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# federal register

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

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# Rules and Regulations

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

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

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Housing-Federal Housing Commissioner

### 24 CFR Parts 203 and 204

[Docket No. R-93-1582; FR-3131-F-02]

RIN 2502-AF61

### Electronic Payment of Up-Front Mortgage Insurance Premiums

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule authorizes the FHA Commissioner to require that Up-front Mortgage Insurance Premium (MIP) collections be made by the Automated Clearing House (ACH) program. The purpose of the rule is to improve the efficiency of the FHA single family mortgage insurance program and reduce costs to HUD lenders.

EFFECTIVE DATE: April 7, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph McCloskey, Acting Director, Single Family Insurance Operations Division, room 2246, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone: voice, (202) 708-2438; (TDD) hearing-impaired, (202) 708-0113. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

#### Background

In August 1985, the Department of Housing and Urban Development (HUD) implemented the Automated Clearing House (ACH) program for the remittance of Up-front Mortgage Insurance Premiums. The ACH program is designed to provide FHA approved lenders the opportunity to utilize their mainframe and personal computers to authorize electronically the payment of Up-front Mortgage Insurance Premiums, instead of sending checks and HUD-27001 forms by mail. Currently, more than 38 percent of HUD's up-front premiums are being collected through the ACH program.

The ACH system is designed to process Up-front premium collections from mortgagees and remit confirmations back to mortgagees, using remote terminals in lieu of sending checks and confirmations by mail. The mortgagee's terminal operator dials a number that ties the terminal or micro computer into the collection agent's telenet system. After keying the logon commands, the operator enters the day's transactions.

Because ACH provides mortgage lenders as well as the Department with numerous tangible benefits that reduce servicing costs, the Department proposed in the Federal Register on June 9, 1992 (57 FR 24424) that ACH become the sole method for collecting Up-front Mortgage Insurance Premiums. (A description of how the ACH program operates was contained in the Preamble of the proposed rule.)

Under this final rule, Up-front MIPS will be collected by the ACH program for mortgages insured under the Mutual Mortgage Insurance Fund, i.e., National Housing Act sections 203(b), 203(h), 203(i), and 203(n). (This includes mortgages insured under section 203(b) pursuant to sections 244 (single family coinsurance), 245 (graduated payment mortgages and growing equity mortgages) or 251 (adjustable rate mortgages).)

This rule does not affect the collection of monthly mortgage premiums. The Department plans however, to provide at a future date, for the collection of monthly premium payments by means of ACH.

Also excluded are any section 203(b) mortgages insured pursuant to section 223(e) (older declining areas), 238(c) (military impacted areas), 248 (Indian reservations) and 247 (Hawaiian home lands), since those mortgages are not obligations of the Mutual Mortgage Insurance Fund.

#### Public Comments on the Proposed Rule for Electronic Payment of Up-Front MIP

The Department received five comments from the public on this proposed rule. Two were from automated clearing house associations and were limited to expressing general approval of HUD's proposal. Two comments were from national trade associations—the American Bankers Association and the Mortgage Bankers Association of America (MBA); both were favorable to the proposal, although the MBA expressed a number of technical operational concerns and had one specific recommendation for a change in the rule. MBA commented that because of technical limitations of certain small lenders, a threshold of three hundred HUD-insured mortgages per year should be established, below which compliance with the rule would be optional.

The remaining comment was submitted by a small mortgage lending company. The comment objected to HUD's proposal, expressing a concern similar to that expressed by the MBA:

> To require us to spend money to be able to interface with the automated clearing house program would, we believe, be yet another example of government increasing the costs of doing business in this country. If this cost can be passed onto the consumer, it will increase the cost of obtaining a mortgage, when the expressed policy of the President of the United States is to make it easier for low and middle income home buyers to obtain mortgages. If this cost cannot be passed onto the consumer, then the result of this rule will be that small to middle sized mortgage lenders will incur yet another cost which will make it that much more difficult for such a lender to continue in business.

The Department believes that the commenters' concern with respect to small lenders is justified and will, for a period of no more than one year from the effective date of this final rule, in administrative instructions implementing this rule, allow for a provision in the process whereby institutions with activity of 300 or fewer new FHA single family loans per year may contact the HUD phone center to effect an ACH transaction. Specific administrative instructions implementing this rule will be transmitted to all HUD-approved mortgagees before the rule's effective date.

#### Other Matters

This rule does not constitute a "major rule" as that term is defined in section 1(d) of the Executive Order 12291 on Federal Regulations issued by the President on February 17, 1981. An

analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have 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.

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule implements a program that will enhance operations and be cost beneficial for all mortgage lenders. In addition, as noted in this Preamble, specific provision will be made in administrative instructions implementing this rule to assure that small organizations will not be put under undue burdens in adapting to it.

Under HUD regulations (24 CFR 50.20(k)) this rule is exempt from the requirements of the National Environmental Policy Act as set forth in 24 CFR part 50. The rule relates to internal administrative procedures whose content does not involve development decision nor affect the physical condition of project areas or building sites but only relates to the performance of accounting, auditory and fiscal functions.

This rule was listed as item number 1424 in the Department's Semiannual Agenda of Regulations published on November 3, 1992 (57 FR 51392, 51419) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

*Executive Order 12612, Federalism*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order.

*Executive Order 12606, The Family*

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The rule involves only technical and procedural specifications associated with the payment of premiums on FHA insured mortgages.

The Catalog of Federal Domestic Assistance program number(s) are 14.117, 14.112, 14.121, 14.122, 14.132, and 14.133.

**List of Subjects**

*24 CFR Part 203*

Hawaiian natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

*24 CFR Part 204*

Mortgage insurance.

Accordingly, 24 CFR parts 203 and 204 are amended as follows:

## PART 203—SINGLE FAMILY MORTGAGE INSURANCE

1. The authority citation for part 203 continues to read as follows:

**Authority:** 12 U.S.C. 1709, 1710, 1715b and 1715u; 42 U.S.C. 3535(d).

2. In § 203.259a, paragraph (b) is revised to read as follows:

**§ 203.259a Scope.**

* * * * *

(b) The Commissioner will charge an Up-front MIP pursuant to § 203.284 for mortgages, executed on or after July 1, 1991, that are obligations of the Mutual Mortgage Insurance Fund. In cases that the Commissioner deems appropriate, the Commissioner may require, by means of instructions communicated to all affected mortgagees, that Up-front MIP be remitted electronically.

* * * * *

## PART 204—COINSURANCE

3. The authority citation for part 204 is revised to read as follows:

**Authority:** 12 U.S.C. 1715z-9, 1715b; 42 U.S.C. 3535(d).

4. Section 204.260 is revised to read as follows:

**§ 204.260 Mortgage insurance premiums for coinsured mortgages.**

The provisions of §§ 203.260 through 203.268, or the provisions of §§ 203.284 and 203.259a(b) of this chapter, as appropriate, concerning mortgage insurance premiums with respect to mortgages insured under section 203(b) of the National Housing Act, apply to mortgages covering one-to-four family dwellings to be insured under this part.

Dated: February 16, 1993.

**James E. Schoenberger,**

*Associate General Deputy Assistant Secretary for Housing.*

[FR Doc. 93-5212 Filed 3-5-93; 8:45 am]

BILLING CODE 4210-27-M

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## FEDERAL COMMUNICATIONS COMMISSION

**47 CFR Part 73**

**[MM Docket No. 92-281; RM-8118]**

## Radio Broadcasting Services; Columbia Falls, MT

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 240C2 for Channel 240A at Columbia Falls, Montana, and modifies the construction permit for Station KCWX to specify operation on Channel 240C2 in response to petition filed by Frank Copsidas, Jr. See 57 FR 57410, December 4, 1992. Canadian concurrence has been obtained for this allotment at coordinates 48-27-35 and 114-20-25. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** April 15, 1993.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 92-281, adopted February 8, 1993, and released March 2, 1993, The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857-3800.

**List of Subjects in 47 CFR Part 73**

Radio Broadcasting.

## PART 73—[AMENDED]

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

**Authority:** 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by removing Channel 240A and adding Channel 240C2 at Columbia Falls.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-5147 Filed 3-5-93; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-459; RM-7009, RM-7260, RM-7261, RM-7262, RM-7263, RM-7264]

## Radio Broadcasting Services; Giddings, Cameron, Centerville, Edna, Hearne, Matagorda, Point Comfort, Rosenberg, Ganado, Harker Heights, Seadrift, New Ulm, Brenham, LaGrange, Rollingwood and Bay City, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 268C1 for Channel 268C2 at Giddings, Texas, and modifies the license of Station KOKE, Giddings, Texas, to specify operation on Channel 268C1. In order to accommodate this upgrade, this document substitutes Channel 232A for Channel 267A at Cameron, Texas, Channel 276A for Channel 232A at Hearne, Texas, and Channel 290A for Channel 276A at Centerville, Texas. This document also modifies the construction permit of Station KJKS, Cameron, Texas, to specify operation on Channel 232A, and the license of Station KHRN, Hearne, Texas, to specify operation on Channel 276A. This document also allots Channel 231C2 to Point Comfort, Texas, Channel 283C3 to Ganado, Texas, and Channel 286A to Seadrift, Texas. Finally, this document substitutes Channel 231C3 for Channel 231A at Brenham, Texas, and modifies the license of Station KULF, Brenham, Texas, to specify operation on Channel 231C3. *See* 54 FR 45773, published October 31, 1989, and Supplementary Information, *infra*. With this action, this proceeding is terminated.

