subpart that were performed prior to arrival at the port of first arrival.

§ 319.40–3 Application for a permit to import logs; issuance and withdrawal of permits.

(a) *Application procedure.* A written application for a permit must be submitted to the Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782. The completed application must include the following information: [1]

(1) The specific type of logs to be imported, including the genus and species name of the trees from which the logs were derived;

(2) The country where the trees from which the logs were derived were harvested;

(3) The quantity of logs to be imported;

(4) A description of any processing, treatment, or special handling of the logs performed prior to importation into the United States;

(5) A description of any processing, treatment, or special handling of the logs intended to be performed following importation;

(6) Whether the logs will be imported in a sealed container or in ship's holds;

(7) The means of conveyance to be used to import the logs into the United States;

(8) The intended port of first arrival in the United States of the logs;

(9) The destination and intended use of the logs;

(10) The name and address of the applicant and, if the applicant's address is not within the United States, the name and address of an agent in the United States whom the applicant names for acceptance of service of process; and,

(11) A statement certifying the applicant as the importer of record.

(b) *Review of application and issuance of permit.* After receipt and review of the application, APHIS shall determine whether it appears that the logs, at the time of importation, will meet the importation requirements in § 319.40–4. If it appears that the logs proposed for importation will meet the requirements of § 319.40–4, a permit shall be issued for the importation of logs identified in the application.

(c) *Permit does not guarantee eligibility for import.* Even if a permit has been issued for the importation of logs, the logs may be imported only if all applicable requirements of this subpart are met and only if an inspector at the port of first arrival determines that no emergency measures pursuant to the Federal Plant Pest Act or other measures pursuant to the Plant Quarantine Act are necessary with respect to the logs.[2]

(d) *Withdrawal of permits.* Any permit which has been issued may be withdrawn by an inspector or the Administrator if he or she determines that the person to whom the permit was issued has not complied with a condition for the use of the permit or has violated any requirement of this subpart. If the withdrawal is oral, the decision to withdraw the permit and the reasons for the withdrawal of the permit shall be confirmed in writing as promptly as circumstances permit. Any person whose permit has been withdrawn may appeal the decision in writing to the Administrator within ten days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Administrator shall grant or deny the appeal, in writing, stating the reasons for granting or denying the appeal as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict. Rules of practice concerning the hearing shall be adopted by the Administrator.

§ 319.40–4 Importation and entry requirements for logs.

(a) *Requirements prior to importation.* Logs that are accompanied by a certificate stating that the logs meet the requirements of paragraph (a)(1) through (4) of this section, and that are consigned to a facility in the United States that operates in accordance with § 319.40–6, may be imported in accordance with this paragraph.

(1) The logs must be from live healthy trees which are free of plant pests, plant pest damage, and decay organisms.

(2) The logs must be debarked in accordance with § 319.40–5(b) prior to fumigation.

(3) The logs must be fumigated in accordance with § 319.40–5(d) within 45 days following the date the trees are felled and prior to arrival of the logs in the United States, in ship's holds or in sealed containers. If fumigation occurs in a sealed container, it must be the same sealed container that is exported to the United States.

(4) No other wood articles (other than wood packing materials that have been fumigated in accordance with § 319.40–5(d)) are permitted in a ship's hold with fumigated logs that are not in sealed containers, unless the other wood articles are in sealed containers. For fumigated logs in sealed containers, no other wood articles (other than wood packing materials that have been fumigated in accordance with § 319.40–5(d)) are permitted in the sealed container holding the fumigated logs. Logs on the vessel's deck must be in a sealed container.

(b) *Requirements upon arrival in the United States.* The following requirements apply upon arrival of the logs in the United States.

(1) The logs must be kept segregated from other wood articles from the time of discharge from the means of conveyance until the logs are completely processed at a facility in the United States that operates under a compliance agreement in accordance with § 319.40–6.

(2) The logs must be moved from the port of first arrival to the facility that operates under a compliance agreement in accordance with § 319.40–6 in as direct a route as reasonably possible.

(c) *Requirements at the processing facility.* Logs imported in accordance with paragraphs (a) and (b) of this section must be consigned to a facility operating under a compliance agreement in accordance with § 319.40–6 that includes the following requirements.

(1) Lumber sawn from the logs must be heat treated with moisture reduction in accordance with § 319.40–5(c) immediately after sawing.

(2) The logs, including sawdust, wood chips, or other products generated from the logs in the United States, must be

[1] Application forms for permits are available without charge from the Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782, or local offices of Plant Protection and Quarantine which are listed in telephone directories.

[2] Section 105(a) of the Federal Plant Pest Act (7 U.S.C. 150dd(a)) provides, among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or dispose of, in such manner as he deems appropriate, subject to section 105(d) of the Federal Plant Pest Act (7 U.S.C. 150dd(d)), any product or article, including any articles subject to this subpart, which is moving into or through the United States, and which he has reason to believe is infested or with any such plant pest at the time of such movement, or which has moved into the United States, and which he has reason to believe was infested with any such plant pest at the time of such movement. Section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 107 of the Federal Plant Pest Act (7 U.S.C. 150ff) also authorize measures against prohibited and restricted articles which are not in compliance with this subpart.

processed in accordance with this paragraph within 60 days from the time the logs are released from the port of first arrival.

(3) Sawdust, wood chips, and other products generated by sawing or processing the logs must be disposed of by burning, heat processing, or other processing that will destroy any plant pests associated with the articles. Composting and use as mulch are prohibited unless preceded by fumigation in accordance with § 319.40–5(d) or heat treatment with moisture reduction in accordance with § 319.40–5(c). Wood chips and sawdust may be moved in enclosed trucks for processing at another facility operating under a compliance agreement in accordance with § 319.40–6.

§ 319.40–5 Treatments and safeguards.

(a) *Certification of treatments or safeguards.* If APHIS determines that a certificate or other document required by this subpart for the importation of logs is inaccurate, the logs which are the subject of the certificate or other document required by this subpart shall be refused entry into the United States. In addition, APHIS may determine not to accept any further certificates for the importation of logs in accordance with this subpart from New Zealand if an inaccurate certificate is issued, and APHIS may determine not to allow the importation of any or all logs from New Zealand until corrective action acceptable to APHIS establishes that certificates issued in New Zealand will be accurate.

(b) *Debarking.* No more than 2 percent of the surface of all logs in a shipment may retain bark, with no single log retaining bark on more than 5 percent of its surface.

(c) *Heat treatment with moisture reduction.* This may employ dry heat, exposure to microwave energy, or any other method that raises the temperature of the center of each treated article to at least 56 °C., maintains the treated articles at that center temperature for at least 30 minutes, and reduces the moisture content of the treated article to 20 percent or less.

(d) *Methyl bromide fumigation.* The following minimum standard for methyl bromide fumigation treatment is authorized for logs. Any method of fumigation that meets or exceeds the specific temperature/time/concentration standards is acceptable. The entire log and the ambient air must be at a temperature of 5 °C. (41 °F.) or above throughout fumigation. The fumigation must be conducted using schedule T–404 contained in the Treatment Manual, or, using any fumigation method with an initial methyl bromide concentration of at least 120 g/m^3 with exposure and concentration levels adequate to provide a concentration-time product of at least 1920 gram-hours calculate on the initial dosage.

§ 319.40–6 Processing at facilities operating under compliance agreements.

(a) Any person who processes logs imported into the United States may enter into a compliance agreement to facilitate the importation of logs under this subpart. The compliance agreement shall specify the requirements necessary to prevent spread of plant pests from the processing facility, requirements to ensure the processing method effectively destroys plant pests, and may require application of specified chemical materials in accordance with the Treatment Manual. Compliance agreement forms may be obtained from the Administrator or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement, orally or in writing, whenever the inspector finds that the person who entered into the compliance agreement has failed to comply with the conditions of the compliance agreement. If the cancellation is oral, the decision to cancel the compliance agreement and the reasons for cancellation of the compliance agreement shall be confirmed in writing, as promptly as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to the Administrator within ten days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. The Administrator shall grant or deny the appeal, in writing, stating the reasons for granting or denying the appeal, as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

§ 319.40–7 Inspection and other requirements at port of first arrival.

(a) *Procedures for all logs.* (1) All logs imported into the United States shall be inspected at the port of first arrival, and shall be cleaned or treated as required by an inspector, and the logs and any products of the logs shall be subject to reinspection, cleaning, and treatment at the option of an inspector at any time and place before all applicable requirements of this subpart have been accomplished.

(2) Logs shall be assembled for inspection at a place and time and in a manner designated by an inspector.

(3) If an inspector finds that a shipment of logs imported into the United States is so infested with a plant pest that, in the judgment of the inspector, the logs cannot be cleaned or treated, or contains soil or other prohibited contaminants, the entire shipment may be refused entry into the United States.

(4) No person shall move any logs imported into the United States from the port of first arrival unless and until an inspector notifies the person, in writing or through an electronic database, that the logs:

(i) Have been inspected and found to be apparently free of plant pests, and

(ii) Are in compliance with this subpart.

(b) *Visual examination of logs at port of first arrival.* Logs imported into the United States that can be safely and practically inspected will be visually examined for plant pests at the port of first arrival. Treatment appropriate to the logs and contained in the Treatment Manual will be required if plant pests are found or if the logs cannot be safely or practically inspected.

(c) *Marking and identity of logs.* Logs, at the time of importation, shall bear on the outer container (if in a container), on the logs (if not in a container), or on a document accompanying the logs the following information.

(1) Identity and quantity of the logs.

(2) Country where the trees from which the logs were derived were grown.

(3) Name and address of the person importing the logs.

(4) Name and address of consignee of the logs.

(5) Identifying shipper's mark and number, and

(6) Number of written permit authorizing the importation of the logs into the United States.

(d) *Sampling for plant pests at port of first arrival.* Logs imported into the United States may be sampled by an inspector for plant pests at the port of first arrival.

§ 319.40–8 Costs and charges.

The services of an inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.[3] The inspector may require the importer to furnish any special labor, chemicals, packing materials, or other supplies

[3] Provisions relating to costs for other services of an inspector are contained in Part 354 of this chapter.

required in handling logs under this subpart. APHIS will not be responsible for any costs or charges, other than those identified in this section.

Done in Washington, DC, this 19th day of January 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93–3522 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Parts 911 and 915

[Docket No. FV92–911–1IFR]

Expenses and Assessment Rates for the Marketing Orders Covering Limes and Avocados Grown in Florida

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and established assessment rates for the Florida Lime Administrative Committee and Avocado Administrative Committee (committees) under M.O. Nos. 911 and 915 for the 1993–94 fiscal year (February 1–March 31). Authorization of these budgets enable the committees to incur expenses that are reasonable and necessary to administer their respective programs. Funds to administer these programs are derived from assessments on handlers.

DATES: Effective beginning February 1, 1993, through March 31, 1994. Comments received by March 18, 1993 will be considered prior to issuance of a final rule.

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

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone: (202) 690–0992.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Order No. 911 (7 CFR part 911) regulating the handling of limes grown in Florida and 915 (7 CFR part 915) regulating the handling of avocados grown in Florida. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, limes and avocados grown in Florida are subject to assessments. It is intended that the assessment rates specified herein will be applicable to all assessable limes and avocados handled during the 1993–94 fiscal year, beginning February 1, 1993, through March 31, 1994. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 20 handlers of limes and 40 handlers of avocados regulated under the marketing orders each season and approximately 260 lime and 300 avocado producers in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR § 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

The lime and avocado marketing orders, administered by the Department, require that the assessment rates for a particular fiscal year apply to all assessable limes and avocados handled from the beginning of such year. Annual budgets of expenses are prepared by the committees, the agencies responsible for local administration of their respective marketing orders, and submitted to the Department for approval. The members of the committees are lime and avocado handlers and producers. They are familiar with the committees' needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate appropriate budgets. The committees' budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rates recommended by the committees are derived by dividing the anticipated expenses by expected shipments of limes and avocados (in bushels). Because those rates are applied to actual shipments, they must be established at rates which will provide sufficient income to pay the committees' expected expenses.

The Florida Lime Administrative Committee met on December 9, 1992, and unanimously recommended total expenditures for the 1993–94 fiscal year of $106,346 with an assessment rate of $0.16 per bushel. The committee anticipates shipments of 450,000/55 lb. bushels of limes into fresh market channels, which should generate an estimated income of $72,000.

The Avocado Administrative Committee also met on December 9, 1992, and unanimously recommended total budget expenditures of $106,346 and an assessment rate of $0.16 per bushel for the 1993–94 fiscal year. Avocado shipments into fresh market channels are anticipated by the committee at 150,000/55 lb. bushels,

generating an estimated income of $24,000.

Due to the hurricane that hit the production area last August, the committees' budget for the 1993–94 fiscal year are smaller than those of the 1991–92 fiscal year but the assessment rates for limes and avocados have remained the same. The committee have projected deficits of $32,346 and $81,346, respectively. The committees' available reserve funds plus earned interest should be sufficient to cover their projected deficits.

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

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

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because:

(1) The committees need to have sufficient funds to pay their expenses which are incurred on a continuous basis;

(2) The fiscal year for the committees begins February 1, 1993, and the marketing orders require that the rates of assessment for the fiscal year apply to all assessable limes and avocados handled during the fiscal year;

(3) Handlers are aware of this action which was unanimously recommended by the committees to public meetings and which are similar to budgets issued in past years; and

(4) This interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects

7 CFR Part 911

Marketing agreements, Limes, Reporting and recordkeeping requirements.

7 CFR Part 915

Marketing agreements, Avocados, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Parts 911 and 915 are amended as follows:

PART 911—LIMES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 911 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

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

2. A new § 911.232 is added to read as follows:

§ 911.232 Expenses and assessment rate.

Expenses of $106,346 by the Florida Lime Administrative Committee are authorized and an assessment rate of $0.16 per bushel of assessable limes is established for the fiscal period ending March 31, 1994. Unexpended funds from the 1992–93 fiscal year may be carried over as a reserve.

PART 915—AVOCADOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 915 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674.

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

2. A new § 915.232 is added to read as follows:

§ 915.232 Expenses and assessment rate.

Expenses of $106,346 by the Avocado Administrative Committee are authorized and an assessment rate of $0.16 per bushel of assessable avocados is established for the fiscal period ending March 31, 1994. Unexpended funds from the 1992–93 fiscal year may be carried over as a reserve.

Dated: February 9, 1993.

Robert C. Keeney,

Deputy, Director, Fruit and Vegetable Division.

[FR Doc. 93–3519 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 916

[Docket No. FV–92–916–1]

Nectarines Grown in California; Relaxation of Minimum Size Requirements for May Glo Variety Nectarines and Revision of Variety-Specific Size Requirements for Nectarines

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule relaxes the minimum size requirement for fresh shipments of May Glo variety nectarines to size 108 from the current size 96 for the period April 15 through May 5 of each year, after which the minimum size will revert back to size 96 for the remainder of the season. This rule also adds 14 varieties of nectarines to variety-specific size requirements and deletes 4 varieties from those requirements. Implementing these changes as specified should result in more suitable sizes of nectarines being shipped to the fresh market, and increased returns to California nectarine growers.

DATES: This interim final rule becomes effective April 15, 1993. Comments which are received by March 18, 1993 will be considered prior to issuance of any final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone: (202) 720–5127; or Terry Vawter, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing

Order No. 916 (7 CFR part 916) regulating the handling of nectarines grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This interim final rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 245 California nectarine handlers subject to regulation under the marketing order covering nectarines grown in California, and about 740 producers of nectarines in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. A majority of these handlers and producers may be classified as small entities.

Fresh California nectarine shipments are regulated during the period April 15 through October 31 each year by grade, maturity, and size under California Nectarine Grade and Size Regulation (7 CFR 916.356, as amended at 57 FR 27348, June 19, 1992, and 57 FR 42681, September 16, 1992). These regulations have been issued on a continuing basis subject to amendment, modification, or suspension as may be recommended by the Nectarine Administrative Committee (committee) and approved by the Secretary. The committee met on December 2, 1992, and unanimously recommended that the minimum size requirements for May Glo variety nectarines be relaxed and that variety-specific size requirements be established for 14 varieties and that such requirements be removed for 4 varieties.

The interim final rule relaxes the minimum size requirements for the May Glo variety nectarines to size 108 from size 96 for the period April 15 through May 5 of each year by amending paragraphs (a)(2) and (a)(3) of § 916.356. Paragraph (a)(3) provides that no handler shall ship any package or container of May Glo variety nectarines unless the nectarines, when packed in molded forms (tray packs) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 nectarines in the lug box, and unless such nectarines, when packed otherwise, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 87 nectarines. Such nectarines are referred to as size 96 fruit. Paragraph (a)(2) provides, for certain other specified varieties, that no handler shall ship any package or container of such nectarines unless the nectarines, when packed in molded forms (tray packs) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box, and unless such nectarines, when packed otherwise, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 92 nectarines. Such nectarines are referred to as size 108 fruit.

The minimum size requirements established for California nectarines recognize that larger sized nectarines provide greater consumer satisfaction than those of smaller sizes. Different minimum size requirements have been issued for the various nectarine varieties, reflecting both seasonal and varietal influences which affect average fruit sizes. Smaller minimum sizes generally have been established for earlier maturing varieties, while later maturing varieties, since they tend to attain a larger size at maturity, have been required to meet larger minimum sizes.

The desert area of the Coachella Valley is the growing area in California with the earliest nectarine harvests. Fruit grown in this area generally does not size as well as fruit grown in other areas of the State, due to the onset of very hot weather early in season which retards further fruit growth and results in a relatively short growing season. In general, fruit grown in the Coachella Valley is smaller in size than fruit grown in other parts of the State. Nectarines have been grown commercially in the Coachella Valley for about seven years.

Most May Glo variety nectarines in California are grown in the Coachella Valley where they mature very early in the season at relatively small sizes compared with most other nectarine varieties grown in the State.

The May Glo harvest season is expected to begin about mid-April in the Coachella Valley, and continue for about three weeks, depending on temperatures during the harvest period. May Glo variety nectarines from other parts of the State will continue to be shipped for several more weeks and are expected to reach the size 96 level. The size relaxation for May Glo variety nectarines is for the period of April 15 through May 5 of each year.

It is the Department's view that this action will provide handlers and growers additional opportunities for marketing May Glo variety nectarines each year. This action essentially adopts on a permanent basis a size change for the May Glo variety that was successfully adopted on a seasonal basis last year.

Section 916.356 currently specifies size requirements for fresh nectarines in paragraphs (a)(2) through (a)(9). This rule amends § 916.356 to establish variety-specific size requirements for 14 nectarine varieties, and remove 4 varieties from variety-specific size requirements. Paragraph (a)(5) of § 916.356 is revised to include the April Glo, August Glo, Big Jim, Early Red Jim, June Brite, May Lion, Nectarine #4, Red

May, Rose Diamond, Summer Fire, Summer Lion, Sunburst, Zee Grand, and 9–86–04–87 varieties. This rule also removes the Del Rio, Gold King, Larry's Grand, and Red Grand nectarine varieties from the variety-specific size requirements specified in § 916.356, because less than 5,000 packages of each of these varieties were produced during the 1992 season. Nectarine varieties removed from the nectarine variety-specific list become subject to the non-listed variety size requirements specified in paragraphs (a)(6), (a)(7), and (a)(8) of § 916.356.

Variety-specific size requirements are applied to a particular nectarine variety when that variety is first produced in commercially significant quantities during a particular season. The committee considers such quantity to be 10,000 packages during a season, the same quantity used during the past several seasons. Nectarine varieties that exceeded 10,000 shipped packages during the 1992 season are included in this rule to be regulated under variety-specific size requirements for each fruit.

The nectarine varieties being removed from the variety-specific size requirement list for 1993 season shipments were not produced during the 1992 season in quantities significant enough to warrant variety-specific size coverage. These varieties become subject to minimum size requirements for non-listed varieties, because they still warrant some size coverage. The size requirements established for non-listed varieties are generally less restrictive than those for listed varieties, but help provide retailers and consumers with the sizes of fruit they prefer.

This action is designed to establish minimum size requirements for such fruit consistent with expected crop and market conditions, and to help the California nectarine industry to provide those sizes of fresh fruit desired by consumers. The size requirements for nectarine varieties not mentioned in this rule remain the same as those currently in effect. Conforming changes are being made with regard to paragraphs (a)(6) through (a)(9).

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

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other information, it is found that this action will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect because:

(1) It would be beneficial to nectarine growers and handlers to be apprised of this action as soon as possible;

(2) This action relaxes size requirements for May Glo variety nectarines;

(3) The other changes in this action are in accord with a size policy applied for many years;

(4) California nectarine handlers are aware of this action which was unanimously recommended by the committee at a public meeting; and

(5) The rule provides a 30-day comment period, and any written comments received will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 916 is amended as follows:

PART 916—NECTARINES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 916 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 916.356 is amended by removing paragraph (a)(9) and revising the introductory text of paragraphs (a)(2), (a)(3), (a)(5), (a)(6), (a)(7), and (a)(8) to read as follows:

Note: This section will appear in the Code of Federal Regulations.

§ 916.356 California nectarine grade and size regulation.

(a) * * *

(2) Any package or container of May Glo variety nectarines through May 5 of each year, or Aurelio Grand, Maybelle, Mayfire, or Royal Delight variety nectarines, unless:

* * * * *

(3) Any package or container of May Glo variety nectarines on or after May 6 of each year, or Early Glo, or Early Diamond variety nectarines, unless:

* * * * *

(5) Any package or container of Alshir Red, Alta Red, April Glo, August Glo, August Red, Autumn Delight, Autumn Grand, Big Jim, Bob Grand, Early Red Jim, Early Sungrand, Fairlane, Fantasia, Firebrite, Flamekist, Flaming Red, Flavor Grand, Flavortop, Flavortop I, Grand Diamond, Independence, July Red, June Brite, King Jim, Kism Grand, Late Le Grand, Le Grand, May Lion, Mid Glo, Moon Grand, Nectarine #4, Niagara Grand, P–R Red, Red Diamond, Red Free, Red Jim, Red Lion, Red May, Rio Red, Rose Diamond, Royal Giant, Ruby Grand, Scarlet Red, September Grand, September Red, Son Red, Sparkling June, Sparkling Red, Spring Diamond, Spring Red, Summer Beaut, Summer Bright, Summer Diamond, Summer Fire, Summer Grand, Summer Lion, Summer Red, Summer Star, Sunburst, Sun Diamond, Sun Grand, Super Red, Super Star, Tasty Free, Tasty Gold, Tom Grand, Zee Glo, Zee Grand, 181–119, 80P–1135, or 9–86–04–87, variety nectarines unless:

* * * * *

(6) During the period April 15 through May 31 of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named in paragraphs (a)(2), (3), (4), or (5) of this section unless:

* * * * *

(7) During the period June 1 through June 30 of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named in paragraphs (a)(2), (3), (4), or (5) of this section unless:

* * * * *

(8) During the period July 1 through October 31 of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named in paragraphs (a)(2), (3), (4), or (5) of this section unless:

* * * * *

Dated: February 9, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–3521 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 927

[Docket No. FV92–927–1FIR]

Expenses and Assessment Rates for Marketing Order Covering Winter Pears Grown in Oregon, Washington, and California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule the provisions of the interim final rule (without change) authorizing expenditures and establishing assessment rates under Marketing Order No. 927 for the 1992–93 fiscal period. Authorization of this budget enables the

Winter Pear Control Committee (committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer the program are derived from assessments on handlers.

EFFECTIVE DATE: July 1, 1992, through June 30, 1993.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, telephone 202–690–0992.

SUPPLEMENTARY INFORMATION: This rule is effective under Marketing Agreement and Order No. 927 (7 CFR Part 927), regulating the handling of pears grown in Oregon, Washington, and California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of Marketing Order No. 927 now in effect, pears are subject to assessments. It is intended that the assessment rates as issued herein will be applicable to all assessable pears handled during the 1992–93 fiscal period which began July 1, 1992. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 85 handlers of pears subject to regulation under Marketing Order No. 927, and approximately 1,850 pear producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of pear producers and handlers may be classified as small entities.

The budget of expenses for the 1992–93 fiscal period was prepared by the committee, the agency responsible for local administration of the marketing order in its area, and submitted to the Department for approval. The members of the committee are handlers and producers of pears. They are familiar with the committee's needs and with the costs of goods and services in its area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in public meetings. Thus, all directly affected persons have had an opportunity to participate and provide input.

The committee initially met on May 29, 1992, and recommended 1992–93 expenditures of $6,039,367, an increase of $908,751 from the 1991–92 fiscal year, and an assessment rate of $0.415 per standard box equivalent, which is a $0.035 increase from last year. In addition, the committee approved an additional assessment rate of $0.03 per standard box equivalent on Anjou variety pears. This action was published as an interim final rule in the **Federal Register** (57 FR 39107, August 28, 1992). That rule also provided a 30-day comment period which ended September 28, 1992. No comments were received.

The committee met again on September 29, 1992, and unanimously recommended to increase 1992–93 fiscal period expenditures to $6,716,983, and to increase the basic assessment rate to $0.43 per standard box equivalent. This brings the total increase in expenses to $1,586,367 and the total assessment rate increase to $0.05 from the 1991–92 fiscal year. In addition, the supplemental assessment rate for Anjou pears was unanimously recommended to be increased to $0.09 per standard box equivalent which gives a total assessment rate of $0.52 per standard box equivalent on Anjou pears for the 1992–93 fiscal period. This supplemental assessment will be used to fund Ethoxyquin research. This action was published as an interim final rule in the **Federal Register** (57 FR 54903, November 23, 1992). That rule also provided a 30-day comment period which ended December 23, 1992. No comments were received.

These expenditures are primarily for paid advertising and promotion, winter pear improvement and program administration. Aside from the major budget increases which occurred for winter pear improvement, Ethoxyquin research, paid advertising, and contingency line items, most of the expenditures items are budgeted at about last year's amounts. Small increases were made for salaries, professional services, district representatives fees, and industry development.

Assessment income for the 1992–93 fiscal period is expected to total $6,230,000 based on shipments of 12,500,000 packed boxes of pears at $0.43 per standard box or equivalent plus an additional $0.09 per standard box of Anjou pears. Other available funds include $150,000 of voluntary payments on assessments of intrastate shipments, $10,000 of prior year assessments, a reserve of $301,983 carried into this fiscal period, and $25,000 of miscellaneous income including interest bearing accounts. Total funds available equal $6,716,983, the same as the recommended budget.

The committee also unanimously recommended that any unexpended funds or excess assessments from the 1991–92 fiscal period be placed in its reserve. The reserve is within the limits authorized under the marketing order.

The assessment rates recommended by the committee were derived by dividing anticipated expenses by expected shipments of pears. Because the rates will be applied to actual shipments, they must be established at rates that will provide sufficient income to pay the committee's expenses.

While this action will impose some additional costs on pear handlers, the costs are in the form of uniform assessments on all handlers. Some of

the additional costs may be passed on to pear producers. However, these costs will be offset by the benefits derived from the operation of the marketing order.

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

After consideration of all relevant material presented, including the committee's recommendations, and other available information, it is found that this final rule, as hereinafter set forth will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The committee needs to have sufficient funds to pay its expenses. Such expenses are incurred on a continuous basis. The 1992–93 fiscal period for the committee began on July 1, 1992. Marketing Order No: 927 requires that any rate of assessment for a fiscal period apply to all assessable pears handled during that fiscal period. In addition, handlers are aware of this action which was recommended by the committee at public meetings. No comments were received concerning the interim final rule that is adopted in this action as a final rule without change.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 927 is amended as follows:

PART 927—WINTER PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

1. The authority citation for 7 CFR part 927 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Accordingly, the interim final rule adding § 927.232, which was published in the **Federal Register** (57 FR 54903, November 23, 1992) is adopted as a final rule.

Dated: February 9, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–3500 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 932

[Docket No. FV92–932–1IFR]

Expenses and Assessment Rate for the Marketing Order Covering Olives Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate for the California Olive Committee (committee) under M.O. No. 932 for the 1993 fiscal year (January 1—December 31). Authorization of this budget enables the committee to incur expenses that are reasonable and necessary to administer this program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning January 1, 1993 through December 31, 1993. Comments received by March 18, 1993 will be considered prior to issuance of a final rule.

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

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, D.C. 20090–6456, telephone: (202) 690–0992.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Order No. 932 (7 CFR part 932), both as amended, regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, olives grown in California are subject to assessments. It is intended that the assessment rate specified herein will be applicable to all assessable olives handled during the 1993 fiscal year, beginning January 1, 1993, through December 31, 1993. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 5 handlers of olives regulated under the marketing order each season and approximately 1,350 olive producers in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

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

The assessment rate recommended by the committee is derived by dividing the anticipated expenses by expected shipments of olives (in tons). Because that rate is applied to actual shipments, it must be established at a rate which will provide sufficient income to pay the committee's expected expenses.

The committee met on December 10, 1992, and unanimously recommended total expenditures for the 1993 fiscal year of $2,796,000 with an assessment rate of $25.75 per ton based on an assessable tonnage of 147,000 tons from the record 1992 olive crop. In comparison, this is a $963,770 increase in expenditures and a $5.07 increase in the assessment rate from the 1992 fiscal period.

The increase in expenses is primarily for administrative costs, production research, market development, and the completion of a comprehensive grower acreage survey. Due to the anticipation of a smaller olive crop in 1993, the assessment rate increase is deemed necessary because it will provide for an increase in the committee's reserves at the end of the 1993 fiscal year that will be used in the 1994 fiscal year. The projected reserves at the end of the 1993 fiscal year would not exceed the amount permitted under the marketing order of one fiscal year's expenses.

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

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

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because:

(1) The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis;

(2) The fiscal year for the committee began January 1, 1993, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable olives handled during the fiscal year;

(3) Handlers are aware of this action which was unanimously recommended by the committee at a public meeting and which is similar to budgets issued in past years; and

(4) This interim final rule provides a 30 day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

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

2. A new § 932.226 is added to read as follows:

§ 932.226 Expenses and assessment rate.

Expenses of $2,796,000 by the California Olive Committee are authorized and an assessment rate of $25.75 per ton of assessable olives is established for the fiscal period ending December 31, 1993. Unexpended funds from the 1992 fiscal year may be carried over as a reserve.

Dated: February 9, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division

[FR Doc. 93–3520 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 948

[Docket No. FV92–948–1IFR]

Irish Potatoes Grown in Colorado: Reapportionment of Area 2 Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule reapportions producer membership of the Area 2 Committee by moving one of the three producer member and alternate member positions of Rio Grande County to Alamosa County. Both counties have approximately the same percentage of harvested acreage and potato production of Area 2. This action will divide the four producer and alternate member positions evenly between the two counties and provide for more equitable representation on the Area 2 Committee.

DATES: This interim final rule is effective February 16, 1993. Comments received by March 18, 1993 will be considered prior to finalization of the rule.

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

FOR FURTHER INFORMATION CONTACT: Gary Olson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 SW. Third Avenue, room 369, Portland, Oregon 97204, telephone (503) 326–2724; or Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone (202) 690–0464.

SUPPLEMENTARY INFORMATION: This action is taken pursuant to Marketing Agreement No. 97 and Order No. 948 (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado. The

marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a non-major rule.

This rule has bee reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has a principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

In the Area 2 production area, there are approximately 285 producers of Colorado potatoes, and 118 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000 and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of the producers and handlers may be classified as small entities.

The Colorado Potato Administrative Committee, San Luis Valley Office (Area 2 Committee), met December 16, 1992, and unanimously recommended that producer membership on the Area 2 Committee be reapportioned. This is authorized by § 948.53 Reestablishment which allows the Secretary, upon recommendation of area committees, to make changes in the distribution of membership among subdivisions of areas, when properly justified.

The Area 2 Committee consists of 12 members, each with an alternate. Seven members represent producers and five members represent handlers. at the present time, Rio Grande County is represented by three producer members. Three counties, Alamosa, Saguache, and Conejos, are represented by one member each. All other counties in Area 2 are represented by one member. The Area 2 Committee recommended that one member and alternate position be moved from Rio Grande County to Alamosa County, which would give Rio Grande County two members instead of three, and Alamosa County two members instead of one.

In the San Luis Valley, virtually all arable land in Rio Grande County is now in use. Any increase in potato acreage must be at the expense of other crops. However, Alamosa County has unused land available for expansion. It is this land that has provided the steady increase in potato acreage for Area 2 over the last seven years. Nearly all of the increased production is due to land being cleared of sagebrush, flushed of alkali, and planted for the first time.

Statistical information provided by the Area 2 Committee was furnished by the Colorado Department of Agriculture, and indicates that the Area 2 Committee's request for reapportionment is valid. Harvested acreage for the 1988 through 1992 seasons indicates that Rio Grande County, with three members, averaged 38 percent of Area 2's production, while Alamosa County, with 1 member, averaged 32 percent. During the same season, Saguache County averaged 21 percent of the total, Costilla County, 5 percent, and Conejos County, 3 percent.

The statistical data indicate that potato production closely follows harvested acreage. In 1991–92, the most recent season for which production data are available, Rio Grande County produced nearly 8.6 million hundredweight, or 37 percent of Area 2's total production. During the same season, Alamosa County produced 7.2 million hundredweight, or 30 percent of the total, while Saguache County produced 5.2 million hundredweight, or 22 percent. Conejos and Costilla Counties produced 0.9 and 1.7 million hundredweight, 4 and 7 percent, respectively.

The Area 2 Committee believes that this recommendation is consistent with balanced committee representation. The Area 2 Committee discussed redistricting to combine Conejos and Costilla Counties with the lowest production, and decided not to recommend such action at this time. The production areas of Costilla and Conejos Counties are separated by 25 miles, and each has its own unique characteristics, including different soil types and different cultural and irrigation techniques. The Area 2 Committee members believe that merging these two disparate groups of producers under one representative could leave producers in one of the counties without representation.

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

After consideration of the Area 2 Committee's recommendations and other relevant information presented, it is found that the changes as set forth in this interim final rule will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because:

(1) The recommendation was discussed at a public meeting and affected persons have had an opportunity to provide input into recommendation;

(2) The committee's recommendation was unanimous;

(3) This action should be in effect before the middle of March to allow the Area 2 committee to conduct nominations based on this reapportionment for the marketing year starting June 1, 1993; and

(4) This action provides a 30-day comment period, and any comments, timely received, will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

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

PART 948—IRISH POTATOES GROWN IN COLORADO

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

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 948.150 Reestablishment of committee membership is amended by revising paragraph (a) to read as follows:

§ 948.150 Reestablishment of committee membership.

* * * * *

(a) Area No. 2 (San Luis Valley): Seven producers and five handlers selected as follows:

Two (2) producers from Rio Grande County;
One (1) producer from Saguache County;
One (1) producer from Conejos County;
Two (2) producers from Alamosa County;
One (1) producer from all other counties in Area No. 2.
Two (2) handlers representing bulk handlers in Area No. 2;
Three (3) handlers representing handlers in Area No. 2 other than bulk handlers.

* * * * *

Dated: February 9, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–3517 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34–31837]

Delegation of Authority to the Office of General Counsel

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The General Counsel will be delegated authority to assert governmental privileges on behalf of the Commission in litigation where the Commission appears as a party or in response to third party subpoenas. This delegation would spare the Commissioners and their staff from having to review assertions of privilege which are noncontroversial and implicate no policy issues. The effect would be to allow the staff to respond to court deadlines more expeditiously and to promote efficiency in responding to subpoenas and other discovery requests.

EFFECTIVE DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: James A. Brigagliano, Assistant General Counsel, 272–2871, Linda B. Stirling, Special Counsel, 272–2690.

SUPPLEMENTARY INFORMATION: The General Counsel is authorized to assert governmental privileges when they are well grounded in law and fact and when the public interest in nondisclosure outweighs the private litigant's interest in the privileged information. The law enforcement privilege may be asserted to protect from premature disclosure information compiled for law enforcement purposes, the disclosure of which could reasonably be expected to interfere with an ongoing law enforcement investigation. The deliberative process privilege may be asserted to prevent injury to the quality of the Commission's decision-making process when the information sought is predecisional and deliberative in nature. The informant's privilege may be asserted where disclosure of the information may tend to reveal the identity of persons who have furnished information concerning possible violations of the law.

The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A), that this revision relates solely to agency organization, procedures, or practices. It is therefore not subject to the provisions of the Administrative Procedure Act requiring notice and opportunity for comment. Accordingly, it is effective February 16, 1993.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of Information, Privacy, Securities.

Text of Amendment

For the reasons set out in the Preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for part 200, subpart A continue to read as follows:

Authority: 15 U.S.C. 77s, 78d–1, 78d–2, 78w, 79t, 77sss, 80a–37, 80b–11, unless otherwise noted.

2. Section 200.30–14 is amended by revising paragraph (f) to read as follows:

§ 200.30–14 Delegation of authority to the General Counsel.

* * * * *

(f) Approve non-expert, non-privileged, factual testimony by present or former staff members, and the production of non-privileged documents, when validly subpoenaed; and assert governmental privileges on behalf of the Commission in litigation where the Commission appears as a party or in response to third party subpoenas.

* * * * *

Dated: February 9, 1993.
By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3509 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Ivermectin and Pyrantel (as Pamoate Salt)

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Merck Research Laboratories, Division of Merck & Co., Inc. The NADA provides for the oral use of a chewable tablet containing ivermectin and pyrantel (as pamoate salt) in dogs to prevent canine heartworm disease and for treatment and control of adult ascarid and hookworm infections.

EFFECTIVE DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV–112), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8614.

SUPPLEMENTARY INFORMATION: Merck Research Laboratories, Division of Merck & Co., Inc., P.O. Box 2000, Rahway, NJ 07065, filed NADA 140–971, which provides for the use of Heartgard–30® Plus containing 68 micrograms (µg) of ivermectin and 57 milligrams (mg) of pyrantel (as pamoate salt), or 136 µg and 114 mg, or 272 µg

and 227 mg, respectively. The product provides a minimum of 6 µg of ivermectin and 5 mg of pyrantel (as pamoate salt) per kilogram (2.72 µg and 2.27 mg per pound) of body weight to prevent canine heartworm disease by eliminating the tissue larval stages of *Dirofilaria immitis* for up to a month (30 days) after infection and treatment and control of adult ascarids *Toxocara canis* and *Toxascaris leonina*, and adult hookworms *Ancylostoma caninum* and *Uncinaria stenocephala*. The NADA is approved as of January 15, 1993, and the regulations are amended in 21 CFR part 520 by adding new § 520.1196 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)) provides a 3-year period of exclusivity to this original NADA beginning January 15, 1993, because new clinical or field investigations (other than bioequivalence or residue studies) essential to this approval were conducted or sponsored by the applicant.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. New § 520.1196 is added to read as follows:

§ 520.1196 Ivermectin and pyrantel (as pamoate salt) chewable tablet.

(a) *Specifications.* Each chewable tablet contains either 68 micrograms (µg) of ivermectin and 57 milligrams (mg) of pyrantel (as pamoate salt), or 136 µg and 114 mg, or 272 µg and 227 mg, respectively.

(b) *Sponsor.* See 000006 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Dogs*—(i) *Amount.* A minimum of 6 µg of ivermectin and 5 mg of pyrantel (as pamoate salt) per kilogram (2.72 µg and 2.27 mg per pound) of body weight.

(ii) *Indications for use.* To prevent canine heartworm disease by eliminating the tissue larval stages of *Dirofilaria immitis* for up to a month (30 days) after infection and treatment and control of adult ascarids *Toxocara canis* and *Toxascaris leonina*, and adult hookworms *Ancylostoma caninum* and *Uncinaria stenocephala.*

(iii) *Limitations.* Use monthly. Not to be used in dogs under 6 weeks of age. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) [Reserved]

Dated: February 5, 1993.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 93–3429 Filed 2–12–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Yohimbine Injectable

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Wildlife Laboratories, Inc. The NADA provides for the use of yohimbine sterile injection as an antagonist to xylazine sedation in free ranging or confined members of the family Cervidae.

EFFECTIVE DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV–112), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8614.

SUPPLEMENTARY INFORMATION: Wildlife Laboratories, Inc., 1401 Duff Dr., suite 600, Fort Collins, CO 80524, filed NADA 140–874 which provides for the use of Antagonil™ Sterile Injection (5 milligrams per milliliter yohimbine hydrochloride) for use as an antagonist to xylazine sedation in free ranging or confined members of the family Cervidae (deer and elk). The NADA is approved as of February 3, 1993, and 21 CFR 522.2670 is revised to reflect the approval. The basis for approval is discussed in the freedom of information summary.

Under the Generic Animal Drug and Patent Term Restoration Act of 1988 and section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years of marketing exclusivity beginning February 3, 1993, because new clinical or field investigations were required for its approval.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 522.2670 is revised to read as follows:

§ 522.2670 Yohimbine injectable.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains either 2 or 5 milligrams of yohimbine (as hydrochloride).

(b) *Sponsor.* See 032998 in § 510.600(c) of this chapter for use of 2 milligrams per milliliter solution in dogs.

(1) *Amount.* 0.05 milligram per pound (0.11 milligram per kilogram) of body weight.

(2) *Indications for use.* To reverse the effects of xylazine in dogs.

(3) *Limitations.* For intravenous use in dogs only. Not for use in food-producing animals. Safety of use in pregnant dogs or in dogs intended for breeding has not been established. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(c) *Sponsor.* See 053923 in § 510.600(c) of this chapter for use of 5 milligrams per milliliter solution in deer and elk.

(1) *Amount.* 0.2 to 0.3 milligram per kilogram of body weight.

(2) *Indications for use.* As an antagonist to xylazine sedation in free ranging or confined members of the family Cervidae (deer and elk).

(3) *Limitations.* For intravenous use only. Do not use in domestic food-producing animals. Do not use for 30 days before or during hunting season. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: February 3, 1993.

Richard H. Teske,

Deputy Director, Center for Veterinary Medicine.

[FR Doc. 93-3428 Filed 2-12-93; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 77

Safety Standards for Refuse Piles and Waste Impoundment Dams at Surface Coal Mines and Surface Work Areas of Underground Coal Mines.

CFR Correction

In title 30 of the Code of Federal Regulations, parts 1 to 199, revised as of July 1, 1992, the superseded text of newly revised § 77.216-5 was inadvertently printed on page 656, and should be removed.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 93-007]

Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between October 1, 1992 and December 31, 1992, which were not published in the Federal Register. This quarterly notice lists temporary local regulations, security zones, and safety zones, which were of limited duration and for which timely publication in the Federal Register was not possible.

DATES: This notice lists temporary Coast Guard district regulations that were established and terminated between October 1, 1992 and December 31, 1992, as well as several regulations which were not included in the previous quarterly list.

ADDRESSES: The complete text of any temporary regulation may be examined at, and is available on request, from Executive Secretary, Marine Safety Council (G-LRA), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Don Harris, Docket Clerk Specialist, Marine Safety Council at (202) 267-1477 between the hours of 8 a.m. and 3:30 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones are established around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to assure the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the Federal Register is often precluded when a regulation responds to an emergency, or an event occurs without advance notice. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation.

Because mariners are notified by Coast Guard officials on-scene prior to enforcement action, Federal Register notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the Federal Register notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary local regulations, security zones, and safety zones. Permanent regulations are not included in this list. They are published in their entirety in the Federal Register. Temporary regulations are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. Non-major safety zones, special local regulations and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period October 1, 1992 to December 31, 1992, unless otherwise indicated.

Docket No.	Location	Type	Effective date
01–92–109	New Bedford Harbor, New Bedford	Safety	31 December 92.
01–92–119	77 ARCOM Anniversary Commemoration	Safety	26 September 92.
01–92–123	Lower East River, New York	Security	21 September 92.
01–92–124	Carterest, Arthur Kill, New York	Safety	19 September 92.
01–92–129	NY Marathon Fireworks	Safety	01 November 92.
01–92–136	Bankers Trust Fireworks	Safety	10 December 92.
01–92–138	Pipeline Installation Liberty Park	Safety	03 December 92.
01–92–139	Boston Inner Harbor, Boston, MA	Safety	31 December 92.
01–92–140	Winter Storm 92, New York Harbor	Safety	11 December 92.
01–93–001	Deepavali Festival Fireworks	Safety	18 October 92.
02–92–25	New Year's Eve St. Louis	Special	31 December 92.
05–92–86	Holidays in the City Boat	Special	28 November 92.
05–92–88	North Carolina Holiday Flotilla	Special	28 November 92.
07–92–102	Tampa Challenge, Tampa, FL	Special	03 October 92.
07–92–103	Amateur Power Boat Race	Special	04 October 92.
07–92–110	Islamorada/Budweiser 100	Special	17 October 92.
07–92–114	Super Boat Racing/OPT	Special	11 November 92.
07–92–115	1992 World Cup Offshore Race	Special	05 November 92.
Captain of the Port Regulations			
Boston 92–122	Boston Inner Harbor	Safety	11 October 92.
Detroit 92–01	Trenton Channel	Safety	06 September 92.
Hampton Road 92–05–28	James River	Safety	26 October 92.
Hampton Road 92–05–29	James River	Safety	29 October 92.
Honolulu 92–07	Barbers Point	Safety	16 November 92.
Honolulu 92–08	Honolulu, Oahu, Hawaii	Safety	31 December 92.
Jacksonville 92–104	Port Canaveral, FL	Safety	05 October 92.
Jacksonville 92–108	Patrick AFB, FL	Safety	17 October 92.
Jacksonville 92–111	St. Johns River	Safety	30 October 92.
Jacksonville 92–118	St. Johns River	Safety	28 November 92.
Jacksonville 92–123	St. Johns River	Safety	19 December 92.
Jacksonville 92–124	St. Johns River	Safety	31 December 92.
LA/LB 92–05	Ports of LA/LB	Safety	02 October 92.
LA/LB 92–07	Ports of LA/LB	Safety	09 October 92.
LA/LB 92–09	Pacific Ocean	Security	27 November 92.
Miami 92–107	Port Everglades, FL	Safety	11 October 92.
Miami 92–116	Dania, Florida	Safety	06 November 92.
Paducah 92–24	Cumberland River	Safety	03 October 92.
Paducah 92–25	Tennessee River	Safety	21 October 92.
Paducah 92–26	Tennessee River	Safety	20 October 92.
Paducah 92–27	Upper Mississippi	Safety	19 December 92.
Portland 92–08	Bonneville Navigation Lock	Safety	12 November 92.
Philadelphia 92–05–41	Delaware Bay	Safety	10 September 92.
Philadelphia 92–05–44	Delaware Bay	Safety	04 October 92.
Pittsburgh 92–04	Ohio River	Safety	09 November 92.
Puget Sound 92–12	Elliott Bay	Safety	26 June 92.
Puget Sound 92–15	Puget Sound Zone	Safety	09 September 92.
Puget Sound 92–16	Puget Sound Zone	Safety	16 September 92.
Puget Sound 92–17	Puget Sound Zone	Safety	10 October 92.
Puget Sound 92–18	Puget Sound Zone	Safety	14 October 92.
Puget Sound 92–19	Puget Sound Zone	Safety	21 October 92.
San Diego 92–04	San Diego Bay	Safety	24 October 92.
San Francisco 92–05	San Francisco Bay	Safety	14 October 92.
San Francisco 92–06	San Francisco Bay	Safety	10 October 92.
San Francisco 92–07	San Francisco Bay	Safety	10 October 92.
San Francisco 92–08	San Francisco Bay	Safety	12 October 92.
San Francisco 92–09	San Francisco Bay	Safety	19 November 92.
San Francisco 92–20	San Francisco Bay	Safety	22 December 92.
St. Louis 92–03	Monongahela River	Safety	13 October 92.
St. Louis 92–08	Kaskaskia River	Safety	26 September 92.
St. Louis 92–11	Upper Mississippi River	Safety	22 November 92.
St. Louis 92–12	Upper Mississippi River	Safety	24 November 92.
St. Louis 92–14	Upper Mississippi River	Safety	05 December 92.
St. Louis 92–15	Upper Mississippi River	Safety	22 December 92.
St. Louis 92–16	Upper Mississippi River	Safety	16 December 92.
St. Louis 92–17	Upper Mississippi River	Safety	23 December 92.
Toledo 92–02	Maumee & Ottawa Rivers	Safety	26 September 92.
Toledo 92–03	Maumee & Ottawa Rivers	Security	26 September 92.
Toledo 92–04	Maumee River	Safety	28 October 92.
Toledo 92–05	Maumee River	Security	28 October 92.
Wilmington 92–008	Cape Fear River	Safety	03 October 92.

T.R. Cahill,
Lieutenant Commander, USCG, Acting Executive Secretary, Marine Safety Council.
[FR Doc. 93–3536 Filed 2–12–93; 8:45 am]
BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS CA 21–1–5654; FRL–4594–8]

Approval and Promulgation of Implementation Plans California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFR).

SUMMARY: EPA is finalizing limited approvals and limited disapprovals of five rule revisions to the California State Implementation Plan (SIP) from the Sacramento Metropolitan Air Quality Management District (SMAQMD). The rule revisions were proposed for action in the following **Federal Registers:** Rules 443 and 452, 56 FR 42572 (August 28, 1991) and 57 FR 27723 (June 22, 1992); Rules 442 and 446, 56 FR 56485 (November 5, 1991) and 57 FR 26807 (June 16, 1992); and Rule 447, 57 FR 24449 (June 9, 1992). This final action will incorporate these rules into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from architectural, surface, and can coating operations, chemical manufacturing, and organic liquid loading operations. Thus, EPA is finalizing a limited approval of these revisions into the California SIP under sections 110(k)(3) and 301(a) of the CAA because these rules strengthen the SIP. EPA is also finalizing a limited disapproval of these rules under sections 110(k)(3) and 301(a) of the CAA because the rules contain deficiencies, and as a result, do not meet the part D, section 182(a)(2)(A) requirement of the CAA. As a result of this limited disapproval EPA will be required to promulgate one of the sanctions set forth in section 179(b) of the Act unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulage a federal implementation plan (FIP) under section 110(c) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective March 18, 1993.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Section I (A–5–4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Public Information Reference Unit, 401 "M" Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Selection, 2020 "L" Street, Sacramento, CA 92123–1095.

Sacramento Metropolitan Air Quality Management District, 8411 K Street, Sacramento, CA 95826.

FOR FURTHER INFORMATION CONTACT: William Davis, Rulemaking Section I (A–5–4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744–1183.

SUPPLEMENTARY INFORMATION:

Background

On August 28, 1991, in 56 FR 42572, EPA proposed granting limited approval to SMAQMD Rules 443, Leaks from Synthetic Organic Chemical and Polymer Manufacturing, and 452, Can Coating. Subsequently, on June 22, 1992, EPA proposed a limited disapproval for Rules 443 and 452 (57 FR 27723). On November 5, 1991, in 56 FR 56485, EPA proposed a limited approval of SMAQMD Rules 442, Architectural Coating, and 446, Storage of Petroleum Products, and on June 16, 1992, EPA proposed a limited disapproval of Rules 442 and 446 (57 FR 26807). On June 9, 1992, EPA proposed limited approval and limited disapproval concurrently for Rule 447, Organic Liquid Loading (57 FR 24449). These rules were adopted by SMAQMD on the following dates: Rule 442, October 2, 1990; Rule 443, September 25, 1990;[1] Rule 446, December 4, 1990; Rule 447, April 3, 1990; and Rule 452, August 21, 1990. The rules were submitted by the California Air Resources Board (CARB) to EPA on the following dates: Rules 442 and 446, May 13, 1991; Rules 443 and 452, April 5, 1991; and Rule 447,[2] October 24, 1991. These rules were submitted in response to EPA's 1988 SIP Call and the CAA requirement that nonattainment areas fix their Reasonably Available Control Technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the notices of proposed rulemaking (NPRs) cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRs. EPA is today finalizing the limited approval of these rules in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. A detailed discussion of rule provisions and evaluations has been provided in the NPRs and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated July 10, 1991 for Rules 443 and 452; July 23, 1991 for Rules 442 and 446; and January 28, 1992 for Rule 447).

Response to Public Comments

A 30-day public comment period was provided in the **Federal Register**. EPA received two comment letters on the NPRs from SMAQMD. The comments have been evaluated by EPA and a summary of the comments and EPA's responses are set forth below.

Comment: SMAQMD commented on deficiencies cited in the August 28, 1991 NPR (56 FR 42572) for Rules 443 and 452 which involve the Air Pollution Control Officers (APCO) discretion in the use of equivalent test methods for the determination of volatile organic compound (VOC) emissions. SMAQMD stated that they need the flexibility to use such test methods because the coating technology is changing rapidly and existing methods "do not accurately measure the VOC emissions in the newer technologies." SMAQMD conveyed that the equivalent test method provision in the rules is critical to the effectiveness of their program and that EPA has not been helpful in

[1] The adoption date for Rule 443 was incorrectly given as August 21, 1990 in notices 56 FR 42572 and 57 FR 27723.

[2] Rule 447 was considered to be a new rule for the California SIP in the notice (57 FR 24449). However, it was later determined that it revises SMAQMD Rule 12 of the existing SIP.

developing acceptable rule language that would allow such flexibility. They requested that EPA provide language that would ensure flexibility for the District while retaining EPA enforcement capability.

Response: Both Rules 443 and 452 specify EPA approved test methods, but they also allow the use of unspecified "equivalent" test methods that require only APCO approval. There is no replicable criteria for the APCO equivalency determination. Thus, this deficiency may make parts of each rule unenforceable or difficult to enforce and, therefore, inconsistent with the requirements of sections 110(a)(2)(C) of the CAA.

EPA agrees that the District should have some flexibility where the standard test methods used for coatings may not be accurate; however, as currently written, the rule is not approvable.

Comment: SMAQMD's comment on the NPR for submitted Rule 446 (56 FR 56485) also involved APCO discretion in the use of test methods for compliance. In this comment letter, SMAQMD raised the points addressed in the above summary as well as additional concerns listed below. SMAQMD referred to a draft EPA memorandum, "Revised Draft Guidance On Directors Discretion," in arguing that the APCO does not need to notify EPA about using an equivalent method nor does the APCO need to submit the equivalent method as a SIP submittal. The SMAQMD also argued that the rule provided that EPA can use EPA approved test methods because the equivalent method would give the "same" result as the EPA method. Further, the District noted that the EPA TSD for the NPR recognized the ability of EPA to use EPA approved test methods.

Response: The draft memorandum referenced by the District was not finalized and did not become EPA policy. EPA did not finalize the policy because the enforceability problems created by director's discretion provisions, such as approval of equivalent test methods which were not, in fact, equivalent, were not adequately addressed. Therefore, the memorandum cannot be used as a guideline for solving APCO discretion problems. The TSD did discuss the possibility that the APCO discretionary language in the rule allowed EPA to use EPA test methods. However, in the TSD, EPA reserved the right to make a final decision pending EPA headquarter's review of the issue. That review was completed with the publication of the NPR for this rule proposing limited approval and limited disapproval. The language is not considered satisfactory because APCO approved "equivalent" test methods may not in fact be equivalent to EPA test methods.

EPA Action

EPA is today finalizing a limited approval and a limited disapproval of the above-referenced rules. The limited approval of these rules is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that the rules strengthen the SIP. However, the rules do not meet the section 182(a)(2)(A) CAA requirement because of the rule deficiencies which were discussed in the NPRs. Thus, in order to strengthen the SIP, EPA is granting limited approval of these rules under sections 110(k)(3) and 301(a) of the CAA. This action approves the rules into the SIP as federally enforceable rules.

At the same time, EPA is finalizing the limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of part D of the Act. As stated in the NPR, upon the effective date of this NFR, the 18 month clock for sanctions and the 24 month FIP clock will begin. Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the NFR, either the highway sanction or the offset sanction will be imposed at the 18 month mark.

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

Regulatory Process

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 19, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: February 2, 1993.

John C. Wise,

Action Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(183)(i)(D)(*1*), (184)(i)(A)(*2*), and (186)(i)(A)(*1*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(183) * * *

(i) * * *

(D) Sacramento Metropolitan Air Quality Management District.

(*1*) Amended rules 443, adopted September 25, 1990, and 452 adopted August 21, 1990.

* * * * *

(184) * * *

(i) * * *

(A) * * *

(*2*) Amended Rules 442, adopted October 2, 1990, and 446, adopted December 4, 1990.

* * * * *

(186) New and amended regulations for the following APCDs were submitted on October 25, 1991, by the Governor's designee.

(i) Incorporation by Reference.

(A) Sacramento Metropolitan Air Quality Management District.

(1) Amended Rules 447 adopted April 30, 1991.

* * * * *

[FR Doc. 93–3436 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 302–11

[FTR Amendment 28]

RIN 3090–AE84

Federal Travel Regulation; Relocation Income Tax (RIT) Allowance Tax Tables

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: The Federal and State tax tables for calculating the relocation income tax (RIT) allowance must be updated yearly to reflect changes in Federal and State income tax brackets and rates. The Federal and State tax tables contained in this rule are for calculating the 1993 RIT allowance to be paid to relocating Federal employees.

EFFECTIVE DATE: This final rule is effective January 1, 1993, and applies for RIT allowance payments made on or after January 1, 1993.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Transportation Management Division (FBX), Washington, DC 20406, telephone FTS or commercial (703) 305–5253.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 302–11

Government employees, Income taxes, Relocation allowances and entitlements, Transfers.

For the reasons set out in the preamble, 41 CFR part 302–11 is amended to read as follows:

PART 302–11—RELOCATION INCOME TAX (RIT) ALLOWANCE

1. The authority citation for part 302–11 continues to read as follows:

Authority: 5 U.S.C. 5721–5734; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971–1975 Comp., p. 586; E.O. 12466, 49 FR 7349, 3 CFR, 1984 Comp., p. 165.

2. Appendixes A, B, and C to part 302–11 are amended by adding the following tables at the end of each appendix, respectively:

APPENDIX A TO PART 302–11—FEDERAL TAX TABLES FOR RIT ALLOWANCE

* * * * * * *

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1992

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in § 302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1992.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,190	$27,963	$10,864	$38,611	$14,316	$50,219	$7,819	$25,629
28	27,963	58,786	38,611	83,158	50,219	101,123	25,629	50,939
31	58,786	.....	83,158	.....	101,123	.....	50,939	.....

APPENDIX B TO PART 302–11—STATE TAX TABLES FOR RIT ALLOWANCE

* * * * * * *

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1992

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in § 302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1992.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1 2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	3.8	4.4	5.25	7
If single status [3]	4.4	5.25	6.5	7
4. Arkansas	4.5	7	7	7
If single status [3]	6	7	7	7
5. California	2	6	8	11
If single status [3]	6	9.3	9.3	11
6. Colorado	5	5	5	5
7. Connecticut	4.5	4.5	4.5	4.5

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
8. Delaware	6	7.7	7.7	7.7
9. District of Columbia	6	9.5	9.5	9.5
If single status [3]	8	9.5	9.5	9.5
10. Florida	0	0	0	0
11. Georgia	5	6	6	6
12. Hawaii	7.25	9.5	10	10
If single status [3]	9.5	10	10	10
13. Idaho	6.5	7.8	8.2	8.2
If single status [3]	7.8	8.2	8.2	8.2
14. Illinois	3	3	3	3
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	6.8	8.8	9.98	9.98
17. Kansas	3.5	6.25	6.25	6.45
If single status [3]	4.4	7.75	7.75	7.75
18. Kentucky	6	6	6	6
19. Louisiana	2	4	6	6
If single status [3]	4	4	6	6
20. Maine	4.725	8.925	8.925	9.89
If single status [3]	8.925	9.89	9.89	9.89
21. Maryland	5	5	5	6
22. Massachusetts	5.95	5.95	5.95	5.95
23. Michigan	4.6	4.6	4.6	4.6
24. Minnesota	6	8	8	8.5
If single status [3]	8	8	8.5	8.5
25. Mississippi	4	5	5	5
26. Missouri	6	6	6	6
27. Montana	5.115	10.23	11.253	11.253
If single status [3]	8.184	11.253	11.253	11.253
28. Nebraska	3.63	5.62	6.92	6.92
If single status [3]	5.62	6.92	6.92	6.92
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	7
If single status [3]	2	6.5	6.5	7
32. New Mexico	3.8	5.9	7.7	8.5
If single status [3]	5.8	8.5	8.5	8.5
33. New York	4	7.875	7.875	7.875
If single status [3]	7.875	7.875	7.875	7.875
34. North Carolina	6	7	7	7.75
35. North Dakota	6.67	9.33	12	12
If single status [3]	8	10.67	12	12
36. Ohio	1.486	4.457	5.201	6.9
If single status [3]	3.715	5.201	5.201	6.9
37. Oklahoma	4	7	7	7
If single status [3]	7	7	7	7
38. Oregon	9	9	9	9
39. Pennsylvania	2.95	2.95	2.95	2.95
40. Rhode Island	[4]	[4]	[4]	[4]
If single status [3]	[5]	[5]	[5]	[5]
41 South Carolina	6	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.2	7.2	7.2	7.2
46. Vermont	[6]	[6]	[6]	[6]
If single status [3]	[7]	[7]	[7]	[7]
47 Virginia	5	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	3	4.5	6	6.5
If single status [3]	4	6	6.5	6.5
50. Wisconsin	4.9	6.93	6.93	6.93
If single status [3]	6.93	6.93	6.93	6.93
51 Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in § 302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] The income tax rate for Rhode Island (for other than single status) is 27.5 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$74,999; and 29.75 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

[5] The income tax rate for Rhode Island (for single status) is 27.5 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$49,999; and 29.75 percent of Federal income tax liability for employees whose earned income amounts are $50,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

[6] The income tax rate for Vermont (for other than single status) is 28 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 31 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$74,999; and 34 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

[7] The income tax rate for Vermont (for single status) is 28 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 31 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$49,999; and 34 percent of Federal income tax liability for employees whose earned income amounts are $50,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

APPENDIX C TO PART 302–11—FEDERAL TAX TABLES FOR RIT ALLOWANCE—YEAR 2

* * * * * * *

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1993

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in § 302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1985, 1986, 1987, 1988, 1989, 1990, 1991, or 1992.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,289	$28,621	$11,017	$39,541	$14,584	$51,229	$7,740	$26,145
28	28,621	60,303	39,541	85,315	51,229	103,223	26,145	52,226
31	60,303	.....	85,315	.....	103,223	.....	52,226	.....

Dated: January 7, 1993.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 93–3494 Filed 2–12–93; 8:45 am]

BILLING CODE 6820–24–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Base (100-year) flood elevations and modified base (100-year) flood elevations are made final for the communities listed below.

The base (100-year) flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the final determinations of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the Federal Register.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Auburn (city) Lee County (FEMA docket No. 7048)	
Moore's Mill Creek:	
Just upstream of Ogletree Road	*512
Just downstream of Lake Wilmore Dam	*513
Just upstream of Lake Wilmore Dam	*527
Just downstream of Moore's Mill Road	*559
Maps available for inspection at the Planning Department, 171 North Ross Street, Auburn, Alabama.	
Hanceville (city), Cullman County (FEMA docket No. 7045)	
Mud Creek:	
Just upstream of CSX railroad	*530
About 950 feet upstream of State Highway 91	*536
North Fork Mud Creek:	
At mouth	*532
Just upstream of Commercial Street	*535
Maps available for inspection at the City Hall, 112 Main Street, Hanceville, Alabama.	
Muscle Shoals (city), Colbert County (FEMA docket No. 7048)	
Sinkhole 4: Approximately 3,200 feet northeast of the intersection of Avalon Avenue and Wilson Dam Highway	*505
Sinkhole 4A: On east side of Wilson Dam Highway, approximately 350 feet north of Carr Avenue	*516
Sinkhole 4B: On west side of Wilson Dam Highway, approximately 350 feet north of Carr Avenue	*511
Sinkhole 5: Area surrounded by 4th Avenue, Edwards Avenue, Firestone Avenue, and Popular Street	*506
Sinkhole 6: Area surrounded by Moss Avenue, Broadway, Ford Avenue, and John R. Street	*506
Sinkhole 7:	
Area bounded by Woodward Avenue, Pasadena Avenue, Gusmus Avenue, and Highland Avenue	*497
Area bounded by Michigan Avenue, Avalon Avenue, and Woodard Avenue on the north, south, and east, respectively	*497
Sinkhole 9: Area approximately 500 feet southwest of intersection of Lenz Street and Sixth Street	*510
Sinkhole 12: Area surrounded by Brighton Avenue, Woodward Avenue, Hill Avenue	*498
Sinkhole 14: Area extending from the western corporate limits in the vicinity of George Wallace Road southeast along the southwest side of the Southern Railroad to a point approximately 200 feet Southeast of Mason Street	*491
Maps available for inspection at the City of Muscle Shoals Building Department, 1000 East Avalon Avenue, Muscle Shoals, Alabama.	
CALIFORNIA	
Moreno Valley (city) Riverside County (FEMA docket No. 7048)	
Heacock Street Channel and Perris Valley Storm Drain:	
Perris Valley Storm Drain Lateral "B", approximately 1,700 feet upstream of the confluence with Perris Valley Storm Drain	*1,458
The intersection of Indian Street and Nandina Avenue	*1,473
The Indian Street crossing with Perris Valley Storm Drain	*1,478
The intersection of Iris Avenue and Heacock Street	*1,502
Approximately 1,800 feet upstream of Iris Avenue	*1,509
Maps are available for review at City Hall, 23119 Cottonwood Avenue, Building "B", Moreno Valley, California.	
COLORADO	
Denver (city), Denver County (FEMA docket No. 7047)	
Westerly Creek:	
At Montview Boulevard	*5,314
At Beeler Street	*5,319
At 6th Avenue	*5,324
At 14th Avenue	*5,331
At 11th Avenue	*5,339
Maps are available for review at Public Works Department, City and County of Denver, 2460 West 26th Avenue, Suite 300C, Denver, Colorado.	
GEORGIA	
Columbus (city), Muscogee County (FEMA docket No. 7045)	
Standing Boy Creek:	
About 900 fee downstream of confluence of Heiferhorn Creek	*342
At upstream County Boundary	*393
Standing Boy Creek Tributary No. 1:	
At mouth	*350
At County Boundary	*369
Heiferhorn Creek:	
At mouth	*343
At County Boundary	*463
Heiferhorn Creek Tributary No. 1:	
At mouth	*392
Just downstream of Interstate 185	*473
Heiferhorn Creek Tributary No. 2:	
At mouth	*424
Jsut downstream of Norfolk Southern Railway	*463
Just upstream of Norfolk Southern Railway	*479
At County Boundary	*577
Roaring Branch:	
Just upstream of New River Road	*344
Just downstream Whitesville Road	*413
Just upstream of Whitesville Road	*418
Just downstream of Dam	*452
Just upstream of Dam	*464
Just downstream of Apartment Drive	*465
Just upstream of Apartment Drive	*475
Just downstream of Double Churches Road	*478
Just upstream of Double Churches Road	*484
About 0.5 mile upstream of Bascom Road	*510
Roaring Branch Tributary No. 1:	
At mouth	*344
Just downstream of Private Drive	*388
Just upstream of Private Drive	*396
About 1,100 feet upstream of Private Drive	*436
Flatrock Creek Tributary No. 1:	
At mouth	*365
Just downstream of Dam	*393
Just upstream of Dam	*415
Just downstream of Warm Springs Road	*441
Upper Bull Creek:	
Just upstream of Flood Control Dam	*404
Just downstream of Warm Springs Road	*418
Lower Bull Creek Tributary No. 1:	
At mouth	*265
About 0.7 mile upstream of Forrest Road	*339
Lower Bull Creek Tributary No. 3:	
At mouth	*272
Just downstream of Woodruff Farm Road	*328
Cox Creek:	
Just upstream of Norfolk Southern Railway	*362
Just downstream of Cross Creek Road	*388
Just upstream of Cross Creek Road	*418
About 0.4 mile upstream of Harper's Ferry Road	*423
Turkey Creek:	
At mouth	*227
Just downstream of Norfolk Southern Railway	*251
Just upstream of Norfolk Southern Railway	*259
Just downstream of Farm Road	*300
Tiger Creek:	
At Fort Benning Military Reservation boundary	*270
About 0.4 mile downstream of Stream Mill Road	*288
Dozier Creek:	
Just upstream of Chatsworth Road	*371
Just downstream of Norfolk Southern Railway	*379
Just upstream of Norfolk Southern Railway	*386
About 1.4 mile upstream of Macon Road	*429
Kendall Creek:	
Just upstream of Norfolk Southern Railway	*348
At county boundary	*430
Randall Creek:	
Just upstream of Chatsworth Road	*368
At County Boundary	*430
Tar River:	
Just upstream of Norfolk Southern Railway	*355
Just downstream of dam	*362
Just upstream of dam	*374
At County Boundary	*407
Maps available for inspection at the City of Columbus Engineering Department, Consolidated Government Center, 100 10th Street, Columbus, Georgia.	
Manchester (city), Meriwether and Talbot Counties (FEMA docket No. 7048)	
Unnamed Tributary to Pigeon Creek:	
About 720 feet upstream of mouth	*744
Just upstream of Hill Street	*793
Pigeon Creek:	
About 1700 feet downstream of Unnamed Tributary to Pigeon Creek	*741
Just downstream of Pigeon Creek Road	*764
Just upstream of Pigeon Creek Road	*769
About 2900 feet upstream of Goody's Road	*812
Maps available for inspection at the City Hall, Building Inspection and Codes Enforcement Office, Manchester, Georgia.	
MICHIGAN	
Fraser (township), Bay County (FEMA docket No. 7050)	
Saginaw Bay/Lake Huron:	
Along shoreline from township limit, to confluence of Tebo Drain	*586
Along shoreline from about 1500 feet northeast of the intersection of Scheurman Road and Bay Avenue to the southernmost township limit	*589
Tebo Drain:	
At mouth	*586
About 3,000 feet upstream of mouth	*586
Rosebush Drain:	
At Linwood Road crossing at township limits	*586
Just upstream of Elevator Road	*586
Maps available for inspection at the Building Zoning Administrative Office, 1474 North Mackinaw Road, Linwood, Michigan.	
MINNESOTA	
Hassan (township), Hennepin County (FEMA docket No. 7050)	
Crow River:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
About 1.35 miles upstream of mouth	*859
About 4.95 miles upstream of Berning Mill Dam	*868
Maps available for inspection at the Township Hall, 25000 Hassan Parkway, Rogers, Minnesota.	
NEW YORK	
Schoharie (town), Schoharie County (FEMA docket No. 7050)	
Schoharie Creek:	
Approximately 600 feet downstream of the downstream corporate limits	*593
At the upstream corporate limits	*615
Fox Creek:	
At its confluence with Schoharie Creek	*605
Approximately 400 feet upstream of the corporate limits	*650
Cobleskill Creek:	
At its confluence with Schoharie Creek	*595
At the upstream corporate limits	*719
Maps available for inspection at the Town Hall, Schoharie, New York.	
NORTH CAROLINA	
Boone (town), Watauga County (FEMA docket No. 7047)	
Winkler Creek:	
At mouth	*3,102
Just upstream of Flannery Fork Road	*3,157
Boone Creek:	
At mouth	*3,120
Just downstream of Highland Avenue	*3,148
Just downstream of Unnamed Road, about 1,435 feet upstream of Clement Street	*3,164
Hodges Creek:	
At mouth	*3,126
About 30 feet upstream of State Road 105 crossing, about 3,170 feet upstream of mouth	*3,150
About 85 feet upstream of State Road 105 crossing, about 3,170 feet upstream of mouth	*3,156
About 1.16 miles upstream of mouth	*3,199
Maps available for inspection at the Planning Department, City Hall, Boone, North Carolina.	
Dare County (unincorporated areas) (FEMA docket No. 7045)	
Shallow Flooding (from Atlantic Ocean):	
About 100 feet east of intersection of State Road 1200 and Unnamed Court	#1
At Seatern Drive Cul-de-Sac	#2
Atlantic Ocean/Currituck Sound:	
At intersection of Duck Road and Ocean Bay Boulevard	*9
Along Atlantic Ocean shoreline from county boundary south to about 700 feet north of the intersection of State Route 1200 and Martin Lane	*18
Atlantic Ocean/Roanoke South:	
At State Road 1257 east of Coast Guard Station	*8
Along shoreline 1500 feet east of intersection of State Route 1214 and National Park Service Road	*16
Along shoreline 1000 feet east of intersection of Hatteras Road and Oregon inlet camping area	*20
Atlantic Ocean/Pamlico Sound:	
About 1000 feet southeast of Billy Mitchell Airport Airstrip	*7
Along shoreline 1200 feet southeast of Ferry Terminal	*15
Along shoreline from South Point on Pea Island to 800 feet north of Corbina Drive East	*20
Maps available for inspection at the Building Inspector's Office, Administration Annex Building, Manteo, North Carolina.	
Kill Devil Hills (town), Dare County (FEMA docket No. 7045)	
Atlantic Ocean, Roanoke Sound, and Colington Creek:	
At intersection of 5th Street and New Bern Street	*10
Along Atlantic Ocean shoreline from just north of 2nd Street to about 700 feet north of Arch Street	*16
Along Atlantic Ocean shoreline from just south of 2nd Street to just north of 8th Street	*20
Maps available for inspection at the Town Administration Building, Kill Devil Hills, North Carolina.	
Kitty Hawk (town), Dare County (FEMA docket No. 7045)	
Shallow flooding (from Atlantic Ocean):	
About 350 feet east of intersection of Lillian Street and Lindberg Avenue	#2
Atlantic Ocean/Currituck Sound/Kitty Hawk Bay:	
Just east of intersection of Starfish Lane and Virginia Dare Trail	*9
Along Atlantic Ocean shoreline	*16
Maps available for inspection at the Municipal Building, Kitty Hawk, North Carolina.	
Nags Head (town), Dare County (FEMA docket No. 7045)	
Atlantic Ocean/Roanoke Sound:	
Just east of intersection of U.S. Highway 158 Bypass and Sound Side Road	*10
Along shoreline from about 500 feet south of McCall Court to Gallery Row	*16
Along shoreline from just north of Gallery Row to just south of 8th Street	*20
Maps available for inspection at the Building Inspector's Office, Nags Heads, North Carolina.	
Southern Shores (town), Dare County (FEMA docket No. 7045)	
Shallow Flooding (from Atlantic Ocean):	
About 200 feet east of intersection of Purple Martin Lane and Ocean Boulevard	#1
At intersection of Ocean Boulevard and U.S. Route 158	#2
Atlantic Ocean/Currituck Sound:	
About 400 feet east of intersection of U.S. Route 158 and Ocean Boulevard	*13
Along Atlantic Ocean shoreline 250 feet north of 13th Avenue down to about 600 feet north of intersection of Ocean Boulevard and U.S. Route 158	*18
Maps available for inspection at the Town Hall, 6 Skyline Road, Kitty Hawk, North Carolina.	
TENNESSEE	
Cleveland (city), Bradley County (FEMA docket No. 7045)	
Fillauer Branch:	
At mouth	*782
Just downstream of 12th Street	*848
Just upstream of 12th Street	*854
Just upstream of Carolina Avenue	*857
Maps available for inspection at the Cleveland Inspections Department, 109 Church Street, Cleveland, Tennessee.	
WISCONSIN	
Dane County (unincorporated areas) (FEMA docket No. 7050)	
Sugar River:	
At southern county boundary	*855
Just downstream of Riverside Road	*920
Maps available for inspection at the Dane County Courthouse, 210 Martin Luther King Jr. Boulevard, Madison, Wisconsin.	
New Berlin (city), Waukesha County (FEMA docket No. 7050)	
Poplar Creek:	
About 1,900 feet downstream of Arcadian Avenue	*831
Just downstream of Cleveland Avenue	*851
Just upstream of Cleveland Avenue	*872
Just downstream of Coffee Road	*872
Maps available for inspection at the Planning Department, 3805 S. Casper Drive, New Berlin, Wisconsin.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 93–3242 Filed 2–12–93; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

[Docket No. FEMA–7059]

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the

dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The modified base (100-year) flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Quachita	City of Camden	December 16, 1992, December 23, 1992, *The Camden News.*	The Honorable Charles Linsey, Mayor, City of Camden, P.O. Box 278, Camden, Arkansas.	November 30, 1992.	050163
California: Sacramento	City of Folsom	December 23, 1992, December 30, 1992, *The Folsom Telegraph.*	The Honorable Bud Hanaford, Mayor, City of Folsom, 50 Natoma Street, Folsom, California 95630.	December 9, 1992	060263
California: San Joaquin	Unincorporated Areas	January 21, 1993, January 28, 1993, *The Stockton Record.*	The Honorable Edward Simas, Chairman, San Joaquin County Board of Supervisors, 222 East Weber Avenue, Room 701, Stockton, California 95202.	December 28, 1992.	060299
Louisiana: Unincorporated Areas.	Calcasieu Parish	November 17, 1992, November 24, 1992 *Lake Charles American Press.*	The Honorable Charles S. Mackey, Calcasieu Parish Police Jury President, P.O. Box 1583, Lake Charles, Louisiana 70602.	November 10, 1992.	220037
Montana: Missoula	Unincorporated Areas	December 31, 1992, January 7, 1992, *Missoulian.*	The Honorable Barbara Evans, Chairperson, Missoula County Board of Commissioners, 250 West Broadway, Missoula, Montana 59802.	December 15, 1992.	300048
Oklahoma: Tulsa, Osage, and Rogers.	City of Tulsa	December 29, 1992, January 5, 1993 *Tulsa World.*	The Honorable M. Susan Savage, Mayor of the City of Tulsa, 200 Civic Center. Tulsa, Oklahoma 74103.	December 17, 1992.	405381

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas: Harris	Unincorporated Areas	December 9, 1992, December 16, 1992, *The Houston Chronicle.*	The Honorable Jon Lindsay, Judge, Harris County, 1001 Preston, Suite 911, Houston, Texas 77002.	December 3, 1992	480287
Wisconsin: Waukesha	City of Brookfield	December 17, 1992, December 24, 1992.	The Honorable Kathryn C. Bloomberg, Mayor of the City of Brookfield, 2000 North Calhoun Drive, Brookfield, Wisconsin 53005.	December 9, 1992	550478 B

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 93–3241 Filed 2–12–93; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William E. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

The modified base (100-year) flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California: Mendocino	Unincorporated Areas (Docket No. 7052).	Sept. 4, 1992, Sept. 11, 1992, *Ukiah Daily Journal.*	The Honorable Liz Henry, Chairperson, Mendocino County Board of Supervisors, Clerk of the Board, Courthouse, Ukiah, California 95482.	Aug. 25, 1992	060183
California: Monterey	City of Salinas (Docket No. 7052).	Sept. 23, 1992, Sept. 30, 1992, *Salinas Californian.*	The Honorable Alan Styles, Mayor, City of Salinas, 200 Lincoln Avenue, Salinas, California 93901.	Sept. 10, 1992	060202
Colorado: Boulder	City of Boulder (Docket No. 7052).	Sept. 29, 1992, Oct. 6, 1992, *Daily Camera.*	The Honorable Leslie Durgin, Mayor, City of Boulder, P.O. Box 791, Boulder, Colorado 80306.	Sept. 9, 1992	080024
North Carolina: Brunswick (Docket No. FEMA–7044).	Village of Bald Head Island.	Aug. 26, 1992, Sept. 2, 1992, *The State Port Pilot.*	The Honorable Wallace Martin, Town Manager, Village of Bald Head Island, P.O. Box 10085, Southport, North Carolina 29461.	May 3, 1993	370442
North Carolina: Columbus (Docket No. FEMA–7048).	Town of Fair Bluff	July 23, 1992, July 30, 1992, *The News Reporter.*	The Honorable James G. McNeil, Mayor, Town of Fair Bluff, Town Hall, P.O. Box 157, Fair Bluff, North Carolina 28439.	Dec. 2, 1992	370067

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 93–3240 Filed 2–12–93; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217 and 227

[Docket No. 921184–3004]

RIN 0648–AE12

Sea Turtle Conservation; Restrictions Applicable to Fishery Activities

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: NMFS issues this interim rule to continue requiring participants in the bottom trawl fishery for summer flounder to use an approved turtle excluder device (TED) in any net that is rigged for fishing. TED use is required in the offshore waters of North Carolina from 35°46.1′ N. latitude (Oregon Inlet, North Carolina) southward to 33°35′ N. latitude (North Carolina-South Carolina border). The intended effect of this action is to allow the summer flounder bottom trawl fishery to continue while providing adequate protection to endangered and threatened sea turtles.

DATES: Comments on this interim rule must be submitted by March 18, 1993. This rule is effective from February 10, 1993, through April 10, 1993.

ADDRESSES: Requests for a copy of the environmental assessment for this interim rule and comments on this rule should be addressed to Dr. Nancy Foster, Ph.D., Director, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Phil Williams, NMFS National Sea Turtle Coordinator (301/713–2319), Charles A. Oravetz, Chief, Protected Species Program, NMFS Southeast Region (813/893–3366), or Doug Beach, Chief, Protected Species Program, NMFS Northeast Region (508/281–9291).

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.* (ESA). According to the National Academy of Sciences, incidental capture in shrimp trawls is by far the leading cause of human-induced mortality to sea turtles in the water, but collectively, activities in non-shrimp fisheries, which includes the summer flounder bottom trawl fishery, constitute the second largest source.

NMFS took action pursuant to 50 CFR 227.72(e)(6)(ii) to require the use of TEDs in the bottom trawl fishery for summer flounder from 37°05′ N. latitude (Cape Charles, Virginia) southward to 33°35′ N. latitude (North Carolina-South Carolina border), to be codified as the "summer flounder-sea turtle protection area" and to require vessels to carry an observer, if selected to do so. These requirements were initially effective November 15, 1992, through December 15, 1992 (57 FR 53603, November 12, 1992), were extended from December 16, 1992, through January 14, 1993 (57 FR 60135, December 18, 1992), and were modified and extended from January 7, 1993 through February 8, 1993 (58 FR 4088, January 13, 1993). Effective January 7, 1993, NMFS reduced in size the area where TEDs are required by lowering the northern boundary from Cape Charles, Virginia to Oregon Inlet, North Carolina. The specific requirements, their background and rationale, and summaries of pertinent biological opinions were included in the cited **Federal Register** publications and are not repeated here.

Recent Events

NMFS has determined that there is a continued need to require TED use by participants in the summer flounder bottom trawl fishery in the waters off North Carolina from Oregon Inlet, North Carolina, south to the North Carolina-South Carolina border. Since modifying the area where TEDs are required, NMFS has monitored sea surface temperatures to determine the extent that the Gulf Stream influences turtle distribution and to assist in determining the risk to turtles by capture from trawlers. In addition, NMFS, with assistance from the U.S. Coast Guard and the North Carolina Division of Marine Fisheries, has monitored fishing activity and placed observers on bottom trawlers to monitor any incidental capture of turtles. Finally, NMFS and the State of North Carolina have monitored coastal beaches for evidence of stranded sea turtles, and enforcement of the TED-use requirement by NMFS and U.S. Coast Guard personnel has been ongoing.

Recent data acquired by satellite sensors indicate that sea surface temperatures off the coast of North Carolina north of Oregon Inlet are less than 10° C. NMFS has found, based on reports from observers onboard trawlers, that the probability of sea turtle captures declines when surface water temperatures fall below 10° C; this decline is apparently related to decreased turtle abundance in colder waters.

Both NMFS and the North Carolina Division of Marine Fisheries placed

observers on 11 trawlers fishing north of Cape Hatteras during the 1992–1993 season in an attempt to monitor any incidental take of turtles. One turtle was taken in a TED-equipped net north of Oregon Inlet in early December; the turtle was determined to have been dead for several days prior to capture. Since NMFS' January 7, 1993, action to lower the northern boundary of the TED-use area, NMFS and State observers have been placed on three trawlers. These observers have reported no incidental captures of turtles. Reports also indicate that the summer flounder trawler fleet has generally moved north and farther offshore. On January 14 and 15, 1993, the U.S. Coast Guard conducted aerial surveillance of the area north of Oregon Inlet and south of Cape Charles. Seven vessels were seen in the area, of which two were observed on both days.

Both NMFS and the State of North Carolina have monitored sea turtle strandings. There have been three strandings since NMFS' January 7, 1993 action. Two loggerhead turtles stranded on ocean beaches in the area where TEDs are required, between Cape Hatteras and Cape Lookout on January 7, and one loggerhead turtle stranded between Cape Lookout and New River Inlet. Preliminary reports as of February 1, 1993, indicate there have been 132 strandings since September 1, 1992, from New Jersey, through Cape Lookout, North Carolina (the approximate fall and winter range of the summer flounder fishery). NMFS and U.S. Coast Guard enforcement personnel have conducted boardings of trawlers subject to the TED requirement since November 15, 1992. Through January 31, 1993, one violation of the TED requirement has been alleged.

Comments on NMFS' January 7, 1993, Action to Modify and Extend the TED-Use Requirement: One comment was received from the Center for Marine Conservation (CMC), which supports the continued requirement for TEDs in the fishery from Cape Charles, Virginia to the southern border of North Carolina, and opposes the reduction of the area to Oregon Inlet, North Carolina. Further, CMC commented that 100-percent observer coverage accompanied by tow-time limits and supplemental monitoring for sea turtle presence should be required in any area when TEDs are no longer required.

Response: NMFS' action to move the northern boundary south to Oregon Inlet and to maintain it there is based on available data regarding turtle distribution and fishing activity. Those data indicate that the potential threat to sea turtles north of Oregon Inlet has diminished substantially, but that trawling without TEDs south of Oregon Inlet continues to pose a threat.

NMFS is monitoring conditions north or Oregon Inlet to assess the risk of capture from trawlers not using TEDs. NMFS and the North Carolina Division of Marine Fisheries have placed observers onboard vessels fishing north of Oregon Inlet, who reported no incidental capture of turtles. The placement of observers specifically in the area between Oregon Inlet, North Carolina, and Cape Charles, Virginia, is problematic because few trawlers are fishing there. Most vessels appear to be fishing off the coast of Virginia and in deeper offshore waters. Observers placed onboard trawlers by NMFS and the State have been transported north of Cape Charles, Virginia, in search of summer flounder.

NMFS has not required the use of restricted tow times in the offshore waters north of Oregon Inlet, because the likelihood of turtle capture is remote due to a lack of fishing effort and decreased presence of turtles in the relatively cold waters. If NMFS determines that incidental capture of turtles is occurring, or is likely to occur, conservation measures will again be imposed. Such measures may include additional observer coverage, limited tow times, use of TEDs, or closure of the fishery.

Finally, it is NMFS' intention to require TEDs in all areas where turtles and trawling overlap as a permanent conservation measure in this fishery. NMFS recognizes that the use of TEDs is the most effective and easily enforceable turtle conservation measure, and is preferred even when the likelihood of incidental capture is minimal. However, the required use of TEDs this fishing season has brought to light certain problems not encountered during previous TED research, or in their use in the shrimp trawl fishery. These problems relate to the strength of TEDs to withstand the sometimes excessive clogging with bycatch or bottom debris encountered under certain conditions, especially north of Oregon Inlet. NMFS is conducting research to develop improved TEDs for this fishery in cooperation with the North Carolina Division of Marine Fisheries, and several fishermen permitted to use experimental TEDs. NMFS is confident that stronger, more effective versions of TEDs will he available for next season.

Sea Turtle Conservation Measures

This interim rule continues, for a 60-day period, the requirement that owners and operators of summer flounder bottom trawlers in offshore waters south of Oregon Inlet, North Carolina, to the North Carolina-South Carolina border, use an approved TED in each net that is rigged for fishing. These offshore waters include waters seaward of the COLREGS (International Regulations for preventing Collisions at Sea, 1972) demarcation line, bounded on the north by a line along 35°46.1′ N. latitude (Oregon Inlet) and bounded on the south by a line along 35°35′ N. latitude (North Carolina-South Carolina border).

This interim rule specifically establishes a summer flounder fishery-sea turtle protection area, including all offshore waters bounded on the north by a line 37°05′ N. latitude (Cape Charles, Virginia) and bounded on the south by a line along 35°35′ N. latitude (North Carolina-South Carolina border), in which TEDs are required, and further establishes an exemption from the TED requirement for summer flounder trawlers north of 35°46.1′ N. latitude (Oregon Inlet). This interim rule reflects the overall area in which summer flounder fishing effort and sea turtles have interacted in the past, while allowing an exemption from the TED requirement in the area north of Oregon Inlet due to current sea surface temperatures in that area.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this interim rule is necessary to conserve sea turtles. The Assistant Administrator has further determined that incidental takings of sea turtles during summer flounder bottom trawling are unauthorized unless those takings are consistent with the applicable biological opinions and associated incidental take statements. A biological opinion on the impacts of the summer flounder bottom trawl fishery managed under the Fishery Management Plan for Summer Flounder Fishery (FMP) and Amendment 2 to the FMP was issued on August 10, 1992; that incidental take statement allows for the documented lethal take of 18 sea turtles: three in any combination of Kemp's ridley, hawksbill, green, or leatherback sea turtles, and 15 loggerhead turtles.

A new biological opinion was prepared for this action. Authorization for this action differs from the August 10, 1992, authorization by including both lethal takes and takes by injury. Furthermore, while only documented takes will be calculated for summer flounder trawlers using TEDs, takings by summer flounder trawlers that are not using TEDs may be based on direct observations or estimates from other onboard observers, or from other sources, such as reported strandings of sea turtles. NMFS has authorized a take,

by death or injury, of one endangered Kemp's ridley, hawksbill, green, or leatherback turtle, or three loggerhead turtles during the effective period of this action.

NMFS will require trawlers selected by the Director, NMFS Southeast Region, to carry an observer to monitor the incidental capture of seal turtles, particularly north of Oregon Inlet, North Carolina. NMFS will cooperate with the North Carolina Division of Marine Fisheries in the placement of observers. If observer reports or other information indicate that the authorized take is met or exceeded, NMFS may re-establish the requirement to use TEDs north of Oregon Inlet, North Carolina, or take other necessary measures to protect turtles.

Future Actions by NMFS

NMFS is considering proposing permanent regulations under the ESA to require TEDs in the summer flounder bottom trawl fishery throughout the summer flounder fishery-sea turtle protection area, effective during the 1993–1994 fishing season. That rule may also authorize NMFS to document the impacts of incidental capture of sea turtles in this and other coastal fisheries throughout the Mid-Atlantic region.

Classification

The Assistant Administrator has determined that this interim rule is consistent with the ESA and other applicable law.

This action does not require a regulatory impact analysis under E.O. 12291, because it is not a major rule.

The Assistant Administrator prepared an environmental assessment (EA) for the final rule to protect sea turtles (57 FR 57348, December 4, 1992). A supplemental EA prepared specifically for this action that concludes that there will be no significant impact on the human environment. A copy of the EA is available (see **ADDRESSES**).

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Virginia and North Carolina. These determinations were submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act. Neither this interim rule nor the ESA preclude a state from adopting more stringent sea turtle protection measures.

The Assistant Administrator finds there is good cause to waive both full notice and opportunity for comment under section 553(b)(B) and the 30-day delayed effectiveness under section 553(d) of the Administrative Procedure Act (APA). The Assistant Administrator finds that these provisions are unnecessary, impracticable, and contrary to the public interest because they would likely result in significant takings of sea turtles, such takings could jeopardize the continued existence of some species of sea turtles, or could require the closure of the fishery. Furthermore, full notice and comment for this interim rule is unnecessary because comments were requested on the initial action (57 FR 53603, November 12, 1992), and subsequent actions (57 FR 60135, December 18, 1992, and 58 FR 4088, January 13, 1993), and responses to comments received were responded therein. Further comments on this action are invited and NMFS will consider changes to the provisions of this rule recommended as a result of comments received. Additionally, a delayed effective date is unnecessary because TEDs have been required in the summer flounder bottom trawl fishery off southern Virginia and North Carolina since November 15, 1992.

Because neither section 553 of the APA nor any other law requires that general notice of proposed rulemaking be published for this action, under section 603(d) of the Regulatory Flexibility Act, an initial regulatory flexibility analysis is not required.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

This rule also does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

List of Subjects

50 CFR Part 217

Endangered and threatened species, Exports, Fish, Imports, Marine Mammals, Transportation.

50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine Mammals, Transportation.

Dated: February 9, 1993.

William W. Fox, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

For the reasons set forth in the preamble, 50 CFR parts 217 and 227 are amended as follows:

PART 217—GENERAL PROVISIONS

1. The authority citation for part 217 continues to read as follows:

Authority: 16 U.S.C. 1531–1544; and 16 U.S.C. 742a *et seq.*, unless otherwise noted.

2. In § 217.12, definitions for "Summer flounder", "Summer flounder fishery-sea turtle protection area" and "Summer flounder trawler" are temporarily added, effective from February 10, 1993, through April 10, 1993, in alphabetical order, to read as follows:

§ 217.12 Definitions.

* * * * *

Summer flounder means the species *Paralichthys dentatus.*

Summer flounder fishery-sea turtle protection area means all offshore waters, bounded on the north by a line along 37°05′N. latitude (Cape Charles, Virginia) and bounded on the south by a line along 33°35′N. latitude (North Carolina-South Carolina border).

Summer flounder trawler means any vessel that is equipped with one or more bottom trawl nets and that is capable of, or used for, fishing for flounder, and whose on-board or landed catch of flounder is more than 100 pounds (45.4 kg).

* * * * *

PART 227—THREATENED FISH AND WILDLIFE

3. The authority citation for part 227 continues to read as follows:

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

4. In § 227.72, paragraphs (e)(2)(iii) and (e)(4)(iii)(D) are added temporarily from February 10, 1993, through April 10, 1993, to read as follows:

§ 227.72 Exceptions to prohibitions.

* * * * *

(2) * * *

(iii) *Gear requirement—summer flounder trawlers.* (A) *TED requirement.* Except as provided in paragraph (e)(2)(iii)(B) of this section, any summer flounder trawler in the summer flounder fishery-sea turtle protection area must have an approved TED (as defined in § 217.12 of this subchapter) installed in each net that is rigged for fishing. A net is rigged for fishing if it is in the water, or if it is shackled, tied, or otherwise connected to any trawl door or board, or to any tow rope, cable, pole or extension, either on board or attached in any manner to the summer flounder trawler.

(B) *Exemptions from the TED requirement.* Any summer flounder trawler north of 35°46.1′ N. latitude

(Oregon Inlet, North Carolina) is exempt from the TED requirements of paragraph (e)(2)(iii)(A) of this section unless the Assistant Administrator determines that TED use is necessary to protect sea turtles or ensure compliance. The Assistant Administrator will issue a determination that TED use is necessary based upon sea surface temperatures, evidence of sea turtle presence, effectiveness of monitoring or extent of compliance with the requirements of this section. The Assistant Administrator will provide as much advance notice as possible concerning such a determination, consistent with the requirement of the Act, and will announce the determination in summary form on channel 16 of the marine VHF radio. The notice in the Federal Register will include findings in support of the determination that TED use is necessary.

(C) *Monitoring.* Summer flounder trawlers must carry onboard a NMFS-approved observer if selected to do so by the Director, Southeast Region, NMFS, upon written notification sent to the address specified for the vessel in either the NMFS or state fishing permit application, or specified for registration or documentation purposes, or otherwise served on the owner or operator of the vessel. Owners and operators must comply with the terms and conditions specified in such written notification. All NMFS-approved observers will report any violations of this section, or other applicable regulations and laws; such information may be used for enforcement purposes.

(D) *Additional sea turtle conservation measures.* The Assistant Administrator may impose other such restrictions upon summer flounder trawlers as he or she deems necessary or appropriate to protect sea turtles and ensure compliance, pursuant to the procedures of paragraph (e)(6) of this section. Such measures may include, but are not limited to, a requirement to use TEDs in areas other than summer flounder-sea turtle protection area, a requirement to use limited tow-times, and closure of the fishery.

* * * * *

(e) * * *

(4) * * *

(iii) * * *

(D) For summer flounder bottom trawlers fishing in the summer flounder fishery-sea turtle protection area, a large-mesh webbing may be attached outside of the webbing flap to prevent chaffing on downward shooting TEDs, if it does not interfere or otherwise restrict the turtle escape opening.

* * * * *

[FR Doc. 93–3474 Filed 2–10–93; 11:15 am]

BILLING CODE 3510–22–M

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50 CFR Part 625

[Docket No. 920543–2293]

Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notification of commercial quota harvest.

SUMMARY: NMFS issues this notification to announce that the summer flounder commercial quota for 1993 available to the State of Connecticut has been harvested. Vessels issued a Federal fisheries permit for the summer flounder fishery may no longer land summer flounder in the State of Connecticut for the remainder of calendar year 1993. Regulations governing the summer flounder fishery require publication of this notification to advise the State of Connecticut that its quota has been harvested and to advise vessel and dealer permit holders that no commercial quota is available for landing summer flounder in the State.

EFFECTIVE DATES: February 19, 1993, through December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Kathi Rodrigues, 508–281–9324.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 625, as amended on December 4, 1992 (57 FR 57358). The regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 625.20.

The commercial quota for summer flounder for the 1993 calendar year is set equal to 12.35 million pounds (5.6 million kg) (January 22, 1993, 58 FR 5658). The percent allocated to vessels landing summer flounder in Connecticut is 0.9532 percent, calculated to be 117,720 pounds (53,397 kg) for 1993.

Section 625.21(c) requires the Regional Director, Northeast Region (Regional Director) to monitor state commercial quotas based on dealer reports and other available information, and to determine the date when a state commercial quota will be harvested. The Regional Director is further required to publish a notice in the Federal Register advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state.

The Regional Director has determined, based on dealer reports and other available information, that the Connecticut commercial quota will be harvested by February 19, 1993. The regulations at § 625.4(a)(3) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Director has determined no longer has commercial quota available. Therefore, further landings in that state by Federally permitted vessels are prohibited for the remainder of the 1993 calendar year, effective 0001 hours February 19, 1993. Federally permitted dealers are advised that they may not purchase summer flounder from Federally permitted vessels that land in Connecticut, for the remainder of the calendar year.

Classification

This action is required by 50 CFR part 625 and complies with Executive Order 12291.

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

List of Subjects in 50 CFR Part 625

Fisheries, Reporting and recordkeeping requirements.

Dated: February 10, 1993.

David S. Crestin,

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

[FR Doc. 93–3537 Filed 2–12–93; 8:45 am]

BILLING CODE 3210–22–M

Proposed Rules

Federal Register
Vol. 58, No. 29
Tuesday, February 16, 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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Docket No. FV92-932-2PR]

Olives Grown in California; Proposal To Reallocate Handler Membership on the California Olive Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would reallocate handler membership on the California Olive Committee (COC), the agency responsible for local administration of the California Olive marketing order. This action would provide for more equitable representation between cooperative and independent olive handlers. The proposal would reduce the number of cooperative handler members from four to two and provide independent handlers with those positions, thus, increasing independent handler membership to six positions. This proposal was unanimously recommended by the COC at its December 10 meeting.

DATES: Comments must be received by March 3, 1993.

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

FOR FURTHER INFORMATION CONTACT: Terry Vawter, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone (209) 487–5901; or Caroline Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2526–S, Washington, DC 20090–6456; telephone (202) 720–8139.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Order No. 932 (7 CFR part 932), as amended, regulating the handling of olives grown in California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This proposed rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

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

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

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

There are 5 handlers of olives regulated under this marketing order, and approximately 1,350 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms as those whose annual receipts are less than $3,500,000. A majority of the olive producers and none of the olive handlers may be classified as small entities.

Pursuant to section 932.25 of the order, the California Olive Committee (COC) consists of 16 members. Each member has an alternate. Eight of the members are growers and eight are handlers. Section 932.25 further provides that the eight handler representatives be further allocated so that four members represent cooperative marketing organizations, hereinafter referred to as cooperative handlers, and four members represent marketing organizations which are not cooperative marketing organizations, hereinafter referred to as independent handlers. The order also provides that, under certain circumstances, cooperative and independent handler membership would be allocated based on the total volume of olives handled during the crop year in which nominations are made and in the preceding crop year. Under this provision, the cooperative or independent handler group that handled 65 percent or more of the total volume is entitled to five representatives on the COC. The handler group that handled 35 percent or less of the total volume is entitled to three representatives on the COC.

Section 932.25 contains authority for the COC, with the Secretary's approval, to reallocate membership as necessary to assure equitable representation on the COC. Recent changes in the olive industry have resulted in one of the only two cooperative handlers in the industry going out of business. As a result, five olive handlers remain: Four independent handlers and one

cooperative handler. The COC therefore unanimously recommended that handler representation be reallocated to provide independent and cooperative handlers with six members and two members, respectively.

The olive industry and the COC have historically demonstrated a policy of maintaining equitable representation among handlers. Until 1968, the administrative rules and regulations in effect under the order limited each handler organization to only one member position on the COC. During the years that followed, the number of handlers in the industry declined while the number of member positions on the committee remained the same. Therefore, the administrative rules and regulations were changed in 1974 to specify that no more than two nominees for COC member positions may be affiliated with the same handler.

The current proposal would allocate two members to the remaining cooperative handler and six members to the independent handler group. This change would be in a new § 932.159, added to the order's administrative rules and regulations.

This proposal is intended to provide for more equitable handler representation on the COC. This proposed action would not impose any additional costs on producers or handlers.

Based on the available information, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities and the proposal would benefit both producers and handlers of California olives.

A 15-day comment period is deemed appropriate for this proposed action since ensuring equitable representation on the COC needs to be implemented as quickly as possible. This action should become effective prior to nominations for members for the 1993–95 term of office. Such nominations must begin prior to March 1, 1993.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is proposed to be amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–74.

2. A new § 932.159 is added to read as follows:

§ 932.159 Reallocation of handler membership.

Pursuant to § 932.25, handler representation on the committee is reallocated to provide that two members shall represent cooperative marketing organizations and six members shall represent handlers who are not cooperative marketing organizations.

Dated: February 9, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–3501 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 1106

[DA–93–01]

Milk in the Southwest Plains Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal that would suspend a certain provision of the Southwest Plains Federal milk order from February 1, 1993, through August 31, 1993. This notice would suspend the requirement that producers "Touch-base" at a pool plant with at least one day's production during the month before their milk is eligible for diversion to an unregulated manufacturing plant. This provision was suspended for the same period in 1992. The request for the suspension of this provision was made by Mid-America Dairymen, Inc. (Mid-Am). Mid-Am is a cooperative association which represents producers who have been historically associated with the Southwest Plains order. Mid-Am requested this suspension in order to prevent the uneconomic movement of milk under the order.

DATES: Comments are due no later than February 23, 1993.

ADDRESSES: Comments (two copies) should be sent to USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–4829.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This proposed suspension, of rules has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. If adopted, this proposed action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the suspension of the following provision of the order regulating the handling of milk in the Southwest Plains marketing area is being considered for the months of February 1993 through August 1993.

1. In § 1106.13, paragraph (d)(1) in its entirety.

All persons who desire to submit written data, views or arguments about the proposed suspension should send two copies of their views to USDA/AMS/Dairy Division, Order Formulation

Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the **Federal Register**. The comment period is limited in order to facilitate completion of the required procedures in time to include February 1993 in the suspension period if it is concluded that the proposal should be adopted.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association operating under the Southwest Plains order. Mid-Am has requested the suspension of a certain provision in order to prevent the uneconomic and inefficient movement of milk for the sole purpose of pooling the milk of producers historically associated with the Southwest Plains order.

Mid-Am requests the suspension of the touch-base requirements during the months of February 1993 through August 1993. This provision has been suspended previously in order to maintain the pool status of producers who have historically supplied the fluid needs of Southwest Plains distributing plants.

By suspending the touch-base provision, producer milk would not be required to be delivered to pool plants before going to unregulated manufacturing plants solely to make the milk eligible for pooling under the order.

Mid-Am projects that there will be ample supplies of direct-ship producer milk which is located in the general area of the Southwest Plains distributing plants to meet their fluid needs. Therefore, Mid-Am asserts that there is no need to require producers located some distance from pool plants to be received one time during the month at such plants when their milk can more economically be diverted directly to manufacturing plants in the production area.

List of Subjects in 7 CFR Part 1106

Milk marketing orders.

The authority citation for 7 CFR part 1106 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Dated: February 9, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–3499 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 91–006N–HLTH]

RIN 0583–AB34

Nutrition Labeling; Use of "Healthy" and Similar Terms on Meat and Poultry Product Labeling

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Reopening of comment period.

SUMMARY: On January 6, 1993, the Food Safety and Inspection Service (FSIS) published a proposed rule to amend the Federal meat and poultry products inspection regulations to permit the use of the term "healthy" or any other derivative of the term "health," such as "healthful" or "healthier," on the labeling of meat and poultry products. The proposed rule allowed 30 days for public comment. FSIS now believes that because of the complexity of the issues raised in the proposed rule, 30 days is not enough time for the public to adequately respond to the issues. Therefore, notice is given that FSIS is reopening the comment period for an additional 30 days to give the public sufficient time to gather and submit information in response to the proposed rule.

DATES: Comments on the proposed rule must be received on or before March 18, 1993.

ADDRESSES: Written comments to: Policy Office, ATTN: Linda Carey, FSIS Hearing Clerk, room 3171, South Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Charles R. Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 205–0080.

SUPPLEMENTARY INFORMATION: On November 27, 1991, FSIS published in the **Federal Register** a proposed rule entitled "Nutrition Labeling of Meat and Poultry Products" (56 FR 60302). The proposed rule would permit voluntary nutrition labeling on single-ingredient, raw meat and poultry products, and would establish mandatory nutrition labeling for most processed meat and poultry products. In addition to proposing specific regulations for nutrition labeling, the Agency solicited comments on the appropriateness and usefulness of the term "healthy" on the labeling of meal-type products, and requested specific information on the criteria for the use of such term.

FSIS published its final rule on nutrition labeling (58 FR 632) in the **Federal Register** on January 6, 1993. The Agency also published on that date a proposed regulation permitting the use of the term "healthy" or any other derivative of the term "health," such as "healthful" or "healthier," on the labeling of meat and poultry products (58 FR 688).

Interested persons were given until February 5, 1993, in which to comment on the proposed rule. FSIS has decided to reopen the comment period to allow additional time for information to be gathered and submitted in response to the proposed rule. FSIS believes this information will be useful in developing a final regulation and is, therefore, reopening the comment period for an additional 30 days.

Done at Washington, DC, on February 9, 1993.

H. Russell Cross,

Administrator, Food Safety and Inspection Service.

[FR Doc. 93–3524 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–DM–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Radiological Criteria for Decommissioning of NRC-licensed Facilities; Workshop

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Workshop.

SUMMARY: The Nuclear Regulatory Commission (NRC) is preparing to initiate an enhanced participatory rulemaking on establishing the radiological criteria for the decommissioning of NRC-licensed facilities. The Commission intends to enhance the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the staff develops the draft proposed rule. The Commission plans to conduct a series of workshops to solicit commentary from affected interests on the fundamental approaches and issues that must be addressed in establishing the radiological criteria for

decommissioning. The second workshop will be held in San Francisco, California on February 23 and 24, 1993 and will be open to the public.

DATES: February 23, 1993 from 9 a.m. to 6 p.m.; February 24, 1993 from 8 a.m. to 4:30 p.m., Sir Francis Drake Hotel, Union Square, 450 Powell Street, San Francisco, California.

As discussed later in this notice, the workshop discussions will focus on the issues and approaches identified in a Rulemaking Issues Paper prepared by the NRC staff. The Commission will accept written comments on the Rulemaking Issues Paper from the public, as well as from workshop participants. Written comments should be submitted by May 28, 1993.

ADDRESSES: Send written comments on the Rulemaking Issues Paper to: Secretary, U.S. Nuclear Regulatory Commission,Washington, DC 20555. ATTN: Docketing and Service Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland between 7:45 a.m. and 4:15 p.m. on Federal workdays. The Rulemaking Issues Paper is available from Francis X. Cameron (See "**FOR FURTHER INFORMATION CONTACT**").

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Special Counsel for Public Liaison and Waste Management, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–504–1642; Gregory Cook, Public Affairs Officer, U.S. Nuclear Regulatory Commission, Region V, Walnut Creek, California, Telephone: 510–975–0346.

SUPPLEMENTARY INFORMATION:

Background

The NRC has the statutory responsibility for protection of health and safety related to the use of source, byproduct, and special nuclear material under the Atomic Energy Act. The NRC believes that one portion of this responsibility is to ensure the safe and timely decommissioning of nuclear facilities which it licenses and to provide guidance to licensees on how to plan for and prepare their sites for decommissioning. Once licensed activities have ceased, licensees are required to decommission their facilities so that their licenses may be terminated. This requires that the radioactivity in land, groundwater, buildings, and equipment resulting from the licensed operation be reduced to levels that allow the property to be released for unrestricted use. Licensees must then demonstrate that all facilities have been properly decontaminated and that radioactive material has been transferred to authorized recipients. Confirmatory surveys are conducted by NRC, where appropriate, to verify that sites meet NRC radiological criteria for decommissioning.

The types of nuclear fuel cycle facilities that will require decommissioning include nuclear power plants; non-power (research and test) reactors; fuel fabrication plants, uranium hexafluoride production plants, and independent spent fuel storage installations. In addition there are currently about 24,000 materials licensees. About one third of these are NRC licensees, while the remainder are licensed by Agreement States acting under the authority of the Atomic Energy Act, section 274. These licensees include universities, medical institutions, radioactive source manufacturers, and companies that use radioisotopes for industrial purposes. About 50% of NRC's 7,500 materials licensees use either sealed radioactive sources or small amounts of short-lived radioactive materials. Decommissioning of these facilities should be relatively simple because there is usually little or no residual radioactive contamination. Of the remaining 50%, a small number (e.g. radioactive source manufacturers, radiopharmaceutical producers, and radioactive ore processors) conduct operations that could produce substantial radioactive contamination in portions of the facility. These facilities, like the fuel cycle facilities identified above, must be decontaminated before they can be safely released for unrestricted use.

Several hundred NRC and Agreement State licenses are terminated each year. The majority of these licenses involve limited operations, produce little or no radioactive contamination, and do not present complex decommissioning problems or potential risks to public health or the environment from residual contamination. However, as the nuclear industry matures, it is expected that more and more of the larger nuclear facilities that have been operating for a number of years will reach the end of their useful lives and be decommissioned. Therefore, both the number and complexity of facilities that will require decommissioning is expected to increase.

The Commission believes that there is a need to incorporate into its regulations radiological criteria for termination of licenses and release of land and structures for unrestricted use. The intent of this action would be to provide a clear and consistent regulatory basis for determining the extent to which lands and structures must be decontaminated before a site can be decommissioned. The Commission believes that inclusion of criteria in the regulations would result in more efficient and consistent licensing actions related to the numerous and frequently complex site decontamination and decommissioning activities anticipated in the future. A rulemaking effort would also provide an opportunity to reassess the basis for the residual contamination levels contained in existing guidance in light of changes in basic radiation protection standards and decommissioning experience obtained during the past 15 years.

The new criteria would apply to the decommissioning of power reactors, non-power reactors, fuel reprocessing plants, fuel fabrication plants, uranium hexafluoride production plants, independent spent fuel storage installations, and materials licenses. The criteria would apply to nuclear facilities that operate through their normal lifetime, as well as to those that may be shut down prematurely. The proposed criteria would not apply to uranium (other than source material) mines and mill tailings, high-level waste repositories, or low-level waste disposal facilities.

Until the new criteria are in place, the Commission intends to proceed with the decommissioning of nuclear facilities on a site-specific basis as the need arises considering existing criteria. Case and activity-specific risk decisions will continue to be made as necessary during the pendency of this process.

The Enhanced Participatory Rulemaking

The Commission believes it is desirable to provide for early and comprehensive input from affected interests on important public health and safety issues, such as the development of radiological criteria for decommissioning. Accordingly, the Commission is initiating an enhanced participatory rulemaking to establish these criteria. The objective of the rulemaking is to enhance the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the NRC staff develops the draft proposed rule. The NRC staff will consider this commentary in the development of the draft proposed rule, as well as document how these comments were considered in arriving at a regulatory approach. The Commission believes that this will be an effective method for illuminating the decision making process on complex and controversial public health and safety issues. This approach will ensure that the important issues have been

identified; will assist in identifying potential information gaps or implementation problems; and will facilitate the development of potential solutions to address the concerns that affected interests may have in regard to the rulemaking.

The early involvement of affected interests in the development of the draft proposed rule will be accomplished through a series of workshops. A workshop format was selected because it will provide representatives of the affected interests with an opportunity to discuss the rulemaking issues with one another and to question one another about their respective positions and concerns. Although the workshops are intended to foster a clearer understanding of the positions and concerns of the affected interests, as well as to identify areas of agreement and disagreement, it is not the intent of the workshop process to attempt to develop a consensus agreement on the rulemaking issues. In addition to the commentary from the workshop participants, the workshops will be open to the public and the public will be provided with the opportunity to comment on the rulemaking issues and the workshops discussions at discrete intervals during the workshops.

The workshops were initially announced in the **Federal Register** on December 11, 1992 (57 FR 58727). The complete schedule for the workshops is:

January 27 and 28, 1993.	Chicago, Illinois.
February 23 and 24, 1993.	San Francisco, California.
March 12 and 13, 1993.	Boston, Massachusetts.
March 23 and 24, 1993.	Dallas, Texas.
April 13 and 14, 1993.	Philadelphia, Pennsylvania.
April 29 and 30, 1993.	Atlanta, Georgia.
May 6 and 7, 1993	Washington, DC.

The normal process for conducting Commission rulemakings is NRC staff development of a draft proposed rule for Commission review and approval, publication of the proposed rule for public comment, consideration of the comments by the NRC staff, and preparation of a draft final rule for Commission approval. In the enhanced participatory rulemaking, not only will comments be solicited before the NRC staff prepares a draft proposed rule, but the mechanism for soliciting these early comments will also provide an opportunity for the affected interests and the NRC staff to discuss the issues with each other, rather than relying on the traditional one-to-one written correspondence with the NRC staff. After Commission review and approval of the draft proposed rule that is developed using the workshop commentary, the general process of issuing the proposed rule for public comment, NRC staff evaluation of comments, and preparation of a draft final rule for Commission approval, will occur.

Participants

In order to have a manageable discussion among the workshop participants, the number of participants in each workshop must be limited. Based on discussions with experts on workshop facilitation, the NRC staff believes that the optimum size of the workshop group is fifteen to twenty participants. Due to differing levels of interest in each region, the actual number of participants in any one workshop, as well as the number of participants that represent a particular interest in any one workshop, may vary. Invitations to attend the workshops will be extended by the NRC staff using several selection criteria. First, to ensure that the Commission has the benefit of the spectrum of viewpoints on the issues, the NRC staff is attempting to achieve the participation of the full range of interests that may be affected by the rulemaking. The NRC staff has identified several general interests that will be used to select specific workshop participants—state governments, local governments, tribal governments, Federal agencies, citizens groups, nuclear utilities, fuel cycle facilities, and non-fuel cycle facilities. In addition to these interests, the staff also plans to invite representatives from the contracting industry that performs decommissioning work and representatives from professional societies, such as the Health Physics Society and the American Nuclear Society. The NRC anticipates that most of the participants will be representatives of organizations. However, it is also possible that there may be a few participants who, because of their expertise and influence, will participate without any organizational affiliation.

The second selection criterion is the ability of the participant to knowledgeably discuss the full range of rulemaking issues. The NRC staff wishes to ensure that the workshops will elicit informed discussions of options and approaches, and the rationale for those options and approaches, rather than simple statements of opinion. The NRC staff's identification of potential participants has been based on an evaluation of such factors as the extent of a potential participant's experience with a broad range of radiation protection issues and types of nuclear facilities, specific experience with the decommissioning issue, and the extent of a potential participant's substantive comment and participation on previous Commission regulatory or licensing actions.

The third criterion emphasizes participation from organizations within the region encompassed by the workshop. As much as practicable, those organizations that primarily operate within the region, as opposed to regional units of national organizations, will have priority in terms of participating in the corresponding regional workshops. Organizations with a national standing will be part of the "national" workshop to be held in Washington, DC.

Workshop Format

To assure that each workshop addresses the issues in a consistent manner, the workshops will have a common pre-defined scope and agenda focused on the Rulemaking Issues Paper discussed below. However, the workshop format will be sufficiently flexible to allow for the introduction of any additional issues that the participants may want to raise. At each workshop, the NRC staff will begin each discussion period with a brief overview of the rulemaking issues to be discussed and the remainder of the workshop will be devoted to a discussion of the issues by the participants. The workshop commentary will be transcribed and made available to participate and to the public.

Personnel from The Keystone Center, a nonprofit organization located in Keystone, Colorado, will serve as neutral facilitators for each workshop. The facilitators will chair the workshop sessions and ensure that participants are given an opportunity to express their viewpoints, assist participants in articulating their interests, ensure that participants are given the opportunity to question each other about their respective viewpoints, and assist in keeping the discussion moving at a pace that will allow all major issue areas to be addressed.

Rulemaking Issues Paper

The NRC staff has prepared a Rulemaking Issues Paper to be used as a focal point for the workshop discussions. This paper, which will be distributed to participants in advance of the workshops, sets forth in neutral terms the issues that must be addressed in the rulemaking, as well as background information on the nature and extent of the problem to be

addressed. In framing the issues and approaches discussed in the Rulemaking Issues Paper, the NRC staff has attempted to anticipate the variety of views that exist on these approaches and issues. The paper will provide assistance to the participants as they prepare for the workshops, suggest the workshop agenda, and establish the level of technical discussion that can be expected at the workshops. The workshop discussions are intended to be used by the staff in developing the draft proposed rule. Prior to the workshops no staff positions will be taken on the rulemaking approaches and issues identified in the Rulemaking Issues Paper. As noted earlier, to the extent that the Rulemaking Issues Paper fails to identify a pertinent issue, this may be corrected at the workshop sessions.

The discussion of issues is divided into two parts. First are two primary issues dealing with:

(1) The objectives for developing radiological criteria; and

(2) Application of practicality considerations.

The objectives constitute the fundamental approach to the establishment of the radiological criteria, and the NRC staff has identified four distinct possibilities including:

(1) Risk Limits, which is the establishment of limiting values above which the risks to the public are deemed unacceptable, but allows for criteria to be set below the limit using practicality considerations;

(2) Risk Goals, where a goal is selected and practicality considerations are used to establish criteria as close to the goal as practical;

(3) Best Effort, where the technology for decontamination considered to be the best available is applied; and

(4) Return to Preexisting Background, where the decontamination would continue until the radiological conditions were the same as existed prior to the licensed activities.

Following the primary issues are several secondary issues that are related to the discussions of the primary issues, but which the NRC staff believe warrant separate presentations and discussions. These secondary issues include the time frame for dose calculation, the individuals or groups to be protected, the use of separate criteria for specific exposure pathways such as groundwater, the treatment of radon, and the treatment of previously buried materials.

The Rulemaking Issues Paper will be provided to each potential workshop participant. Additional copies will be available to members of the public in attendance at the workshop. Copies will also be available from the NRC staff contact identified above.

In addition to the comments on the Rulemaking Issues Paper provided at the workshops, the Commission is also receptive to the submittal of written comments on the rulemaking issues, as noted under the heading "DATES".

Dated at Rockville, MD this 9th day of February, 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–3539 Filed 2–12–93; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 900

Hearings For the Study of the Role of the Federal Home Loan Bank System

AGENCY: Federal Housing Finance Board.

ACTION: Notice of public hearing and request for comment.

SUMMARY: The Federal Housing Finance Board (Finance Board) is hereby announcing a public hearing and requesting comment on the study of the Federal Home Loan Bank System (FHLBank System) being prepared by the Finance Board.

DATES: The public hearing will be held on March 25 and 26 at 10 a.m. Requests to participate in the hearing must be received no later than February 26, 1993. The written statements of those accepted for participation in the hearing or other written comments must be received no later than March 19, 1993.

ADDRESSES: Send requests to participate in the hearing, written statements of hearing participants, or other written comments to Elaine L. Baker, Executive Secretary, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. The submissions may be mailed. The submissions also may be hand delivered or sent by facsimile transmission to FAX number (202) 408–1435. Submissions must be received by 5 p.m. on the day they are due in order to be considered received by the Finance Board. Late filed, misaddressed, or misidentified submissions may affect eligibility to participate in the hearing.

FOR FURTHER INFORMATION CONTACT: James H. Gray Jr., Associate General Counsel, (202) 408–2552 or Bruce W. McDougal, Attorney-Advisor, (202) 408–2505, Office of Legal and External Affairs, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION: On October 28, 1992, the President signed the Housing and Community Development Act of 1992, Public Law No. 102–550 (HCDA), which *inter alia* directed the Finance Board to conduct a study of fourteen topics concerning the FHLBank System, government sponsored enterprises generally, and other topics pertaining to the delivery of housing finance. The fourteen topics that the Finance Board has been directed to study are as follows:

(1) The appropriate capital standards for the FHLBank System.

(2) The relationship between the capital standards for the FHLBank System and the capital standards for the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac).

(3) The relationship between the capital standards for federally insured depository institutions and the capital standards for Fannie Mae and Freddie Mac.

(4) The advantages and disadvantages of expanding credit products and services for member institutions of the FHLBank System, including a determination of the feasibility of FHLBanks—

(A) Purchasing housing-related assets from member institutions;

(B) Providing credit enhancements and other products to members in addition to making advances; and

(C) Making direct loans for housing construction.

(5) The advantages and disadvantages of expanding eligible collateral for advances to member institutions of the FHLBank System by removing the limits on the amount of housing-related assets that member institutions can use to collateralize advances.

(6) The advantages and disadvantages of further measures to expand the role of the FHLBank System as a support mechanism for community-based lenders and to reinforce the overall role of the FHLBank System in housing finance.

(7) the advantages and disadvantages of measures to increase membership in, and increase the profitability of, the FHLBank System by modifying:

(A) Restrictions on membership and stock purchases of nonqualified thrift lenders;

(B) The overall limit imposed on advances by the FHLBank System to nonqualified thrift lenders; and

(C) The membership requirement for qualified thrift lenders.

(8) The competitive effect of the mortgage activities of Fannie Mae and Freddie Mac on the home mortgage

activities of federally insured depository institutions and the cost of such activities to such institutions, the Savings Association Insurance Fund, and the Resolution Trust Corporation.

(9) The likelihood that the FHLBanks will be able to continue to pay the amounts required under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(10) The extent to which a reduction in the number of FHLBanks would reduce noninterest costs of the FHLBank System.

(11) The impact that a reduction in the number of FHLBanks would have on the effectiveness of affordable housing programs and community support programs under the FHLBank System.

(12) The impact that a reduction in the number of FHLBanks would have on the availability of affordable housing in rural areas and the ability of small rural financial institutions to provide housing financing.

(13) The current and prospective impact of the FHLBank System on:

(A) The availability and affordability of housing for low- and moderate-income households; and

(B) The relative availability of housing credit across geographic areas, with particular regard to differences depending on whether properties are inside or outside of central cities.

(14) The appropriateness of extending to the FHLBank System the public purposes and housing goals established for Fannie Mae and Freddie Mac under title 13 of the HCDA, the Federal National Mortgage Association Charter Act, and the Federal Home Loan Mortgage Corporation Act.

Sec. 1393 of the HCDA. The Finance Board is required to report to Congress on the outcome of this study by April 28, 1993.

The Finance Board is interested in the views of FHLBank members, community groups, trade associations, housing government sponsored enterprises, federal agencies, and others, on the fourteen topics being examined in this study. The purpose of the hearing on March 25 and 26, is to assist the Finance Board in preparing its report to Congress.

The Finance Board invites testimony or comment on all of the issues raised by the fourteen HCDA study topics and any other matters related to the HCDA study topics. To assist in responding to the issues that seem to underpin all fourteen topics, the Finance Board also requests testimony or comment on the following general, overarching issues:

(1) How can the FHLBanks' regional presence be better utilized to support housing finance in general, and affordable housing and community lending in particular?

(2) How can the FHLBank System better meet the financing needs of community-based institutions?

On March 25 and 26, the Finance Board will hold a public hearing on these questions. Persons wishing to participate in this hearing should send a written request to participate to the address listed in the "ADDRESSES" portion of this notice, to be received no later than February 26, 1993. The request to participate in the hearing must include the following information:

(1) The name, title, address, and business telephone of the participant;

(2) The entity or entities that the participant will be representing;

(3) A brief summary of the participant's remarks, identifying the specific issues to be addressed; and

(4) An indication of whether the participant is available for either hearing date.

Depending on the number of requests received, participants may be limited in the length of their oral presentations. The Finance Board will notify participants of the date and time scheduled for their presentation. The Finance Board anticipates establishing panels of participants for presentations and reserves the right to limit the number of participants and to select, in its discretion, those persons who may make oral presentations if it receives more requests for participation than may be accommodated in the time available.

Participants will be required to submit written statements in advance of the hearing date. These written statements should incorporate the major points to be presented at the hearing and should be accompanied by an executive summary of no more than 3–5 pages. Written statements must be received no later than March 19, 1993, and should be sent to the address listed in the "ADDRESSES" portion of this notice.

By the Federal Housing Finance Board.

Philip L. Conover,

Managing Director.

[FR Doc. 93–3600 Filed 2–12–93; 8:45 am]

BILLING CODE 6725–01–M

DEPARTMENT OF COMMERCE

United States Travel and Tourism Administration

15 CFR Part 1200

[Docket No. 921243–2343]

RIN 0644–AA02

International Tourism Trade Development Assistance

AGENCY: United States Travel and Tourism Administration.

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: This document extends until March 23, 1993, the United States Travel and Tourism Administration (USTTA) deadline for submission of comments on its proposal to amend its regulations governing administration of the International Tourism Trade Development Financial Assistance Program.

DATES: Comments must be received on or before March 23, 1993.

ADDRESSES: Comments should be forwarded in triplicate to: Mrs. Karen M. Cardran, Director, Marketing Programs, Office of Tourism Marketing, United States Travel and Tourism Administration, U.S. Department of Commerce, room 1860, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT:

Mrs. Karen M. Cardran, Director, Marketing Programs, Office of Tourism Marketing, United States Travel and Tourism Administration, U.S. Department of Commerce, room 1860, Washington, DC 20230. (202) 482–1904.

SUPPLEMENTARY INFORMATION: USTTA published a proposed notice of rulemaking to amend regulations in 15 CFR 1200 in the Federal Register on January 22, 1993 (58 FR 5672). Comments were to have been received on or before February 15, 1993. In the interest of assuring adequate time for review of these very complex regulations, Congressional delegates have requested an extension of the comment period until March 23, 1993 in order to provide a 60 day comment period. This notice so extends the comment period. To allow proper review and consideration of all comments received, it will not be possible to meet the originally scheduled date for publication of a final rule of March 29, 1993.

Dated: February 5, 1993.

David L. Edgell, Sr.,

Acting Under Secretary of Commerce for Travel and Tourism.

[FR Doc. 93–3495 Filed 2–12–93; 8:45 am]

BILLING CODE 3510–11–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1210

Proposed Safety Standard for Cigarette Lighters; Opportunity to Comment on Report of Tests of Lighters

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Opportunity to Comment on Report of Tests of Child-Resistant Lighters.

SUMMARY: The Commission announces the availability of a report on tests of child-resistant lighters. This report is part of the record in the Commission's rulemaking proceeding for a safety standard for cigarette lighters.

DATE: Written comments on the report may be filed until March 18, 1993.

ADDRESSES: Written comments, preferably in five copies, should be captioned or conspicuously identified as "Comments CC 93–2." Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, room 420, 5401 Westbard Avenue, Bethesda, Maryland 20816, telephone (301) 504-0800. Copies of the report may be obtained from the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: Barbara Jacobson, Project Manager for Cigarette Lighters, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0477.

SUPPLEMENTARY INFORMATION:

On August 17, 1992, the Commission proposed a safety standard that would require that disposable and novelty lighters meet specified requirements for child-resistance. 57 FR 36932. Written comments on the proposal were due by November 2, 1992. Oral comments on the proposal were received on October 21, 1992.

The proposal discussed the general results of some tests of child-resistant lighters that had been performed prior to that time, but no formal report of such tests was then available. A report of these tests has been prepared and is available from the Commission's Office of the Secretary.

The Commission tested four prototype designs of child-resistant lighters. In addition, the manufacturer of one of these lighters and the importer of another provided the Commission with summary results of additional tests of their lighters. The results of these tests are reported in a Commission staff memorandum, "Report of Results of Child-Resistant Lighter Testing," dated January 6, 1993. Three of the four lighters tested exceeded the proposed 85 percent acceptance criterion in the proposed standard.

Copies of the report may be obtained from the Commission's Office of the Secretary.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 93–3424 Filed 2–12–93; 8:45 am]

BILLING CODE 6355–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FRL–4596–4]

Open Meeting of the Disinfection By-Products Negotiated Rulemaking Advisory Committee

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: The Disinfection By-Products Negotiated Rulemaking Advisory Committee will meet on February 24–25 to continue to develop consensus that can be used as the basis of proposed rule.

DATES: On February 24, the meeting will begin at 9:30 a.m. and end by 5 p.m. On February 25, the meeting will begin at 8:30 a.m. and end by 4 p.m..

ADDRESSES: The Committee will meet at "Resolve", 1250 24th Street NW., 5th Floor, Washington, DC 20037, (202) 293–4800.

FOR FURTHER INFORMATION CONTACT: For further information on substantive aspects of the rule, call Stig Regli of EPA's Water Office at (202) 260–7379. For further information on the meeting, call Gail Bingham, the Committee Co-Chair, at (202) 778–9632.

Dated: February 8, 1993.

Chris Kirtz,

Director Consensus and Dispute Resolution Program.

[FR Doc. 93–3506 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[MD3–3–5625; A–1–FRL–4596–2]

Approval and Promulgation of Air Quality Implementation Plans; Maryland—COMAR 26.11.19.15C, Standards for Adhesive Application

AGENCY: Environmental Protection Agency (EPA).

AGENCY: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision consists of new volatile organic compound (VOC) regulations applicable in the Baltimore nonattainment area, including Baltimore City and the Counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard; and the Washington, DC nonattainment area, including Montgomery and Prince George's Counties. The intended effect of this action is to propose approval of new VOC regulations to correct deficiencies in Maryland's ozone SIP. This action is being taken under section 110 of the Clean Air Act.

DATES: Comments must be received on or before March 18, 1993. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Ms. Maria A. Pino, (215) 597–9337.

SUPPLEMENTARY INFORMATION: On April 5, 1991, the Maryland Department of the Environment formally submitted proposed amendments to Maryland's ozone SIP to EPA as a SIP revision to comply with part of the reasonably available control technology (RACT) fix-up requirement of the Clean Air Act, as amended in 1990. The Clean Air Act Amendments of 1990 were enacted on November 15, 1990. Public Law 101–549, 104 Stat. 2399, codified at 42

U.S.C. 7401–7671q. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that ozone nonattainment areas fix their deficient RACT rules for ozone. Areas designated nonattainment before enactment of the Amendments and which retained that designation and were classified as marginal or above as of enactment are required to meet the RACT fix-up requirement. Under section 182(a)(2)(A), those areas were required by May 15, 1991, to correct RACT. SIPs were to include RACT as it was interpreted under pre-amended section 172(b) and as it was interpreted in pre-amendment guidance.[1] The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. In Maryland, the Baltimore nonattainment area (including Baltimore City and the Counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard) and the Washington, DC nonattainment area (including Montgomery and Prince George's Counties) were classified as nonattainment for ozone prior to the Clean Air Act Amendments of 1990. These areas received SIP calls under section 110(a)(2)(H) in 1998. The Baltimore nonattainment area is classified as severe and the Washington, DC nonattainment area is classified as serious.[2] Therefore, these areas are subject to the RACT fix-up requirement and the May 15, 1991 deadline.

Maryland's April 5, 1991 submittal, known as RACT Fix-up Part I, consisted of amendments to Maryland's VOC regulations. This rulemaking notice proposes to approve COMAR 26.11.19.15C, Standards for Adhesive Application, contained in RACT Fix-up Part I. The revision contains four adhesive application regulations: Two category specific RACT determinations regulating source categories for which EPA has not written a control techniques guideline (CTG) (known as non-CTG sources), one minor source non-CTG regulation, and a general adhesive standard. On June 10, 1992, Maryland submitted a letter indicating that COMAR 26.11.19.15C(4) contained an administrative error and that Maryland was in the process of correcting that error. EPA is parallel processing its proposed approval while the State of Maryland corrects the administrative error. EPA will not be able to take final rulemaking action approving COMAR 26.11.19.15C(4) until it is formally submitted in its corrected form.

[1] Among other things, the pre-amendment guidance consists of the Post-87 policy, 52 FR 45044 (Nov. 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (of which notice of availability was published in the **Federal Register** on May 25, 1988); and the existing CTG's.

[2] The Baltimore and Washington, DC nonattainment areas retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon enactment of the Amendments. 56 FR 56694.

Background

Maryland's April 5, 1991 submittal, RACT Fix-up Part I, consisted of amendments to COMAR 26.11.01.01, 26.11.02.03, 26.11.06.01, .06, and .11, 26.11.13, and 26.11.19.01, .02, .07, and .10 to .15. The subject of this rulemaking notice is COMAR 26.11.19.15C. All other regulations contained in Maryland's April 5, 1991 submittal will be the subject of separate rulemaking notices.

On September 20, 1991, Maryland submitted another SIP revision, known as RACT Fix-up Part II. RACT Fix-up Part II addresses the remaining RACT Fix-up issues not addressed in RACT Fix-up Part I. RACT Fix-up Part II contains capture efficiency protocols, a generic VOC leak regulation, and revisions to a technical memorandum containing EPA approved test methods. These issues will be addressed in a separate rulemaking notice.

The subject of this rulemaking notice is COMAR 26.11.19.15C, Standards for Adhesive Application, contained in RACT Fix-up Part I. This revision is being parallel processed because the version of COMAR 26.11.19.15C in the April 5, 1991 submittal contained an administrative error which made the regulations more stringent than Maryland intended. Language which exempted sources subject to regulations for footwear manufacturing and spiral tube winding and impregnating from the general adhesive standard was accidentally deleted in the Maryland Register. On July 10, 1992, Maryland submitted a letter which clarified the intent of the general adhesive standard and stated that the language was being corrected. As stated previously, EPA is parallel processing its approval action while the State of Maryland corrects the administrative error. EPA reviewed the proposed revisions to COMAR 26.11.19.15C and provided comments in written testimony at the public hearings that were held by the State on September 30, 1986, March 27, 29, and 30, 1990, and October 11, 1990.

For detailed descriptions of the amendments addressed in this notice, please refer to the technical support document (TSD) prepared for these revisions.

Summary of Revised Regulations

COMAR 26.11.19.15C—Standards for Adhesive Application

COMAR 26.11.19.15C(1)—Honeycomb Core Installations

This non-CTG regulation affects one facility in Maryland, which emits 104 lbs/day from two installations. One of these installations is a print line, which applies VOC-containing adhesive to flat aluminum sheets. The second installation is a corrugating line, which applies VOC-containing adhesive on aluminum sheets which are then corrugated to produce the honeycomb structure.

The proposed regulation (1) requires honeycomb core installations discharging >50 lbs VOC/day (9.125 tons/year (TPY)) to use adhesive with ≤5.8 lbs VOC/gal as applied (minus water) and (2) contains a 200 lbs VOC/day (36.5 TPY) emissions cap.

Maryland has determined that the proposed 5.8 lbs VOC/gal as applied (minus water) standard is RACT because it is the lowest VOC formulation achievable that maintains the product characteristics required by the industry. Additionally, Maryland's generic recordkeeping and reporting rule, COMAR 26.11.19.02F, requires sources to keep adequate records to ensure compliance with the 200 lbs/day emissions cap.

These provisions result in a significant reduction in the overall VOC emissions from this source, from 38.2 TPY to 15.8 TPY, while requiring the lowest VOC adhesive formulation possible that still maintains product integrity. The emissions cap will keep the overall emissions below 37 TPY. The use of alternative non-VOC solvent substitutes will increase production costs, but not as much as add-on control. EPA is proposing to approve these provisions as RACT for the honeycomb core industry in Maryland because they significantly reduce VOC emissions (59%) and represent the level of control which is both technically and economically feasible. Therefore, EPA is proposing to approve this non-CTG RACT rule, COMAR 26.11.19.15C(1).

COMAR 26.11.19.15C(2)—Footwear Manufacturing

Maryland's footwear manufacturing regulation, submitted to EPA as a SIP revision in 1987, was never approved into the SIP. Maryland subsequently withdrew the regulation from consideration by EPA. The original regulation has been revised to replace a 500 lbs/day (91 TPY) emission cap with a maximum allowable VOC emission

level (0.5 lbs VOC/pair of boots) for specialty footwear manufacturers. This regulation affects one source, which is required to maintain records and submit monthly reports to Maryland on total materials used and VOC emissions. In order to comply with this regulation, this source had to significantly alter its production procedures and reformulate many materials it used in its production process.

EPA is proposing to approve COMAR 26.11.19.15C(2) because it enforceably reduces VOC emissions from a source category which would otherwise not be regulated (non-CTG and <100 TPY) under the SIP.

COMAR 26.11.19.15C(3)—Spiral Tube Winding and Impregnating

This regulation prohibits spiral tube winding and impregnating installations from: (1) Using adhesive with >5 lbs VOC/gal as applied (minus water) to manufacture specialty spiral tubes, (2) using adhesive with >2.9 lbs VOC/gal as applied (minus water) to manufacture non-specialty spiral tubes, (3) discharging >200 lbs VOC/day (36.5 TPY) from any specialty spiral tube winding, or (4) using resin with >4 lbs VOC/gal as applied (minus water).

Maryland has determined that this regulation constitutes RACT for the spiral tube winding and impregnating industry. This non-CTG regulation affects one source which lowered the VOC content of certain materials to meet the general adhesive standard of 3.8 lbs VOC/gal. However, the source has had difficulty lowering the VOC content of certain specialty resins and adhesives. The 200 lbs/day emissions cap will keep emissions below 37 TPY from these specialty applications. Maryland's generic recordkeeping and reporting rule, COMAR 26.11.19.02F, requires sources to keep adequate records to ensure compliance with the emissions cap.

This rule requires the affected source to use the lowest VOC concentrations possible, while still maintaining product integrity. The requirements of this regulation are both technically and economically feasible and result in significant, enforceable emissions reductions for the spiral tube winding and impregnating industry. Therefore, EPA is proposing to approve this non-CTG RACT rule, COMAR 26.11.19.15C(3).

COMAR 26.11.19.15C(4)—General Adhesive Standard

This regulation prohibits all adhesive application installations at the same source discharging >50 lbs VOC/day (9.125 TPY) and not subject to the honeycomb core, footwear manufacturing, or spiral tube winding and impregnating regulations or COMAR 26.11.19.03 to .14 from discharging >3.8 lbs VOC/gal of adhesive applied (minus water) unless emissions are reduced by 80% overall. This is more stringent than Maryland's original standard, which had a 50 lbs/day per installation cutoff.

The SIP call letter required Maryland to clarify that the general standard (3.8 lbs VOC/gal) is applicable for spiral wound tube impregnating operations in addition to the emissions cap contained in the category specific regulation COMAR 26.11.19.15C(3). However, Maryland's proposed standard for spiral tube winding and impregnating standard (2.9 lbs VOC/gal) is more stringent than the general standard. Additionally, as stated above, EPA has determined that Maryland's 5.0 lbs VOC/gal standard for specialty spiral tube winding constitutes RACT for that industry. Finally, Maryland has specified that the general standard is not applicable to sources regulated by COMAR 26.11.19.03 to .14 or COMAR 26.11.19.15C (1) to (3). Thus, this general standard applies to adhesive applications not covered by category specific regulations.

As stated in the **Background** section, when Maryland submitted these regulations as part of the RACT Fix-ups Part I SIP package, the exemptions for footwear manufacturing and spiral tube winding and impregnating were erroneously deleted. On July 10, 1992, Maryland submitted a letter to EPA which clarified the intent of the general adhesive standard and stated that the language was being corrected. EPA is parallel processing its proposed approval while the State of Maryland corrects the administrative error. In the general adhesive standard, the exemption for .15C(1) is being changed to .15C(1) to (3). EPA will not take final rulemaking action approving COMAR 26.11.19.15C(4) until it is formally submitted in its corrected form.

EPA's review of this material indicates that Maryland has corrected some of the deficiencies in its VOC regulations. Therefore, Maryland has complied, in part, with section 182(a)(2)(A) of the amended Clean Air Act, as that requirement applies to the Baltimore and Washington, DC nonattainment areas. EPA is proposing to approve the addition of COMAR 26.11.19.15C to the Maryland ozone SIP. COMAR 26.11.19.15C was formally submitted to EPA as a SIP revision on April 15, 1991. EPA is parallel processing this revision pursuant to the State of Maryland's July 10, 1992 request. The State of Maryland has certified that public hearings with regard to these proposed revisions were held in Maryland on September 30, 1986 in Baltimore; Marcy 27, 29, and 30, 1990 in Hagerstown, Annapolis, and Cambridge, respectively; and on October 11, 1990 in Annapolis, as required by 40 CFR 51.102. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this notice.

This revision is being proposed under a procedure called parallel processing, whereby EPA proposes rulemaking action concurrently with the state's procedures for amending its regulations. If the proposed revision is substantially changed in areas other than those identified in this notice, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made other than those areas cited in this notice, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the revision to COMAR 26.11.19.15C(4), to clarify its applicability, has been adopted by Maryland and submitted formally to EPA for incorporation into the SIP.

Proposed Action

EPA is proposing to approve the addition of COMAR 26.11.19.15C, which was submitted to EPA on April 15, 1991, to the Maryland ozone SIP. On July 10, 1992, Maryland submitted a letter to EPA which indicated that the general adhesive standard, COMAR 26.11.19.15C(4), contained an administrative error which changed the intended applicability of the regulation. The July 10, 1992 letter stated that Maryland was in the process of correcting this language. EPA is parallel processing this revision while the State of Maryland makes this correction pursuant to the State of Maryland's July 10, 1992 request. This revision meets part of the RACT fix-up requirement of the Clean Air Act, as amended. This revision includes four adhesive application regulations: two non-CTG RACT determinations, one minor source non-CTG regulation, and a general adhesive standard.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be

considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* versus *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

This action, pertaining to COMAR 16.11.19.15C, Standards for Adhesive Application, of Maryland's ozone SIP, has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

The Regional Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K), 110(a)(3), and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 3, 1992.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 93–3479 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 417 and 434

Office of the Inspector General

42 CFR Part 1003

[OCC–024–N]

RIN 0938–AF74

Medicare and Medicaid Programs; Requirements for Physician Incentive Plans in Prepaid Health Care Organizations

AGENCY: Health Care Financing Administration (HCFA), HHS; Office of the Inspector General (OIG), HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This notice announces a 60-day extension of the comment period on a proposed rule we published in the **Federal Register** on December 14, 1992, concerning requirements for physician incentive plans in prepaid health care organizations.

DATES: Comments may be submitted until 5 p.m., April 13, 1993.

FOR FURTHER INFORMATION CONTACT: Medicare: Jean LeMasurier, (202) 205–0553. Medicaid: Ann Page, (410) 966–5364. Office of the Inspector General: Zeno St. Cyr, II, (202) 619–3270.

SUPPLEMENTARY INFORMATION: On December 14, 1992, we published in the **Federal Register**, at 57 FR 59024, a proposed rule concerning requirements for physician incentive plans in prepaid health care organizations. The comment period of that proposed rule was to have ended on February 12, 1993. We are extending the comment period and will consider comments if we receive them at the appropriate address, as provided in the December 14, 1992 proposed rule, no later than 5 p.m. on April 13, 1993.

(Catalog of Federal Domestic Assistance Program No. 93.773—Medicare—Hospital Insurance Program; No. 93.774—Medicare Supplementary Medical Insurance Program; No. 93.778—Medical Assistance Program.)

Dated: February 5, 1993.

William Toby, Jr.,

Acting Deputy Administrator, Health Care Financing Administration.

Bryan B. Mitchell,

Principal Deputy Inspector General, Department of Health and Human Services.

Approved: February 9, 1993.

Donna E. Shalala,

Secretary.

[FR Doc. 93–3608 Filed 2–12–93; 8:45 am]

BILLING CODE 4120–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7058]

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (100-year) flood elevations and proposed base flood elevation modifications for the communities listed below. The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for each community listed, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Impact Analysis

This proposed rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. Section 67.4 is proposed to be amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
MAINE	
Clifton (town), Penobscot County	
Chemo Pond: Entire shoreline within community. **Maps available for inspection** at the Planning Office, 24 Airline Road, Clifton, Maine.	
Send comments to Mr. Vernon Morse, Chairman of the Town of Clifton Board of Selectmen, Penobscot County, 24 Airline Road, Clifton, Maine 04428.	
Stockton (Town), Penobscot County	
Penobscot Bay:	
Along shoreline of Mill Pond	*10
Along shoreline at Sandy Point	*23
Stockton Springs Tributary:	
At upstream side of the Bangor and Aroostock Railroad	*32
At upstream side of State Route 3 and U.S. Route 1	*120
Harris Road Tributary:	
At upstream side of the Bangor and Aroostock Railroad	*33
At upstream corporate limits	*209
Stowers Meadow Outlet:	
Approximately 75 feet upstream of confluence with Penobscot River	*11
At confluence of Stowers Meadow	*40
Stowers Meadow: Entire shoreline within community	*40
Stowers Meadow Tributary A:	
At confluence with Stowers Meadow	*40
At upstream side of Meadow Road	*91
Stowers Meadow Tributary B:	
At confluence with Stowers Meadow	*40
At upstream side of Meadow Road	*45
Stowers Meadow Tributary C:	
At confluence with Stowers Meadow	*40
At upstream side of Meadow Road	*51
Stowers Meadow Tributary D:	
At confluence with Stowers Meadow Tributary E	*49
At upstream side of Meadow Road	*63
Stowers Meadow Tributary E:	
At confluence with Stowers Meadow	*40
At upstream side of Meadow Road	*61
Maps available for inspection at the Town Offices, Stockton Springs, Maine.	
Send comments to Mr. Parker Gray, First Selectman for the Town of Stockton Springs Board of Selectmen, Penobscot County, Town Offices, Stockton Springs, Maine 04981.	
NEW YORK	
Cicero (Town), Onondaga County	
Volmer Creek:	
Approximately 760 feet downstream of Mud Hill Road	*373
Approximately 0.5 mile upstream of Grandview Drive	*409
Button Brook:	
At confluence with Volmer Creek	*385
Approximately 110 feet upstream of South Bay Road	*416
Thompson Brook:	
At confluence with Pine Grove Brook	*381
Approximately 40 feet upstream of State Route 82 (Northern Boulevard)	*397
Rosewood Brook:	
At confluence with Thompson Brook	*391
Approximately 1,100 feet upstream of Leroy Road	*400
Hancock Brook:	
At confluence with Thompson Brook	*392
Approximately 1,800 feet upstream of confluence with Thompson Brook	*392
Totman Brook:	
At confluence with Thompson Brook	*391
Approximately 35 feet upstream of upstream crossing of Totman Road	*412
Pine Grove Brook:	
Approximately 1,500 feet downstream of U.S. Route 11	*375
At downstream face of Penn Can Mall culvert system	*382
North Branch Pine Grove Brook:	
Approximately 160 feet downstream of Interstate Route 81	*386
Approximately 35 feet upstream of Thompson Road	*411
South Branch Pine Grove Brook:	
At South Bay Road	*386
Approximately 30 feet upstream of Thompson Road	*406
Maps available for inspection at the Cicero Town Hall, 8236 S. Main Street, Cicero, New York.	
Send comments to Mr. Len Brown, Supervisor of the Town of Cicero, Onondaga County, P.O. Box 1517, Cicero, New York 13039.	
PENNSYLVANIA	
Bethel (township), Delaware County	
Green Creek:	
At downstream corporate limits	*200
At upstream corporate limits	*214
Naaman Creek:	
Approximately 150 feet downstream of downstream corporate limits	*141
At downstream corporate limits	*142
Maps available for inspection at the Township Office, 1082 Bethel Road, Boothwyn, Pennsylvania.	
Send comments to Mr. John L. Myers, Jr., Chairman of the Township of Bethel Board of Supervisors, Delaware County, 1082 Bethel Road, Boothwyn, Pennsylvania 19061.	
TENNESSEE	
Murfreesboro (city), Rutherford County	
Bear Branch:	
At Oakland School Road	*584
At Wenlon Road	*610
Maps available for inspection at the City Hall, 200 NW. Broad Street, Murfreesboro, Tennessee.	
Send comments to The Honorable Joe B. Jackson, Mayor of the City of Murfreesboro, Rutherford County, P.O. Box 1139, Murfreesboro, Tennessee 37133–1139.	

§ 67.4 [Amended]

3. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground °elevation in feet (NGVD)	
				Existing	Modified
Arizona	City of Surprise, Maricopa County.	Trilby Wash	At the concrete overchute of C.A.P. Canal	°1,546	°1,546
			Approximately 1,350 feet upstream of C.A.P. Canal (at Jomax Road Alignment).	None	°1,556

Maps are available for review at the Building Administration and Community Development Department, 15818 North Hollyhock Street, Surprise, Arizona.
Send comments to The Honorable Roy Villanueva, Mayor, City of Surprise, 12604 Santa Fe Drive, Surprise, Arizona 85374.

California	City of Highland, San Bernardino County.	City Creek	Approximately 150 feet north of Third Street	°1,065	°1,069
			Just upstream of Del Rosa Avenue	°1,088	°1,087
			Just upstream of Third Street*	°1,150	°1,150
			Just upstream of Palm Avenue	°1,195	°1,190
			Approximately 800 feet upstream of Church Avenue.	°1,214	°1,211
		Sand Creek	At Highland Avenue	None	°1,269
			Approximately 400 feet upstream of Highland Avenue.	None	°1,284

Maps are available for review at City Hall, 27215 East Baseline, Suite A, Highland, California.
Send comments to The Honorable Dennis Johnson, Mayor, City of Highland, 26985 Baseline, Highland, California 92346.

Iowa	City of Emmetsburg, Palo Alto County.	West Fork Des Moines River	Just upstream of State Highway 4	None	°1,198
			About 2.03 miles upstream of U.S. Highway 18	None	°1,215

Maps available for inspection at the City Hall, 2021 Main Street, Emmetsburg, Iowa.
Send comments to The Honorable Norlyn Stowell, Mayor, City of Emmetsburg, City Hall, 2021 Main Street, Emmetsburg, Iowa 50536.

Kansas	City of Erie, Neosho County.	Puckets Run Creek	Approximately 1,300 feet downstream of Fifth Street.	°888	°888
			Just downstream of Third Street	°890	°889
			Just upstream of Canville Street	°892	°891
			Approximately 100 feet downstream of Atchison, Topeka and Santa Fe Railroad.	°896	°896

Maps are available for review at the City Clerks Office, Erie City Hall, 224 South Main Street, Erie, Kansas.
Send comments to The Honorable Paul Pitts, P.O. Box 196, Erie, Kansas 66733.

Kentucky	Bowling Green, City; Warren County.	Jennings Creek	Approximately 650 feet downstream of Hobson Lane.	458	462
			Approximately 0.5 mile upstream of Whispering Road.	None	492
		Sinkhole No. 14	At Wellington Way	481	479
		Sinkhole No. 6	At Churchill Court	None	510
		Sinkhole No. 25A	At Three Springs Hollow	None	536
		Sinkhole No. 25B	At Three Springs Hollow	None	531
		Sinkhole No. 25C	At Three Springs Hollow	None	540
		Sinkhole No. 3	At Catherine Drive	467	465
		Sinkhole No. 9D	At Cave Mill Road	None	511
		Sinkhole No. 9G	At Cave Mill Road	None	503
		Sinkhole No. 9H	At Cave Mill Road	None	509
		Sinkhole No. 9J	At Cave Mill Road	None	489
		Sinkhole No. 9K	At Cave Mill Road	None	510
		Sinkhole No. 12A	At McDivit Court	None	473
		Sinkhole No. 12B	At McDivit Court	None	473
		Sinkhole No. 12C	At McDivit Court	None	473
		Sinkhole No. 12D	At McDivit Court	None	481
		Sinkhole No. 10	At Cave Mill Road	None	514

Maps available for inspection at the City/County Planning Commission, 1141 State Street, Bowling Green, Kentucky.
Send comments to The Honorable Johnny Webb, Mayor of the City of Bowling Green, Warren County, P.O. Box 430, Bowling Green, Kentucky 42101

Kentucky	Warren County (Unincorporated Areas).	Jennings Creek	Approximately 0.4 mile upstream of U.S. Highway 231.	445	446
			Approximately 75 feet upstream of Hobson Lane.	462	473
		Green River	At confluence of Barren River	None	423
			At upstream county boundary	None	437
		Sinkhole No. 25D	At Three Springs Hollow	None	539
		Sinkhole No. 7	At Boxwood	None	545
		Sinkhole No. 9A	At Cave Mill Road	None	508
		Sinkhole No. 9B	At Cave Mill Road	None	510
		Sinkhole No. 9C	At Cave Mill Road	None	512
		Sinkhole No. 9D	At Cave Mill Road	None	511
		Sinkhole No. 9E	At Cave Mill Road	None	512
		Sinkhole No. 8	At University Estates	None	538
		Sinkhole No. 11	At Memphis Junction	None	565
		Sinkhole No. 32	At Chaney Lake	None	594
		Sinkhole No. 31	At Dillard Road	None	557
		Sinkhole No. 33	At Rich Pond	None	580
		Sinkhole No. 38	Area south of Woodburn	None	617
		Sinkhole No. 37A–North	Area north of Woodburn	None	624

State	City/town/county	Source of flooding	Location	#Depth in feet above ground °elevation in feet (NGVD)	
				Existing	Modified
		Sinkhole No. 37A–South	Area north of Woodburn	None	629
		Sinkhole No. 37B	Area north of Woodburn	None	622
		Sinkhole No. 35	At Sinking Creek	None	584
		Sinkhole No. 34	At Rich Pond Church	None	588
		Sinkhole No. 29	At church window	None	547
		Sinkhole No. 27	At Scottish Manor	None	557
		Sinkhole No. 28	At Elrod Road	None	538
		Sinkhole No. 30	At church	None	554
		Sinkhole No. 36	At Piano	None	588

Maps available for inspection at the City/County Planning Commission, 1141 State Street, Bowling Green, Kentucky.
Send comments to The Honorable Basil W. Griffin, Warren County Judge, Warren County Courthouse, Bowling Green, Kentucky 42101

Maine	Abbot, Town Piscataquis County.	Piscataquis River	At downstream corporate limits	°399	°401
			At approximately 2 miles upstream of Old State Routes 6 and 15 northwest of Piper Pond, approximately 500 feet north of Whetstone Pond Road.	°463	°465
		Kingsbury Stream	At confluence with Piscataquis River	°401	°404
			At upstream corporate limits	°None	°613
		Brown Brook	At confluence with Piscataquis River bridge	°401	°404
			At Greenleaf Pond Outlet	None	°415
		Greenleaf Pond	Entire shoreline within community	None	°415
		Piper Pond	Entire shoreline within community	None	°621

Maps available for inspection at the Abbot Town Office, Route 15, Abbot, Maine.
Send comments to Ms. Janice McAllister, Chairperson for the Town of Abbot Board of Selectmen, Piscataquis County, P.O. Box 120, Abbot, Maine 04406.

Massachusetts	Topsfield, Town Essex County.	Howlett Brook	At downstream side of Ipswich Road	°36	°35
			At Divergence of Mile Brook	°53	°54
		Pye Brook	At Divergence of Mile Brook	°53	°54
			Approximately 0.12 mile upstream of State Route 97.	°64	°65
		Mile Brook	Approximately 125 feet downstream of U.S. Route 1.	°45	°42
			At Divergence from Pye Brook	°53	°54
		Unnamed Tributary to Fish Brook.	At confluence with Fish Brook	None	°46
			Approximately 0.29 mile upstream of Boxford Road.	None	°61

Maps available for inspection at the Town Engineer's Office, Town Hall, 8 West Common Street, Topsfield, Massachusetts.
Send comments to Mr. John Borden, Chairman of the Town of Topsfield Board of Selectmen, Essex County, Town Hall, 8 West Common Street, Topsfield, Massachusetts 01983.

Nebraska	City of Seward, Seward County.	Big Blue River	Just upstream of County Road J3G34	°1,436	°1,436
			Just downstream of Burlington Northern Railroad.	°1,443	°1,442
			Approximately 1,900 feet upstream of the confluence of Lincoln Creek.	°1,449	°1,446
			Just downstream of Burlington Northern Railroad.	°1,451	°1,450
			Approximately 11,000 feet upstream of County Road G817.	°1,456	°1,455
		Plum Creek	At the confluence with Big Blue River	1,442	°1,441
			Just downstream of Seward Street	°1,442	°1,442

Maps are avialabe for review at City Hall, 537 Main Street, Seward, Nebraska.
Send comments to The Honorable Roger Glawatz, Mayor, City of Seward, P.O. Box 38, Seward, Nebraska 68434.

Nevada	City of Carson City (Independent City).	Carson River	Approximately 8,000 feet downstream of the confluence of Clear Creek.	None	4,639
			At the confluence of Clear Creek	None	°4,645
			Approximately 7,000 feet upstream of the confluence of Clear Creek, at the Corporate Limits.	None	°4,646
		Clear Creek	Approximately 800 feet upstream of the confluence with Carson River.	°4,630	°4,645

Maps are available for review at the Community Development Department, 2621 Northgate Lane, Suite 62, Carson City, Nevada.
Send comments to The Honorable Marv Teixeira, Mayor, City of Carson City, 2621 Northgate Lane ;2, Carson City, Nevada 89706.