EFFECTIVE DATES: April 15, 1993. The window period for filing applications for the Channel 283C3 allotment at Ganado, Texas, the Channel 286A allotment at Seadrift, Texas, and the Channel 231C2 allotment at Point Comfort, Texas, will open on April 16, 1993, and close on May 16, 1993.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-459, adopted February 3, 1993, and released March 2, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

The reference coordinates for the Channel 268C1 allotment at Giddings, Texas, are 29-55-00 and 97-20-00. The reference coordinates for the Channel 232A allotment at Cameron, Texas, are 30-57-00 and 96-54-07. The reference coordinates for the Channel 276A allotment at Hearne, Texas, are 30-51-07 and 96-34-04. The reference coordinates for the Channel 290A allotment at Centerville, Texas, are 31-15-36 and 95-58-42. The reference coordinates for the Channel 231C3 allotment at Brenham, Texas are 30-14-32 and 96-24-27. The reference coordinates for the Channel 231C2 allotment at Point Comfort, Texas are 28-38-44 and 96-21-17. The reference coordinates for the Channel 283C3 allotment at Ganado, Texas, are 28-57-50 and 96-22-52. The reference coordinates for the Channel 286A allotment at Seadrift, Texas, are 28-24-54 and 96-42-30.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

### PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing channel 268C2 and adding Channel 268C1 at Giddings, removing Channel 267A and adding Channel 232A at Cameron; removing Channel 232A and adding Channel 276A at Hearne; removing Channel 276A and adding Channel 290A at Centerville; removing Channel 231A and adding Channel 231C3 at Brenham; adding Channel 231C2, Point Comfort; adding Channel 283C3, Ganado; and adding Channel 286a, Seadrift.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93-5148 Filed 3-5-93; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 92-243; RM-7700]

## Television Broadcasting Services; Frederiksted, VI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Luis E. Rosa, allots UHF Channel 66 to Frederiksted, Virgin Islands, as the community's first local television broadcast service. *See* 57 FR 58769, December 11, 1992. Channel 66 can be allotted to Frederiksted in compliance with the Commission's minimum distance separation requirements. The coordinates for Channel 66 at Frederiksted are North Latitude 17-42-48 and West Longitude 64-53-00. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 15, 1993.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-243, adopted February 4, 1993, and released March 2, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television Broadcasting.

### PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of TV Allotments under Virgin Islands, is amended by adding Frederiksted, Channel 66.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93-5149 Filed 3-5-93; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Parts 173, 178 and 180**

**[Docket No. 183; Amdt. No. 173–212, 178–89, 180–2]**

**RIN 2137–AC37**

## Construction of Cargo Tank; Motor Vehicles; Extension of Compliance Date

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Final rule; extension of compliance date.

**SUMMARY:** RSPA is extending the time period, from August 31, 1993 to April 21, 1994, during which cargo tank motor vehicles may continue to be constructed to MC 306, MC 307, MC 312, MC 331, and MC 338 specifications. The extension is based on requests from the Cargo Tank Manufacturing Association, the Truck Trailer Manufacturers Association, the Heil Co., and members of the Compressed Gas Association. This action will allow additional time for RSPA and industry to resolve certain technical issues concerning the manufacture of cargo tank motor vehicles to the recently adopted DOT 406, DOT 407 and DOT 412 specifications and to resolve certain concerns on the structural integrity calculations in the MC 331 and MC 338 specifications.

**EFFECTIVE DATE:** April 7, 1993.

**FOR FURTHER INFORMATION CONTACT:** Ronald Kirkpatrick, telephone (202) 366–4545, Office of Hazardous Materials Technology, or Jennifer Karim, (202) 366–4488, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001.

**SUPPLEMENTARY INFORMATION:** The final rules published under Dockets Nos. HM–183/HM–183A (June 12, 1989, 54 FR 24982; May 22, 1990, 55 FR 21035; September 7, 1990, 55 FR 37028; June 17, 1991, 56 FR 27872) established three new cargo tank specifications designated as DOT 406, DOT 407 and DOT 412. Manufacture of cargo tanks to these new specifications was authorized beginning on December 31, 1990. The rules also provided alternative methods for calculating design stresses for MC 331 and MC 338 cargo tanks.

To allow manufacturers sufficient time to implement changes in their manufacturing operation, RSPA provided for the continued manufacture of cargo tanks to the MC 306, MC 307 and MC 312 specifications until August 31, 1993. However, as manufacturers began implementing the new requirements, certain technical issues were brought to RSPA's attention. Petitioners state that there is a need to postpone the compliance date because certain issues have not been resolved by DOT and a public meeting to discuss these issues will not be held until March 1993, thus, threatening the very existence of the industry. In addition, it has been brought to RSPA's attention that requirements for the structural integrity calculation found in §§ 178.337–3 and 178.338–3 may contain an error. Therefore, to allow time for resolving these issues, RSPA is extending the date that cargo tanks may no longer be constructed to the MC 306, MC 307, MC 312, MC 331 and MC 338 specifications from August 31, 1993 to April 21, 1994.

### Rulemaking Analyses and Notices

*Executive Order 12291 and DOT Regulatory Policies and Procedures*

This final rule has been reviewed under the criteria specified in section 1(b) of Executive Order 12291 and is determined not to be a major rule. Although the June 12, 1989 final rule was significant under the regulatory procedures of the Department of Transportation (44 FR 11034), this document is not significant because it does not impose additional requirements and has the effect of extending a compliance date. This rule does not require a Regulatory Impact Analysis, or an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4231 *et seq.*) This final rule does not impose additional requirements and, in fact, would provide regulatory and economic relief in some areas. The original regulatory evaluation of the final rule was not modified because this final rule does not impose additional requirements and does not make substantive changes to the final rule.

*Executive Order 12612*

This action has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism"). It has no substantial direct effect on the States, on the current Federal-State relationship, or the current distribution of power and responsibilities among levels of government. Thus, this final rule contains no policies that have Federalism implications, as defined in Executive Order 12612, and no Federalism Assessment is required.

*Regulatory Flexibility Act*

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. There are no direct or indirect adverse economic impacts for small units of government, businesses, or other organizations.

*Paperwork Reduction Act*

This amendment imposes no changes to the information collection and recordkeeping requirements contained in the June 12, 1989 final rule, which were approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and assigned control number 2137–0014.

*Regulation Identifier Number (RIN)*

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

### List of Subjects

*49 CFR Part 173*

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

*49 CFR Part 178*

Hazardous materials transportation, Motor vehicles safety, Packaging and containers, Reporting and recordkeeping requirements.

*49 CFR Part 180*

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, title 49, chapter I of the Code of Federal Regulations, is amended as set forth below.

## PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. The authority citation for part 173 would continue to read as follows:

**Authority:** 49 U.S.C. app. 1803, 1804, 1805, 1806, 1807, 1808, 1817; 49 CFR part 1, unless otherwise noted.

**§ 173.33 [Amended]**

2. In § 173.33, the following changes are made:

a. In paragraph (c)(4), the date "August 31, 1993" is revised to read "April 21, 1994".

b. In paragraph (d)(1), the date "August 31, 1993" is revised to read "April 21, 1994".

## PART 178—SPECIFICATIONS FOR PACKAGINGS

3. The authority citation for part 178 would continue to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR part 1.

### §178.337–6 [Amended]

4. In § 178.337–6, in paragraph (a), the date "August 31, 1993" is revised to read "April 21, 1994".

## PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

5. The authority citation for part 180 continues to read as follows:

Authority: 49 U.S.C. app. 1803; 49 CFR part 1.

### §180.405 [Amended]

6. In § 180.405, the following changes are made:

a. In paragraph (b), the date "August 31, 1993" is revised to read "April 21, 1994".

b. In paragraph (c)(1) table, under column 2, the date "Sept. 1, 1993" is revised to read "April 22, 1994."

### §180.413 [Amended]

7. In § 180.413, in paragraphs (d)(1)(i), (ii) and (iii), the date "August 31, 1993" is revised to read "April 21, 1994".

### §180.417 [Amended]

8. In § 180.417, in paragraph (a)(3), the date "September 1, 1993" is revised to read "April 22, 1994".

Issued in Washington, DC on March 2, 1993, under authority delegated in 49 CFR part 1.

**Alan I. Roberts,**

*Acting Administrator.*

[FR Doc. 93–5146 Filed 3–5–93; 8:45 am]

BILLING CODE 4910–60–P

## National Highway Traffic Safety Administration

## 49 CFR Part 591

**RIN 2127–AD00**

**[Docket No. 89–5; Notice 12]**

## Importation of Motor Vehicles and Equipment Subject to Federal Safety, Bumper, and Theft Prevention Standards

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This notice amends in two important respects the regulation governing importation of motor vehicles subject to requirements of the Department of Transportation. Under the first amendment, importers of motor vehicles who are required to furnish bonds to NHTSA upon importation of nonconforming vehicles will be permitted, as an alternative to furnishing sureties, to furnish cash deposits or obligations of the United States. The amendment is intended to facilitate the importation of nonconforming vehicles. The second amendment will allow the importation of vehicles less than 25 years old for purposes of studies, provided the vehicle is one of historical or technological interest, and that the importer is, and has been for 5 years before entry of the vehicle, either a tax-exempt corporation or private foundation as recognized by the Internal Revenue Service. Under this allowance, nonconforming vehicles can be imported by museums for static display.

**EFFECTIVE DATE:** The effective date of the final rule is April 7, 1993.

**FOR FURTHER INFORMATION CONTACT:** Taylor Vinson, Office of Chief Counsel, NHTSA (202–366–5263).

**SUPPLEMENTARY INFORMATION:** The following discussion is a recapitulation of the relevant remarks appearing in the preamble of the notice of proposed rulemaking that NHTSA published on this subject on January 17, 1992 (57 FR 2071).

### A. Allowance of Surety Equivalents

Since the initial regulations governing importation of motor vehicles subject to the Federal motor vehicle safety standards became effective in January 1968, an importer of a noncomplying vehicle has been required to furnish an appropriate bond to ensure that the vehicle will be brought into conformity with all applicable Federal motor vehicle safety standards, and, it it is not, that it will be redelivered for export. Until January 31, 1990, the bond was furnished to the U.S. Customs Service as part of that agency's general importation bond for payment of duty and conformance with other Federal regulations.

Since the amendments made to be National Traffic and Motor Vehicle Safety Act by P.L. 100–562, the Imported Vehicle Safety Compliance Act of 1988 (herein "the 1988 Amendments), became effective at the end of January 1990, the bond to ensure conformance has become a separate instrument, no longer part of the general Customs bond, and is furnished directly to the Department of Transportation.

In implementation of the 1988 Amendments, NHTSA provided for importation compliance bonds in 49 CFR 591.5(f) in the form shown in appendix A of that regulation, and 591.5(g) in the form shown in appendix B. Initially, bonding companies were reluctant to serve as sureties because of their lack of familiarity with the DOT bonds, and prospective importers found it difficult to obtain them for the importation of their vehicles. Although the situation has improved in general, as sureties have become more familiar with bonding requirements, the situations tend to differ at the smaller ports of entries where importation of vehicles is infrequent. NHTSA on one occasion did accept a cash deposit from an importer in lieu of a bond, when the importer pointed out that Customs itself can accept cash or securities of the United States under bond, as an alternative to providing a surety.