Nevada	Churchill County, Unincorporated Areas	Carson River	Approximately 3,250 feet downstream of U.S. Highway 95.	°3,954	°3,954
			Approximately 200 feet upstream of U.S. Highway 95.	°3,957	°3,957
			Approximately 500 feet downstream of Coleman Diversion Dam.	°3,967	°3,966
			Just upstream of U.S. Highway 50	°3,972	°3,974

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at the Department of Planning, 10 West Williams Avenue, Fallon, Nevada. Send comments to The Honorable Cyril Schank, Chairman, Churchill County Board of Commissioners, 10 West Williams Avenue, Fallon, Nevada 89406.					
Nevada	Douglas County, Unincorporated Areas.	Carson River	Approximately 1,200 feet downstream of an old railroad grade, at the Carson City corporate limits.	None	*4,646
			Approximately 6,000 feet downstream of U.S. Highway 395.	None	*4,648
			Approximately 2,200 feet downstream of U.S. Highway 395.	None	*4,651
Maps are available for review at Douglas County Public Works Department, 1615 Eighth Street, Minden, Nevada. Send comments to The Honorable Michael Fischer, Chairman, Douglas County Board of Commissioners, P.O. Box 218, Minden, Nevada 89423.					
Oklahoma	City of Chickasha, Grady County.	Congo Creek	Approximately 1,500 fear downstream of the Chicago, Rock Island and Pacific Railroad.	*1,085	*1,086
			Just upstream of First Street	*1,092	*1,092
			Just upstream of Ninth Street	1,124	*1,125
			Just downstream of Country Club Road	*1,166	1,163
			At Brookpark Lane	None	*1,192
		Congo Creek. East Branch	Just upstream of the Chicago, Rock Island and Pacific Railroad.	*1,089	*2,088
			Just upstream of Grand Avenue	*1,092	*1,090
			Just downstream of H.E. Bailey Turnpike	*1,097	*1,098
		Lightner, Diversion of Congo Creek.	At the confluence with Congo Creek	*1,106	*1,106
			Approximately 860 feet upstream of the confluence with Congo Creek.	*1,108	*1,107
			At the divergence from Congo Creek	*1,113	*1,112
		9th Street, Diversion of Congo Creek.	At the confluence with Congo Creek	*1,117	*1,117
			Approximately 300 feet upstream of the confluence with Congo Creek.	*1,117	*1,123
			At the divergence from Congo Creek	*1,124	*1,124
		Congo Creek, Middle Branch	Just downstream of Country Club Road	*1,150	*1,149
			Approximately 950 feet upstream of Country Club Road.	*1,154	*1,154
			Approximately 4,350 feet upstream of Country Club Road.	None	*1,175
		Line Creek	Just upstream of Highway 62	*1,098	*1,098
			Approximately 1,000 feet downstream of Iowa Avenue.	*1,104	*1,105
			Just downstream of 29th Street	*1,108	*1,110
			Just upstream of 29th Street	None	*1,112
			Approximately 4,280 feet upstream of 29th Street.	None	*1,121
		Rock Hollow Creek	Just upstream of Dan Allen Drive	*1,099	*1,100
			Just downstream of Frisco Avenue	None	*1,101
			Approximately 3,140 feet upstream of 29th Street.	None	*1,103
		West Side Creek	At the confluence with Line Creek	*1,104	*1,108
			Just upstream of Georgia Avenue	*1,121	*1,120
			Just upstream of Grand Avenue	*1,139	*1,136
			Just upstream of Carolina Avenue	*1,148	*1,149
			Approximately 3,100 feet upstream of Country Club Road.	None	*1,170
		West Side Creek, Tributary A	At the confluence with West Side Creek	*1,159	*1,156
			Just upstream of 29th Street	*1,162	*1,166
			Just upstream of the upper dam	None	*1,196
Maps are available for review at City Hall, 101 North Sixth Street, Chickasha, Oklahoma. Send comments to The Honorable Harold Jackson, Mayor, City of Chickasha, 101 North Sixth Street, Chickasha, Oklahoma 73018.					
Oklahoma	Grady County, Unincorporated Areas.	Washita River	Just upstream of the PSO Dam	None	*1,077
			Approximately 300 feet downstream of Highway 62.	None	*1,080
			Just upstream of the Chicago, Rock Island, and Pacific Railroad.	None	*1,096
			At the confluence of Ionine Creek	None	*1,118
			At the western county boundary, north of the Town of Verden.	None	*1,132
		Rock Hollow Creek	At the City of Chickasha Corporate Limits	None	*1,103
			At unnamed road coincident with section line between Sections 15 and 22 of R8W, T7N.	None	*1,113
			Approximately 24,000 feet upstream of the City of Chickasha Corporate Limits.	None	*1,126
		Congo Creek	At the confluence with Washita River	None	*1,078
			Just upstream of H.E. Bailey Turnpike	None	*1,085
			At the confluence of Congo Creek East Branch	None	*1,086
		Congo Creek, East Branch	At the confluence with Congo Creek	None	*1,086

State	City/town/county	Source of flooding	Location	#Depth in feet above ground °elevation in feet (NGVD)	
				Existing	Modified
			Just downstream of the Chicago, Rock Island, and Pacific Railroad.	None	°1,086
			Just upstream of the Chicago, Rock Island, and Pacific Railroad.	None	°1,088
		Line Creek	At the City of Chickasha Corporate Limits	None	°1,121
			Approximately 320 feet upstream of the City of Chickasha Corporate Limits.	None	°1,122
		Westside Creek	At the City of Chickasha Corporate Limits	None	°1,170
			Approximately 660 feet upstream of the City of Chickasha Corporate Limits.	None	°1,173
		Westside Creek, Tributary A	At the City of Chickasha Corporate Limits	None	°1,196
			Approximately 730 feet upstream of the City of Chickasha Corporate Limits.	None	°1,205

Maps are available for review at the Grady County Floodplain Management Office, 217 North Third Street, Chickasha, Oklahoma.
Send comments to The Honorable Ealmer Klippel, Chairman, Grady County Board of Supervisors, Grady County Courthouse, Fourth Street and Choctaw Avenue, Chickasha, Oklahoma 73018.

Oklahoma	Midest City, City Oklahoma County.	Solider Creek	Approximately 100 feet upstream of confluence with Crutcho Creek.	°1,167	°1,168
			At S.E. 29th Street	°1,218	°1,222
		Solider Creek, Tributary 4	At confluence with Solider Creek	°1,179	°1,185
			At Douglass Boulevard	°1,207	°1,210
		Solider Creek, Tributary 6	At confluence with Solider Creek	°1,196	°1,198
			At Post Road	°1,230	°1,231
		Crutcho Creek	Approximately 1,700 feet downstream of N.E. 36th Street.	°1,154	°1,157
			At S.E. 29th Street	°1,203	°1,204
		Choctaw Creek	Approximately 0.45 mile downstream of East Reno Avenue.	°1,164	°1,165
			Approximately 0.65 mile upstream of S.E. 15th Street.	None	°1,223
		Choctaw Creek, Tributary	At confluence with Choctaw Creek	°1,189	°1,190
			At upstream side of S.E. 15th Street	None	°1,217
		Crutcho Creek, Tributary D	At confluence with Crutcho Creek	°1,171	°1,169
			Approximately 1,300 feet upstream of confluence with Crutcho Creek.	°1,171	°1,170

Maps available for inspection at the Midwest City City Hall, 100 N. Midwest Boulevard, Midwest City, Oklahoma.
Send comments to The Honorable John G. Johnson, Mayor of the City of Midwest City, Oklahoma County, 100 N. Midwest Boulevard, P.O. Box 10570, Midwest City, Oklahoma 73140.

Pennsylvania	Aldan, Borough, Delaware County.	Darby Creek	At downstream corporate limits	°55	°54
			Approximately 150 feet downstream of CONRAIL	°57	°56

Maps available for inspection at the Aldan Borough Hall, 1 West Providence Road, Aldan, Pennsylvania 19018.
Send comments to Mr. John D. Bellopede, President of the Borough of Aldan Council, 1 West Providence Road, Aldan, Pennsylvania 19019.

Pennsylvania	Brookhaven, Borough, Delaware County.	Chester Creek	At Dutton Mill Road	°48	°49
		Ridley Creek	At upstream corporate limits	°68	°70

Maps available for inspection at the Brookhaven Borough Hall, Brookhaven Road and Edgmont Avenue, Brookhaven, Pennsylvania.
Send comments to Mr. David L. Schlott, President of the Borough of Brookhaven Council, Delaware County, Brookhaven Road and Edgmont Avenue, Brookhaven, Pennsylvania 19015.

Pennsylvania	Chester, City, Delaware County.	Ridley Creek	Approximately 300 feet upstream of CSX Transportation.	°15	°16
			Approximately 50 feet upstream of McDade Boulevard.	°19	°20

Maps available for inspection at the City Engineer's Office, Municipal Building, 5th and Welsh Streets, Chester, Pennsylvania.
Send comments to The Honorable Barbara Bohannan-Sheppard, Mayor of the City of Chester, Delaware County, Municipal Building, 5th and Welsh Streets, Chester, Pennsylvania 19013.

Pennsylvania	Clifton Heights, Borough, Delaware County.	Darby Creek	At downstream corporate limits	°59	°60
			Approximately 200 feet downstream of upstream corporate limits.	°100	°101

Maps available for inspection at the Clifton Heights Municipal Building, 30 South Springfield Road, Clifton Heights, Pennsylvania 19018.
Send comments to Mr. Joseph C. Kelley, Jr., President of the Borough of Clifton Heights Council, Delaware County, 30 South Springfield Road, Clifton Heights, Pennsylvania 19018.

Pennsylvania	Colwyn, Borough, Delaware County.	Darby Creek	At confluence with Cobbs Creek	°18	°19
			At upstream corporate limits	°22	°23
		Cobbs Creek	At confluence with Darby Creek	°18	°19
			Approximately 900 feet upstream of confluence with Darby Creek.	°19	°20

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Colwyn Borough Hall, 221 Spruce Street, Colwyn, Pennsylvania. Send comments to Ms. Diane McGonigle, President of the Borough of Colwyn Council, Delaware County, 221 Spruce Street, Colwyn, Pennsylvania 19023.					
Pennsylvania	Concord, Township, Delaware County.	West Branch Chester Creek ...	At downstream corporate limits	*179	*181
			Approximately 300 feet downstream of Smith Bridge Road.	*182	*183
Maps available for inspection at the Township Office, 689 Smithbridge Road, Glen Mills, Pennsylvania. Send comments to Mr. H. William Vollmer, Chairman of the Township of Concord Board of Supervisors, Delaware County, P.O. Box 171, Concordville, Pennsylvania 19331.					
Pennsylvania	Darby, Township Delaware County.	Hermesprota Creek	Approximately 500 feet downstream of Elmwood Avenue.	None	*39
			Approximately 400 feet downstream of Elmwood Avenue.	None	*40
Maps available for inspection at the Township Office, 1063 Cedarwood Road, Glenolden, Pennsylvania. Send comments to Mr. Lawrence Patterson, President of the Township of Darby Board of Commissioners, Delaware County, 1063 Cedarwood Road, Glenolden, Pennsylvania 19036.					
Pennsylvania	Eddystone, Borough, Delaware County.	Crum Creek (Lower Reach)	Approximately 0.9 mile upstream of confluence with Delaware River.	*14	*13
			At Chester Pike	*19	*18
		Ridley Creek	Approximately 100 feet upstream of confluence with Delaware River.	*10	*12
			At Chester Pike	*13	*14
Maps available for inspection at the Borough Office, 1300 East 12th Street, Eddystone, Pennsylvania. Send comments to Mr. Robert J. Howat, Sr., President of the Borough of Eddystone Council, Delaware County, 1300 East 12th Street, Eddystone, Pennsylvania 19022.					
Pennsylvania	Folcroft, Borough, Delaware County.	Hermesprota Creek	At confluence with Darby Creek	None	*10
			Approximately 300 feet downstream of Folcroft Avenue.	None	*56
		Muckinipattis Creek	At confluence with Darby Creek	None	*10
			Approximately 0.7 mile upstream of confluence with Darby Creek.	None	*10
		Darby Creek	Entire reach within community	None	*10
Maps available for inspection at the Borough Office, 1555 Elmwood Avenue, Folcroft, Pennsylvania. Send comments to Mr. George W. Altman, President of the Borough of Folcroft Council, Delaware County, P.O. Box 155, Folcroft, Pennsylvania 19032.					
Pennsylvania	Middletown, Township Delaware County.	Chester Creek	Approximately 2,850 feet upstream of Dutton Mill Road.	*53	*54
			At Lenni Road	*113	*114
Maps available for inspection at the Township Office, 27 North Pennell Road, Lima, Pennsylvania. Send comments to Mr. Lawrence E. Hartley, Chairman of the Township of Middletown Council, Delaware County, P.O. Box 157, Lima, Pennsylvania 19037.					
Pennsylvania	Ridley, Township, Delaware County.	Muckinipattis Creek	Approximately 650 feet downstream of upstream corporate limits.	*87	*86
			Approximately 300 feet downstream of upstream Ridley corporate limits.	*88	*87
Maps available for inspection at the Ridley Township Hall, MacDade Boulevard and Morton Avenue, Folsom, Pennsylvania. Send comments to Mr. Timothy J. Murtaugh, President of the Township of Ridley Board of Commissioners, Delaware County, MacDade Boulevard and Morton Avenue, Folsom, Pennsylvania 19033.					
Pennsylvania	Rose Valley, Borough, Delaware County.	Ridley Creek	At downstream corporate limits	*66	*67
			At upstream corporate limits	*97	*100
Maps available for inspection at the Borough Office, Old Mill Lane, Rose Valley, Pennsylvania. Send comments to Mr. William W. Rumford, President of the Borough of Rose Valley Council, Delaware County, P.O. Box 198, Rose Valley, Pennsylvania 19065.					
Pennsylvania	Springfield, Township, Delaware County.	Crum Creek (Lower Reach)	At downstream side of Wallingford Road	*74	*73
			At Paper Mill Road	*87	*88
Maps available for inspection at the Township Office, 50 Powell Road, Springfield, Pennsylvania. Send comments to Mr. Anthony Grosso, President of the Township of Springfield Board of Commissioners, Delaware County, 50 Powell Road, Springfield, Pennsylvania 19064.					
Pennsylvania	Swarthmore, Borough, Delaware County.	Crum Creek	Approximately 0.36 mile upstream of CONRAIL	*70	*71
			At upstream corporate limits	*72	*73
Maps available for inspection at the Borough Office, 121 Park Avenue, Swarthmore, Pennsylvania. Send comments to Mr. Thomas H. Blackburn, President of the Borough of Swarthmore Council, Delaware County, 121 Park Avenue, Swarthmore, Pennsylvania 19081.					
Pennsylvania	Trainer, Borough, Delaware County.	Marcus Hook Creek	Upstream side of U.S. Route 13	*13	*11

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
			Approximately 220 feet downstream of CONRAIL.	*15	*14

Maps available for inspection at the Borough Office, 9th and Main Streets, Trainer, Pennsylvania.
Send comments to Mr. Clifford Ward, President of the Borough of Trainer Council, Delaware County, 9th and Main Streets, Trainer, Pennsylvania 19061.

Pennsylvania	Thornbury, Township, Delaware County.	Chester Creek	At downstream corporate limits	*152	*151
			At confluence with East Branch Chester Creek	*186	*204
		East Branch Chester Creek	At confluence with Chester Creek	*186	*204
			Approximately 750' upstream of confluence with Chester Creek.	*205	*204
		East Branch Chester Creek Tributary	At confluence with Chester Creek	*154	*155
			Approximately 400 feet upstream of confluence with Chester Creek.	*155	*156

Maps available for inspection at the Thornbury Township Hall, 754 Cheyney Road, Cheyney, Pennsylvania.
Send comments to Ms. Mary Grapp, Chairman of the Township of Thornbury Board of Supervisors, Delaware County, P.O. Box 28, Cheyney, Pennsylvania 19319.

Pennsylvania	Upland, Borough, Delaware County.	Chester Creek	CSX Transportation, approximately 50 feet upstream of Interstate Route 95.	*25	*26
			Approximately 1,300 feet upstream of Upland Road.	*29	*28

Maps available for inspection at the Borough Office, Main Street and Castle Avenue, Upland, Pennsylvani.
Send comments to Mr. Frank X. Meyers, Manager of the Borough of Upland, Delaware County, Main Street and Castle Avenue, Upland, Pennsylvania 19015.

Pennsylvania	Upper Darby, Township, Delaware County.	Cobbs Creek	At downstream corporate limit (approximately 200' upstream of Baltimore Pike).	*52	*53
			At upstream corporate limits (U.S. Route 1)	None	*129
		Naylors Run	At confluence with Cobbs Creek	*55	*56
			Approximately 110' downstream of Church Lane.	*55	*56

Maps available for inspection at the Upper Darby Township Hall, 100 Garrett Road, Upper Darby, Pennsylvania.
Send comments to The Honorable Margaret Murdoch, Mayor of the Township of Upper Darby, Delaware County, 100 Garrett Road, Upper Darby, Pennsylvania 19082.

Rhode Island	North Providence, Town, Providence County.	Woonasquatucket River	At downstream corporate limits	*72	*69
			At upstream corporate limits	*116	*115
		Wenscott Reservoir	Entire shoreline within community	None	*205

Maps available for inspection at the North Providence Town Hall, 2000 Smith Street, North Providence, Rhode Island.
Send comments to The Honorable Salvatore Mancini, Mayor of the Town of North Providence, Providence County, 2000 Smith Street, North Providence, Rhode Island 02911.

Tennessee	City of Bartlett, Shelby County.	Harrington Creek	About 600 feet downstream of confluence of Harrington Creek Lateral A.	*252	*253
			Just upstream of Yale Road	*273	*272
		Harrington Creek	At mouth	None	*270
		Lateral F	Just upstream of Yale Road	None	*273
		Harrington Creek	At mouth	*252	*253
		Lateral A	About 900 feet upstream of mouth	*253	*253
		Harrington Creek	At mouth	*263	*268
		Lateral E	Just upstream of Bartlett Boulevard	*270	*270
		Fletcher Creek	Just upstream of Stage Road	*273	*270
		Lateral A	About 0.5 mile upstream of Appling Road	*300	*295
		Fletcher Creek	At mouth	*274	*273
		Lateral C	Just downstream of CSX Railroad	None	*297
		Fletcher Creek Lateral D	At confluence with Fletcher Creek Lateral C	*283	*277
			About 1250 feet upstream of confluence with Fletcher Creek Lateral C.	*287	*284

Maps available for inspection at the Department of Public Works, 3585 Altruria Road, Bartlett, Tennessee.
Send comments to The Honorable Bobby K. Flaherty, Mayor, City of Bartlett, P.O. Box 341148, Bartlett, Tennessee 38134–1148.

Tennessee	Town of Collierville, Shelby County.	Nonconnah Creek	About 0.9 mile upstream of Bailey Station Road	*330	*324
			Just downtream of Quinn Road	*361	362
		Nonconnah Creek	At mouth	*343	342
		Lateral C	About 950 feet upstream of mouth	*345	*345
		Wolf River	At mouth	*292	*288
		Lateral J	Just downstream of Shelton Road	*292	*292

Maps available for inspection at the Department of Public Services, 167 Washington Street, Collierville, Tennessee.
Send comments to The Honorable Herman W. Cox, Jr., Mayor, Town of Collierville, 101 Walnut Street, Collierville, Tennessee 38107–2671.

Tennessee	Erin, City, Houston County.	Erin Branch	At confluence with Wells Creek	None	*410
			At upstream corporate limits	None	*566
		Musterground Creek	At confluence with Wells Creek	None	*410

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
			Approximately 50 feet upstream of State Highway 49.	None	*415
		Wells Creek	At downstream corporate limits	None	*407
			At upstream corporate limits	None	*416
		Owl Hollow	At confluence with Erin Branch	None	*453
			Approximately 820 feet upstream of Owl Hollow Road.	None	*484
		Rocky Hollow	At confluence with Erin Branch	None	*459
			At upstream corporate limits	None	*499
Maps available for inspection at the City Hall, Erin, Tennessee. Send comments to The Honorable E. E. Betsy Ligon, Mayor of the City of Erin, Houston County, P.O. Box 270, Erin, Tennessee 37061.					
Tennessee	City of Germantown, Shelby County.	Wolf River	About 800 feet upstream of confluence of Wolf River Lateral A.	*256	*258
			Just downstream of confluence of Grays Creek	*276	*273
		Wolf River Lateral B	At mouth	*260	*261
			About 500 feet downstream of Hollow Fork Road.	*261	*261
Maps available for inspection at the Department of Engineering, 1930 South Germantown Road, Germantown, Tennessee. Send comments to The Honorable Charles A. Salvaggio, Mayor, City of Germantown, 1930 South Germantown Road, P.O. Box 38809, Germantown, Tennessee 38183–0809.					
Tennessee	City of Memphis, Shelby County.	Nonconnah Creek	At mouth	*225	*225
			About 3000 feet downstream of Hacks Cross Road.	*294	*298
		John's Creek	At mouth	*266	*262
			Just upstream of Knight Arnold Road	*270	*270
		Tenmile Creek	At mouth	*255	*253
			About 1850 feet downstream of Knight Arnold Road.	*255	*255
		Howard Road Outfall	At mouth	*277	*278
			Just downstream of Quince Road	*280	*280
		Harrington Creek	At mouth	*240	*241
			Just downstream of confluence of Harrington Creek Lateral A.	*252	*253
		Fletcher Creek	At mouth	*245	*245
			Just upstream of Whitten Road	*260	*264
		Wolf River Lateral A	At mouth	*256	*258
			Just downstream of confluence of Wolf River Lateral AA.	*258	*258
Maps available for inspection at the City Department of Engineering, 125 North Mid America Mall, Memphis, Tennessee. Send comments to The Honorable W. W. Herenton, Mayor, City of Memphis, 125 North Mid America Mall, Memphis, Tennessee 38103.					
Tennessee	City of Millington, Shelby County.	Big Creek Drainage Canal	About 2300 feet downstream of U.S. Route 51	*255	*254
			About 3400 feet upstream of Singleton Parkway	*270	*270
		Royster Creek	At mouth	*255	*255
			Just downstream of Shelby Road	*260	*259
		North Fork Creek	At mouth	*262	*260
			About 0.5 mile downstream of U.S. Route 51	*276	*268
		North Fork Creek, Lateral A	At mouth	*272	*265
			About 630 feet upstream of mouth	*274	*266
Maps available for inspection at the City Hall, Millington, Tennessee. Send comments to The Honorable George R. Harvell, Jr., Mayor, City of Millington, P.O. Box 247, Millington, Tennessee 38083–2211.					
Tennessee	Unincorporated Areas, Shelby County.	Big Creek Drainage Canal	At mouth	*234	*234
			At county boundary	*326	*320
		Bear Creek	At mouth	*250	*249
			At county boundary	*312	*307
		Jakes Creek	At mouth	*250	*249
			About 1500 feet upstream of Shake Rag Road	*250	*250
		Royster Creek	Just downstream of Shelby Road	*260	*259
			At county boundary	*296	*291
		North Fork Creek	About 0.5 mile downstream of U.S. Route 51	*276	*268
			Just downstream of Dam No. 5	*286	*279
			Just upstream of Dam No. 5	*286	*296
			At county boundary	*304	*304
		North Fork Creek Lateral A	About 630 feet upstream of mouth	*274	*266
			About 3800 feet upstream of mouth	*277	*277
		Casper Creek	At mouth	*274	*273
			About 1400 feet above mouth	*274	*274
		Bear Creek Lateral A	At mouth	*266	*264
			About 1200 feet upstream of Chambers Road	*270	*270
		Wolf River	Just upstream of Germantown Road	*262	*262
			About 0.9 mile upstream of Collierville Arlington Road.	*295	*293

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
		Wolf River, Lateral F	About 1000 feet upstream of mouth	*272	*271
			About 0.5 mile upstream of mouth	*272	*272
		Gray's Creek	At mouth	*276	*273
			About 0.6 mile upstream of mouth	*276	*276
		Wolf River, Lateral H	At mouth	*284	*279
			About 1.25 miles upstream of mouth	*284	*284
		Wolf River, Lateral I	At mouth	*288	*281
			About 1.0 mile upstream of mouth	*294	*294
		Wolf River, Lateral IA	At mouth	*289	*284
			About 1100 feet downstream of Shelton Road	*294	*294
		Wolf River Lateral K	Within community	*294	*291
		Fletcher Creek	Just upstream of Whitten Road	*260	*264
			Just downstream of U.S. Route 64	*362	*364
		Fletcher Creek, Lateral B	Just upstream of Whitten Road	*262	*261
			About 300 feet upstream of Macon Road	*300	*301
		Fletcher Creek, Lateral BB	At mouth	*285	*287
			About 1000 feet upstream of mouth	*291	*291
		Fletcher Creek, Lateral A	At mouth	*270	*268
			Just upstream of Germantown Road	*313	*308
		Nonconnah Creek,	About 1300 feet downstream of Hickory Hill Road.	*274	*273
			Just downstream of Quinn Road	*361	*362
		Nonconnah Creek Lateral J	At mouth	*285	*284
			About 0.5 mile above mouth	*286	*286
		Nonconnah Creek Lateral B	At mouth	*318	*317
			About 900 feet downstream of Shelby Drive	*319	*319
		Nonconnah Creek, Lateral BA	At mouth	*318	*317
			About 700 feet upstream of mouth	*319	*319

Maps available for inspection at the Memphis-Shelby County Office of Construction Code Enforcement, 160 North Mid America Mall, Memphis, Tennessee.
Send comments to The Honorable William N. Morris, Mayor, Shelby County, 160 Mid America Mall, Suite 850, Memphis, Tennessee 38103.

Virginia	Montgomery County, Unincorporated Areas.	Roanoke River	Approximately 725 feet downstream of County boundary (in Roanoke County).	*1,178	*1,180
			Approximately 200 feet downstream of confluence of North and South Forks Roanoke River.	*1,193	*1,194
		North Fork Roanoke River	At upstream side of Norfolk and Western Railway.	*1,194	*1,196
			Approximately 300 feet upstream of Interstate 81.	*1,233	*1,232
		South Fork Roanoke River	Approximately 300 feet upstream of confluence with Roanoke River.	*1,196	*1,195
			Approximately 250 feet upstream of Norfolk and Western Railway.	*1,215	*1,214

Maps available for inspection at the Montgomery County Courthouse, Franklin and Main Street, Christiansburg, Virginia.
Send comments to Ms. Betty Thomas, Montgomery County Administrator, P.O. Box 806, Christiansburg, Virginia 24073.

Virginia	Roanoke, City Roanoke County	Roanoke River	At confluence of Tinker Creek	*904	*907
			At upstream corporate limits	*984	*982
		Tinker Creek	At confluence with Roanoke River	*904	*907
			Approximately 950' downstream of State Route 601.	*983	*986
		Glade Creek	Approximately 1,700' downstream of Gus W. Nicks Boulevard.	*911	*916
			Approximately 300' upstream of upstream corporate limits.	*940	*942
		Glade Creek Tributary A	At confluence with Glade Creek	*925	*929
			Approximately 450' upstream of Springtree Drive.	*994	*995
		Lick Run	At confluence with Tinker Creek	*917	*920
			Approximately 500' upstream of Sioux Ridge Road.	None	*1,106
		Trout Run	Approximately 0.5 mile upstream of confluence with Lick Run.	None	*925
			Approximately 130' downstream of 7th Street	*939	*940
		Trout Run (Bypass Channel)	At confluence with Trout Run	None	*925
			At 5th Street	*931	*933
		Carvin Creek	At confluence with Tinker Creek	*983	*984
			At upstream corporate limits	*985	*986
		West Fork Carvin Creek	Approximately 750' downstream of State Route 118.	*1,034	*1,035
			Approximately 50' downstream of State Route 118.	*1,041	*1,042
		Garnard Branch	At confluence with Roanoke River	*914	*916
			Approximately 25' downstream of confluence of Crum Spring Branch.	*978	*977
		Garnard Branch Tributary	Approximately 250' upstream of confluence with Garnard Branch.	None	*939
			At upstream corporate limits	None	*987

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
		Crum Spring Branch	Upstream side of Garden City Boulevard	*980	*979
			Approximately 650' downstream of Tipton Avenue.	*1,049	*1,048
		Ore Branch	At confluence with Roanoke River	*936	*938
			At confluence of Ore Branch Tributary	*1,065	*1,062
		Ore Branch Tributary	At confluence with Ore Branch	*1,065	*1,062
			Approximately 1,000' upstream of Griffin Road	*1,128	*1,123
		Murray Run	Approximately 1,300' upstream of confluence with Roanoke River.	*940	*941
			Approximately 50' downstream of Ogden Road	*1,060	*1,061
		Peters Creek	At confluence with Roanoke River	*967	*968
			Approximately 50' upstream of State Route 780 (Cove Road).	*1,060	*1,062
		Peters Creek Tributary C	At confluence with Peters Creek	*1,026	*1,027
			Approximately 70' upstream of Green Ridge Road.	None	*1,062
		Murdock Creek	At confluence with Mudlick Creek	*980	*981
			Approximately 0.42 mile upstream of Deyerle Road.	None	*1,076
		Mudlick Creek	Approximately 1,000' upstream of confluence with Roanoke River.	*979	*980
			Approximately 1,700' downstream of Halevan Road.	*1,024	*1,025
		Barnhardt Creek	At confluence with Roanoke River	*984	*982
			Approximately 120' downstream of State Route 419.	*1,045	*1,046
Maps available for inspection at the Office of the City Engineer, 215 Church Street, Roanoke, Virginia. Send comments to Mr. W. Robert Herbert, City Manager, Municipal Building, Room 350, 215 Church Street, Roanoke, Virginia 24018.					
Virginia	Roanoke County, (Unincorporated Areas).	Roanoke River	At downstream County boundary	*809	*810
			Approximately 700' upstream of U.S. Routes 11 & 460.	*1,178	*1,184
		Back Creek	At confluence with Roanoke River	*809	*810
			Approximately 2,000' upstream of Moonlight Lane.	None	*1,567
		Tinker Creek	At confluence of Carvin Creek	*983	*984
			At upstream County boundary	*1,101	*1,103
		Glade Creek	At the City of Roanoke corporate limits	*940	*938
			At upstream County boundary	*996	*999
		Glade Creek Tributary	At confluence with Glade Creek	*960	*963
			Approximately 500' upstream of State Route 609.	None	*1,047
		Cook Creek	At confluence with Glade Creek	*984	*990
			At upstream County boundary	*1,024	*1,025
		Carvin Creek	At confluence with Tinker Creek	*983	*984
			Approximately 300' upstream of Interstate Route 81.	None	*1,058
		Deer Branch	Approximately 50' upstream of confluence with West Fork Carvin Creek.	*1,008	*1,009
			Approximately 0.44 mile upstream of State Route 117.	None	*1,077
		Ore Branch Tributary	At downstream City of Roanoke corporate limits	*1,089	*1,081
			At upstream City of Roanoke corporate limits	*1,107	*1,099
		Murray Run	Approximately 50' downstream of Ogden Road	*1,060	*1,061
			Approximately 1,150' upstream of Crawford Road.	*1,113	*1,114
		Peters Creek	Approximately 50' upstream of State Route 780	*1,060	*1,062
			Approximately 50' downstream of the confluence of Peters Creek Tributaries A and B.	*1,103	*1,102
		Mudlick Creek Tributary	At confluence with Mudlick Creek	*1,066	*1,071
			Approximately 540' upstream of State Route 1652.	None	*1,028
		West Mudlick Creek	At confluence with Mudlick Creek	*1,049	*1,050
			Approximately 50' upstream of McVitty Road	*1,098	*1,099
		Barnhardt Creek	Approximately 120' upstream of State Route 419.	*1,058	*1,056
			Approximately 0.89 mile upstream of State Route 686.	None	*1,441
		Mason Creek	Approximately 200' downstream of Interstate Route 81.	*1,087	*1,089
			Approximately 100' downstream of State Route 699.	*1,273	*1,274
		Jumping Run	At confluence with Mason Creek	*1,191	*1,192
			Approximately 0.65 mile upstream of State Route 740.	*1,265	*1,266
		Dry Branch	Approximately 150' downstream of Interstate Route 81.	*1,142	*1,144
			Approximately 480' upstream of Frosty Lane	*1,276	*1,275
		Stypes Branch	At State Route 777	*1,116	*1,115

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
			Approximately 1.1 miles upstream of State Route 793.	*1,386	*1,385
		Back Creek	At confluence with Back Creek	None	*960
			Approximately 100' upstream of U.S. Route 220	None	*1,162
		West Fork Carvin Creek	Approximately 1,050' upstream of confluence with Carvin Creek.	*1,002	*1,003
			Approximately 1.2 mile upstream of State Route 1832.	*1,159	*1,154
		Wolf Creek	At confluence with Roanoke River	*895	*896
			Approximately 1,750' upstream of State Route 651.	None	*1,203
		Peters Creek Tributary C	Approximately 75' upstream of Green Ridge Road.	None	*1,062
			Approximately 125' upstream of State Route 1536.	None	*1,174
		Peters Creek Tributary A	At confluence with Peters Creek	None	*1,103
			Approximately 90' upstream of State Route 1404.	None	*1,221
		Peters Creek Tributary B	At confluence with Peters Creek	None	*1,103
			Approximately 0.4 mile upstream of confluence with Peters Creek.	None	*1,125
		Back Creek Tributary A	At confluence with Back Creek	*1,124	*1,128
			Approximately 60' upstream of State Route 904	None	*1,169
		Martins Creek	At confluence with Back Creek	None	*1,461
			Approximately 1.1 miles upstream of State Route 1790.	None	*1,590
		Butt Hollow	Approximately 340' upstream of the confluence with Roanoke River.	*1,054	*1,055
			Approximately 600' upstream of State Route 640.	None	*1,120
		Gamard Branch Tributary	Approximately 1,280' upstream of confluence with Gamard Branch.	None	*987
			Approximately 0.53 mile upstream of confluence with Gamard Branch.	None	*1,020
		Mudlick Creek	Approximately 90' downstream of State Route 682.	*1,002	*1,004
			Approximately 0.66 mile upstream of State Route 1796.	None	*1,253
		Little Back Creek	At confluence with Back Creek	*1,310	*1,316
			Approximately 120' upstream of State Route 670.	None	*1,667

Maps available for inspection at the Department of Engineering and Inspections, 3738 Brambleton Avenue, S.W., Roanoke, Virginia.
Send comments to Mr. Elmer Hodge, Roanoke County Administrator, P.O. Box 29800, Roanoke, Virginia 24018.

Virginia	Salem, City, (Independent city).	Roanoke River	Approximately 400' downstream of Barnhardt Creek.	*983	*981
			Approximately 100' downstream of Diuguids Lane.	*1,049	*1,050
		Mason Creek	Approximately 0.47 mile upstream of confluence with Roanoke River.	*988	*987
			Approximately 200' downstream of Interstate Route 81.	*1,087	*1,089
		Gish Branch	At confluence with Mason Creek	*1,028	*1,029
			Approximately 900' upstream of State Route 311.	None	*1,188
			(Thompson Memorial Drive)		
		Bowman Hollow	At confluence with Roanoke River	*1,002	*1,003
			Approximately 80' upstream of Bent Ridge Road.	*1,129	*1,131
		Williams Branch	Approximately 600' upstream of confluence with Roanoke River.	*1,006	*1,007
			Approximately 1,850' upstream of most upstream crossing of Walnut Road.	None	*1,181
		Snyder Branch	At confluence with Williams Branch	*1,035	*1,036
			Approximately 250' upstream of High Street	None	*1,162
		Twelve O;Clock Branch	At confluence with Roanoke River	*1,018	*1,020
			Approximately 345' upstream of Smythe Road	None	*1,207
		High School Branch	At confluence with Roanoke River	*1,026	*1,028
			Approximately 70' upstream of Goodwin Avenue.	None	*1,133
		Barnhardt Creek	At confluence with Roanoke River	*984	*982
			Approximately 900' upstream of Norfolk and Western Railway.	None	*992
		Butt Hollow	Approximately 400' upstream of U.S. Routes 11 & 460.	*1,080	*1,079
			Approximately 200' downstream of upstream corporate limits.	*1,132	*1,133
		Paint Bank Branch	At confluence with Cole Hollow Brook	*1,040	*1,036
			Approximately 250' downstream of upstream corporate limits.	*1,130	*1,131

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
		Cole Hollow Brook	At confluence with Roanoke River	*1,031	*1,032
			Approximately 600' upstream of Litchell Road	*1,092	*1,093
		Dry Branch	At confluence with Roanoke River	*1,014	*1,013
			At upstream corporate limits	*1,141	*1,144
Maps available for inspection at the Office of the Building Official, 114 North Broad Street, Salem, Virginia. Send comments to Mr. Randolph Smith, Salem City Manager, Roanoke County, P.O. Box 869, Salem, Virginia 24153–0869.					
Virginia	Vinton, Town, (independent city).	Roanoke River	At confluence of Wolf Creek	*895	*896
			At confluence of Tinker Creek	*904	*907
		Glade Creek	At confluence with Tinker Creek	*911	*916
			Approximately 80' upstream of confluence of Glade Creek Tributary.	*925	*929
		Wolf Creek	At confluence with Roanoke River	*895	*896
			Approximately 1,160' upstream of State Route 24, west bound lane.	None	*1,060
		Tinker Creek	At confluence with Roanoke River	*904	*907
			Approximately 1,500' downstream of U.S. Routes 460 and 221.	*918	*921
Maps available for inspection at the Office of the Building Official, 311 South Pollard, Vinton, Virginia Send comments to Mr. Brad Corcoran, Manager for the Town of Vinton, Roanoke County, P.O. Box 338, Vinton, Virginia 24179.					
Washington	City of Castle Rock, Cowlitz County.	Cowlitz River	At the southern corporate limit near Larsen Avenue.	None	*42
			Just upstream of Arkansas Valley Road	None	*47
			At the upstream corporate limits approximately 2,150 feet upstream of Highway 10.	None	*49
Maps are available for review at City Hall, 141 "A" Street SW., Castle Rock, Washington. Send comments to The Honorable Gene L. Frymire, Mayor, City of Castle Rock, City Hall, 141 "A" Street SW., P.O. Box 370, Castle Rock, Washington 98611.					
Washington	City of Pomeroy, Garfield County.	Pataha Creek	Approximately 4,950 feet downstream of Third Street.	*1,776	*1,775
			Just upstream of Third Street	*1,829	*1,828
			Just downstream of Twelfth Street	*1,863	*1,862
			Just upstream of Eighteenth Street	*1,887	*1,887
			Approximately 3,800 feet upstream of Columbia Street.	*None	*1,945
Maps are available for review at City Hall, North 80 Seventh Street, Pomeroy, Washington. Send comments to The Honorable Donna McGee, Mayor, City of Pomeroy, Box 370, Pomeroy, Washington 99347.					
Wisconsin	Unincorporated Areas, Jackson County.	East Fork Black River	Just upstream of Pray Road	None	*930
			About 0.5 mile downstream of Cranberry Road	None	*961
Maps available for inspection at the County Courthouse, 307 Main Street, Black River Falls, Wisconsin. Send comments to The Honorable Keith Ferries, County Board Chairman, Jackson County, 307 Main Street, Black River Falls, Wisconsin 54615.					
Wisconsin	Village of Maiden Rock, Pierce County.	Mississippi River	Within community	None	*682
		Unnamed Coulee	At mouth	None	*682
			About 440 feet downstream of County Highway S, at bottom of steps.	None	*758
			About 400 feet downstream of County Highway S at top of steps.	None	*765
			About 90 feet upstream of County Highway S	None	*783
Maps available for inspection at Village Hall, Maiden Rock, Wisconsin. Send comments to The Honorable Thomas Bengston, Village President, Village of Maiden Rock, P.O. Box 205, Maiden Rock, Wisconsin 54570.					
Wisconsin	Unincorporated Areas, Pierce County.	Isabelle Creek	Just upstream of Main Street	None	*1034
			Just downstream of Railroad Street	None	*1059
		St. Croix River	About 7500 feet upstream of mouth	None	*691
			At county boundary	None	*692
		South Fork Kinnickinnic River	About 2000 feet downstream of State Highway 65.	None	*889
			Just downstream of State Highway 65	None	*996
			Just upstream of State Highway 65	None	*1002
			About 3000 feet upstream of State Highway 65	*None	*1018
		Mississippi River	About 1.2 miles downstream of confluence of Rush River.	*1081	*682
			About 2.6 miles upstream of confluence of Rush River.	*682	*682
Maps available for inspection at the Pierce County Courthourse, Ellsworth, Wisconsin. Send comments to The Honorable Dick Wilhelm, County Chairman, Pierce County, P.O. Box 119, Ellsworth, Wisconsin 54011.					

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

C. M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 93–3244 Filed 2–12–93; 8:45 am]

BILLING CODE 6718–03–M

Notices

Federal Register
Vol. 58, No. 29
Tuesday, February 16, 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

Farmers Home Administration

Housing Preservation Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) announces that it is soliciting competitive applications under its Housing Preservation Grant (HPG) program. This action is taken to comply with Agency regulations found in 7 CFR part 1944, subpart N, which requires the Agency to announce the opening and closing dates for receipt of preapplications for HPG funds from eligible applicants. The intended effect of this Notice is to provide public agencies, private nonprofit organizations, and other eligible entities notice of these dates. The HPG program will be available to provide repair and rehabilitation assistance to homeowners.

DATES: FmHA hereby announces that it will begin receiving preapplications on February 16, 1993. The closing date for acceptance by FmHA of preapplications is May 17, 1993. This period will be the only time during the current fiscal year that FmHA accepts preapplications. Preapplications must be received by or postmarked on or before this date.

ADDRESSES: Submit preapplications to FmHA field offices; applicants must contact their FmHA State Office for this information.

FOR FURTHER INFORMATION CONTACT: Sue M. Harris, Senior Loan Officer, Multi-family Housing Processing Division, FmHA, USDA, room 5337, South Agriculture Building, Washington, DC 20250, telephone (202) 720–1606 (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: 7 CFR part 1944, subpart N provides details on what information must be contained in the preapplication package. Entities wishing to apply for assistance should contact the FmHA State Office to receive further information and copies of the application package.

Eligible entities for these competitively awarded grants include State and local governments, nonprofit corporations, Federally recognized Indian Tribes, and consortia of eligible entities.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.443, Housing Preservation Grants. This program is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V; 48 FR 29115, June 24, 1983). Applicants are also referred to 7 CFR part 1944, Section 1944.674 and 1944. 676 (d) and (e) for specific guidance on these requirements relative to the HPG program.

The funding instrument for the Housing Preservation Grant program will be a grant agreement. The term of the grant can vary from 1 to 2 years, depending on available funds and demand. No maximum or minimum grant levels have been set, although based on FY 1991 and FY 1992 experience, the Agency anticipates that the average grant will be between $100,000 and $150,000 for 1 year proposal. For FY 1993, $23,000,000 is available and has been distributed under a formula allocation to States pursuant to 7 CFR part 1940, subpart L, "Methodology and Formulas for Allocation of Loan and Grant Funds."

Decisions on funding will be based on the preapplications, and notices of action on the preapplications should be made no earlier than 66 days prior to the closing date.

Dated: February 5, 1993.

Sandra Weisman,

Acting Administrator, Farmers Home Administration.

[FR Doc. 93–3525 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–07–M

Forest Service

Mid-Skull/Upper Bear Timber Sale; Clearwater National Forest, Clearwater County, ID

AGENCY: Forest Service, U.S.D.A.

ACTION: Revised notice; intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will analyze and disclose the environmental impacts of a proposal to harvest and reforest approximately 557 acres of timber, construct approximately 3.6 miles of new road, and reconstruct approximately 10.8 miles of existing road in the Skull Creek drainage, which is a tributary to the North Fork of the Clearwater River. This represents a change in the original proposal which was published on November 6, 1992. An EIS (Environmental Impact Statement) will be prepared which will document the analysis. This EIS will tier to the Clearwater National Forest Land and Resource Management Plan Final EIS of September, 1987, which provides overall guidance in achieving the desired future condition for the area. The purpose of this proposal is to provide forage on big game winter range, provide wood products to the local economy, and increase growth and disease resistance in mature stands by replacing them with young, vigorous timber stand.

The analysis area is located approximately 50 air miles from Orofino, Idaho. Approximately 700 acres of the analysis area are located in the RARE II Mallard-Larkins Roadless Area (#1300) and in various citizens wilderness proposals.

The Mid-Skull/Upper Bear analysis area is located east and north of the confluence of Skull Creek and the North Fork of the Clearwater River. The analysis is comprised of 8,099 contiguous acres of public land administered by the North Fork Ranger District of the Clearwater National Forest. The analysis area is bounded on the north by a ridge between Bear and Bean Creeks, on the south by the North Fork of the Clearwater River, on the west by Skull Creek, and on the east by Indian Henry Ridge.

DATES: The Draft Environmental Impact Statement is expected to be filed with the Environmental Protection Agency in February, 1993. The Final Environmental Impact Statement (EIS) and Record of Decision are expected to be completed in August 1993.

ADDRESSES: Send written comments to Robert E. Littlejohn, Acting District Ranger, North Fork Ranger District, P.O. Box 2139, Orofino, ID 83544.

FOR FURTHER INFORMATION CONTACT: Specific questions about the proposed action, analysis, and EIS should be directed to Jennifer Sundberg, Resource Analyst, or Robert E. Littlejohn, Acting District Ranger, North Fork Ranger District, Clearwater National Forest, (208) 476–3775.

SUPPLEMENTARY INFORMATION: All management activities would be administered by the North Fork Ranger District of the Clearwater National Forest, Clearwater County, Idaho. Because of the potential for significant impacts resulting from the proposed action (as defined by 40 CFR 1508.27) an Environmental Impact Statement will be prepared.

This proposal has been analyzed in an environmental assessment. As a result of that analysis, the Forest Service decided that the proposed action was not significant, and issued a decision notice in September, 1991. The decision notice was appealed in November, 1991 and after review the decision was remanded to the District in February, 1992. Because the significance of the effects of the proposal seem to be controversial and due to new Forest Service direction in the environmental policy and procedures handbook (FSH 1909.15, pp. 1–25), we have decided to proceed with further analysis that will culminate in an environmental impact statement.

The proposed actions are consistent with the Clearwater National Forest Land and Resource Management Plan (September 1987) which provides the overall guidance (Goals, Standards and Guidelines, and Management Area direction) in achieving the desired future condition for this area. There are five management areas located within the study area. The purpose and goals for the proposed actions are specifically defined by these management areas and include:

Management Area C4—Provide sufficient winter forage and thermal cover for existing and projected big game populations which achieving timber production outputs.

Management Area C3—Provide winter forage and thermal cover for big game.

Management Area E1—Provide an optimum, sustained production of wood products through harvests that fully realize site potential and result in healthy, vigorous stands.

Management Area M2—Provide for the production and enhancement of riparian dependent resources. Management activities can include timber harvest, grazing, and recreation as long as these practices enhance and protect the riparian values.

Management Area US—Unsuitable for timber management. Includes nonforest and low productive forest lands incapable of producing crops of industrial wood and lands with apparent regeneration limitations. Manage for soil and watershed protection.

The analysis area is located in all or part of sections 25, 26, 27, 34, 35, 36 of T41N, R8E, BM; sections 19, 20, 28, 29, 30, 31, 32, 33 of T41N, R9E, BM; sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 of T40N, R8E, BM; and section 6, T40N, R9E, BM.

The North Fork Ranger District proposes to initiate silvicultural treatment on approximately 557 acres and construct approximately 3.6 miles of new road. Specifically, the proposal includes 405 acres of clearcut harvest, 92 acres of salvage harvest, 18 acres of liberation harvest, 26 acres of seed tree harvest and 16 acres of shelterwood harvest. The majority of the harvest units would be yarded using cable systems and a few units would require helicopter yarding systems. This proposal includes approximately 10.8 miles of road reconstruction. The proposed harvest would generate approximately 8.6 million board feet of wood products.

The initial public scoping for this analysis has been completed. Comments were requested after completion of the Integrated Resource Analysis (IRA), during preparation of the environmental assessment, and during a public comment period which followed publication of the original notice and ended December 21, 1992. All comments received to date will be considered. The next opportunity for public comment on this analysis will be the formal review period of the draft EIS. Preliminary issues and concerns identified as a result of internal and external scoping include:

- Protection of the visual resources.
- The effects of the proposed activities on the outfitter/guide in the area.
- The protection and continuity of old growth stands for viable populations of dependent species.
- The effect of proposed activities on recreation users of the area.
- The effects of management practices on elk security.
- The protection of watershed values, fish productivity, and riparian zones.
- Potential effect on threatened, endangered, and sensitive species.
- The efficiency and cost-effectiveness of the timber sale.
- The effect of proposed practices on the stability of the steep slopes that characterize the area.

The information gathered during public scoping will be used to prepare a Draft Environmental Impact Statement. This process will include:

1. Determination of significant issues.
2. Determination of potential cooperating agencies.
3. Identification and elimination from detailed study of nonsignificant issues, or issues that have been covered by previous environmental review.
4. Identification of reasonable alternatives to the proposed action.
5. Identification of potential environmental effects of the alternatives.

The analysis will consider a range of alternatives developed from the key issues. One of these will be the "No Action" alternative, in which all harvest and regeneration activities are deferred. Other alternatives will consider various levels and location of harvest and regeneration activities in response to issues and non-timber objectives.

Public participation is important all through the analysis process. Agencies and other interested publics are invited to visit with Forest Service officials at any time during the process. However, two specific time periods are identified for the receipt of formal comments on the analysis. They are: (1) During the scoping process and, (2) during the formal review period of the Draft EIS.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement.

Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the

reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement state but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

The Final EIS is expected to be released in August, 1993. The Forest Supervisor for the Clearwater National Forest who is the responsible official for the EIS will make a decision regarding this proposal considering the comments, responses, and environmental consequences discussed in the Final Environmental Impact Statement, and applicable laws regulations and policies. The reasons for the decision will be documented in a Record of Decision.

Dated: February 4, 1993.

Bert Kulesza,

Deputy Forest Supervisor, Clearwater National Forest.

[FR Doc. 93–3451 Filed 11–12–93; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado 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 Colorado Advisory Committee to the Commission will be held from 9 a.m. until 9 p.m. on Thursday, March 4, 1993, at the Red Lion Inn, 501 Camino Del Rio, Durango, CO 81301. The purpose of this meeting is to conduct a briefing forum on the topic, "The Retention of Minorities in Colorado Institutions of Higher Education." Participants will include college and program administrators, faculty, and representatives from student and community organizations, and Native American tribes.

Persons desiring additional information should contact Committee Chairperson, Dr. Gwendolyn A. Thomas, or William F. Muldrow, Director of the Rocky Mountain Regional Division, (303) 866–1040 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

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

Dated at Washington, DC, February 3, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–3534 Filed 2–12–93; 8:45 am]

BILLING CODE 6335–01–M

Agenda and Notice of Public Meeting of the Rhode Island 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 Rhode Island State Advisory Committee will be convened at 3:30 p.m. and adjourn at 6:30 p.m. on Thursday, March 4, 1993, in the Providence Marriott Hotel, Charles and Orms Streets, Providence, RI 02904. 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 Sarah A. Murphy (401–455–3880) 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, February 3, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–3533 Filed 2–12–93; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Correction.

SUMMARY: This action corrects an error made by the International Trade Administration, Office of Export Trading Company Affairs. The error was in the "Notice of Initiation of Process to Revoke Export Trade Certificate of Review No. 85–00005" published in the **Federal Register** on February 5, 1993 (58 FR 7212).

On page 7212, second column, under the heading **ACTION**, the words "Export Certificate of Review No. 85–00005" should have been "Export Trade Certificate of Review No. 84–00009."

Dated: February 5, 1993.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 93–3492 Filed 2–12–93; 8:45 am]

BILLING CODE 3510–DR–M

Minority Business Development Agency

Business Development Center Applications: U.S. Virgin Islands (Service Area)

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance and the availability of funds. The cost of performance for the first Budget period (12 months) is estimated as $169,125 in Federal funds, and a minimum of $29,846 in non-Federal (cost sharing) contribution, from July 1, 1993 to June 30, 1994. Cost-sharing contributions, may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The MBDC will operate in the U.S. Virgin Islands SMA geographic service area.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state, local governments, American

Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points).

An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC Program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods.

MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and the Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

Applicants are notified that if they incur any costs prior to an award being made they do so solely at their own risk of not being reimbursed by the Government. Applicants are notified that notwithstanding any verbal assurance that they may have received, there is no obligation on the part of DoC to cover pre-award costs.

If an application is selected for funding, DoC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DoC.

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full.
2. A negotiated re-payment schedule is established and at least one payment is received; or
3. Other arrangements satisfactory to DoC are made.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR Part 26. The departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

Notification must be provided that all non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or is presently facing, criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Public Law 100–690, Title V, Subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards. False information on the application can be grounds for denying or terminating funding.

"Certification for Contracts, Grants, Loans, and Cooperative Agreements" and SF–LLL, the "Disclosure of Lobbying Activities" (if applicable) is required in accordance with Section 319 of Public Law 101–121, which generally prohibits recipients of Federal contracts, grants, and loans from using legislative branches of the Federal Government in connection with a specific contract, grant or loan.

15 CFR part 28 is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant, or cooperative agreement. Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required.

Notification must be provided that recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF–LLL, "Disclosure of Lobbying Activities." Form CD–512 is intended for the use of recipients and should not be transmitted to DoC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DoC in accordance with

the instructions contained in the award document.

CLOSING DATE: The closing date for application is March 17, 1993. Applications must be postmarked on or before March 17, 1993. The mailing address for submission is:

ADDRESSES: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, rm. 3720, New York, New York 10278, Area Code/Telephone Number: (212) 264–3262.

FOR FURTHER INFORMATION CONTACT: John F. Iglehart, Regional Director, New York Regional Office at (212) 264–3263.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372 "Inter-governmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above New York address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: February 8, 1993.

John F. Iglehart,

Regional Director, New York Regional Office.

[FR Doc. 93–3550 Filed 2–12–93; 8:45 am]

BILLING CODE 3510–21–M

National Institute of Standards and Technology

NIST Fastener Workshop

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of workshop—accreditation for fasteners and metals testing and inspection laboratories.

SUMMARY: The National Institute of Standards and Technology (NIST) will host a public workshop on February 17, 1993 to provide interested parties an opportunity to participate in the development of technical requirements for accrediting laboratories in the Fasteners and Metals Program. Laboratories will be accredited if found competent to test and inspect fasteners and metals using techniques in mechanical and physical testing, chemical analysis, dimensional inspection, metallographic analysis and nondestructive inspection.

DATES: The workshop will be held on Wednesday, February 17, 1993 from 9 a.m. to 4 p.m.

PLACE: The workshop will be held at the National Institute of Standards and Technology (NIST), Green Auditorium, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: S.W. Stiefel, National Institute of Standards and Technology, Building 411, Gaithersburg, MD 20899. To assist in preparing for the meeting, please inform Mr. Stiefel about individuals/organizations planning to attend the workshop. Registration is limited to the capacity of the auditorium. Contact Mr. Stiefel at the above address, or call (301) 975–4016, or FAX (301) 926–2884. A draft Program Handbook is available for limited distribution to those attending the workshop or to those willing to provide technical comments on the document.

SUPPLEMENTARY INFORMATION:

Background

The Fastener Quality Act, Public Law 101–592, intends to increase fastener quality and reduce the danger of fastener failure. It requires that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, provides for accreditation of laboratories engaged in fastener testing, and requires inspection, testing and certification in accordance with standardized methods.

The Act requires the Secretary of Commerce, acting through the Director of NIST, to establish a laboratory accreditation program for fastener testing laboratories under the procedures of the National Voluntary Laboratory Accreditation Program. The accreditation program will include test methods that are required by fastener specifications or standards covered by the Act. Specific requirements and criteria are being established for determining laboratory qualifications for accreditation. Criteria will address quality systems, staff, facilities and equipment, calibrations, test methods and procedures, manuals, records, and test reports.

Technical criteria, requirements, and procedures have been developed and will be presented at the workshop, and interested parties will have an opportunity to comment. The workshop is part of a NIST process to assure that accreditation programs are of high technical quality, responsive to the technical needs of the community, and are relevant to the needs of those affected by accreditation.

The following plans for the workshop have been established:

1. Purpose: The workshop will provide all interested persons with an opportunity to participate and contribute to the development of technical criteria, requirements, and procedures for evaluation and accreditation of laboratories that provide testing and inspection services for fasteners and metals.

2. Procedure: The workshop will be an informal, nonadversarial meeting. The presiding NIST chairperson will allocate the time available for discussion of each issue to be addressed, and will exercise authority as needed to ensure the equitable, efficient and orderly conduct of the workshop.

3. Provisions: This workshop will be open to the public; there is no registration fee. Housing is the responsibility of attendees.

The workshop will take place on February 17, 1993 at NIST, Gaithersburg, MD.

Documents in Public Record

A transcript of the meeting will be made available for inspection and copying at the Department of Commerce Central Reference and Records Inspection Facility, room 6020, Hoover Building, Washington, DC 20230. Telephone (202) 482–4115.

Dated: February 9, 1993.

John W. Lyons,

Director.

[FR Doc. 93–3544 Filed 2–12–93; 8:45 am]

BILLING CODE 3510–13–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Bilateral Textile Consultations with the Government of the Democratic Socialist Republic of Sri Lanka on Certain Cotton Textile Products

February 10, 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 18, 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) 482–6708. For information on embargoes and quota re-openings, call (202) 482–3715. For information on categories on which consultations have been requested, call (202) 482–3740.

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 January 27, 1993, under the terms of the Bilateral Textile Agreement, effected by exchange of notes dated May 23 and 24, 1988, as amended, between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka, the United States Government requested consultations with the Government of the Democratic Socialist Republic of Sri Lanka with respect to cotton poplin and broadcloth in Category 314.

According to the terms of the bilateral agreement, the Government of the United States has decided, pending a mutually satisfactory solution, to control imports in Category 314 exported during the period which began on January 27, 1993 and extends through June 30, 1993 at a level of 1,079,407 square meters.

A summary market statement concerning Category 314 follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 314, under the agreement with the Government of the Democratic Socialist Republic of Sri Lanka, or to comment on domestic production or availability of products included in Category 314, is invited to submit 10 copies of such comments or information to J. Hayden Boyd, Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Category 314. Should such a solution be reached in consultations with the Government of the Democratic Socialist Republic of Sri Lanka, further notice will be published in the Federal Register.

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.

Market Statement—Sri Lanka

Category 314—Cotton Poplin and Broadcloth

January 1993

Import Situation and Conclusion

U.S. imports of cotton poplin and broadcloth, Category 314, from Sri Lanka began in June 1992 and reached 2,564,128 square meters during June-November 1992. Sri Lanka shipped 33,861 square meters to the U.S. in 1989. There were no Category 314 imports from Sri Lanka in 1990 and 1991. During the six month period June-November 1992, Sri Lanka became the thirteenth largest supplier of cotton poplin and broadcloth to the U.S. accounting for one percent of total Category 314 imports in 1992.

The sharp and substantial increase of Category 314 imports from Sri Lanka is causing a real risk of disruption in the U.S. market for cotton poplin and broadcloth.

U.S. Production, Import Penetration and Market Share

U.S. production of cotton poplin and broadcloth declined every year since 1988, falling to 60,458,000 square meters in 1991, 38 percent below the 1990 level, and 60 percent below the 1988 level. Production continued downward in 1992, falling to 32,841,000 square meters during January-September 1992, 29 percent below the January-September 1991 level. In contrast, U.S. imports of Category 314 reached 202,472,000 square meters in 1991, an increase of 26 percent over the 1988 level. Category 314 imports surged in 1992, increasing by 33 percent in the first eleven months of 1992 over the January-November 1991 level, and reached an eleven month total of 243,925,000 square meters, 20 percent above the total calendar year 1991 level.

The ratio of imports to domestic production tripled, increasing from 106 percent in 1988 to 335 percent in 1991. This trend continued in 1992, with the ratio of imports to domestic production reaching 630 percent for the first three quarters of 1992, double the January-September 1991 ratio. The domestic producers' share of the U.S. cotton poplin and broadcloth market fell from 49 percent in 1988 to 23 percent in 1991. This decline continued in 1992, with the domestic producers' share of the cotton poplin and broadcloth market falling to 14 percent for the first three quarters of 1992.

Duty-Paid Value and U.S. Producers' Price

All of Category 314 imports from Sri Lanka during 1992 entered the U.S. under HTSUSA number 5210.11.6020—unbleached poplin or broadcloth fabric containing less than 85 percent by weight cotton mixed with man-made fibers, of yarn numbers 43–68, and weighing less than 200 grams per square meter. These fabrics entered the U.S. at landed duty paid values below U.S. producers' prices for comparable fabrics.

Committee for the Implementation of Textile Agreements

February 10, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on December 9, 1992; pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated May 23 and 24, 1988, as amended, between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 18, 1993, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 314, produced or manufactured in Sri Lanka and exported during the period beginning on January 27, 1993 and extending through June 30, 1993, in excess of 1,079,407 square meters [1].

Textile products in Category 314 which have been exported to the United States prior to January 27, 1993 shall not be subject to the limit established in this directive.

Textile products in Category 314 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs

[1] The limit has not been adjusted to account for any imports exported after January 26, 1993.

exception of 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. 93–3493 Filed 2–12–93; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board (SAB) Ad Hoc Committee on GPS Integrity and Denial will meet from 8 a.m. to 5 p.m. on 2–3 March 1993 at the ANSER Corporation, 1215 Jefferson-Davis highway, Arlington, VA.

The purpose of this meeting is to receive information briefings on GPS capabilities, threats, potential vulnerabilities and program impacts. The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4).

For further information, contact the SAB Secretariat at (703) 697–8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–3490 Filed 2–12–93; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board (SAB) Ad Hoc Committee on GPS Integrity and Denial will meet from 8 a.m. to 5 p.m. on 22–23 March 1993 at Wright Laboratory, Wright-Patterson Air Force Base, OH.

The purpose of this meeting is to receive information briefings on GPS capabilities, threats, potential vulnerabilities and program impacts. The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4).

For further information, contact the SAB Secretariat at (703) 697–8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–3491 Filed 2–12–93; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Army Red-Cockaded Woodpecker Management Guidelines Development Process

AGENCY: United States Army, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Army intends to develop guidelines for the management of the red-cockaded woodpecker (RCW) on federally owned Army installations to replace existing guidelines approved in 1984. The RCW is a federally listed endangered species found on Army installations in the southeastern United States: Fort Bragg, North Carolina; Fort Stewart, Georgia; Fort Jackson, South Carolina; Fort Benning, Georgia; Fort Polk, Louisiana; and Sunny Point Military Ocean Terminal, North Carolina. The following Army installations do not currently have RCWs but recurrence is possible in the future: Fort Gordon, Georgia; Fort McClellan, Alabama; Louisiana Army Ammunition Point, Louisiana; and Camp Shelby, Mississippi. The guidelines will be used by Army installations as baseline standards in preparing and revising their RCW management plans. As part of the guidelines development process, the Army will prepare an environmental assessment to determine the environmental impact of the guidelines and whether the impact is significant. If the assessment determines that there will be a significant impact on the environment, the National Environmental Policy Act of 1969 (NEPA) requires preparation of an environmental impact statement. Additionally, the Endangered Species Act of 1973 requires a biological assessment to assess the effects of the guidelines on endangered and threatened species.

The public is invited to participate in the guidelines development process by submitting written comments and suggestions throughout the development process and to review the draft guidelines. The Army anticipates that draft guidelines will be available for public review in the second quarter of 1993.

ADDRESSEES: Written comments and suggestions or requests for notice of the release of draft Army RCW management guidelines may be forwarded to: Headquarters, Department of the Army, ATTN: DAMO–TRS (Army Endangered Species Team), Washington, DC 20310–0450.

FOR FURTHER INFORMATION CONTACT: Questions regarding this action may be directed to the Army Endangered Species Team, (703) 614–6847.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 93–3548 Filed 2–12–93; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0067]

Clearance Request for Incentive Contracts

AGENCIES Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0067).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Incentive Contracts.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

Incentive contracts are normally used when a firm fixed-price contract is not appropriate and the required supplies or services can be acquired at lower costs, and sometimes with improved delivery or technical performance, by relating the amount of profit or fee payable under the contract to the contractor's performance.

The information required periodically from the contractor—such as cost of work already performed, estimated costs of further performance necessary to complete all work, total contract price for supplies or services accepted by the Government for which final prices have been established, and estimated costs allocable to supplies or services accepted by the Government and for which final prices have not been established—is needed to negotiate the

final prices of incentive-related item and services.

The contracting officer evaluates the information received to determine the contractor's performance in meeting the incentive target and the appropriate price revision, if any, for the items or services.

B. **Annual Reporting Burden**

The annual reporting burden is estimated as follows: Respondents, 3,000; responses per respondent, *1*; total annual responses, 3,000; preparation hours per response, *1*; and total response burden hours, 3,000.

Obtaining Copies of Proposals

Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4037, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0067, Incentive Contracts, in all correspondence.

Dated: February 5, 1993.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 93–3452 Filed 2–12–93; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. JD93–04112T New Mexico–37]

New Mexico; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 8, 1993.

Take notice that on February 4, 1993, the Oil Conservation Division of the New Mexico Department of Energy, Minerals and Natural Resources (New Mexico), submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Mississippian Formation in Chaves, County, New Mexico, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application covers 11,009.08 acres, more or less, of state and fee lands more fully described on the attached appendix.

The notice of determination also contains New Mexico's findings that the referenced portion of the Mississippian 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.

Appendix

Township 11 South, Range 28 East

Section 35: E/2
Section 36: All

Township 11 South, Range 29 East

Section 21: S/2
Section 22: All
Section 23: W/2
Section 26: W/2
Section 27–34: All
Section 35: W/2

Township 12 South, Range 28 East

Section 1: All
Section 2: E/2

Township 12 South, Range 29 East

Section 2: NW/4
Section 3: N/2
Section 4: N/2
Section 5–6: All

The area of application contains 11,009.08 acres, more or less, of state and fee lands in Chaves County, New Mexico.

[FR Doc. 93–3453 Filed 2–12–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–193–000]

Arkla Energy Resources, a Division of Arkla, Inc.; Request Under Blanket Authorization

February 8, 1993.

Take notice that on February 2, 1993, Arkla Energy Resources, (Arkla), a division of Arkla, Inc., Post Office Box 21734, Shreveport, Louisiana 71151, filed an application with the Commission in Docket No. CP93–193–000 pursuant to §§ 157.205, 157.211, and 157.212 of the Commission's Regulations to upgrade certain facilities in Arkansas under its blanket certificate issued in Docket Nos. CP82–384–000 and CP82–384–001, all as more fully set forth in the application which is open to public inspection.

Arkla states that it would upgrade the existing meter station on its transmission line, Line K-South, for increased deliveries to Arkansas Louisiana Gas Company's (ALG) new rural extension to serve domestic customers in Union County, Arkansas. It is stated that the volumes delivered would be about 660 Mcf annually and 20 Mcf on a peak day and the cost of construction would be about $5,906.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3456 Filed 2–12–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–190–000]

Bridgeline Gas Distribution Co.; Application

February 8, 1993.

Take notice that on February 1, 1993, Bridgeline Gas Distribution Company (Bridgeline), 400 Poydras Street, New Orleans, Louisiana 70130, filed an application with the Commission in Docket No. CP93–190–000 pursuant to section 7(c) of the Natural Gas Act (NGA) for a blanket certificate under § 284.224 of the Commission's Regulations under the NGA, all as more fully set forth in the application which is open to the public for inspection.

Bridgeline states that approval of its request for a part 284 blanket certificate would allow Bridgeline to engage in the sale, transportation (including storage), and assignment of natural gas as permitted for intrastate pipelines under subparts C, D, and E of part 284 of the Regulations. Bridgeline also states that it has concurrently filed a petition with the Commission for rate approval under § 284.123(b)(2) in Docket No. PR93–8–000, in which Bridgeline proposes rates for the transportation and storage services it would provide under the herein requested blanket certificate. No new facilities are proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the

requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Bridgeline to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3455 Filed 2–12–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP92–581–001]

El Paso Natural Gas Co.; Amendment

February 8, 1993.

Take notice that on January 29, 1993, El Paso Natural Gas Company (Applicant), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP92–581–001 an amendment to the application of Applicant, filed July 7, 1992, for authorization pursuant to section 3 of the Natural Gas Act and §§ 153.3 and 153.10 through 153.12 of the Commissions Regulations and Executive Order 10485, as amended by Executive Order 12038, and Secretary of Energy Delegation Order No. 0204–112, to site, construct, operate, maintain, and connect pipeline facilities at the International Boundary between the United States and Mexico in Yuma County, Arizona near San Luis Rio Colorado, Sonora, Mexico. Applicant proposes to relocate the border crossing at the International Boundary approximately 1.5 miles east of the originally proposed location, all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

On July 7, 1992, Applicant filed in Docket No. CP92–581–000 an application requesting an order authorizing the siting, construction, operation and maintenance of pipeline facilities at the United States-Mexico international boundary in Yuma County, Arizona near San Luis Rio Colorado, Sonora, Mexico. In addition, Applicant requested a Presidential Permit covering the proposed construction, connection and operation of pipeline facilities at the United States-Mexico border.

Applicant states that it proposes in Docket No. CP92–581–000 to construct approximately 60 feet of 30-inch pipeline, with appurtenances, in order to connect Applicant's upstream facilities with a new pipeline system to be owned in Mexico by Petroleos Mexicanos (PEMEX). Applicant further states that the proposed facilities to be constructed and operated at the International Boundary will constitute a portion of the Yuma Lateral Expansion Project and will facilitate the transportation and delivery of natural gas to PEMEX at the International Boundary for eventual delivery to the Rosarito Power Plant in Baja California Norte, Mexico, and to the Mexican communities located along the line to be constructed in Mexico.

In its amendment, Applicant proposes to relocate the border crossing at the International Boundary approximately 1.5 miles east of the originally proposed location. Applicant submits that this alignment change was made to allow PEMEX the flexibility to avoid residential areas in the San Luis Rio Colorado area of Mexico. Applicant states that it continues to propose the construction at this new location of approximately 60 feet of 30-inch pipeline, with appurtenances, necessary to connect Applicant's upstream facilities with the Mexican pipeline company. Applicant also states that it amended its plans submitted to the International Boundary and Water Commission for review and approval of the new border crossing location.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 1, 1993, file with the Federal Energy Regulatory Commission, Washington DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3454 Filed 2–12–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Arms Control and Nonproliferation Policy

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Japan concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/JA(EU)–64, for the transfer from the Federal Republic of Germany to Japan of 188.7 grams of uranium, enriched to 10.6 percent in the isotope uranium-235 in the form of fuel pellets for comparison testing at Nuclear Fuel Industries, Ltd.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC, on February 10, 1993.

Edward T. Fei,

Acting Director, Office of Nonproliferation Policy.

[FR Doc. 93–3526 Filed 2–12–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Notice of Cases Filed During Week of January 22 Through January 29, 1993

During the week of January 22 through January 29, 1993, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: February 10, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 22 through January 29, 1993]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 22, 1993	Hearts of America Northwest, Seattle, WA	LFA–0266	Appeal of an Information request denial. If granted: Heats of America Northwest would receive documents pursuant to the Freedom of Information Act, 5 U.S.C. § 552.
Jan. 22, 1993	Shell/Brown Construction Company, Cordova, TN	RR315–5	Request for modification/rescission in the Shell refund proceeding. If granted: The Decision and Order (Case No. RR315–10261) issued to the Brown Construction Company regarding the firm's Application for Refund in the Shell special refund proceeding would be modified.
Jan. 25, 1993	ARCO/Westfield ARCO, Memphis, TN	RR304–55	Request for modification/rescission in the ARCO refund proceeding. If granted: The November 13, 1992 Decision and Order (Case No. RR304–13252) issued to Westfield ARCO regarding the firm's Application for Refund in the ARCO special refund proceeding would be modified.
Jan. 25, 1993	Gulf/State Line Service, Inc., Oak Ridge, NJ	RR300–225	Request for modification/rescission in the Gulf refund proceeding. If granted: The October 25, 1989 Decision and Order (Case No. RR300–3588) issued to State Line Service, Inc., regarding the firm's Application for Refund in the Gulf special refund proceeding would be modified.
Jan. 25, 1993	James J. Leventon, Houston, TX	LFA–0267	Appeal of an Information request denial. If granted: The January 14, 1993 Freedom of Information Request Denial issued by the Strategic Petroleum Reserve Project Management Office would be rescinded, and James J. Leventon would receive a copy of Contract No. DE–AC96–85P060185, U.S. Steel.
Jan. 25, 1993	Texaco/R & L Texaco, Hemet, CA	RR321–125	Request for modification/rescission in the Texaco refund proceeding. If granted: The December 16, 1992 Decision and Order (Case Nos. RF321–14729 & RF321–19400) issued to R & L Texaco regarding the firm's Application for Refund in the Texaco special refund proceeding would be modified.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund applicant	Case No.
12/07/92	Larry's Clark Station	RF342–315
01/22/93 thru 01/29/93	Gulf Oil refund applications received	RF300–20855 thru RF300–20873
01/22/93 thru 01/29/93	Crude Oil refund applications received	RF272–94055 thru RF272–94069
01/22/93 thru 01/29/93	Atlantic Richfield refund applications received	RF304–13537 thru RF304–13560
01/25/93	Diagle's Canal Station	RF346–19
01/25/93	Steily Construction, Inc	RF346–20
01/25/93	West Park Canal	RF346–21
01/25/93	Theriot's Canal	RF346–22
01/25/93	Jennings Canal	RF346–23
01/25/93	Wood River Oil & Refining Co	RF326–328
01/25/93	Brent's Texaco	RF321–19568
01/25/93	Holiday Texaco	RF321–19569
01/25/93	Blanton Texaco	RF321–19570
01/25/93	Butterfield Texaco	RF321–19571
01/25/93	Valley Texaco	RF321–19572
01/25/93	Gilroy Texaco Service Station	RF321–19573
01/25/93	Evans & Farmer Texaco Service	RF321–19574
01/25/93	The Pasadena Unified School District	RF347–4
01/26/93	The City of Pasadena	RF347–5
01/26/93	Country Store	RF321–19567
01/26/93	Bill Somers Texaco	RF321–19575

[FR Doc. 93–3528 Filed 2–12–93; 8:45 am]

BILLING CODE 6450–01–M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures

for the disbursement of $9,254, plus accrued interest, obtained by the DOE under the Consent Order entered into with Automatic Comfort Corporation, Case No. LEF–0005. The OHA has determined that in this case the funds will be distributed in accordance with the specific findings set forth in the Consent Order. Any funds remaining after refunds are made to the parties named in the Consent Order will be distributed in accordance with the Petroleum Overcharge Distribution and Restitution Act of 1986, contained in Title III of the Omnibus Budget Reconciliation Act of 1986, Public Law No. 99–509.

DATE AND ADDRESS: Applications for Refund must be filed in duplicate and must be received no later than May 17, 1993. Applications should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All Applications for Refund should display a reference to Case Number LEF–0005.

FOR FURTHER INFORMATION CONTACT: Max William Yano, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy (DOE), 10 CFR 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order relates to a Consent Order entered into by Automatic Comfort Corporation and the DOE to settle possible violations of the federal petroleum price and allocation regulations with respect to its sale of refined petroleum products. A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the automatic consent order funds was issued on September 2, 1992. 57 FR 41750 (September 11, 1992).

This Decision sets forth the procedures and standards that the DOE has formulated to distribute the $9,254 consent order fund. The OHA will distribute these funds in accordance with the DOE's subpart V refund procedures. Applications for Refund will be accepted from customers who purchased controlled refined petroleum products from Automatic Comfort Corporation during the consent order period. Applications for Refund must be postmarked no later than 90 days from the date of publication in the **Federal Register** to meet the filing deadline.

Dated: February 8, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

February 8, 1993.

Name of Petitioner: Automatic Comfort Corporation
Date of Filing: December 4, 1989
Case Number: LEF–0005

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the Mandatory Petroleum Price and Allocation Regulations. See 10 CFR part 205, subpart V. On December 4, 1989, the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a Consent Order entered into with Automatic Comfort Corporation (Automatic) (now d/b/a Connecticut Petroleum Marketers). This Decision and Order establishes procedures for distributing these funds to qualified refund applicants.

I. Background

Automatic was a branded independent marketer, as that term is defined in the Emergency Petroleum Allocation Act of 1973, located in East Hartford, Connecticut. During the period March 1, 1979, through September 30, 1979, the ERA conducted an audit of Automatic's records. Based upon the results of that audit, the ERA concluded that the firm had violated the provisions of the Mandatory Petroleum Price Regulations. In order to settle these matters, on April 14, 1983, Automatic and the DOE entered into a Consent Order that resolved all alleged violations for the entire January 1, 1973, through January 28, 1981, regulatory period (the Consent Order period). Although the Consent Order does not state that Automatic committed any of the alleged violations and Automatic does not admit any of the violations, the remedy spelled out in the Consent Order involves refunds to specific wholesale and end-user purchasers and is based upon the ERA audit findings. The specific provisions of the Consent Order required Automatic to implement a program of refunds in the aggregate amount of one hundred fifteen thousand dollars ($115,000), and to distribute these refunds to Automatic's customers and to the United States Treasury as follows:

(a) Within thirty (30) days of the effective date of the Consent Order, Automatic shall pay the sum of forty thousand dollars ($40,000) by certified check payable to the United States Treasury;

(b) Within nine (9) months of the effective date of the Consent Order, Automatic shall refund the sum of eighteen thousand two hundred seventy-seven dollars and fifty cents ($18,277.50) to eligible end-user customers; and

(c) Within eighteen (18) months of the effective date of the Consent Order, Automatic shall refund the sum of fifty-six thousand seven hundred twenty-two and fifty cents ($56,722.50) to eligible dealer customers.

Automatic satisfied all of these requirements except that, in making the refunds pursuant to the provisions of paragraphs (b) and (c) above, the firm was unable to locate, and consequently unable to repay 36 of the specified end-user customers that were to receive refunds, and 3 of the specified dealer customers. As a result, Automatic was unable to refund $9,254 of the total refunds specified in paragraphs (b) and (c). That sum is the subject of the present proceeding.

On September 2, 1992, the OHA issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of the Automatic consent order funds. In order to give notice to all potentially affected parties, a copy of the PD&O was published in the **Federal Register** and comments were solicited. 57 Fed. 41750 (September 11, 1992). No comments were filed with respect to the proposed procedures for distributing the remaining Automatic consent order fund. We will therefore adopt the proposed procedures for distributing the remaining $9,254 in the Automatic consent order fund.

II. Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR part 205 subpart V. The subpart V process is generally used in situations where the DOE is unable to identify readily those persons who may have been injured by alleged regulatory violations or to determine the amount of such injuries. A more detailed discussion of subpart V and the authority of OHA to fashion procedures to distribute refunds is set forth in the cases of *Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (*Coline*); and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

The Automatic case comes to us in a posture very different from the usual subpart V refund case. Ordinarily, there are no findings or even indications of specific injury in a subpart V proceeding. *Empire Gas Corp.*, 21 DOE ¶ 85,101 (1991); and *Time Oil Co.*, 20 DOE ¶ 85,698 (1990). It is precisely the absence of this material that led us to adopt the volumetric refund approach that is typically employed in these proceedings. *Northeast Petroleum Industries, Inc.*, 20 DOE ¶ 85,405 (1990); *Atlantic Richfield Co.*, 17 DOE ¶ 85,069 (1988); and *Gulf Oil Corp.*, 16 DOE ¶ 85,381 (1987). In this case, not only are there very substantial indications of individual injury, but the consent order firm has made specified refunds to most of a group of specified customers based upon this data. As a result, we see no reason to adopt the volumetric refund methodology in this proceeding. Underscoring this conclusion is that any volumetric factor calculated in this proceeding—even were we in possession of reliable consent order period sales gallonage data for Automatic—would be infinitesimally small. This results because the remaining money to be distributed is small, and the

Consent Order encompasses an eight-year period. Indeed, we think it very likely that any such volumetric would be so small that no purchaser could even approach the $15.00 minimum refund prescribed in above subpart V proceedings. For these reasons, we will attempt to locate the named purchasers that Automatic could not find, and effectuate the refunds specified in the Consent Order. To facilitate this process, the names and previous addresses of these customers are listed in the Appendix to this Decision. Since the Consent Order is silent as to the disposition of any remaining unrefunded monies, any residual funds will be paid as indirect restitution under the Petroleum Overcharge Distribution and Restitution Act of 1986.

III. General Refund Application Requirements

Pursuant to 10 CFR 205.283, we will now accept Applications for Refund from individuals and firms that purchased refined covered products sold by Automatic Comfort Corporation during the period March 6, 1973 through January 27, 1981. No "class claims" on behalf of groups of applicants will be permitted. There is no specific application form that must be used. All Applications for Refund should include the following information:

(1) A conspicuous reference to Case Number LEF–0005 and the name and address of the applicant during the period for which the claim is filed, as well as the name, including the social security number or employer identification number, to whom the refund check should be made out and the current address to which the check should be sent;

(2) The name, title, address and telephone number of a person who may be contacted by OHA for additional information concerning the Application;

(3) If the applicant was or is in any way affiliated with Automatic, an explanation of the nature of that affiliation;

(4) A statement as to whether there was a change in ownership of the applicant's firm during or since the refund period. If there was such a change in ownership, the applicant must submit a detailed explanation as well as the names and addresses of the previous or subsequent owners;

(5) A statement as to whether the claimant is or has been involved in any DOE enforcement proceedings or private actions filed under section 210 of the Economic Stabilization Act. If these actions have been concluded, the applicant should furnish a copy of the final order issued in the matter. If the action is still in progress, the applicant should briefly describe the actions and its current status. The applicant must inform OHA of any change in status while its Application for Refund is pending. See 10 CFR 205.9(d);

(6) A statement as to whether the applicant has received a refund from the DOE or from Automatic Comfort Corporation in this or any prior Automatic Comfort Corporation special refund proceeding;

(7) A statement as to whether the applicant or a related firm has filed any other Application for Refund in this proceeding;

(8) A statement as to whether the claimant or related firm has authorized any other individual(s) to file an Application for Refund on the claimant's behalf in this proceeding; and

(9) The following statement signed by the applicant or a responsible official of the business or organization claiming the refund: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the Federal Government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. 1001."

Applications for Refund should be sent to: Automatic Comfort Corporation Proceeding, Case No. LEF–005, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

All applications must be filed in duplicate and postmarked within 90 days from the date of publication of this Decision in the **Federal Register**. A copy of each Application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any claimant that believes that its Application for Refund contains confidential information must submit two additional copies of the application in which the confidential information is deleted, together with a statement specifying why the information is confidential.

It is therefore ordered, That:

(1) Applications for Refunds from the funds remitted to the Department of Energy by Automatic Comfort Corporation pursuant to the Consent Order executed on April 14, 1983, may now be filed.

(2) All applications must be postmarked no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Dated: February 8, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

APPENDIX

Customer and name	Address
Dealers:	
Citgo	Rte 83 and Waber Rd., Vernon, CT 06066.
Citgo	2233 Conham Avenue, New Britain, CT 06053.
Midway Marina	Portland Boat Works, Portland, CT.
End Users:	
Peter Armanado	CT.
Paul Buccher, Co	CT.
Central Landscape	CT.
Ct. Dispensary	CT.
Lafayette Fathers	CT.
Nick Schaus	CT.
Wickers Lumber	CT.
Winding Brook Turf Farm.	CT.
Artis Septic	CT.
Bishop Farms	CT.
Robert Brockert	CT.
Raymond Cannon	CT.
Matawa Casson	CT.
Eddy Electronic Motor.	CT.
Alton Eliason	CT.
Ronald Emondson	CT.
Jos. Fazzone	CT.
Harold Fraytag	CT.
Hills Glast	CT.
Robert Gold	CT.
John Hanson	CT.
Ethel Humphrey	CT.
Contress Michaels	CT.
Minon Lawton	CT.
Print Meadows	CT.
Nurs Petrissi	CT.
Alan Shanden	CT.
Roy Staelly	CT.
Harold Tercob	CT.
Mrs. Van Noort	CT.
Louis Vanni	
Avon Old Farms School.	CT.
John Hahn	CT.
H. P. Koppleman	CT.
Marsden & Wassenmen.	CT.
Mrs. Petrussi	CT.
Robert Rhodes	CT.

[FR Doc. 93–3527 Filed 2–12–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4593–9]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before March 18, 1993.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR, CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Data Call-in (DCI) for Special Review Chemicals. (EPA ICR No. 0922.04; OMB No. 2070–0057). This is a request of extension of the expiration date of a currently approved collection.

Abstract: Under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the EPA may require pesticide registrants to provide additional information on a registered product to assess whether the registration of the product in question

may be allowed to continue. The types of data that can be subject to a DCI are categorized into various divisions and listed in 40 CFR part 158. These categories are: Product chemistry; residue chemistry; environmental fate; toxicology; reentry protection; spray drift; wildlife and aquatic organism; plant protection; nontarget insect; product performance; biochemical pesticides and microbial pesticides.Special studies based on the particular characteristics of the chemical may be required and the registrants must keep records of each study.

EPA uses the information to assess the potential hazard to human health and the environment associated with certain chemicals, and to support continued registration of a chemical.

Burden Statement: The public burden for this collection of information is estimated to average 874 hours per response for reporting, and 46 hours per recordkeeper annually. This estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, complete the required tests and review the collection of information.

Respondents: Registrants of pesticide products.

Estimated Number of Respondents: 64.

Estimated Number of Responses per Respondent: 1.

Frequency of Collection: On occasion.

Estimated Total Annual Burden on Respondents: 58,880 hours.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW., Washington, DC, 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC, 20503.

Dated: February 8, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–3480 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4594–1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before March 18, 1993.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR, CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Significant New Use Rules for Existing Chemicals (EPA ICR No. 1188.04; OMB No. 2070–0038) This is a request of extension of the expiration date of a currently approved collection.

Abstract: Under section 5 of the Toxic Substances Control Act (TSCA), EPA has the authority to monitor and control significant new uses of chemical substances. When EPA designates a chemical use as a significant new use, the initiating party—chemical manufacturer, importer or processor—must use the Premanufacture Notice (PMN) form to notify the Agency 90 days prior to the commencing of the use. Part I and II of the PMN form requires the applicants to disclose general information such as the name of authority official, the name of the company, the facility location, the name and the listed number of the chemical in question, claim of confidentiality and the chemical molecular formula. Part III of the form requires the applicants to disclose information on human exposure and environmental release. The EPA uses the information to ensure compliance with section 5 of the TSCA.

Burden Statement: The public burden for this collection of information is estimated to average 113 hours per response for reporting, and 5.6 hours per recordkeeper annually. This estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, complete the form and review the collection of information.

Respondents: Chemical Manufacturers, importers, and processors.

Estimated Number of Respondents: 2.

Estimated Number of Responses per Respondent: 1.

Frequency of Collection: On occasion.

Estimated Total Annual Burden on Respondents: 237 hours.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW.,Washington, DC, 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW.,Washington, DC, 20503.

Dated: February 9, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–3481 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4596–3]

Public Water System Supervision Program Revision for the Commonwealth of Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with the provisions of section 1413 of the Safe Drinking Water Act as amended, 42 U.S.C. 300f et seq., and 40 CFR 142.10, the National Primary Drinking Water Regulations, that the Commonwealth of Pennsylvania has revised their approved State Public Water System Supervision Primacy Program. Pennsylvania has adopted drinking water regulations for total coliforms (including fecal coliforms and E. Coli) that corresponds to the National Primary Drinking Water Regulations for total coliforms (including fecal coliforms and E. Coli) promulgated by EPA on June 29, 1989 (54 FR 27544). EPA has determined that these State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties are invited to request a public hearing. A request for a public hearing must be submitted by March 18, 1993, to the Acting Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Acting Regional Administrator. However, if a substantial request for a public hearing is made by March 18, 1993, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Acting

Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on March 18, 1993.

A request for a public hearing shall include the following:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Acting Regional Administrator's determination and of information that the requesting person intends to submit at such a hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Acting Regional Administrator, U.S. Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.
- Division of Water Supplies, Pennsylvania Department of Environmental Resources, P.O. Box 2357, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ghassan M. Khaled, U.S. EPA, Region 3, Drinking Water Section (3WM41), at the Philadelphia address given above; telephone (215) 597–8992.

Dated: February 1, 1993.

Stanley L. Laskowski,

Acting Regional Administrator, EPA, Region 3.

[FR Doc. 93–3478 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4595–8]

Report of the Neurotoxicity Risk Assessment Guidelines Peer Review Workshop

AGENCY: U.S. Environmental Protection Agency (U.S. EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a workshop report entitled *Report of the Neurotoxicity Risk Assessment Guidelines Peer Review Workshop* (EPA/630/R–92/003). This report compiles discussions and presentations from the workshop.

ADDRESSES: To obtain a single copy of the report, interested parties should contact the ORD Publications Office, CERI, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268, Tel: (513) 569–7562. Please provide your name, mailing address, and EPA document number EPA/630/R–92/003. The document will be distributed from the Cincinnati office only.

The summary report will also be available for public inspection at the ORD Pubic Information Shelf, EPA Headquarters Library, Waterside Mall, 401 M Street, SW., Washington, DC 20460, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: Clare Stine, Technical Liaison, Risk Assessment Forum, Tel: (202) 260–6743.

SUPPLEMENTARY INFORMATION: On June 2 and 3, 1992, EPA's Risk Assessment Forum sponsored a workshop in Washington, DC for peer review of draft EPA guidelines for neurotoxicity risk assessment (57 **Federal Register** 21086; May 18, 1992). The meeting opened with discussion of key features of the draft guidelines, including areas of expected controversy, followed by workshop review of the scientific foundation for each element in the guidelines. Workshop participants from academia, industry, and government (state and federal) brought expertise in a wide range of relevant disciplines to the discussion.

The workshop did not attempt to address all of the principles, concepts, and methods that are important for neurotoxicity risk assessment. Rather, EPA asked for expert opinion on the logic, scientific validity, and utility of the principles proposed in the workshop draft as general guidance for EPA risk assessors. Workshop participants were asked to review the draft guidance with these objectives in mind.

The Agency is using the peer review comments to help complete a proposal for neurotoxicity risk assessment guidelines that will be published for public comment, then reviewed by EPA's Science Advisory Board. This workshop report presents information on issues discussed at the workshop, identifies participants, and summarizes work group conclusions.

Dated: February 8, 1993.

Gary J. Foley,

Acting Assistant Administrator for Research and Development.

[FR Doc. 93–3505 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4592–8]

National Pollutant Discharge Elimination System, Announcement of National Meetings to Consider Options for Controlling Sources of Stormwater Pollution Under Section 402(p)(6) of the Clean Water Act

AGENCY: Environmental Protection Agency.

ACTION: Announcement of national meetings.

The Water Quality Act of 1987 added section 402(p) to the Clean Water Act. This section requires the Environmental Protection Agency to establish phased regulations for the control of storm water discharges under the National Pollutant Discharge Elimination System (NPDES) program.

The first phase of the stormwater program is well underway. This phase involves the permitting of discharges associated with industrial activity and discharges from municipal separate storm sewer systems serving a population of 100,000 or more. The basic permitting framework for Phase I was established on November 16, 1990 (55 FR 47990). The framework provides industrial facilities with three options for applying for NPDES permit coverage. They may submit individual applications, participate in a group application, or submit a notice to be covered by a general permit. Municipal operators of municipal separate storm sewer systems serving a population of 100,000 or more must develop and implement storm water management programs within their service areas.

Section 402(p)(6) of the CWA, which is the focus of this notice, addresses Phase II of the storm water program. It requires EPA to issue a regulation by October 1, 1993 which designates additional stormwater discharges to be regulated to protect water quality and establish a comprehensive program to regulate such designated sources. The precise scope and nature of the applicable controls under Phase II have been left by Congress for EPA to define. Input from the public will help EPA to evaluate options it has developed for designating and controlling Phase II sources as we move forward in producing more detailed regulatory options during the next several months.

In order to obtain this input, EPA has scheduled three public meetings. The first two meetings will be in Arlington, Virginia at the Crystal Gateway Marriott Hotel in Salon 6 on February 25th and 26th, 1993. The phone number for the Marriott is 703–920–3230. The third meeting will be held in Dallas, Texas on

March 5th at the Dallas-Fort Worth Airport South Holiday Inn located at 4440 W. Airport Freeway. The phone number for the hotel is 214–299–1010 and the meeting will be held in the A and B ballrooms. All three meetings will last from 9 a.m. until 5 p.m.

While all of these meetings are open to the public, the first meeting will focus on stormwater phase II sources from the state, local and municipal government perspective. The second meeting will focus on these issues from the industrial view. The third and final meeting will focus on the issues from an overall point of view.

To generate discussion and input from participants, each meeting will focus on several options, developed by EPA, with variations in scope and timing, for controlling storm water discharges from currently unregulated sources under Phase II of the storm water program. These options could range from comprehensive permitting of all municipal, light industrial, and commercial activities that generate storm water runoff to little or no NPDES permitting of Phase II sources. Background materials will be available at the meeting.

In addition to obtaining reactions to the options presented, attendees will be asked to identify a set of key components that would be essential to the success of any program required by EPA, the key actions that need to be taken to ensure that these components are put in place, and, finally, actions that EPA should avoid taking lest they provide a major impediment to the overall success of the program.

FOR FURTHER INFORMATION CONTACT: For further information on the national meetings described above, contact Barbara Brozan of the Rensselaerville Institute in Renssalaerville, New York, (518) 797–3783.

Dated: February 4, 1993.

Michael B. Cook,

Director, Office of Wastewater Enforcement and Compliance.

[FR Doc. 93–3477 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Delmas AAEL, Inc. et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–007680–083.

Title: American West African Freight Conference.

Parties: Delmas AAEL, Inc., Farrell Lines, Inc., Maersk Line, Societe Ivoirienne de Transport Maritime, Torm West Africa Line, Westwind Africa Line, Wilhelmsen Lines A/S.

Synopsis: The proposed amendment changes the due date for the payment of conference assessments from the date of invoice to within 30 days of the beginning of the applicable quarter.

Dated: February 9, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–3510 Filed 2–12–93; 8:45 am]

BILLING CODE 6730–01–M

City of Kodiak, et al.; Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–002582–005.

Title: City of Kodiak/Sea-Land Service, Inc. Terminal Agreement.

Parties: City of Kodiak, Sea-Land Service, Inc.

Synopsis: This modification extends the term of the preferential use agreement between the parties to March 1, 1993.

Dated: February 9, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–3432 Filed 2–12–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

CNB Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 12, 1993.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. CNB Bancshares, Inc., Evansville, Indiana; to acquire 100 percent of the voting shares of First Corporation, Henderson, Kentucky, and thereby indirectly acquire The First National Bank of Henderson, Henderson, Kentucky; and to acquire 100 percent of the voting shares of South Central Illinois Bancorp, Inc., Effingham, Illinois, and thereby indirectly acquire The First National Bank of Effingham, Effingham, Illinois.

In connection with this application, Applicant also proposes to acquire Peoples Security Finance Company, Inc., Madisonville, Kentucky, and thereby engage in making loans to individuals in amounts of $15 thousand or less, from six to one hundred twenty months maturity, on a secured and unsecured basis, and will also purchase retail installment notes on consumer goods and services pursuant to § 225.25(b)(1); and to acquire Peoples Security Investment, Inc., Madisonville, Kentucky, and thereby engage in making loans to individuals in amounts of $10 thousand or less, from twelve to sixty months maturity, on a secured or unsecured basis, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3486 Filed 2-12-93; 8:45 am]

BILLING CODE 6210-01-F

James M. Flanagan; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than March 8, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. James M. Flanagan, to acquire 11.75 percent of the voting shares of Premier Financial Services, Inc., Freeport, Illinois, and thereby indirectly acquire First Bank North, Freeport, Illinois, and First Bank South, Dixon, Illinois.

Board of Governors of the Federal Reserve System, February 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3487 Filed 2-12-93; 8:45 am]

BILLING CODE 6210-01-F

Northview Financial Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 12, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Northview Financial Corporation, Northfield, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Northview Bank & Trust, Northfield, Illinois, in organization.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. FirstBank Holding Company of Colorado Employee Stock Ownership Plan, Lakewood, Colorado; to acquire 100 percent of the voting shares of FirstBank of Fort Collins, Fort Collins, Colorado.

2. Fourth Financial Corporation, Wichita, Kansas; to acquire 100 percent of the voting shares of Guaranty Bancorporation, Tulsa, Oklahoma, and thereby indirectly acquire Guaranty Bank and Trust Co. of Tulsa, Tulsa, Oklahoma.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. The Country Bancshares, Inc., Charlotte, Texas; to become a bank holding company by acquiring 99.4 percent of the voting shares of The Country Bank, Charlotte, Texas.

D. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Inland Northwest Bancorporation, Inc., Spokane, Washington; to become a bank holding company by acquiring at least 90 percent of the voting shares of Inland Northwest Bank, Spokane, Washington.

Board of Governors of the Federal Reserve System, February 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3488 Filed 2-12-93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Notice of a Meeting of the Advisory Committee on Research Integrity, Public Health Service

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Advisory Committee on Research Integrity, Public Health Service, on Saturday, February 27, and Sunday, February 28, 1993, at the Westin St. Francis Hotel in San Francisco. The meeting will be held February 27 from 8:30 a.m. to 5 p.m. and on February 28 from 8 a.m. to 12:30 p.m.

The meeting will be open to the public. The Advisory Committee

actively invites statements by the public on issues of education on scientific misconduct and means by which the Public Health Service can encourage the responsible conduct of research.

The charge of the Committee is to review and evaluate, on an ongoing basis, the efficacy of policies and procedures of the Department of Health and Human Services in detecting, deterring, investigating, and resolving allegations of research misconduct and to make recommendations to the Secretary and the Assistant Secretary for Health on improving these policies and procedures. The Committee also advises on issues of education and prevention.

The purpose of the meeting will be to deliberate a number of proposed PHS educational efforts that are designed to strengthen the PHS research integrity program. Discussion items will include but will not be limited to recent activities of the Office of Research Integrity including outreach and education efforts to encourage the responsible conduct of research and providing information on a number of issues in research misconduct.

Henrietta D. Hyatt-Knorr, Executive Secretary, Advisory Committee on Research Integrity, Office of Research Integrity, Division of Policy and Education, Rockwall II, suite 700, 5515 Security Lane, Rockville MD 20852, (301) 443–5300, will furnish the meeting agenda, the Committee charter, and a roster of the Committee members upon request. Members of the public wishing to make presentations should contact her in advance of the meeting. Depending on the number of presentations and other considerations, the Executive Secretary will allocate a time frame for each speaker.

Dated: February 8, 1993.

Lawrence J. Rhoades,

Acting Director, Division of Policy and Education, Office of Research Integrity.

[FR Doc. 93–3430 Filed 2–12–93; 8:45 am]

BILLING CODE 4160–17–M

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. March 1, 1993, 8 a.m., Marriott Hotel, Salons A, B, and C, 620 Perry Pky, Gaithersburg, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; John L. Gueriguian, Center for Drug Evaluation and Research (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3490, Fax: 301–443–9282.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before February 16, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The meeting will be devoted to the presentation and discussion of new drug application (NDA) 20–223, terazosin hydrochloride/Hytrin®, Abbott Laboratories, for the indication of benign prostatic hypertrophy.

Oncologic Drugs Advisory Committee

Date, time, and place. March 1, 1993, 8 a.m., Conference rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m to 6 p.m.; Adele S. Seifried, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of cancer.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before February 22, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss: (1) NDA 20–277, Pergamid™ (perfosfamide, Scios Nova, Inc.), for ex vivo purging of bone marrow of patients with acute myelocytic leukemia in complete remission undergoing high dose chemotherapy with or without total body irradiation and autologous bone marrow transplantation; (2) NDA 20–298, Zyloprim® for injection (allopurinol sodium, Burroughs Wellcome Co.), for the management of patients with leukemia, lymphoma, and malignancies who are receiving cancer therapy which causes elevations of serum and urinary uric acid levels, and (3) supplemental NDA 20–122, Nipent™ for injection, (pentostatin, Parke Davis Pharmaceuticals Research), as a single agent for treatment of adult patients with previously untreated hairy cell leukemia.

Gastrointestinal Drugs Advisory Committee

Date, time, and place. March 11 and 12, 1993, 9 a.m., Holiday Inn—Crowne Plaza, Regency Room, 1750 Rockville Pike, Rockville, MD.

Type of meeting and contact person. Open public hearing, March 11, 1993, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, March 12, 1993, 9 a.m. to 5 p.m.; Joan C. Standaert, (HFD–110), 419–259–6211, or Valerie M. Mealy (HFD–9), 301–443–5455, Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of gastrointestinal diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make

formal presentations should notify the contact person before February 26, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On March 11, 1993, the committee will discuss NDA 20–239, granisetron (Kytril®) injection, SmithKline Beecham, for the prevention of nausea and vomiting associated with initial and repeated courses of emetogenic cancer therapy, including high dose cisplatin. On March 12, 1993, the committee will discuss histamine H_2 receptor-antagonists and gastric alcohol dehydrogenase.

Peripheral and Central Nervous System Drugs Advisory Committee

Date, time, and place. March 18 and 19, 1993, 8 a.m., Conference rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD; and March 20, 8:30 a.m., Holiday Inn—Crowne Plaza, Plazas I and II, 1750 Rockville Pike, Rockville, MD.

Type of meeting and contact person. Open public hearing, March 18, 1993, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; open public hearing, March 19, 1993, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; open public hearing, March 20, 1993, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; Michael A. Bernstein, Center for Drug Evaluation and Research (HFD–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4020.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in neurological disease.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the contact person before March 12, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On March 18, 1993, the committee will discuss the safety and effectiveness of COGNEX® (tacrine hydrochloride), NDA 20–070, Parke-Davis, for use in the treatment of Alzheimer's disease. On March 19, 1993, the committee will discuss the safety and effectiveness of BETASERON® (recombinant human interferon beta), product license application (PLA) 92–0495, Chiron Corp./Berlix Labs., for use in the treatment of multiple sclerosis. On March 20, 1993, the committee will discuss the safety and effectiveness of LAMICTAL® (lamotrigine), NDA 20–241, Burroughs Wellcome, for use in the treatment of epilepsy.

Blood Products Advisory Committee

Date, time, and place. March 25 and 26, 1993, 8:30 a.m., Ramada Inn, Embassy Ballrooms I, II, and III, 8400 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, March 25, 1993, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; open committee discussion, March 26, 1993, 8:30 a.m. to 4 p.m.; Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM–300), Food and Drug Administration, 1401 Rockville Pike, Bethesda, MD 20852, 301–227–6700.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 19, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On March 25, 1993, the committee will discuss and make recommendations on donor screening criteria for Human T-Lymphocyte Virus Type II (HTLV-II) and review the product license application for a peptide based assay for antibody to Hepatitis C Virus (anti-HCV), United Biomedical, Inc. On March 26, 1993, the committee will discuss and provide comments on two draft memoranda entitled: (1) "Revised Recommendations for Testing for Antibody to Hepatitis C Virus Encoded Antigen) (Anti-HCV);" and (2) "Licensing Requirements for Irradiated Blood Products." The committee will also review and discuss a request by Miles, Inc., to extend the indication for intravenous immune globulin (IVIG) to include prophylaxis for bone marrow transplant patients.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to

make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees. FDA regrets that it was unable to publish this notice 15 days prior to meetings being held on March 1, 1993, due in part to the holiday.

Dated: February 9, 1993.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 93–3485 Filed 2–12–93; 8:45 am]

BILLING CODE 4160–01–U

National Institutes of Health

Waiver of Local Institutional Review Board Requirement; d4T (Trade name Stavudine)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health is announcing the waiver of the applicability of the title 45 CFR part 46 (protection of human subjects) requirement of local Institutional Review Board (IRB) review for the protocol AI455–900 under the "Expanded Availability of Investigational New Drugs Through a Parallel Track Mechanism for People with AIDS and other HIV-Related Disease," known as "Parallel Track" (57 FR 13250).

FOR FURTHER INFORMATION CONTACT: Diane Aiken, Building 31, room 5B–59, Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892 ((301) 496–7005).

SUPPLEMENTARY INFORMATION: Pursuant to § 46.101(i) of title 45 of the Code of Federal Regulations, the Secretary of Health and Human Services (HHS) waived, on December 8, 1992, the HHS regulations requiring local IRB review for the investigational new drug d4T (trade name Stavudine) under the Bristol Meyers-Squibb Company's protocol AI455–900. Protocol AI 455–900 makes the investigational drug d4T available through parallel track, that is, d4T will be available in one of two comparison doses to patients who have not responded to or who are intolerant to AZT or ddI and who are ineligible for the controlled clinical trial of d4T. This parallel track protocol was reviewed nationally by the AIDS Program Advisory Committee (APAC) and, following consideration of the human subject protections, was recommended for approval. Because of the APAC's careful review and recommendation for approval, the Food and Drug Administration also waived its requirement for local IRB review and approval of this protocol.

The HHS regulations requiring local IRB review and approval apply to any institutions, conducting this research, which have Multiple Project Assurances on file with HHS/Office for Protection from Research Risks, in the absence of this waiver. Although with this waiver, local IRB review is not mandatory, each local IRB retains the option of reviewing the protocol.

Dated: February 2, 1993.

Bernadine Healy,

Director, NIH.

[FR Doc. 93–3444 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

Government-Owned Inventions; Withdrawal of Notice of Intent to Grant Exclusive License and Notice of Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: Notices of Intent to Grant Exclusive Licenses for the following Government-owned inventions are hereby withdrawn. Each entry identifies in order, the serial number (SN), title, the name of the intended grantee, the date of the **Federal Register** notice and the **Federal Register** citation.

SN 07/430,049

"cDNA Encoding the Long Isoform of the D2 Dopamine Receptor," Receptor Genetics, Inc., 03/31/92, Vol. 57, No. 62, pg. 10911

SN 07/548,714

"cDNA Encoding the Rat D1 Dopamine Receptor Linked to Adenylyl Cyclase Activation and Expression of the Receptor Protein in Plasmid-Transfected Cell Lines," Receptor Genetics, Inc., 03/31/92, Vol. 57, No. 621, pg. 10911

The inventions listed above are owned by the Department of Health and Human Services and are available for licensing in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Licensing information may be obtained by writing to: Arthur J. Cohn, J.D., Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, Maryland 20892.

Dated: February 3, 1993.

Reid G. Adler, J.D.

Director, Office of Technology Transfer.

[FR Doc. 93–3441 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases, National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Diabetes Advisory Board on March 8–9, 1993. The Board will meet on Monday, March 8 from 8 a.m. to approximately 4:30 p.m. to discuss diabetes related translation activities. On Tuesday, March 9, the Board meeting will begin at 8 a.m. and adjourn at approximately 5 p.m. Discussion will be devoted to intramural NIDDK programs as they relate to diabetes and future activities of the Board. The meeting will be held at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland. Although the entire meeting will be open to the public, attendance will be limited to space available.

For any further information, and for individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, please contact Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, 1801 Rockville Pike, suite 500, Rockville Maryland 20852, (301) 496–6045. Please note, if you are requesting special assistance, you must

do so two weeks prior to the meeting date. In addition, his office will provide a membership roster of the Board and an agenda and summaries of the actual meetings.

(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: February 5, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3445 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

Consensus Development Conference On Early Identification of Hearing Impairment in Infants and Young Children

Notice is hereby given of the NIH Consensus Development Conference on "Early Identification of Hearing Impairment in Infants and Young Children," which will be held March 1–3, 1993 in the Masur Auditorium of the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. This conference is sponsored by the National Institute on Deafness and Other Communication Disorders and the NIH Office of Medical Applications of Research. Cosponsors of the conference include the National Institute of Child Health and Human Development and the National Institute of Neurological Disorders and Stroke. The conference begins at 8:30 a.m. each day.

There is a clear need in the United States for improved methods and models for the early identification of hearing impairment in infants and young children. Approximately 1 of every 1,000 infants is born deaf. Many more children develop some degree of hearing impairment by the age of 3. Reduced hearing acuity during infancy and early childhood interferes with the development of speech and language skills. Moreover, delayed identification and intervention may impede the hearing-impaired child's ability to adapt to life in a hearing world or prepare for life in the hearing-impaired community.

The knowledge and methods for the early identification of childhood hearing impairment exist. Nevertheless, across the United States, the average age of identification remains close to 3 years. Lesser degrees of hearing loss may go undetected even longer. Unfortunately much of the crucial period for speech and language development has passed by the age of 3 years.

Infant hearing screening has been approached with a number of different test methods, including cardiac response audiometry; respiration audiometry; alteration of sucking patterns; movement or startle in response to auditory stimuli; measurement of acoustic reflexes; and more recently, auditory brain stem response (ABR) audiometry. In addition, recent attention has turned to otoacoustic emissions, a fast, inexpensive, noninvasive screening method for testing infants' hearing. Each method is effective in its own way, but technical or interpretive limitations have impeded widespread application. Moreover, these approaches vary widely in their sensitivity, specificity, and predictive efficiency in identifying hearing impairment.

Today, most neonatal screening programs are focused on infants who satisfy one or more of a number of criteria for inclusion in a "high-risk registry." The preferred screening method has come to be ABR, combined with audiologic followup for those infants who fail the screening protocols. Despite the relatively good predictive efficiency of ABR, its cost, time requirements, and technical difficulties have discouraged the general application of this method in screening the far larger newborn population not meeting high-risk registry criteria. This approach misses 50 percent of hearing-impaired infants.

Consensus on a unified approach to the problem of early identification has been delayed by the scarcity of data on the relative sensitivity, specificity, predictive efficiency, and cost effectiveness of the hearing testing techniques currently used to identify hearing impairment in infants and young children.

The conference will bring together specialists in audiology, otolaryngology, pediatrics, neonatology, hearing science, speech-language pathology, health care administration, epidemiology, counseling, and other health care areas, as well as representation from the public.

The goal of the conference is to reach agreement on which children should have their hearing screened or tested and at what age, which methods or models are preferred for identifying hearing impairment in infants and young children, and what are the key areas for future research.

Following 1½ days of presentations and discussion by the audience, an independent non-Federal consensus panel will weigh the scientific evidence and write a draft statement in response to the following key questions:

- What are the advantages of early identification of hearing impairment and the consequences of late identification of hearing impairment?
- Which children (birth through 5 years) should be screened for hearing impairment and when?
- What are the advantages and disadvantages of current screening methods?
- What is the preferred model for hearing screening and followup?
- What are the important directions for future research?

On the final day of the meeting, the consensus panel chairman will read the draft statement to the conference audience and invite comments and questions.

Information on the program may be obtained from: Debra Steward, Technical Resources, Inc., 3202 Tower Oaks Blvd., suite 200, Rockville, Maryland 20852, (301) 770–3153.

Dated: February 2, 1993.

Bernadine Healy,

Director.

[FR Doc. 93–3440 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, 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: NHLBI SEP on RFP for Clinical Trial Centers for Antihypertension and Lipid-Lowering Treatment to Prevent Heart Attack Trials.

Dates of Meeting: February 28–March 1, 1993.

Time of Meeting: 7:30 p.m.

Place of Meeting: Holiday Inn, Bethesda, Maryland.

Agenda: To review and evaluate contract proposals.

Contact Person: Dr. Anthony M. Coelho, Jr., 5333 Westbard Avenue, room 648, Bethesda, Maryland 20892.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular

Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 8, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3437 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of the Clinical Trials Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, February 28–March 3, 1993, Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

The meeting will be open to the public on February 28 from 7 p.m. to approximately 8 p.m. to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public is limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on February 28 from approximately 8 p.m. to adjournment on March 3, 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.

Ms. Terry Long, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A–21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Committee members.

Individuals who plan to attend and need special assistance, such as sign language interpretations or other reasonable accommodations, should contact the Scientific Review Administrator in advance of the meeting.

Dr. David M. Monsees, Jr., Scientific Review Administrator, Clinical Trials Review Committee, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, Westwood Building, room 550B, Bethesda, Maryland 20892, (301) 496–7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 8, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3438 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Arthritis and Musculoskeletal and Skin Diseases; Meeting of the Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee (AMS) of the National Institute of Arthritis and Musculoskeletal and Skin Diseases on February 28 and March 1, 1993, Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland.

The meeting will be open to the public on February 28, from 8:30 a.m. to 9:30 a.m. to discuss administrative details or other issues relating to the committee activities. Attendance by the public will be limited to space available.

The meeting will be closed to the public on February 28 from 9:30 a.m. to recess and again on March 1 from 8:30 a.m. to adjournment in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual research 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.

Further information concerning this meeting and individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Theresa Lo, Executive Secretary, Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee, NIAMS, Westwood Building, room 406, Bethesda, Maryland 20892, (301) 496–0754.

Ms. Suzanne Sangalan, Committee Management Officer, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, Building 31, room 4C32, Bethesda, Maryland 20892, 301–496–0803, will provide summaries of the meeting and roster of the committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 93.846, project grants in arthritis, musculoskeletal and skin diseases research, National Institutes of Health)

Dated: February 8, 1993.

Susan K. Feldman,

NIH Committee Management Officer.

[FR Doc. 93–3439 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute, President's Cancer Panel Special Commission on Breast Cancer; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Cancer Panel Special Commission on Breast Cancer, National Cancer Institute, March 18–19, 1993, at the Hyatt Regency Miami, Bricknell Room, City Center at Riverwalk, 400 SE. 2nd Avenue, Miami, Florida 33131–2197.

This meeting will be open to the public on March 18 from 8:30 a.m. to recess and on March 19 from 8:30 to adjournment. Attendance will be limited to space available. Agenda items will include presentations by invited speakers on the topic "Screening, Early Detection, and New Detection Technologies."

Iris J. Schneider, Acting Executive Secretary, President's Cancer Panel Special Commission on Breast Cancer, National Cancer Institute, Building 31, room 4A34, National Institutes of Health, Bethesda, Maryland 20892, 301/496–1148, will provide a roster of the Commission members and substantive program information.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Iris J. Schneider, 301/496–1148 in advance of the meeting.

Dated: February 9, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3446 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Co-Exclusive Patent License; Advanced Peptides, Inc. and Therapeutic Peptides, Inc.

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the Office of Technology Transfer (OTT), National Institutes of Health, is contemplating the grant of a co-exclusive license in the United States, to practice the invention embodied in U.S. Patent Serial Number 5,063,206, "Compositions Having Use as Treatment of Neuropsychiatric Deficits"; U.S. Patent Application Serial Number 7/696,556, "Compositions Having Use as Treatment of Neuropsychiatric Deficits"; and U.S. Patent Application Serial Number 7/732,352 "Thymoleptic Peptides" in the field of non-HIV related therapies to Advanced Peptide and Biotech Sciences, Inc., having a place of business in Rye Brook, New York and to Therapeutic Peptides, Inc., having a place of business in Baltimore, Maryland. The patent rights in this invention have been assigned to the National Institutes of Health.

The prospective co-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 co-exclusive license may be granted unless, within 60 days from the date of this published notice, OTT receives written evidence and argument which establishes the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The inventions relate to the use of thymoleptic peptides (Peptide T) for the treatment of mental disorders not caused by HIV infection by administering Peptide T or derivatives thereof; treatment of chronic fatigue syndrome by administration of Peptide T or derivatives thereof; and treatment of psoriasis not associated with HIV infection by administration of Peptide T and derivatives thereof respectively.

The availability of U.S. Patent Number 5,063,206 for licensing was published in the **Federal Register** April 20, 1989 and December 17, 1991. The availability of U.S. Patent Application Serial Number 7/696,556 was published in the **Federal Register** April 20, 1989 and August 24, 1992. The availability of U.S. Patent Application Serial Number 7/732,352 for licensing was published in the **Federal Register** April 20, 1989. Requests for a copy of the above identified technologies, inquiries, comments and other materials relating to the contemplated license should be directed to: Dr. Sandra L. Shotwell, Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, Maryland 20892 (telephone: (301) 496–7735; FAX: (301) 402–0220). Properly filed competing applications received by OTT in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer within sixty (60) days of this notice will be considered.

Dated: February 2, 1993.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 93–3442 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Exclusive License; Anti-Viral Compounds and Their Uses

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This notice is in accordance with 15 U.S.C. 209(c)(91) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive world-wide license to practice the invention embodied in U.S. Patent Application SN 07/447,406, entitled "Anti-Viral Compounds And Their Uses" to the patent application's co-owner Sanyo-Kokusaku Pulp Co., Ltd. ("SKP"), of Tokyo, Japan. The patent rights in this invention have been assigned to both SKP and the United States of America.

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. It is anticipated that this license will be limited to the use of certain anti-viral compounds for the treatment and prevention of AIDS. The development of these antiviral compounds for the treatment and prevention of AIDS is the subject of a current Cooperative Research And Development Agreement (CRADA) between SKP and the National Cancer Institute. Other patent rights relating to certain aspects of these antiviral compounds are owned solely by SKP. This prospective exclusive license may be granted unless within 60 days from the date of this published notice, NIH receives written evidence and argument that 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. If the prospective exclusive license is granted to SKP such a license would be contingent upon SKP expeditiously finding a sublicensee capable of clinical development. Such a sublicensee would be subject to approval of the NIH.

The patent application describes eight novel dideoxynucleoside purines that inhibit viral replication and prevent the cytotoxic effects of HIV and the hepatitis B virus in humans. These compounds are more lipophilic than other similar drugs (e.g., AZT, ddC, ddG, ddI, ddA) and are therefore expected to more readily cross the blood-brain barrier, which HIV penetrates. They may also overcome some of the problems that occur with other therapies, such as the bone marrow suppression and drug resistance associated with long-term use of AZT. The novel nucleosides may be effective in preventing (through incorporation into a vaccine) as well as treating conditions that develop as a result of viral infection.

ADDRESSES: Requests for a copy of this patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Steven M. Ferguson, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, MD 20892. Telephone: (301) 496–7735; Facsimile: (301) 402–0220.

Dated: February 2, 1993.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 93–3443 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 58 FR 6288, January 27, 1993) is amended to reflect the reorganization of the National Eye Institute (NEI) (HNW). This reorganization will align NEI's organizational structure with that of other Institutes to assure proper comparability and recognition or organizations and positions by both the vision community and the personnel of other Government organizations. The reorganization consists of the following:

(1) Establish the Office of International Program Activities (HNW12), the Office of Administrative Management (HNW13), and the Office of Science Policy and Legislation (HNW15) in the Office of the Director (HNW1);

(2) Establish the Division of Intramural Research (HNW2);

(3) Transfer the functions of the Intramural Research Program (IRP) (HNW–2) to the Division of Intramural Research and abolish the IRP;

(4) Establish the Division of Biometry and Epidemiology (HNW4);

(5) Transfer the functions of the Biometry and Epidemiology Program (BEP) (HNW–4) to the Division of Biometry and Epidemiology and abolish the BEP;

(6) Establish the Division of Extramural Activities (HNW5), the Division of Basic Vision Research (HNW6), and the Division of Collaborative Clinical Research (HNW7); and

(7) Transfer the functions of the Extramural and Collaborative Program (ECP) (HNW–3) to the Division of Extramural Activities, the Division of Basic Vision Research, and the Division of Collaborative Clinical Research and abolish the ECP.

Section HN–B, Organization and Functions, is amended as follows: (1) Under the heading *National Eye Institute (HNW),* delete the titles and functional statements for the *Intramural Research Program (HNW–2), the Extramural and Collaborative Program (HNW–3),* and *the Biometry and Epidemiology Program (HNW–4)* in their entirety and insert the following:

Office of International Program Activities (HNW12)

Conducts the planning, management, and evaluation of the international cooperative research activities in vision disorders by:

(1) Serving as the NEI focal point with the Fogarty International Center and the State Department, and other Federal organizations involved in international health activities; and coordinates vision research activities under bilateral agreements between the United States and other countries;

(2) Maintaining liaison with international organizations involved in prevention of blindness and vision disorders;

(3) Planning and implementing programs for international exchange of scientists; and

(4) Assuming a leadership role in fostering communications between the NEI researchers and the international scientific community.

Office of Administrative Management (HNW13)

(1) Plans and directs administrative management functions of the National Eye Institute (NEI), including administrative management services, management analysis and evaluation, financial management, and personnel management;

(2) Advises the NEI Director and the extramural and intramural program directors on developments in administrative management and their implications and effects on program management; and

(3) Coordinates administrative management activities in support of the intramural and extramural research programs of the NEI.

Office of Science Policy and Legislation (HNW15)

(1) Provides leadership and direction to the planning, coordinating, reporting, analytical, evaluative, and legislative functions that support NEI program development, science policy formulation, and overall program direction and decision-making activities of the NEI executive staff;

(2) Advises the NEI Director on policy matters pertaining to the scientific programs of the Institute;

(3) Develops legislative proposals, monitors current legislation, and analyzes the effect of new legislation on NEI programs;

(4) Develops and executes a comprehensive program planning strategy for the Institute, including the development and periodic revision of a national vision research plan;

(5) Identifies and examines major issues in vision research and designs strategies to assess and evaluate them;

(6) Prepares recurring and ad hoc program and budget analyses in response to internal requests and those from NIH, PHS, DHHS, and other sources;

(7) Conducts economic analyses of the impact of NEI-supported research on the health and well-being of the Nation;

(8) Designs, develops, and maintains a comprehensive computerized management information and office automation system for the Office of the Director, the Division of Biometry and Epidemiology, and the Division of Extramural Activities to serve and support scientific policy development, implementation, management, and evaluation;

(9) Tracks and analyzes the scientific and programmatic content of proposed and funded research projects;

(10) Plans, designs, carries out, and evaluates a comprehensive scientific and public information program for the Institute;

(11) Advises on developments in the news media and in the public arena that have a bearing on NEI scientific policies, and advises on the impact these policies have on the media and public opinion;

(12) Oversees NEI compliance with the Freedom of Information Act; and

(13) Directs the National Eye Health Education Program.

Division of Intramural Research (HNW2)

(1) Plans and conducts the Institute's laboratory and clinical research program, which encompasses five major diseases, including cataract, glaucoma, and sensory and motor disorders of vision, to ensure maximum utilization of available resources in the attainment of Institute objectives;

(2) Evaluates research efforts and establishes program priorities;

(3) Allocates funds, space, and personnel ceilings and integrates ongoing and new research activities into the division structure;

(4) Collaborates with other Institutes and NIH divisions and maintains an awareness of national research efforts in division areas;

(5) Provides advice to the Institute Director and staff on matters of scientific interest; and

(6) Provides clinical and related veterinary services to the division.

Division of Biometry and Epidemiology (HNW4)

(1) Conducts activities in statistical and epidemiological research, education, and consultations;

(2) Plans, develops, and carries out human populations studies concerned with the causation, prevention, and treatment of eye disease and vision disorders, with emphasis on the major causes of visual impairment, including studies of incidence and prevalence in defined populations, prospective and retrospective studies of risk factors, natural history studies, clinical trials, genetic studies, and studies to evaluate diagnostic procedures;

(3) Carries out a program of education in biometric and epidemiologic principles and methods for the vision research community consisting of courses, workshops, a fellowship program for ophthalmologists, publications, and consultation and collaboration on research; and

(4) Provides biometric and epidemiologic assistance, advice, and collaboration to NEI intramural and extramural staff and to vision researchers elsewhere.

Division of Extramural Activities (HNW5)

(1) Advises the NEI Director and the Institute's extramural program divisions on research grants, cooperative agreements, contracts, training, and other extramural and collaborative research activities;

(2) Represents the Director in extramural matters, as required;

(3) Provides the Institute's grant and contract management and processing services;

(4) Provides initial scientific merit review of research applications assigned to the Institute;

(5) Implements the Institute's committee management policies, monitors and coordinates the operation of the Board of Scientific Counselors, and provides staff support for the National Advisory Eye Council;

(6) Coordinates extramural program planning and evaluation activities;

(7) Provides reports and statistics related to the Institute's extramural research activities; and

(8) Plans and directs resource support activities which are generic to vision research and which cut across the Institute's extramural programs.

Division of Basic Vision Research (HNW6).

(1) Plans and directs a program of grant, cooperative agreement, and contract support for basic laboratory and clinical research concerning the normal functions of the eye and the visual system, and the preservation of sight, in the following areas: retinal diseases; corneal diseases; lens and cataract; glaucoma; and strabismus, amblyopia, visual processing; and low vision and vision research;

(2) Advises the NEI Director regarding basic rehabilitation;

(3) Plans and directs a program of research training and career development in scientific areas relevant to vision research activities, and coordinates with other NEI components to accomplish Institute objectives;

(4) Establishes and implements Institute program priorities and makes funding recommendations consistent with the maximum utilization of available resources;

(5) Prepares reports and analyses to assist the Director and advisory groups in carrying out their responsibilities; and

(6) Consults with voluntary health organizations, professional associations, scientific societies, and other groups in identifying research needs and in developing and coordinating activities needed to carry out the Institute's mission.

Division of Collaborative Clinical Research (HNW7)

(1) Plans and directs a program of grant, cooperative agreement, and contract support for applied clinical vision research, including clinical trials, natural history studies, surveys, cohort studies, and studies of cases and controls;

(2) Advises the NEI Director regarding collaborative clinical research activities, and coordinates with other NEI components to accomplish Institute objectives;

(3) Helps establish and implement Institute program priorities and makes funding recommendations consistent with the maximum utilization of available resources;

(4) Prepares reports and analyses to assist the Director and advisory groups in carrying out their responsibilities; and

(5) Consults with voluntary health organizations, professional associations, scientific societies, and other groups in identifying research needs and in developing and coordinating activities needed to carry out the Institute's mission.

Dated: February 2, 1993.

Bernadine Healy,

Director, NIH.

[FR Doc. 93–3449 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 58 FR 6288, January 27, 1993) is amended to reflect the reorganization of the National Center for Human Genome Research (NCHGR) (HN4) as follows: (1) Establish the Division of Intramural Research (HNA45) and the Division of Extramural Research (HNA46); and (2) transfer the Research Grants Branch (HNA42), the Research Centers Branch (HNA43), and the Ethical, Legal and Social Implications Branch (HNA44) to the Division of Extramural Research (HN46). This reorganization will provide an NCHGR intellectual and technological focus for human molecular genetics research within the NIH intramural research community, as well as provide a focal point for the oversight and direction of the Human Genome Project and the awarding of research grants and fellowships.

Section HN–B, Organization and Functions, is amended as follows: (1) Under the heading *National Center for Human Genome Research (HN4)*, delete the titles and functional statements for the *Research Grants Branch (HNA42)*, the *Research Centers Branch (HNA43)*, *and the Ethical, Legal and Social Implications Branch (HNA44)* in their entirety and insert the following:

Division of Intramural Research (HN45)

(1) Plans and conducts a program of laboratory and clinical research related to the application of genome research to the understanding of human genetic disease and the development of human gene therapy;

(2) Acts as a focal point at NIH for genome research and maintains core facilities that serve as a resource for the entire NIH intramural research community;

(3) Evaluates research efforts and establishes intramural program priorities;

(4) Allocates funds, space, and personnel ceilings to ensure maximum utilization of available resources in the attainment of NCHGR objectives and integrates new research activities into the program structure;

(5) Collaborates with other NIH Institutes and Centers and external research institutions, and maintains an awareness of national and international research efforts in relevant program areas; and

(6) Advises the NCHGR Director and staff on intramural research programs and areas of science of interest to the Center.

Division of Extramural Research (HNA46)

(1) Plans and directs the Center's programs which support genetics research through research grants, research center grants, and contracts;

(2) Determines program priorities and recommends funding levels;

(3) Assesses the need for research and research training in areas of interest;

(4) Represents the Center on overall NIH extramural program policy committees and coordinates such policy within the Center and with other NIH Institutes, Centers, and Divisions (ICDs);

(5) Prepares reports and analyses to assist Center staff and advisory groups in carrying out their responsibilities;

(6) Collaborates with the NCHGR Division of Intramural Research and with other NIH ICDs and maintains an awareness of national research efforts in relevant program areas; and

(7) Provides advice and assistance to the Director and other Center officials

on issues related to policy and procedures for extramural affairs.

Dated: February 2, 1993.

Bernadine Healy,

Director, NIH.

[FR Doc. 93–3447 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 58 FR 6288, January 27, 1993), is amended to reflect a reorganization within the National Institute of Mental Health (HN7) to provide a more appropriate location for the monitoring and guidance of the Institute's medications development program. The reorganization consists of the following:

(1) Transfer the medications development function from the Division of Clinical and Treatment Research (DCTR) (HN73) to the Office of Program Planning and Science Policy (HN71B) and revise the DCTR functional statement; and

(2) Retitle the Office of Program Planning and Science Policy (HN71B) as the Office of Science Policy and Program Planning (HN71B) and revise its functional statement.

Section HN–B, Organization and Functions, is amended as follows: (1) Under the heading *Office of Program Planning and Science Policy (HN71B),* delete the title and functional statement in their entirety and insert the following:

Office of Science Policy and Program Planning (HN71B)

(1) Plans, directs, and supports a comprehensive program of strategic and program planning, science policy research, science program and related policy evaluation, technology/knowledge transfer, and special science programs, such as medications development;

(2) Plans, directs, and supports a program of science education activities concerned with both informing the public about mental health issues and encouraging youth to enter careers in the biomedical and behavioral sciences; and

(3) Provides correspondence control services for the Institute.

(2) Under the heading *Division of Clinical and Treatment Research (HN73),* delete the functional statement in its entirety and insert the following:

Division of Clinical and Treatment Research (HN73)

Directs, plans, conducts, and supports programs of research, research training, and resource development in psychopathology, classification, assessment, etiology, genetics, clinical course, outcome, and treatment of mental disorders with emphasis on schizophrenic disorders, affective and anxiety disorders, and mental disorders of children and adolescents, the elderly, minorities, and other special populations.

Dated: February 2, 1993.

Bernadine Healy,

Director, NIH.

[FR Doc. 93–3448 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–93–3445; FR–3207–N–02]

NOFA for the Family Unification Program; Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of competition winners.

SUMMARY: In accordance with section 104(a)(4)(C) of the Department Reform Act of 1989, this announcement notifies the public of funding decisions the Department has made under the Family Unification Demonstration Program. The announcement contains the names and addresses of the award winners and the amounts of the awards.

DATES: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone number (202) 708–0477. Hearing or speech impaired individuals may call HUD's TDD number (202) 708–4594. (These are not toll-free numbers.).

SUPPLEMENTARY INFORMATION: On July 23, 1992, the Department published a notice of funding availability that stated up to $47.7 million of budget authority for the section 8 rental certificate program was earmarked for the Family Unification Demonstration Program.

The purpose of the Family Unification Demonstration Program is to test the effectiveness of promoting family unification by providing housing assistance to families for whom the lack of adequate housing is a primary factor in the separation, or imminent separation of children from their families.

The Family Unification Demonstration Program is authorized by section 8(x) of the U.S. Housing Act of 1937, as added by section 553 of the National Affordable Housing Act and the HUD-Independent Agencies Appropriations Act of 1992. The regulations governing the section 8 rental certificate program was codified at 24 CFR part 882.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act, this document announces the winners of the competitive awards of section 8 rental certificates under the Family Unification Demonstration Program.

Dated: February 9, 1993.

Micheal B. Janis,

General Deputy, Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY UNIFICATION PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
01	Exec Off. Comm & Devel	100 Cambridge St., Boston, MA 02202	MA06-E052-165	48	2,449,785
01	Gloucester HA	P.O. Box 1599, Gloucester, MA 01931	MA06-E025-022	15	712,410
02	New York City HA	250 Broadway, New York, NY 10007	NY36-E005-037	101	3,881,360
02	NYS HFA	3 Park Ave., New York, NY 10016	NY36-E108-124	87	3,686,320
02	Spring Valley HA	76 Gesner Dr., Spring Valley, NY 10977	NY36-E056-021	20	1,004,540
02	Ithaca HA	800 S. Plain St., Ithaca, NY 14850	NY06-E054-013	22	600,280
02	NYSHFA - DHCR	1 Fordham Plaza, 2nd Flr., New York, NY 10458	NY06-E902-694	59	1,601,710
02	NJ DCA-Cumberland Co.	101 S. Broad St., Trenton, NJ 08650	NJ39-E087-240	14	541,705
02	NJ DCA-Essex Co.	101 S. Broad St., Trenton, NJ 08650	NJ39-E087-238	15	705,470
02	NJ DCA-Hudson Co.	101 S. Broad St., Trenton, NJ 08650	NJ39-E087-237	11	466,785
02	NJ DCA-Mercer Co.	101 S. Broad St., Trenton, NJ 08650	NJ39-E087-243	12	594,500
02	Orange HA	340 Thomas Blvd., Orange, NJ 07050	NJ39-E025-019	10	535,995
03	Dauphin Co. HA	P.O. Box 7598, 501 Mohn St., Steelton, PA 17113	PA26-E035-010	15	526,407
03	Delaware Co. HA	1855 Constitution Ave., Woodlyn, PA 19094-1409	PA26-E023-029	15	623,058
03	Luzerne Co. HA	250 First Ave., Kingston, PA 18074-5815	PA26-E057-014	6	150,342
03	Monroe Co. HA	1055 W. Main St., Stroudsburg, PA 18360-1419	PA26-E028-010	8	283,084
03	York HA	P.O. Box 1963, York, PA 17405	PA26-E022-019	19	599,644
03	Baltimore Co. DCD	1 Investment Pl., Suite 825, Towson, MD 21204	MD06-E033-018	20	629,170
03	State of Maryland CDA	100 Community Pl., Crownsville, MD 21032-2023	MD06-E020-085	8	398,400
03	Allegheny Co. HA	341 Fourth Ave., Pittsburgh, PA 15222	PA28-E006-032	15	446,545
03	Meadville HA	1120 Market St., Meadville, PA 16335	PA28-E033-007	5	137,825
03	Pittsburgh HA	200 Ross St., Pittsburgh, PA 15219	PA28-E001-031	20	612,925
03	HA Prince George Co.	9400 Peppercorn Pl., Landover, MD 20785	MD39-E015-023	10	535,260
03	HOC of Montgomerty Co.	10400 Detrick Ave., Kensington, MD 20895	MD39-E004-027	10	537,380
04	HA of the City of Tampa	P.O. Box 4766, Tampa, FL 33607	FL29-E003-017	20	713,390
04	Hialeah HA	70 E. Seventh St., Hialeah, FL 33010-4465	FL29-E066-017	20	678,670
04	Pinellas County HA	209 S. Garden Ave., Clearwater, FL 34616	FL29-E062-024	18	624,840
04	Santa Rosa Co. HAPP	1498 Byrom St., Milton, FL 32570	FL29-E097-014	20	534,970
05	Cincinnati MHA	16 W. Central Pkwy, Cincinnati, OH 45210	OH10-E004-028	21	593,530
05	Akron MHA	180 W. Cedar St., Akron, OH 44307	OH12-E007-038	20	615,510
05	Lake MHA	200 W. Jackson St., Painesville, OH 44077	OH12-E025-013	12	412,475
05	Youngstown MHA	131 West Boardman, Youngstown, OH 44503	OH12-E002-024	10	311,460
05	Cambridge MHA	1100 Maple Ct., Cambridge, OH 43725	OH16-E033-014	17	431,365
05	Knox MHA	117 E. High St., Mt. Vernon, OH 43050	OH16-E050-011	13	267,980
05	Pickaway MHA	176 Rustic Dr., Circleville, OH 43113	OH16-E059-011	7	194,085
05	MSHDA	401 S. Washington Sq., Lansing, MI 48909	MI28-E150-054	37	1,252,125
05	MSHDA	401 S. Washington Sq., Lansing, MI 48909	MI33-E150-018	16	494,750
05	MSHDA	401 S. Washington Sq., Lansing, MI 48909	MI33-E150-019	16	485,265

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY UNIFICATION PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
06	Central TX COG	P.O. Box 729, Belton, TX 76513	TX16-E482-041	47	1,303,560
06	Grayson Co. HA	212C N. Crockett St., Sherman, TX 75090-5996	TX16-E458-008	20	576,120
06	Houston HA	601 Sawyer, Ste. 720, Houston, TX 77007	TX24-E005-022	33	989,800
06	Austin HA	P.O. Drawer 6159, Austin, TX 78762	TX59-E001-021	15	517,860
06	New Braunfels HA	P.O. Box 310906, New Braunfels, TX 78131-0906	TX59-E343-009	15	541,300
07	Kansas City MO	299 Paseo, Kansas City, MO 64106	MO16-E002-039	20	519,515
07	City of Mt. Grove HA	301 W. First St., Mt. Grove, MO 65711-1610	MO36-E060-010	7	121,950
07	Lincoln Co. PHA	P.O. Box 470, Bowling Green, MO 63334-0470	MO36-E199-039	7	166,290
07	Lincoln Co. PHA	P.O. Box 470, Bowling Green, MO 63334-0470	MO36-E199-040	6	201,600
07	St. Louis City HA	4100 Lindell Blvd., St. Louis, MO 63108-2999	MO36-E001-025	10	355,150
09	Contra Costa HA	P.O. Box 2759, Martinez, CA 94553	CA39-E011-032	40	2,027,755
09	Madera HA	205 N. "G" St., Madera, CA 93637	CA39-E069-015	20	567,670
09	Stanislaus Co. HA	1701 Robertson Rd., Modesto, CA 95352-3958	CA39-E026-024	20	646,160
09	Tulare HA	P.O. Box 791, Visalia, CA 93279	CA39-E030-023	20	693,435
09	San Luis Obispo	487 Leff St., San Luis Obispo, CA 93401	CA16-E064-024	20	864,490
09	Anaheim	300 S. Harbor Blvd., Ste. 600, Anaheim, CA 92805	CA16-E104-029	20	1,097,395
09	Kern Co.	525 Roberts Ln., Bakersfield, CA 93308	CA16-E008-023	20	892,500
09	Los Angeles City	515 Columbia Ave., Los Angeles, CA 90017	CA16-E004-039	20	1,035,935
09	Orange Co.	2043 N. Broadway, Santa Ana, CA 92706	CA16-E094-037	8	461,175
09	San BuenaVentura City	995 Riverside St.,PO Box 1648, Ventura, CA 93002	CA16-E035-025	20	917,850
09	San Diego Co.	3989 Ruffin Rd., San Diego, CA 92123	CA16-E108-031	20	873,440
09	Santa Ana	500 W. Santa Ana Blvd., Santa Ana, CA 92707	CA16-E093-026	10	617,820
09	Ventura County	99 Glen Dr., Camarillo, CA 93010	CA16-E092-027	20	1,019,300
09	Shasta Co. HA	1670 Market St., Ste. 300, Redding, CA 96001	CA30-E096-020	20	732,240

[FR Doc. 93-3515 Filed 2-12-93; 8:45 am]
BILLING CODE 4210-33-C

[Docket No. N–93–3410; FR–3031–N–03]

NOFA for the Hope for Elderly Independence Program; Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of competition winners.

SUMMARY: In accordance with section 104(a)(4)(C) of the Department Reform Act of 1989, this announcement notifies the public of funding decisions the Department has made under the HOPE for Elderly Demonstration Program. The announcement contains the names and addresses of the award winners and the amounts of the awards.

DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone number (202) 708–0477. Hearing or speech impaired individuals may call HUD's TDD number (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: In a notice of funding availability published on May 29, 1992 (57 FR 23008), the Department announced the availability of (1) $34,158,147 which will support an estimated 1,447 rental vouchers and (2) $10,000,000 for supportive services grants, which will support a $6,700 per person federal share of the supportive services cost.

This competition was authorized under section 803 of the National Affordable Housing Act and 24 CFR part 905. The purpose of the HOPE for Elderly Independence demonstration is to test the effectiveness of combining rental vouchers with supportive services to assist frail elderly people living in the general community who are not receiving rental subsidies and who currently require this combined assistance to remain living independently and to avoid premature or unnecessary institutionalization.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act, this document announces the winners of the competitive awards of section 8 rental certificates under the HOPE for Elderly Demonstration Program.

Dated: February 9, 1993.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
HOPE FOR ELDERLY INDEPENDENCE PROGRAM

REGION	PHA NAME	PHA ADDRESS	SECTION 8			GRANT	
			PROJECT NO.	UNITS	AMOUNT	PROJECT NO.	AMOUNT
01	City of Westbrook HA	P.O. Box 349, Westbrook, ME 04098	ME36-V015-007	25	823,625	ME36-HEI01-501	198,745
01	NH Hsng Fin. Auth	P.O. Box 5087, Manchester, NH 03108	NH36-V019-030	150	4,822,520	NH36-HEI01-901	1,000,000
01	Somerville HA	30 Memorial Rd., Somerville, MA 02145	MA06-V031-012	50	2,331,750	MA06-HEI03-101	442,050
02	NJ DCA	101 S. Broad St., CN051, Trenton, NJ 08625-0051	****	0	0	NJ39-HEI08-701	403,756
02	NJ DCA - Atlantic Co.	101 S. Broad St., CN051, Trenton, NJ 08625-0051	NJ39-V087-150	45	1,307,440	****	0
02	NJ DCA - Union Co.	101 S. Broad St., CN051, Trenton, NJ 08625-0051	NJ39-V087-151	25	980,560	****	0
03	Fayette Co. HA	P.O. Box 1007, Uniontown, PA 15401	PA28-V015-012	86	1,715,270	PA28-HEI01-501	894,704
04	Jefferson Co.	300 York St., Louisville, KY 40203	KY46-V105-017	150	2,534,250	KY46-HEI10-501	721,100
05	Fayette MHA	101 E. East St., Washington Channel, OH 43160	OH16-V056-003	40	988,000	OH16-HEI05-601	328,715
06	El Paso HA	P.O. Box 9895, El Paso, TX 79989	TX16-V003-013	120	2,063,700	TX16-HEI00-301	792,000
06	Miami HA	205 B St. NE, P.O. Box 848, Miami, OK 74355	OK56-V027-001	25	369,125	OK56-HEI02-701	318,600
06	Oklahoma City PHA	1700 NE 4th St., Oklahoma City, OK 73117-3800	OK56-V002-014	100	1,733,500	OK56-HEI00-201	972,415
07	Waterloo HA	215 E. 4th St., Waterloo, IA 50704	IA05-V050-019	25	604,875	IA05-HEI05-001	167,000
08	Jefferson Co. HA	1445 Holland St., Lakewood, CO 80215-4735	CO06-V072-013	150	3,263,250	CO06-HEI07-201	1,000,000
09	Mesa City	415 N. Pasadena, Mesa, AZ 85201	AZ20-V005-009	75	1,809,325	AZ20-HEI00-501	692,910
09	Tucson City	P.O. Box 27210, Tucsan, AZ 85726-7210	AZ20-V004-014	50	1,492,500	AZ20-HEI00-401	440,428
09	Redding City	P.O. Box 6496071, Redding, CA 96049-6071	CA30-V106-018	75	1,752,375	CA30-HEI10-601	502,500
10	Richland HA	650 G.W. Way, P.O. Box 190, Richland, WA 99352	WA19-V065-012	50	1,019,000	WA19-HEI06-501	1,000,000

[FR Doc. 93-3516 Filed 2-12-93; 8:45 am]
BILLING CODE 4210-33-C

[Docket No. N–93–3282; FR–3062–N–02]

NOFA for the Family Self-Sufficiency Program; Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of competition winners.

SUMMARY: In accordance with section 104(a)(4)(C) of the Department Reform Act of 1989, this announcement notifies the public of funding decisions the Department has made under the section 8 rental certificate and rental vouchers programs in connection with the Family Self-Sufficiency (FSS) program. The announcement contains the names and addresses of the award winners and the amounts of the awards.

DATES: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone number (202) 708–0477. Hearing or speech impaired individuals may call HUD's TDD number (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On September 30, 1991, (56 FR 49612). HUD published a Notice of funding availability which stated that $340 million of budget authority was available for FY 1991 for competitive FSS Rental Vouchers and Rental Certificates funding for public housing agencies and Indian housing authorities.

On January 3, 1992, the Department published a NOFA announcing that up to $934 million of budget authority was available section 8—FSS Incentive Awards. The $934 million represented the combined amount of budget authority available for section 8—FSS Incentive Awards for FY 1991 and FY 1992. That amount was available under the application process outlined in the NOFA published on September 30, 1991.

The FSS Incentive Awards program is authorized by section 554 of the National Affordable Housing Act and 24 CFR part 791. The purpose of the Rental Voucher and the Rental Certificate programs is to assist eligible families to pay rent for decent, safe, and sanitary housing. The purpose of the FSS program is to promote the development of local strategies to coordinate the use of public housing and rental assistance under section 8 Rental Certificate and Rental Voucher programs with public and private resources, to enable eligible families to achieve economic independence and self-sufficiency.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform act, this document announces the winners of the competitive awards of section 8 rental certificates under the Family Self-Sufficiency Program.

Dated: February 9, 1993.

Michael B. Janis,

General Deputy, Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
01	Boston HA	52 Chaucy St., Boston, MA 02111	MA06–E002–046	13	$673,165
01	Cambridge HA	270 Green St., Cambridge, MA 02139	MA06–E003–022	13	785,280
01	Everett HA	92 Chelsea St., Everett, MA 02149	MA06–E027–014	25	1,489,200
01	Exec Off. Comm & Devel	100 Cambridge St., Boston, MA 02202	MA06–E052–162	25	1,241,305
01	Exec Off. Comm & Devel	100 Cambridge St., Boston, MA 02202	MA06–E052–163	52	2,809,085
01	Franklin County HA	80 Canal St., Turner Falls, MA 01376	MA06–E094–014	5	193,360
01	Gloucester HA	P.O. Box 1599, Gloucester, MA 01931	MA06–E025–020	25	1,250,700
01	Greenfield HA	1 Elm Terrace, Greenfield, MA 01301	MA06–E096–018	10	361,725
01	Ipswich HA	1 Agawam Village, Ipswich, MA 01938	MA06–E056–005	25	1,320,220
01	Malden HA	630 Salem St., Malden, MA 02148	MA06–E022–015	25	1,452,215
01	Medford HA	121 Riverside Ave., Medford, MA 02155	MA06–E015–019	25	1,459,460
01	Norwood HA	40 WM Shine Circle, Norwood, MA 02062	MA06–E109–013	25	1,412,255
01	Plymouth HA	69 Allerton St., Plymouth, MA 02360	MA06–E059–018	13	736,320
01	Somerville HA	30 Memorial Rd., Somerville, MA 02145	MA06–E031–023	12	717,540
01	Wayland HA	106 Main St., Golden Heights, Wayland, MA 01778	MA06–E101–012	25	1,530,060
01	Weymouth HA	402 Essex St., Weymouth, MA 02191	MA06–E045–013	15	920,760
01	Woburn HA	59 Campbell St., Woburn, MA 01801	MA06–E019–014	13	760,230
01	Bridgeport HA	376 E. Washington Ave., Bridgeport, CT 06008	CT26–E001–012	25	1,177,140
01	Greenwich HA	249 Millbank Ave., Greenwich, CT 06836	CT26–E019–010	12	630,250
01	Meriden HA	22 Church St., Meriden, CT 06450	CT26–E011–016	25	1,277,400
01	Middletown HA	40 Broad St., Middletown, CT 06457	CT26–E009–013	7	240,400
01	Milford HA	DelMaio Dr., Milford, CT 06460	CT26–E030–007	25	1,133,520
01	New Haven HA	360 Orange St., New Haven, CT 06509	CT26–E004–028	12	582,420
01	Putnam HA	123 Laconia Ave., Putman, CT 06260	CT26–E024–004	21	846,110
01	Waterbury HA	70 Lakewood Rd., Waterbury, CT 06704	CT26–E006–014	18	631,725
01	West Haven HA	15 Grade St., West Haven, CT 06516	CT26–E029–014	25	1,110,590
01	Augusta HA	16 Cony St., City Center Plaza, Augusta, ME 04212	ME36–E030–009	25	769,730
01	Barre HA	455 N. Main St., Barre, VT 05641	VT36–E005–010	12	376,440
01	Berlin HA	10 Granite St., Berlin, NH 03570	NH36–E011–015	10	289,780
01	Brewer HA	1 Colonial Circle, Brewer, ME 04412	ME36–E021–012	10	250,550
01	Caribou HA	25 High St., Caribou, ME 04736	ME36–E025–012	15	340,175
01	Fort Fairfield HA	P.O. Box 252, Fort Fairfield, ME 04742	ME36–E002–011	8	254,280
01	Maine State HA	P.O. Box 2669, Augusta, ME 04330	ME36–E017–538	10	303,300
01	NH Hsng Fin. Auth	P.O. Box 5087, Manchester, NH 03102	NH36–E019–195	25	1,001,345
01	NH Hsng Fin. Auth	P.O. Box 5087, Manchester, NH 03102	NH36–E019–198	10	461,715
01	NH Hsng Fin. Auth	P.O. Box 5087, Manchester, NH 03102	NH36–E019–199	15	528,105
01	Waterville HA	60 Elm St., Waterville, ME 04901	ME36–E008–016	12	423,900
01	Westbrook HA	P.O. Box 349, Westbrook, ME 04092	ME36–E015–015	28	1,172,800
01	Central Falls HA	30 Washington St., Central Falls, RI 02863	RI43–E004–019	27	960,565
01	East Greenwich HA	146 First Ave., East Greenwich, RI 02818	RI43–E024–016	2	52,940

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
01	East Providence HA	99 Goldsmith Ave., East Providence, RI 02914	RI43–E007–018	1	49,820
01	Providence HA	100 Broad St., Providence, RI 02903	RI43–E001–029	27	1,069,450
01	RI Housing & Fin. Corp.	60 Eddy St., Providence, RI 02903	RI43–E023–034	10	516,975
02	City of New Rochelle	515 North Ave., New Rochelle, NY 10801	NY36–E113–023	12	568,350
02	New York City HA	250 Broadway, New York, NY 10007	NY36–E005–033	885	34,607,125
02	North Fork Housing Alliance	110 South St., Greenport, NY 11944	NY36–E152–009	25	1,167,425
02	NYC–HPD	100 Gold St., New York, NY 10038	NY36–E110–018	64	2,498,115
02	NYS–DHCR	1 Fordham Plaza, Bronx, NY 10458	NY36–E108–114	430	18,993,675
02	NYS–DHCR	1 Fordham Plaza, Bronx, NY 10458	NY36–E108–115	12	348,720
02	Poughkeepsie HA	P.O. Box 630, Poughkeepsie, NY 12602	NY36–E062–007	25	591,800
02	Town of Babylon Housing	P.O. Box 2791, N. Babylon, NY 11703	NY36–E130–014	30	1,668,525
02	Town of Brookhaven	3233 Route 112, Medford, NY 11763	NY36–E149–012	56	2,940,580
02	Town of Huntington HA	5 Lowndes Ave., Huntington Station, NY 11746	NY36–E035–015	10	539,600
02	Town of Islip HA	963 Montauk Hwy., Oakdale, NY 11769	NY36–E077–014	50	2,610,350
02	Town of Saugerties HA	Town Hall –– Main St., Saugerties, NY 12477	NY36–E529–008	7	229,880
02	Village of Kiryas Joel HA	P.O. Box 566, Monroe, NY 10950	NY36–E158–004	10	538,200
02	Village of New Square HA	766 N. Main St., New Square, NY 10977	NY36–E138–012	2	94,800
02	Village of Spring Valley	200 N. Main St., Spring Valley, NY 10977	NY36–E056–018	5	195,700
02	Amsterdam HA	52 Division St., Amsterdam, NY 12010	NY06–E060–010	11	339,545
02	City of Cohoes	Mohawk & Ontario Sts., Cohoes, NY 12047	NY06–E442–009	18	538,110
02	City of Oswego	20 W. Oneida St., 3rd Fl., Owego, NY 13126	NY06–E027–015	16	470,735
02	City of Salamanca PHA	225 Wildwood, Salamanca, NY 14779	NY06–E403–004	5	115,690
02	Geneva HA	30 Elm St., P.O. Box 153, Geneva, NY 14456	NY06–E044–014	9	291,360
02	NYSHFA–DHCR	One Fordham Plaza, 2nd Floor, New York, NY 10458	NY06–E108–690	79	2,251,110
02	NYSHFA–DHCR	One Fordham Plaza, 2nd Floor, New York, NY 10458	NY06–E108–691	112	2,830,075
02	Schenectady HA	375 Broadway, Schenectady, NY 12595	NY06–E028–016	30	1,122,480
02	Syracuse HA	516 Burt St., Syracuse, NY 13202	NY06–E001–022	60	1,913,490
02	Town of Union	3111 E. Main St., Endwell, NY 13760	NY06–E505–014	18	427,090
02	Village of Cooperstown	27 Railroad Ave., Cooperstown, NY 13226	NY06–E567–005	5	114,395
02	Village of Green Island	20 Clinton St., Green Island, NY 12183	NY06–E535–003	6	162,745
02	Bergen Co.	190 Monroe St., Hackensack, NJ 07601	NJ39–E067–017	33	1,809,110
02	DCA	CN–051, Trenton, NJ 07042	NJ39–E087–231	89	3,574,710
02	Fort Lee	1403 Teress Dr., Fort Lee, NJ 07024	NJ39–E071–005	27	1,603,260
02	Jersey City	400 US Hwy #1, Jersey City, NJ 07306	NJ39–E009–025	35	1,293,850
02	Lakewood HA	317 Sampson Ave., Box 15, Lakewood, NJ 08701	NJ39–E054–007	26	1,336,675
02	Long Branch	P.O. Box 336, Long Branch, NJ 07740	NJ39–E015–004	28	1,379,095
02	LTRAP	P.O. Box 871, Lakewood, NJ 08701	NJ39–E214–013	34	1,786,200
02	Newark HA	57 Sussex Ave., Newark, NJ 07103	NJ39–E002–020	47	2,286,360
02	Paterson DCD	125 Ellison St., Paterson, NJ 07505	NJ39–E091–012	34	1,973,290
02	Plainfield	510 E. Front St., Plainfield, NJ 07060	NJ39–E039–016	25	1,274,280

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
02	Warren Co.	Courthouse Complex, Balvidere, NJ 07823	NJ39–E102–011	15	409,500
02	Woodbridge	10 Bunn Ln., Woodbridge, NJ 07095	NJ39–E033–007	25	966,205
03	Carbon Co. HA	215 S. Third St., Lehighton, PA 18235	PA26–E067–014	33	1,268,220
03	Centre Co. HA	602 E. Howard St., Belle Fonte, PA 16823	PA26–E088–010	33	1,474,770
03	Dauphin Co. HA	P.O. Box 7598, 501 Mohn St., Steelton, PA 17113	PA26–E035–009	25	912,250
03	Delaware Co. HA	1855 Constitution Ave., Woodlyn, PA 19094–1409	PA26–E023–028	12	616,320
03	Dover HA	1266–76 Whiteoak Rd., Dover, DE 19901–3437	DE26–E002–003	25	774,000
03	Harrisburg Co. HA	351 Chestnut St., Harrisburg, PA 17105–9713	PA26–E008–014	25	992,400
03	Lackawanna Co. HA	2019 W. Pine St., Dunmore, PA 18512–0079	PA26–E038–020	30	840,900
03	Lancaster City HA	333 Church St., Lancaster, PA 17042–6170	PA26–E036–013	42	1,695,870
03	Monroe Co. HA	1055 W. Main St., Stroudsburg, PA 18360–1419	PA26–E028–008	30	775,675
03	Montgomery Co. HA	1875 New Hope St., Norristown, PA 19401	PA26–E012–027	51	1,741,790
03	Montour Co. HA	1 Beaver Place, Danville, PA 17821–1001	PA26–E032–003	25	651,600
03	Northumberland Co. HA	50 Mahoning St., Milton, PA 17847–1021	PA26–E060–010	10	239,830
03	Wilkes Barre HA	Lincoln Plaza, Wilkes–Barre, PA 18702	PA26–E047–012	33	870,490
03	Williamsport HA	505 Center St., Williamsport, PA 17701–4974	PA26–E062–008	25	815,100
03	Baltimore City HA	416 E. Fayette St., Baltimore, MD 21202	MD06–E002–032	25	907,980
03	Baltimore Co. DCD	1 Investment Pl., Suite 825, Towson, MD 21204	MD06–E033–013	25	754,205
03	Carroll Co. BHCD	125 N. Court St., Westminster, MD 21157	MD06–E032–008	25	977,270
03	Cecil Co. HA	County Office Bldg., Elkton, MD 21921	MD06–E029–013	25	1,026,600
03	City of Westminster HCDP	P.O. Box 010, Westminster, MD 21157	MD06–E027–008	20	793,345
03	Hartford Co. HA	15 S. Main St., Suite 106, Bel Air, MD 21014	MD06–E025–014	25	920,690
03	St. Mary's Co. HA	P.O. Box 653, Leonardtown, MD 20650	MD06–E021–012	22	653,235
03	Fairmont HA	517 Fairmont Ave., Fairmont, WV 26554	WV15–E009–007	16	488,125
03	Huntington HA	P.O. Box 2183, Huntington, WV 25722	WV15–E004–011	15	476,105
03	Parkersburg HA	1901 Cameron Ave., Parkersburg, WV 26101	WV15–E005–014	15	375,300
03	Parkersburg HA	1901 Cameron Ave., Parkersburg, WV 26101	WV15–E005–015	10	194,400
03	Raleigh Co. HA	P.O. Box 273, Beckley, WV 25801	WV15–E039–014	55	1,294,800
03	Allegheny Co. HA	341 Fourth Ave., Pittsburgh, PA 15222	PA28–E006–030	10	265,055
03	Altoona HA	P.O. Box 671, Altoona, PA 16603	PA28–E031–017	10	292,750
03	Armstrong Co. HA	280 S. Mokean St., Kittanning, PA 16201	PA28–E039–007	25	834,600
03	Butler Co. HA	111 S. Cliff St., Butler, PA 16001	PA28–E010–014	20	702,700
03	City of Erie HA	606 Holland St., Erie, PA 16501–1285	PA28–E013–021	12	461,400
03	Fayette Co. HA	P.O. Box 1007, Uniontown, PA 15401	PA28–E015–010	42	1,111,820
03	Indiana Co. HA	104 Philadelphia St., Indiana, PA 15701	PA28–E048–013	3	83,160
03	Pittsburgh HA	200 Ross St., Pittsburg, PA 15219	PA28–E001–029	27	792,325
03	Somerset Co. HA	600 Kircher Pl., Boswell, PA 15531	PA28–E029–007	10	293,750
03	Westmoreland HA	RD6, Box 223, Greensburgh, PA 15601	PA28–E018–024	28	772,450
03	Hampton RHA	P.O. Box 280, Hampton, VA 23669	VA36–E017–020	58	2,050,835
03	Norfolk RHA	P.O. Box 968, Norfolk, VA 23501	VA36–E006–017	24	834,815

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA36–E027–017	107	2,659,750
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA36–E027–019	31	960,450
03	Fairfax County RHA	1 University Plaza, Fairfax, VA 22030	VA39–E019–034	50	2,510,685
03	HA Prince George Co.	9400 Peppercorn Pl., Landover, MD 20785	MD39–E015–021	50	2,672,000
03	HOC of Montgomerty Co.	10400 Detrick Ave., Kensington, MD 20895	MD39–E004–025	50	2,788,245
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA39–E027–005	10	559,980
04	HA City of Augusta, GA	P.O. Box 3246, Augusta, GA 30904	GA06–E001–016	82	2,297,225
04	HA of the City of Americus	P.O. Box 1226, Americus, GA 31709	GA06–E062–011	75	1,712,590
04	HA of the City of Huntsville	P.O. Box 486, Huntsville, AL 35804	AL09–E047–011	17	467,940
04	HA of the City of Macon, GA	P.O. Box 4928, Macon, GA 31208	GA06–E007–015	129	3,205,945
04	Jefferson County HA	2100 Walker Chapel Rd., Fultondale, AL 35068	AL09–E086–012	25	651,255
04	Mobile Housing Board	P.O. Box 1345, Mobile, AL 36633	AL09–E002–020	25	640,800
04	Barranquitas	P.O. Box 250, Barranquitas, PR 00618	RQ46–E060–003	25	378,425
04	Camuy	P.O. Box 539, Camuy, PR 00627	RQ46–E040–005	25	671,850
04	Comerio	P.O. Box I, Comerio, PR 00642	RQ46–E034–005	19	289,845
04	Dorado	P.O. Box 588, Dorado, PR 00646	RQ46–E015–007	25	409,950
04	Guayanilla	P.O. Box 250, Guayanilla, PR 00656	RQ46–E021–005	25	353,775
04	Gurabo	P.O. Box 317, Gurabo, PR 00658	RQ46–E041–006	26	430,235
04	Juana Diaz	P.O. Box J, Juana Diaz, PR 00665	RQ46–E038–004	25	622,225
04	Toa Alta	P.O. Box 82, Toa Alto, PR 00758	RQ46–E053–006	25	417,785
04	Trujillo Alto	P.O. Box 1869, Trujillo Alto, PR 00760	RQ46–E013–008	26	427,935
04	Charleston HA	20 Franklin St., Charleston, SC 29401	SC16–E001–020	10	271,850
04	Greenwood HA	P.O. Box 973, Greenwood, SC 29648–0973	SC16–E030–013	10	190,380
04	Lake City HA	P.O. Box 1017, Lake City, SC 29560	SC16–E018–004	50	1,194,075
04	SC Region #1 HA	P.O. Box 326, Laurens, SC 29360	SC16–E008–022	10	192,000
04	Asheboro	338 Waimman Ave., Asheboro, NC 27203	NC19–E081–015	50	1,377,850
04	Asheville	P.O. Box 1898, Asheville, NC 28802	NC19–E007–015	10	270,000
04	High Point	P.O. Box 1779, High Point, NC 27261	NC19–E006–013	23	723,120
04	Isottermal PDC	P.O. Box 841, Rutherfordton, NC 28139	NC19–E161–012	26	636,205
04	Laurenburg	P.O. Box 1437, Laurenburg, NC 28352	NC19–E018–004	65	1,503,900
04	Mountain Projects, Inc.	Route 1, Box 732, Waynesville, NC 21786	NC19–E152–011	45	1,122,180
04	Northwestern Regional HA	P.O. Box 2510, Boone, NC 28607	NC19–E167–013	20	597,600
04	Sandhells CAP	P.O. Box 937, Carthage, NC 28327	NC19–E149–010	22	490,055
04	Winston Salem	901 Cleveland Ave., NE, Winston Salem, NC 27101	NC19–E012–026	50	1,329,550
04	Mississippi Reg. HA #IV	P.O. Box 1051, Columbus, MS 39703	MS26–E019–040	40	1,085,700
04	Mississippi Reg. HA #VI	P.O. Box 8746, Jackson, MS 39284–8746	MS26–E058–047	41	985,260
04	Mississippi Reg. HA #VII	P.O. Box 886, McComb, MS 39468	MS26–E057–016	25	515,905
04	Mississippi Reg. HA #VIII	P.O. Box 2347, Gulfport, MS 39505	MS26–E040–040	28	783,300
04	Mississippi Reg. HA #VIII	P.O. Box 2347, Gulfport, MS 39505	MS26–E040–041	30	618,840
04	Broward County HA	1773 North State Rd. 7, Lauderhill, Fl 34617	FL29–E079–019	55	2,172,060