The agency proposed that this alternative be formalized through an amendment to part 591, as it believed that it might relieve an unintended impediment to the importation of motor vehicles when an importer is unable to find a bonding agency willing to serve as surety on DOT bonds. The benefit to DOT is that it directly holds the security for a vehicle, and will not have to go to an outside entity to foreclose on the bond in the event the terms of entry are forfeited. The benefit to the importer is that it allows the importer to provide a bond directly to DOT, and, as surety, to submit United States money, bonds (except for savings bonds), certificates of indebtedness, and Treasury notes or bills in an amount equal to the amount of the bond. At the time of deposit of any obligation other than money, the importer will execute a power of attorney authorizing NHTSA, in the event of default, to sell the obligation and retain the proceeds. A form of power of attorney was proposed as Appendix C to part 591. NHTSA's

proposal was based upon the similar Customs regulation, 19 CFR 113.40.

Two comments were received on this proposal. The first was a joint comment filed by Christopher J. Oliver, Tara Schuette, and William L. Wheeler, Jr. ("the Oliver group"), and the second by Lawrence A. Beyer, on behalf of four Registered Importers ("R.I.s"), as well as himself. The Oliver group explicitly supported the proposal and its associated power of attorney document.

Beyer's comment "proposes an additional means of reducing the burden to importers,"namely that "NHTSA should accept obligations consistent with their requirements from R.I.s or importers in the form of bank letters of credit or other instruments such as private insurance. Such instruments would provide the same obligation to conform to the regulations with monetary penalty for failure." Further, the obligation "would be provided in a block amount which would cover several vehicles" instead of "providing NHTSA with single obligations to cover each separate vehicle."

NHTSA's proposal was based upon a regulation of the U.S. Customs service, which limited surety equivalents to cash and securities of the United States. To expand the list to the private sector would be beyond the scope of the proposal. In the absence of a corresponding change by Customs in its regulation, NHTSA does not wish to create a regulatory assymetry between government agencies. To allow a "floating policy" with coverage of multiple numbers of vehicles would appear to increase the administrative burden on NHTSA by requiring a continuing determination as to the vehicles covered at any particular moment by the instrument, and whether the limits of the coverage were exceeded by the number of vehicles. Therefore, NHTSA has not adopted the equivalents suggested by Beyer.

*Possible Expansion of Categories of Importation Under Section 108(j)*

The 1988 Amendments have significantly restricted the importation of motor vehicles that were previously admissible for purposes other than general on-road use. Before January 31, 1990, NHTSA and the U.S. Customs Service had joint authority to allow the temporary admission into the United States of any motor vehicle in use (15 U.S.C. 1397(b)(4)). Pursuant to this authority, NHTSA and Customs allowed nonconforming motor vehicles to be imported "solely for the purpose of show, test, experiment, competition, repair or alteration." (19 CFR 12.80(b)(1)(vii)). However, section 1397(b)(4) was repealed by the 1988 Amendments, which added section 1397(j). This new section contains allowances comparable, but not identical, to those contained in 19 CFR 12.80. It permits the admission of nonconforming vehicles and equipment, without a time limitation, but only "upon such terms and conditions as [NHTSA] may find necessary solely for the purpose of research, investigation, studies, demonstrations or training, or competitive racing events." Congress did not include the category of "show," among the specific purposes for which a nonconforming vehicle could be entered, and the legislative history afforded no explanation. In enforcing the 1988 Amendments since January 31, 1990, the agency has found a continued desire in the public to import cars for purposes of show.

The agency has stated (54 FR at 17776 and 55 FR 40876) that § 591.5(j) does not preclude original vehicle manufacturers who import nonconforming vehicles for display at auto shows to gauge public reaction to new styling or engineering features from declaring that such importation is for "research" or "demonstrations." But in the absence of specific authority from Congress to allow importations for show or display, the agency has adopted and maintained a conservative attitude towards entities other than original vehicle or vehicle equipment manufacturers who wish to import nonconforming vehicles for display. In short, under the 1988 Amendments, it has refused to allow them.

In commenting on a previous notice of proposed rulemaking, the law firm of Pillsbury, Madison & Sutro requested that § 591.5(j) be expanded to allow importation for an additional purpose, display, in order to be consistent with EPA requirements. The law firm argued that the 1988 Amendments provide sufficient safeguards against abuse of a display-only exemption, and that NHTSA could provide that the vehicle not be sold until an appropriate certificate of conformity was received. The Oliver group agreed with this approach.

As NHTSA noted in the January proposal (57 FR 2072), since the new restrictions went into effect, efforts have been made to import examples of the East German Trabant as a historical vehicle for display purposes, either by individuals purporting to represent "museums" or who wish to donate the cars to museums. Efforts have also been made to import vehicles for "show" which are of current or recent production such as the Porsche 959, but whose manufacturers have chosen not to certify them for sale in the United States. Because these vehicles are not substantially similar to certified vehicles, may not be readily capable of being brought into compliance, and have not been the subject of petitions, they are not presently eligible for entry under § 591.5(f). Offers have been made to render such vehicles incapable of operation, and to display them under conditions of static display, in "museums" or in vehicle showrooms.

Section 108(i) indirectly addresses the display issue by permitting the entry without conformance of any vehicle whose age is 25 years or greater. This permits the unrestricted importation of vehicles that were not sold in the United States, and allows them to retain their original character without modification to U.S. requirements. However, the vehicles for which entry have been sought for display are less than 25 years old. Since no specific allowance has been provided for importation for show or display, the question is whether any of the five purposes added by the 1988 Amendments can, in the context of Congress' seemingly intentional omission of the term "show," be reasonably interpreted as allowing importation of nonconforming motor vehicles for the purpose of show or display. Certainly "competitive racing events" does not connote a static display. "Research" and "investigations" indicate that the purpose of importation is test or experiment.

With respect to the two remaining categories, NHTSA stated that it did not believe that it could fairly interpret "demonstrations or training" to encompass static display. A "demonstration" of a motor vehicle has traditionally involved exhibiting its operation or use, both in the showroom and on the road. Although agreeing that the definition "has traditionally involved operation or use", the Oliver Group disagreed with NHTSA's "narrow interpretation of 'demonstrations or training' as applied to non-conforming vehicles." It provided a definition from Webster's 3rd New International Dictionary (1976): "The act, process, or means of demonstrating to the intelligence: as exhibition of methods of manufacture by means of specimens, examples, or specific instances." The Oliver Group submits that "by this definition, one can see how a tangible static display of a car would qualify as a (sic) example or specimen of methods of manufacturing."

In advancing its definition of "demonstrations," the Oliver Group did

not suggest that NHTSA's preference for "studies" was in any way inadequate or improper. Indeed, NHTSA believes the very example cited by the Oliver Group, display as an exhibition of an example of a method of manufacturing, is consistent with the definition of "studies." As defined by The Random House Dictionary of the English Language (1967), "studies" means "a personal effort to gain knowledge." The primary meaning of the word "study" is "the application of the mind to the acquisition of knowledge." The static display of a vehicle or equipment item could form a basis for the acquisition of knowledge if that vehicle or equipment item were of historical or technological significance. Therefore, the agency has concluded that it is in the public interest to admit vehicles whose age is less than 25 years if their importation can be demonstrated to enhance the acquisition and application of knowledge, that is to say, that they merit admission because they are of historical or technological interest.

The agency believes that this interpretation of "studies" is in accordance with the purposes of both the National Traffic and Motor Vehicle Safety Act (the Act) and the 1988 Amendments. The stated purpose of the Act is to reduce accidents involving motor vehicles, and deaths and injuries to persons resulting from such accidents. However, section 108(j), added in 1988, represents a concession by Congress that the interests therein enumerated, which are not safety-related, might justify the importation and use of vehicles without requiring their conformance, and provides the Administrator with discretionary authority to allow importation under such terms and conditions as may be found necessary for the purpose of these interests. Thus, the importation of vehicles for static display by a category of importer other than original manufacturer does not *per se* undermine the purposes of Congress. These purposes can be undermined, however, by importations under subterfuge, where the hidden but real intent of the importer is to operate the vehicle on the public roads for his or her private enjoyment. This is NHTSA's primary concern. The agency has no power to seize a vehicle entered under false pretenses, and the maximum civil penalty it can impose on a private importer whose declaration is not confirmed by conduct subsequent to entry is limited to $1,000 per vehicle.

As NHTSA analyzes it, there are two components relevant to importation of a vehicle or equipment item for "studies": The vehicle or item, and the nature of the importer. Occasionally, NHTSA is approached by a prospective vehicle importer who offers to remove the engine if importation will be allowed. Aside from the problems of enforcement that this would present (and NHTSA has not allowed it), NHTSA believes that if a vehicle is of sufficient historical or technological interest to be admitted for "studies", its character must not be altered. Although such offers are well-meaning, NHTSA has no intention of requiring the alteration of a motor vehicle by removal of its engine or other parts.

The agency has considered what types of motor vehicles or equipment might be considered to have sufficient historical or technological interest to be admitted for "studies". Some examples come to mind. A vehicle less than 25 years of age and which is no longer in production may be said to have entered history. The admission and exhibition of the recently discontinued Trabant might be instructive as to comparative manufacturing sophistication between the more advanced industrial nations and the lesser developed ones. Prototypes or early production examples of radial tires, which originated in Europe, or experimental headlamps found on motor show cars, are examples of nonconforming equipment items that might be eligible for "studies".

As previously noted, these importation requirements do not apply to manufacturers of motor vehicles or equipment whose products are certified for sale in the United States. If importation was sought for "studies" by a person other than a certifying manufacturer, the written request already required before entry must be supplemented by additional information supporting the request, and the prospective importer will bear the burden of persuasion. The agency did not propose criteria as to what may qualify as "historical" or "technological interest", as it wishes to afford prospective importers flexibility in making their arguments. However, comments were solicited on whether criteria should be adopted and, if so, what those criteria should be. No comments were received on this issue.

The second component to be considered is the nature of the importer. NHTSA has decided that the purpose of "studies" is more likely to be achieved if the importer is an institution providing an opportunity for the acquisition of knowledge, such as a museum or educational institution. In general, these are businesses organized other than for profit. Therefore, the agency has concluded that in order to qualify as an importer for studies, an importer must be either a corporation or foundation that has been recognized, for at least 5 years before the date of entry of the vehicle, by the Internal Revenue Service under the Internal Revenue Code, as one qualifying for tax exempt status as a section 501(c)(3) corporation or foundation, or a section 509 private foundation. A section 501(c)(3) or section 509 entity is one that is "organized and operated exclusively for * * * scientific, testing for public safety, * * * or educational purposes, * * * no part of the net earnings of which inures to the benefit of any private shareholder or individual * * *." This includes universities and municipal museums. To discourage the creation of entities for the sole purpose of importing a vehicle under section 108(j), the final rule requires that importers of such vehicles demonstrate that they have been recognized as a tax-exempt entity under section 501(c)(3) or section 509 by the Internal Revenue Service for at least 5 years before the date of vehicle entry. A special exception is made if the importer is the National Museum of History and Technology of the Smithsonian Institution. Under the rule adopted today, an importer for studies cannot sell or otherwise dispose of the vehicle until it passes the age required for conformity of nonconforming vehicles, 25 years.

In summary, a prospective importer for studies, other than a certifying manufacturer, as with other such importers under § 591.5(j), must submit a written request to the Administrator, in advance of importation, presenting its views why the vehicle for which request is made is of historical or technological interest, and why its admission would be for the purpose of studies. The importer is also required to submit proof of its tax-exempt status, and that that status has existed for at least 5 years before the date of its letter. Finally, the importer will have to agree that it will not sell, lease, or transfer either title to, or possession of, the vehicle for a purpose other than "studies" until it is not less than 25 years terms of entry to be a violation of the Vehicle Safety Act for which a civil penalty could be imposed, and, if occurring immediately after entry, to constitute entry under a false declaration subject to the civil and criminal sanctions of 18 U.S.C. 1001.

This final rule does not have any retroactive effect.

**Rulemaking Analyses**

*Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures*

NHTSA has considered the economic impacts of this rule and has made a determination that it is not major within the meaning of E.O. 12291 nor significant under Department of Transportation policies and procedures. There is no substantial impact upon a major transportation safety program, and the action does not involve any substantial public interest or controversy. There will be no substantial effect on state and local governments who purchase new vehicles since the affected vehicles will not be imported for resale. Preparation of a full regulatory evaluation is not warranted because the rule would have minimal economic impacts.

*Regulatory Flexibility Act*

The agency has also considered the impacts of this rule in relation to the Regulatory Flexibility Act. Since the impact of this rule would be minimal, I certify that this rule would not have a significant economic impact upon a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared.

*Executive Order 12612 (Federalism)*

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

*National Environmental Policy Act*

NHTSA has analyzed this rule for the purposes of the National Environmental Policy Act. The rule would not have a significant effect upon the environment.

*Paperwork Reduction Act*

The declaration requirements and submittal or written statements to NHTSA are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. However, they were previously approved by OMB for inclusion in section 591.6 in the final rule published on September 29, 1989 (OMB Approval Number 2127–0002).

**List of Subjects in 49 CFR Part 591**

Imports, motor vehicle safety, motor vehicles

In consideration of the foregoing, title 49 Code of Federal Regulations part 591 is amended as follows:

**PART 591—[AMENDED]**

1. The authority section continues to read:

**Authority:** Pub.L. 100–562, 15 U.S.C. 1401, 1407, 1912, 1916, 2022, 2027; delegations of authority at 49 CFR 1.50.

2. In § 591.6(g)(1), the introductory phrase of the fourth sentence, beginning "If use on the public roads" and ending with "is imported" is revised to read: "With respect to any vehicle or equipment item imported pursuant to sections 591.5(j)(1) (i), (ii), or (iv), if use on the public roads is an integral part of the purpose for which the vehicle or equipment item is imported,"

3. Section 591.6(g)(2) is redesignated 591.6(g)(3), and new section 591.6(g)(2) is adopted to read:

**§ 591.6 Documents accompanying declarations.**

* * * * *

(g) * * *

(2) A declaration made pursuant to § 591.5(j)(2)(i) and § 591.5(j)(1)(iii) shall be accompanied by a letter from the Administrator authorizing importation pursuant to those sections. In addition to the matters contained in paragraph (g)(1) of this section, the importer's written request shall explain why the vehicle or equipment item is of historical or technological interest, and describe the studies for which its importation is sought. The importer, if other than the National Museum of History and Technology, Smithsonian Institution, shall also provide a copy of the Determination Letter from the Internal Revenue Service approving the importer's status as a tax-exempt corporation or foundation, or private foundation, under section 501(c)(3) or section 509, respectively, of the Internal Revenue Code. The time between the date of the Letter and the date of the importer's written request to the Administrator shall be not less than 5 years. The importer shall also provide a statement that it shall not sell, or transfer possession or, or title to, the vehicle, or license it for use, or operate it on the public roads, until the vehicle is not less than 25 years old.

4. In § 591.7(c), the phrase "§ 591.5(j)(1)" is revised to read "§ 591.5(j)(1) (i), (ii), or (iv)".

5. New § 591.7(e) is added to read:

**§ 591.7 Restrictions on importations.**

* * * * *

(e) No vehicle or equipment item may be imported pursuant to § 591.5(j)(2)(i) and (j)(1)(iii) unless its importer has been recognized by the United States for not less than 5 years prior to the date of its written request under § 591.6(g)(2) as a tax-exempt corporation or foundation, or private foundation, under section 501(c)(3) or section 509, respectively, of the Internal Revenue Code, or unless the importer is the National Museum of History and Technology, Smithsonian Institution.

6. A new § 591.10 is added to read:

**§ 591.10 Offer of cash deposits or obligations of the United States in lieu of sureties on bonds.**

(a) In lieu of sureties on any bond required under § 591.6(c), an importer may offer United States money, United States bonds (except for savings bonds), United States certificates of indebtedness, Treasury notes, or Treasury bills in an amount equal to the amount of the bond.

(b) At the time the importer deposits any obligation of the United States, other than United States money, with the Administrator, (s)he shall deliver a duly executed power of attorney and agreement, in the form shown in Appendix C of this part, authorizing the Administrator or delegate of the Administrator, in case of any default in the performance of any of the conditions of the bond, to sell the obligation so deposited, and to apply the proceeds of sale, in whole or in part, to the satisfaction of any penalties for violations of 15 U.S.C. 1397, and 15 U.S.C. 1916 arising by reason of default.

(c) If the importer deposits money of the United States with the Administrator, the Administrator or delegate may apply the cash, in whole or in part, to the satisfaction of any penalties for violations of 15 U.S.C. 3197, and 15 U.S.C. 1916 arising by reason of default.

7. Appendix C is added to part 591 to read as follows:

**Appendix C to Part 591—Power of Attorney and Agreement**

_____does constitute and appoint the Administrator of the National Highway Traffic Safety Administration, United States Department of Transportation, or delegate, as attorney for the undersigned, for and in the name of the undersigned to collect or to sell, assign, and transfer the securities described below as follows:

Title
Matures
Int. Rate
Denom.
Serial #
Coupon/registered

The securities having been deposited by it as security for the performance of the agreements undertaken in a bond with the United States, executed on the date of

_____, _____, the terms and conditions of which are incorporated by reference into this power of attorney and agreement and made a part hereof. The undersigned agrees that in case of any default in the performance of any of the agreements the attorney shall have full power to collect the securities or any part thereof, or to sell, assign, and transfer the securities or any part thereof, or to sell, assign, and transfer the securities of any part thereof at public or private sale, without notice, free from any equity of redemption and without appraisement or valuation, notice and right to redeem being waived and to apply the proceeds of the sale or collection in whole or in part to the satisfaction of any obligation arising by reason of default. The undersigned further agrees that the authority granted by this agreement is irrevocable. The undersigned ratifies and confirms whatever the attorney shall do by virtue of this agreement.

Witnessed and signed this _____day of _____, _____.

Before me, the undersigned, a notary public within and for the County of _____in the State of _____, personally appeared _____and acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this _____day of _____, 199__.

[Notarial seal]

Notary Public _____

Issued on: March 2, 1993.

**Howard M. Smolkin,**

*Executive Director.*

[FR Doc. 93–5126 Filed 3–5–93; 8:45 am]

BILLING CODE 4710–59–M

# Proposed Rules

Federal Register
Vol. 58, No. 43
Monday, March 8, 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.

## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Part 711

### Management Official Interlocks

**AGENCY:** National Credit Union Administration.

**ACTION:** Proposed amendment.

**SUMMARY:** NCUA is proposing to amend its regulation governing management official interlocks to conform the regulation to changes made in the Depository Institution Management Interlocks Act. The changes implement statutorily mandated exceptions to the prohibitions on management interlocks. These exceptions relate to advisory directors, certain types of savings associations and savings and loan holding companies, interlocks involving diversified savings and loan holding companies, and the extension of the grandfather period under the statute. The amendments will affect credit unions only to the extent that they have interlocking relationships with another type of financial institution.

**DATES:** Comments must be received by May 7, 1993.

**ADDRESSES:** Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

**FOR FURTHER INFORMATION CONTACT:** Michael J. McKenna, Staff Attorney, Office of General Counsel, at the above address or telephone: (202) 682–9630.

**SUPPLEMENTARY INFORMATION:** Part 711 of NCUA's Rules and Regulations implements the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act," 12 U.S.C. 3201 et seq.). The Interlocks Act, in general, prohibits unaffiliated depository institutions (including credit unions) and depository institution holding companies of a certain size and proximity to each other from sharing management officials. The Interlocks Act was amended with the passage of the Management Interlocks Revision Act of 1988 ("Revision Act") and again with the passage of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"). As a result of the above enactments, it is necessary to amend NCUA's regulation. Although this regulation does not affect the daily operation of credit unions, the proposed amendments will affect interlocking relationships when an official serves a federally insured credit union and another type of financial institution.

On October 24, 1988, the NCUA Board published a request for comments concerning revisions to NCUA's Management Official Interlocks regulation (53 FR 41614). NCUA received four public comment letters in response to this request. In light of the significant revisions to the Interlocks Act and the lack of public support for further revisions to the regulation, NCUA is only proposing to amend the regulation to conform to statutory requirements.

The Revision Act amended the Interlocks Act in the following ways: (1) Changed the definition of affiliation by common ownership to allow for an affiliation where 25% (previously 50%) of the voting stock of a depository institution or depository holding company is beneficially owned by the same person or group of persons; (2) provided that the prohibitions of the Interlocks Act would not apply to an interlock that results from the acquisition of a depository institution or a depository institution holding company that is closed or in danger of closing for the five-year period beginning on the date of the acquisition; (3) extended the grandfather period for management interlocks in existence prior to November 10, 1978 for an additional five years; (4) provided that, notwithstanding the prohibitions of the Interlocks Act, a management official of a depository institution or depository institution holding company could become a director of an unaffiliated diversified savings and loan holding company or a nondepository subsidiary thereof (and vice versa) if the appropriate regulatory agencies are given 60 days advance notice and the proposed dual service is not disapproved on one of the three grounds for disapproval set forth in the statute (The dual service can be disapproved any time after the 60 days if a change of circumstances occurs that would have provided a basis for disapproval); and (5) excluded advisory and honorary directors of depository institutions with total assets of less than $100 million from the definition of the term "management official." Voluntary credit union directors are not honorary directors for purposes of this exclusion.