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
04	City of Ft. Myers CRA	P.O. Drawer 2217, Fort Myers, FL 33902	FL29–E091–011	9	262,825
04	Clearwater HA	P.O. Box 960, Clearwater, FL 34617	FL29–E075–021	40	1,080,120
04	Dade County HA	2153 Coral Way, Miami, Fl 33145	FL29–E005–023	50	2,077,560
04	DeLand HA	300 Sunflower Circle, Deland, FL 32724–5556	FL29–E072–006	25	972,915
04	HA of Deerfield Beach	425 NW 1st Terr., Deerfield Beach, FL 33441	FL29–E081–004	25	908,605
04	HA of Fort Lauderdale	437 SW 4th Ave., Fort Lauderdale, FL 33315	FL29–E010–013	45	1,833,300
04	HA of the City of Lakeland	P.O. Box 1009, Lakeland, FL 33802	FL29–E011–008	25	654,000
04	Lee County Housing Asst.	P.O. Box 398, Fort Myers, FL 33902	FL29–E090–013	35	1,259,160
04	NW Regional HA	P.O. Box 218, Graceville, FL 32440	FL29–E015–004	25	510,950
04	Ocala HA	1415 NE 32nd Terr., Ocala, FL 32670	FL29–E032–014	5	162,300
04	Pinellas County HA	209 S. Garden Ave., Clearwater, FL 34616	FL29–E026–022	45	1,411,370
04	Punta Gorda HA	P.O. Box 1146, Punta Gorda, FL 33951	FL29–E060–003	25	848,770
04	Tallahassee HA	2940 Grady Rd., Tallahassee, FL 32312	FL29–E073–017	46	1,215,230
04	Barbourville	P.O. Box 84, Barbourville, KY 40906	KY36–E150–009	12	270,720
04	Cynthiana	P.O. Box 351, Cynthiana, KY 41031	KY36–E021–006	8	203,260
04	Greenup Co.	1448 Diedrick Blvd., Russell, KY 41169	KY36–E161–009	7	190,795
04	Jefferson Co.	300 York St., Louisville, KY 40203	KY36–E105–022	53	1,245,780
04	Kingsport HA	P.O. Box 44, Kingsport, TN 37662–0044	TN37–E006–015	25	465,500
04	KY Housing Corp.	1231 Louisville Rd., Frankfort, KY 40601	KY36–E134–097	72	1,661,250
04	Louisville	745 W. Main St., Louisville, KY 40202	KY36–E131–016	27	639,190
04	Pike Co.	P.O. Box 1468, Pikesville, KY 41501	KY36–E121–010	20	478,680
04	Somerset	P.O. Box 449, Somerset, KY 42501	KY36–E008–007	20	416,150
04	Metro Dev. & Hsg. Agency	P.O. Box 846, Nashville, TN 37202	TN43–E005–017	50	1,649,625
04	Murfreesboro HA	318 E. Lokey Ave., Murfreesboro, TN 37130	TN43–E020–009	30	936,600
05	Bloomington HA	104 E. Wood St., Bloomington, IL 61701–6768	IL06–E051–009	25	1,120,375
05	Champaign	P.O. Box 183, Urbana, IL 61801–0183	IL06–E006–006	25	869,120
05	Cook Co.	59 E. Van Buren St., Ste. 1800, Chicago, IL 60605	IL06–E025–040	307	11,902,700
05	Decatur HA	1808 E. Locust St., Decatur, IL 62521	IL06–E012–014	50	1,354,125
05	DuPage	421 N. Country Farm Rd., Wheaton, IL 60187–3906	IL06–E101–021	170	6,872,510
05	Rockford	330 Fifteenth Ave., Rockford, IL 61108	IL06–E022–017	50	1,896,700
05	Springfield	200 N. 11th St., Springfield, IL 62703	IL06–E004–016	25	828,000
05	Butler MHA	4110 Hamilton–Middletown Rd., Hamilton, OH 45012	OH10–E015–011	25	709,405
05	Cincinnati MHA	16 W. Central Pkwy., Cincinnati, OH 45210	OH10–E004–026	54	1,604,285
05	Clinton MHA	478 Thorne Ave., Wilmington, OH 45177	OH10–E053–011	15	389,415
05	Warren MHA	990 E. Ridge Drive, Lebanon, OH 45036	OH10–E049–010	25	685,640
05	Akron MHA	180 W. Cedar St., Akron, OH 44307	OH12–E007–037	30	835,320
05	Cuyahoga MHA	1441 W. 25th St., Cleveland, OH 44113	OH12–E003–040	50	1,722,500
05	Erie MHA	322 Warren St., Sandusky, OH 44870	OH12–E028–023	45	1,313,230
05	Lake MHA	200 W. Jackson St., Painesville, OH 44077	OH12–E025–011	50	1,538,725
05	Portage MHA	223 W. Main, Ravenna, OH 44266	OH12–E031–023	25	706,855

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
05	Youngstown MHA	131 W. Boardman St., Youngstown, OH 44503	OH12–E002–022	30	860,400
05	Allen MHA	600 S. Main St., Lima, OH 45804	OH16–E044–008	50	1,518,300
05	Fairfield MHA	1506 Amherst Pl., Lancaster, OH 43130	OH16–E070–010	20	563,880
05	Fayette MHA	101 E. East St., Washington C.H., OH 43160	OH16–E056–002	40	1,014,315
05	Pickaway MHA	176 Rustic Dr., Circleville, OH 43113	OH16–E059–010	8	209,020
05	Pike MHA	2626 Shyville Rd., Piketon, OH 45661	OH16–E060–013	40	978,900
05	Inkster HC	2000 Inkster, Inkster, MI 48141	MI28–E027–007	25	879,530
05	Madison Heights HC	300 W. 13th Mile Rd., Madison Heights, MI 48071	MI28–E188–008	10	343,825
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI28–E150–049	183	6,066,100
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI28–E150–050	21	484,690
05	Grand Rapids Hsg Comm	1420 Fuller Ave., S.E., Grand Rapids, MI 49507	MI33–E073–017	39	1,044,525
05	Lansing Hsg Comm	310 Seymour Ave., Lansing, MI 48933	MI33–E058–009	35	1,117,325
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI33–E150–014	82	1,788,590
05	Evansville	411 SE 8th St., Evansville, IN 46516	IN36–E016–019	10	342,600
05	Goshen HA	302 S. Fifth St., Goshen, IN 46526	IN36–E101–004	7	181,275
05	Hammond	7329 Columbia Circle, W., Hammond, IN 46324	IN36–E010–014	10	363,300
05	Kakoma HA	210 E. Taylor St., Kakoma, IN 46903	IN36–E007–014	50	1,474,500
05	Kendallville HA	240 Angling Rd., Kendallville, IN 46755	IN36–E036–004	15	343,660
05	Lafayette HA	P.O. Box 807, Lafayette, IN 47902	IN36–E071–013	50	1,558,500
05	South Bend	501 S. Scott St., South Bend, IN 46634	IN36–E015–014	10	275,445
05	Vincennes HA	P.O. Box 1636, Vincenes, IN 47591	IN36–E002–009	50	961,360
05	Warsaw HA	220 S. Buffalo St., No. 2, Warsaw, IN 46580	IN36–E060–006	15	375,850
05	Appleton HA	525 N. Oneida St., Appleton, WI 54911–4749	WI39–E217–011	45	771,535
05	Brown Co. HA	100 N. Jefferson St., Green Bay, WI 54301	WI39–E186–007	40	744,800
05	Dunn Co. HA	Dunn County Courthouse, Menomonie, WI 54751	WI39–E160–002	10	283,125
05	Eau Claire Co. HA	761 Oxford Ave., Eau Claire, WI 54703	WI39–E193–001	10	236,300
05	Green Bay HA	100 N. Jefferson St., Green Bay, WI 54301	WI39–E074–003	40	744,800
05	Kenosha HA	625 S. 52nd St., Kenosha, WI 53140	WI39–E195–015	40	1,235,000
05	Marshfield HA	601 S. Cedar Ave., Marshfield, WI 54449	WI39–E011–003	30	586,685
05	Walworth Co. HA	P.O. Box 1007, Elkhorn, WI 53221	WI39–E244–009	48	1,036,980
05	Dakota Co. HRA	2496 – 145th St., West, Rosemount, MN 55068	MN46–E147–022	17	691,530
05	Kandiyohi Co. HRA	P.O. Box 1359, Willmar, MN 56201	MN46–E168–008	3	65,050
05	McLeod Co. HRA	P.O. Box 1359, Willmar, MN 56201	MN46–E203–005	10	248,240
05	NW MN Multi Co. HRA	P.O. Box 128, Mentor, MN 56736	MN46–E158–019	25	522,700
05	Owatonna HRA	540 W. Hills Circle, Owatonna, MN 55060	MN46–E220–003	10	223,950
05	Rice Co. HRA	208 NW First Ave., Faribault, MN 55021	MN46–E193–011	10	240,175
05	Rochester HRA	2116 Campus Dr., SE, Ste 10, Rochester, MN 55904	MN46–E151–009	25	653,085
05	Saint Paul PHA	413 Wacouta St., Saint Paul, MN 55101	MN46–E001–021	25	941,575
05	Scott Co. HRA	16049 Franklin Trl, SE, 104, Prior Lake, MN 55372	MN46–E184–007	25	983,125
05	SE MN Multi Co. HRA	134 E. Second St., Wabasha, MN 55981	MN46–E197–013	31	640,380

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
05	Virginia HRA	442 Pine Mill Court, Virginia, MN 55792	MN46–E007–010	5	133,335
05	Washington Co. HRA	321 W. Broadway Ave., Forest Lake, MN 55071	MN46–E212–003	25	964,175
06	Abilene HA	P.O. Box 60, Abilene, TX 79604	TX16–E327–010	25	818,160
06	Albuquerque HA	P.O. Box 1293, Albuquerque, NM 87102	NM16–E001–015	25	867,780
06	Bernalillo Co HA	620 Lomas Blvd., NW, Albuquerque, NM 87102	NM16–E057–004	25	940,380
06	Central TX COG	P.O. Box 729, Belton, TX 76513	TX16–E482–039	25	738,720
06	Clovis HA	P.O. Box 1240, CLovis, NM 88102–1240	NM16–E065–011	25	616,140
06	Dallas HA	2525 Lucas Dr., Dallas, TX 75219	TX16–E009–015	25	938,160
06	Edgewood HA	P.O. Box 25, Edgewood, TX 75117	TX16–E242–005	20	430,920
06	Fort Worth HA	P.O. Box 430, Ft. Worth, TX 76101	TX16–E004–022	19	577,860
06	Garland HA	701 Clark St., Garland, TX 75040	TX16–E435–009	25	956,220
06	Midland Co. HA	218 W. Illinois, Midland, TX 79701	TX16–E534–008	50	1,718,405
06	Plano HA	1321 Avenue G, Plano, TX 75074	TX16–E128–005	25	913,570
06	Region IV HA	104 W. Second St., Clovis, NM 88101	NM16–E064–009	24	669,780
06	Tatum HA	P.O. Box 1066, Tatum, TX 75691	TX16–E341–003	25	440,600
06	Truth or Consequences HA	108 S. Cedar, Truth or Consequences, NM 87901	NM16–E020–004	15	434,280
06	Waco HA	Box 978, Waco, TX 76703	TX16–E010–017	30	728,645
06	Brazos Valley Dev. Council	P.O. Drawer 4128, Bryan, TX 77805–4128	TX24–E526–062	28	605,210
06	Brazos Valley Dev. Council	P.O. Drawer 4128, Bryan, TX 77805–4128	TX24–E526–063	118	3,771,280
06	Montgomery Co. HA	515 N. Main, Conroe, TX 77301	TX24–E560–001	52	1,453,140
06	Conway HA	335 S. Mitchell, Conway, AR 72032	AR37–E006–009	11	334,440
06	Harrison HA	City Hall, Harrison, AR 72601	AR37–E200–009	25	532,920
06	Mississippi Co. HA	808 West Keiser, Osceola, AR 72370	AR37–E213–009	25	498,605
06	North Little Rock HA	2201 Division, N. Little Rock, AR 72114	AR37–E002–013	14	419,400
06	NW Regional HA	P.O. Box 699, Harrison, AR 72601	AR37–E010–016	25	469,150
06	Siloam Springs HA	P.O. Box 280, Siloam Springs, AR 72761	AR37–E163–015	25	580,955
06	White River Regional HA	P.O. Box 650, Melbourne, AR 72556–0650	AR37–E192–043	25	512,170
06	Bienville PPJ	P.O. Box 479, Arcadia, LA 71001	LA48–E241–004	18	432,180
06	Jefferson Parish HA	1718 Betty St., Marrero, LA 70072	LA48–E013–004	55	2,090,880
06	Lincoln PPJ	P.O. Box 979, Ruston, LA 71273	LA48–E212–009	25	604,020
06	Monroe HA	P.O. Box 1194, Monroe, LA 71210	LA48–E006–018	37	776,420
06	Natchitoches HA	P.O. Box 754, Natchitoches, LA 71458–0754	LA48–E115–013	20	352,400
06	Natchitoches Parish HA	P.O. Box 255, Natchitoches, LA 71457	LA48–E166–008	5	114,540
06	Quachita PPJ	P.O. Box 3007, Monroe, LA 71210–3007	LA48–E171–009	74	1,740,355
06	Washington PPJ	P.O. Box 167, Varnado, LA 70467	LA48–E217–004	25	510,050
06	Broken Bow PHA	P.O. Box 177, Broken Bow, OK 74728–0177	OK56–E006–007	25	491,425
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–E140–062	15	356,100
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–E140–063	17	333,180
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–E140–064	8	178,680
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–E140–065	19	342,660

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF-SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
06	Tulsa HA	P.O. Box 6369, Tulsa, OK 74148-0369	OK56-E073-026	61	1,999,620
06	HA City of Kingsville	1000 Brown Villa, Kingsville, TX 78363	TX59-E114-013	50	1,301,475
06	HA City of San Antonio	P.O. Drawer 1300, San Antonio, TX 78295	TX59-E006-021	109	4,118,520
07	Kansas City MO	299 Paseo, Kansas City, MO 64106	MO16-E002-034	50	1,504,075
07	Liberty HA	P.O. Box 159, Liberty, MO 64068	MO16-E021-008	50	1,137,990
07	Lyon Co. PHA	P.O. Box 110, Ottawa, KS 66067	KS16-E159-008	50	1,089,915
07	St. Clair Co PHA	P.O. Box 125, Appleton City, MO 64724	MO16-E197-032	30	594,600
07	Topeka HA	1312 Polk St., Topeka, KS 66612	KA16-E002-019	17	529,705
07	Wichita Kansas PHA	455 N. Main, Wichita, KS 67202	KS16-E004-011	14	395,410
07	Albia Low RHA	City Hall, 120 S. A St., Albia, IA 52531	IA05-E114-006	10	211,360
07	Central Iowa RHA	1111 9th St., Ste. 240, Des Moines, IA 50314	IA05-E131-018	20	617,750
07	City of Sioux City HA	City Hall, PO Box 447, Sioux City, IA 51102-0447	IA05-E018-013	20	496,950
07	Des Moines PHA	1101 Crocker, Des Moines, IA	IA05-E020-026	25	693,800
07	Eastern Iowa RHA	P.O. Box 1140, Dubuque, IA 52004-1140	IA05-E126-034	25	697,575
07	Ft. Dodge MHA	700 S. 17th St., Ft. Dodge, IA 50501	IA05-E107-014	25	598,475
07	North Iowa RHA	121 3rd St., Mason City, IA 50401	IA05-E127-007	10	259,635
07	Region XII RHA	108 W. 6th St., Carroll, IA 51401	IA05-E122-015	20	479,295
07	Bellevue HA	8214 Armstrong Circle, Omaha, NE 68147	NE26-E174-006	12	373,365
07	Hall Co. HA	911 Bauman Dr. Grand Island, NE 68803-4405	NE26-E003-006	9	211,335
07	Kearney HA	2715 Avenue I, Kearney, NE 68847	NE26-E004-002	34	803,130
07	Omaha HA	540 S. 27th St., Omaha, NE 68105	NE26-E001-026	22	688,900
07	Houston	200 Chestnut Terr., Houston, MO 65483-1929	MO36-E040-009	3	45,455
07	Lincoln Co.	P.O. Box 470, Bowling Green, MO 63334-0470	MO36-E199-037	20	668,940
07	Lincoln Co.	P.O. Box 470, Bowling Green, MO 63334-0470	MO36-E199-038	19	427,755
07	Macon	218 Lakeview Towers, Macon, MO 63552-9801	MO36-E111-005	8	163,200
07	Phelps Co.	101 W. 10th St., Rolla, MO 65401-3299	MO36-E206-017	25	567,600
07	Ripley Co.	P.O. Box 1183, Poplar Bluff, MO 63901-1183	MO36-E212-017	10	188,690
07	St. Louis City	4100 Lindell Blvd., St. Louis, MO 63108-2999	MO36-E001-024	36	1,243,910
07	St. Louis Co.	8865 Natural Bridge, St. Louis, MO 63121-0580	MO36-E004-027	20	682,325
08	Arvada HA	8101 Ralston Rd., Arvada, CO 80002	CO99-E050-019	25	712,850
08	Boulder Co. HA	P.O. Box 471, Boulder, CO 80306	CO99-E061-014	25	830,525
08	Cedar City HA	P.O. Box 1721, Cedar City, UT 84721	UT99-E031-002	35	1,121,940
08	HA City of Boulder	3120 Broadway, Boulder, CO 80204	CO99-E016-014	25	867,925
08	HA City of Casper	1985 E. A St., Casper, WY 82601	WY99-E004-011	25	845,015
08	HA City of Cheyenne	3304 Sheridan Ave., Cheyenne, WY 82001	WY99-E002-015	25	719,675
08	HA City of Pueblo	1414 N. Santa Fe Ave., Pueblo, CO 81003	CO99-E002-024	25	693,535
08	Helena HA	812 Abbey St., Helena, MT 59601	MT99-E004-005	35	1,221,575
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99-H032-038	11	321,545
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99-H032-039	6	161,290
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99-H032-040	2	71,585

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–H032–041	4	131,410
08	Montrose Co. HA	P.O. Box 1333, Montrose, CO 81402	CO99–E087–004	25	983,300
08	Provo City HA	650 W. 100 North, Provo, TU 84601	UT99–E007–012	25	613,240
08	Utah Paiute IHA	600 N. 100 East, Cedar City, UT 84720	UT99–E010–002	17	681,000
08	Utah Paiute IHA	600 N. 100 East, Cedar City, UT 84720	UT99–E010–003	18	573,740
09	Alameda Co. HA	1916 Webster St., Alameda, CA 94501	CA39–E067–025	50	2,448,700
09	Benicia HA	28 Riverhill Dr., Benicia, CA 94510	CA39–E041–009	25	1,093,550
09	Clark Co. HA	5064 E. Flamingo Rd., Las Vegas, NV 89122	NV39–E013–022	25	907,750
09	Contra Costa HA	P.O. Box 2759, Martinez, CA 94553	CA39–E011–029	50	2,391,995
09	Fairfield HA	823 B Jefferson St., Fairfield, CA 94533	CA39–E065–015	25	1,106,600
09	Livermore HA	3203 Leahy Way, Livermore, CA 94550	CA39–E074–010	25	1,310,625
09	Napa HA	1115 Seminary St., Napa, CA 94559–0660	CA39–E073–015	31	1,334,050
09	North Las Vegas HA	1632 Yale St., N. Las Vegas, NV 89030–6827	NV39–E007–009	25	1,126,320
09	San Mateo Co. HA	456 Peninsula Ave., San Mateo, CA 94401	CA39–E014–021	50	3,029,220
09	Santa Clara HA	505 W. Julian St., San Jose, CA 95110–2338	CA39–E059–030	50	2,876,515
09	Solano Co. HA	601 W. Texas St., Fairfield, CA 94533–6301	CA39–E131–007	25	1,077,215
09	Sonoma Co. HA	3033 Cleveland Ave., Santa Rosa, CA 95403	CA39–E085–027	50	2,451,360
09	Stanislaus A	1701 Robertson Rd., Modesto, CA 95352–3958	CA39–E026–022	25	817,495
09	Tulare HA	P.O. Box 791, Visalia, CA 93279	CA39–E030–022	50	1,815,950
09	Vacaville HA	1104 Alamo Dr., Vacaville, CA 95687	CA39–E125–014	25	1,103,670
09	Vallejo HA	P.O. Box 1432, Vallejo, CA 94590	CA39–E055–020	25	1,261,620
09	Kauai Co. HA	4193 Hardy St., #1, Lihue, HI 96766	HI10–E005–012	63	3,361,845
09	Maui Co. HA	200 S. High St., Wailuku, HI 96793	HI10–E004–012	12	592,500
09	Anaheim	300 S. Harbor Blvd., Anaheim, CA 92805	CA16–E104–025	31	1,571,510
09	Burbank	275 E. Olive Ave., Burbank, CA 91502	CA16–E105–018	25	956,125
09	Calexico	1006 E. Fifth St., Calexico, CA 92227	CA16–E039–014	15	487,975
09	City of National City	41 E. 12th St. "E", National City, CA 91950	CA16–E116–013	25	1,138,550
09	Garden Grove	11400 Stanford Ave., Garden Grove, CA 92642	CA16–E102–024	25	1,399,995
09	Imperial Valley	1401 "D" St., Brawley, CA 92227	CA16–E143–002	10	401,000
09	Inglewood	1 Manchester Blvd., Inglewood, CA 90301	CA16–E082–015	25	1,149,350
09	Kern Co.	525 Roberts Ln., Bakersfield, CA 93308	CA16–E008–021	30	1,029,960
09	Long Beach	333 Ocean Ave., Long Beach, CA 90802	CA16–E068–027	132	6,238,275
09	Los Angeles City	515 Columbia Ave., Los Angeles, CA 90017	CA16–E004–036	286	15,103,895
09	Oceanside CDC	219 N. Horne St., Oceanside, CA 92054	CA16–E132–012	31	1,302,575
09	Orange Co.	2043 N. Broadway, Santa Ana, CA 92706	CA16–E094–035	30	1,564,875
09	Oxnard	1470 Colonia Rd., Oxnard, CA 93030–3714	CA16–E031–020	25	1,222,305
09	Pomona	P.O. Box 660, Pomona, CA 91769	CA16–E123–014	25	1,191,850
09	Riverside	5555 Arlington Ave., Riverside, CA 92504	CA16–E027–033	25	1,139,100
09	San Bernadino County	1053 N. "D" St., San Bernadino, CA 92410	CA16–E019–025	31	1,413,610
09	San Buena Ventura City	995 Riverside St., Ventura, CA 93002	CA16–E035–022	25	1,127,475

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
09	San Diego Co.	3989 Ruffin Rd., San Diego, CA 92113	CA16–E108–029	38	1,988,975
09	San Diego Hsg. Comm.	1625 Newton St., San Diego, CA 92113	CA16–E063–032	127	6,065,820
09	San Luis Obispo	487 Leff St., San Luis Obispo, CA 93401	CA16–E064–023	9	408,780
09	Santa Ana	500 W. Santa Ana Blvd., Santa Ana, CA 92707	CA16–E093–023	25	1,522,275
09	Santa Barbara City	808 Laguna St., Santa Barbara, CA 93101	CA16–E076–013	25	1,021,430
09	Santa Monica	1685 Main St., Santa Monica, CA 90401	CA16–E111–018	25	986,290
09	Santa Paula	P.O. Box 404, Santa Paula, CA 93060	CA16–E075–015	20	865,340
09	Ventura County	99 N. Glenn Dr., Camarillo, CA 93010	CA16–E092–024	25	1,010,170
09	Chandler City	99 N. Delaware, Chandler, AZ 85225	AZ20–E028–008	23	835,560
09	Mesa City	415 N. Pasadena, Mesa, AZ 85201	AZ20–E005–016	34	1,181,650
09	Phoenix City	920 E. Madison, Phoenix, AZ 85034	AZ20–E001–033	34	1,370,540
09	Tucson City	P.O. Box 27210, Tucsan, AZ 85726	AZ20–E004–026	5	184,450
09	Yuma County	8450 W. Hwy 95, Somerton, AZ 85350	AZ20–E013–009	11	387,025
09	Nevada Co.	10433 Willow Valley Rd., Nevada City, CA 95959	CA30–E146–001	16	673,740
09	Redding City	760 Parkview Ave., Redding, CA 96001	CA30–E106–023	35	1,291,860
09	Sacramento City	630 I St., Sacramento, CA 95814	CA30–E005–022	25	1,131,000
09	San Joaquin Co.	448 S. Center St., Stockton, CA 95209	CA30–E024–013	25	759,000
10	Alaska State HA	P.O. Box 230329, Anchorage, AK 99523	AK06–E102–050	14	487,550
10	Dept of Comm. Dev.	Ninth & Columbia Bldg., Olympia, WA 98504	WA19–E060–084	22	490,980
10	Dept of Comm. Dev.	Ninth & Columbia Bldg., Olympia, WA 98504	WA19–E060–085	25	873,775
10	Dept of Comm. Dev.	Ninth & Columbia Bldg., Olympia, WA 98504	WA19–E060–086	25	908,400
10	King Co. HA	15455 – 65th Ave., So., Seattle, WA 98188	WA19–E002–029	25	961,625
10	Richland HA	P.O. Box 190, Richland, WA 99352	WA19–E065–010	25	654,740
10	Seattle HA	120 Sixth Ave., No., Seattle, WA 98109	WA19–E001–030	40	1,851,770
10	Snohomish Co. HA	3425 Broadway, Everett, WA 98201	WA19–E039–024	25	864,250
10	Thurston Co. HA	505 W. Fourth Ave., Olympia, WA 98501	WA19–E049–011	39	1,240,665
10	Boise City HA	680 Cunningham Pl., Boise, ID 83702	ID16–E013–016	25	923,940
10	HA Ada County	680 Cunningham Pl., Boise, ID 83702	ID16–E021–017	25	923,940
10	HA City of Salem	360 Church St., NE, Salem, OR 97301	OR16–E011–025	26	902,220
10	HA of Lincoln County	P.O. Box 1470, Newport, OR 97365	OR16–E005–006	45	1,357,425
10	HA of Vancouver	500 Omaha Way, Vancouver, WA 98661	WA16–E008–015	33	803,455
10	Idaho HA	P.O. Box 7899, Boise, ID 83707–1899	ID16–E020–034	41	1,263,780
10	Mid–Columbia HA	506 E. Second St., The Dalles, OR 97058	OR16–E025–016	27	836,325
10	NE Oregon HA	P.O. Box 3357, LaGrande, OR 97850	OR16–E032–010	25	768,650

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FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
01	Andover HA	100 Morton St., Andover, MA 01810	MA06–V084–005	25	$1,158,540
01	Attleboro HA	37 Carlon St., Attleboro, MA 02703	MA06–V018–003	25	879,170
01	Boston HA	52 Chaucy St., Boston, MA 02111	MA06–V002–015	12	621,385
01	Cambridge HA	270 Green St., Cambridge, MA 02139	MA06–V003–011	12	832,855
01	Danvers HA	14 Stone St., Danvers, MA 01923	MA06–V118–007	25	1,206,355
01	Dennis HA	P.O. Box 35, 167 Center St., Dennis, MA 02660	MA06–V138–004	25	1,112,145
01	Franklin County HA	80 Canal St., Turner Falls, MA 01376	MA06–V094–004	5	193,360
01	Greenfield HA	1 Elm Terrace, Greenfield, MA 01301	MA06–V096–006	10	361,725
01	Lynn HA	174 South Common St., Lynn, MA 01905	MA06–V023–010	25	1,536,710
01	Melrose HA	910 Main St., Melrose, MA 02176	MA06–V063–004	25	1,363,290
01	Milford HA	45 Birmingham Ct., Milford, MA 01757	MA06–V069–003	25	1,485,645
01	Plymouth HA	69 Allerton St., Plymouth, MA 02360	MA06–V059–004	12	671,255
01	Reading HA	22 Frank Tanner Dr., Reading, MA 01867	MA06–V075–004	25	1,339,155
01	Salem HA	27 Charter St., Salem, MA 02151	MA06–V055–008	25	1,302,540
01	Sandwich HA	167 Center St., Dennis, MA 02660	MA06–V181–001	3	129,965
01	Saugus HA	19 Talbot St., Saugus, MA 01906	MA06–V099–001	25	1,399,430
01	Somerville HA	30 Memorial Rd., Somerville, MA 02145	MA06–V031–009	13	801,670
01	Weymouth HA	402 Essex St., Weymouth, MA 02191	MA06–V045–004	10	641,690
01	Winchester HA	13 Westley St., Winchester, MA 01890	MA06–V125–006	25	1,371,125
01	Woburn HA	59 Campbell St., Woburn, MA 01801	MA06–V019–008	12	706,045
01	City of Hartford	942 Main St., Hartford, CT 06103	CT26–V051–030	25	1,180,440
01	Danbury HA	2 Min Ridge Rd., Danbury, CT 06813	CT26–V020–005	34	1,616,940
01	Greenwich HA	249 Millbank Ave., Greenwich, CT 06836	CT26–V019–006	13	683,580
01	Middletown HA	40 Broad St., Middletown, CT 06457	CT26–V009–006	28	834,815
01	New Haven HA	360 Orange St., New Haven, CT 06509	CT26–V004–015	13	641,890
01	Norwalk HA	24–1/2 Monroe St., South Norwalk, CT 06854	CT26–V002–007	25	1,240,690
01	Waterbury HA	70 Lakewood Rd., Waterbury, CT 06704	CT26–V006–014	17	585,090
01	Winchester HA	80 Chestnut St., Winchester, CT 06098	CT26–V025–001	20	846,110
01	Bar Harbor HA	P.O. Box 28, Bar Harbor, ME 04609	ME36–V023–004	5	119,745
01	Caribou HA	25 High St., Caribou, ME 04736	ME36–V025–004	15	301,500
01	Ellsworth HA	P.O. Box 28, Ellsworth, ME 04605	ME36–V027–010	10	270,250
01	Fort Fairfield HA	P.O. Box 252, Fort Fairfield, ME 04742	ME36–V002–005	4	115,940
01	Keene HA	105 Castle St., Keene, NH 03431	NH36–V010–005	35	1,301,950
01	Lewiston HA	1 College St., Lewiston, 04240	ME36–V005–006	10	293,880
01	Portland HA	14 Baxter Blvd., Portland, ME 04101	ME36–V003–014	29	1,145,970
01	South Portland HA	P.O. Box 2128, South Portland, ME 04106	ME36–V020–005	10	405,550
01	Vermont HA	P.O. Box 397, Montpelier, VT 05601	VT36–V007–018	36	1,268,205
01	Waterville HA	60 Elm St., Waterville, ME 04901	ME36–V008–005	12	381,360
01	Westbrook HA	P.O. Box 349, Westbrook, ME 04092	ME36–V015–005	14	567,770
01	East Greenwich HA	146 First Ave., East Greenwich, RI 02818	RI43–V024–008	25	599,650

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FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
01	East Providence HA	99 Goldsmith Ave., East Providence, RI 02914	RI43–V007–003	25	975,810
01	Pantucket HA	P.O. Box 1303, Pantucket, RI 02862	RI43–V002–009	19	557,315
01	RI Housing & Fin. Corp.	60 Eddy St., Providence, RI 02903	RI43–V023–015	12	516,975
02	City of New Rochelle	515 North Ave., New Rochelle, NY 10801	NY36–V113–013	25	1,102,000
02	New York City HA	250 Broadway, New York, NY 10007	NY36–V005–014	750	28,444,220
02	North Fork Housing Alliance	110 South St., Greenport, NY 11944	NY36–V152–010	25	1,167,425
02	NYC–HPD	100 Gold St., New York, NY 10038	NY36–V110–008	28	1,075,740
02	NYS–DHCR	1 Fordham Plaza, Bronx, NY 10458	NY36–V108–078	230	9,427,615
02	NYS–DHCR	1 Fordham Plaza, Bronx, NY 10458	NY36–V108–079	15	432,915
02	Port Jervis Comm Dev Ag	P.O. Box 1002, Port Jervis, NY 12771	NY36–V134–008	25	976,700
02	Town of Babylon Housing	P.O. Box 2791, N. Babylon, NY 11703	NY36–V130–012	45	2,501,775
02	Town of Brookhaven	3233 Route 112, Medford, NY 11763	NY36–V149–011	19	1,053,330
02	Town of East Hampton	159 Pantigo Rd., East Hampton, NY 11937	NY36–V154–006	5	239,775
02	Town of Huntington HA	5 Lowndes Ave., Huntington Station, NY 11746	NY36–V035–011	15	763,875
02	Town of Islip HA	963 Montauk Hwy., Oakdale, NY 11769	NY36–V077–013	50	2,546,850
02	Town of Saugerties HA	Town Hall –– Main St., Saugerties, NY 12477	NY36–V529–006	4	146,580
02	Village of New Square HA	766 N. Main St., New Square, NY 10977	NY36–V138–008	3	155,505
02	Village of Spring Valley	200 N. Main St., Spring Valley, NY 10977	NY36–V056–008	5	195,700
02	Amsterdam HA	52 Division St., Amsterdam, NY 12010	NY06–V060–005	4	148,840
02	City of Fulton–FCD	2 Tower Dr., Watertower Hill, Fulton, NY 13069	NY06–V504–007	30	658,770
02	City of Oswego	20 W. Oneida St., 3rd R., Owego, NY 13126	NY06–V027–006	15	439,435
02	City of Salamanca PHA	225 Wildwood, Salamanca, NY 14779	NY06–V403–004	5	115,690
02	Ithaca HA	800 S. Plain St., Ithaca, NY 14850	NY06–V054–008	34	933,990
02	NYSHFA–DHCR	One Fordham Plaza, 2nd Floor, New York, NY 10458	NY06–V108–690	54	1,455,540
02	NYSHFA–DHCR	One Fordham Plaza, 2nd Floor, New York, NY 10458	NY06–V108–691	77	2,011,270
02	Rochester HA	675 W. Main St., Rochester, NY 14611	NY06–V041–012	60	2,013,725
02	Syracuse HA	516 Burt St., Syracuse, NY 13202	NY06–V001–012	59	1,887,850
02	Town of Colonie	Town Hall, Newtownville, NY 12128	NY06–V408–005	18	481,200
02	Watervliet HA	2400 Second Ave., Watervliet, NY 12189	NY06–V025–002	15	432,090
02	Bergen Co.	190 Monroe St., Hackensack, NJ 07601	NJ39–V067–011	22	1,148,960
02	DCA	CN–051, Trenton, NJ 07042	NJ39–V087–139	252	10,120,005
02	Gloucester Co.	401 S. Evergreen Ave., Woodbury, NJ 08096	NJ39–V204–013	86	3,147,600
02	Lakewood HA	317 Sampson Ave., Box 15, Lakewood, NJ 08701	NJ39–V054–055	34	1,465,615
02	Monmouth Co.	P.O. Box 3000, Freehold, NJ 07728	NJ39–V095–010	43	1,775,685
02	Newark HA	57 Sussex Ave., Newark, NJ 07103	NJ39–V002–005	43	1,811,285
02	Warren Co.	Courthouse Complex, Balvidere, NJ 07823	NJ39–V102–007	9	223,385
03	Bucks Co. HA	350 S. Main St., 205, Doylestown, PA 18901–0967	PA26–V051–011	51	1,707,735
03	Chester Co. HA	222 N. Church St., West Chester, PA 19380–2693	PA26–V046–013	33	1,439,790
03	Cumberland Co. HA	114 N. Hanover St., Carlisle, PA 17013–2407	PA26–V075–011	25	781,125
03	Delaware Co. HA	1855 Constitution Ave., Woodlyn, PA 19094–1409	PA26–V023–023	39	1,650,590

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FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
03	Lehigh Co. HA	333 Ridge Ave., Emmaus PA 18014	PA26–V081–011	51	1,514,700
03	Luzerne Co. HA	250 First Ave., Kingston, PA 18704–5815	PA26–V057–013	42	956,970
03	Northampton Co. HA	P.O. Box 252, 15 S. Wood St., Nazareth, PA 18064	PA26–V076–005	33	945,945
03	Northumberland Co. HA	50 Mahoning St., Milton, PA 17847–1021	PA26–V060–003	15	340,650
03	Philadelphia HA	2012 Chestnut, Philadelphia, PA 19103	PA26–V002–012	51	1,704,165
03	Scranton HA	400 Adams Ave., Scranton, PA 18510–0711	PA26–V003–009	51	1,302,795
03	Sunbury HA	725 Chestnut St., Sunbury, PA 17801–0458	PA26–V053–004	25	598,175
03	Wayne Co. HA	100 4th St., Honesdale, PA 18431	PA26–V078–004	25	726,795
03	Baltimore Co. DCD	1 Investment Pl., Suite 825, Towson, MD 21204	MD06–V033–017	13	413,205
03	City of Hagerstown HA	11 W. Baltimore St., Hagerstown, MD 21741	MD06–V006–004	25	715,540
03	Howard Co. HC	10650 Hickory Ridge Rd., Columbia, MD 21044	MD06–V023–009	25	1,051,435
03	State of Maryland CDA	100 Community Pl., Crownsville, MD 21032	MD06–V020–039	75	2,495,435
03	St. Mary's Co. HA	P.O. Box 653, Leonardtown, MD 20650	MD06–V021–009	22	653,235
03	Washington Co. HA	33 W. Washington St., Hagerstown, MD 21740	MD06–V028–006	25	707,580
03	Beckley HA	P.O. Box 1780, Beckley, WV 25802–1780	WV15–V015–010	27	690,885
03	Buckhannon HA	21 Hinkle Dr., Buckhannon, WV 26201	WV15–V013–005	25	635,290
03	Greenbrier HA	103 W. Randolph St., Lewisburgh, WV 24901	WV15–V046–005	30	651,150
03	Huntington HA	P.O. Box 2183, Huntington, WV 25722	WV15–V004–013	30	851,405
03	Allegheny Co. HA	341 Fourth Ave., Pittsburgh, PA 15222	PA28–V006–017	40	1,085,960
03	Beaver Co. HA	State Ave. and Toy St., Beaver, PA 15009	PA28–V014–008	25	568,725
03	City of Erie HA	606 Holland St., Erie, PA 16501–1285	PA28–V013–015	13	473,780
03	Elk Co. HA	Water St., P.O. Box, 100, Johnsonburg, PA 15845	PA28–V054–006	11	256,080
03	Indiana Co. HA	104 Philadelphia St., Indiana, PA 15701	PA28–V048–002	22	671,565
03	McKean Co. HA	410 E. Water St., Smethport, PA 16249	PA28–V080–007	25	692,120
03	Pittsburgh HA	200 Ross St., Pittsburg, PA 15219	PA28–V001–015	20	577,290
03	Washington Co. HA	100 Crumrine Tower, Washington, PA 15301	PA28–V017–012	25	675,575
03	Westmoreland HA	RD6, Box 223, Greensburgh, PA 15601	PA28–V018–016	28	607,820
03	Harrisonburg RHA	286 Kelley St., Harrisonburg, VA 22801	VA36–V014–007	35	1,007,835
03	Petersburg RHA	P.O. Box 311, Petersburg, VA 23804	VA36–V020–005	24	745,770
03	Portsmouth RHA	P.O. Box 1098, Portsmouth, VA 23705	VA36–V001–010	39	1,378,970
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA36–V027–030	44	1,702,975
03	Waynesboro RHA	1700 New Hope Rd., Waynesboro, VA 22980	VA36–V022–009	67	1,636,335
03	HA of the City of Rockville	14 Moore Dr., Rockville, MD 20850	MD39–V007–004	50	2,977,495
03	HOC of Montgomerty Co.	10400 Detrick Ave., Kensington, MD 20895	MD39–V004–019	61	3,263,540
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA39–V027–026	25	1,436,895
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA39–V027–027	15	864,140
04	Brunswich	P.O. Box 1118, Brunswich, GA 31521	GA06–V009–007	75	1,781,355
04	HA City of Augusta, GA	P.O. Box 3246, Augusta, GA 30904	GA06–V001–011	200	4,817,400
04	Savannah	P.O. Box 1179, Savannah, GA 31402	GA06–V002–010	29	690,305
04	Florence HA	303 N. Pine St., Florence, AL 35630	AL09–V054–012	25	532,525

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REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
04	HA of the City of Huntsville	P.O. Box 486, Huntsville, AL 35804	AL09–V047–008	8	221,340
04	Mobile Housing Board	P.O. Box 1345, Mobile, AL 36633	AL09–V002–016	25	629,100
04	Prichard HA	P.O. Box 10307, Prichard, AL 36610	AL09–V169–007	15	382,080
04	Tallassee HA	904 Hickory St., Tallahassee, AL 36078	AL09–V172–001	25	505,400
04	Uniontown HA	P.O. Box 1160, Uniontown, AL 36786	AL09–V171–004	25	539,350
04	Arecibo	P.O. Box 1086, Arecibo, PR 00613	RQ46–V020–011	25	628,825
04	Bayamon	P.O. Box 1588, Bayamon, PR 00956	RQ46–V011–010	25	368,650
04	Ceiba	P.O. Box 224, Cieba, PR 00735	RQ46–V070–006	23	312,225
04	Hormigueros	P.O. Box 97, Hormigueros, PR 00660	RQ46–V035–004	25	188,500
04	Manati	P.O. Box 367, Manati, PR 00674	RQ46–V028–002	17	169,745
04	Ponce	P.O. Box 1709, Ponce, PR 00731	RQ46–V008–018	25	558,400
04	PR Hsg. & Fin. Corp.	Call Box 71361, San Juan, PR 00936	RQ46–V051–001	25	368,650
04	Rio Grande	P.O. Box, Rio Grande, PR 00785	RQ46–V050–003	25	496,300
04	Salinas	P.O. Box I, Salinas, PR 00751	RQ46–V069–004	25	326,175
04	San German	P.O. Box 85, San German, PR 00683	RQ46–V030–002	25	205,750
04	Vieques	P.O. Box 154, Vieques, PR 00765	RQ46–V074–005	25	381,375
04	Anderson HA	1335 East River St., Anderson, SC 29621	SC16–V037–009	30	753,690
04	Beaufort HA	P.O. Box 1104, Beaufort, SC 29901	SC16–V026–008	12	293,125
04	Conway HA	2303 Leonard St., Conway, SC 29527	SC16–V025–008	50	1,034,700
04	Asheville	P.O. Box 1898, Asheville, NC 28802	NC19–V007–013	15	402,075
04	Durham	P.O. Box 1726, Durham, NC 27702	NC19–V013–012	53	1,326,935
04	High Point	P.O. Box 1779, High Point, NC 27261	NC19–V006–011	27	837,190
04	Macon PFP	P.O. Box 700, Franklin, NC 28734	NC19–V165–008	31	758,190
04	Northwestern Regional HA	P.O. Box 2510, Boone, NC 28607	NC19–V167–002	44	1,135,245
04	Sandhells CAP	P.O. Box 937, Carthage, NC 28327	NC19–V149–005	23	540,615
04	Sanford	P.O. Box 636, Sanford, NC 27330	NC19–V035–003	28	787,640
04	Western Carolina	P.O. Box 685, Hendersonville, NC 28793	NC19–V140–005	44	1,129,285
04	Western Piedmont COG	317 First Ave., N.W., Hickory, NC 28601	NC19–V159–012	50	1,133,845
04	Mississippi Reg. HA #V	P.O. Box 419, Newton, MS 39345	MS26–V030–015	25	664,225
04	Mississippi Reg. HA #VI	P.O. Box 8746, Jackson, MS 39284–8746	MS26–V058–048	25	719,690
04	Mississippi Reg. HA #VI	P.O. Box 8746, Jackson, MS 39284–8746	MS26–V058–049	25	787,720
04	North Delta Reg. HA	P.O. Box, 1153, Clarksdale, MS 38614	MS26–V128–012	30	734,130
04	Tenessee Valley Reg. HA	P.O. Box 1329, Corinth, MS 38834	MS26–V006–017	45	1,084,970
04	City of Ft. Myers CRA	P.O. Drawer 2217, Fort Myers, FL 33902	FL29–V091–006	16	572,130
04	Gainesville HA	P.O. Box 1468, Gainesville, FL 32602	FL29–V088–016	45	1,368,630
04	HA City of Daytona Beach	118 Cedar St., Daytona Beach, FL 32014	FL29–V007–012	45	1,552,675
04	HA of the City of Orlando	300 Reeves Ct., Orlando, FL 32801	FL29–V004–010	45	1,591,110
04	HA of the City of Tampa	P.O. Box 4766, Tampa, FL 33607	FL29–V003–015	83	2,779,450
04	Hialeah HA	70 E. 7th St., Hialeah, FL 33010	FL29–V066–018	45	1,579,620
04	Hillsborough Co. HA	9260 Bay Plaza Blvd., Tampa, FL 33613	FL29–V089–010	45	1,553,030

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REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
04	Lee County HA	14170 Warner Circle, NW, Fort Myers, FL 33903	FL29–V128–005	25	873,595
04	Ocala HA	1415 NE 32nd Terr., Ocala, FL 32670	FL29–V032–010	25	785,925
04	Palatka HA	400 N. 15th St., Palatka, FL 32077	FL29–V057–006	25	580,475
04	Pasco County HA	507 Acorn Circle, Dade City, FL 33525	FL29–V104–007	45	1,356,655
04	Walton Co. Board of Comm.	P.O. Box 1258, DeFuniak Springs, FL 32433	FL29–V110–007	28	782,265
04	Kingsport HA	P.O. Box 44, Kingsport, TN 37662–0044	TN37–V006–012	25	465,500
04	Bowling Green	P.O. Box 430, Bowling Green, KY 42102	KY36–V171–017	20	400,900
04	CURISA	P.O. Box 806, Barbourville, KY 40906	KY36–V160–009	20	498,000
04	Floyd	P.O. Box 687, Prestonsburg, KY 41653	KY36–V157–007	20	489,840
04	Grayson/Carter Co.	1448 Diedrick Blvd., Russell, KY 41169	KY36–V165–008	8	169,590
04	KY Housing Corp.	1231 Louisville Rd., Frankfort, KY 40601	KY36–V134–110	20	401,630
04	Lacona Co	Route 2, Ray Williams Villa, Lacona, KY 41230	KY36–V086–005	12	187,640
04	Lexington	635 Ballard St., Lexington, KY 40508	KY36–V130–015	42	1,299,585
04	Louisville	745 W. Main St., Louisville, KY 40202	KY36–V131–014	26	606,590
04	Pinerville	P.O. Drawer 460, Pikesville, KY 40977	KY36–V141–006	20	491,650
04	Richmond	P.O. Box 250, Richmond, KY 40475	KY36–V132–003	20	560,400
04	Metro Dev. & Hsg. Agency	P.O. Box 846, Nashville, TN 37202	TN43–V005–010	60	1,986,865
04	Murfreesboro HA	318 E. Lokey Ave., Murfreesboro, TN 37130	TN43–V020–005	25	738,000
04	TN Hsg. Dev. Agency	404 J. Robertson Pkwy., Nashville, TN 37243–0900	TN43–V112–050	50	1,069,610
05	Chicago HA	22 W. Madison St., Chicago, IL 60602	IL06–V002–017	20	838,530
05	DuPage	421 N. Country Farm Rd., Wheaton, IL 60187–3906	IL06–V101–011	30	1,411,490
05	Kankakee Co.	P.O. Box 1289, Kankakee, IL 60901	IL06–V039–005	50	1,629,650
05	Lake Co.	33928 N. Route 45, Grayslake, IL 60030	IL06–V056–012	200	11,105,075
05	Madison Co.	1609 Olive St., Collinsville, IL 62234	IL06–V015–013	50	1,507,760
05	Peoria HA	814 W. Brotherson St., Peoria, IL 61605	IL06–V003–006	50	2,158,700
05	Cincinnati MHA	16 W. Central Pkwy., Cincinnati, OH 45210	OH10–V004–016	51	1,526,945
05	Clinton MHA	478 Thorne Ave., Wilmington, OH 45177	OH10–V053–004	15	389,415
05	Hamilton Co. PHA	138 E. Court St., Rm. 507, Cincinnati, OH 45202	OH10–V048–015	46	1,471,860
05	Akron MHA	180 W. Cedar St., Akron, OH 44307	OH12–V007–022	20	693,350
05	Erie MHA	322 Warren St., Sandusky, OH 44870	OH12–V028–011	5	185,275
05	Jefferson MHA	815 N. Sixth Ave., Steubenville, OH 43952	OH12–V014–006	50	1,426,900
05	Parma HA	9906 W. Pleasant Valley Rd., Parma, OH 44130	OH12–V073–011	30	893,500
05	Portage MHA	223 W. Main, Ravenna, OH 44266	OH12–V031–018	25	734,550
05	Tuscarawas MHA	172 N. Broadway, New Philadelphia, OH 44663	OH12–V063–009	50	1,127,955
05	Youngstown MHA	131 W. Boardman St., Youngstown, OH 44503	OH12–V002–020	20	580,900
05	Athens MHA	490 Richland Ave., Athens, OH 45701	OH16–V041–003	19	515,565
05	City of Marietta	301 Putnam St., Marietta, OH 45750	OH16–V077–002	50	1,344,280
05	Logan MHA	116 N. Everett St., Bellefontaine, OH 43311	OH16–V072–008	40	1,060,600
05	Meigs MHA	237 Race St., Middleport, OH 45760	OH16–V035–002	50	1,278,550
05	Perry MHA	26 Brown Circle Dr., Crooksville, OH 43731	OH16–V034–004	10	230,925

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REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
05	Vinton MHA	P.O. Box 487, McArthur, OH 45651	OH16–V078–005	25	589,050
05	Ann Arbor HC	727 Miller Ave, Ann Arbor, MI 48103	MI28–V064–011	75	2,576,250
05	Madison Heights HC	300 W. 13th Mile Rd., Madison Heights, MI 48071	MI28–V188–004	15	757,300
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI28–V150–036	76	2,417,725
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI28–V150–037	21	484,690
05	Sagina HC	2811 Davenport, Saginaw, MI 48607	MI28–V006–012	25	714,100
05	Wessland HC	32715 Dorsey, Westland, MI 48185	MI28–V139–007	25	826,400
05	Grand Rapids Hsg Comm	1420 Fuller Ave., S.E., Grand Rapids, MI 49507	MI33–V073–017	58	1,721,325
05	Lansing Hsg Comm	310 Seymour Ave., Lansing, MI 48933	MI33–V058–013	15	440,525
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI33–V150–033	73	1,788,590
05	Fort Wayne	2013 S. Anthony Blvd., Fort Wayne, IN 46803	IN36–V003–009	50	1,424,195
05	Goshen HA	302 S. Fifth St., Goshen, IN 46526	IN36–V101–004	23	606,765
05	Hammond	7329 Columbia Circle, W., Hammond, IN 46324	IN36–V010–004	10	374,825
05	Indianapolis HA	410 N. Meridian St., Indianapolis, IN 46204	IN36–V017–001	49	1,695,405
05	Muncie	409 E. First St., Muncie, IN 47302	IN36–V005–009	100	2,459,340
05	Peru HA	701 E. Main, Peru, IN 46970	IN36–V091–004	50	1,161,550
05	South Bend	501 S. Scott St., South Bend, IN 46634	IN36–V015–016	40	1,127,180
05	Vincennes HA	P.O. Box 1636, Vincenes, IN 47591	IN36–V002–006	50	961,360
05	Milwaukee Co.	907 N. 10 St., Milwaukee, WI 53233	WI39–V218–011	55	1,687,270
05	Oconto Co. HA	1201 Main St., Oconto, WI 54153	WI39–V262–001	25	513,950
05	Superior HA	1219 N. 8th St., Superior, WI 54880	WI39–V001–007	28	682,650
05	Waukesha Co. HA	120 Corrina Blvd., Waukesha, WI 53186	WI39–V261–006	40	1,124,200
05	Waukesha HA	120 Corrina Blvd., Waukesha, WI 53186	WI39–V142–013	40	1,037,280
05	West Allis CDA	7525 W. Greenfield Ave., West Allis, WI 53214	WI39–V201–009	40	998,690
05	WI Hsg & Econ. Dev. Auth.	P.O. Box 1728, Madison, WI 53701–1728	WI39–V200–012	55	1,040,780
05	Bloomington HRA	2215 W. Old Shakopee Rd., Bloomington, MN 55431	MN46–V152–007	25	799,100
05	Dakota Co. HRA	2496 – 145th St., West, Rosemount, MN 55068	MN46–V147–015	37	1,487,630
05	Duluth HRA	222 E. Second St., Duluth, MN 55816–0900	MN46–V003–011	31	895,340
05	Kandiyohi Co. HRA	P.O. Box 1359, Willmar, MN 56201	MN46–V168–006	12	320,175
05	Metropolitan Council	230 E. Fifth St., Saint Paul, MN 55101	MN46–V163–023	25	978,390
05	Minneapolis PHA	1001 Washington Ave., N., Minneapolis, MN 55401	MN46–V002–011	25	1,027,045
05	Red Wing HRA	433 W. Fourth St., Red Wing, MN 55066	MN46–V090–006	10	229,875
05	South Saint Paul	125 Third Ave., N., South Saint Paul, MN 55075	MN46–V010–005	25	1,029,055
05	S. Central MN Multi Co. HRA	410 Jackson St., P.O. Box 3327, Mankato, MN 56001	MN46–V219–007	31	930,585
05	Winona HRA	165 E. Fourth St., Winona, MN 55987	MN46–V006–001	25	460,100
06	Albuquerque HA	P.O. Box 1293, Albuquerque, NM 87102	NM16–V001–009	38	1,434,395
06	Arlingon HA	401 W. Sanford, #2600, Arlington, TX 76010	TX16–V433–007	25	813,575
06	Clovis HA	P.O. Box 1240, CLovis, NM 88102–1240	NM16–V065–001	25	684,050
06	El Paso HA	P.O. Box 9895, El Paso, TX 79989	TX16–V003–011	16	380,865
06	Fort Worth HA	P.O. Box 430, Ft. Worth, TX 76101	TX16–V004–013	81	2,670,150

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REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
06	Grand Prairie CRA	Box 531167, Grand Prairie, TX 75053	TX16–V434–013	25	867,890
06	Harrison Co. HA	Box 1343, Marshall, TX 75671	TX16–V438–005	10	308,895
06	Las Cruces HA	926 S. San Pedro St., Las Cruces, NM 88001	NM16–V003–006	50	1,311,355
06	Region IV HA	104 W. Second St., Clovis, NM 88101	NM16–V064–004	26	652,765
06	Santa Fe Civic HA	P.O. Box 4039, Santa Fe, NM 87502–4039	NM16–V058–008	25	791,165
06	Santa Fe Co. HA	52 Camino de Jacobo, Santa Fe, NM 87501	NM16–V050–006	12	498,050
06	Truth or Consequences HA	108 S. Cedar, Truth or Consequences, NM 87901	NM16–V020–003	15	470,815
06	Brazos Valley Dev. Council	P.O. Drawer 4128, Bryan, TX 77805–4128	TX24–V526–037	28	689,770
06	Brazos Valley Dev. Council	P.O. Drawer 4128, Bryan, TX 77805–4128	TX24–V526–036	118	3,636,760
06	Galveston HA	920 53rd St., Galveston, TX 77550	TX24–V017–008	18	507,170
06	Conway HA	335 S. Mitchell, Conway, AR 72032	AR37–V006–006	12	293,835
06	Harrison HA	City Hall, Harrison, AR 72601	AR37–V200–006	25	632,890
06	Little Rock HA	1000 Wolfe St., Little Rock, AR 72202	AR37–V004–014	25	653,575
06	North Little Rock HA	2201 Division, N. Little Rock, AR 72114	AR37–V002–012	14	423,820
06	NW Regional HA	P.O. Box 699, Harrison, AR 72601	AR37–V010–007	25	473,635
06	White River Regional HA	P.O. Box 650, Melbourne, AR 72556–0650	AR37–V197–008	25	512,170
06	Iberia Parish Govt	Courthouse Bldg., Sts. 400, New Iberia, LA 70560	LA48–V189–004	30	761,640
06	Monroe HA	P.O. Box 1194, Monroe, LA 71210	LA48–V006–012	37	776,420
06	Natchitoches Parish HA	P.O. Box 255, Natchitoches, LA 71457	LA48–V166–002	5	114,540
06	Quachita PPJ	P.O. Box 3007, Monroe, LA 71210–3007	LA48–V171–003	74	1,740,355
06	Shreveport HA	623 Jordan St., Shreveport, LA 71101	LA48–V002–012	74	2,165,760
06	St. Martin PPJ	P.O. Box 9, St. Martinville, LA 70582	LA48–V178–004	9	272,010
06	Webster PJ	P.O. Box 389, Minden, LA 71058–0389	LA48–V213–004	10	170,055
06	Winn PPJ	P.O. Box 951, Winnfield, LA 71483	LA48–V257–004	25	486,575
06	Norman HA	700 N. Berry Rd., Norman, OK 73069	OK56–V139–012	40	1,102,300
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–V140–078	26	594,840
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–V140–076	4	108,960
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–V140–077	20	502,500
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–V140–079	20	475,800
06	Oklahoma City PHA	1700 NE 4th St., Oklahoma City, OK 73117	OK56–V002–013	25	701,825
06	Seneca–Cayuga Tribe	P.O. Box 1304, Miami, OK 74354	OK56–V143–001	10	100,575
06	HA City of Del Rio	P.O. Drawer 4080, Del Rio, TX 78841–4080	TX59–V016–006	46	979,340
06	HA City of Mission	906 E. 8th St., Mission, TX 78572	TX59–V046–008	40	1,477,020
06	HA City of Pharr	211 W. Audrey, Pharr, TX 78577	TX59–V073–005	40	1,304,595
06	HA Co. of Cameron	P.O. Box 5806, Brownsville, TX 78520	TX59–V509–008	40	1,499,670
07	Brown Co. PHA	RR 4, Box 380, Hiawatha, KS 66434	KS16–V168–004	47	1,027,480
07	Cowley Co. PHA	P.O. Box 1122, Arkansas, KS 67005	KS16–V166–005	20	446,480
07	Olathe HA	P.O. Box 768, Olathe, KS 66061	KS16–V043–006	10	261,130
07	St. Clair Co PHA	P.O. Box 125, Appleton City, MO 64724	MO16–V197–004	30	667,800
07	Wichita Kansas PHA	455 N. Main, Wichita, KS 67202	KS16–V004–010	86	2,856,065

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
07	Eastern Iowa RHA	P.O. Box 1140, Dubuque, IA 52004–1140	IA05–V126–014	25	697,380
07	IA Northland RHA	214 E. 4th St., Waterloo, IA 50704	IA05–V132–004	30	981,720
07	IA Northland RHA	214 E. 4th St., Waterloo, IA 50704	IA05–V132–003	20	654,480
07	Siouxland RHA	P.O. Box 447, Sioux City, IA 51102–0447	IA05–V136–008	5	146,430
07	Waterloo HA	215 E. 4th St., Waterloo, IA 50704	IA05–V050–014	20	645,390
07	Kearney HA	2715 Avenue I, Kearney, NE 68847	NE26–V004–002	16	397,020
07	Norfolk HA	118 S. First St., Norfolk, NE 68701	NE26–V157–004	35	806,550
07	Omaha HA	540 S. 27th St., Omaha, NE 68105	NE26–V001–022	28	871,950
07	Hannibal	P.O. Box 470, Hannibal, MO 63401–0996	MO36–V129–005	7	144,875
07	Lincoln Co.	P.O. Box 470, Bowling Green, MO 63334–0470	MO36–V199–013	30	1,086,965
07	Lincoln Co.	P.O. Box 470, Bowling Green, MO 63334–0470	MO36–V199–012	35	779,735
07	Phelps Co.	101 W. 10th St., Rolla, MO 65401–3299	MO36–V206–005	45	1,066,295
07	Ripley Co.	P.O. Box 1183, Poplar Bluff, MO 63901–1183	MO36–V212–004	17	321,505
07	St. Louis City	4100 Lindell Blvd., St. Louis, MO 63108–2999	MO36–V001–014	55	1,509,200
08	Adams Co. HA	7190 Colorado Blvd., Commerce City, CO 80022	CO99–V058–019	25	691,780
08	CO Div. of Housing	1313 Sherman St., Rm. 323, Denver, CO 80203	CO99–V093–021	49	1,386,660
08	Fargo HRA	101 2nd. St South, Fargo, ND 58103	ND99–V014–014	25	612,000
08	Garfield Co. HA	902 Taughenbaugh, Ste. 306, Rifle, CO 81650	CO99–V095–009	28	1,069,020
08	Grand Co. HA	P.O. Box 729, Moab, UT 84532	UT99–V014–001	35	1,338,840
08	HA City of CO Springs	P.O. Box 1575, MC340, Colorado Sprgs., CO 80901	CO99–V028–013	25	638,380
08	HA County of Salt Lake	1962 S. 200 East, Salt Lake City, UT 84115	UT99–V003–011	25	585,090
08	HA of Grand Forks	P.O. Box 1518, Grand Forks, ND 58206–1518	ND99–V012–012	25	654,350
08	HA of Salt Lake City	1800 SW Temple, Salt Lake City, UT 84115	UT99–V004–014	25	669,755
08	Jefferson Co. HA	1445 Holland St., Lakewood, CO 80215	CO99–V072–012	25	748,025
08	Lakewood HA	445 S. Allison Pkwy., Lakewood, CO 80226–3105	CO99–V049–013	25	731,875
08	Missoula HA	1319 E. Broadway, Missoula, MT 59802	MT99–V033–009	35	989,325
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–V032–024	4	117,170
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–V032–025	5	181,965
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–V032–028	5	136,225
09	Alameda Co. HA	1916 Webster St., Alameda, CA 94501	CA39–V067–019	50	2,529,775
09	Benicia HA	28 Riverhill Dr., Benicia, CA 94510	CA39–V041–010	25	988,000
09	Contra Costa HA	P.O. Box 2759, Martinez, CA 94553	CA39–V011–014	50	2,481,185
09	Fairfield HA	823 B Jefferson St., Fairfield, CA 94533	CA39–V065–007	25	1,023,825
09	Lake Co. HC	255 N. Forbes St., Lakeport, CA 95453	CA39–V144–002	23	818,890
09	Livermore HA	3203 Leahy Way, Livermore, CA 94550	CA39–V074–011	25	1,353,100
09	Marin Co. HA	30 N. Pedro Rd., San Rafael, CA 94913–4282	CA39–V052–014	23	1,214,560
09	Napa HA	1115 Seminary St., Napa, CA 94559–0660	CA39–V073–006	25	992,915
09	North Las Vegas HA	1632 Yale St., N. Las Vegas, NV 89030–6827	NV39–V007–008	25	1,150,535
09	San Mateo Co. HA	456 Peninsula Ave., San Mateo, CA 94401	CA39–V014–014	50	3,326,365
09	Santa Clara HA	505 W. Julian St., San Jose, CA 95110–2338	CA39–V059–021	50	2,508,940

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FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
09	Solano Co. HA	601 W. Texas St., Fairfield, CA 94533–6301	CA39–V131–004	25	1,250,905
09	Sonoma Co. HA	3033 Cleveland Ave., Santa Rosa, CA 95403	CA39–V085–013	50	2,504,440
09	Stanislaus A	1701 Robertson Rd., Modesto, CA 95352–3958	CA39–V026–010	25	812,445
09	Vacaville HA	1104 Alamo Dr., Vacaville, CA 95687	CA39–V125–016	25	1,248,985
09	Vallejo HA	P.O. Box 1432, Vallejo, CA 94590	CA39–V055–008	25	1,327,955
09	Hawaii Co. HA	50 Wailuku Dr., Hilo, HI 96720	HI10–V002–012	40	1,966,900
09	Kauai Co. HA	4193 Hardy St., #1, Lihue, HI 96766	HI10–V005–009	27	1,378,035
09	Maui Co. HA	200 S. High St., Wailuku, HI 96793	HI10–V004–009	12	592,500
09	Anaheim	300 S. Harbor Blvd., Anaheim, CA 92805	CA16–V104–016	36	2,025,450
09	Garden Grove	11400 Stanford Ave., Garden Grove, CA 92642	CA16–V102–013	25	1,564,740
09	Glendale	520 E. Broadway Ave.,Ste. 302, Glendale, CA 91205	CA16–V114–013	25	1,236,630
09	Imperial Valley	1401 "D" St., Brawley, CA 92227	CA16–V143–005	15	601,500
09	Inglewood	1 Manchester Blvd., Inglewood, CA 90301	CA16–V082–007	25	1,311,710
09	Kern Co.	525 Roberts Ln., Bakersfield, CA 93308	CA16–V008–014	27	1,037,555
09	Long Beach	333 Ocean Ave., Long Beach, CA 90802	CA16–V068–013	113	5,762,175
09	Los Angeles City	515 Columbia Ave., Los Angeles, CA 90017	CA16–V004–017	265	14,997,205
09	Oceanside	219 N. Horne St., Oceanside, CA 92054	CA16–V132–010	34	1,606,525
09	Orange Co.	2043 N. Broadway, Santa Ana, CA 92706	CA16–V094–016	30	1,830,900
09	Oxnard	1470 Colonia Rd., Oxnard, CA 93030–3714	CA16–V031–012	25	1,336,760
09	Pomona	P.O. Box 660, Pomona, CA 91769	CA16–V123–011	32	1,283,050
09	San Bernadino County	1053 N. "D" St., San Bernadino, CA 92410	CA16–V019–013	34	1,495,045
09	San Buena Ventura City	995 Riverside St., Ventura, CA 93002	CA16–V035–008	25	1,401,135
09	San Diego Co.	3989 Ruffin Rd., San Diego, CA 92113	CA16–V108–017	37	1,653,545
09	San Diego Hsg. Comm.	1625 Newton St., San Diego, CA 92113	CA16–V063–014	116	5,493,560
09	San Luis Obispo	487 Leff St., San Luis Obispo, CA 93401	CA16–V064–008	15	676,095
09	Santa Ana	500 W. Santa Ana Blvd., Santa Ana, CA 92707	CA16–V093–016	25	1,727,380
09	Santa Barbara City	808 Laguna St., Santa Barbara, CA 93101	CA16–V076–009	44	2,155,995
09	Santa Barbara Co.	815 W. Ocean Ave., Lompoc, CA 93438	CA16–V021–009	36	1,918,860
09	Ventura County	99 N. Glenn Dr., Camarillo, CA 93010	CA16–V092–010	25	1,200,895
09	Bullhead City	P.O. Box 1048, Bullhead City, AZ 86430	AZ20–V044–001	50	1,827,600
09	Yuma City	1350 W. Colrado, Yuma, CA 85364	AZ20–V035–010	44	1,754,900
09	Yuma County	8450 W. Hwy 95, Somerton, AZ 85350	AZ20–V013–008	11	387,025
09	Karuk IHA	1288 S. Main St., Ste. 5, Yreka, CA 96097	CA99–V134–001	12	215,220
09	Nevada Co.	10433 Willow Valley Rd., Nevada City, CA 95959	CA30–V146–001	16	583,120
09	Roseville Co.	405 Vernon St., Roseville, CA 95678	CA30–V128–008	25	903,795
09	Shasta Co.	1670 Market St., Ste. 300, Redding, CA 96001	CA30–V096–009	25	670,250
09	Sutter Co.	448 Garden Hwy, Yuba City, CA 95991	CA30–V048–007	25	608,645
09	Yolo Co.	1224 Lemon Ave., Woodland, CA 95695	CA30–V044–009	25	858,545
10	Alaska State HA	P.O. Box 230329, Anchorage, AK 99523	AK06–V102–023	15	524,895
10	Bellingham HA	208 Unity St., Bellingham, WA 98225	WA19–V025–014	30	1,062,315

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
10	Bremerton HA	P.O. Box 631, Bremerton, WA 98310	WA19–V003–013	25	794,200
10	Clallam Co. HA	2603 S. Francis St., Port Angeles, WA 98362	WA19–V008–004	29	923,480
10	Everett HA	1401 Poplar, Everett, WA 98201	WA19–V006–015	30	1,115,900
10	Island Co. HA	7 N.W. Sixth St., Coupeville, WA 98239	WA19–V024–005	15	460,395
10	Kennewick HA	P.O. Box 6737, Kennewick, WA 99336	WA19–V012–007	25	725,470
10	Tacoma HA	1728 E. 44th, Tacoma, WA 98404	WA19–V005–014	56	1,884,830
10	Wenatchee HA	236 N. Mission St., Wenatchee, WA 98801–2004	WA19–V064–001	31	907,710
10	Boise City HA	680 Cunningham Pl., Boise, ID 83702	ID16–V013–014	25	936,210
10	Central OR Reg. HA	2445 SW Canal Blvd., Redmond, OR 97756	OR16–V034–006	50	1,743,250
10	HA Ada County	680 Cunningham Pl., Boise, ID 83702	ID16–V021–008	25	854,020
10	HA of Lane Co.	177 Day Island Rd., Eugene, OR 97401	OR16–V006–018	46	1,736,400
10	Idaho HA	P.O. Box 7899, Boise, ID 83707–1899	ID16–V020–009	57	1,626,080
10	NE Oregon HA	P.O. Box 3357, LaGrande, OR 97850	OR16–V032–005	25	853,970

[FR Doc. 93–3511 Filed 2–12–93; 8:45 am]
BILLING CODE 4210–33–C

[Docket No. D–93–1019; FR–3460–D–01]

Las Vegas Office, Region, IX; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation and order of succession.

SUMMARY: The Manager of the Las Vegas Office in Region IX is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of Manager.

EFFECTIVE DATE: January 19, 1993.

FOR FURTHER INFORMATION CONTACT: Beverly G. Agee, Regional Counsel, Department of Housing and Urban Development, Region IX, 450 Golden Gate Avenue, Box 36003, San Francisco, CA 94102. Telephone (415) 556–6110. This is not a toll-free number.

DESIGNATION OF ACTING MANAGER: Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of Manager, with all of the powers, functions, and duties redelegated or assigned to the Manager: *Provided:* That no official is authorized to serve as Acting Manager unless all preceding officials in this designation are unable to act by reason of absence, disability, or vacancy in said position:

1. Deputy Manager
2. Chief, Multifamily Loan Management Branch
3. Chief, Housing Development Branch
4. Chief, Single Family Loan Management/Property Disposition Branch

This designation supersedes and cancels the designation and order of succession published on May 11, 1992 (Vol. 57, No. 91).

Authority: Delegation of Authority by the Secretary of Housing and Urban Development, effective October 1, 1970; 36 FR 3389, February 23, 1971.

Dated: January 19, 1993.

Andrew Robertson,

Manager, Las Vegas Office, Department of Housing and Urban Development, Region IX.

Concur:

John E. Wilson,

Acting Regional Administrator—Regional Housing Commissioner, Region IX.

[FR Doc. 93–3512 Filed 2–12–93; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. D–93–1018; FR–3459–D–01]

Office of the Manager; Albany Office Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Office Manager is designating officials who may serve as Office Manager during the absence, disability, or vacancy in the position of the Office Manager.

EFFECTIVE DATE: This designation is effective January 22, 1993.

FOR FURTHER INFORMATION CONTACT: Lisa Surplus, Director, Administrative and Management Services Division, Office of Administration, New York Regional Office, Department of Housing and Urban Development, 26 Federal Plaza, New York, New York 10278, telephone (212) 264–2761. (This is not a toll-free number.)

DESIGNATION: Each of the officials appointed to or designated as Acting in the following positions is designated to serve as Office Manager during the absence, disability, or vacancy in the position of the Office Manager, with all powers, functions, and duties redelegated or assigned to the Office Manager: Provided, that no official is authorized to serve as Office Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Manager
2. Director, Debt Management Center
3. Chief, LM/PD Branch
4. Administrative Officer

The designation supersedes the designation currently in effect.

Authority: Delegation of Authority, 27 Federal Register 4319 (1962); Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(D); and Interim Order II, 31 FR 815 (1966).

Dated: January 22, 1993.

Anthony M. Villane, Jr.,

Regional Administrator/Regional Housing Commissioner, Region II.

[FR Doc. 93–3513 Filed 2–12–93; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–040–03–4370–01]

Public Hearing

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing.

SUMMARY: A public hearing on the use of helicopters in wild horse roundup activities will be held at the White Mountain Library, Grace Gasson Classroom.

DATES: March 11, 1993, 7 p.m. until 9 p.m.

ADDRESSES: White Mountain Library, 2935 Sweetwater Drive, Rock Springs, Wyoming 82901.

FOR FURTHER INFORMATION CONTACT: Marlowe E. Kinch, District Manager, Rock Springs District Office, Highway 191 North, Rock Springs, Wyoming 82901.

SUPPLEMENTARY INFORMATION: The agenda will be limited to:

1. Introduction and opening remarks
2. Review of the Wild Horse Management Plan
3. Use of helicopters in the Plan
4. Film presentation of roundup activity
5. Public comment period

The meeting is open to the public and interested persons may make oral statements on the subject. All statements will be recorded.

Marlowe E. Kinch,

District Manager.

[FR Doc. 93–3547 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–22–M

Ukiah District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting, Ukiah, California, District Advisory Council.

SUMMARY: Pursuant to Public Law 94–579 and 43 CFR part 1780, the Ukiah District Advisory Council will meet in Ukiah, California, March 10–11, 1993. The agenda will include a field tour of the Cow Mountain Recreation Area the first day, followed by BLM briefings and Council action, as appropriate, the second day. Agenda topics, in addition to Cow Mountain, will include the Spotted Owl Recovery Plan, Incentive Grazing Management, the 1872 Mining Law, and Reservoir Depletion in The Geysers. A complete agenda is available from the Ukiah BLM Office.

DATES: March 10, 10:30 a.m. to 5 p.m., and October 22, 8 a.m. to 3 p.m.

ADDRESSES: March 10, Field Tour, departing from the BLM Office, 555 Leslie street, Ukiah, at 8 a.m. Public participation needs to be arranged ahead of time. March 11, Bureau of Land Management conference room, 555 Leslie Street, Ukiah.

FOR FURTHER INFORMATION CONTACT: Barbara Taglio, Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, (707) 462–3873.

SUPPLEMENTARY INFORMATION: All meetings of the Ukiah District Advisory

Council are open to the public. Individuals may submit oral or written comments for the Council's consideration. Opportunity for oral comments will be provided at 10 a.m. Thursday, March 11. Summary minutes of the meeting will be maintained by the Ukiah District Office and will be available for inspection and reproduction within 30 days of the meeting.

Dated: February 3, 1993.

David E. Howell,

District Manager.

[FR Doc. 93–3450 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–40–M

[ES–962–9800–12; ES–045833, Group 194, Florida]

Filing of Plat of the Dependent Resurvey and Survey of Hiatus; Tallahassee Meridian, FL

The plat of the dependent resurvey of a portion of the east boundary of Township 14 South, Range 19 East, a portion of the west boundary of Township 15 South, Range 20 East, and the survey of the north and south boundaries of Township 14 South, Range 19½ East, Tallahassee Meridian, Florida, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on March 22, 1993.

The survey was made upon request submitted by the Loncala Phosphate Company.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., March 22, 1993.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of $1.75 per copy.

Dated: January 25, 1993.

Denise P. Meridith,

State Director.

[FR Doc. 93–3530 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–GJ–M

[ES–962–4950–13; ES–045834, Group 134, Wisconsin]

Notice of Filing of Plat and Dependent Resurvey and Survey

The plat of the dependent resurvey of the boundaries of Indian Claim No. 138, Section 3; the survey of an exclusion to Indian Claim No. 138, Section 3; the dependent resurvey of a portion of the boundaries of Indian Claim No. 145, Sections 3 and 4; and a portion of the boundaries of Indian Claim No. 146, Section 4, and the survey of Tract Nos. 1, 2 and 3, in Indian Claim No. 146, Sections 3 and 4, Township 23 North, Range 19 East, Fourth Principal Meridian, Wisconsin, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on March 25, 1993.

The survey was made upon request submitted by the Bureau of Indian Affairs.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Survey, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., March 25, 1993.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of $1.75 per copy.

Dated: January 28, 1993.

Larry Hamilton,

Acting State Director.

[FR Doc. 93–3529 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–GJ–M

Fish and Wildlife Service

Implementation of New Management Plan; Lower Florida Keys

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service (Service) plans to implement a new management plan on portions of the Lower Florida Keys "backcountry" which are included within the boundaries of the Key West and Great White Heron National Wildlife Refuges (NWR(s)). The plan will restrict public use of "backcountry" islands, restrict use of all boats in specified zones around 19 islands which are of particular importance to wildlife, and prohibit use of personal watercraft (jet skis), hovercraft, airboats, and aircraft landings, on almost all of the area within refuge boundaries. The purpose of the new management plan is to restore wildlife habitat values which have been lost through unmanaged public use of these areas, and to enhance public safety.

EFFECTIVE DATE: March 18, 1993.

FOR FURTHER INFORMATION CONTACT: Refuge Manager, National Key Deer Refuge, Post Office Box 430510, Big Pine Key, Florida 33043–0510, Telephone 305–872–2239.

SUPPLEMENTARY INFORMATION: The Service (Service) plans to implement a new management plan within "backcountry" portions of the Key West and Great White Heron NWRs in the lower Keys of Florida. A draft plan and an environmental assessment addressing effects of the plan on the environment were distributed to the interested public for review and comment during a 60-day comment period which ended on July 15, 1992. Public meetings were held June 22, 1992, in Key West, Florida, and on June 24, 1992, in Key Colony Beach, Florida to present the plan to the public and to receive public comment.