Furthermore, FIRREA amended the Interlocks Act to provide that the prohibitions thereof would not apply to an interlock involving a single management official of any savings association or any savings and loan holding company, or any subsidiary thereof, that has issued stock in connection with a qualified stock issuance pursuant to section 10(q) of the Home Owner's Loan Act ("HOLA", 12 U.S.C. 1467a(q)) if the Director of the Office of Thrift Supervision determines that such service as a management official is consistent with the purposes of the Interlocks Act and HOLA.

The NCUA Board is proposing to amend part 711 in order to conform the regulation to the statutory changes described above. The proposed amendments to the regulation: (1) Revise the definition of the term "management official" in § 711.2(h)(1) to exclude advisory and honorary directors of depository institutions with total assets of less than $100 million; (2) add a new paragraph 711.2(o) to define the phrase "appropriate Federal depository institutions regulatory agency;" (3) add two new categories of "exempt organizations" to § 711.4(a) setting forth interlocks permitted without NCUA Board approval; (4) revise § 711.4(c) to allow director interlocks between a diversified savings and loan holding company or its nondepository organization subsidiaries and any unaffiliated depository organization with 60 days prior notice to the appropriate Federal depository institutions regulatory agency provided that the agency does not disapprove of the interlock; and (5) amend § 711.5 to reflect the extension of the grandfathered interlocking relationship period to November 10, 1993. In addition, the cross reference in the regulation to what had been the definition of the term "diversified savings and loan holding company" as found in the National Housing Act has been changed to refer to section 10 of the Home Owners' Loan Act. This proposed change was necessary as the

relevant definition was moved from the National Housing Act and placed into the Home Owners' Loan Act by FIRREA.

**Paperwork Reduction Act**

There has been no change in the paperwork requirements.

**Regulatory Flexibility Analysis**

This regulation does not impact the daily operation of credit unions. The NCUA Board hereby certifies that the proposed amendments do not have a significant impact on a substantial number of small credit unions. In addition, NCUA is required to amend this regulation to conform to changes in relevant statutes. Accordingly, the Board has determined that a Regulatory Flexibility Analysis is not required.

**Executive Order 12612**

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. Part 711 already applies to all federally insured credit unions (both federal and state-chartered). The proposed amendments simply implement statutorily mandated exceptions to the prohibitions on management interlocks. Again, the daily operation of credit unions is unaffected. Therefore, the NCUA Board has determined that the proposed amendments do not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

**List of Subjects in 12 CFR Part 711**

Credit Unions, Management Official Interlocks Act.

By the National Credit Union Administration Board on February 24, 1993.

**Becky Baker,**

*Secretary of the Board.*

Accordingly, NCUA proposes to amend its regulations as follows:

## PART 711—MANAGEMENT OFFICIAL INTERLOCKS

1. The authority citation for part 711 continues to read as follows:

**Authority:** 12 U.S.C. 3201 et seq.

2. Part 711 is amended in §§ 711.2(1) and 711.4(c) by removing the phrase "section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F))" and substituting therefor "section 10(a)(1)(F) of the Home Owners' Loan Act (12 U.S.C. 1467a(1)(F))".

3. Section 711.2 is amended by revising paragraph (h)(1) and adding paragraph (o) to read as follows:

**§ 711.2 Definitions.**

* * * * *

(h)(1) "Management official" means:

(i) an employee or officer with management functions (including branch manager);

(ii) a director (including an advisory or honorary director, except in the case of a depository institution with total assets of less than $100,000,000);

(iii) a trustee of a business organization under the control of trustees (e.g., a mutual savings bank); or

(iv) any person who has a representative or nominee serving in any such capacity.

* * * * *

(o) "Appropriate federal depository institutions regulatory agency" means, with respect to any depository institution or depository holding company, the agency referred to in section 209 of the Interlocks Act in connection with such institution or company.

4. Section 711.4 is amended by removing the word "or" at the end of paragraph (a)(5), removing the period at the end of paragraph (a)(6) and replacing it with a semicolon; adding new paragraphs (a) (7) and (8); and designating the text of paragraph (c) following the heading as paragraph (c)(1) and adding a new paragraph (c)(2) to read as follows:

**§ 711.4 Permitted interlocking relationships.**

(a) * * *

(7) a depository organization which is closed or is in danger of closing as determined by the appropriate federal depository institutions regulatory agency in accordance with its regulations, and which is acquired by another depository organization for the five-year period beginning on the date of the acquisition; or

(8) any savings association (as defined in section 10(a)(1)(A) of the Home Owners' Loan Act, 12 U.S.C. 1467a(1)(A)) or any savings and loan holding company (as defined in section 10(a)(1)(D) of such Act, 12 U.S.C. 1467a(1)(F)) which has issued stock in connection with a qualified stock issuance pursuant to section 10(q) of the Home Owners' Loan Act (12 U.S.C. 1467(a)(q)) with respect to the service as a single management official of such savings association or savings and loan holding company or any subsidiary thereof by a single management official of the savings association or savings and loan holding company which purchased the stock, provided that the Director of the Office of Thrift Supervision determines that such dual service is consistent with the purposes of the Interlocks Act and the Home Owners' Loan Act.

* * * * *

(c) Diversified savings and loan holding company.

(2)(i) A director of an unaffiliated depository organization may serve as a director of a diversified savings and loan holding company (as defined in section 10(a)(1)(F) of the Home Owners' Loan Act, 12 U.S.C. 1467a(1)(F)) or any subsidiary of such holding company that is not a depository organization, provided that:

(A) notice of the proposed dual service is given to the appropriate federal depository institutions regulatory agency for such company, and for the unaffiliated depository organization for which the individual will also serve as a management official, not less than 60 days before the dual service begins, and;

(B) neither agency disapproves of the dual service prior to the expiration of the 60-day period.

(ii) The NCUA may disapprove the proposed dual service of a management official at a diversified savings and loan holding company of which the NCUA has been given notice as required by paragraph (c)(2)(i) of this section if NCUA finds that:

(A) the dual service cannot be structured or limited so as to preclude the service from resulting in a monopoly or the substantial lessening of competition in financial services in any part of the United States;

(B) the dual service would lead to substantial conflicts of interest or unsafe and unsound practices; or

(C) the diversified savings and loan holding company has neglected, failed, or refused to furnish all the information requested by the NCUA in connection with the notice.

(iii) NCUA may require that any dual service which was not disapproved prior to the expiration of the 60-day notice period be terminated if a change in circumstances occurs which would have provided a basis for disapproval of the dual service during the prior notice period.

**§ 711.5 [Amended]**

5. Section 711.5 is amended by removing "1988" and inserting in lieu thereof "1993."

[FR Doc. 93–5087 Filed 3–5–93; 8:45 am]

BILLING CODE 7535–01–M

**DEPARTMENT OF COMMERCE**

**Bureau of Economic Analysis**

**15 CFR Part 806**

**[Docket No. 930220-3020]**

**RIN 0691-AA20**

## Direct Investment Surveys; Change in Reporting Requirements for Foreign-Owned U.S. Banks in Quarterly Survey of Foreign Direct Investment in the United States

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document sets forth proposed rules to amend 15 CFR part 806 to revise the requirements for reporting by foreign-owned U.S. banks in the Bureau of Economic Analysis' quarterly surveys of foreign direct investment in the United States. Currently, incorporated affiliates engaged in banking, together with both incorporated and unincorporated nonbank affiliates, are required to file quarterly Form BE-605, Transactions of U.S. Affiliate, Except An Unincorporated Bank, with Foreign Parent; unincorporated banking affiliates are required to file quarterly Form BE-606B, Transaction of U.S. Banking Branch or Agency with Foreign Parent. Under the proposed rule, all nonbanking affiliates will continue to report on revised Form BE-605, Transaction of U.S. Affiliate, Except A U.S. Banking Affiliate, with Foreign Parent. Both incorporated and unincorporated banking affiliates will report on new Form BE-605 Bank, Transactions of U.S. Banking Affiliates with Foreign Parent, which is tailored specifically for reporting by banking affiliates. Form BE-606B will be discontinued. Because all banking affiliates will report on the same form and because the new bank form has been tailored specifically to banks, reporting by these entities should be eased and clarified.

**DATES:** Comments on the proposed rules will receive consideration if submitted in writing on or before April 22, 1993.

**ADDRESSES:** Comments may be mailed to the Office of the Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230, or hand delivered to room 1008, Tower Building, 1401 K Street, NW., Washington, DC 20005. Comments received will be available for public inspection in room 1008, Tower Building, between 8:30 a.m. and 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Betty L. Barker, Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 523-0659.

**SUPPLEMENTARY INFORMATION:** The two surveys affected by these changes are part of the Bureau of Economic Analysis (BEA)'s regular data collection program for foreign direct investment in the United States. The surveys are mandatory and are conducted pursuant to the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108, as amended).

The proposed changes will bring reporting by U.S. affiliates in banking on the quarterly survey into conformity with their reporting on the BE-12, Benchmark Survey of Foreign Direct Investment in the United States—1992. The BE-12 is BEA's quinquennial census of foreign direct investment in the United States; it collects annual data and is intended to cover the universe of U.S. affiliates. The BE-605 and BE-605 Bank are quarterly sample surveys covering only larger U.S. affiliates—those with assets, sales, or net income that exceed $20 million. The sample data reported in these surveys will be linked to data from the BE-12 benchmark survey in order to derive universe estimates by quarter for benchmark and nonbenchmark years.

Because the proposed new BE-605 Bank form has questions and definitions that are targeted specifically at banks, it should reduce the need for follow-up contact with reporters. It will also help avoid duplication in data on permanent invested capital reported to BEA and data on other banking claims and liabilities reported to the Treasury Department on Treasury International Capital report forms. The proposal will not change the public reporting burden for this collection.

The new rules will be effective with the BE-605 and BE-605 Bank reports covering the third quarter of 1993, which are due 30 days after the close of that quarter.

A copy of the proposed survey forms may be obtained from: Chief, Direct Investment in the United States Branch, International Investment Division, BE-50(IN), Bureau of Economic Analysis, U.S. Department of Commerce Washington, DC 20230; phone (202) 523-0547.