The planning process was initiated to explore ways of controlling public use problems which had gradually developed over a period of 10 years. The problems include camping and other incompatible uses of "backcountry" islands, and the growing popularity of personal watercraft (jetskis) and their use on remote shallow water areas which are inaccessible to conventionally powered watercraft. The combined effect of these uses became apparent with the decline of bird nesting colonies and decreased observations of feeding shorebirds, wading birds, and other seabirds. In some areas, public safety concerns had arisen due to unrestricted high speed boat traffic in tidal creeks.

The new management plan will initiate restrictions on public use of "backcountry" islands and will prohibit use of personal watercraft on almost all of the "backcountry" waters encompassed by the boundaries of the Key West and Great White Heron NWRs. Though the established boundaries of these refuges enclose large blocks of the Keys "backcountry", the Service has ownership of only those islands (most of them) within these boundaries. Enforcement authority for the extensive water areas will be obtained through an interagency management agreement with the Florida Department of Natural Resources which holds title to these submerged lands. The management plan will exempt limited areas of the refuge from the general prohibition of personal watercraft to give riparian landowners access to other unrestricted water areas outside the refuge boundaries.

The management plan was developed through a careful process of public workshops, public review, and coordination with other State and Federal agencies. A detailed environmental assessment was prepared to determine potential effects on the human environment. A Finding of No Significant Impact (FONSI) was signed by the Regional Director on December 23, 1992.

Dated: January 6, 1993.

John R. Eadie,

Acting Regional Director.

[FR Doc. 93–3496 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–55–M

Availability of Draft Environmental Impact Statement and Draft Land Protection Plan for the Proposed New Madrid National Wildlife Refuge, New Madrid County, MO

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability of Draft Environmental Impact Statement and Draft Land Protection Plan for the proposed New Madrid National Wildlife Refuge.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) has prepared a Draft Environmental Impact Statement (DEIS) and Draft Land Protection Plan (DLPP), which are available for public review. The DEIS evaluates a proposal to establish the New Madrid National Wildlife Refuge in New Madrid County near the city of New Madrid, Missouri. Six alternatives, including the No Action Alternative, are discussed.

The five action alternatives are all aimed at benefitting waterfowl by preserving and restoring wetlands and bottomland forests in an area where such habitat has been largely removed. Alternative F is the Service's preferred alternative. It proposes acquiring land (16,600 acres) in fee title from willing sellers over a 20- to 50-year period. It includes a commitment to limit reduction of existing cropland to a specified level for 25 years to soften impacts on the local agricultural economy. The refuge would be managed to provide and protect habitat for waterfowl, migratory birds, endangered species, and other wildlife, restore bottomland forests and wetlands, and improve outdoor recreation and education opportunities.

DATES: Public comment on the DEIS and DLPP is solicited pursuant to National Environmental Policy Act regulations (40 CFR 1503.1). All agencies and individuals are urged to provide comments and suggestions for improving the DEIS and DLPP. All comments received by April 26, 1993 will be considered in preparation of the Final EIS and Final Land Protection Plan.

An open house will be held on Wednesday, March 31, 1993 from 9 a.m. to 5 p.m. and Thursday, April 1, 1993, from 9 a.m. to 2 p.m. A public meeting on the DEIS will be held on Thursday, April 1, 1993, at 7 p.m. The open house and public meeting will be held at the New Madrid Community Center, 1200 Mill Street, New Madrid, Missouri.

ADDRESSES: Written comments should be addressed to Mr. Jim Salyer, New Madrid Project Manager, U.S. Fish and Wildlife Service, P.O. Box 436, Mountain Grove, Missouri 65711.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Salyer, New Madrid Project Manager, at (417) 926–5500. Individuals wishing copies of the DEIS and DLPP for review should contact Mr. Salyer.

SUPPLEMENTARY INFORMATION: Copies have been sent to all agencies and organizations who participated in the scoping process and to all others who requested copies.

Dated: January 29, 1993.

Sam Marler,

Regional Director.

[FR Doc. 93–3531 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

General Management Plan and Associated Planning Documents, Environmental Impact Statement, Capitol Reef National Park, UT

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement for a General Management Plan for Capitol Reef National Park.

SUMMARY: Under the provisions of the National Environmental Policy Act, the National Park Service is preparing an environmental impact statement for a General Management Plan for Capitol Reef National Park.

The effort will result in a comprehensive general management plan that encompasses preservation of natural and cultural resources, visitor use and interpretation, roads, and facilities. In cooperation with local, State, and other Federal agencies as well as private interests, attention will also be given to resources outside the boundaries that affect the integrity of Capitol Reef National Park. Alternatives to be considered include no-action, the preferred alternative, and a range of alternatives that address the planning issues.

Major issues include: Visitor use and experience; development and staffing—administrative, operational, and maintenance requirements; surrounding landscape values and uses; natural and cultural resource protection; and interpretation.

A scoping brochure has been prepared that details the issues and alternatives identified to date. Copies of that information can be obtained from Christopher C. Marvel, Division of Planning and Compliance, Rocky Mountain Region, P.O. Box 25287, Denver, Colorado 80225, telephone 303–969–2828.

FOR FURTHER INFORMATION CONTACT: Contact Christopher C. Marvel, Project Manager, at the address and telephone number above.

Dated: February 4, 1993.

John H. King,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 93–3482 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 6, 1993. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by March 3, 1993.

Antoinette J. Lee,

Acting Chief of Registration, National Register.

ARKANSAS

Pulaski County

North Little Rock High School, 101 W. 22nd St., North Little Rock, 93000148.

FLORIDA

Orange County

Apopka Seaboard Air Line Railway Depot, 36 E. Station St., Apopka, 93000134.

Carroll Building, 407–409 S. Park Ave., Apopka, 93000135.

Polk County

Beacon Hill—Alta Vista Residential District, Roughly bounded by S. Florida Ave., W. Beacon Rd., W. Belvedere St. and Cherokee Trail, Lakeland, 93000130.

IOWA

Madison County

Tidrick, Miller Richard and Mary Fisher, House (Legacy in Stone: The Settlement of Madison County, Iowa TR), 122 S. Fourth Ave., Winterset, 93000126.

MASSACHUSETTS

Franklin County

Bernardston Congregational Unitarian Church, Jct. of Church and Depot Sts., Bernardston, 93000128.
Powers Institute Historic District, Church St. between South and Library Sts., Bernardston, 93000127.

MISSISSIPPI

Copiah County

Little, Dr. William, House, 1022 Collier St., Wesson, 93000143.
US Post Office—Crystal Springs (Mississippi Post Offices TR), 224 E. Marion St., Crystal Springs, 93000138.
US Post Office—Hazlehurst (Mississippi Post Offices TR), 130 Caldwell Dr., Hazlehurst, 93000139.

Forrest County

Oaks Historic District, Roughly bounded by Hardy, Second, Railroad and 11th Aves., Hattiesburg, 93000136.

Jefferson County

Blantonia Plantation House, 3 mi. E of Red Lick on unmarked rd. off MS 552, Lorman vicinity, 93000145.

Lawrence County

Lawrence County Courthouse, N. side Broad St. between Jefferson and Washington Sts., Monticello, 93000146.

Oktibbeha County

Herman Mound and Village Site, Address Restricted, Starkville vicinity, 93000137.

Pike County

US Post Office—Magnolia (Mississippi Post Offices TR), 205 Magnolia St., Magnolia, 93000140.

Scott County

US Post Office—Forest (Mississippi Post Offices TR), 119 Second St., Forest, 93000141.

NEW HAMPSHIRE

Merrimack County

Pillsbury Memorial Hall, 93 Main St., Sutton, 93000147.

NEW JERSEY

Union County

Firehouse No. 4, 1015 South Ave., Plainfield, 93000133.
Plainfield Central Fire Headquarters, 315 Central Ave., Plainfield, 93000131.

Warren County

Asbury Historic District, Roughly, NJ 643 from Maple Ave. to NJ 623 and adjacent parts of Maple, NJ 623 and Kitchen and School Sts., Asbury, 93000132.

TEXAS

Nueces County

King, Richard, House, 611 S. Upper Broadway, Corpus Christi, 93000129.

Wharton County

Banker, Willie, Jr., House (Wharton MPS), 401 N. Rusk, Wharton, 93000118.
Bernstein, Moses, House (Wharton MPS), 1705 N. Richmond, Wharton, 93000116.
Bolton—Outlar House (Wharton MPS), 517 N. Richmond, Wharton, 93000108.
Colorado River Bridge (Wharton MPS), S. Richmond Rd. (Old US 59) across the Colorado R., Wharton, 93000117.
Croom, Hiley J., House (Wharton MPS), 205 E. Milam, Wharton, 93000099.
Dannon, F.F., House (Wharton MPS), 612 W. Caney, Wharton, 93000095.
Davidson, Dr. Green, House (Wharton MPS), 404 Bolton, Wharton, 93000111.
Davis, Ben and Mary, House (Wharton MPS), 100 S. Resident, Wharton, 93000104.
Elkins, Nettie, House (Wharton MPS), 109 E. Alabama, Wharton, 93000114.
Elliott, E. Clyde and Mary, House (Wharton MPS), 707 N. Walnut, Wharton, 93000122.
First Methodist Episcopal Church South, Old (Wharton MPS), 200 N. Fulton, Wharton, 93000097.
Garrett, Henry B., House (Wharton MPS), 504 N. Fulton, Wharton, 93000098.
Garrett, John A. and Sophie, House (Wharton MPS), 401 E. Alabama, Wharton, 93000115.
Gifford, George C. and Annie, House (Wharton MPS), 615 W. Caney, Wharton, 93000096.
Hamilton, Joseph Andrew, House (Wharton MPS), 325 N. Richmond, Wharton, 93000106.
Harrison, Gerard A., House (Wharton MPS), 209 E. Caney, Wharton, 93000112.
Harrison—Dennis, House (Wharton MPS), 409 W. Burleson, Wharton, 93000110.
Hawes, Edwin, House (Wharton MPS), 309 N. Resident, Wharton, 93000102.
Hawes, Edwin, Jr., House (Wharton MPS), 119, S. Resident, Wharton, 93000105.
House at 401 North Richmond (Wharton MPS), 401 N. Richmond, Wharton, 93000107.
House at 512 North Resident (Wharton MPS), 512 N. Resident, Wharton, 93000103.
Linn Street Historic District (Wharton MPS), Roughly, the 500 blocks of Richmond Rd. and Houston St. and the 100–200 blocks of Linn St., Wharton, 93000124.
Merrill—Roten House (Wharton MPS), 520 Ave. A, Wharton, 93000113.
Moran—Moore House (Wharton MPS), 501 N. Walnut, Wharton, 93000120.
Speaker, J. H., House (Wharton MPS), 414 E. Alabama, Wharton, 93000109.
St. John's Evangelical Lutheran Church (Wharton MPS), 612 N. Pecan, Wharton, 93000100.
Texas and New Orleans Railroad Depot (Wharton MPS), 100 block of N. Sunset, Wharton, 93000119.
Texas and New Orleans Railroad Bridge (Wharton MPS), Southern Pacific RR tracks, 0.25 mi. W of Old US 59, over the Colorado R., Wharton, 93000123.
West Milam Street Mercantile Historic District (Wharton MPS), Roughly 637—668 W. Milam St., Wharton, 93000125.
Worthing, Louis F., House (Wharton MPS), 620 N. Walnut, Wharton, 93000121.

WISCONSIN

Crawford County

Vertefeuille, Francois, House, Hwy. K, 0.35 mi. S of jct. with Limery Rd., Prairie du Chien, 93000142.

Winnebago County

Bergstrom, George O., House, 579 E. Wisconsin Ave., Neenah, 93000144.

In order to assist in the preservation of the following property, the commenting period has been shortened to five days:

MASSACHUSETTS

Berkshire County

Ventfort Hall, 120 and 148 Walker St. and 55 Kemble St., Lenox, 93000055.

[FR Doc. 93–3483 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–55 (Sub-No. 455X)]

CSX Transportation, Inc.—Abandonment Exemption—In Monroe and Lawrence Counties, IN; Notice of Exemption

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonment* to abandon its approximately 22.5-mile rail line between milepost Q–222.5 at Bloomington and milepost Q–245.0 at Bedford, in Monroe and Lawrence Counties, IN.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. CSXT also has certified that the requirement at 49 CFR 1152.50(d)(1) (notice to government agencies) has been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 18, 1993, unless stayed pending reconsideration. Petitions to stay that do

not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by February 26, 1993. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 8, 1993, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Energy and Environment (SEE) will issue an environmental assessment (EA) by February 19, 1993. Interested persons may obtain a copy of the EA by writing to SEE (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEE, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: February 1, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3497 Filed 2–12–93; 8:45 am]

BILLING CODE 7035–01–M

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Energy and Environment in its independent investigation) cannot be made before the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

[Docket No. AB–12 (Sub-No. 145X)]

Southern Pacific Transportation Company—Abandonment Exemption—in San Bernardino County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment by Southern Pacific Transportation Company of a 2.34-mile portion of its San Bernardino Branch line between mileposts 539.14 and 541.48 in San Bernardino County, CA, subject to standard labor protective conditions and a public use condition.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on March 18, 1993. Formal expressions of intent to file an offer[1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by February 26, 1993; petitions to stay must be filed by March 3, 1993; and petitions to reopen must be filed by March 15, 1993.

ADDRESSES: Send pleadings referring to Docket No. AB–12 (Sub-No. 145X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington DC 20423 and

(2) Petitioner's representatives:

John MacDonald Smith, Gary A. Laakso, Southern Pacific Transportation Co., Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

Karl Morell, Louis E. Gitomer, Taylor, Morell & Gitomer, 919 18th Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 927–5610. [TDD for hearing impaired: (202) 927–5721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5271.]

Decided: February 8, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3498 Filed 2–12–93; 8:45 am]

BILLING CODE 7035–01–M

[1] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Meeting

AGENCY: National Commission on Acquired Immune Deficiency Syndrome.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463 as amended, the National Commission on Acquired Immune Deficiency Syndrome announces a forthcoming meeting of the Commission.

DATE AND TIME: Wednesday, March 10, 1993, 10 a.m.–5 p.m. and Thursday, March 11, 1993, 10 a.m.–4 p.m.

PLACE: The Joe C. Thompson Conference Center, University of Texas at Austin, 26th & Red River, Austin, Texas.

TYPE OF MEETING: Open.

FOR FURTHER INFORMATION CONTACT: Roy Widdus, Ph.D., Executive Director, National Commission on Acquired Immune Deficiency Syndrome, 1730 K Street, NW., suite 815, Washington, DC 20006 (202) 254–5125. Records shall be kept of all Commission proceedings and shall be available for public inspection at this address.

AGENDA: The agenda for the Commission meeting includes discussions on Behavioral Research and AIDS Prevention, HIV/AIDS and the Workplace, School-based Prevention Programs, and Youth Initiative Programs. Written comments on these issues are welcome from interested individuals and organizations.

Interpreting services for the deaf are available. Please call our TDD number (202) 254–3816 no later than Friday, February 26, 1993 to request services.

Dated: February 10, 1993.

Roy Widdus,

Executive Director.

[FR Doc. 93–3538 Filed 2–12–93; 8:45 am]

BILLING CODE 6820–CN–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506:

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings 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 discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4) and (6) of section 552b of title 5, United States Code.

1. *Date:* March 1–2, 1993
   Time: 8:30 a.m. to 5 p.m.
   Room: 415
   Program: This meeting will review Library and Archival Preservation and Access Projects applications, submitted to the Division of Preservation and Access, for projects beginning after July 1, 1993.
2. *Date:* March 1, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Dissertation Grants applications in American History, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
3. *Date:* March 2, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Dissertation Grants applications in British and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
4. *Date:* March 3, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Dissertation Grants applications in World History, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
5. *Date:* March 4, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Dissertation Grants applications in Philosophy, Religion, Politics and Society, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
6. *Date:* March 5, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Dissertation Grants applications in Arts and Communication, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
7. *Date:* March 5, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 415
   Program: This meeting will review Dissertation Grants applications in World Literature and Comparative Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
8. *Date:* March 11, 1993
   Time: 9 a.m. to 12:30 p.m.
   Room: 415
   Program: This meeting will review applications for the Centers for Advanced Study Program, submitted to the Division of Research Programs, for projects beginning after June, 1993.

David C. Fisher,

Advisory Committee, Management Officer.

[FR Doc. 93–3471 Filed 2–12–93; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Holders of Operating Licenses or Construction Permits for Nuclear Power Plants; Receipt of Petition for Director's Decision Under 10 CFR 2.206 Regarding the Use of Thermo-Lag 330 Fire Barrier Material

Notice is hereby given that the Nuclear Information and Resource Service (Petitioner) has submitted to the U.S. Nuclear Regulatory Commission (NRC) a petition dated December 15, 1992, pursuant to 10 CFR 2.206.

The Petitioner repeats a number of allegations of deficiencies with Thermo-Lag material including failure of Thermo-Lag fire barriers during 1- and 3-hour fire endurance tests, deficiencies in procedures for installation, nonconformance with NRC quality assurance and qualification test regulations, the combustibility of the material, ampacity miscalculations, the lack of seismic tests, the failure to pass hose stream tests, the high toxicity emitted from the ignited material, and that compensatory measures, such as fire watches, cannot substitute for an effective fire barrier indefinitely.

These allegations were previously raised in letters dated July 21, August 12, and September 3, 1992, and were addressed in a Partial Director's Decision issued on February 1, 1993 (DD–93–03). The Petition also presents new allegations regarding the existence of voids and cracks caused by bending, stapling of the material, and possible errors in information provided by the manufacturer concerning the weight of Thermo-Lag as installed.

Based on these allegations, the Petitioner requests that the NRC immediately suspend the operating licenses or construction permits of all nuclear power plants which use Thermo-Lag fire barrier material, until the Thermo-Lag is removed or replaced, or alternatively, to order each reactor to remove and replace its Thermo-Lag during its next refueling outage, or before beginning operation. In a letter of February 4, 1993, I have determined that immediate action is not necessary regarding the matters raised in the Petition.

The Petition has been referred to the Director of the Office of Nuclear Reactor Regulation pursuant to 10 CFR 2.206. As provided by 10 CFR 2.206, appropriate action will be taken with regard to the specific issues raised by the Petition in a reasonable time.

A copy of the petition is available for inspection at the Commission's Public Document Room, the Gelman Building,

2120 L Street, NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 4th day of February 1993.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 93–3541 Filed 2–12–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–255]

Consumers Power Co., Palisades Nuclear Plant; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Consumers Power Company (the licensee) to withdraw its February 27, 1989, application for proposed amendment to Facility Operating License No. DPR–20, issued to the licensee for operation of the Palisades Nuclear Plant, located in Van Buren County, Michigan. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on March 28, 1989 (54 FR 12703).

The purpose of the licensee's amendment request was to reflect the transfer of ownership of the Palisades Plant from Consumers Power Company to the Palisades Generating Company.

Subsequently, the licensee informed the staff that the amendment is no longer requested. Thus, the amendment application is considered to be withdrawn by the licensee.

For further details with respect to this action, see (1) the application for amendment dated February 27, 1989, and additional information provided in letters dated April 6, 1989, and April 20, May 24 and August 17, 1990, and (2) the staff's letters dated April 30, 1991 and June 16, 1992.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Van Wylen Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland this 8th day of February 1993.

For the Nuclear Regulatory Commission.

Armando Masciantonio,

Project Manager, Project Directorate III–I Division of Reactor Projects—III/IV/V Office of Nuclear Reactor Regulation.

[FR Doc. 93–3542 Filed 2–12–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–8027]

Notice of Amendment Receipt and Notice of Opportunity for a Hearing; License No. Sub-1010 Sequoyah Fuels Corp.; Gore OK

The U.S. Nuclear Regulatory Commission is considering the amendment of Materials License No. SUB–1010 to authorize an administrative reorganization at Sequoyah Fuels Corporation (SFC) in Gore, Oklahoma.

Proposed Action: By amendment request dated January 27, 1993, SFC submitted a request for an administrative reorganization. Since the focus for SFC activities is shifting from manufacturing to site remediation, SFC is consolidating the primary functional groups at the site from five groups to three. Some position titles and job descriptions have been changed. The documents related to the proposed action are available for public inspection and copying at the Commission's Public Document Room at the Gelman Building, 2120 L Street NW., Washington, DC, and the Local Public Document Room at the Stanley Tubbs Memorial Library, 101 E. Cherokee Street, Sallisaw, Oklahoma.

Opportunity for a Hearing

Any person whose interest may be affected by the issuance of this amendment may file a request for a hearing. Any request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this notice in the **Federal Register**; be served on the NRC staff (Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852) and on the licensee (Sequoyah Fuels Corporation, P.O. Box 610, Gore, Oklahoma 74435); and must comply with the requirements for requesting a hearing set forth in the Commission's regulation, 10 CFR part 2, subpart L, "Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings."

These requirements, which the requestor must address in detail, are:

1. The interest of the requestor in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing;

3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for hearing is timely, that is, filed within 30 days of the date of this notice.

In addressing how the requestor's interest may be affected by the proceeding, the request should describe the nature of the requestor's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; the nature and extent of the requestor's property, financial, or other (i.e., health, safety) interest in the proceeding; and the possible effect of any order that may be entered in the proceeding upon the requestor's interest.

Dated at Rockville, Maryland, this 5th day of February 1993.

For the Nuclear Regulatory Commission.

John W. N. Hickey,

Chief, Fuel Cycle Safety Branch Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 93–3543 Filed 2–12–93; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Requests Under Review by Office of Management and Budget

Agency Clearance Officer: John J. Lane, (202) 272–5407.

Upon written request copies available from: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, 450 Fifth Street, NW., Washington, DC 20549.

Extension

Rule 17a–5 and Form X–17A–5—File No. 270–155
Rule 7d–1—File No. 270–176
Rule 31a–1—File No. 270–173
Rule 24f–3—File No. 270–307
Form N–7—File No. 270–299
Attorney Supplement to SF–171—File No. 270–277

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval;

Rule 17a–5, under the Securities Exchange Act of 1934, and Form X–17A–5 (FOCUS Report), is the form used for reporting the financial and operational conditions of brokers and dealers. Seven thousand respondents incur an estimated average burden of 53 hours to comply with the rule.

Rule 7d–1, under the Investment Company Act of 1940 (1940 Act), specifies conditions and arrangements pursuant to which Canadian management companies may request an order from the Commission permitting them to register under the 1940 Act. The

rule imposes an estimated annual reporting burden of 75 hours on three respondents.

Rule 31a–1, under the 1940 Act, requires registered investment companies to maintain and preserve certain books and records. The rule imposes an annual reporting burden of 12,600,000 hours on 3,497 companies.

Rule 24f–3, under the 1940 Act, would simplify and streamline the procedures for registering unit investment trust securities sold in the secondary market and consolidate the information required to be filed annually be each series of a unit investment trust. Each of the 500 respondents would incur an estimated two burden hours annually complying with the rule. This estimate corresponds to the time that would be required if the rule were adopted, but, since the rule is not yet operational, no one incurs any burden hours.

Proposed Form N–7 is a registration statement for use by unit investment trusts other than insurance company separate accounts to register as investment companies under the 1940 Act and to register their securities for sale to the public under the Securities Act of 1933. The 7,200 filers would each incur an estimated 104 hours, annually, complying with the requirements of the form. This estimate corresponds to the time that would be required if the form were adopted, but since the form has not yet been adopted, no one incurs any burden hours.

Supplement to Standard Form 171. It is estimated that each of the nine hundred applicants expend an estimated average of about one and 1/2 hours to comply with this requirement.

The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: January 28, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3508 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

Requests Under Review by Office of Management and Budget

Agency Clearance Officer: John J. Lane, (202) 272–5407.

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, 450 Fifth Street, NW., Washington, DC 20549.

Revision

Rule 17a–11—File No. 270–155

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted proposed revision to OMB for approval for Rule 17a–11 (17 CFR 240.17a–11) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a–11 provides the Commission and the self-regulators with an "early warning" mechanism to detect firms starting to experience financial or operational difficulties. The information furnished by such firms is then used to effect appropriate action to remedy the situation and prevent future problems. It is anticipated that approximately 600 brokers or dealers will spend a total of 6600 hours complying with Rule 17a–11.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with Securities and Exchange Commission rules and forms to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: January 28, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3507 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31836; File No. SR–CBOE–93–06]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Reduced Transaction Charges for Certain Index Option Spread Transactions

February 8, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 29, 1993, the Chicago Board Options Exchange, Inc. ("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 has submitted a proposal requesting permanent approval of a pilot program [1] which provides a 50% rebate on transaction and trade match fees for "box" [2] trades by public customers in Standard & Poor's 500 Stock Index options ("SPX"), provided the "box" trade totals 500 or more contracts for the four sides of the trade. 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, the 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 aspects of such statements.

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[1] The rebate program was first approved by the Commission on a three-month pilot basis, effective from July 1, 1991, through September 30, 1991. See Securities Exchange Act Release No. 29482 (July 24, 1991), 56 FR 36180. Since then, the pilot has been extended six times: (i) through December 31,1991; (ii) through March 31, 1992; (iii) through August 31, 1992; (iv) through October 15, 1992; (v) through December 31, 1992; and (vi) through January 31, 1993. See Securities Exchange Act Release Nos. 30025 (December 3, 1991), 56 FR 64537; 30288 (January 27, 1992), 57 FR 4226; 30857 (June 24, 1992), 57 FR 29543; 31208 (September 22, 1992), 57 FR 44596; 31426 (November 9, 1992), 57 FR 54431; 31679 (December 31, 1992), 58 FR 3309.

[2] For purposes of the rebate program, the CBOE defines a "box trade" as a four-sided SPX option spread composed of (i) a long call and short put at one strike price and (ii) a short call and long put at a different strike price, where all four positions expire in the same month.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The CBOE has requested permanent approval of a pilot program which provides a 50% rebate on transaction and trade match fees[3] for "box"[4] trades by public customers in SPX options, provided the "box" trade totals 500 or more contracts for the four sides of the trade (125 contracts per side). The rebate is available to member firms that provide the Exchange's Accounting Department with documents evidencing transactions that meet the standards of the rebate program. At a minimum, the supporting documentation must include the trade date, executing broker acronym, and the contract series, premium and quantity.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(4), in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members and other persons using the CBOE's facilities. The Exchange also believes that the proposal is consistent with section 11A(a)(1)(C)(ii) in that it fosters fair competition among exchange markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The 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

Because the foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. The CBOE notes that its proposal is based on a rule adopted by the American Stock Exchange, Inc. ("Amex").[5] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying 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 the CBOE. All submissions should refer to the file number in the caption above and should be submitted by March 9, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3461 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

[3] The rebate is $.22 per contract ($.20 transaction fee, plus $.02 trade match fee) on contracts with a premium greater than or equal to $1 and $.12 per contract ($.10 transaction fee, plus $.02 trade match fee) on contracts with a premium less than $1.

[4] See note 2, *supra*, for the CBOE's definition of a "box" trade.

[5] See Securities Exchange Act Release No. 29822 (October 15, 1991), 56 FR 54594 (order approving File No. SR-Amex-91-23) ("Amex Approval Order"). The CBOE notes that, initially, the Amex reduced customer transaction charges for box spreads from $.40 per contract to $.25 per contract for qualified customer orders of at least 2,000 contracts (500 per side). See Securities Exchange Act Release No. 28193 (July 11, 1990), 55 FR 29128 (order approving File No. SR-Amex-90–12). Subsequently, based upon the CBOE's pilot rebate program, the Amex reduced its fees for box spreads to $.20 per contract for options with premiums priced at $1.00 and above ($.10 per contract for options with premiums below $1.00) for qualified customer orders of a least 500 contracts (125 per side). See Amex Approval Order.

[Release No. 34–31838; File No. SR–NASD–93–01]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Trade Reporting for Convertible Debt Securities

February 9, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 4, 1993 the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. 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 NASD is proposing transaction reporting requirements for convertible debt securities listed on Nasdaq similar to those in place for Nasdaq equity securities. Members will be required to report all transactions in convertible debt securities within 90 seconds after execution to the NASD for surveillance purposes and transactions equalling 99 bonds or fewer will be disseminated to the public.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD 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 NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Association is proposing a new Part XV to Schedule D to the By-Laws to require real-time reporting for convertible bonds listed on Nasdaq. Specifically, the NASD is proposing to require members to report all transactions in convertible debt securities for surveillance purposes within 90 seconds after execution,

utilizing the same reporting protocols as are used with Nasdaq equity securities. The new rules also provide that only those transactions equalling 99 bonds or less will be disseminated real-time to the public. The NASD is simultaneously eliminating the requirement for end-of-day volume reporting currently required for market makers in convertible debt securities.

In June 1992, the NASD implemented transaction reporting requirements for Nasdaq Small-Cap securities, similar to the requirements in place for Nasdaq National Market System securities ("Nasdaq/NMS"). Transaction reporting is a fundamental component of a national marketplace that facilitates several important functions: Reporting enhances transparency of information for investors and issuers, permits immediate collection and scrutiny of trading information for regulatory purposes, and permits the compilation of historical price and volume data for analysis and research. The NASD has had over ten years of experience with real-time reporting of Nasdaq/NMS securities and believes that capturing trade-by-trade data is fundamental to ensuring regulatory and self-regulatory oversight of the markets. Moreover, dissemination of transaction reports allows investors to monitor effectively the quality of executions they receive. Therefore the NASD is proposing to expand transaction reporting to include convertible debt securities listed on Nasdaq.

Proposed amendments to Schedule D contain trade reporting requirements similar to those currently in place for Nasdaq equity securities. The rules will require all members to report transactions in convertible bonds listed on Nasdaq to the NASD. Currently, the reporting requirements for convertible debt securities include only summary information from market makers, and accordingly, the new rules will enable the NASD to capture more complete and accurate trading data from all members participating in the convertible bond market. Market makers trading convertible bonds are currently reporting end-of-day volume and last sale information into the Automated Confirmation Transaction service ("ACT") and ACT will now be designated as the vehicle for trade-by-trade transaction reporting for convertible debt. The time frames for reporting will be identical to those for equity securities, within 90 seconds after execution. The proposed rules also specify which party to a transaction is required to report (in most transactions, the market maker registered in the bond in the Nasdaq system is the reporting party) and provide reporting policies, such as reporting transactions at the selling or purchasing price, irrespective of mark-ups, mark-downs, or commissions. These requirements parallel those currently in place for Nasdaq equity securities.

From a regulatory perspective, real-time reporting requirements will enhance market surveillance oversight and will provide more immediate and useful information for investigating questionable conduct, such as insider trading and manipulative activity. Up until now, the NASD had to rely on end-of-day volume statistics, as the primary source of surveillance information for trades in convertible debt securities, but real-time transaction reporting will increase the NASD's ability to conduct surveillance of trading as it occurs. For example, as real-time trade reporting is fully implemented, the trading data will be available on the NASD's equity audit trail, which integrates last sale and inside quotation data for reported securities. In addition, transaction data will be added to daily quote and trade comparison reports and to exception-based systems that monitor for marking-the-close violations, trading during trading halts, volume concentrations, late trade reporting, and other activity monitored by Market Surveillance. The trade reports will also be added to weekly and monthly trade summary and volume concentration reports for purposes of surveillance and analysis of historical data.

In proposing real-time reporting for Nasdaq convertible debt securities, the NASD also evaluated the ramifications of such a requirement on the membership. The NASD recognizes that increased transparency in the relatively illiquid convertible bond market could have significant costs in terms of liquidity and dealer participation in such a market. Accordingly, the NASD is proposing to disseminate on a real-time basis, only the retail or "odd lot" transactions, defined in the proposal as transactions of 99 bonds or less. With this limited dissemination of information, the NASD believes that the potential negative impact on liquidity caused by real-time dissemination of all transaction prices and volumes will be mitigated, and the public will be better served by seeing intra-day transactional data. The NASD is proposing different treatment for convertible debt securities than for equities listed on Nasdaq due to the inherent differences in the bond and equity marketplaces. For example, the convertible bond market and the Nasdaq equity market differ in that the bond issues are generally smaller than the stock issues, while individual trades in bonds can represent large percentages of outstanding floats of bond issues. Moreover, the bond market is predominantly an institutional market and the pattern of trading is characterized by a few, large transactions that may be easily identified and tracked, to the disadvantage of the dealer and the client. Accordingly, the NASD believes that the extension of trade reporting to convertible debt securities listed on Nasdaq and the dissemination of the retail-type trade reports will not result in an adverse impact on the liquidity of those securities because of the limited amount of market sensitive information that will be made available to the public on a real-time basis.

The NASD also considered the functional requirements involved in the trade-by-trade reporting scheme. Members are currently reporting only end-of-day summary price and volume information into ACT. The proposed rule change would, therefore, impose new requirements for reporting transactions into ACT on a real-time basis within 90 seconds to parallel the requirements for equity reporting. While these changes will be an added burden on members, the benefits to the market and to public investors obtained from more complete and effective surveillance information and limited public dissemination of convertible bond information far outweighs any burdens. Moreover, elimination of end-of-day volume reporting, which the NASD will end simultaneously with the advent of real-time trade reporting, will be a beneficial offset.

Also, for members that trade infrequently, the NASD will make the ACT service desk available for trade reporting purposes. The NASD operates the ACT service desk to facilitate members that account for fewer than five trades a day on average and that do not have Nasdaq Workstation™ equipment. Therefore, the ACT service desk will also be made available to members that qualify under the same criteria of five or fewer trades a day on average. The NASD believes that the benefits to be gained by the Nasdaq market as a whole outweigh any burdens experienced by members in complying with the new reporting requirements.

The NASD believes the proposed rule change is consistent with section 15A(b)(6) of the Act. Section 15A(b)(6) requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principals of trade, to foster cooperation and coordination with

persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and in general to protect investors and the public interest. Trade reporting of Nasdaq convertible debt issues will enhance the information available to the public and provide investors with instant, up-to-the-minute information on the securities traded in this segment of the Nasdaq market. Trade reporting will also greatly enhance the NASD's ability to detect or deter manipulative or abusive trading practices. Trade reporting of all Nasdaq securities increases transparency of information for investors and issuers and permits immediate collection and scrutiny of transactional data for regulatory purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Trade reporting requirements were discussed with representative groups of NASD members that deal in convertible debt issues and the instant proposals reflect their input and concerns.

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 NASD 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 9, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3466 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31834; File No. 600–25]

Self-Regulatory Organizations; Participants Trust Company; Filing of a Request for Temporary Registration as a Clearing Agency

February 8, 1993.

Pursuant to section 19(a) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 1, 1993, the Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") an amendment to its Form CA–1, requesting the Commission to extend PTC's registration as a clearing agency until March 31, 1994.[2] The Commission is publishing this notice to solicit comments from interested persons.

The Commission granted PTC temporary registration as a clearing agency on March 28, 1989, pursuant to sections 17A and 19(a)(1) of the Act, for a period of twelve months.[3] Subsequently, the Commission issued orders that extended PTC's temporary registration as a clearing agency, the last of which extended PTC's registration until March 31, 1993.[4]

PTC provides depository facilities for mortgaged-backed securities, primarily securities guaranteed by the Government National Mortgage Association ("GNMA"). PTC services include certificate safekeeping, book entry deliveries, an automated facility for the pledge or segregation of securities and other services related to the immobilization of securities certificates.

Interested persons are invited to submit written data, views and arguments concerning the foregoing application within twenty-one days of the date of publication of this notice in the **Federal Register**. Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with section 19(a)(1) of the Act. 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 application and all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. All submissions should refer to File No. 600–25 and should be submitted by March 9, 1993.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3464 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

February 9, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

ALC Communications Corp.
Common Stock, $.01 Par Value (File No. 7–10155)
Arcadian Partners LP
Pref. Units, No Par Value (File No. 7–10156)
Bayou Steel Corp.

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[1] 15 U.S.C. 78s(a).

[2] See letter from John J. Sceppa, President and Chief Executive Officer, PTC, to Ester Saverson, Jr., Branch Chief, Division of Market Regulation, Commission, dated January 29, 1993.

[3] See Securities Exchange Act Release No. 26671 (March 28, 1989), 54 FR 13266.

[4] Securities Exchange Act Release Nos. 27858 (March 28, 1990), 55 FR 12614; 29024 (March 28, 1991), 56 FR 13848; and 30537 (April 9, 1992), 57 FR 12351.

Class A Common Stock, $.01 Par Value (File No. 7–10157)
Breed Technologies, Inc.
Common Stock, $.01 Par Value (File No. 7–10158)
Catalina Lighting, Inc.
Common Stock, No Par Value (File No. 7–10159)
Cognitronics Corp.
Common Stock, $.20 Par Value (File No. 7–10160)
Hospitality Franchise Systems, Inc.
Common Stock, $.01 Par Value (File No. 7–10161)
International Family Entertainment
Common Stock, $.01 Par Value (File No. 7–10162)
Magna International, Inc.
Class A Sub Voting, No Par Value (File No. 7–10163)
Rayonier Timberlands LP
Depository Units, No Par Value (File No. 7–10164)
Sunrise Medical, Inc.
Common Stock, $1.00 Par Value (File No. 7–10165)
Tenera LP
Depository Units, No Par Value (File No. 7–10166)
United American Healthcare Corp.
Common Stock, No Par Value (File No. 7–10167)
Washington Energy Co.
Common Stock, $5.00 Par Value (File No. 7–10168)
Waterhouse Investment Services, Inc.
Common Stock, $.01 Par Value (File No. 7–10169)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3459 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

February 9, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Hadson Corp.
8% Jr Cum Conv Prd B (File No. 7–10170)
Health Images, Inc.
Common Stock, $.01 Par Value (File No. 7–10171)
Intertel Communications, Inc.
Common Stock, No. Par Value (File No. 7–10172)
New York Bancorp, Inc.
Common Stock, $.01 Par Value (File No. 7–10173)
Paragon Trade Brands, Inc.
Common Stock, $.01 Par Value (File No. 7–10174)
Rhone Poulenc, S.A.
American Depository Shares, (representing ¼th ordinary shares Series A) (File No. 7–10175)
Three Five Systems, Inc.
Common Stock, $.01 Par Value (File No. 7–10176)
Wellpoint Health Networks, Inc.
Class A Common Stock, $.01 Par Value (File No. 10177)
American Re Corporation
Common Stock, $.01 Par Value (File No. 7–10178)
Beta Well Service, Inc.
Common Stock, No Par Value (File No. 7–10179)
Beta Well Service, Inc.
Warrants (Common Share purchase warrants) (File No. 7–10180)
Carr Realty Corp.
Common Stock, $.01 Par Value (File No. 7–10181)
Developers Diversified Realty Corp.
Common Stock, No Par Value (File No. 7–10182)
NBB Bancorp
Common Stock, $.10 Par Value (File No. 7–10183)
Nine West Group, Inc.
Common Stock, $.01 Par Value (File No. 7–10184)
Oneita Industries, Inc.
Common Stock, $.25 Par Value (File No. 7–10185)
Rotonics Manufacturing, Inc.
Common Stock, $.01 Par Value (File No. 7–10186)
Viratek, Inc.
Units (rep. one share common stock and one warrant to purchase one share common stock) Common Stock, $.10 Par Value (File No. 7–10187)
Grubb & Ellis Co.
Common Stock, $1.00 Par Value (File No. 7–10188)
Hospitality Franchise Systems, Inc.
Common Stock, $.01 Par Value (File No. 7–10189)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3460 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

February 9, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following security:

Nine West Group, Inc.
Common Stock, $.01 Par Value (File No. 7–10154)

This security is listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission,

450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3458 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

February 9, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Eksportfinans A.S.
Preferred Capital Securities (File No. 7–10137)
Great Northern Iron Ore Properties
Certificates of Beneficial Interest (File No. 7–10138)
Conseco, Inc.
Series D Com. Conv. Pfd Stock (File No. 7–10139)
Rhone Poulence S.A.
American Depository Receipts (File No. 7–10140)
Health Images, Inc.
Common Stock, $.01 Par Value (File No. 7–10141)
Charter Medical Corporation
Common Stock, $.01 Par Value (File No. 7–10142)
American Re Corporation
Common Stock, $.01 Par Value (File No. 7–10143)
Tejas Gas Corporation
Depository Shares 9.96 Pc Cum. Pfd Stock, $1.00 Par Value (File No. 7–10144)
Mellon Bank Corporation
$.20 Pc Series K Pfd Stock, $1.00 Par Value (File No. 7–10145)
Municipal Partners Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–10146)
Wellpoint Health Network
Class A Common Stock, $.01 Par Value (File No. 7–10147)
Paragon Trade Brands, Inc.
Common Stock, $0.01 Par Value (File No. 7–10148)
Developers Diversified Realty Corporation
Common Stock, No Par Value (File No. 7–10149)
Boise Cascade Corporation
Depository Shares, 9.40 Cum Pfd Stock (File No. 7–10150)
New York Bancorp, Inc.
Common Stock, $.01 Par Value (File No. 7–10151)
Nine West Group, Inc.
Common Stock, $.01 Par Value (File No. 7–10152)
Beta Well Services, Inc.
Common Stock, No Par Value (File No. 7–10153)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3457 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19260; 812–8132]

AIM Convertible Securities, Inc., et al.; Application for Exemption

February 8, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: AIM Convertible Securities, Inc.; AIM Equity Funds, Inc.; AIM Funds Group; AIM High Yield Securities, Inc.; AIM International Funds, Inc.; AIM Investment Securities Funds, Inc.; Short-Term Investments Co.; Tax-Free Investments Co. (the "Funds"); AIM Advisors, Inc. ("AIM Advisors"); AIM Capital Management, Inc. ("AIM Capital"); and AIM Distributors, Inc., on their own behalf and on behalf of any future open-end investment company, or series or class thereof, that is a member of the AIM "group of investment companies," as that phrase is defined by paragraph (a)(5) of rule 11a–3 under the Act, and has a traditional front-end sales charge structure for which the imposition of the proposed contingent deferred sales charge ("CDSC") would be appropriate (collectively, "applicants").

RELEVANT ACT SECTIONS: Exemption requested pursuant to section 6(c) from the provisions of sections 2(a)(32), 2(a)(35), 22(c), and 22(d) and rule 22c–1.

SUMMARY OF APPLICATION: Applicants seek an exemption under section 6(c) of the Act permitting the Funds to impose and, under certain circumstances, waive a CDSC on certain redemptions of their shares.

FILING DATE: The application was filed on October 26, 1992, and amended on January 21, 1993, and February 2, 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 applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 8, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 11 Greenway Plaza, suite 1919, Houston Texas 77046–1173.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504–2263 or Barry D. Miller, Senior Special Counsel, at (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.

Applicants' Representations

1. Each Fund is an open-end management investment company registered under the Act. AIM Advisors is the investment adviser to each of the Funds. AIM Capital is the investment sub-adviser to certain of the Funds. AIM

Distributors, Inc. is the principal underwriter for each of the Funds.

2. Each Fund offers one or more series or class of shares with a front-end sales load. Certain of these Funds have eliminated the front-end sales charge on (a) purchases of $3 million or more, including purchases made pursuant to the "Letters of Intent" and "Rights of Accumulation" features described under the caption "Terms and Conditions of Purchase of the AIM Funds" in each Fund's prospectus, and (b) purchases by certain classes of purchasers as described in each Fund's prospectus. The AIM Adjustable Rate Government Fund series of AIM Investment Securities Funds, Inc. and the AIM Tax-Free Intermediate Shares class of the Intermediate Portfolio Series of Tax-Free Investments Co. have eliminated front-end sales charges on purchases of $1 million or more.

3. Applicants propose to eliminate the front-end sales charge on all future purchases of any Fund's shares of $1 million or more. In connection with the elimination of the front-end sales charge, or continuation of the $1 million threshold for elimination of the front-end sales charges, whichever is applicable, applicants propose to assess a CDSC on redemptions of shares acquired through purchases of $1 million or more of a Fund's shares made on or after the date the SEC grants the order requested by the application. The CDSC will only be payable in the event of a redemption of such shares within a period of up to eighteen months after the end of the calendar month in which the purchase order was accepted (the "CDSC period"). The amount of the CDSC to be imposed at any time during the CDSC period will be calculated as a specified percentage of the lesser of (i) the net asset value of the shares at the time of purchase, or (ii) the net asset value of the shares at the time of redemption. The specified CDSC percentage will not exceed two percent, although applicants currently intend to impose a CDSC of one percent. Any changes to the CDSC period or the CDSC percentage will be disclosed in the affected Fund's prospectus, and any such change will not affect the shares of that Fund that have been issued prior to the disclosure of such change in the prospectus.

4. No CDSC will be imposed at redemption on an amount that represents an increase in the value of the shareholder's account resulting from capital appreciation during the CDSC period above the amount paid for the shares purchased. Neither will a CDSC be imposed on an amount representing shares purchased through the reinvestment of dividends or capital gains distributions.

5. In determining whether a CDSC is applicable, it will be assumed that a redemption is made, first, of shares not subject to the CDSC; second, of shares derived from reinvestment of distributions or amounts which represent an increase from capital appreciation; and finally, of shares subject to the CDSC, in a manner that will result in the lowest CDSC being imposed at the time of redemption.

6. No CDSC will be imposed on exchanges to acquire shares of another Fund. If, however, the shares acquired in an exchange are acquired in exchange for shares subject to the CDSC, and such acquired shares are then redeemed (other than in connection with a re-exchange into shares subject to the CDSC) within eighteen months following the end of the calendar month in which the original purchase order was accepted (or shorter CDSC period, if applicable), the CDSC will be assessed. Applicants reserve the right to change or discontinue the exchange privilege in the future, and will comply at all times with the requirements of rule 11a–3 under the Act.

7. Shareholders who are assessed a CDSC in connection with the redemption of shares of any Fund, and who subsequently reinvest a portion or all of the value of the redeemed shares in shares of that Fund within ninety days after such redemption (or such other time period as the Funds may establish from time to time) may do so at net asset value if such entitlement is claimed at the time of reinvestment. Although such reinvesting shareholders will not be entitled to a refund of the CDSC previously paid, shares purchased through the reinvestment of redemption proceeds will not be subject to either a front-end load sales charge or an additional CDSC upon subsequent redemption. In the event the reinvestment period changes after a shareholder redeems out of a Fund, the shareholder will be allowed to reinvest within the reinvestment period in effect at the time of redemption.

8. Applicants currently intend that the CDSC may be waived in the following instances: (1) Redemptions in connection with (a) distributions to participants or beneficiaries of plans qualified under section 401(a) of the Internal Revenue Code of 1986, as amended from time to time ("IRC"), individual retirement accounts under IRC section 408(a), deferred compensation plans under IRC section 457 and other employees benefit plans (collectively, "plans"), (b) participant directed changes in investment choices in participant directed plans, and (c) returns of excess contributions to such plans; (2) redemptions of shares by employees benefit plans qualified under IRC section 401(a) which have invested at least $1 million in one or more of the Funds for a period of at least two years; (3) redemptions of shares following the registered shareholder's (including a registered joint owner's) death or disability, as defined in IRC section 72(m)(7); (4) redemptions pursuant to a systematic withdrawal plan described in a Fund's prospectus; (5) redemptions effected pursuant to a Fund's right to liquidate a shareholder's account if the aggregate net asset value of shares held in the account is less than the then effective minimum account balance; (6) redemptions of shares acquired pursuant to the reinvestment privilege described in a Fund's prospectus; (7) redemptions of shares of the AIM Weingarten Fund, AIM Constellation Fund, or AIM Charter Fund series of AIM Equity Funds, Inc. purchased at net asset value by shareholders of record of AIM Weingarten Fund or AIM Constellation Fund who were such on September 8, 1986, or by shareholders of record of AIM Charter Fund who were such on November 17, 1986; (8) redemptions of shares of the AIM Weingarten Fund, AIM Constellation Fund, or AIM Charter Fund series of AIM Equity Funds, Inc. purchased at net asset value by discretionary advised clients of any investment advisors whose clients have continuously held shares of AIM Weingarten Fund or AIM Constellation Fund since September 8, 1986, or shares of AIM Charter Fund since November 17, 1986; (9) redemptions of shares purchased at net asset values by AIM Management Group Inc. ("AIM Management") and its affiliated companies; (10) redemptions of shares purchased at net asset value by any current or retired officer, director, trustee, or employee, or any member of the immediate family (including spouse, minor children, parents, and parents of spouse) of any such person, of AIM Management or its affiliates or of mutual funds which are advised or managed by AIM Advisors, or any trust established exclusively for the benefit of such persons; (11) redemptions of shares purchased at net asset value by any employee benefit plan established for employees of AIM Management or its affiliates; (12) redemptions of shares purchased at net asset value by any current or retired officer, director, trustee, or employee, or any member of the immediate family (including spouse, minor children, parents, and parents of spouse) of any such person, of

International Nederlanden Group N.V. or of any of its affiliated companies, or of CIGNA Corporation or of any of its affiliated companies, or of The Shareholder Services Group, Inc. (a wholly-owned subsidiary of First Data Corporation); (13) redemptions of shares purchased at net asset value by any investment company sponsored by CIGNA Investments, Inc. or any of its affiliated companies for the benefit of its directors' deferred compensation plans; (14) redemptions of shares purchased at net asset value by discretionary advised clients of AIM Advisors or AIM Capital; (15) redemptions of shares purchased at net asset value by registered representatives and employees of securities dealers who have entered into agreements with AIM Distributors (or financial institutions that have arrangements with such dealers with respect to the sale of shares of the Funds) and any member of the immediate family (including spouse, minor children, parents, and parents of spouse) of any such person; (16) redemptions of shares of the AIM Adjustable Rate Government Fund series of AIM Investment Securities Funds, Inc. purchased at net asset value by corporations that have invested at least $250,000 in AIM Adjustable Rate Government Funds; (17) redemptions of shares of the AIM Tax-Free Intermediate Shares class of the Intermediate Portfolio series of Tax-Free Investments Co. purchased at net asset value by trust companies and bank trust departments for funds over which they exercise discretionary investment authority and which they hold in a fiduciary, agency, custodial, or similar capacity and where the initial investment amount was over $1 million; (18) redemptions of shares purchased at net asset value by private foundations, endowment funds and trusts (except revocable and irrevocable trusts established for the benefit of members of the grantor's family), and where the initial amount invested was at least $1 million; (19) redemptions of shares of the AIM Weingarten Fund or AIM Constellation Fund series of AIM Equity Funds, Inc. purchased at net asset value by unit holders of G/SET series unit investment trusts who have elected to invest cash distributions from such trusts in shares of AIM Weingarten Fund or AIM Constellation Fund; and (20) redemptions of shares from accounts for which AIM Distributors acts as the dealer of record.

Applicants' Condition

If the requested exemptive relief is granted, applicants expressly agree that they will comply with proposed rule 6c–10 under the Act (Investment Company Act Rel. No. 16619 (November 2, 1988)) (including any modifications that are proposed prior to the adoption of such rule) until such rule is adopted, and after such adoption will comply with such rule in the form in which it is in effect from time to time.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3465 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Bureau of Administration

[Public Notice 1762]

Delegation of Authority No. 200; Senior IRM Manager

By virtue of the authority vested in me, as the Designated Senior Official (DSO) for IRM, I hereby delegate and empower the Deputy Assistant Secretary for Information Management (IM) to be the Senior IRM Manager for the Department of State. The Senior IRM Manager shall be responsible for the management of the Department's IRM activities and functions, subject to the Paperwork Reduction Act, OMB Circular A–130, and the Federal Information Resources Management Regulations (FIRMR). This delegation of authority shall not relieve the DSO of the responsibility for conduct of and accountability for acquisitions of Federal Information Processing (FIP) resources made under a DPA from GSA. The responsibilities of the Senior IRM Manager include, but are not limited to, the following:

1. Issue overall IRM policies and guidance, as defined by the DSO.

2. Manage an agency-wide IRM planning process and publish an agency IRM strategic plan.

3. Review and monitor major IRM acquisitions. Review agency procurement requests (APRs) for information technology subject to a Delegation of Procurement (DPA) from GSA prior to submission to the DSO for signature. Approve amendments to DSO-approved APRs. Approve APRs involving acquisitions that are $2.5 million or less. Monitor compliance of DPA requirements levied by GSA.

4. Review agency IRM budget submissions. Provide technical advice to the budget office on IRM budget requests as they relate to the Department's IRM Strategic Plan.

5. Provide IRM Services. Provide common information technology services when benefits to the organization are obvious.

6. Perform oversight and reviews. Coordinate all agency review activities which fall within the scope of IRM. Oversee and provide technical consultation and management guidance on major information system activities. Ensurecompliance with the Freedom of Information and Privacy Acts. Ensure computer accessibility for people with disabilities. Maintain IRM inventories and report to OMB on information technology obligations and dissemination programs.

Dated: December 23, 1992.

Arthur W. Fort,

(DSO for IRM), Assistant Secretary for Administration.

[FR Doc. 93–3535 Filed 2–12–93; 8:45 am]

BILLING CODE 4710–241–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended February 5, 1993

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48635

Date filed: February 2, 1993

Parties: Members of the International Air Transport Association

Subject: Comp Reso/C 0521 dated September 15, 1992; Reso 003rr as it pertains to Area TC31

Proposed Effective Date: Upon Government Approval

Docket Number: 48636

Date filed: February 2, 1993

Parties: Members of the International Air Transport Association

Subject: TC23 Reso/P 0546 dated October 16, 1992; Africa-TC3 resos r–1 to r–26

Proposed Effective Date: April 1, 1993

Docket Number: 48639

Date filed: February 3, 1993

Parties: Members of the International Air Transport Association

Subject: TC23 Resp/P 0572 dated January 26, 1993; Europe-Southeast Asia expedited reso 002g

Proposed Effective Date: Expedited March 1, 1993

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–3468 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–62–M

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 5, 1993

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48641
Date filed: February 4, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 4, 1993
Description: Application of United Parcel Service Co., pursuant to section 401 of the Act and subpart Q of the Regulations, requests an amendment to its certificate of public convenience and necessity for Route 569 so as to add a segment between San Antonio, Texas and Guadalajara, Mexico.

Docket Number: 48049
Date filed: February 3, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 3, 1993
Description: Amendment No. 1 to the Application of Translift Airways Limited, pursuant to section 402 of the Act and subpart Q of the Regulations request a foreign air carrier permit for authority to engage in scheduled foreign air transportation of persons, property and mail between Shannon Ireland and the United States to the U.S. point Los Angeles, California.

Phyllis T. Kaylor,
Chief, Documentary Services Division.

[FR Doc. 93-3469 Filed 2-12-93; 8:45 am]
BILLING CODE 4910-62-M

Federal Railroad Administration

[FRA Emergency Order No. 17; Notice No. 2]

Owners of Railroad Tank Cars; Emergency Order Requiring Inspection and Repair of Stub Sill Tank Cars

The Federal Railroad Administration (FRA) of the United States Department of Transportation (DOT) has determined that Emergency Order No. 17 (EO 17), Notice No. 1, (57 FR 41799, September 11, 1992) should be modified. This notice will give FRA's response to questions about the Emergency Order received from the affected public; request the cooperation of trade associations whose members may own, operate, or use stub still tank cars; and specify the initial date of implementation of this emergency order.

Background

On September 3, 1992, FRA issued Emergency Order No. 17, Notice No. 1 (57 FR 41799, September 11, 1992), requiring owners of stub still tank cars to comply with the Association of American Railroads (AAR) Tank Car Stub Sill Inspection Program, and the AAR Tank Cars Stub Sill Inspection Procedure, placed in effect in the AAR's O&M Circular No. 1, issued to members and private car owners on July 17, 1992. Under EO 17 and the O&M circular, owners of stub still tank cars must inspect them and shall not return them to service until all defects have been repaired and the cars are in full compliance with Federal railroad safety regulations and the AAR Tank Car Manual. Inspection priorities were established based on characteristics discovered in other inspections and based on accumulated mileage.

FRA has received numerous questions regarding the implementation of EO 17 and, in the interests of promoting better understanding and improved compliance, FRA is taking this opportunity, very early in the tank car stub still inspection program, to respond to those questions and to clarify its enforcement policy.

This notice makes no substantive changes in the requirements of Emergency Order No. 17, in the manner of obtaining relief from it, or in the penalties for violating it.

Responses to Questions/Statements of Enforcement Policy

The questions that follow are examples of actual inquiries made to FRA about EO 17; where several questions relate to a common topic, they have been grouped with a common answer.

1. Question: What year does a tank car owner utilize as the "base year" for establishing fleet size for the first 12 months of inspection?

2. Question: When utilizing the 1/5 and 1/7 proportional fleet inspection requirements, how does one arrive at the correct fleet size to inspect, particularly when the fleet size fluctuates monthly/yearly?

Answer: Both questions deal with the size of the fleet required to be inspected. There is no "base year." As stated in paragraphs 3 and 4 of EO 17, the number of cars to be inspected each year is the cumulative portion of the owner's total fleet "then remaining in service" at the end of each successive 12-month period. The first 12-month period began September 3, 1992; successive periods begin September 3, 1993, 1994, 1995, and so on.

FRA is aware that fleet sizes can fluctuate on a monthly, quarterly, or yearly basis. This agency expects owners to make diligent efforts to inspect sufficient numbers of cars each month so that, at the end of each 12-month period, it will be obvious that the goals of O&M Circular No. 1. and the mandate of EO 17 are being carried out. The chart below will illustrate the inspection requirements for a fleet that changes in size over time.

As of date	Cumulative cars to insp. (percent)	Cars in service	Cars inspected this period	Cumulative number cars req. inspection
9-3-93	20	1,000	200	200
9-3-94	40	900	160	360
9-3-95	60	1,100	300	660
9-3-96	80	800	.....	640
9-3-97	100	1,000	340	1,000

In this example, using the five-year schedule for jacketed stub sill tank cars, the owner cannot just inspect 200 cars per year (20% of the 1,000 car "starting" fleet); rather, each year the owner must inspect sufficient cars so that, as of each anniversary date, an additional 20% of the cars in service are inspected. Significant reductions in fleet size may mean that no inspections are required in a given year and significant increases in the fleet may require performing considerably more than the "average" number of inspections in that year. FRA is holding to this requirement in order to ensure that all stub sill tank cars are inspected on time; as the chart implies, a reduction in the inspection burden of one owner (with a reduction in fleet size) logically means an increase in the inspection burden for another (with an increased fleet size).

3. Question: If an owner has cars leased to another entity (a lessee), what prevents that lessee from holding the cars and then "dumping" them near the end of the 12-month period for the owner to inspect?

Answer: If provided adequate information, FRA may seek a civil penalty from or take other enforcement

action against any person who impedes the performance of inspections required by EO 17. It is in the owner's interest to keep FRA fully informed about any such situation.

4. Question: What specific group or specific individual within the AAR is responsible for recordkeeping and exempting groups of cars from inspection?

Answer: Mr. P.G. Kinnecom has that responsibility. (This answer was furnished by AAR.)

5. Question: After tank cars are inspected, where and to whom should owners send the data?

Answer: The AAR advises that Form SS–2 data should be submitted in computer-readable format on a 3½" or 5¼" diskette to its consultant: Sims Professional Engineers, 8516 Henry Street—suite 1, Highland, Indiana 46322. AAR, in separate correspondence, has advised its members and private car owners of the software to use for converting hard-copy Form SS–2 data onto diskettes.

6. Question: If the AAR does not respond within a reasonable time to an exemption request relative to the 400,000 mile requirement for cars that are older than 20 years, what course of action should the owner then take?

Answer: Owners should contact Mr. M.B. Flagg, AAR Director Tank Car/ Special Equipment Services at 202/639–2146. (This answer was furnished by AAR.)

7. Question: Is the AAR's Tank Car Committee responsible for making the determination that exempts owners from the 20 year/400,000 mile requirement?

Answer: AAR staff has that responsibility, using guidelines established by the Tank Car Committee. (This answer was furnished by AAR.)

8. Question: Will EO 17 allow owners to postpone inspecting portions of their fleet in anticipation of provisions of the program being relaxed?

Answer: No. If this question has its roots in the modification FRA made in the provisions of EO 16, car owners should understand that modifications to that emergency order were made in response to a re-assessment, based on knowledge developed by inspecting dual diameter tank cars, of the state of emergency that existed when it was first issued. EO 17 is quite specific about the need to inspect all stub sill tank cars, and all owners must inspect their proportionate share.

9. Question: Will the current structure (i.e., the front-loading of defective cars in the program's early stages) of the stub sill inspection program taint the data and possibly cause FRA to come to some premature conclusions?

Answer: No. FRA knows from AAR Early Warning letters and Maintenance Advisories, and from its own evaluations, that high mileage and Priority II stub sill cars are susceptible to cracking and this agency insisted that the inspection program look at those cars first.

10. Question: Is a mobile unit using fiber optics allowed for inspection of jacketed cars?

11. Question: If a crack is found by a mobile unit inspection, what is the disposition of the car?

12. Question: Does EO 17 grant the option, similar to that of earlier random inspections, of allowing tank cars with certain cracks of limited length to remain in service for later repair?

Answer: These three questions deal with the procedures for inspecting cars and the disposition of cars that have been inspected and found flawed.

FRA does not prohibit the use of mobile inspection units. Some confusion may stem from the wording of successive paragraphs in O&M Circular No. 1: Paragraph 2 requires "jacketed" cars "* * * to be shopped, stub sills inspected, * * *" and Paragraph 3 requires "non-jacketed" cars "* * * to be inspected * * *." In enforcing paragraph 1 of EO 17, which requires owners to comply with O&M Circular, FRA will consider any site capable of accommodating inspection personnel and equipment for adequately performing stub sill inspections as a "shop."

If a crack or defect is discovered during an inspection performed by a mobile unit, the car may move for repair if it is safe to do so. In enforcing paragraph 2 of EO 17, FRA will consider compliance with procedures similar to those set out in 49 CFR 215.9 as satisfactory. In other words, the owner can designate a qualified person (in the owner's judgement) to make a determination that the car is safe to move for repair and the restrictions necessary for its safe movement. The car should be tagged ("B/O per EO 17" would be acceptable) and the railroad notified.

EO 17 does not deal with crack measurement, but requires, in paragraph 2, cracks/defects critical to stub sill structural integrity to be repaired before the car is returned to service. The nature and length of a prohibited crack or defect will depend on its location and other factors, including any propensity for a defect to initiate crack growth.

Owners should note that, although FRA believes 49 CFR 215.9 establishes a good model for a procedure usable under this Emergency Order, the agency has not determined that tank cars with defective stub sills are also defective under the Freight Car Safety Standards of part 215. Those standards establish safety requirements for freight cars in general; this Emergency Order establishes specific inspection and repair requirements for an extraordinary problem, and one that can lead to sudden structural failure, outside the realm of part 215.

13. Question: Can cars inspected under priority programs before EO 17, with SS–1 forms already filed, be converted to SS–2 reports with mileage added?

Answer: Yes, during the first year of the EO 17 program, FRA will allow cars inspected under priority programs before EO 17 to be converted to "SS–2" cars with the completion of the SS–2 form. Such cars must have SS–2 forms filed in order for them to be "exempt from further inspection" under paragraph 8 of O&M Circular No. 1. Paragraph 5 of EO 17 requires as SS–2 form to be filed before the car is considered to have been inspected; without an SS–2 form, in other words, there has been no "inspection" and therefore no issue of "further" inspection.

Form SS–2 seeks very little data not recorded on form SS–1: (1) The original AAR Certificate of Construction number, (2) the stub sill design type, and (3) car mileage. All three data elements will be required in converting an "SS–1 car" into an "SS–2 car." FRA believes that some priority program inspections before this Emergency Order may have been recorded on forms pre-dating the SS–1 form as finally approved. FRA includes those cars under the general description "SS–1" cars.

Cars whose inspections were recorded on form SS–1 may include those described in paragraph 4 of O&M Circular No. 1 and their inclusion as "SS–2" cars satisfies FRA's purpose of capturing the maximum amount of stub sill inspection data in the minimum time. FRA assumes that as many as 3,000 stub sill tank cars will fall into the SS–1 category; for example, many prudent owners of dual-diameter cars subject to EO 16 realized the problems with stub sill cars generally and performed stub sill inspections at the same time as the inspections required by that emergency order.

14. Question: What record format including proof of inspection must be retained under EO 17?

Answer: Paragraph 6 of EO 17 does not specify a particular format for the record of fleet size or the cumulative

total of cars inspected. Paragraph 12 of O&M Circular No. 1 requires owners "to maintain records and dates of all stub sill inspections, including hard copies of completed Forms SS–2." The Stub Sill Inspection Procedure, also part of O&M Circular No. 1, further requires the owner to submit SS–2 data "in computer-readable format." Any of these forms of records are acceptable to FRA, including microfiche. AAR advises that all cars for which a Form SS–2 is submitted shall have a 2-inch green square marked on diagonally opposite sill webs as required by paragraph 11 of O&M Circular No. 1.

15. Question: What welds are considered to be critical welds?

Answer: Critical welds are those welds shown in Figures No. 1 through No. 6 of O&M Circular No. 1.

16. Question: What area of the stub sill is required to be inspected under EO 17?

Answer: EO 17 requires compliance with AAR O&M Circular No. 1. Circular No. 1 states, "Weld attachments of draft sill-to-pad, draft sill-to-head brace (if used), head brace-to pad, and pad-to-tank must be examined." Illustrations attached to the circular provide a visual reference as well.

The inspection area described in O&M Circular No. 1 only encompasses the outboard area, that is, the area towards the end of the car from a vertical line drawn through the approximate center of the tank cradle/bolster Web. While problem areas inboard of the bolster are unlikely to result in complete stub sill separation, inspection data from EO 16 and a recent incident involving cracking in the inboard stub sill area (resulting in a release of product) prompted FRA to request the Tank Car Committee to investigate the problem. Whether or not this single incident is related to the more wide-spread dangers that are the background to EO 17, FRA encourages owners to inspect the complete stub sill assembly, inboard as well as outboard.

17. Question: Do stub sill inspections under EO 17 require draft gears to be dropped?

Answer: O&M Circular No. 1 requires draft gear to be removed if stub sill attachment welds are obscured by design, except that it is not necessary to remove draft gear if welds are inspected using fiber optics or if sill is tested by the acoustic emission (AE) method. (This answer was furnished by AAR.)

18. Question: When inspecting cars in accordance with EO 16 and EO 17, can the shop assume that Rule 88B automatically applies?

Answer: While both EO 16 and EO 17 mention AAR Interchange Rule 88B, neither of them impose a "stand alone" requirement for compliance with it. If AAR Interchange Rule 88B applies to a particular car affected by either of the emergency orders, it applies by its own terms and not because of the FRA order(s). FRA mentioned Rule 88B as an aid to owners, to remind them, for instance, that if they do certain repairs to meet the directives of one of the emergency orders, and if those repairs make a tank retest mandatory, then Rule 88B goes into effect for that car. AAR advises: "While it may make sense to do both (stub sill and Rule 88B) inspections together, O&M Circular No. 1 does not require that for AAR's stub sill inspection program. Shops should be guided by owner's instructions." While neither EO 16 nor EO 17 incorporates AAR's interchange rules, owners are reminded that paragraph 2 of EO 17 forbids returning a car to service following its inspection "* * * until all defects have been repaired and the car is in full compliance with the Federal railroad safety regulations, including the Hazardous Materials Regulations, and the AAR Tank Car Manual."

19. Question: Does EO 17 require cars with accumulated mileage in excess of 400,000 miles, built or rebuilt after January 1, 1984, to be inspected?

Answer: Yes, in enforcing paragraph 1 of EO 17, FRA will assume that paragraph 6 of O&M Circular No. 1 takes precedence over paragraph 8 of the circular. There is a population of cars that was built after January 1, 1984 and has accumulated in excess of 400,000 miles that will be required, by the terms of EO 17, to be inspected.

20. Question: Would FRA consider a weighted average of 18 per cent per year of the combined insulated and non-insulated fleet for instances where the 20 percent of insulated and 14.3 percent of non-insulated car inspections cannot be met?

Answer: No, not at this time. FRA expects diligent efforts on the part of all owners of stub sill tank cars to inspect an estimated 21,000–22,000 stub sill tank cars per year for the first five years and nearly 6,000 cars per year in the sixth and seventh years of the program established by AAR O&M Circular No. 1.

Notice to Affected Persons

This second notice to Emergency Order No. 17 will be published in the **Federal Register** and a copy of this document will be furnished to representatives of all the interests known by FRA to be affected by the order. Associations and other groups receiving this Notice No. 2 are urged to inform their members of its contents, preferably by making a copy of it available.

Issued in Washington, DC on February 8, 1993.

S. Mark Lindsey,

Acting Administrator.

[FR Doc. 93–3467 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–06–M

Maritime Administration

Merger of Approved Trustee; First National Bank et al

Notice is hereby given that effective December 31, 1987, The First National Bank of St. Paul, St. Paul, MN; The First National Bank of Burnsville, Burnsville, MN; First Edina National Bank, Edina, MN; First National Bank of Hopkins, Hopkins, MN; First Bank (National Association)-Lake Minneapolis, MN; First Northtown National Bank, Blaine, MN; First Plymouth National Bank, Plymouth, MN; First Bank Robbinsdale, National Association, Robbinsdale, MN; First Southdale National Bank of Edina, Edina, MN; First Bank East, National Association, St. Paul, MN; First Bank Grand, National Association, St. Paul, MN; First Bank Security, National Association, St. Paul, MN; First Bank White Bear Lake, National Association, White Bear Lake, MN, merged with and into First National Bank of Minneapolis, Minneapolis, MN under the name of First Bank, National Association as the surviving corporation in the merger.

Dated: February 9, 1993.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 93–3489 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–81–M

Merger of Approved Trustees

Notice is hereby given that effective January 1, 1993, Chase Lincoln First Bank, National Association, Rochester, New York, merged with and into The Chase Manhattan Bank, National Association, New York, New York, under the name of The Chase Manhattan Bank, National Association as the surviving corporation in the merger.

Dated: February 9, 1993.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 93–3470 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–81–M

National Highway Traffic Safety Administration

[Docket No. 92–45; Notice 2]

Mazda (North America), Inc.; Grant of Petition for Determination of Inconsequential Noncompliance

Mazda (North America), Inc. (Mazda) representing Mazda Motor Corporation of Hiroshima, Japan, determined that some of its vehicles fail to comply with 49 CFR 571.108, "Lamps, Reflective Devices, and Associated Equipment," Federal Motor Vehicle Safety Standard (FMVSS) No. 108, and filed an appropriate report pursuant to 49 CFR part 573. Mazda also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis 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 September 11, 1992, and an opportunity afforded for comment (57 FR 41803).

During the period of July 1991 through June 1992, Mazda produced 29,622 model 929 passenger cars which were equipped with headlamps that failed to include the "O" mark required by FMVSS No. 108 for a point of reference when aiming the lamps. Further, these vehicles failed to include aiming instructions on a permanently affixed label or in the owner's manual. In addition, Mazda produced 7,000 model 626's which incorporated the "O" mark on the headlamp, but did not include aiming instructions on a permanently affixed label or in the owner's manual.

Paragraph S7.8.5.2(a)(2) *Horizontal aim* states that "[a]n 'O' mark shall be used to indicate alignment of the headlamps relative to the longitudinal axis of the vehicle." Paragraphs S7.8.5.2(a)(1) *Vertical aim* and (a)(2) reference the necessity to provide "an equal number of graduations from the 'O' position representing angular changes in the axis." The subject headlamps do not bear the "O" mark.

Paragraph S7.8.5.2(b)(1) *Aiming instructions* states that "[t]he aiming instructions for properly aiming the headlighting system using the VHAD [vehicle headlamp aiming device] shall be provided on a label permanently affixed to the vehicle adjacent to the VHAD, or in the vehicle operator's manual."

Mazda supported its petition for inconsequential noncompliance in two ways. To support its omission of aiming instructions, Mazda offered its own rationale. To support its omission of the "O" mark, Mazda incorporated, by reference, the rationale used by Koito Manufacturing Company, Ltd. (Koito) in its July 7, 1992, petition to NHTSA on this same issue (57 FR 33543).

Mazda supported its omission of aiming instructions with the following:

> It is Mazda's belief that the designs of the VHADs incorporated in both the Mazda 929 and the Mazda 626 are so simple to use and the markings are so obvious, that even untrained individuals will have no difficulty correctly aiming the lamps using the VHAD without any instructions.
>
> To the extent that there are individuals who would be reluctant to attempt aiming adjustments without instructions, every Mazda dealer has such information readily available.
>
> [R]elying on outside assistance to properly aim the headlights * * * is identical to the situation that has successfully existed for so many years for vehicles that require external mechanical aiming.
>
> It is also our belief that the headlights on these vehicles will only rarely need adjustment. The vehicles are shipped with the headlights properly aimed, and unless they are involved in a crash, there will be little instance of the aim needing readjustment.

Unlike Mazda, Koito stated in its petition that the vehicles on which its noncompliant headlamps were installed included instructions in the owner's manuals as to how the headlamps could be aimed. This is not true in Mazda's case.

To support its omission of the "O" mark, Mazda incorporated, by reference, the rationale used by Koito Manufacturing Company, Ltd. (Koito) in its petition to NHTSA on this same issue (57 FR 48266). Koito's rationale for omission of the "O" mark was as follows:

> (1) The purpose of the "O" mark would be to provide the base point on the scale. In place of this mark, the Koito headlamps concerned make use of a pair of lines which are clearly distinguished by their color and/or their thickness (bold). Even in the absence of the "O" mark, the user and dealer can easily determine the reference lines and perform a correct aiming adjustment.
>
> * * * * *
>
> (3) Headlamps which are equipped with aiming pads allow aiming by an aimer which must satisfy Society of Automotive Engineers (SAE) J602 requirements, as stipulated by FMVSS. Of aimers meeting SAE J602 requirements and currently available on the market, the most popular is the one made by H-Company.
>
> This aimer does not make use of the "O" mark. It features indicator scale reference lines which are very similar to Koito's VHAD (Vehicle Headlamp Aiming Device) reference lines, and which function in the same way. We believe that the great majority of the users and dealers are well accustomed to this system.
>
> (4) Up to the present date, Koito has not received any claim or complaint representing a user's inability to determine the reference line positions.
>
> (5) In order to demonstrate the efficacy of this aiming system, Koito has conducted a demonstration test. Ten unbiased subjects with no prior familiarity with the system were asked to readjust headlamps which had been deliberately misaligned. All ten were successful in making the required correction in the manner intended by the designers of this system.
>
> (6) All of the concerned headlamps were subject to the test and were certified [to be in] compliance [with] all the requirements, including [the] VHAD adjusting system, in FMVSS 108 by ETL Testing Laboratories Inc., an authoritative organization in the United States. This shows that there is no problem in headlamp aiming inspection and adjustment.

No comments were received on the petition.

On October 22, 1992, NHTSA granted Koito's petition. The agency determined that failure to provide the "O" mark was inconsequential as it related to motor vehicle safety (57 FR 48266). As NHTSA noted, before filing its petition, a Koito representative met with NHTSA personnel to discuss the noncompliance, and to demonstrate its inconsequentiality. The NHTSA employees who were present at that meeting considered that the pair of bold lines provided a sufficient and unmistakable replacement for the "O" mark. In their view, vehicle owners, lacking familiarity with the new VHAD systems, would not notice that an "O" mark was missing, and would aim their headlamps with the pair of bold lines as an adequate reference point. For this reason, NHTSA granted the petition of the headlamp manufacturer.

NHTSA noted that there was an additional responsibility upon the installer of the headlamp (i.e., the vehicle manufacturer installing the lamp as original equipment) to comply with the additional requirement to provide aiming instructions. Paragraph S7.8.5.2(b)(1) of Standard No. 108, Aiming Instructions, requires that:

> The instructions for properly aiming the headlighting system using the VHAD (vehicle headlamp aiming device) shall be provided on a label permanently affixed to the vehicle adjacent to the VHAD, or in the vehicle operator's manual.

NHTSA was concerned about the possible effect upon safety of the double noncompliance, and has obtained a commitment from Mazda that it will prepare and distribute an operator's manual insert which shall be furnished to the owners of the affected vehicles. In NHTSA's view, this moots Mazda's petition for noncompliance with respect to paragraph S7.8.5.2(b)(1).

For the reasons given above, petitioner has met its burden of persuasion that the noncompliance with paragraph S7.8.5.2(a)(2) herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on: February 9, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–3462 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 92–68; Notice 2]

Nissan Motor Company, Ltd.; Grant of Petition for Determination of Inconsequential Noncompliance

Nissan Motor Company, Ltd. (Nissan) of Gardena, California has determined that some of its replacement safety belts fail to comply with 49 CFR 571.209, "Seat Belt Assemblies," Federal Motor Vehicle Safety Standard No. 209, and has filed an appropriate report pursuant to 49 CFR part 573. Nissan has also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety. This notice grants Nissan's petition.

Notice of receipt of the petition was published on December 7, 1992, and an opportunity afforded for comment (57 FR 57860).

Between 1967 and October 1992, Nissan produced approximately 280,000 replacement safety belts which did not include installation instructions. In Standard No. 209, section S4.1(k) requires that "[a] seat belt assembly or retractor shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle except for a seat belt assembly installed in a motor vehicle by an automobile manufacturer. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles * * *". In addition, section S4.1(l) requires that "[a] seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened." The remaining instructions pertaining to threading and nonlocking retractors do not apply to Nissan's belt designs.

Nissan supported its petition for inconsequential noncompliance with the following:

Nissan feels that a mismatch of a replacement seat belt assembly in the wrong vehicle or wrong seating position is highly unlikely. It has established a complex part number control system for use in ordering replacement parts from the central warehouse. This system, which requires the ordering dealer to specify the replacement seat belt assembly he is ordering in terms of the specific vehicle in which it will be installed, makes it highly unlikely that the wrong seat belt assembly will be ordered for that car. Even in the unlikely event that wrong parts are purchased, it will be obvious to the installer that the replacement is of a different shape than the one already being replaced.

Nissan parts numbers are ten characters in length. The number provided information about the specific part and the vehicle in which it belongs. For example, a typical seat belt part number reads as follows: 86841–06F00. In this example, 86841 is the specific prefix for a front left side 3-point seat belt assembly. The 06F in the suffix means that the part is for an S12 model line 200SX. The last two numbers in the suffix 06F00 indicate the color of the part, hence, a 01 would be a different color and 02 another. All replacement seat belt assemblies are individually packaged with the part number prominently displayed.

The methodology for numbering parts and the system used by Nissan dealers to obtain replacement parts (are) intended to prevent the incorrect parts from being ordered and delivered. Parts catalogs and microfiche are published on a model line specific basis and contain enlarged views and other identifying information about the model of interest. Once a dealer locates the enlarged view depicting seat belts for a particular model, he then identifies the part he needs on the view. The drawing of the part is accompanied by a key number which indicates which set of part numbers to use. There is generally more than one part number for a given seat belt component primarily due to color variations.

In addition to Nissan's part number control system, there are a variety of significant physical differences among vehicles which make it highly unlikely that a mechanic would install a replacement seat belt assembly in the wrong model vehicle. These differences include various mounting configuration and location differences; variation in color between vehicle models; differences in buckle latch plate configuration and retractor locking device; spool size, webbing length and housing configuration differences; and difference in motorized seat belt guide track shapes. Given these variances in physical properties, Nissan feels that it is quickly apparent upon brief inspection if a replacement seat belt assembly is intended for use in (a) model other than the one in which it is about to be installed.

Within a vehicle, variances in seat belt styles also ensure that the seat belt assembly is installed in the correct position in the vehicle. For example, a center rear seat belt will not be mistaken for a front outboard automatic seat belt. In addition, the configuration and location of the seat belt anchorages are unique to each seating position, which makes it virtually impossible to install a seat belt at an incorrect seating position.

Under practices followed by Nissan dealers, the absence of installation instructions in the replacement seat belt assembly package is not likely to result in the improper installation of a replacement seat belt assembly. Instructions for seat belt installation in Nissan vehicles are contained in Nissan's service manuals, copies of which are provided to every Nissan dealer and which are widely available to the public and independent repair facilities.