### Paperwork Reduction Act

This proposed rule contains a collection of information requirement subject to the Paperwork Reduction Act. The collection of information is necessary for compiling the quarterly direct investment estimates included in the U.S. international transactions and national income and product accounts, and for estimates of the annual international investment position of the United States. The data are also needed to measure the economic significance of foreign direct investment in the United States, monitor changes in such investment, analyze its effect on the U.S. and foreign economies, and, based upon this assessment, make informed policy decisions regarding foreign direct investment in the United States. A request has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act.

Public reporting burden for this collection of information is estimated to be one hour per response (form). The burden on a U.S. affiliate will vary, however, depending on the number of foreign parents the U.S. affiliate has. The estimated burden of one hour includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing burden, may be sent to the Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0009, Washington, DC 20503.

### Executive Order 12291

BEA has determined that this proposed rule is not "major" as defined in E.O. 12291 because it is not 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.

### Executive Order 12612

These proposed rules do not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 12612.

**Regulatory Flexibility Act**

The General Counsel, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the proposed rules, if adopted, will not have a significant economic impact on a substantial number of small entities. Most small businesses are not foreign owned, and many that are will not be required to report in the survey because their assets, sales, and net income are each equal to or less than the $20 million exemption level below which reporting is not required. Therefore, a regulatory flexibility analysis was not prepared.

**List of Subjects in 15 CFR Part 806**

Balance of payments, Economic statistics, Foreign investment in the United States, Reporting requirements.

**Carol S. Carson,**

*Director, Bureau of Economic Analysis.*

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR part 806 as follows:

## PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR part 806 continues to read as follows:

**Authority:** 5 U.S.C. 301, 22 U.S.C. 3101–3108, and E.O. 11961, as amended.

**§806.15 [Amended]**

2. Section 806.15(h)(1) is amended by deleting "Except an Unincorporated Bank" and inserting in its place "Except a U.S. Banking Affiliate."

3. Section 806.15(h)(2) is amended by deleting "BE–606B" and inserting in its place "BE–605 Bank," and by deleting "U.S. Banking Branch or Agency" and inserting in its place "U.S. Banking Affiliate."

[FR Doc. 93–5162 Filed 3–5–93; 8:45 am]

BILLING CODE 3510–EA–M

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## 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

**AGENCY:** Office and Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior (DOI) is reopening the public comment period on the proposed rule published in the December 29, 1992, **Federal Register** (57 FR 62116). The proposed rule would amend OSM's regulations governing how the weight of each ton of coal produced is determined for reclamation fee purposes when an operator sells run-of-mine coal to a person operating a coal preparation plant on an estimated clean coal basis for resale or use. The proposal would define the records required to be maintained to document the basis of the transaction. The proposed rule would also require a person operating a coal preparation plant to pay reclamation fees on coal sold in excess of coal purchased from other operators on an estimated clean coal basis.

**DATES:** *Written Comments:* OSM will accept written comments on the proposed rule until 5 p.m. Eastern time on April 7, 1993.

**ADDRESSES:** *Written Comments:* Hand deliver to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, room 660, 800 North Capitol St. NW., Washington, DC; or mail to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, room 660 NC, 1951 Constitution Avenue, NW., Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Jane E. Robinson, Office of Surface Mining Reclamation and Enforcement, room 635 NC, 1951 Constitution Avenue, NW., Washington, DC 20240: Telephone: 202–343–2826 (Commercial or FTS).

**SUPPLEMENTARY INFORMATION:** OSM published a proposed rule on December 29, 1992 (57 FR 62116), that would amend its regulations governing how the weight of each ton of coal produced is determined for reclamation fee purposes. The existing regulations require an operator to pay Abandoned Mine Land (AML) fees on the actual gross weight of the coal at the time of the first transaction (sale, transfer of ownership, or use) involving the coal. Current regulations allow an operator to take a calculated weight reduction for excess moisture. All other impurities not removed before the first transaction must be included in the gross weight for AML fee computation purposes. This regulation has been in effect basically unchanged since 1977. The proposed rule would make the weight determination consistent with the normal business practice between a coal operator and a person operating a coal preparation plant when run-of-mine coal is purchased on an estimated clean coal basis and cleaned prior to resale or use. The proposal would define the records an operator and person operating a coal preparation plant must maintain to document the basis of coal sales and purchases. The proposed rule would also require a person operating a coal preparation plant that purchases coal for resale on the basis of clean coal tonnage, to pay reclamation fees on the actual weight of all processed coal sold, transferred or used by the coal preparation plant that is in excess of the estimated clean coal purchased from other operators.

A public hearing was held on this proposed rule on February 23, 1993, in Big Stone Gap, Virginia. The comment period for the proposed rule closed on March 1, 1993. However, in response to a request to provide more time for interested persons to comment on the proposed rule, OSM is reopening the comment period. Comments will now be accepted until 5 p.m. local time on April 7, 1993.

Dated: March 1, 1993.

**Brent Wahlquist,**

*Assistant Director, Reclamation and Regulatory Policy.*

[FR Doc. 93–5155 Filed 3–5–93; 8:45 am]

BILLING CODE 4310–05–M

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IL–12–25–5773; FRL–4602–4]

### Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Notice of public hearing; Reopening the public comment period.

**SUMMARY:** USEPA promulgated the Chicago Ozone Federal Implementation Plan (FIP) on June 29, 1990. The FIP requires that certain sources perform tests to demonstrate compliance and that they certify compliance to USEPA by July 1, 1991. Those sources complying by means of an add-on control device are required to test the capture efficiency of each control system. On November 3, 1992, (57 FR 49662) USEPA proposed to extend the date by which sources must certify efficiency of each control system from July 1, 1991, to July 1, 1993. That

proposed rule offered an opportunity for a public hearing on the proposed rule. A public hearing was requested on this proposed rule. This notice announces that a public hearing on the proposed rule is scheduled for April 19, 1993, and reopens the public comment period from March 8, 1993 until May 19, 1993.

**DATES:** A public hearing has been scheduled for Thursday, April 1, 1993, at 1:30 p.m. The public comment period reopened from March 8, 1993 until May 3, 1993.

**ADDRESSES:** The location of the public hearing is the Lake Huron Room on the 12th Floor of the Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604. Written comments on this proposed rule should be addressed to J. Elmer Bortzer, Chief, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Comments should be strictly limited to the subject matter of the November 3, 1992, (57 FR 49662) proposed rule.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Regulation Development Branch, 18th Floor Southwest, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052.

Dated: February 22, 1993.

**David A. Ullrich,**

*Acting Regional Administrator.*

[FR Doc. 93-5260 Filed 3-5-93; 8:45 am]

BILLING CODE 6560-50-M

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**40 CFR Part 52**

**[CA12-4-5649; FRL-4601-8]**

## Approval and Promulgation of Implementation Plans California State Implementation Plan Revision; San Diego County Air Pollution Control District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** EPA is proposing to approve revisions to the California State Implementation Plan (SIP) adopted by the San Diego County Air Pollution Control District (APCD) on October 16, 1990. The California Air Resources Board (CARB) submitted the San Diego revisions to EPA on April 5, 1991. The revisions concern San Diego's Rules 61.2, Transfer of Organic Compounds into Mobile Transport Tanks, and 61.3, Transfer of Volatile Organic Compounds into Stationary Storage Tanks. These rules control volatile organic compound (VOC) emissions from the transfer of organic liquids, primarily gasoline. EPA has evaluated the revisions to San Diego's Rules 61.2 and 61.3 and is proposing to approve them under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the Clean Air Act, as amended in 1990 (CAA or the Act).

**DATES:** Comments must be received on or before April 7, 1993.

**ADDRESSES:** Comments may be mailed to: Daniel A. Meer, Rulemaking Section II (A-5-3); Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

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

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1095.

**FOR FURTHER INFORMATION CONTACT:** William E. Davis, Jr., Rulemaking Section I (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1183.

**SUPPLEMENTARY INFORMATION:**

### Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included the San Diego Air Basin. 43 FR 8964; 40 CFR 81.305. Because this area was unable to reach attainment by the statutory attainment date of December 31, 1982, California requested under section 172(a)(2) of the pre-amended Act, and EPA approved, an extension of the attainment date to December 31, 1987. 40 CFR 52.238. On May 26, 1986, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the San Diego APCD's portion of the California State Implementation Plan (SIP) was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, amendments to the 1977 CAA were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in EPA's pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. San Diego County is classified as a severe nonattainment area;[2] therefore, this area was subject the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules to EPA for incorporation into its SIP on April 5, 1991, including the rules being acted on in this notice. This notice addresses EPA's proposed action for two rules for the San Diego County APCD: Rules 61.2 and 61.3. These submitted rules were found to be complete on April 21, 1991 pursuant to EPA's completeness criteria adopted on February 16, 1990 (55 FR 5830) and set forth in 40 CFR part 51, appendix V.[3] Today, EPA is proposing approval of the rules into the federally enforceable SIP.

The San Diego rules control the emission of volatile organic compounds (VOCs) from the transfer of organic liquids into mobile transport tanks (Rule 61.2) and stationary storage tanks (Rule 61.3). VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of San Diego's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and have been revised in response to EPA's SIP-Call and the section

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[1] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

[2] San Diego County retained its nonattainment designation and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

[3] EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the amended Act. See 56 FR 42216 (August 26, 1991) to be codified at 40 CFR part 51, appendix V.

182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for these rules.

**EPA Evaluation and Proposed Action**

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTGs applicable to San Diego's Rules 61.2 and 61.3 are (1) "Control of Volatile Organic Emissions from Bulk Gasoline Plants", EPA document EPA–450/2–77–035, and (2) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", EPA document EPA–450/2–78–051. The CTG document entitled "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals", EPA document EPA–450/2–77–026, is also applicable to San Diego Rule 61.2. Further interpretations of EPA policy are found in the Blue Book. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

San Diego's submitted Rule 61.2, Transfer of Organic compounds into Mobile Transport Tanks, includes the following revisions from the current SIP rule:

—Recordkeeping provisions have been added to verify several exemptions.
—A provision to limit VOC emissions to 0.29 pounds per 1000 gallons in facilities with an annual throughput of 5 million gallons or more has been added.
—Provisions for automatic shutoff in the event of overfilling have been added.
—Testing procedures have been added.
—A maintenance program provision has been added.

San Diego's submitted Rule 61.3, Transfer of Volatile Organic Compounds into Stationary Storage Tanks, includes the following revisions from the current SIP rule:

—The rule has been made applicable to both retail and non-retail facilities.
—California Air Resources Board certification requirements have been added.
—Recordkeeping provisions for low-throughput exemptions have been added.

EPA has evaluated San Diego's submitted Rules 61.2 and 61.3, and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, San Diego APCD Rule 61.2, Transfer of Organic Compounds into Mobile Transport Tanks, and Rule 61.3, Transfer of Volatile Organic Compounds into Stationary Storage Tanks, are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

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**

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

SIP approvals under sections 110 and Part D of the CAA 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, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis for a SIP approval would constitute Federal inquiry into the economic reasonableness of the State actions. The CAA forbids EP to base its actions concerning SIPS on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 47 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

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. The OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

**List of Subjects in 40 CFR Part 52**

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

**Authority:** 42 U.S.C. 7401–7671q.

Dated: February 23, 1993.

**Nora L. McGee,**

*Acting Regional Administrator.*

[FR Doc. 93–5265 Filed 3–5–93; 8:45 am]

BILLING CODE 6560–50–M

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## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Chapter I

## MSS Above 1 GHz Negotiated Rulemaking Committee

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of cancellation of public meetings.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the meeting of the MSS Above 1 GHz Negotiated Rulemaking Committee ("Committee") scheduled for Thursday, March 4, 1993 has been cancelled. This meeting was originally announced in Public Notice, DA 93–163 (58 FR 8927 (2/18/93)).

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

**SUPPLEMENTARY INFORMATION:** Subsequent Full Committee meetings are currently scheduled for Tuesday, March 9; Thursday, March 18; Thursday, March 25; and Friday, April 2.

Federal Communications Commission.

Donna R. Searcyh,

*Secretary.*

[FR Doc. 93-5286 Filed 3-5-93; 8:45 am]

BILLING CODE 6712-01-M

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## 47 CFR Part 73

[MM Docket No. 93-33, RM-8160]

## Radio Broadcasting Services; Firebaugh and Oakhurst, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of California Sierra Corporation; licensee of Station KAAT(FM), Channel 296A, Oakhurst, California, requesting the substitution of Channel 276A for Channel 296A and modification of its license accordingly to enable Station KAAT(FM) to increase its effective radiated power to six kilowatts. Petitioner also requests the substitution of Channel 234A for Channel 276A at Firebaugh, California, a vacant allotment for which a petition for reconsideration seeking reinstatement of an application has been filed. Coordinates for Channel 276A at Oakhurst, California, are 37-25-08 and 119-44-04; and for Channel 234A at Firebaugh, California, 36-51-30 and 120-27-12.

**DATES:** Comments must be filed on or before April 22, 1993, and reply comments on or before May 7, 1993.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: A. Wray Fitch III, Esq., Gammon & Grange, P.C., 8280 Greensboro Drive, Seventh Floor, McLean, VA 22102.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93-33, adopted February 8, 1993, and released March 2, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93-5150 Filed 3-5-93; 8:45 am]

BILLING CODE 6712-01-M

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## 47 CFR Part 73

[MM Docket No. 93-34 RM-8100]

## Radio Broadcasting Services; Glenwood Springs, CO

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Gardiner Broadcast Partners, Ltd. requesting the allotment of FM Channel 224A to Glenwood Springs, Colorado, as that community's second local aural transmission service. Coordinates used for this proposal are 39-32-36 and 107-19-18.

**DATES:** Comments must be filed on or before April 22, 1993, and reply comments on or before May 7, 1993.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: David M. Silverman, Esq., Cole, Raywid & Braverman, 1919 Penn. Ave., NW., suite 200, Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93-34, adopted February 8, 1993, and released March 2, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93-5151 Filed 3-5-93; 8:45 am]

BILLING CODE 6712-01-M

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## 47 CFR Part 73

[MM Docket No. 93-32, RM-8174]

## Radio Broadcasting Services; Tracy, Minnesota

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Plum Creek Broadcasting Company, Inc., proposing the substitution of Channel 286C3 for Channel 286A at Tracy, Minnesota, and modification of the construction permit for Station KARL to specify operation on Channel 286C3. The coordinates for Channel 286C3 are 44-13-46 and 95-44-36.

**DATES:** Comments must be filed on or before April 22, 1993, and reply comments on or before May 7, 1993.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John S. Neely, Miller & Miller, P.C., P.O. Box 33003, Washington, DC 20033.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–32, adopted February 4, 1993, and released March 2, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio Broadcasting.

Federal Communications Commission.

**Michael C. Ruger,**

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

[FR Doc. 93–5152 Filed 3–5–93; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Part 76**

**[MM Docket No. 93–25, FCC 93–91]**

## Cable Television Services; Implementation of Section 25 of the Cable Television Act, Direct Broadcast Satellite Public Service Obligations

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This Notice of Proposed Rule Making (Notice) seeks to implement the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act). It solicits comment on applying the political programming requirements of the Communications Act of 1934, as amended, to DBS service providers. The Notice also requests comments on the reservation and availability of channels for noncommercial educational and informational programming at reasonable rates. Finally, the Notice solicits comment on the opportunities that DBS service provides for fulfilling the Commission's goal of service to local communities.

**DATES:** Comments are due by May 24, 1993, and reply comments are due by June 30, 1993.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes, Mass Media Bureau, (202) 632–5414, or Rosalee Chiara, Common Carrier Bureau, (202) 634–1781.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making in MM Docket No. 93–25, adopted February 11, 1993 and released March 2, 1993. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M Street NW., room 239, Washington, DC, and also may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street NW., Washington, DC 20037.

### Synopsis of the Notice of Proposed Rule Making

1. In this proceeding, the Commission proposes to implement section 25 of the 1992 Cable Act, which requires the Commission to impose public service obligations on providers of direct broadcast satellite (DBS) service. Specifically, Section 25(a) mandates that, at a minimum, the Commission apply the political broadcast requirements of Sections 312(a)(7) and 315 of the Communications Act to DBS Service providers, and Section 25(b) requires the Commission to adopt rules governing the reservation and availability of channels for noncommercial educational and informational programming at reasonable rates.

### Definition of Provider of DBS Service

2. As a threshold matter, the Notice seeks to identify the types of entities that will be subject to the public service obligations proposed in this proceeding. It recognizes that identifying these entities is a difficult task because different DBS services are regulated under either part 25 or part 100 of the Commission's Rules. Moreover, there can be several layers of entities involved in the actual delivery of video programming by satellite to viewers' homes through DBS systems. By way of background, the term "DBS service" originally referred narrowly to a radiocommunication service in which signals from earth are retransmitted in a portion of the Ku-band (12.2–12.7 GHz) by high power, geostationary satellites for direct reception by inexpensive earth terminals, as regulated by part 100 of the Commission's Rules. The term DBS service has more recently been used to refer to direct-to-home delivery of programming by fixed-satellite service (FSS) operators using low-powered satellites in the C-band (4/6 GHz) and low-powered and medium-powered satellites in portions of the Ku-band (11.7–12.2 GHz). These satellites are not as high-powered as the part 100 satellites and require larger antennas for reception of their signals.

3. The Notice next analyzes the statutory definition of DBS service provider contained in section 25(b). Under this definition, a DBS service provider is either a licensee of a Ku-band satellite system under part 100 of the Commission's Rules or a distributor who controls a minimum number of channels using the facilities of a fixed-satellite system in the Ku-band and licensed under part 25 of the Commission's Rules.

4. At the outset, the Notice notes that Congress intended to exclude C-band DBS operations from the obligations to be imposed by section 25 of the 1992 Cable Act, as the definition is expressly limited to entities operating in the Ku-band pursuant to parts 25 or 100 of Rules. As a result, the Notice tentatively concludes to limit the scope of section 25 to DBS services provided in the Ku-band. We seek comment on this interpretation.

5. *Licensees Under Part 100.* With respect to part 100 DBS licensees, the Notice explains that the Commission has taken a flexible regulatory approach under which part 100 licensees have the option of operating and being regulated in whole or in part as broadcasters, who are subject to Title III of the Communications Act. A part 100 DBS licensee that is not a broadcaster can lease satellite capacity to a customer-programmer who uses the leased channels to distribute programming by satellite directly to the homes of viewers. Regardless of the regulatory classification of these part 100 DBS licensees, the Notice tentatively concludes that they should be held ultimately responsible for ensuring that the obligations adopted pursuant to this section are met, although they may, as a practical matter, be forced to delegate the day-to-day functions of implementing these requirements to the entity that is actually controlling the

programming. The Notice solicits comment on this tentative view and on how the practical aspects of program delivery in this part 100 service should affect our treatment of the responsibilities imposed by section 25.

6. *Entities Under Part 25.* The definition of DBS service provider in section 25(b) also includes "any distributor who controls a minimum number of channels (as specified by Commission regulation) using a Ku-band fixed service satellite system for the provision of video programming directly to the home and licensed under part 25 of title 47 of the Code of Federal Regulations." The Notice solicits comments on the various components of this statutory definition. First, what should the terms "distributor" or "control" mean? Our initial view is that distributors would include parties that are engaged in various activities related to the delivery of video entertainment programming such as program packaging, program delivery, subscription billing and customer service. We also tentatively conclude that "control" of channels could mean control through lease, sale or other arrangement with a satellite operator.

7. Second, how should we define the term "channel?" With the advent of digital compression technology and the ability to transmit several video programs using a single transponder, we must determine whether "channel" should refer to a whole transponder or to a single one of the program services contained in a compressed signal. We are initially inclined to define channels in terms of an explicit number of specified 24 MHz wide channels for part 100 licensees and in terms of the number of transponders and/or some multiple of 30–36 MHz normally used for video programming by part 25 DBS providers.

8. Third, the distributor must use a Ku-band fixed satellite system to distribute programming. The Notice concludes that this requirement appears to require little interpretation. Fourth, there must be a license issued under part 25 of the Commission's Rules. However, since a part 25 satellite licensee may lease or sell its transponders to other entities, a question arises whether the distributor must hold the license or whether the satellite system used to distribute programming must be licensed under part 25. The Notice tentatively concludes that the statute does not appear to mandate that a distributor also be a part 25 licensee to be subject to its provisions. Comment is solicited on this view and what enforcement mechanisms can be applied to entities that are not Commission licensees.

9. Finally, the Notice recognizes that the above described definition of provider of DBS service states that it is given "for purposes of this subsection," which is subsection 25(b). In view of this wording, the Notice questions whether this definition is also intended to apply to the political broadcasting/public interest requirements of subsection (a). If not, then what definition of provider of DBS service should be used for subsection (a)?