Furthermore, in most cases of installing a replacement seat belt, the installer will first remove the seat belt that needs to be replaced from the vehicle. After removal of the old seat belt, the installer can reverse the steps of removing the belt in order to know the proper location and other aspects of installation of the replacement belt. For Nissan vehicles, there is no need to specify instructions for such activities as threading webbing or finding locations for and drilling anchorage holes because Nissan seat belt assemblies are furnished ready for installation in the vehicle's preexisting anchorage holes.

In other determinations for inconsequential noncompliance, NHTSA has recognized that safety objectives of an FMVSS may be met by means other than complying with the technical requirements of the FMVSS. For example, NHTSA recently granted a mostly analogous petition filed by Chrysler Corporation. See Docket 92–24, Notice 2, 57 FR 45865 (October 5, 1992). In that decision NHTSA concluded that '[t]he structure of the parts ordering system used by Chrysler and the variety of differences between seat belt assemblies will help prevent misapplication of the assemblies in question.' Thus, NHTSA determined that Chrysler's noncompliance with FMVSS 209 was inconsequential.

As in the Chrysler matter, Nissan's current practices and procedures are adequate to ensure that replacement seat belts will be installed correctly and in the correct motor vehicle. Nissan is not aware of any owner complaints, field reports, or allegations of hazardous circumstances relating to the omission of the instruction sheet or the misinstallation or misapplication of replacement seat belt assemblies.

No comments were received on the petition.

With respect to the failure to provide installation instructions, Nissan has argued that a mismatch of a replacement seat belt assembly in the wrong vehicle or seating position is highly unlikely, and therefore that it is unimportant to specify whether the assembly is for universal or specific application. Even if

the wrong parts are purchased it will be obvious to the installer that the replacement is of a different shape than the belt being replaced. Further, since the old belt must be removed before the new belt is installed, installation is simply a matter of reversing steps, the failure to specify instructions according to SAE J800c is also inconsequential. After reviewing these arguments, NHTSA concurs with them.

With respect to the failure to provide usage and maintenance instructions, Nissan has argued that this information is contained in its operator manuals, and for this reason the noncompliance is inconsequential. NHTSA does not necessarily agree with this argument. Nissan has not stated that this information has been contained in the operator's manual for every vehicle that it has sold in the United States manufactured on and after January 1, 1968. Further, Nissan assumes that the vehicle will retain its operators manual throughout its life, or that the manual will be replaced by an operator if missing.

Instead, the agency has formulated a different approach. In its view, the most likely person to be affected by Nissan's failure to provide this information is the person who for the first time has bought a vehicle, specifically an old Datsun/Nissan lacking its operator's manual, and who must replace its seat belt assemblies. The probability of such an individual existing and such an event happening appears to be slight, justifying an inconsequentiality determination.

Accordingly, petitioner has met its burden of persuasion that the noncompliances herein described are inconsequential as they relate to motor vehicle safety, and its petition is granted.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued: February 9, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–3463 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–59–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 29
Tuesday, February 16, 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).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, 10 a.m., Wednesday, February 17, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS:

MATTERS TO BE CONSIDERED:

Open to the Public

Pride in Public Service

The Commission will present the Pride in Public Service Award to February's recipient.

Closed to the Public

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, (301) 504–0800.

Date: February 10, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93–3699 Filed 2–11–93; 2:11 pm]

BILLING CODE 6335–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Wednesday, February 17, 1993.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *U.S. Steel Mining Co., Inc.*, Docket No. WEVA 91–1607. (Issues include whether the judge erred in finding that U.S. Steel violated 30 CFR 75.512–2, which requires that all electric equipment in underground coal mines be examined and tested weekly.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 93–3601 Filed 2–11–93; 9:14 am]

BILLING CODE 6735–01–M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10 a.m., Tuesday, February 23, 1993.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

STATUS: The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED: Ex Parte No. 495, *Bills of Lading.*

CONTACT PERSONS FOR MORE INFORMATION: Alvin H. Brown or A. Dennis Watson, Office of External Affairs, Telephone: (202) 927–5350, TDD: (202) 927–5721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3657 Filed 2–11–93; 11:29 am]

BILLING CODE 7503–01–M

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting of the Board of Directors

TIME AND DATE: 10 a.m., Thursday, February 25, 1993.

PLACE: Neighborhood Reinvestment Corporation, 1325 G Street, NW., 8th Floor Board Room, Washington, DC 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Jeffrey T. Bryson, General Counsel/Secretary (202) 376–2441.

AGENDA:

I. Call to Order
II. Approval of Minutes, December 2, 1992, Regular Meeting
III. Audit Committee Report: February 17, 1993, Regular Meeting Receive FY 1992 Audit Report from Outside Auditors
IV. Committee Appointments:
  a. Audit Committee
  b. Personnel Committee
V. Treasurer's Report
VI. Executive Director's Quarterly Management Report
VII. Adjourn

Jeffrey T. Bryson,

General Counsel/Secretary.

[FR Doc. 93–3637 Filed 2–11–93; 11:09 am]

BILLING CODE 7570–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the weeks of February 15 and February 22, 1993.

Closed meetings will be held on Wednesday, February 17, 1993, at 10:00 a.m. and on Monday, February 22, 1993, at 2:30 p.m. An open meeting will be held on Monday, February 22, 1993, at 10:00 a.m., in Room 1C30.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioners Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, February 17, 1993, at 10:00 a.m., will be

Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Opinions.

The subject matter of the open meeting scheduled for Monday, February 22, 1993, at 10:00 a.m., will be:

1. Consideration of whether to adopt on an interim basis amendments and additions to the rules, forms, schedules and procedures to implement the Electronic Data Gathering, Analysis and Retrieval ("EDGAR") system, in which most filings and related correspondence processed by the Divisions of Corporation Finance and Investment

Management will be submitted electronically, and schedules for the phase-in of registrants to electronic filing. For further information, please contact Division of Corporation Finance: James R. Budge or Barbara Smith Jacobs at (202) 272–2589; Division of Investment Management: Ruth Armfield Sanders at (202) 272–7714 or Richard T. Miller at (202) 5044–1168.

2. Consideration of whether to adopt rule 3a, which would require filing fees to be remitted to a Department of Treasury Lock Box Depository located at Mellon Bank, Pittsburgh, Pennsylvania. Trust Indenture Act Filing Fees would also be required to be paid pursuant to rule 3a. For further information, please contact Jessica Kole at (202) 272–2706.

The subject matter of the closed meeting scheduled for Monday, February 22, 1993, at 2:30 p.m., will be:

Institution of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

Settlement of administrative proceeding of an enforcement nature.

Opinions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Brian Lane at (202) 272–2400.

February 10, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3658 Filed 2–11–93; 11:30 am]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 58, No. 29
Tuesday, February 16, 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.

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37 CFR Parts 301 and 311

[Docket No. 92–3–DART]

Digital Audio Recording Technology Act; Implementation

Correction

In rule document 93–2303 beginning on page 6441 in the issue of Friday, January 29, 1993, make the following corrections:

1. On page 6442, in the second column, in the first full paragraph, in the sixth line, "(them)" should read "[them]".

2. On the same page, in the third column, in the second full paragraph, in the first line, "(n)ot" should read "[n]ot".

3. On page 6444, in the second column, in the second full paragraph, in the ninth line, "revolve" should read "resolve".

4. On the same page, in the 3d column, in the 18th line, "within" should read "without".

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–03–4210–04; AZA 26359–A]

Exchange of Public Lands; Mohave Co., AZ

Correction

In notice document 92–31796 beginning on page 62578 in the issue of Thursday, December 31, 1992, make the following corrections:

1. On page 62578, in the third column, in the heading, the docket number should read as set forth above.

2. On page 62579, in the first column, under **McCracken Desert Tortoise Habitat**, in land description T. 13 N., R. 14 W., in the last line, "Sec. 27, all." should read "Sec. 17, all.".

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701 and 785

RIN 1029–AB45

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Definitions; Requirements for Permits and Permit Processing

Correction

In rule document 93–388 beginning on page 3466 in the issue of Friday, January 8, 1993, make the following corrections:

1. On page 3466, in the second column, in the second full paragraph, beginning in the ninth line, "In Re: Permanent Surface Mining Regulation Litigation (II)" should be italicized.

2. On the same page, in the same column, in the fourth full paragraph, in the sixth line from the end, after "could be" delete "in".

3. On page 3468, in the 3d column, in the 1st full paragraph, in the 13th line from the end, "all" should be italicized.

4. On page 3469, in the first column, in the last full paragraph, in the sixth line from the end, "*NMF* v. *Lujan*" should read "*NWF* v. *Lujan*".

5. On the same page, in the second column, in the seventh line from the top of the page, "weigh in factor" should read "weigh in favor".

6. On page 3470, in the second column, in the first paragraph, in the last line, "programs." should read "program."

§ 785.10 [Corrected]

7. On page 3470, in the third column, in § 785.10, in the third line, after "and (h)" insert a comma.

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 870

RIN 1029–AB68

Abandoned Mine Reclamation Fund—Fee Collection and Coal Production Reporting, Reclamation Fee, Basis for Coal Weight Determination

Correction

In proposed rule document 92–31398 beginning on page 62116 in the issue of Tuesday, December 29, 1992, make the following corrections:

1. On page 62118, in the 2d column, in the 2d full paragraph, in the sixth line, after "fees" insert "based" and in the 10th line, "plan" should read "plant".

2. On page 62119, in the first table, in the second column of the table, in the third entry, "194,00" should read "194,000".

BILLING CODE 1505–01–D

federal register

Tuesday
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Corrective Action Management Units and Temporary Units; Corrective Action Provisions; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 264, 265, 268, 270 and 271

[FRL–4555–7]

RIN 2050–AB80

Corrective Action Management Units and Temporary Units; Corrective Action Provisions Under Subtitle C

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is promulgating today certain corrective action-related regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The specific provisions finalized in this rulemaking address two new units that will be used for remedial purposes under RCRA corrective action authorities: corrective action management units (CAMUs), and temporary units (TUs). These specific provisions were proposed as part of a more comprehensive corrective action rulemaking on July 27, 1990.

EFFECTIVE DATE: These final regulations are effective on April 19, 1993.

ADDRESSES: The official record for this rulemaking is located in the RCRA Docket, located in room 2427 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The telephone for the RCRA Docket is (202) 260–9327. The record is available for inspection, by appointment only, between the hours of 9 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. As provided in 40 CFR part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Questions relating to the technical content of this rule should be directed to Anne Price or David Fagan, Corrective Action Programs Branch, Office of Solid Waste (5303W), U.S. Environmental Protection Agency, at (703) 308–8657 or (703) 308–8620. Other inquiries should be directed to the RCRA/Superfund Hotline, at (800) 424–9346 or at (202) 260–3000.

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I. Authority

These regulations are issued under the authority of sections 1006, 2002(a), 3004(u), 3004(v), 3005(c), 3007 and 3008(h) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984.

II. Background

The RCRA Hazardous and Solid Waste Amendments of 1984 established a broad new mandate for EPA and the States to implement corrective action at hazardous waste treatment, storage, and disposal facilities (TSDFs) regulated under subtitle C of RCRA. Under section 3004(u), permits issued to such facilities must address corrective action for all releases from solid waste management units at the facility. Under section 3008(h), EPA may issue administrative orders to compel corrective action at facilities authorized to operate under section 3005(e) of this subtitle (i.e., interim status facilities). Section 3004(v) established the authority to compel remediation of releases that have migrated beyond a facility's boundary.

On July 27, 1990, EPA issued a proposed rulemaking to establish, under subpart S of 40 CFR part 264, a comprehensive regulatory framework for implementing corrective actions at RCRA facilities under these new statutory authorities. 55 FR 30796–884 (July 27, 1990). The proposal established a detailed set of technical requirements and procedures for investigating and responding to environmental releases at RCRA facilities.

EPA received numerous public comments on the Subpart S proposal, many of which raised substantial issues which must be resolved prior to a final rulemaking. In addition, EPA is currently conducting a comprehensive new Regulatory Impact Analysis (RIA) to more thoroughly assess the costs and benefits of the Subpart S proposal, and to analyze specific regulatory alternatives for the final rule. EPA will make the results of the RIA available for public review and comment prior to promulgating the remainder of the proposed subpart S rules.

The proposed subpart S regulations contained several key remediation waste management provisions. These provisions were designed to reduce or eliminate certain waste management requirements of the current RCRA subtitle C regulations which, when applied to remediation wastes, impede the ability of the Agency to select and implement reliable, protective and cost-effective remedies at RCRA facilities. These impediments also occur at sites being remediated under CERCLA authorities, since RCRA requirements are often applicable or relevant and appropriate requirements (ARARs), as defined in CERCLA and in the CERCLA National Contingency Plan.

Therefore, EPA believes that pending the promulgation of the comprehensive subpart S rules, it is useful and necessary to expedite the promulgation of these key provisions of subpart S, and thereby realize the benefits that they will provide in an accelerated time frame.

The Agency remains committed to promulgating final comprehensive rules governing RCRA corrective actions. Today's rule is intended to advance that

process by putting into place certain key provisions that will produce immediate benefits for these important remedial programs. Specifically, today's rule promulgates provisions under subpart S for corrective action management units (CAMUs) and temporary units (TUs) to be used for the purpose of facilitating remediation waste management activities at RCRA facilities. The requirements for these units will also become RCRA ARARs for hazardous waste management activities at CERCLA sites.

A. Purpose and Context for Today's Final Rule

Today's rule finalizes provisions for corrective action management units (CAMUs) and temporary units under subpart S of 40 CFR part 264. Both of these units function solely to manage wastes that are generated at a RCRA facility for the purpose of implementing remedial actions required at that facility (i.e., remediation wastes, as defined in this rule). As explained elsewhere in this preamble, these units will not and cannot be used to manage "as-generated" hazardous wastes; as used in this preamble, as-generated wastes means those wastes generated from ongoing production processes or other industrial activities.

In creating the CAMU as a remediation waste management unit, EPA is providing remedial decisionmakers with an added measure of flexibility in order to expedite and improve remedial decisions. Although the CAMU provision does provide some additional flexibility, it is important to recognize that other existing requirements, policies, and guidelines for establishing site-specific cleanup goals and for selecting remedies remain in effect. EPA does not intend for this rule to replace existing state and federal requirements, guidelines, and standards that define the necessary level of protectiveness for remedies and the factors to be considered in selecting site-specific remedies.

For example, as is discussed more fully later, existing closure regulations and requirements for RCRA-regulated units, which require closure to occur in a manner that is protective of human health and the environment, remain in effect. Similarly, EPA guidance (most notably, the subpart S proposal) and state regulations and guidance documents provide information on the appropriate conduct of cleanup actions. The Subpart S proposal defines the process for establishing cleanup goals, defines the process for and principles of remedy selection, and, requires that remedies meet the statutory standard of "protective of human health and the environment".

In addition, several years ago, EPA developed treatability guidelines for contaminated soil (the "Superfund 6A" guidance) for making site-specific decisions regarding treatability variances from the land disposal restriction standards. Today's CAMU rule does not specifically address the issue of what specific treatment standards or technologies should be applied in remediating RCRA facilities using CAMUs. However, EPA's Regulatory Impact Analysis for this final rule strongly suggests that promulgation of this CAMU provision, with appropriate criteria to guide the designation of CAMUs, will result in more treatment, greater use of innovative technologies and less incineration. Further, EPA expects that such treatment will often follow the treatment guidelines in the Superfund 6A guidance. The Agency's experience with this guidance has been that the treatment levels prescribed in the guidance are generally workable and practicable for remediation purposes. Thus, EPA expects that the 6A guidance will continue to be used in a variety of remedial situations involving management of contaminated soils, even when such soils are not explicitly subject to LDR requirements.

Finally, today's rule is only one component of what the Agency intends as a comprehensive regulatory framework under RCRA that will apply to the Agency's remedial programs. Today's rule for CAMUs and temporary units should be viewed in the context of the Agency's overall strategy to establish comprehensive remediation regulations under RCRA subtitle C, and is one of the first steps EPA is taking in developing a comprehensive risk-based regulatory framework. EPA is committed to proceed expeditiously to develop a complete regulatory framework for RCRA Corrective Action under subpart S and to develop new proposed regulations governing the status of contaminated media as hazardous waste. EPA is also committed to conducting these rulemakings in a manner which ensures ample opportunities for public dialogue to discuss appropriate regulatory requirements for the cleanup of contaminated media. EPA expects the dialogue to include discussions of risk-based cleanup standards for contaminated groundwater, soils, and other media, remedy selection decision criteria, and other specific cleanup requirements.

The Agency therefore wishes to emphasize that the scope and intent of today's final rules for CAMUs and temporary units is limited to establishing certain regulatory provisions relating to the management of remediation wastes. As is clarified in § 264.552(h), today's rule does not address the many important issues relating to "how clean is clean", or where compliance with cleanup standards must be achieved (i.e., points of compliance for remediation of ground water and other media). These are issues that will be addressed in the final Subpart S corrective action rule. Thus, for example, under today's rule the RA's designation of a CAMU at a facility, pursuant to the enumerated criteria, does not have any relevance to where the point of compliance for ground water remediation will be specified for that facility.

CAMU decisions will generally be made based on extensive discussions and consultations with the owner/operator. Once the preliminary decisions are made, the Agency will incorporate the CAMU designation into the permit or order, through a modification process that allows the owner/operator, and the public, the opportunity to comment on the specifics of the CAMU designation.

It is possible that in certain cases the owner/operator of a facility may disagree with the Agency regarding how the CAMU concept should be applied for purposes of implementing the CAMU. Such disagreements are usually resolved by informal discussions. In the rare event that such disagreements persist after the permit has been modified to incorporate the CAMU selected by the Agency, the owner/operator may file an administrative appeal to contest the CAMU decision. Under this appeal process, the provisions being appealed are not effective until a decision on the appeal is rendered by the Environmental Appeals Board. EPA believes that this process serves to protect the due process rights of the owner/operator.

In the proposed subpart S rule, EPA recognized that the existing regulatory structure of RCRA subtitle C, when applied to management of hazardous wastes for remedial purposes, can often seriously hamper the ability of decisionmakers to select and to implement effective, protective and cost effective remedies. CAMUs and temporary units, as finalized today, are expected to address these problems in several important ways.

The basis for establishing a separate regulatory framework for these new remediation waste management units is the premise that remediation of existing contamination problems is inherently

different from the management of as-generated industrial hazardous waste, and that applying "as-generated" regulatory requirements to remediation wastes does not always result in implementation of the best remedies. In fact, EPA's preliminary analysis indicates that better remedies, in terms of increased environmental benefits, are likely under a regulatory framework tailored to remediation wastes.

The original RCRA subtitle C program, which was established beginning in 1980, was designed to be a "cradle-to-grave" system of controls governing the generation and subsequent transportation, storage, treatment and disposal of hazardous wastes from ongoing industrial processes. Thus, RCRA was first and foremost a "prevention" oriented program, with the primary objective to prevent new releases (e.g., new Superfund sites) resulting from management of hazardous wastes. Following this objective, a stringent set of standards were developed to ensure protection of human health and the environment from such ongoing waste management. For the most part, the subtitle C regulations are specified as uniform, national standards that must be complied with at all RCRA-regulated facilities. These standards are generally considered very stringent; in order to ensure an adequate level of protection nationally, the standards must be adequate in preventing or minimizing environmental releases over a wide range of hazardous wastes types, environmental conditions, operational contingencies and other factors. Although there are certain limited provisions for waivers from the subtitle C regulations based on site-specific factors, the regulated community's experience has been that it is difficult and time-consuming to modify RCRA standards through site-specific waivers.

The 1984 HSWA amendments to RCRA strengthened the RCRA prevention program by adding several important statutory provisions governing the treatment and disposal of hazardous wastes. In particular, the RCRA land disposal restrictions (LDRs) and the minimum technology requirements (MTRs) have become central features of the RCRA prevention program. One of the important objectives of Congress in mandating the 1984 amendments (including LDRs and MTRs) was to provide increased incentives for generators of hazardous wastes to minimize the amounts of wastes being generated. See RCRA section 1003(b). EPA's experience in implementing the LDR program has shown that the costs associated with meeting the stringent, technology-based LDR standards actually have resulted in substantial reductions in the volumes of hazardous wastes generated from many industrial sectors.

In addition to these prevention-oriented provisions, the HSWA corrective action provisions created a very different, new mandate for the RCRA program: Cleaning up releases from solid waste management units (SWMUs) at over 4,000 RCRA TSDFs. RCRA is now both a prevention program and a cleanup program. These two basic elements of the RCRA program have markedly different objectives and incentives, and are impacted in very different ways by regulatory controls on waste management. As discussed below, therein lies the basic problem that today's final rule is intended to address.

EPA has found that subtitle C requirements, when applied to remediation wastes, can act as a disincentive to more protective remedies, and can limit the flexibility of a regulatory decisionmaker in choosing the most practicable remedy at a specific site. In contrast, RCRA subtitle C regulations, when applied to as-generated wastes, ensure that the wastes are handled according to stringent national standards; due to the cost of subtitle C management, they also create a significant incentive for process changes to minimize hazardous waste generation. Yet these same requirements, when applied to existing contamination problems, provide a strong incentive for leaving wastes in place, or for selecting remedies that minimize regulation under subtitle C.

EPA recognizes, of course, that both Superfund and RCRA provide it the authority to compel specific remedies, as long as the remedies are consistent with the goals of the statutes. Under the current programs, the Agency can require facility owner/operators or responsible parties to excavate wastes and manage them fully in compliance with Subtitle C. Similarly, in a fund-financed remedy under Superfund, EPA can use CERCLA funds to effect a similar remedy. Thus, through its regulatory authority, EPA can, at least in theory, override any regulatory disincentive against a given remedy. In its conduct of the Superfund and RCRA programs, however, EPA has come to recognize the fact that RCRA subtitle C requirements may make more sense when applied to some remedies than to others, and can influence the remedy selection process in undesirable ways. For example, compliance with LDR requirements may completely eliminate from consideration remedies that would otherwise meet Superfund or RCRA remedial standards, and that might be the most sensible remedy from a technical point of view. In such cases, the regulatory decisionmaker might be faced with the dilemma of choosing between two or more extreme options, such as a remedy involving containment in place versus removal of the wastes and management according to full RCRA subtitle C standards, without having the opportunity to consider a middle option that might be fully protective, in compliance with Superfund or RCRA cleanup goals, and acceptable to the local community. In such cases, practical considerations and the need for prompt action may often force the decisionmaker to select the less protective of the available extremes.

More broadly, under Superfund and RCRA corrective action, the regulatory decisionmaker must address a situation that is already unacceptable—that is, a situation which needs remediation. The decisionmaker's goal in each case is to select a remedy that is fully protective, yet that reflects the technical and practical realities of the site. In addressing this situation, the decisionmaker needs the flexibility to consider a full range of strategies so that one may be selected that promptly and effectively addresses the problem. EPA believes that constraining this range of strategies by requiring compliance with subtitle C standards for wastes "generated" during remediation can often lead to remedies that are not cost-effective and that in some cases may actually be less protective solutions than the remedies that otherwise would be chosen.

This is reflected in the results of the preliminary CAMU analysis ("Supplemental Information of Corrective Action Management Units (CAMUs)", October 16, 1992) and in the Regulatory Impact Analysis (summarized in section VI. of today's preamble). According to these analyses, the "expanded" CAMU concept, which has been adopted in today's rule, is estimated to result in more treatment of wastes using more effective treatment technologies than would occur under the other regulatory options considered by the Agency. In addition, today's rule is predicted to result in more on-site waste management (vs. off-site management); lesser reliance on incineration; greater reliance on innovative technologies; and a lower incidence of capping waste in place without treatment.

Another reason for instituting a regulatory approach for management of remediation wastes that differs from the base Subtitle C program is the type and amount of Agency oversight that is

given to cleanup activities under RCRA and CERCLA, as opposed to ongoing generated waste streams. Remedial actions under these statutes are typically conducted with substantial Agency oversight; remedial decisions are made by the Agency based on a thorough study of the nature and extent of the contamination problems at the site. In contrast, most RCRA subtitle C regulations for as-generated waste streams are uniform, national standards, and as such must require a level of protection sufficient for a highly diverse universe of facilities and environmental settings, so as to be implemented with little Agency oversight.

One final difference between as-generated wastes and remediation wastes is that remediation often involves management of large volumes of contaminated media, such as soils or ground water. The physical characteristics of contaminated media can be quite different from those of as-generated wastes. Contaminated soils, for example, are highly variable in their composition and handling characteristics. Treatment of such soils can thus be particularly difficult. This is not to say that remediation wastes are always different; some remediation wastes, such as sludges, may be essentially identical to as-generated wastes. As a general matter, however, remediation wastes pose unique waste management issues.

The above considerations—the level of Agency oversight over remedial actions, the counterproductive constraints and disincentives that subtitle C requirements can impose on the remedy selection process, and the physical and chemical differences that are often found between remediation wastes and as-generated wastes—suggest that it is sensible and necessary to develop regulations under RCRA for management of remediation wastes that are better tailored to the realities of remediation actions. As a result, under today's rule, regulatory requirements for remediation wastes will differ from the standards applied to as-generated wastes.

Today's final rule for CAMU and temporary units is consistent with that policy objective. As explained earlier, these rules will create a markedly different regulatory framework for applying subtitle C requirements, particularly the LDRs and MTRs, to remediation waste management.

B. Summary of Today's Rule

Today's rule promulgates regulations for CAMUs and temporary units. These regulations will provide the Regional Administrator with the authority to designate and approve such units for the purpose of managing remediation waste. The final CAMU provisions are an expansion of the proposed CAMU concept, and are intended to provide even greater flexibility for decisionmakers in implementing protective, reliable and cost-effective remedies. CAMU is a tool that can be used by an owner/operator when implementing corrective action at a facility. It is available to those owner/operators compelled to take corrective action under RCRA or those who initiate corrective action and seek Agency approval under RCRA. The temporary unit provisions in today's rule are changed little from the proposal, except that the time limit for temporary units has been increased from 180 days to one year.

Today's regulations will apply to corrective action implemented under RCRA permits (as provided under RCRA section 3004(u) and in § 264.101) and under section 3008(h) actions. In the subpart S proposal, EPA fully intended that the CAMU and TU regulations would apply to interim status facilities under section 3008(h). See 55 FR 30,802 (July 27, 1990). However, the proposed regulatory language did not contain explicit requirements for the use of CAMUs and TUs under section 3008(h). Several commenters requested clarification as to how and to what extent the substantive subpart S requirements would actually be applied under section 3008(h). Today's rule clarifies, in § 264.552 and in other conforming changes, that these rules for CAMUs and TUs will be applicable to corrective actions under section 3008(h). The Agency has also provided the opportunity for public comment through both the permit modification and order processes.

Under the final CAMU provisions, remediation waste management will be subject to LDRs and MTRs in a much more limited way than has been the case under existing regulations. For example, remediation wastes, including hazardous remediation wastes, may be placed into a CAMU without triggering applicability of LDRs or any other unit-specific requirements applying to hazardous waste land disposal units. Thus, remediation wastes generated at a facility, but outside a CAMU can be consolidated into the CAMU, and remediation wastes may be moved between two or more CAMUs at that facility, without triggering LDRs. Likewise, the "replacement" scenario, where remediation wastes are excavated from a CAMU, treated in a separate unit (which could be located inside or outside the CAMU at the facility), and redeposited into the CAMU, is not a new "disposal" event which triggers LDRs or other hazardous waste land disposal unit requirements. As explained in the proposal, MTRs would not apply to CAMUs, since by definition a CAMU is not subject to MTRs under 3004(o) and 3015. These regulatory features of CAMUs are described in more detail later in today's preamble.

Today's final rules for CAMUs grow out of the proposed approaches for defining the CAMU and the comments received by the Agency on those approaches. In the July, 1990 notice, the Agency discussed in detail several important proposed limitations on the scope of the CAMU. 55 FR 30843–44. First, a CAMU could only be designated by the Agency or the authorized State, and such designations would be subject to the public review and comment process as part of remedy selection. Second, the CAMU could only contain contaminated areas. Third, the CAMU was a land area and non-land-based units, such as incinerators or tanks, could not be considered part of the CAMU. Fourth, remediation waste from outside the CAMU that would be placed within the CAMU would be subject to the land disposal restriction requirements.

In the preamble, EPA also discussed several alternatives to the proposed CAMU, including options under which the CAMU would not have the second, third, or fourth restrictions noted above. 55 FR 30844. The Agency cited several problems with these options, noting that (1) including uncontaminated areas in the CAMU could be viewed as contradicting its remedial purpose, (2) including non-land-based units could be viewed as inconsistent with the land-based concept of the CAMU, and (3) including non-land-based units would complicate the application of relevant 264 standards to the non-land-based units.

Many of the comments on the proposed CAMU were critical of these proposed limitations and requested that EPA adopt an expanded type of CAMU as discussed in the preamble to the proposal. In response, EPA evaluated regulatory options for defining a CAMU and provided supplemental information for public comment summarizing the relative environmental benefits of the proposed CAMU and expanded CAMU options. 57 FR 48195 (October 22, 1992).

In light of EPA's 1992 supplemental information and the public comments received on the July, 1990 proposal and the October, 1992 supplemental information notice, EPA has decided to adopt a CAMU definition which is

broader than the proposed CAMU, but is consistent with the options for expanding the CAMU discussed in the July, 1990 preamble and in the October, 1992 supplemental notice. As explained below, EPA believes that the CAMU definition adopted today better achieves the policy goal of facilitating timely, protective, and effective cleanups at RCRA facilities than does the proposed CAMU. Moreover, EPA has structured the final CAMU definition to avoid the problems relating to expanding the CAMU concept, as noted in the July, 1990 preamble and in comments received by the Agency.

The principal difference between the proposed CAMU and the CAMU definition in today's final rule is that, under today's rule, the CAMU has been structured so that any waste managed within the CAMU which was generated as part of the corrective action at that facility (i.e., remediation waste) would not be subject to RCRA regulatory disposal requirements. Thus, waste generated from the corrective action at the facility may be placed within the CAMU without pre-treatment to the technology-based levels established under the RCRA land disposal restrictions (LDR) program.

EPA believes that Congress left ample authority for the Agency to modify, where appropriate, the regulatory requirements for as-generated hazardous waste under RCRA when applying those requirements to wastes generated during cleanup activities, so long as the requirements for these remediation wastes remain protective of human health and the environment. With respect to LDRs in particular, Congress defined the term "land disposal" to include the placement of hazardous waste in certain types of units historically used by the Agency to establish land disposal requirements for non-remediation wastes. See section 3004(k). Congress did not address in that provision how the LDRs would apply to wastes managed in newly-created types of land-based units or to units created solely for the management of remediation wastes, rather than as-generated hazardous wastes. Congress did, however, recognize the special problems that might be created by applying the LDRs to remediation wastes in the same manner as to as-generated wastes and provided some relief for remediation wastes placed in the units enumerated in section 3004(k). See e.g., RCRA sections 3004(d)(3) and 3020.

For the reasons outlined above, the application of regulatory requirements designed for as-generated wastes to remediation wastes has proven problematic. In essence, standards designed to prevent releases from occurring and to force hazardous waste generators to internalize the costs posed by hazardous waste management can be highly counterproductive when applied to wastes generated during remediations, where the release has already occurred and the desired incentive is to increase, rather than decrease, waste production. Cf. H.Rep. 98–198, Part 1, 98th Cong., 1st Sess. at 37 (1983) (noting that one of the primary Congressional purposes in establishing the comprehensive LDR program was to "compel generators to internalize the costs of disposal and treatment of hazardous wastes.") In addition, a primary goal of Congress in establishing the land disposal restrictions program was to ensure that hazardous wastes are managed properly in the first instance, thereby reducing the need for costly corrective action. See RCRA section 1003(5); H.Rep. 98–198, Part 1, 98th Cong., 1st Sess. at 30, 32 (1983). Remediation wastes are, however, waste which, by definition, were not managed properly "in the first instance," and for which corrective action is now necessary.

That Congress recognized, but did not fully resolve, the dilemma of applying preventive standards to remediation wastes when enacting remediation-related amendments to RCRA in 1984 is not surprising, since EPA's principal remedial programs, under CERCLA and RCRA subtitle C, were at that time in their early stages of development or sharply limited in scope.

Since 1984, the Agency also has struggled to determine exactly how the regulatory units described in section 3004(k) should apply to remediation situations, where the areas in question do not easily fit within the unit definitions referenced in that provision, and where the unit concepts themselves were designed with as-generated and managed wastes in mind. For example, a RCRA permitted disposal facility managing hazardous wastes will typically have one or more well-defined land areas constructed and operated for the purpose of a single type of hazardous waste land disposal practice (e.g., landfilling of containers, or treatment of liquid hazardous wastes in a surface impoundment). A typical RCRA corrective action, in contrast, involves scattered and diverse land and/or water areas with both "hot spots" of wastes and highly contaminated soils and generally dispersed contamination. In addition, such areas typically include a variety of historical land disposal practices, many of which are far different from the management practices authorized for ongoing hazardous waste management in land disposal units (*e.g.*, pipeline leaks, product spills, dewatered surface impoundments). Since 1988, the Agency has used the definition of "landfill" to describe these remediation land areas simply because EPA had no unit definition that applied to these areas, and the "landfill" definition served as a catchall. See 55 FR 8760 (March 8, 1990). With today's rule, EPA intends to provide a more appropriate set of standards and definitions tailored to remediation areas.

Today's rule addresses the ambiguity in the application of RCRA preventive standards to remediation wastes generated at RCRA facilities, especially the LDRs. Because Congress did not provide direction under section 3004(k) on how the LDRs should apply to areas that are used solely for the management of remediation wastes, and consequently, do not fit within the unit definitions constructed by EPA for as-generated wastes, EPA interprets the definition of "land disposal" in section 3004(k) to exclude the placement of remediation waste in CAMUs under today's rule. EPA believes that this interpretation is reasonable since remedial areas are not a listed regulatory unit under section 3004(k), because Congress recognized that the application of LDRs to remediation wastes might require a different framework than that developed for the application to as-generated wastes, and, as discussed above, because the direct application of preventive standards to remediation wastes is often inappropriate and counterproductive.

Today's rule is thus designed to address RCRA's ambiguity with respect to remediation wastes in a manner which best meets the twin Congressional objectives of minimizing reliance on land disposal by encouraging proper treatment of hazardous remediation wastes and by facilitating prompt and effective corrective action at RCRA facilities. As a result of today's rule, remediation wastes placed in CAMUs will not be subject to LDRs or other hazardous waste disposal requirements.

III. Section-by-Section Analysis

A. Definitions

Today's final rule defines three key terms related to the implementation of CAMUs: Corrective Action Management Unit, Facility, and Remediation Wastes. In addition, certain conforming changes have been made to several § 260.10 and § 270.2 definitions, to § 264.3, to § 264.101, to § 265.1, and to § 268.2.

1. Corrective Action Management Unit (CAMU) (§ 260.10 and § 270.2)

The proposed rule defined CAMU as "a contiguous area within a facility as designated by the Regional Administrator[1] for the purpose of implementing corrective action requirements of this subpart, which is contaminated by hazardous wastes (including hazardous constituents), and which may contain discrete, engineered land-based sub-units." The definition of CAMU in today's final rule modifies the proposed definition in several ways:

(1) The final definition is promulgated under § 260.10, rather than under § 264.501, as proposed;

(2) The definition specifies that CAMUs may be used for corrective actions under section 3008(h) orders, as well as at permitted facilities under section 3004(u);

(3) The new definition does not specify CAMUs as being contiguous areas of contamination; and

(4) The definition specifies that CAMUs are to be used for the purposes of managing remediation wastes only.

These changes to the proposed definition are intended to clarify and provide a more complete description of what a CAMU is and how it may affect management of wastes in the context of implementing corrective actions. As such, the definition includes certain provisions that were not included in the actual definition as proposed, but were presented in the proposed regulations for CAMUs under § 264.551(c). The definition also reflects the substantive changes that have been made in "expanding" the CAMU concept under today's final rule. Each of these modifications from the original proposed CAMU definition is discussed below.

The definition of CAMU has been finalized in § 260.10 and in § 270.2, rather than under § 264.501. As proposed, § 264.501 specified definitions that would apply only to subpart S of 40 CFR part 264. However, EPA is promulgating in today's rule only the CAMU and temporary unit provisions of subpart S. Rather than create a section under subpart S that would only contain the definition of CAMU, EPA believes that it will be clearer and more straightforward to codify this definition under the general definitions sections of parts 260 and 270. These definitions apply to the part 264 CAMU provisions, as well as other parts of 40 CFR. However, the new locations of the CAMU definition will not affect either the applicability or the substance of the definition.

In the proposal, the regulations for CAMUs did not explicitly state that CAMUs could be implemented under section 3008(h) orders, as well as at permitted facilities under section 3004(u) authority. However, as stated in the July 27, 1990 preamble, EPA intended that the subpart S regulations would be implemented at interim status facilities through section 3008(h) orders, as well as at permitted facilities. 55 FR 30802. In addition, the general applicability of subpart S to section 3008(h) orders was raised as a question by several commenters to the proposal. Thus, in order to make clear that the final CAMU provisions will apply under section 3008(h) and section 3004(u), the CAMU definition contains an explicit reference to 3008(h) orders.

As mentioned earlier, the definition in today's final rule does not specify that a CAMU is a "contiguous area of contamination". This change reflects the basic change in the nature of the CAMU as related to the applicability of LDRs. Under the proposal, the CAMU was in essence linked to where existing contamination was located at the facility. As provided in the final rule, a CAMU instead is linked primarily to where remediation wastes are to be managed. In other words, decisions for designation of CAMUs will now be more related to the function and purpose they will serve in facilitating management of remediation wastes during cleanup, rather than to the areal extent and "contiguousness" of surficial contamination at the facility prior to cleanup. Although these changes to the CAMU definition have provided the discretion for the Regional Administrator to include uncontaminated land areas in a CAMU, the decision factors specified in § 264.552(c) (see § 264.552(c)(3), in particular) make clear that inclusion of uncontaminated areas in a CAMU is only allowed when necessary to achieve the overall remedial goals for the facility, and when such inclusion will enhance the protectiveness of the remedial actions.

In addition to other advantages, this new definition will eliminate many of the drawbacks of the proposed definition that were identified by numerous commenters. For example, many commenters requested clarification as to what was to be considered "contaminated" or "uncontaminated" in the context of defining the areal extent of a CAMU. Such issues could potentially have been contentious and technically difficult to resolve. Likewise, some commenters suggested that the remedial advantages provided by CAMUs would actually create an incentive to contaminate additional areas of facilities. These issues have been effectively eliminated by the final CAMU definition.

The proposed definition also stated that CAMUs could contain "discrete, engineered land-based sub-units". This was intended to make clear that contaminated areas could include solid waste management units (e.g., pre-RCRA impoundments or landfills); it also provided that remediation within a CAMU could involve construction of land-based "sub-units", where wastes could be managed during remediation, or left in place with long-term monitoring and maintenance. Although such sub-units might still be located within a CAMU, today's definition does not explicitly refer to them because, as explained above, CAMUs are now designated with regard to where remedial wastes will be managed, rather than what areas of the facility are "contaminated".

As mentioned in section II of this preamble, EPA outlined in the subpart S proposal an alternative regulatory option for CAMUs that would have broadened the concept in ways similar to today's final CAMU provisions. In addition, EPA received many comments that identified the shortcomings of the proposed CAMU, as well as the advantages that an expanded CAMU would provide in implementing protective, timely and cost-effective remedies. The results of the RIA developed for this rulemaking, in the Agency's estimation, corroborate many of these comments. As a policy matter, therefore, EPA believes that its decision to promulgate today's CAMU definition is amply justified. As explained in detail in section II of this preamble, the Agency also believes that there is ample legal support for today's expanded CAMU definition.

The final CAMU definition also specifies that CAMUs must be used only for the management of remediation wastes. One commenter on the proposal requested that the Agency clarify that only wastes that are generated as part of a facility's corrective action cleanup would be eligible for management within a CAMU. The commenter noted that this restriction was explicitly provided in the temporary unit provisions of the proposal. The Agency's intention, under both the proposed CAMU provisions and under today's final rule is that only wastes that are generated pursuant to implementing corrective actions for a facility can be

[1] The term Regional Administrator, as used in today's rule, refers to the EPA Regional Administrator or the State Hazardous Waste Program Director (or equivalent) in a State authorized for this rule.

managed within a CAMU. Today's CAMU definition thus clarifies this important limitation, by specifying that a CAMU "shall only be used for the management of remediation wastes." (See the following discussion of the definition of remediation waste).

2. Facility for the Purpose of Corrective Action (§ 260.10)

As clarification, today's rule codifies, in § 260.10, the definition of facility for the purposes of corrective action. Under this definition, a facility is "all contiguous property under the control of the owner or operator seeking a Subtitle C permit." This definition is the same as was proposed in the July, 1990 proposal, presented in the First Codification Rule (50 FR 28702, Codification Rule, July 15, 1985), and upheld in a decision of the U.S. District Court of Appeals (*United Technologies* v. *U.S. EPA*, 821 F.2d 714 (DC Cir. 1987).

As explained in the proposed rule and in the Codification Rule, this definition applies only in the context of implementing HSWA-mandated corrective actions. As such, this definition is distinct from the other facility definition in § 260.10 that is narrower in scope, and applies to the non-corrective-action-related provisions of RCRA subtitle C. EPA believes that codifying this definition is important to the clear understanding of today's CAMU and temporary unit rules. Both types of units are restricted to managing wastes that are generated in implementing corrective action at a "facility". Finalizing this facility definition, therefore, will ensure that this key concept is clear within the definitions of CAMU and remediation wastes (see following discussion).

Although the July, 1990 definition of facility did not explicitly state that this definition applied to facilities undergoing corrective action pursuant to section 3008(h) authority, as with the definition of CAMU, this definition was always intended to apply both to facilities with a RCRA permit and to those operating under interim status. This has been clarified by adding a phrase stating that this definition also applies to facilities implementing corrective action under section 3008(h).

In the July, 1990 proposal, EPA addressed several issues associated with this facility definition, including the concept of "contiguous" property, and EPA's interpretation of "owner or operator". These subsidiary issues will be addressed in the final subpart S rulemaking, and/or in subsequent guidance.

3. Remediation Wastes (§ 260.10)

Today's rule defines remediation wastes as "* * * all solid and hazardous wastes, and all media (including ground water, surface water, soils and sediments) and debris that contain listed hazardous wastes, or which themselves exhibit a hazardous waste characteristic, that are managed at a facility for the purpose of implementing corrective action requirements under § 264.101 and RCRA section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA section 3004(v) or section 3008(h) for releases beyond the facility boundary."

This new definition provides clarification as to the types of wastes that may be managed in CAMUs or temporary units. The proposed temporary unit provisions specified that such units would be used only for treatment or storage of wastes "* * * that originated within the boundary of the facility." However, a similar provision was not specified in the proposed CAMU regulations, although the Agency clearly intended that CAMUs would function only for the purpose of implementing corrective action at facilities. 55 FR 30843. One commenter, citing the language in the proposed temporary unit provisions, requested that EPA make clear that CAMUs may be used only to manage wastes that are part of implementing corrective actions under section 3004(u), 3004(v) or 3008(h) authorities. Thus, for the sake of clarity, EPA is promulgating in § 260.10 a definition for remediation wastes; both the CAMU and temporary unit sections of today's rule specify that only remediation wastes can be managed in these units.

Today's definition of remediation waste excludes "new" or as-generated wastes (either hazardous or non-hazardous) that are generated from ongoing industrial operations at a facility. In addition, remediation wastes must have originated from the facility (including waste managed as a result of section 3004(v) or section 3008(h) corrective action). Wastes generated as part of the site investigations (e.g., drilling muds, etc.) are considered to be remediation wastes.

In limiting remediation wastes to those that have "originated" from the facility, it should be clear that this term refers to wastes that originate from remedial activities at the facility, rather than where such wastes might first have been produced. For example, some facilities, such as commercial waste management facilities, may have accepted wastes from off-site, but which have subsequently contributed to contamination problems at the facility, and thus need remediation. Such waste would be considered remediation wastes for that facility when they are managed in the course of conducting corrective action requirements under § 264.101 or 3008(h).

Although the definition of remediation wastes includes non-hazardous solid wastes, it should be noted that management of such wastes would not require the designation of a CAMU or a temporary unit, since subtitle C requirements would not apply to management of those wastes.

Contaminated media in the context of this rule includes groundwater, surface water, soils and sediments that contain listed hazardous wastes or that themselves exhibit a hazardous waste characteristic. Like other remediation wastes, these media can be managed within the CAMU even if they were originally located at the facility, but outside of the CAMU, or if they were associated with a release that had migrated beyond the facility boundary, and that was being remediated under section 3004(v) or section 3008(h) authorities. Debris, for the purpose of this rule, is as defined in § 268.2. (See 57 FR 37270).

The definition of remediation wastes does not include wastes from outside the facility undergoing remediation, other than those associated with off-site releases being managed under section 3004(v) or section 3008(h). If wastes are transported to the facility from an outside source, they would not be considered remediation waste for that facility, regardless of whether those wastes were the result of some type of remedial action conducted at another facility. Therefore, those wastes could not be managed in a temporary unit or in a CAMU at that facility. Similarly, wastes that are excavated, transported to an off-site treatment facility, and returned to the facility are not remediation wastes under this rule.

EPA believes that restricting the definition of remediation wastes in today's rule is important to preserving the concept of CAMUs and temporary units as units to be used only for the purpose of remediating the facility at which these units are located. Wastes which leave a facility for off-site treatment are no longer subject to direct oversight, and it may be difficult to ensure that the wastes that are returned after treatment are actually the same wastes that left the facility originally. Fundamentally, the Agency is concerned that allowing wastes from

off-site to be managed in CAMUs or temporary units could create an undesirable incentive for such units to "attract" wastes that are not legitimately linked to the objective of remediating that facility.

4. Conforming Changes

a. *Conforming change to § 264.101.* The proposed subpart S regulations were to have replaced the current corrective action regulatory provisions codified in § 264.101. However, since the Agency is not finalizing all of subpart S in today's final rule, § 264.101 is being retained and the amendment to § 264.101 promulgated today creates a link between the general corrective action requirements of § 264.101 and the CAMU and temporary unit provisions of subpart S. This is necessary to make clear that these sections together now constitute the regulatory provisions for corrective action under sections 3004(u) and (v), and section 3008(h).

b. *Conforming changes to § 264.3 and § 265.1.* As discussed earlier in this section of today's preamble, the definitions of CAMU and remediation waste specify, as a clarification of the subpart S proposal, that the final CAMU and temporary unit provisions apply to interim status facilities undergoing corrective action according to section 3008(h) authority, as well as to permitted facilities. In effect, these corrective action provisions promulgated under subpart S of part 264 will be the only part 264 requirements that actually apply to interim status facilities; heretofore, technical requirements for interim status facilities were specified only under part 265. Therefore, conforming changes are necessary for the regulatory provisions of § 264.3, so as to address the relationship of the part 264 standards to interim status facilities, and to § 265.1, so as to specify the applicability of part 265 regulations. In effect, these two conforming changes create a bridge between the interim status regulations and the regulations for permitted facilities, for the purpose of implementing today's CAMU and temporary unit regulations.

c. *Conforming changes to Definitions in § 260.10, § 268.2 and § 270.2.* Today's rules also make several conforming changes to existing regulatory definitions that are specified in various sections of the subtitle C regulations. The specific definitions being modified are:

- The definition of "disposal facility" in § 260.10 and § 270.2;
- The definition of "land disposal" in § 268.2;
- The definition of "landfill" in § 260.10; and
- The definition of "miscellaneous units" in § 260.10.

The changes to the definitions of "disposal facility" and "land disposal" are for the purpose of clarifying how LDRs apply to CAMUs. As discussed earlier in this preamble, LDRs will not apply to hazardous remediation wastes that are placed into a CAMU, since such placement is not considered "land disposal" for the purposes of section 3004(k). These existing definitions must therefore be modified to reflect this important concept. The conforming changes to the definitions of "landfill" and "miscellaneous units" are both intended to clarify that such units do not include CAMUs.

B. Corrective Action Management Units (CAMUs) (§ 264.552)

1. General Authority (§ 264.552(a))

The general authority for allowing the Regional Administrator to designate a CAMU for remedial purposes is presented in § 264.552(a). This provision is analogous to the CAMU provision specified at § 264.551(c) in the proposed subpart S regulations. This final provision specifies, for clarification, that CAMUs may be designated for purposes of implementing corrective action under section 3008(h) authority, as well as at permitted facilities under section 3004(u) and § 264.101. This explicit reference to section 3008(h) order authority conforms with similar references in other provisions of today's rule (see, e.g., the definitions of CAMU and remediation waste). The provisions of today's rule that delineate the relationship of the subpart S regulations to section 3008(h) orders are in response to commenters who requested a general clarification of the relationship of the subpart S proposed rules to section 3008(h) orders.

In the July, 1990 proposed rule, CAMUs were identified as areas of contiguous contamination. Today's rule in § 264.552(a) has eliminated the provision that a CAMU must be a contiguously contaminated area of a facility. As explained earlier in today's preamble (see discussion of the CAMU definition in § 260.10), the expanded CAMU concept is linked primarily to where remediation wastes will be managed at the facility, rather than where there may be contiguous, surficially contaminated land areas prior to cleanup. Specific criteria regarding how CAMUs must be designated, and how the existence of contaminated land areas may affect CAMU decisions, are specified under § 264.552(c) of today's rule.

The language of § 264.552(a) specifies that the Regional Administrator may designate a CAMU "in accordance with the requirements of this section" (i.e., 264.552). This language, which did not appear in the proposal, simply clarifies that the requirements for CAMUs have been consolidated into a separate section. In the proposed rule, CAMUs were addressed as part of a section that dealt generally with management of hazardous wastes.

Section 264.552(a) also specifies that one or more CAMUs may be designated at a facility. This statement is included for clarification; the Agency received a number of comments on the proposal which queried how CAMUs might address situations where several non-contiguous areas of a facility were contaminated. In addition, given the expanded CAMU concept promulgated in today's rule, EPA believes that this explicit statement in the CAMU regulations will be useful in clarifying that two or more CAMUs may be necessary and appropriate to implementing remedial solutions for a given facility.

As discussed earlier in this preamble, the CAMU provisions in today's final rule codify an expanded version of the CAMU concept that was presented in the proposed subpart S rule. In particular, § 264.552(a) (1) and (2) specify the essential regulatory basis for the expanded CAMU:

(1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes; and

(2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to MTRs.

These provisions are derived from those in the proposed CAMU regulations. The primary difference reflected in today's rule is that placement "into" a CAMU does not trigger LDRs or MTRs, whereas the proposal stated only that those requirements would not apply when hazardous wastes were moved or consolidated within the CAMU. This important distinction primarily derives from the fact that under these final CAMU rules, placement of hazardous remediation wastes into a CAMU is not "land disposal," under RCRA section 3004(k). A detailed explanation of the Agency's rationale for adopting this expanded CAMU concept is presented in section II of this preamble.

The final CAMU regulations will greatly enhance the waste management flexibility provided by CAMUs, and

thereby will enhance EPA's ability to select and implement effective, protective, reliable and cost-effective remedies for RCRA facilities. These general conclusions regarding the positive remedial results that the CAMU will provide are supported by the preliminary analyses developed by the Agency that were made available for public review and comment as part of this rulemaking process (57 FR 48195 (Oct. 22, 1992)), and that are summarized in section VIII of today's preamble.

The following is a discussion of some specific waste management scenarios (and limitations) that will be operative under today's CAMU provisions.

a. As with the proposed CAMU, movement and consolidation of remediation wastes within a designated CAMU will not be subject to LDRs or other hazardous wasteland disposal unit requirements. Likewise, the CAMU would not be subject to MTRs, since it is not a landfill, surface impoundment or waste pile and thus is not subject to MTRs under sections 3004(o) and 3015. (See e.g., § 264.301(c)).

b. Placement of remediation wastes into a CAMU from an area or unit at the facility, but outside the CAMU, will not trigger LDRs or MTRs, for the reasons cited above.

c. Movement and subsequent placement of remediation wastes from one CAMU at a facility into another CAMU at the facility will also not trigger LDRs or MTRs.

d. Excavation of remediation wastes from a CAMU, and placement of those wastes into a land-based unit that is not a CAMU (either at the facility or off-site) will be subject to applicable LDRs and MTRs.

e. Excavation of remediation wastes from a CAMU, treatment on-site in another unit (such as a tank, temporary unit or an incinerator), and redeposition of those wastes or residuals into the CAMU will not trigger LDRs or MTRs.

f. Non-land-based units, such as tanks, may be physically located within the boundaries of a CAMU. However, the tank will not actually be a part of the CAMU; it would maintain its separate regulatory identity, and all applicable subtitle C requirements will continue to apply to the tank.

g. Temporary units (as provided under § 264.553 of today's rule) can also be located either inside or outside the physical boundaries of a CAMU. However, such location will not affect the requirements that apply to the temporary unit, for the same reasons as for non-temporary tanks or container storage areas. (See further discussion of the relationship between TUs and CAMUs in section III.C.)

In addition to the waste management activities outlined above, under today's CAMU rule, land-based waste management activities within a CAMU that may otherwise be subject to unit-specific standards under part 264 or 265, may be considered as part of the CAMU, rather than as a distinct and separate "unit". For example, wastes are often excavated and staged in piles before being transported to a treatment unit. Under a CAMU, the area where the wastes are piled would not be considered a separate "waste pile" unit for RCRA purposes; rather, the Regional Administrator will specify technical standards for that area of the CAMU (e.g., liners, wind dispersion controls, closure requirements) according to the decision criteria in § 264.552(c). Similarly, areas of a CAMU could also be used for land-based treatment processes, such as bioremediation systems that involve structures or equipment to maintain optimal treatment conditions.

2. Inclusion of Regulated Units Into CAMUs (§ 264.552(b))

Given the remedial flexibility afforded by the CAMU provision in today's final rule, EPA anticipates that there may be situations where a CAMU would be useful in promoting effective remedial actions involving "regulated units", as well as SWMUs and other contaminated areas of a facility. Regulated units, as defined in § 264.90(a)(2), are landfills, surface impoundments, waste piles and land treatment units that received hazardous wastes after July 26, 1982. These units are subject to full subtitle C design, operating, closure and post-closure, and financial responsibility requirements under subparts F, G and H, and the unit specific requirements of part 264 or 265. Regulated units thus have a well defined regulatory identity, and can be either operating, closing, or closed units.

Although the 1990 CAMU regulations, as proposed, provided for the incorporation of regulated units into the corrective action remedy at the facility (see proposed § 264.526(c)), the proposal did not explicitly address how and under what circumstance regulated units could be incorporated into CAMUs. One commenter on the proposal suggested that regulated units should be able to be included within CAMUs, if it were to make practical sense. Another commenter suggested that, while it might be advantageous to include one regulated unit within a CAMU, allowing more than one regulated unit to be included within a CAMU could create improper incentives for owner/operators to mismanage wastes so as to create contamination between regulated units, and thereby obtain a larger CAMU. The same commenter also argued that all permitted regulated units should remain separate units throughout the corrective action.

EPA believes that in certain circumstances, inclusion of one or more regulated units as part of a CAMU may be appropriate, and may enhance implementation of sensible remedial actions for a facility. One example could involve a situation where a closing regulated unit (e.g., a surface impoundment) contained a volume of hazardous waste sludges. Under the existing subtitle C closure regulations, the owner/operator could be required to remediate the surface impoundment (e.g., by removing and treating some or all of the sludges). However, by designating the surface impoundment as a CAMU or as part of a CAMU, EPA could allow treatment of the sludges and redeposition of the treatment residuals back into the impoundment without triggering LDRs. Thus, use of a CAMU could provide for more flexibility in selecting among effective and protective waste management options for closing regulated units.

Another example might be a facility undergoing remediation, that also includes a closing regulated landfill unit that was constructed in accordance with the RCRA minimum technology standards. By designating the regulated unit as a CAMU or as part of a CAMU, remediation wastes from elsewhere at the facility could be placed into the unit, which would then be closed. Thus, use of this existing MTR unit would be a highly protective, cost-effective, and expeditious remedial solution for the facility.

EPA believes that the Regional Administrator should have the discretion, in certain well defined circumstances, to designate a regulated unit as a CAMU, or to include a regulated unit as part of a larger CAMU. Today's final rule provides this authority, under § 264.552(b). In addition, this provision specifies two important limitations to this authority. First, only closed or closing units (i.e., those units required to begin the closure process under § 264.113 or § 265.113), would be able to be so designated. Operating regulated units, including regulated units continuing to operate under delay of closure provisions (in § 264.113 or § 265.113), would not be eligible for designation as CAMUs. Such units will continue to receive and manage non-remediation wastes, and

EPA does not believe that designating, as a CAMU, a regulated unit that would subsequently continue operating, is consistent with the general concept of a CAMU being a unit that functions solely for the purpose of facilitating management of remediation wastes.

Second, the Regional Administrator will have the authority to designate a regulated unit as a CAMU, or as a part of a larger CAMU, only if doing so will enhance implementation of an effective, protective and reliable remedy for the facility (see § 264.552(b)(1)(ii)). As illustrated in the examples described above, EPA believes that there may be a number of situations where this would be the case. This requirement is consistent with the overall objective of CAMUs in implementing corrective actions, as outlined in the decision criteria for CAMUs specified in today's rule (see § 264.552(c)).

Today's rule also provides that for any regulated unit that is designated by the Regional Administrator as a CAMU or as part of a CAMU, the applicable part 264 or 265 ground-water monitoring, closure and post-closure, and financial responsibility requirements would continue to apply to the unit as before. (See § 264.552(b)(2).) Inclusion of a regulated unit within a larger CAMU, however, would not cause the entire CAMU to become subject to the standards applicable to the regulated unit. In this case, the part 264 and 265 requirements would apply only to that portion of the CAMU that was originally the regulated unit.

EPA believes that maintaining the applicability of part 264 or 265 standards to regulated units that are included in CAMUs is a logical and conservative approach, which will provide substantial remedial benefits while ensuring that the stringent prevention-oriented requirements of parts 264 and 265 will continue to apply to such units.

EPA expects, on the other hand, that there could be situations in which it would be appropriate in remediating a facility to include a regulated unit in a CAMU, but where it would not make sense to continue treating that specific portion of the CAMU separately according to the applicable part 264 or 265 regulated unit standards. In some situations, therefore, it might be sensible to allow the Regional Administrator the discretion to prescribe requirements for ground-water monitoring and closure/post closure for that portion of the CAMU in the context of the overall remediation of the CAMU, rather than continuing to strictly apply the part 264 or 265 requirements. However, there are a number of issues associated with this particular scenario that EPA believes merit further consideration, and thus EPA has not, in this final rule, provided for such discretion. However, the Agency intends to address this issue and request comment in an upcoming proposed rule addressing changes to certain RCRA closure regulations for regulated units, entitled "Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Units; Post-Closure Permit Requirement; Definition of Unit for Closure; Closure Process."

In situations where regulated units are located within an area that has been designated as a CAMU, but the regulated unit will not be used for remedial purposes and was therefore not designated part of the CAMU, the regulated unit will remain a distinct and separate unit subject to all applicable subtitle C requirements.

For situations where a regulated unit is designated as or is incorporated into a CAMU, issues may arise as to the respective roles of EPA and the State with regard to oversight and enforcement of part 264 or 265 standards that remain applicable to that portion of the CAMU. As a general rule, the State would retain implementation responsibility for the State analogues to parts 264 and 265, that continue to apply with respect to that area of the CAMU that, prior to the CAMU designation, was identified by the State as the regulated unit. Further discussion of Federal and State roles in implementing CAMUs, and this role in particular, is presented in section IV.C. of this preamble.

3. Decision Criteria for CAMU Designation (§ 264.552(c))

Section 264.552(c) specifies decision criteria which will apply to CAMUs and which will be the basis for the Regional Administrator (RA) to make CAMU determinations. These criteria in today's rule are either clarifications of the decision factors for CAMUs in the proposed rule (in § 264.551(c)(3)) or are outgrowths of the proposed subpart S remedy selection decision framework (in § 264.525(a)–(c)).

In the proposed subpart S, EPA identified four main factors that an RA would consider in designating a CAMU. (Sections 264.551(c)(3)(i)–(iv), as proposed.) In addition, under the proposal, CAMUs would have been subject to the overall remedy selection decision framework. As proposed, the remedy selection decision framework presented four standards that remedies must meet, five additional decision factors, and six factors for review in setting the remedy schedule. (Sections 264.525(a)–(c), as proposed.) A key element of a selected remedy is the decision as to how wastes are to be managed during remediation. The CAMU, as promulgated in today's rule, is an important concept in implementing remediation waste management. Therefore, because the remedy selection standards and factors proposed in subpart S are not being finalized today, the Agency believes it is necessary to explicitly incorporate or to capture the intent of several of the proposed rule remedy selection factors in today's rule so as to guide CAMU designations. A number of commenters voiced support for the remedy selection standards and factors. One commenter stated that EPA should retain the factors in the final rule because they are a reasonable and comprehensive mix of considerations. The specific factors addressed in today's rule are discussed under each criterion as applicable.

Of the four CAMU decision factors presented in the July, 1990 proposal, three are not explicitly delineated in this final rule (only the second factor remains). (See proposed § 264.551(c)(3)(i), (iii), and (iv).) The first factor specified in the proposal was that the RA consider the nature, extent, and location of surficial contamination at the facility. As mentioned in today's preamble discussion of the CAMU definition, designation of a CAMU is not determined by the presence of contiguously contaminated areas at the facility. Rather, CAMUs will be designated according to where remediation waste management will occur at the facility. Therefore, although the existing contamination may in some cases be relevant to CAMU decisions (see discussion of the third CAMU decision criterion, § 264.552(c)(3)), there is no longer a need for a specific provision to dictate CAMU boundaries according to the presence of surficial contamination.

The third CAMU consideration in the proposal was that the RA would consider the practicability of alternative remedial approaches. This factor was originally included, because, in general, remedial alternatives which did not employ CAMUs would involve two basic choices—in situ remediation or excavation and treatment to best demonstrate available technology (BDAT) levels. In some cases, these alternatives might have been considered impracticable by the RA. However, given today's expanded CAMU definition, and the increased variety of remedial options that will be enabled under this final rule, EPA believes that CAMU decisions will be more focused on selecting the most appropriate

remedial alternative(s) for the facility from a wide range of potentially viable approaches, rather than choosing between CAMU vs. non-CAMU options. The decision criteria in today's rule provide a more comprehensive decision framework for CAMUs than the proposal; thus the third general factor proposed in § 264.551(c)(3)(iii) is unnecessary and has been deleted in today's rule.

The fourth factor presented in the July, 1990 proposal was to allow the RA to consider "other relevant factors" in designating a CAMU. Several commenters requested that the Agency clarify what will be considered by the Regional Administrator in the designation of a CAMU. They requested that the Agency provide more information on the specific criteria that will be used to determine a CAMU designation and that these criteria be promulgated in the final regulation. The Agency agrees that replacing this general catch-all consideration with the more focused criteria presented today will better guide the designation of CAMUs. The Agency is therefore promulgating, in § 264.552(c) of today's rule, the more specific criteria for designating CAMUs.

The RA will consider each of the decision criteria under § 264.552(c) in designating a CAMU. These decision criteria are intended to clarify the objectives that CAMUs should serve, and the limitations that apply to their scope and use. The RA will document the rationale for designating a CAMU and will explain the basis for such designation. Such rationale will be incorporated as part of the permit or order modification documentation, or in the remedy selection documentation under a new order for that facility and will be available to the public (§ 264.552(f)). Documentation of CAMU decisions is analogous to the documentation the Agency must currently make to support the selection of a remedy. Therefore, if a CAMU is selected as part of a final remedy, such an explanation would be incorporated into the Statement of Basis for that remedy (See OSWER Directive Number: 9902.6). The rationale for a CAMU decision will generally address only those criteria that are considered determinative for a given CAMU designation. For example, when a CAMU includes uncontaminated land on which remediation waste management will occur, the rationale supporting this inclusion will be specified. However, if remediation wastes will only be managed on contaminated land as defined by the CAMU, this criterion need not be addressed.

Section 264.552(c)(1): Facilitation of Reliable, Effective, Protective, and Cost-Effective Remedies.

The first decision criterion requires that the Regional Administrator determine that the CAMU will facilitate the implementation of a reliable, effective, protective, and cost-effective remedy. This factor was specified in the July, 1990 proposal as a CAMU determination factor. (§ 264.551(c)(3)(ii)(B), as proposed.) No comments were received specifically on this factor as proposed. Therefore, the Agency is finalizing this factor as a criterion. By including this criterion, the Agency is emphasizing that a CAMU is not intended as a mechanism that will undercut the protectiveness of remedies; rather, CAMUs will facilitate the implementation of more reliable, effective, protective, and cost-effective remedies. If an owner/operator cannot provide information to support that a CAMU will result in remediation activities with these qualities, it will not be designated by the Regional Administrator. The Agency does not intend that evaluation of this CAMU decision criterion will require a detailed cost/benefit or other quantitative analyses. Protectiveness, effectiveness, reliability and cost information provided by the owner/operator will be considered along with other relevant information in making CAMU decisions.

Section 264.552(c)(2): Risks During Remediation

The second decision criterion specifies that remediation waste management associated with CAMUs cannot create unacceptable risks to human health or the environment from exposure to hazardous wastes or hazardous constituents. The basis for this factor is the remedy selection decision factor addressing "short-term effectiveness" (§ 264.525(b)(3)) as presented in the July, 1990 proposal. Remedies will often involve management, including treatment, storage or disposal, of large volumes of wastes that could potentially lead to exposure from windblown particulates, air emissions during excavation and transportation, or other short-term risks due to the implementation of CAMUs in densely populated areas, or where waste characteristics are such that risks to workers are high and special protective measures are needed. Since CAMUs are likely to actually increase the amounts of wastes that are remediated, this provision is intended to ensure that remediation waste management activities are conducted so as to control short-term risks that could potentially occur from remedial activities. This factor will ensure that potential short-term risks from remediation activities will be carefully examined as part of any CAMU designation, and will be carefully controlled during remedy implementation.

In response to a commenter who requested clarification, consideration of this criterion does not require a quantitative risk assessment. As with the other criteria presented today, qualitative assessments will generally be sufficient unless the RA deems that more quantitative data are necessary.

Several commenters noted that the short-term effectiveness remedy decision factor in the proposal, and the proposed remedy selection standard of protectiveness of human health and the environment, are redundant. The first decision criterion in today's rule is meant to embody the general RCRA mandate of protection of human health and the environment by including the goal of facilitating protectiveness in CAMU designations. However, even though there may be some overlap between some of the other criteria finalized today and the general qualities of effectiveness, protectiveness, reliability and cost-effectiveness stated in the first criterion, both the general criterion and the clarification of particular aspects of CAMUs under the specific criteria are important and necessary. The general criterion specifies the critical objective of the decision, while the more specific criteria clarify the Agency's intent regarding particular important aspects of the decisionmaking process for CAMUs.

Section 264.552(c)(3): Uncontaminated Areas

The third decision criterion requires the Regional Administrator to ensure that any land area of a facility that is not already contaminated (i.e., where there is no soil contamination or where wastes are not already located) will be included within a CAMU only if remediation waste management at such an area will, in the RA's opinion, be more protective than management of such wastes at contaminated areas of the facility. As explained in the preamble to the proposed subpart S, EPA believes that it is generally inadvisable to extend a CAMU to include areas of facilities that have not been environmentally degraded by historic waste management practices. The proposed rule, in fact, prohibited the inclusion of uncontaminated land areas in CAMUs. Any waste management that occurred

on such land would have needed to meet all applicable subtitle C standards, including the LDRs. However, EPA received comments on this proposed CAMU provision that offered explanations as to why, in some circumstances, the effectiveness of a remedial action could be enhanced by including such areas in CAMUs. These comments fell into two main categories. First, commenters noted that the Agency was not being realistic in the proposal by requiring contiguous contamination, because this would mean that two SWMUs with similar wastes, if separated by a small strip of uncontaminated land, could not be considered one CAMU, thereby arbitrarily limiting effective remediation options. Second, commenters noted that the Agency should allow the inclusion of uncontaminated land areas within a CAMU if such areas are necessary to implement the remedial response.

The first category of comments has been largely addressed by the expanded definition of the CAMU being finalized today. That is, movement of wastes between CAMUs will not trigger the land disposal restrictions; therefore, either or both of the SWMUs, that are separated by a small amount of uncontaminated land area, could be designated as individual CAMUs. Thus, the transfer of waste from one CAMU (or a SWMU) into a CAMU would not be limited by application of RCRA disposal requirements. However, the Agency recognizes that the CAMU is a land-based unit that must be designated by actual physical boundaries identified in the permit or order (see § 264.552(e)(1)). EPA expects that it will not always be realistic to designate a CAMU as an area that is "completely" contaminated. Small areas of uncontaminated land may often exist within a broader area of contamination. In such cases, as one commenter suggested, the RA will generally include permit or order conditions preventing contamination of this uncontaminated land during remediation.

The second category of comments addressed situations where it may be desirable to include uncontaminated land within a CAMU for the purpose of using that land for remediation waste management. For example, a SWMU at a facility may be located within a flood plain. The remedial option which makes most sense could be to move this SWMU to higher ground at the facility. However, if the higher ground was not historically "contaminated" (e.g., because it had been used only for general commercial activities), it could not have been designated under the proposal as part of a CAMU. Today's rule would allow the facility owner/operator and the Regional Administrator to consider options that involve movement of wastes out of the flood plain, and management of such wastes in an uncontaminated area of the facility.

It might also be appropriate to include small portions of uncontaminated land within a CAMU when remediation activity cannot be conducted on or within the contaminated area itself. For example, remediation of a lagoon containing sludges may not be possible within the lagoon. If the Regional Administrator included the lagoon and a small portion of uncontaminated land immediately adjacent to the lagoon within the CAMU, remediation activities, such as staging of wastes or bioremediation, could take place. This scenario may be especially relevant to facilities composed of relatively small land areas, where there may be few options as to where remedial activities can be conducted.

The Agency agrees with commenters that the situations discussed above are realistic and today's rule allows the RA to consider such options on a case-by-case basis. To include previously uncontaminated land areas within a CAMU, for the purpose of remediation waste management, the Regional Administrator will be required to determine that such management in these areas is more protective than managing the remediation wastes in the flood plain (as in the above example) or in other areas of the facility that are "contaminated". In addition, the Agency may consider, as a part of this determination, that movement of wastes for remediation at contaminated areas of the facility could involve greater risks of exposure to human health and the environment than protective remediation options utilizing uncontaminated land directly adjacent to the contaminated area.

By specifying under this decision factor that uncontaminated areas of the facility may be included in a CAMU only when doing so is "more protective" than managing such wastes at contaminated areas of the facility, EPA does not intend that formal risk assessments or other quantitative analyses must be performed to support such decisions. As a general rule, EPA believes that more qualitative assessments of the relative protectiveness of remedial options will be sufficient to support such decisions. The Regional Administrator would have the authority, however, to require that more quantitative analyses be provided by the owner/operator, if necessary.

By clearly defining, under this decision factor, the circumstances in which uncontaminated areas of a facility may be included in a CAMU for remediation waste management purposes, EPA believes that the Agency has alleviated the concern raised in the July, 1990 proposal preamble, that uncontaminated land should not be included in a CAMU because it would frustrate the remedial purpose of the CAMU. Under today's rule, inclusion of such areas within CAMUs will be allowed only if doing so is consistent with the overall remedial objective of the CAMU and will, in fact, be more protective than management of such wastes at contaminated areas of the facility.

Section 264.552(c)(4): Minimizing Future Releases

The fourth decision criterion specifies that areas within a CAMU where wastes will remain in place after closure of the CAMU are to be managed and contained so as to minimize future releases, to the extent practicable. This is a logical outgrowth from the closure provisions that were proposed in subpart S for CAMUs. (See proposed § 264.551(c)(5)).

In the preamble to the proposed rule, the Agency stated that the closure and post-closure provisions were intended to ensure that adequate long-term controls are imposed for any wastes remaining within the CAMU. 55 FR 30844. This decision criterion is intended to make clear that the Regional Administrator must consider at the time of CAMU designation whether long-term reliability and effectiveness will be ensured through the implementation of a CAMU, particularly when it is necessary to leave wastes in place after implementation of remedial activities.

One commenter suggested that the Agency clarify the fact that final closure of the CAMU must be examined very carefully. Therefore, although this decision criterion closely parallels the closure provision for CAMUs, EPA believes that eventual closure of the CAMU is an important enough factor that it should be highlighted at the time the Regional Administrator is making the decision to designate a CAMU. Any CAMU decision must consider, as a primary objective, the long-term (i.e., post-closure) reliability and effectiveness of CAMU-related remedial actions.

Section 264.552(c)(5): Timing

The fifth decision criterion specifies that the CAMU will expedite the timing of remedy implementation, when appropriate and practicable. This criterion is an outgrowth of the

requirement in the proposed rule that, in designating a CAMU, the Regional Administrator consider whether the CAMU would benefit remediation at the facility by expediting the timing of the remedy implementation. (See proposed § 264.551(c)(3)(ii)(A)). No comments were received on this proposed CAMU decision factor. Therefore, the Agency is finalizing this factor as a CAMU designation criterion in today's rule.

The Regional Administrator is encouraged to utilize CAMUs if they will assist in eliminating unnecessary delays and will encourage a faster pace to remediation. However, it should be understood that CAMUs may not always result in remedies that take less time. By allowing for on-site waste management and use of innovative technologies, the resulting remedial actions may take longer to complete than, for example, excavating all wastes and transporting them to commercial treatment or disposal facilities. Thus, this decision criterion only requires that a CAMU expedite remedial timeframes when it is appropriate and practicable, in consideration of the other remedial objectives for the facility.

Section 264.552(c)(6): Enhancing Long-term Effectiveness

The sixth decision criterion requires the Regional Administrator to use, as appropriate, treatment technologies (including innovative technologies) to enhance the long-term effectiveness of the remedial actions at the facility by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU. This is an outgrowth from the remedy selection decision factors relating to reduction of toxicity, mobility and volume of wastes, and long-term reliability and effectiveness. (See proposed § 264.525(b)(1) and (b)(2)). It is also analogous to the preference under CERCLA for treatment-based remedies (55 FR 8666, Mar. 6, 1990). The proposed rule preamble discusses two Agency preferences supporting this criterion: (1) "As a general goal, remedies will be preferred that employ techniques, such as treatment technologies, that are capable of permanently reducing the overall degree of risk posed by the wastes and constituents at the facility;" and (2) "Source control technologies that involve treatment of wastes, or that otherwise do not rely on containment structures or systems to ensure against future releases, will be strongly preferred to those that offer more temporary or less reliable controls." (55 FR 30824). EPA believes as a general rule that long-term reliability and protectiveness of remedial activities is directly tied to effective treatment of wastes that pose future release threats.

EPA received comments requesting clarification as to whether under this decision factor, EPA was disallowing caps or other forms of containment, stabilization/fixation or other technically sound remedies. The Agency responds by stating that this criterion does not preclude remedial actions that do not employ treatment, as long as they are capable of ensuring long-term effectiveness. As a general rule, the Agency believes that treatment provides greater long-term effectiveness than containment alone, but that in certain circumstances, the Agency may consider containment to be sufficiently effective. A commenter also suggested that the Agency add a new remedy decision factor—the ability of the remedy to leave hazardous wastes in their least environmentally threatening state. EPA believes the objective of such a factor is consistent with this sixth criterion, and therefore an additional factor is not necessary.

Another commenter requested that EPA clarify that there is no relative preference between toxicity reduction, mobility reduction or volume reduction. The Agency agrees with this commenter because the decision as to which characteristic of the waste (i.e., toxicity, mobility, or volume) can be reduced will be a case-by-case determination. In some cases, for example, a reduction in volume will not be possible (e.g., with metals), however, mobility reduction may be possible. Therefore, any preference between such types of treatment will be determined by site and waste specific characteristics that will guide or limit remedial options.

One commenter stated that section 3004(u) provides no statutory basis to establish a preference for remedies that involve treatment or that otherwise do not rely on containment systems or structures. The Agency strongly disagrees with this comment. As noted in the preamble to the July 1990 proposal, EPA believes that long-term reliability of remedies is an essential element in ensuring that actions under sections 3004(u) and 3008(h) satisfy the fundamental mandate of RCRA to protect human health and the environment, and that the reduction of toxicity, mobility or volume is a primary means of achieving such long-term reliability. 55 FR 30824. Moreover, EPA's experience under the RCRA program, and the primary focus of Congress in enacting the 1984 amendments to RCRA, is that reliance on containment structures rather than treatment generally should be discouraged, since land disposal of untreated hazardous wastes cannot provide reliable protection of human health and the environment over the long term. See, e.g., RCRA section 1002(b)(7).

Another commenter noted that the factor addressing reduction in toxicity, mobility, and volume should not be applied to or should not be emphasized in situations which involve high volume, low toxicity wastes, e.g., broad area-wide contamination. As discussed earlier, the decision factor in the proposal that addressed reduction of toxicity, mobility, and volume was not intended to preclude remedial alternatives that did not employ treatment, so long as such options could ensure long-term effectiveness of the remedy. Given the example, therefore, of a situation involving large volumes of low concentration contaminated soils or other wastes, the RA would have the discretion to evaluate containment-based remedial approaches. However, the final decision as to whether treatment of such wastes is necessary and appropriate, and if so what kind of treatment should be done, will necessarily be made on a case-by-case basis.

EPA also encouraged, in the subpart S proposal, that facilities consider "utilizing emerging technologies not yet widely available which may offer significant advantages over currently available technologies." (55 FR 30825; proposed § 264.525(c)(4).) CAMUs may be particularly helpful to the implementation of effective innovative treatment technologies, which in the past have had limited application due to the waste management constraints imposed by the land disposal restrictions.

Several commenters were very supportive of EPA's encouragement of innovative technologies. One commenter, however, stated that the use of an emerging technology should not be compelled, because a particular technology may not have been field tested and may involve greater monetary and time commitment than is necessary to remediate a given facility. EPA did not intend that this criterion mandate the use of innovative technologies. However, an RA, in conjunction with the owner/operator, may decide to utilize the flexibility of the CAMU to implement an innovative technology that could not have been used given the waste management restrictions of subtitle C, most notably the LDRs. This criterion is intended to support and encourage the implementation of innovative technologies when they can

be utilized to reach the overall remediation goals at the facility.

Section 264.552(c)(7): Minimizing Land Areas Where Wastes Will Remain in Place

The seventh decision criterion requires the Regional Administrator to determine that the CAMU will minimize the land area of the facility upon which wastes will remain in place after closure, to the extent practicable. The CAMU, as presented in today's rule, will promote consolidation of remediation wastes into smaller, discrete areas of the facility, that are suitable as long-term repositories for the wastes, and which can be effectively managed and monitored over the long term.

EPA believes that the objective of minimizing the land area at which remediation wastes will remain in place at a facility after closure of the CAMU is consistent with the overall goal of achieving effective, protective remedies with long-term reliability. In some cases, broad areas of a facility (such as a series of large impoundments) could be capped without consolidation of the wastes. However, this approach could complicate monitoring for ground-water releases and could require an extensive maintenance program (e.g., for the cap and for other containment systems). In addition, as a practical matter development of the facility property (for future beneficial uses or by the owner/operator) may be less constrained if a relatively small area of the facility were dedicated to continued long-term containment of remediation wastes.

EPA believes that the objective of minimizing the land-area in which wastes will remain in place is consistent with, and complements, the other objectives for CAMUs that are expressed in the other six CAMU decision factors. In particular, it is consistent with one of the important objectives stated in the proposed subpart S regulations, which stated that "[t]he Agency intends to place special emphasis in selecting remedies on the ability of any remedial approach to provide adequate protection of human health and the environment over the long-term."(55 FR 30824) The comments received regarding long-term reliability and effectiveness did not oppose this overall objective, but raised issues as to how the Agency meant to implement it. These comments were discussed under the above criteria. With regard to this criterion, reducing the land area of wastes remaining in place, in conjunction with a reduction in toxicity, mobility, and volume, is intended to clarify this means of improving long-term effectiveness and reliability.

4. Information Required To Support CAMU Designation (§ 264.552(d))

An owner/operator must provide, as a result of facility investigations, remedial studies, or other site-specific analyses, information sufficient for the Regional Administrator to assess the decision criteria specified in § 264.552(c) as they relate to the implementation of a CAMU at a given facility. This information can be requested under the authority the RA already possesses under § 264.101.

This requirement of today's rule was not explicitly provided for in the proposed rule; under the proposal such information was to have been furnished to the RA as part of the documentation of the remedial studies (e.g., RCRA Facility Investigations, Corrective Measures Studies) required under the subpart S proposal. Since today's rule finalizes only a portion of the proposal, a specific requirement relating to submission of information to support CAMU decisions is necessary. As such, this requirement is simply an expression of the general authority under 3004(u) and 3008(h) to require information from owner/operators to support corrective action implementation decisions.

5. CAMU Requirements To Be Specified in Permits or Orders (§ 264.552(e))

The proposed subpart S CAMU provisions outlined explicit requirements for closure and post-closure of CAMUs that the Regional Administrator would be required to include in the permit or order. Some commenters on the proposal suggested that the regulation should provide a more comprehensive listing of the requirements that would have to be specified in the permit (or order). EPA agrees that a more comprehensive listing of these requirements will clarify the specific requirements that must be addressed for CAMUs in permits and orders. Thus, § 264.522(d) outlines additional features of CAMUs that will be contained in permits or orders.

Section 264.552(e)(1) clarifies that in designating a CAMU at a facility, the Regional Administrator will specify in the permit or order the actual areal extent or configuration of the CAMU. This is a logical outgrowth of one of the fundamental issues involved with designating CAMUs; that is, determining where at the facility the CAMU is to be physically located, and the specific configuration of the CAMU. EPA expects that permits and orders will generally identify the physical boundaries of CAMUs on a facility map, together with a specific description of the physical boundaries or dimensions of the CAMU.

Section 264.552(e)(2) clarifies that the permit or order will specify how remediation wastes will actually be managed in or as part of a designated CAMU, including specification of design, operating and closure requirements. This is also a logical outgrowth from the proposal. The subpart S proposal anticipated that these types of requirements would be specified for CAMUs in a permit modification as part of the overall remedy selected for the facility. Since that portion of subpart S is not being finalized in today's rule, EPA believes that it is appropriate to clearly specify in this rule that these types of requirements must be delineated in permits or orders which establish CAMUs.

As specified in § 264.552(e)(2), requirements will generally be specified for those areas of a CAMU that are to be used for treatment or storage of remediation wastes. Thus, if wastes were to be excavated and bioremediated in an enclosure located within the CAMU, the permit or order would specify the requirements for the bioremediation technology, the design and operation of any structures used for the bioremediation process, the disposition of the treatment residuals, and other associated requirements for those wastes and the areas of the CAMU to be used in managing them. However, as the regulations specify, where a treatment or storage unit separate from a CAMU is already adequately regulated under a facility permit, it would not be necessary to repeat those requirements in the CAMU provisions of the permit.

Under § 264.552(e)(3), the permit or order must also establish the ground-water monitoring requirements for each CAMU. This requirement also derives generally from the subpart S proposal; under the proposal, ground-water monitoring requirements were to be specified as part of the overall facility remedy (see proposed § 264.525(e) and § 264.526). Given that today's rule finalizes only specific portions of the proposal, the Agency believes that it is useful to specify in this rule that ground-water monitoring requirements for CAMU must be specified in the permit or order.

EPA expects that CAMUs will typically be implemented following studies of surface and subsurface contamination at the facility, conducted as part of required remedial investigations. Thus, in most cases, ground-water monitoring systems will already have been installed to

characterize releases to ground water at the facility. Section 264.552(e)(3) is intended to clarify that there will be a continuing responsibility for owner/operators to monitor ground-water quality in the vicinity of the CAMU to ensure that any releases of contaminants from within the CAMU are detected.

This provision does not address the responsibilities of the owner/operator to continue monitoring of releases that are not associated with CAMUs; nor does it address the question of whether ground-water remediation is necessary. Due to the limited scope of today's final rule, those broader remedial requirements (i.e., that are not specifically associated with CAMUs) have not been addressed. EPA expects that those requirements will be included in the final, comprehensive subpart S rulemaking.

The ground-water monitoring requirements as specified in today's rule are not detailed, specific requirements addressing the numerous technical elements of installing and operating an effective ground-water monitoring system. Rather, they provide a general standard of performance for such systems; detailed specifications or performance standards for ground-water monitoring will be specified in the permit or order, based on site-specific information and conditions.

Today's rule promulgates the provisions of the proposed rule that specified closure and post-closure requirements for CAMUs that must be incorporated in permits or orders, with few changes from the proposal. (See § 264.552(e)(4).) This rule also finalizes the decision factors to be considered in making CAMU closure decisions, as proposed. The specific closure and post-closure provisions have been reorganized for the sake of clarity and to fit within the organization of this section of today's regulation.

The only significant difference between the final and proposed closure and post-closure provisions is that today's rule identifies certain specific requirements for CAMU closure to be included in permits or orders that were not explicitly identified in the proposal. (See 264.552(d)(4)(ii)). These requirements address such closure activities as excavation, removal, treatment, capping or containment of wastes, capping of areas where wastes will remain in place, and removal and decontamination of equipment, devices, and structures used for remediation waste management. These provisions specify activities that are normally part of closure for other types of land-based units, and that would, in any case, be incidental to implementing CAMU closure activities under today's rule. This new provision is, thus, intended to clarify the specific types of activities that should be included in the permit or order encompassing CAMU closure.

6. Documentation for CAMUs (§ 264.552(f))

This provision requires the RA to document the rationale for designating a CAMU, and to make the documentation available to the public. (See also section III.B.3.) This will typically be done in a Statement of Basis in a permit, permit modification, order, or order modification. Further explanation of public participation requirements for CAMUs (and TUs) designated under orders, is presented in section IV.A. of this preamble.

7. Permit or Order Modification for CAMUs (§ 264.552(g) and § 270.42)

As outlined in the subpart S proposal, remedies tentatively selected or approved by the Regional Administrator would be incorporated into the permit according to the Agency-initiated modification procedures of § 270.41, which provide for thorough public review and comment. Thus, under the proposal, designation of a CAMU was presumed to be implemented as part of the overall remedy selection process, and incorporation of specific CAMU provisions into the permit would be done under the overall modification for the remedy (see proposed § 264.526).

Several commenters on the proposal argued that there should be a provision for allowing CAMUs to be designated earlier in the corrective action process than at the time of the permit modification for final remedy selection. These commenters elaborated that in some cases remedial activities that may precede implementation of the final remedy could be facilitated by the use of a CAMU. EPA provided for and encouraged implementation of certain remedial activities prior to final remedy selection decisions under the proposed "interim measures" provisions of the subpart S proposal (§ 264.540). A number of comments were received regarding the appropriate permit modification provisions for interim measures, with several commenters suggesting that the Agency clarify the type of permit modification (i.e., Class I, II or III) that would be used to incorporate interim measures into permits.

EPA agrees with the commenters that the regulations should explicitly provide for situations where CAMUs may be appropriate for remediation waste management prior to final remedy implementation. This is consistent with EPA's current implementation strategy for the corrective action program, which emphasizes early implementation of interim or "stabilization" measures at RCRA facilities, with relatively lesser emphasis over the next several years on pursuing "final" cleanups at all facilities.[2] Certain stabilization actions may involve extensive waste management activities, for which CAMUs may be useful and appropriate.

To facilitate early use of CAMUs designated pursuant to permits, today's final rule specifies (in § 264.552(g)) that a CAMU may be approved under an Agency-initiated modification (§ 270.41), or according to the permit modification procedures of § 270.42, for owner/operator initiated modifications. As discussed elsewhere in today's preamble, EPA is amending appendix I of § 270.42 to specify that, when incorporation of a CAMU into a permit is initiated by an owner/operator, a CAMU will generally be approved (or disapproved) according to the Class III permit modification procedures. Class III permit modifications are similar to Agency-initiated modifications in terms of the amount and type of public review and comment that is provided. EPA believes that specifying Class III modifications for CAMUs under § 270.42 is therefore consistent with the proposal, and addresses commenters' concerns that there be an explicit provision for approval of CAMUs, when appropriate, early in the corrective action process.

CAMUs may also be implemented through the use of section 3008(h) orders. Such orders will generally require the same information as required in permits under § 264.552(e). The need to approve a CAMU early in the process (e.g., to support an interim measure or "stabilization" action) will pertain to facilities subject to section 3008(h) orders, as well as permitted facilities. Thus, to implement a CAMU under an existing section 3008(h) order, the order may need to be amended to reflect the addition of the CAMU. It is the Agency's current policy that order modifications regarding remedy selection VR/AP provide a level of public participation and comment comparable to that provided for permit modifications. Section IV.A. of this preamble provides further discussion of the public participation procedures that will be used for CAMU designation under orders.

EPA notes that, in today's rule, the only mechanism for designating a

[2] Guidance on EPA's Stabilization Initiative for the RCRA Corrective Action program may be obtained by contacting the RCRA/Superfund Hotline at 1–800–424–9346.

CAMU at interim status facilities is a section 3008(h) order (or possibly a § 7003 order). The Agency recognizes that owner/operators of interim status facilities may prefer another mechanism (e.g., the closure plan approval process), which would allow accelerated cleanups to proceed outside the context of an enforcement order. While EPA acknowledges that there may be advantages to such an approach, it raises issues that are outside the scope of today's rulemaking. EPA will consider possible options as it develops the final subpart S rulemaking.

8. Effect of CAMU Designations on Other Remedy Selection Decisions (§ 264.552(h))

As is discussed earlier in this preamble, the designation of a CAMU does not change EPA's authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions. This point is clarified in § 264.552(h).

C. Temporary Units (TUs) (§ 264.553)

The temporary unit provisions (§ 264.551(b)) as proposed in July, 1990, would have provided the Regional Administrator with the authority to modify 40 CFR part 264 or 265 regulatory design, operating, or closure standards for units (except incinerators and non-tank thermal treatment units) used for the storage or treatment of hazardous waste during corrective action, as long as those alternative standards were protective of human health and the environment and complied with statutory requirements. Under this proposal, the operation of such units would have been restricted to 180 days; however, the Regional Administrator could grant extensions to the operating life of such unit(s) in situations where unforeseen, temporary, and uncontrollable circumstances occurred, and where the owner/operator was actively seeking alternatives to continued use of the unit. See 55 FR 30842 (July 27, 1990). If the owner/operator failed to seek alternatives to the continued use of the temporary unit, the Agency would deny further extensions and require the owner/operator to retrofit the unit to meet applicable part 264 and part 265 standards, or remove the waste and close the unit.

In modifying 40 CFR part 264 and part 265 design, operating, and closure regulatory standards for temporary units, proposed § 264.551(b) required the Regional Administrator to consider certain factors relating to the length of time that the unit would be in place, the amount of wastes to be managed, the physical and chemical characteristics of the wastes, and the site characteristics that might influence the migration of any potential releases. The alternative standards developed based on these factors would be specified in the facility's permit or order.

Today's rule finalizes the temporary unit provisions in § 264.553, with minor changes. EPA believes that the temporary unit concept is both sensible and practical within the context of remediation, and will facilitate implementation of RCRA sections 3004(u), 3004(v), and 3008(h). EPA believes that the site-specific review and oversight that is provided in the context of investigating and making remedial decisions for corrective action allows the Agency to ensure protection of human health and the environment for short-term operation of units that may not meet the full set of standards specified for long-term use of such units under current RCRA regulations.

As a general matter, EPA believes that the flexibility provided for in today's rules for CAMUs and temporary units will also encourage the development of new and innovative treatment technologies. In particular, this rule will help further the Administrator's commitment to remove barriers to the use of bioremediation. Consistent with this goal, in the Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris proposed rule (57 FR 958, Jan. 9, 1992), the Agency solicited comment on a temporary version (57 FR 981) of the containment building (later promulgated in the final Debris Rule on 8/18/92). As proposed, these temporary containment buildings would have allowed for the treatment of hazardous waste in temporary structures that would not have been subject to the same stringent design and construction requirements of the containment building promulgated on August 18, 1992. (See 57 FR 37268). Comments on the proposal were almost universally favorable. However, EPA decided to defer a final rule on such buildings pending further analysis.

The CAMU provisions promulgated today achieve most of the objectives of the temporary containment building proposal (e.g., within a CAMU, structures may be used to implement bioremediation systems as an integral part of a remediation). The design and operating plans for such systems will be approved on a case-by-case basis within the context of other waste management activities that will take place within a CAMU. The use of bioremediation technologies as part of CAMUs should greatly expand the base of experience with the use of these treatment technologies. EPA will consider whether separate regulations for temporary containment buildings, as a distinct type of RCRA unit, should be developed in the future.

1. Scope and Applicability of Today's Rule (§ 264.553(a))

Today's rule narrows the applicability of the temporary unit provision. The proposed rule for temporary units would have allowed any unit (except incinerators and non-tank thermal treatment units) used for the treatment or storage of hazardous wastes during corrective action to be designated as a temporary unit. This would have included land-based units such as waste piles. Today's final rule specifies that only tanks and container storage units used for the treatment or storage of remediation wastes will be eligible for designation as temporary units.

EPA expects that land-based waste management activities are more effectively addressed under today's CAMU provisions. For example, under today's CAMU provisions, a waste pile could be designated as part of a CAMU. This would enable the Regional Administrator to specify protective liner requirements and other design/operating requirements for the pile that are appropriate to waste and site conditions, and the length of time the unit may operate. Further, remediation wastes could be placed into the pile without triggering LDRs, thereby enabling one of the most frequent uses of piles, the temporary staging of wastes prior to on-site treatment, or transportation to off-site disposal (in which case, the land disposal restrictions would apply). Thus, designating the pile as part of the CAMU will enable sensible and protective waste management actions to be implemented. Because the provisions already allow flexibility for waste management in land-based units, the temporary unit provisions for those units are unnecessary and thus have been omitted in the final rule.

In addition, the temporary unit provisions will not apply to subpart X units (e.g., "modu-tanks"). EPA believes that the subpart X standards already provide sufficient flexibility for the Regional Administrator to set conditions appropriate to short-term use of a miscellaneous unit at a remediation site. Also, some miscellaneous units involve land-based waste management activities; such activities could be addressed and included as part of a CAMU, in a manner similar to waste piles.

The temporary unit proposed rules specified that the Regional

Administrator could modify standards applicable to such units "solely by regulation." Since today's rules for temporary units are limited to tanks and container storage units, and since these units are not subject to the statutory MTR and LDR requirements, the phrase "solely by regulation" has been omitted from § 264.553(a) of today's final rule, as it is no longer applicable or necessary.

Several commenters requested clarification of the applicability of temporary units to corrective actions under 3008(h) orders. Section 264.553(a) of today's final rule clarifies that the temporary unit concept is applicable to these actions. This change parallels the clarifying change to the definition of CAMU, as discussed previously in this preamble.

2. Restrictions on Temporary Units (§ 264.553(b))

The proposed temporary units provisions specified that such units could only be used for treatment or storage of waste "* * * that [had] originated within the facility boundary." Commenters on the proposal requested that EPA clarify more explicitly the types of wastes that could be managed in temporary units and CAMUs. Accordingly, EPA is promulgating in today's rule a definition of remediation waste, and, in § 264.553(b)(2), a clarification that temporary units shall be used only for treatment or storage of remediation wastes. Although the definition of remediation wastes includes non-hazardous solid wastes, management of such wastes would not require the designation of a temporary unit, since subtitle C requirements would not apply to management of those wastes. The definition of remediation wastes is discussed in section II.A. of this preamble.

In addition, today's rule specifies that temporary units must be located at the facility. One individual who commented on the proposal, supported the restriction that temporary units not be allowed outside the facility, since the owner/operator would not have direct operational control over such units. EPA agrees with this commenter and believes that this requirement will ensure that the Agency maintains direct oversight control over the unit and that the alternate standards specified for the unit by the Regional Administrator are appropriate given the context of the site-specific assessment. EPA believes that allowing temporary units only within the facility is consistent with the overall intent of this provision and, thus, has finalized this requirement as proposed.

3. Temporary Unit Decision Factors (§ 264.553(c))

The proposed TU provisions specified seven factors that the Regional Administrator would consider in establishing standards for temporary units. These factors were:

(1) Length of time the unit will be in operation;

(2) Type of unit;

(3) Volumes of waste to be managed;

(4) Physical and chemical characteristics of the wastes to be managed;

(5) Potential for releases from the unit;

(6) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

(7) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.

EPA did not receive any comment on these specific decision factors. The Agency believes that these factors are reasonable and will result in sound decisions for temporary units; these decision factors have, therefore, been finalized as proposed.

4. Permit or Order Specifications for Temporary Units (§ 264.553(d))

As required under § 264.553(d), the Regional Administrator will specify requirements for temporary units in the permit or order. These requirements will include the design, operating, and closure requirements for such units, as determined by the Regional Administrator in accordance with the decision factors described above.

This section also specifies operating time limits for temporary units. The proposed provisions for temporary units specified a 180-day time limit for the operation of temporary units, with allowance for EPA to extend that time period in certain circumstances. EPA expects that in many cases 180 days would be sufficient for a temporary unit. However, EPA also recognizes that in many other cases involving the storage or treatment of large volumes of wastes, units may need to be operated for periods longer than 180 days. As argued by a number of commenters on the proposal, remediation of facilities will often be a lengthy process, and a 180-day limit for temporary units could impose an unnecessary and artificial constraint on units whose operation beyond 180 days could nevertheless be protective of human health and the environment. An example of such a unit might be a tank that is brought to a remedial site for the treatment of inorganic sludges and that meets or exceeds all part 264 requirements, except for secondary containment. The operation of that tank could be protective for considerably longer than 180 days, given frequent inspections, sound operating procedures, and extensive Agency oversight.

Many commenters argued that there should be no time limit for the operation of temporary units, and that the Regional Administrator should have the discretion to establish operational time frames for temporary units on a case-by-case basis. Other commenters believed that one to two years would be a more reasonable time limit.

EPA agrees with the commenters who argued that the proposed 180-day limit for temporary units may be unnecessarily restrictive in many cases, and would complicate the use of temporary units for potentially beneficial waste management activities, such as certain treatment systems that often require timeframes longer than 180 days. Today's rule, therefore, specifies a one-year time limit for operation of temporary units. Based on an evaluation of the comments to the proposal, EPA believes that a one-year limit for temporary units is reasonable and appropriate. Such a time limit will allow the use of temporary tanks and containers for somewhat lengthier treatment technologies (e.g., bioremediation) while assuring the protectiveness of such units. In addition, the one-year time limit confirms EPA's intent that the alternate standards only be applied to units which are truly "temporary" in this context.

At the end of the specified time limit for a temporary unit, or at the end of an extension if granted by the Regional Administrator, the owner/operator will be required to cease management of remediation wastes in the temporary unit and to initiate the closure requirements prescribed for the unit under § 264.553(d). In cases where it is necessary or desirable to continue the waste management activity that was conducted in the temporary unit, the owner/operator will be required to retrofit the unit to meet applicable part 264 or part 265 standards for that type of unit, arrange for an alternative unit in which to continue conducting the activity, or otherwise modify the remedial practices so that the unit is not used in the remediation at the facility. If the owner/operator chooses to retrofit the unit, but such changes to the unit cannot be made before the end of the extension period, the owner/operator will be required to cease management of the waste until the retrofitting has been completed. Changes to temporary units (e.g., retrofitting) or to other remedial

operations at the end of the operating time limit for a temporary unit will be subject to approval through modifications to the permit or order.

5. Time Limit Extensions for Temporary Units (§ 264.553(e))

Section 264.553(e) specifies the criteria the RA must consider prior to approving an extension to the time limit originally specified for a temporary unit.

EPA recognizes that in some cases a temporary unit may have to remain in service beyond the limit originally specified in the permit or order by the Regional Administrator due to unexpected circumstances. Today's rule finalizes the provisions for extensions as proposed in § 264.551(b)(3), with minor changes. Proposed § 264.551(b)(3) specified that an extension to the operating period originally specified for the unit could only be granted if hazardous wastes had to remain in the unit due to "unforeseen, temporary, and uncontrollable" circumstances. One commenter who suggested that the 180-day time limit was too restrictive also suggested that the regulation be revised to eliminate these criteria as a condition for approving an extension for a temporary unit. Today's final rule does not specify these criteria for the approval of an extension. EPA believes that decisions as to whether or not certain circumstances were unforeseen and uncontrollable could be difficult and contentious, could put the Agency in the position of having to speculate as to whether or not the owner/operator might have seen or might have controlled a circumstance relating to a temporary unit, and are ultimately irrelevant to the issue of the protectiveness of the unit.

Accordingly, § 264.553(e) of today's rule specifies new criteria for approval of time extensions for temporary units. These new criteria are based on an evaluation of the comments received on the proposal. One commenter expressed concern that the standards applied to temporary units may be based on the time limit originally specified for the unit and therefore may not be adequately protective of human health and the environment if the operating life of the unit were extended. EPA agrees with this comment and has specified in § 264.553(e)(1) of today's final rule that in order to grant an extension, the Regional Administrator must determine that continued operation of the unit will not pose a threat to human health and the environment. In addition, § 264.553(e)(2) specifies that the Regional Administrator must also determine that continued use of the unit is necessary to ensure the timely and efficient implementation of remedial actions at the facility. This criterion is essentially a restatement of the overall objective of temporary units and a clarification that the overall objective should be a condition for the approval of an extension. Upon approval of an extension the Regional Administrator will identify the specific time limit for the extension in the permit or order or modification to the permit or order.

Proposed § 264.551(b)(3) did not specify limits as to the time allowed under an extension or the number of extensions that could be approved. Under today's rule § 264.553(e), the Regional Administrator has the authority to grant up to a one-year time extension beyond the time limit originally specified for the unit, in cases where it is necessary to ensure timely and efficient implementation of remedial actions at the facility, and where the continued operation of the unit will not pose a threat to human health and the environment. The Regional Administrator may grant only one extension of up to one year. Based on the comments received on the proposal, EPA believes that these limits are both reasonable and appropriate, and are consistent with the Agency's intent to allow alternative standards under this provision only for truly "temporary" units. In addition, given the increased operational time limit for temporary units provided under today's rule, the need for an extension of more than one year should be eliminated. The Agency also believes that this limit to extensions will reduce the potential administrative burden that could be created by owner/operators seeking multiple extensions for temporary unit operations.

6. Permit and Order Modification Procedures (§ 264.553(f))

In the subpart S proposal EPA expected that in cases where a temporary unit is part of a selected remedy, the approval for that unit would normally be a part of the Agency-initiated major permit modification for the remedy. Similarly, in cases where a temporary unit is a part of a stabilization action or interim measure which requires a Class III modification or an Agency-initiated permit modification, the approval for that unit would also be included in the modification for that action. Thus, the language in the proposal concerning permit modifications only addressed the situation where approval for a temporary unit was included under a Class III or Agency-initiated permit modification for an overall remedy, or interim measure or stabilization action for a facility. EPA recognizes that there may be cases in which a temporary unit is not part of a larger permit modification procedure for a selected remedy, or interim measure or stabilization action (i.e., the unit will be used prior to remedy selection to handle investigation-derived waste or remediation waste generated from remedial activities that do not require a Class III or Agency-initiated permit modification). In such cases, the Agency believes that given the longer timeframes for temporary units provided for in today's rule, opportunity should be provided for the public to be informed of and participate in decisions that affect them and their communities. Thus the owner/operator of a permitted facility will be expected to request approval for a temporary unit as a Class II permit modification according to the procedures under § 270.42. EPA also recognizes, however, that there may be cases where operation of the temporary unit is necessary to contain releases or otherwise protect human health and the environment, before action is likely to be taken on a modification request. In such cases, the Regional Administrator may approve a 180-day temporary authorization for the unit upon request by the owner/operator according to the procedures under § 270.42. Today's rule modifies § 270.42 to classify permit modifications for temporary units as Class II modifications (unless otherwise addressed under a Class III or Agency-initiated permit modification).

The proposed temporary unit provision(s) specified that any extension to the operating period originally specified for a temporary unit would be processed as a Class I permit modification. One commenter suggested that such extensions should be given more thorough public review and comment than is provided by Class I permit modifications. EPA agrees, since temporary units may in some cases be used to manage large volumes of wastes, and could be a key feature of a selected remedy. In addition, the longer timeframes for temporary units allowed in today's rule support the idea of providing somewhat greater public review and comment of temporary unit decisions. Therefore, today's rule specifies that approval for extensions for temporary units that are not addressed under a Class III permit modification or are not part of an Agency-initiated permit modification, will be processed as Class II permit modifications. Section IV of this preamble provides further information regarding public participation procedures that will be used for approval of temporary units

and time extensions for temporary units pursuant to corrective action orders.

7. Documentation of Temporary Unit Designations and Time Extensions (§ 264.553(g))

Section 264.553(g) requires the Regional Administrator to document the rationale for designating a temporary unit or time extension for a temporary unit and to explain the basis for such designation. This new requirement in § 264.553(g) is intended simply to clarify and emphasize that temporary unit decisions must be documented and explained as part of the notice and comment procedures for orders and permits. The rationale for such decisions will be incorporated as part of the Statement of Basis in a permit or order modification. Documentation of temporary unit decisions is analogous to the documentation the Agency must currently make to support the selection of a remedy. Therefore, if a temporary unit is incorporated as part of a final remedy, such an explanation would be incorporated into the Statement of Basis for the remedy under a permit modification or under a new order.

IV. CAMU and TU Implementation

A. Public Participation in CAMU/TU Designations and TU Time Extensions Under Orders

The Agency is committed to providing a meaningful opportunity for the public to be informed of and participate in cleanup decisions that affect them and their communities. Public input on proposed facility-specific corrective action decisions at permitted facilities is obtained through the permit issuance and modification procedures prescribed in 40 CFR parts 124 and 270. Current Agency policy for final remedy selections at interim status facilities under corrective action orders outlines public participation procedures similar to those detailed in 40 CFR part 124. In conjunction with this rulemaking, the Agency is expanding its public participation requirements for corrective action decisions made under corrective action orders to address the proposed designation of CAMUs and temporary units.

Pursuant to this rulemaking, CAMU designations made through the permit process will generally be approved (or disapproved) according to Agency-initiated permit modifications (§ 270.41) or the Class III permit modification procedures under § 270.42 (see section III.B.7.). The designation of CAMUs or temporary units, or the granting of a time extension for a temporary unit made pursuant to a corrective action order, will follow similar public participation procedures, although modified to suit the corrective action order process. Prior to designating a CAMU or temporary unit, or approving a time extension for a temporary unit in a corrective action order, the Agency will prepare draft CAMU and/or temporary unit specifications. The Agency will then notify and provide the public with an opportunity to comment on the CAMU, temporary unit, or time extension for a temporary unit. If a public hearing is requested, the Agency will hold a hearing and provide the public with a notice of the hearing. The Agency will also consider and respond to all significant comments received by the public on the CAMU or temporary unit.

As required in the permit process, the Regional Administrator will document the rationale used to designate CAMUs (§ 264.552(f)), temporary units (§ 264.553(g)), or time extensions for temporary units (§ 264.553(g)), when such designations are made through corrective action orders. A brief discussion of the applicable decision factors used to support the creation of a CAMU or temporary unit will be included in the documentation. If the CAMU or temporary unit is proposed as part of a final remedy, such documentation can be incorporated into the Statement of Basis presenting the Agency's justification for a proposed comprehensive remedy proposal.

Under orders, a 30–45-day public comment period generally will be provided to the public to comment on the designation of a CAMU, temporary unit, or time extension for a temporary unit. However, because corrective action orders may be issued to address immediate threats, the public comment period may be reduced or eliminated if the Regional Administrator determines that even a short delay in the designation of a CAMU or temporary unit would adversely impact human health or the environment. The Agency anticipates needing to use this discretion in rare circumstances.

The Agency will provide additional guidance on public participation procedures for the designation of CAMUs and temporary units under orders. While guidance is pending, EPA will continue to use the guidance provided in RCRA Corrective Action Decisions Documents: The Statement of Basis and Response to Comments (Directive #9902.6).

B. Continuation of Permits for Corrective Action Purposes

Although EPA today is not finalizing most portions of the comprehensive proposed Subpart S rule, several issues have arisen in connection with that rule that deserve further discussion pending its completion. First, the proposed rule reflects Agency policy concerning facility-wide corrective action at RCRA facilities. As a result, EPA's Regional offices are following the proposal, where appropriate, as guidance pending development of the final rule. Several aspects of that proposal, however, require rule changes for implementation; those aspects of the proposal cannot be implemented even as guidance pending development of the final rule. Many of these rule changes are made through today's rulemaking and thus can now be implemented.

One important aspect of the proposal that EPA now believes is a clarification rather than a necessary rule change concerns the scope of the permit requirement. EPA had proposed to revise 40 CFR § 270.1 specifically to require RCRA permittees to have permits during the course of any corrective action required under the permit. Upon further review, EPA believes that this rule change, while a desirable clarification, is not absolutely necessary and that section 3004(u) of RCRA and 40 CFR 264.101(b) and 270.33 already require that RCRA facilities complete any corrective action schedule of compliance prior to termination of permit responsibilities.

The clear intent of Congress in enacting Section 3004(u) was that the price for obtaining a RCRA permit for hazardous waste management is cleanup of the entire property at which the permitted activity occurs. (See HSWA Conference Report, H. Rep. 1133, 98th Cong., 2d Sess. at 92 (1984). See also definition of facility as defined in today's rule.) Congress allowed such cleanup to occur under a schedule of compliance only where such cleanup could not be completed prior to permit issuance. As a result, section 3004(u) of RCRA (and 40 CFR 264.101) clearly require that a facility that obtains a schedule of compliance for corrective action must complete the corrective action prior to termination of permit responsibilities. Similarly, EPA's general regulations concerning schedules of compliance specify that a facility may not simply terminate its operations and thereby avoid compliance with applicable requirements (40 CFR 270.33; see also 45 FR 33310 (May 19, 1980)), including corrective action.

This means that a RCRA permitted facility that is undergoing corrective action under a schedule of compliance and that wishes to cease operations has two choices with respect to its

corrective action responsibilities. First, the facility may choose to accelerate corrective action so that it is completed at the same time as hazardous waste operations at the facility cease, § 270.33(b)(1)(i). Alternatively, where the regulated activities cease prior to termination of a permit which includes corrective action, the facility may complete corrective action under a permit schedule of compliance that extends beyond the date of cessation of hazardous waste operations, § 270.33(b)(2). In the latter case, the facility must continue to comply with applicable permit conditions and requirements, including permit renewal requirements, even though hazardous waste activities at the facility have ceased. See 45 FR 33310–11 (May 19, 1980).

As part of the comprehensive final subpart S rule, EPA will determine whether further regulatory clarification of this issue is necessary. At that time, EPA will respond to comments received on the proposed regulatory changes addressing this issue, and the related issues discussed in the preamble. See 55 FR 30846–49.

In the meantime, EPA, on a case-by-case basis, can improve the clarity of the applicability of this requirement to maintain a permit through the completion of corrective action activities at a specific facility in several ways. First, at the time of permit issuance or when the CAMU or temporary unit is incorporated into the HSWA permit, EPA can establish a schedule of compliance that reflects the responsibility of the permittee to complete corrective action under the permit, even if the permit does not specifically identify the nature or timing of the corrective actions to be required. In addition, the permit as issued or modified could include an express condition requiring the facility owner/operator to submit a permit reapplication prior to permit expiration unless and until all corrective action obligations for the facility have been completed.

C. State and Federal Implementation

1. State Authorization

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR part 271 for standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement authority.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), EPA administered the RCRA hazardous waste program in individual States until the States were formally authorized by the Agency to implement their own programs. Once a State had final authorization, it administered its hazardous waste programs entirely in lieu of EPA. The Federal RCRA requirements no longer applied in the authorized State, and EPA could not issue permits in the State for any facilities that the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent and consistent authority within specified timeframes. However, the new Federal requirements did not take effect in authorized States until the States adopted them as State law.

The HSWA amendments, however, altered this system. Under section 3006(g)(1) of RCRA as amended by HSWA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed under HSWA authority take effect in authorized States at the same time that they take effect in unauthorized States. EPA is directed to carry out these requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. To retain final authorization, States must still adopt HSWA-related provisions that increase the stringency of the RCRA program. However, such HSWA provisions apply in authorized States and are implemented Federally in the interim.

Today's rule is promulgated pursuant to section 3004(u), section 3004(v), and section 3005(c) of RCRA, all of which are provisions added through HSWA. (EPA will also use the standards of today's rule in implementing section 3008(h).) Therefore, the Agency is adding today's rule to Table 1 in 40 CFR 271.1(j), which identifies the Federal program requirements that are promulgated pursuant to HSWA. Because, in EPA's view, today's rule is integral to the HSWA corrective action program, EPA intends to implement it immediately in all States and territories in which the Agency now administers the HSWA section 3004(u) and (v) corrective action authorities. Thus, the rule takes effect immediately in (1) States that are unauthorized for the RCRA base program, and (2) States that are authorized for the RCRA base program, but are not yet authorized for the HSWA corrective action program. (The issue of more stringent State standards in these States is discussed in the following section.)

Today's rule does not apply in States that are authorized for the HSWA corrective action requirements. (Fifteen States now fall into this category.) Under section 3009 of RCRA, States may impose more stringent or broader regulations than the Federal program. Because the regulations promulgated today reduce regulatory requirements for certain types of waste management conducted during corrective action, EPA considers them to be less stringent than or reduce the scope of the existing Federal corrective action requirements.[3] Therefore, they will not apply in States authorized for corrective action until those States have adopted comparable provisions under their own State law. Furthermore, because today's rule is less stringent than existing corrective action requirements, authorized States are not required to adopt the rule, and States not yet authorized for corrective action are not required to include its provisions in their programs when they seek authorization.

Even though States are not required to adopt today's rulemaking, EPA strongly encourages them to do so. As already explained elsewhere in this preamble, today's rule is needed to expedite hazardous waste remediation at RCRA corrective action facilities. States are therefore urged to adopt today's rule and to submit to EPA the modification for approval on the schedule for mandatory program revisions, according to 40 CFR 271.21(e).

States are also encouraged to use existing authorities, where available, to allow comparable remedial activities prior to adopting and receiving authorization for today's rule. Some States may have authority comparable to section 7003, which allows EPA to order response action in the case of imminent and substantial endangerment to health or the environment "notwithstanding any other provision in this Act." An authorized State may use a comparable section 7003 authority to authorize activities consistent with today's rulemaking. Other States may have comparable authority under State Superfund programs or may have comparable flexibility for cleanups under their own hazardous waste regulations. EPA encourages States to make use of such flexibility to expedite cleanups. In addition, States with comparable authorities may be eligible to receive interim authorization and to

[3] EPA is considering whether the concept of stringency should be reevaluated with respect to remediation wastes and will address this approach in a separate rulemaking.

implement their provisions under 40 CFR 271.24.

2. Implementation of Rules in Unauthorized and Authorized States

The implementation of today's rule will vary, depending on the authorization status of the State in which a particular facility subject to cleanup requirements is located. Regardless of the situation in individual States, however, EPA's major goals in implementing today's rule are: (1) To enable the use of the CAMU and TU concepts as rapidly as possible for specific RCRA corrective actions, consistent with State requirements, (2) to encourage States to adopt these concepts promptly in their own cleanup programs and regulations, and (3) to work cooperatively with individual States, regardless of their authorization status, to promote the flexible approaches in today's rule. This section briefly discusses implementation of the rule in States at different stages of the authorization process.

A few States and territories have not yet been authorized for either the "base" (i.e., non-HSWA) RCRA program, or the RCRA section 3004(u) and (v) corrective action program under § 264.101. In these States, permits and orders are issued by EPA under the Federal statute and implementing regulations. Any modifications to permits or orders to allow the use of CAMUs or TUs would also be the responsibility of EPA. Of course, it is possible that an unauthorized State has adopted standards addressing CAMUs or TUs that have independent effect. The possibility for a dual program always exists in States that have not applied for or obtained authorization. Although EPA's permit would establish the Federal RCRA standards applying to such a unit, State law might impose additional requirements.

Most States have been authorized for the RCRA base program, but are not yet authorized for HSWA corrective action. In these States, permits are generally issued jointly; that is, the State issues the portion of the permit that addresses compliance with base-program requirements, while the EPA Region issues the HSWA portion of the permit, including corrective action requirements. Together, the base-program and HSWA portions make up the RCRA permit for the facility.

Under this arrangement, EPA is responsible for implementing the HSWA corrective action requirements for permitted facilities. This includes the responsibility of requiring or approving modifications of the HSWA portion of the permit to incorporate new units (including CAMUs and TUs) that are necessary to implement corrective action at the facility. In this case, the new unit would be permitted under the modification to the HSWA portion of the permit, and a separate State action would not be necessary. The process would work similarly for section 3008(h) orders, although procedures for changes in interim status, rather than for permit modifications, would apply. Thus, facility modifications to allow corrective action would not require State approval or use of State permit modification or interim status modification procedures. Rather, under section 3006(g), Congress authorized EPA to implement the corrective action program in each State prior to State authorization. If permit modification or interim status changes are necessary to implement corrective action in States not authorized for corrective action, the Federal rather than the State procedural requirements apply to the changes.

In some cases, a land-based regulated unit already subject to State interim status or permit conditions may be incorporated into a CAMU. In such cases, today's rule provides that the subpart F, G, and H requirements and the unit-specific requirements of 40 CFR part 264 or 265 previously applying to the regulated unit would continue to apply after designation of the CAMU. Authority for implementing and enforcing these requirements could fall either to EPA or to the State. Generally, EPA anticipates that the State would retain direct implementation authority, since it had previously been regulating the unit. However, in some cases it might be more efficient for EPA to assume overall authority over the entire cleanup.[4] In either case, EPA would seek to work out oversight authority with the State through formal or informal agreement. Because the State would retain authority over the regulated unit through its own permit or interim status requirements, unless it modified the permit or allowed a change in interim status, State agreement with EPA's approach to corrective action would be necessary.

As in the case of unauthorized States, States authorized for the base program may have more stringent requirements (e.g., State land ban provisions) that would affect a particular remedy that EPA wished to implement under today's rule. In this case, EPA might modify the remedy so that it was consistent with State law, or structure it so that it mirrored an existing State waiver provision (e.g., waiver of land ban provisions for contaminated media); alternatively, the State might use a waiver authority under its own laws or enforcement discretion to allow the remedy to proceed.

In any case, EPA emphasizes that its goal in implementing the CAMU and TU concepts in States not authorized for corrective action is to facilitate prompt and protective cleanups at RCRA facilities. This rule does not preempt existing State authorities, nor does EPA intend to impose cleanup requirements at specific sites under this rule that the State considers to be unprotective, inadequate, or inconsistent with the State's regulatory requirements. Rather, today's rule provides EPA (and States) greater flexibility in making use of a new type of remediation unit created during the course of corrective action. If a State not yet authorized for corrective action believed a different approach was preferable, either as a general rule or at a specific site, EPA would work with the State—for example, through a Memorandum of Understanding, joint order, or an informal agreement—to ensure that any remedies required were acceptable to the State.

As of October 1992, fifteen States were authorized for corrective action under § 264.101. Until these States develop their own CAMU and TU regulations, these provisions would generally not be available to them in implementing their corrective action program. It is possible, however, that a State authorized for corrective action may wish to have a CAMU or a temporary unit approved for a facility cleanup. In some cases, the State may have a general waiver authority under its own State law, or State enforcement or State Superfund authorities that provide it some flexibility. If the State were to exercise this authority in a way that is consistent with today's rule, EPA would not consider the State's program to be less stringent than the Federal program. Alternatively, the State could request EPA to issue an order under RCRA section 7003, which could be used to override specific Federal or authorized State authorities where necessary to implement a cleanup. In any case, however, these approaches should be used only to cover the transition period during which the State amends its regulations and obtains formal authorization for today's rule.

Even though a State is authorized for § 264.101 or (in the future) subpart S corrective action, EPA retains the authority to issue section 3008(h) orders at interim status facilities. If EPA were

[4] In this case, the State might choose to modify the State permit or the facility Part A to remove the unit as a State-regulated unit. Alternatively, the unit could remain on the State permit or Part A, but EPA could be given lead oversight over the unit through a State-Regional agreement.

to issue such an order in a State authorized for corrective action, it would have the authority to require and approve modifications of the facility part A to accommodate a new CAMU or TU. EPA's authority in this case is analogous to its authority in States not yet authorized for corrective action. Just as in that case, however, EPA emphasizes once again that its goal is to expedite cleanup, and it does not claim the authority to preempt existing State requirements.

D. Effective Date

RCRA section 3010(b)(1) allows EPA to promulgate an immediately effective rule where the Administrator finds that the regulated community does not need additional time to come into compliance with the rule. Similarly, the Administrative Procedures Act (APA) provides for an immediate effective date for rules which relieve a restriction. 5 U.S.C. 553(d)(1). Today's rule provides additional flexibility for facilities undergoing corrective action. As a result, the regulated community does not need significant additional time to come into compliance. In order to allow near term use of the less restrictive rules promulgated today, and yet to provide effective communication regarding the purpose and implementation of this rule, EPA has set an effective date of 60 days from today.

V. Relationship to Other Programs

A. CERCLA

The substantive requirements of today's regulations for CAMUs and temporary units are expected to be applicable or relevant and appropriate requirements (ARARs) for the remediation of many CERCLA sites, especially those sites where CERCLA remediation involves the management of RCRA hazardous wastes. In the CERCLA context, CAMU and temporary unit requirements that are designated to be ARARs would be incorporated into CERCLA decision documents, rather than RCRA permits or orders. Based on EPA's experience in managing the Superfund program, it is anticipated that the increased flexibility provided in today's rule will have an important and positive impact on the Agency's ability to expeditiously implement protective and cost-effective remedies at CERCLA sites. This would include remediation under CERCLA of RCRA hazardous wastes at Federal facilities that are listed on the National Priorities List.

B. State Remedial Programs

Many States have enacted remedial laws and programs to address environmental problems that may not be addressed under RCRA or CERCLA authorities. State remedial programs typically follow a process similar to RCRA and CERCLA for investigating releases, and selecting and implementing remedial measures. As a general rule, since CAMUs are defined as units to be used in connection with § 264.101 or 3008(h) actions, they can be employed only at a facility regulated under subtitle C of RCRA, or at CERCLA sites where determined to be ARARs. However, some states may have enforcement authorities analogous to RCRA section 7003 which provide an implied or explicit waiver from otherwise applicable State RCRA requirements. Thus, in such a State, where cleanup is being compelled at a non-RCRA or CERCLA facility, such enforcement authority could be used to approve and designate a CAMU or a TU in a manner consistent with today's final rules. Note, that a State cannot waive applicable federal requirements; thus, if a State is not authorized to implement the LDR program in the State, for example, then a CAMU will not operate to affect the scope of the LDRs at that site, when implemented under a State remedial program. However, if a State is authorized for LDRs, it may be able to waive such requirements under State law (as indicated above).

C. RCRA Section 7003

CAMUs and temporary units may be available, at the Regional Administrator's discretion, for the purpose of remediation under RCRA section 7003 authority, even if the remediation is not at a RCRA subtitle C regulated facility. Under section 7003, EPA has the discretion to waive any RCRA requirements at a site where appropriate to implementing remedial actions. Thus, the order could provide for and designate a CAMU with or without the use of today's rules, and regardless of the permit status of the facility. As mentioned previously, some States may have enforcement authorities analogous to RCRA section 7003 that would provide similar relief from administrative requirements in implementing cleanups.

D. Corrective Actions at Facilities not Currently Remediating Under Federal RCRA/CERCLA or State Authorities

Since a CAMU or a TU is a RCRA subtitle C unit, it can be utilized only at a facility that is regulated under subtitle C. Therefore, in order to manage hazardous remediation wastes in CAMUs or TUs, a responsible party would have to voluntarily seek regulation by subtitle C by obtaining either a corrective action order issued by the Agency (or by a State—see above), or a RCRA permit, which contains the necessary approvals from the Regional Administrator.

E. RCRA Section 3004(n) Air Emission Standards

EPA is currently developing a comprehensive set of air emission regulations for RCRA hazardous waste management units, as mandated under section 3004(n) of RCRA. Phase I air emission standards for process vents and equipment leaks were promulgated on June 21, 1990. Phase II unit-specific standards are expected to be promulgated in 1993.

If remediation waste management activities associated with CAMUs will involve the use of non-land-based equipment or units for which air emission standards have been promulgated (e.g., air strippers or other treatment devices), such equipment or unit(s) would have to comply with those applicable standards. These requirements will be specified in the permit or order. However, EPA does not intend to promulgate air emission standards specific to CAMUs. EPA believes that the decision criteria for CAMUs in today's rule, and the site-specific oversight provided under the corrective action process, will ensure that adequate air emission controls are imposed on remediation waste management activities.

VI. Regulatory Impact Analysis

A. Executive Order Requirements

Under Executive Order 12291 (issued February 17, 1981), a Regulatory Impact Analysis (RIA) is required for every major Federal regulation. Executive Order 12291 defines a major rule as one that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Agency has determined that this rule is not a major rule because the rule does not negatively impact the economy, increase costs or prices, or adversely impact businesses. Nevertheless, EPA recognizes that this rule may have significant positive economic impacts and therefore, at the request of the Office of Management and

Budget, has prepared a Regulatory Impact Analysis (RIA).

B. Background

In preparation for the final subpart S rulemaking, EPA is currently conducting a revised RIA that includes a comprehensive evaluation of the costs and benefits of regulatory alternatives for RCRA Corrective Action. As part of this comprehensive analysis, EPA has conducted a preliminary evaluation of the costs and benefits of the proposed rule provisions concerning CAMUs, and has evaluated several alternatives to the proposed rule CAMU provisions. On October 22, 1992, EPA published a notice of data availability in the **Federal Register** announcing the availability of a report, "Supplemental Information on Corrective Action Management Units," which summarized the preliminary results of EPA's analyses of the costs (expressed as cost savings) and expected environmental benefits of regulatory alternatives for the CAMU. The RIA prepared for this rulemaking provides additional detail on EPA's evaluation of the cost savings of key regulatory alternatives for the CAMU and the expected impacts of the alternatives on the human health and environmental benefits derived from cleanup under the Subpart S framework. (See sections II and III of this preamble for further discussion of the subpart S rule, the CAMU and temporary unit rule, and the notice of data availability.) Both the report summarizing preliminary results and the RIA for today's rule are available in the RCRA docket.

The Agency conducted the CAMU RIA in order to assess the costs and benefits of certain alternative approaches to regulating remedial waste management at facilities subject to RCRA corrective action. Discussion of the RIA is organized as follows: The CAMU regulatory alternatives that were analyzed are presented first, followed by the general methodology for the analysis, cost results, and finally a qualitative analysis of benefits.

Temporary units (TUs) were not addressed in the CAMU RIA. Based on the preliminary analyses conducted for the RIA, EPA believes that TUs will not be used with great frequency, and the resulting cost and benefit impacts of TUs are expected to be relatively minor compared to CAMUs.

C. Regulatory Alternatives

This RIA evaluates three CAMU regulatory alternatives: The Proposed subpart S CAMU, the Expanded CAMU (the CAMU alternative which EPA has decided to finalize), and, the No CAMU alternative. (The Proposed subpart S CAMU and the Expanded CAMU are defined and discussed further in section II of this preamble.) Based on the results of the analysis presented here and the anticipated remedial benefits of the expanded CAMU option, the Agency has decided to finalize the expanded CAMU option.

The analysis of the No CAMU alternative was conducted using two different sets of assumptions. This means that the cost savings and effects on benefits associated with the Proposed and Expanded CAMU options are presented relative to a range of "baseline" No CAMU outcomes. EPA evaluated the No CAMU alternative in this manner because EPA recognized that under the No CAMU alternative remedial decisionmakers could either choose to maximize removal and treatment of hazardous wastes to LDR standards, or, alternatively, choose to minimize the extent to which wastes would be required to be removed from SWMUs and therefore treated to LDR standards prior to land disposal.

D. Approach to Analysis

To estimate the costs and benefits associated with the various aspects of the subpart S final rule, including the CAMU provisions, EPA selected a random sample of 79 facilities potentially subject to corrective action. The sampling frame was stratified and sampled in order to accurately reflect the composition of the potentially affected universe and to over-sample facilities likely to require corrective action.

As proposed, the subpart S rule provides a regulatory framework to guide site-specific remedial decisionmaking at RCRA facilities. The proposed rule provisions are not, however, overly prescriptive; EPA recognized the site-specific nature of remedial decisionmaking and sought to strike an appropriate balance in the proposed regulations between explicit regulatory standards and requirements and site-specific flexibility and discretion. To develop estimates of the costs and benefits of cleanup under the proposed rule and under different regulatory alternatives, EPA simulated remedy selection at the sampled facilities.

In order to simulate remedy selection at the sample facilities, EPA first collected facility-specific data from a wide variety of sources, including RCRA Facility Assessments (RFAs) and RCRA Facility Investigations (RFIs). RFAs and RFIs provided EPA with the following information: General facility descriptions; SWMU- and waste-specific characteristics; details about the environmental setting; and human exposure information. When facility sampling data were not available for a particular facility, an EPA contaminant fate and transport model, MMSOILS, was used to simulate releases to ground water, surface water, air, and off-site soils. EPA also used the MMSOILS model to simulate releases into the future in order to determine the nature and extent of contamination over time, in the absence of corrective action.

Next, the available data on the nature and extent of contamination (present and future) and facility characteristics were presented to expert panels convened by EPA and comprised of regional EPA staff, state representatives, and experts in the fields of hydrogeology, geology, geophysics, soil science, engineering, and chemistry. Based on their evaluation of the data and their experience in making remedial policy decisions at the state and regional levels, the policy expert panel (made up of regional and state program policy representatives) developed remedial objectives under the proposed subpart S rule framework for each facility in the sample. Accordingly, the policy panel used the proposed subpart S CAMU definition and provisions and, where appropriate, designated areas of facilities as CAMUs.

The remedial objectives, including the policy decision on the use of a CAMU, were then transmitted to the technical expert panel, which was responsible for defining and determining specific remedial activities to meet these objectives. Where more than one alternative was available to meet the policy panel objectives, options were presented and the policy panel made their choice of preferred approach.

The remedial activities identified/selected by the expert panels, for the facilities in the sample that required corrective action, were the foundation for analyses of the proposed CAMU regulatory alternative. To assess the two other CAMU RIA regulatory alternatives (the Expanded CAMU and the No CAMU options), a CAMU expert panel (consisting of civil, chemical, and environmental engineers, risk assessors, RCRA policy analysts, and ecologists) was convened to determine objectives and select remedies.

E. Cost Analysis

In addition to defining and determining remedial activities to meet remedial objectives, the technical experts convened by EPA were also responsible for providing remedial cost estimates which served as the basis for calculating facility-level costs. As discussed above, the expert panels

reviewed each facility in the RIA sample and selected remedies to address releases at the sample facilities. The panels then estimated a cost for each remedial activity at each SWMU addressed. The Agency compiled remedial costs at the SWMU and facility level under each of the three CAMU regulatory alternatives. After the total costs were adjusted to include design, oversight, and contingencies, the costs were discounted to account for the timing of remediation.

On a national basis, a total of approximately 5,800 facilities are potentially subject to RCRA subpart S corrective action requirements. Under the Proposed CAMU alternative, CAMUs would be expected to be used at a total of 200 facilities in the course of remediating 1,360 SWMUs. Under the Expanded CAMU alternative, CAMUs would be expected to be used at 1,500 facilities in the course of remediating 6,000 SWMUs.

The use of CAMUs under the proposed CAMU option results in total present value cost savings of $15.2 billion to $25.2 billion (the range reflects the use of two different assumptions regarding the degree of waste removal and treatment to LDR standards under the No-CAMU option). The present value cost savings of the expanded CAMU option ranges from $16.6 to $26.6 billion. The cost savings under both of the CAMU options are primarily attributable to avoided costs of off-site incineration and disposal. The proposed CAMU option allows for protective management of waste on-site, possibly combined with in-situ treatment. The expanded CAMU option promotes even more protective on-site management by allowing ex-situ treatment of hazardous waste combined with protective on-site management.

F. Qualitative Analysis of Effects on Benefits

Several criteria can be used to qualitatively analyze the relative benefits of the CAMU regulatory alternatives: Expectations regarding the long-term effectiveness of remedies; short-term impacts of implementing the remedies; and, effects on corrective action program implementation.

1. Expectations Regarding Long-Term Effectiveness

Under either the proposed CAMU or the Expanded CAMU alternatives CAMUs may be permitted by the Regional Administrator only if the RA decides that designation of a CAMU would be protective of human health and the environment. However, the types of remedies selected under the different CAMU regulatory alternatives may differ with regard to expectations of long-term effectiveness.

For example, ex-situ treatments (which were selected much more frequently under the Expanded CAMU alternative than under the proposed CAMU alternative) generally provide greater certainty of long-term effectiveness than do in-situ treatments or management without treatment. Treatments, such as stabilization for wastes or media containing inorganic constituents, are employed much more effectively ex-situ than in-situ due to improved mixing and the ability to ensure through sampling that all waste and contaminated media are thoroughly treated. Incineration (which was used much more frequently under the No CAMU alternative than under the CAMU alternatives) provides a high degree of long-term effectiveness for remediation of wastes or media containing organic constituents.

In contrast, containment of wastes without treatment (e.g., by capping the unit) is generally viewed as providing less certainty of long-term effectiveness than alternatives which involve actual removal from the unit and/or treatment. Although EPA believes that engineered containment structures can be highly effective, assuming adequate monitoring and maintenance, few would dispute the general conclusion that there is less certainty regarding long-term effectiveness with remedies which rely solely on containment in contrast to those which involve some degree of removal and/or treatment.

As shown in Exhibit 1, the Expanded CAMU alternative is expected to employ ex-situ treatment at more SWMUs and to employ in-situ treatment or no treatment at fewer SWMUs than is the case for the two other CAMU regulatory alternatives. As a result, the Expanded CAMU alternative appears likely, in actual implementation, to provide greater long-term certainty of remedy effectiveness.

EXHIBIT 1.—NATIONAL ESTIMATES OF THE NUMBER OF SWMUS BY TYPE OF TREATMENT UNDER CAMU REGULATORY ALTERNATIVES

Type of treatment	No. of SWMUs affected			
	Expanded CAMU	Proposed CAMU	No CAMU-(assumes more LDR treatment)	No CAMU-(assumes more management in place)
Ex-Situ	4,400	2,800	2,800	2,200
In-Situ	700	1,700	1,400	1,900
Ex-Situ and In-Situ	130	570	920	920
No Treatment	730	1,000	910	1,000
Total	6,000	6,000	6,000	6,000

Notes:
- Numbers may not total due to rounding.
- CAMU regulatory alternatives discussed in text.
- There are 6,000 SWMUs affected by expanded CAMUs under the Expanded CAMU alternative. The same group of SWMUs was examined under the other CAMU alternatives for comparability.

The Agency developed more detailed comparisons of remedies selected under the three CAMU regulatory options. These comparisons are presented in the document "Supplemental Information on Corrective Action Management Units" and in the Regulatory Impact Analysis for today's final rule; both documents are available in the RCRA docket. A few key findings are discussed in the sections below.

Incineration is estimated to be employed most often (at 3,100 SWMUs) under the No CAMU alternative, when EPA assumes that LDR treatment is required and occurs; least often (at 1,400 SWMUs) under the Expanded CAMU alternative; and in between (at 1,900 SWMUs) under the Proposed CAMU alternative. Incineration is employed at 2,300 SWMUs under the No CAMU alternative when EPA assumes that less LDR treatment occurs and more wastes are left in place and contained.

Reliance on LDR treatments such as incineration, would theoretically provide the greatest degree of certainty regarding long-term effectiveness. However, in practice the high costs of incineration, the public opposition to incineration, and the transportation-related implications of shipping large quantities of wastes off-site to commercial incinerators may discourage its use and instead may often encourage greater reliance on in-situ treatment or containment without treatment, in the absence of a CAMU rule. This scenario is best represented by the results of the analysis for the No CAMU alternative where EPA has assumed much more management of wastes in place than removal and treatment to the LDR standards.

Thus, while the Expanded CAMU alternative would not result in incineration as frequently as under the No CAMU–LDR Treatment scenario, it would likely provide a greater degree of certainty of long-term effectiveness than the No CAMU-Management in Place scenario by encouraging greater use of ex-situ treatments other than incineration and reduced use of management in place.

2. Short-Term Impacts of Remedies

As discussed above, CAMUs could be employed only if they are protective of human health and the environment. However, the remedies selected under the three CAMU regulatory alternatives could differ to some degree with regard to the short-term risks created by truck traffic and by management of wastes and contaminated media during remediation. Remedies which maximize excavation, transport, and off-site management of wastes and contaminated media would pose greater risks of release from transportation-related accidents. In-situ treatment, ex-situ treatment on-site, and containment remedies do not involve transport of wastes off-site.

Management of wastes and contaminated media during remediation could also potentially pose short-term risks to workers on-site and to nearby households off-site. Remedies involving extensive excavation or certain in-situ treatments (such as bioremediation), where wastes are actively managed, could potentially pose more short-term risk than remedies involving only capping in place. However, Occupational Safety and Health Administration standards would act to prevent on-site exposures for workers conducting remediations, and corrective action remedies are required to be designed and implemented to prevent short-term exposures at off-site exposure points. As a result, the Agency believes that the CAMU regulatory alternatives would potentially differ very little with regard to short-term risk from waste management activities.

3. Effects on Corrective Action Program Implementation

The Expanded CAMU and Proposed CAMU regulatory alternatives would provide additional flexibility, relative to the No CAMU alternative, in implementing remedies at RCRA facilities. In increasing this flexibility, EPA would expect to expedite cleanups, achieve better quality remedies at facilities which are operating under financial constraints, avoid situations where remedies would drive owner/operators into bankruptcies and their facilities into the CERCLA queue, and, reduce the number of long-term management units that must be monitored and maintained at remediated facilities.

Further, EPA expects that remedies selected under the Expanded and Proposed CAMU alternatives would likely be more publicly acceptable, relative to those selected under the No CAMU alternative, due to reduced reliance on incineration (as discussed above) and off-site transportation and disposal. Under the Expanded CAMU alternative, wastes from approximately 1,600 SWMUs would go to off-site disposal, compared with wastes from 2,700 SWMUs under the Proposed CAMU. The No CAMU alternative is estimated to result in off-site disposal for wastes from 3,000 to 3,700 SWMUs.

The Expanded CAMU alternative is also likely to have other implementation-related benefits. It may reduce the cost and/or enhance the environmental effectiveness of closing regulated units that are included in CAMUs. For example, a regulated unit that would otherwise be capped with waste in place could be incorporated in a CAMU where the waste would be excavated, treated ex-situ, and replaced in the unit, thus providing a greater degree of long-term effectiveness.

G. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that whenever an agency publishes a notice of rulemaking, it must prepare a Regulatory Flexibility Analysis (RFA) that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities, because the rule provides relief to the regulated community. As a result of this finding, EPA has not prepared a formal RFA in support of the rule.

H. Paperwork Reduction Act

This rule does not contain any new information collection requirements subject to OMB review under the Paperwork Reduction Act, 44 U.S.C. 3501, et. seq.

List of Subjects

40 CFR Part 260

Administrative practice and procedure, Hazardous waste.

40 CFR Part 264

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 265

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 270

Administrative practice and procedure, Hazardous materials transportation, Reporting and recordkeeping requirements, Water pollution control.

40 CFR Part 271

Administrative practice and procedure, Hazardous materials transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control.

Dated: January 14, 1993

William Reilly,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations, is amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921-6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

2. Section 260.10 is amended adding, in alphabetical order, definitions for "Corrective action management unit" and "Remediation waste," and by revising the definitions for "Disposal Facility," "Facility," "Landfill," and "Miscellaneous Unit" to read as follows:

§ 260.10 Definitions.

* * * * *

Corrective action management unit or *CAMU* means an area within a facility that is designated by the Regional Administrator under part 264 subpart S, for the purpose of implementing corrective action requirements under § 264.101 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

* * * * *

Disposal facility means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

* * * * *

Facility means:

(1) All contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

(2) For the purpose of implementing corrective action under § 264.101, all contiguous property under the control of the owner or operator seeking a permit under subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

* * * * *

Landfill means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

* * * * *

Miscellaneous unit means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 40 CFR part 146, containment building, corrective action management unit, or unit eligible for research, development, and demonstration permit under § 270.65.

* * * * *

Remediation waste means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under § 264.101 and RCRA section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA sections 3004(v) or 3008(h) for releases beyond the facility boundary.

* * * * *

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

4. Section 264.3 is amended by revising the first paragraph (and the comment remains unchanged) to read as follows:

§ 264.3 Relationship to interim status standards.

A facility owner or operator who has fully complied with the requirements for interim status—as defined in section 3005(e) of RCRA and regulations under § 270.70 of this chapter—must comply with the regulations specified in part 265 of this chapter in lieu of the regulations in this part, until final administrative disposition of his permit application is made, except as provided under 40 CFR part 264 subpart S.

* * * * *

5. Paragraph (b) of § 264.101 is revised to read as follows:

§ 264.101 Corrective action for solid waste management units.

* * * * *

(b) Corrective action will be specified in the permit in accordance with this section and subpart S of this part. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.

* * * * *

6. 40 CFR part 264 is amended by adding subpart S to read as follows:

Subpart S—Corrective Action for Solid Waste Management Units

Sec.

264.552 Corrective Action Management Units (CAMU).
264.553 Temporary Units (TU).

Subpart S—Corrective Action for Solid Waste Management Units

§ 264.552 Corrective Action Management Units (CAMU).

(a) For the purpose of implementing remedies under § 264.101 or RCRA Section 3008(h), the Regional Administrator may designate an area at the facility as a corrective action management unit, as defined in § 260.10, in accordance with the requirements of this section. One or more CAMUs may be designated at a facility.

(1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.

(2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

(b)(1) The Regional Administrator may designate a regulated unit (as defined in § 264.90(a)(2)) as a CAMU, or may incorporate a regulated unit into a CAMU, if:

(i) The regulated unit is closed or closing, meaning it has begun the closure process under § 264.113 or § 265.113; and

(ii) Inclusion of the regulated unit will enhance implementation of effective, protective and reliable remedial actions for the facility.

(2) The subpart F, G, and H requirements and the unit-specific requirements of part 264 or 265 that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

(c) The Regional Administrator shall designate a CAMU in accordance with the following:

(1) The CAMU shall facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

(2) Waste management activities associated with the CAMU shall not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;

(3) The CAMU shall include uncontaminated areas of the facility, only if including such areas for the purpose of managing remediation waste is more protective than management of such wastes at contaminated areas of the facility;

(4) Areas within the CAMU, where wastes remain in place after closure of the CAMU, shall be managed and contained so as to minimize future releases, to the extent practicable;

(5) The CAMU shall expedite the timing of remedial activity implementation, when appropriate and practicable;

(6) The CAMU shall enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

(7) The CAMU shall, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

(d) The owner/operator shall provide sufficient information to enable the Regional Administrator to designate a CAMU in accordance with the criteria in § 264.552.

(e) The Regional Administrator shall specify, in the permit or order, requirements for CAMUs to include the following:

(1) The areal configuration of the CAMU.

(2) Requirements for remediation waste management to include the specification of applicable design, operation and closure requirements.

(3) Requirements for ground water monitoring that are sufficient to:

(i) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in ground water from sources located within the CAMU; and

(ii) Detect and subsequently characterize releases of hazardous constituents to ground water that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.

(4) Closure and post-closure requirements.

(i) Closure of corrective action management units shall:

(A) Minimize the need for further maintenance; and

(B) Control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.

(ii) Requirements for closure of CAMUs shall include the following, as appropriate and as deemed necessary by the Regional Administrator for a given CAMU:

(A) Requirements for excavation, removal, treatment or containment of wastes;

(B) For areas in which wastes will remain after closure of the CAMU, requirements for capping of such areas; and

(C) Requirements for removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.

(iii) In establishing specific closure requirements for CAMUs under § 264.552(e), the Regional Administrator shall consider the following factors:

(A) CAMU characteristics;

(B) Volume of wastes which remain in place after closure;

(C) Potential for releases from the CAMU;

(D) Physical and chemical characteristics of the waste;

(E) Hydrological and other relevant environmental conditions at the facility which may influence the migration of any potential or actual releases; and

(F) Potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.

(iv) Post-closure requirements as necessary to protect human health and the environment, to include, for areas where wastes will remain in place, monitoring and maintenance activities, and the frequency with which such activities shall be performed to ensure the integrity of any cap, final cover, or other containment system.

(f) The Regional Administrator shall document the rationale for designating CAMUs and shall make such documentation available to the public.

(g) Incorporation of a CAMU into an existing permit must be approved by the Regional Administrator according to the procedures for Agency-initiated permit modifications under § 270.41 of this chapter, or according to the permit modification procedures of § 270.42 of this chapter.

(h) The designation of a CAMU does not change EPA's existing authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

§ 264.553 Temporary Units (TU).

(a) For temporary tanks and container storage areas used for treatment or storage of hazardous remediation wastes, during remedial activities required under § 264.101 or RCRA section 3008(h), the Regional Administrator may determine that a design, operating, or closure standard applicable to such units may be replaced by alternative requirements which are protective of human health and the environment.

(b) Any temporary unit to which alternative requirements are applied in accordance with paragraph (a) of this section shall be:

(1) Located within the facility boundary; and

(2) Used only for treatment or storage of remediation wastes.

(c) In establishing standards to be applied to a temporary unit, the Regional Administrator shall consider the following factors:

(1) Length of time such unit will be in operation;

(2) Type of unit;

(3) Volumes of wastes to be managed;

(4) Physical and chemical characteristics of the wastes to be managed in the unit;

(5) Potential for releases from the unit;

(6) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

(7) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.

(d) The Regional Administrator shall specify in the permit or order the length of time a temporary unit will be allowed to operate, to be no longer than a period of one year. The Regional Administrator shall also specify the design, operating, and closure requirements for the unit.

(e) The Regional Administrator may extend the operational period of a temporary unit once for no longer than a period of one year beyond that originally specified in the permit or order, if the Administrator determines that:

(1) Continued operation of the unit will not pose a threat to human health and the environment; and

(2) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(f) Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit shall be:

(1) Approved in accordance with the procedures for Agency-initiated permit modifications under § 270.41; or

(2) Requested by the owner/operator as a Class II modification according to the procedures under § 270.42 of this chapter.

(g) The Regional Administrator shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

7. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

8. Section 265.1(b) is amended by adding the phrase ", and of 40 CFR 264.552 and 40 CFR 264.553," immediately after the phrase "standards of this part" in the first sentence.

PART 268—LAND DISPOSAL RESTRICTIONS

9. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

10. Section 268.2 is amended by revising paragraph (c) to read as follows:

§ 268.2 Definitions applicable in this part.

* * * * *

(c) *Land disposal* means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault, or bunker intended for disposal purposes.

* * * * *

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

11. The authority citation for part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939, and 6974.

12. Section 270.2 is amended by adding, in alphabetical order, a definition for "Corrective action management unit," and by revising the definition for "Disposal facility" to read as follows:

§ 270.2 Definitions.

* * * * *

Corrective Action Management Unit or *CAMU* means an area within a facility that is designated by the Regional Administrator under part 264 subpart S, for the purpose of implementing corrective action requirements under § 264.101 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

* * * * *

Disposal facility means a facility or part of a facility at which hazardous waste is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

* * * * *

13. Appendix I to § 270.42 is amended by adding a new section N, to read as follows:

§ 270.42 Permit modification at the request of the permittee.

* * * * *

APPENDIX I TO § 270.42—CLASSIFICATION OF PERMIT MODIFICATION

Modification	Class
* * * * *	
N. Corrective Action:	
1. Approval of a corrective action management unit pursuant to § 264.552	3
2. Approval of a temporary unit or time extension for a temporary unit pursuant to § 264.553	2
* * * * *	

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

14. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

15. Section 271.1(j) is amended by adding the following entry in Table 1 in chronological order by date of publication:

§ 271.1 Purpose and scope.

* * * * *

(j) * * *

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	Federal Register reference	Effective Date
* * * * * *			
Feb. 16, 1993	Corrective Action Management Units and Temporary Units; Corrective Action Provisions under Subtitle C ..	58 FR	Apr. 19, 1993.

* * * * *

[FR Doc. 93–3154 Filed 2–12–93; 8:45 am]
BILLING CODE 6560–50–P

federal register

Tuesday
February 16, 1993

Part III

Department of Education

34 CFR Part 361
The State Vocational Rehabilitation Services Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 361

The State Vocational Rehabilitation Services Program

AGENCY: Department of Education.

ACTION: Notice of intent to regulate.

SUMMARY: The Secretary of Education provides notice that the Department intends to amend the regulations for The State Vocational Rehabilitation Services Program authorized by title I of the Rehabilitation Act of 1973, as amended (the Act), to implement new section 12(e) of the Act as added by the Rehabilitation Act Amendments of 1992 (1992 Amendments), Public Law 102–569, enacted October 29, 1992. The new section 12(e) requires that, not later than 120 days after the date of the enactment of the 1992 Amendments, the Secretary must receive public comment and promulgate regulations establishing criteria for the selection of vocational rehabilitation services and providers by an individual with a disability.

DATES: All comments, suggestions, or recommendations in response to this notice must be received on or before March 18, 1993.

ADDRESSES: All comments concerning this notice should be addressed to Commissioner, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, SW., room 3028, Mary E. Switzer Building, Washington, DC 20202–2531.

FOR FURTHER INFORMATION CONTACT: Mark Shoob, U.S. Department of Education, 400 Maryland Avenue, SW., room 3036, Mary E. Switzer Building, Washington, DC 20202–2899. Telephone: (202) 205–9406. Deaf and hearing impaired individuals may call (202) 205–5896 for TDD services.

SUPPLEMENTARY INFORMATION: New section 12(e)(1) of the Act requires the promulgation of regulations establishing criteria pertaining to the selection of vocational rehabilitation services, and of vocational rehabilitation services providers, by an individual with a disability, consistent with the individualized written rehabilitation program of the individual under section 102 of the Act. The Secretary interprets this requirement to refer to the vocational rehabilitation services, and providers of those services, under The State Vocational Rehabilitation Services Program authorized by the Act. The Secretary also interprets the requirement to apply to an individual who has been determined to be eligible for services under The State Vocational Rehabilitation Services Program. Section 12(e)(2) requires that the regulations include procedures, standards, and guidelines in several specific areas. Among the types of regulatory provisions that the Secretary will consider are requirements for written policies and procedures, assurances, data collection, and reporting.

In order to facilitate the receipt of public comments and the promulgation of regulations within the 120-day period provided for by the 1992 Amendments, the Secretary is publishing this notice. The Secretary anticipates publishing the regulations under section 12(e)(2) in final form with an opportunity for further comment after considering the comments provided in response to this notice. The Secretary also intends to develop regulations implementing new provisions in section 102 of the Act, relating to an individualized written rehabilitation program (IWRP). Section 102 requires, in part, that an IWRP include a statement by the individual pertaining to the individual's participation in choosing among alternative goals, objectives, services, entities providing such services, and methods used to provide or procure such services. Section 102(b)(1)(B)(x). In developing regulations under section 102, the Secretary will take account of comments received in response to this notice to ensure that the two sets of regulations are in harmony.

The Secretary invites comments on the following questions:

(1) What procedures should States be required to adopt to ensure—

(a) That the services provided under the Act are of sufficient scope and quality;

(b) That the costs of these services and the length of time the services are provided are reasonable; and

(c) That the services are available in a timely manner?

(2) What procedures should the regulations prescribe to prevent fraud, waste, and abuse by State vocational rehabilitation agencies, service providers, clients, and others?

(3) What procedures should the regulations include to ensure that services are provided in the most integrated settings? Commenters are advised that new section 102(b)(1)(B)(viii) of the Act requires that an IWRP include the terms and conditions under which vocational rehabilitation goods and services will be provided to the individual in the most integrated settings.

(4) What procedures should the regulations include to ensure that rehabilitation providers comply with State guarantees? Among these guarantees are the following:

(a) Affirmative action procedures with respect to the employment of individuals with disabilities, required for State agencies and facilities receiving assistance under title I of the Act by section 101(a)(6)(A). The Secretary particularly invites comment on the extent to which State agencies currently have affirmative action procedures in place that apply to other service providers, and on whether the regulations should impose affirmative action requirements on all service providers.

(b) Standards governing community rehabilitation programs and qualified personnel utilized for the provision of vocational rehabilitation services. See 34 CFR 361.45, which requires State agencies to have standards for the facilities and the service providers that these agencies use. The Secretary particularly invites comment on the extent to which States have standards in place that relate to employees of community rehabilitation programs and service providers, and on whether the regulations should include requirements relating to those employees.

(c) Minimum standards to ensure the availability of personnel, to the maximum extent feasible, trained to communicate in the native language or mode of communication of the client, required for the designated State unit by section 101(a)(7)(C) of the Act. The Secretary particularly invites comment on current State practice in this area and on whether further regulation is needed to ensure that service providers have trained personnel available.

(5) What standards should providers be required to adhere to in order to help ensure the integrity of services? The Secretary believes that the integrity of services encompasses considerations that are addressed by other questions in this notice, such as services that are sufficient in scope and quality, reasonable in cost and duration, and timely (Question (1)) and services that are free from waste, fraud, and abuse (Question (2)). The Secretary particularly invites comment on any additional aspects of the integrity of services that the regulations should address.

(6) What guidelines should the regulations include for assisting individuals with disabilities and for providing information about available vocational rehabilitation service providers? See section 102(b)(1)(B)(x), quoted above in pertinent part, for new IWRP provisions on this subject matter. In particular, are special regulatory

provisions needed concerning the following:

(a) Individuals with cognitive and other disabilities who, due to the nature of the disability, require support and assistance in fully implementing the selection and procurement of services?

(b) The parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities?

(7) How should the regulations attempt to resolve the potential conflict between an individual's choice and other legitimate program objectives, such as safeguarding the quality and economy of services, providing services in integrated settings, ensuring the effective administration of the program, and facilitating successful rehabilitations?

Invitation to Comment: Interested persons are invited to submit comments and recommendations regarding this notice.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in room 3036, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

(Authority: 29 U.S.C. 711(e))

Dated: February 3, 1993.

Richard W. Riley,

Secretary of Education.

[FR Doc. 93–3431 Filed 2–12–93; 8:45 am]

BILLING CODE 4000–01–M

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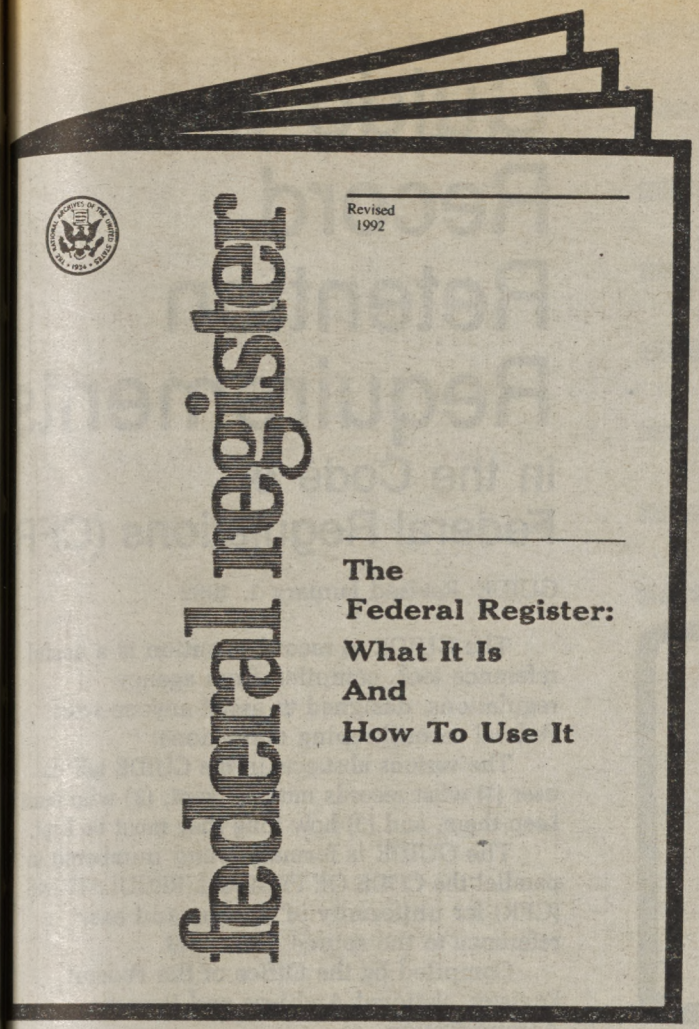

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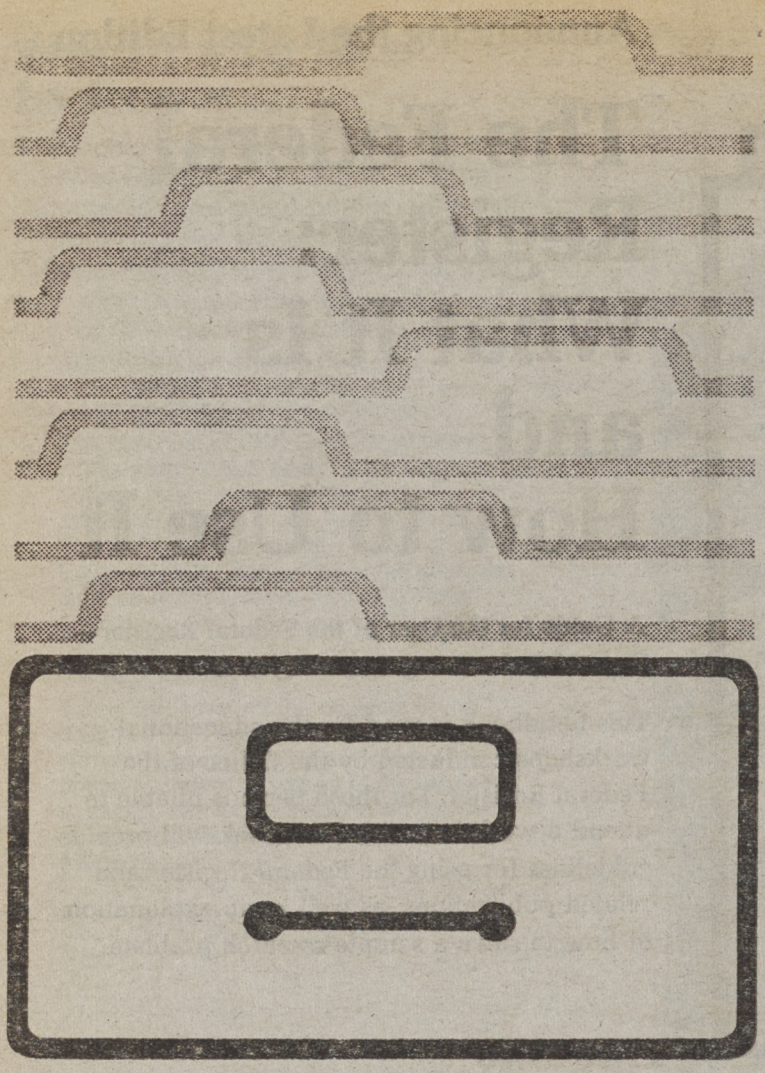

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