**Political Broadcasting Rules**

10. Section 25(a) of the 1992 Cable Act mandates that the Commission apply the access to broadcast time requirement of section 312(a)(7) and the use of facilities requirements of section 315 of the Communications Act to providers of DBS service providing video programming. In compliance with this statutory directive, we propose to apply our existing rules implementing these statutory sections and to tailor these rules to account for differences between multichannel DBS systems and traditional broadcast stations.

11. *Reasonable Access to DBS Systems by Federal Candidates.* Section 312(a)(7) of the Communications Act and section 73.1944 of the Commission's Rules require stations to afford reasonable access for federal candidates to their facilities, or to permit federal candidates to purchase "reasonable amounts of time." The Notice proposes to apply section 73.1944 of the Rules and the policies codified in MM Docket 91–168 to DBS providers. However, since this appears to be the first time that the reasonable access requirements will be applied to multichannel video delivery systems, the Notice solicited comment as to what constitutes reasonable access in such a situation. Should a DBS provider that controls multiple channels be required to make all video channels available to federal candidates? Or, should DBS operators have the discretion to place all political advertisements on one channel or a limited number of specific channels? The Notice solicits comment on the extent to which DBS may be utilized for political advertising by federal candidates under these proposed provisions, and any specific burdens this may create for DBS operators.

12. *Equal Opportunities for All Candidates.* Section 315(a) of the Communications Act and section 73.1941 of the Commission's Rules provide that, if a broadcast licensee permits any legally qualified candidate to use its station, the licensee must afford equal opportunities to all other such candidates in the use of the station. Both the statute and the rule exempt bona fide newscasts, interviews, documentaries, and news events from these requirements. Section 73.1940 defines the term "legally qualified candidate."

13. The Notice proposes to apply these rules to providers of DBS service. In addition, the Notice solicits comment on whether DBS providers must air opposing candidates' advertisements on the same channels or take into account the specific demographics of different channels. Such an approach is not followed in cable television; rather, cable TV operators have been informally advised to ensure that the channels utilized have comparable audience size. Should such an approach be followed with respect to DBS?

14. *Lowest Unit Charge.* Section 315(b) of the Communications Act and section 73.1942 of the Commission's Rules provide that a broadcast station may not charge any legally qualified candidate for the use of a station more than the lowest unit charge (LUC) of the station during the 45 days preceding a primary or runoff election and the 60 days preceding a general or special election. The Notice proposes to apply section 73.1942, as well as the LUC policies codified in MM Docket 91–168, to providers of DBS service.

15. *Political File Requirements.* Section 73.1943 of the Commission's Rules requires broadcast stations to maintain and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates, the disposition made by the licensee of such requests, and the charges, if any, made for the time. The Notice proposes to apply this section to providers of DBS service. The Notice also solicits comment on where a provider of DBS service should keep its political file, and tentatively concludes that the political file should be maintained and accessible at the headquarters of the DBS service provider.

**Other Public Interest Requirements**

16. The Notice explains that the language of section 25(a) of the 1992 Cable Act appears to give the Commission authority to adopt other public interest requirements for DBS service providers beyond the political programming requirements discussed above and the reservation requirements for noncommercial, educational programming discussed below. However, the Notice tentatively concludes that, given the flexible regulatory approach taken for DBS and its early stage of development, no other

regulations should be considered at this time. However, commenters may address whether and what other types of regulations should be considered for DBS providers at this time.

**Opportunities for Localism on DBS**

17. Section 25(a) of the 1992 Cable Act also requires that we consider the opportunities that DBS provides for promoting the principle of localism under the Communications Act. Since DBS systems are essentially designed to serve the entire continental United States, the Notice interprets Congress' directive to be that we consider whether a national mode of programming service such as DBS can accomplish the long standing goal of service to individual communities.

18. Although the Commission has historically licensed terrestrial broadcast stations to serve specific local communities, DBS was authorized as a nonlocal service that would provide service on a national or regional basis. When the rules governing this service were adopted in 1982, it was not believed possible for a DBS system to "spot beam" programming to individual communities. However, over ten years have passed since these rules were adopted. Accordingly, the Notice solicits comment on the technical and economic feasibility of providing localized DBS service.

**Carriage Obligations for Noncommercial, Educational, and Informational Programming**

19. Section 25(b) of the 1992 Cable Act requires that DBS providers reserve four to seven percent of their channel capacity for noncommercial programming of an educational or informational nature and that this reserved channel capacity be made available to national educational programming suppliers upon reasonable prices, terms, and conditions as determined by the Commission.

20. *Reservation Requirement.* The Notice asked whether section 25(b) requires that discrete channels, or a percentage of cumulative time on multiple channels, be reserved for noncommercial use. If it is the former, how do we calculate the total channel capacity for a DBS system? Should we count the number of channels licensed or allotted to a DBS distributor? Or, should we count the number of channels supplied to customers, which would take into account the potential for expanding the number of channels by digital compression techniques?

21. The Notice also solicited comment on the percentage or number of channels that should be reserved. Should DBS systems with relatively large total channel capacity be subjected to a greater reservation requirement than systems with relatively less total channel capacity? Also, should the reservation requirement be cast in terms of a percentage or a discrete whole number of channels that would be reserved to avoid having to reserve parts of channels. The Notice suggests that a sliding scale could be used so that systems falling into various categories (such as having 20 to 30 channels) would be required to reserve a specific number of channels.

22. *Responsibility for Programming.* Since section 25(b) mandates that no editorial control should be exercised by the DBS provider over the noncommercial programming aired, the Notice solicits comment on who should be responsible for the programming in the event Commission Rules or federal statutes are violated. The Notice tentatively concludes that a DBS provider should not be liable for harm or violations caused by programming over which it has no control. The Notice also questions whether there may be limited circumstances in which a DBS provider can refuse carriage of programming or can restrict its dissemination such as in cases of indecency or obscenity.

23. *Definition of National Educational Programming Supplier.* Section 25(b)(3) requires that a DBS provider shall make its reserved channel capacity available to national educational programming suppliers, and section 25(b)(5)(B) states that "the term 'national educational programming supplier' includes any qualified noncommercial educational television station, other public telecommunications entities, and public or private educational institutions." The Notice solicits comment as to the scope of this term. The Notice states that it should encompass not only public television licensees but also entities such as the Public Broadcasting Service which disseminate programming on a national basis to television stations. What other entities should be included?

24. *Definition of Noncommercial, Educational and Informational Programming.* Although the reserved channel capacity is to be used for noncommercial, educational and informational programming, this term is not defined in Section 25(b). As a result, the Notice solicits comment on whether it is necessary for the Commission to define this term. If so, what should the term include? Or, should the Commission, after deciding the types of entities that may seek access to the reserved channel capacity, not enumerate the specific types of programming that may be aired?

25. *Use of Unused Channel Capacity.* Section 25(b)(2) of the 1992 Cable Act permits a DBS service provider to "* * * utilize for any purpose any unused channel capacity required to be reserved under this subsection pending the actual use of such channel capacity for noncommercial programming of an educational or informational nature." The Notice solicits comment on what constitutes a "use" of a reserved channel by a noncommercial program provider that would trigger an end to the DBS service provider's ability to utilize such reserved channels. For example, does the "use" commence with the signing of a written agreement? Or, should a DBS service provider be able to use the reserved channel capacity until the noncommercial program provider is ready to commence broadcasting its programming.

26. *Rates.* Section 25(b)(4) provides that the Commission shall not allow prices charged by DBS providers for the use of reserved channel capacity to exceed 50% of the direct costs of making the channel available. The Notice seeks comment on the appropriate percentage to use and the financial impact that this provision will have on DBS providers. The Notice also asks whether we should presume that charging noncommercial entities 50% of direct costs is reasonable.

27. The Notice also solicits comment as to the meaning of the term "direct costs." While section 25(b)(4) requires the Commission to exclude certain costs in its rate determination such as "marketing costs, general administrative costs, and similar overhead costs," the Notice questions whether costs such as a proportional share of the construction, launch, and insurance of the space station used could be considered. Likewise, the Notice requests comment on whether certain overhead or personnel costs that are directly related to making the channels available to nonprofit groups could also be considered "direct costs."

28. Section 25(b)(4) also states that the Commission shall take into account the nonprofit character of the programmer to whom the capacity is provided and any federal funds used to support the programming. The Notice asks whether this language means that such characteristics should entitle some individual programmers to an even lower rate than 50% of the direct costs of the provider.

29. Finally, while section 25(b) assumes that noncommercial program suppliers will lease reserved channels from DBS providers, the Notice observes

that this may not be the only way in which such channels are provided. If DBS providers enter into other types of contractual arrangements with program suppliers, under which programming comporting with the definitions of Section 25(b) is delivered, should this be counted toward fulfilling the DBS service provider's obligation under this section if mutually agreed upon?

**Administrative Matters**

*Initial Regulatory Flexibility Analysis*

Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds:

30. Reason for action: This action is taken to implement section 25 of the Cable Television Consumer Protection and Competition Act of 1992 which requires the Commission to adopt public service obligations for providers of direct broadcast satellite (DBS) service providing video programming.

31. Objective of this Action: This action has three objectives. First, the Notice proposes to apply the political broadcasting requirements of sections 312(a)(7) and 315 of the Communications Act to DBS service providers and to consider whether any other public interest requirements should also be imposed. Second, the Notice seeks to compile a record on whether a national mode of broadcasting such as DBS can accomplish the Commission's long standing goal of service to individual communities by beaming programming to local or regional areas. Third, the Notice solicits comments on requiring DBS service providers to reserve between 4% and 7% of their total channel capacity for noncommercial, educational and informational programming and to make this channel capacity available to national educational programming suppliers upon reasonable prices, terms, and conditions as determined by the Commission.

32. Legal Basis: Authority for the actions proposed in this Notice may be found in sections 4(i) and (j) and 303 of the Communications Act of 1934, as amended, and the Cable Television Consumer Protection and Competition Act of 1992.

33. Reporting, Recordkeeping, and Other Compliance Requirements: Application of the political broadcasting requirements of section 312(a)(7) and 315 of the Communications Act would necessitate that DBS service providers maintain and permit public inspection of a complete record of all requests for broadcast time, the dispositions made of such requests, and the charges, if any, made for the time. With respect to the carriage obligations for noncommercial, educational and informational programming, DBS service providers would have to process and authorize requests for use of the reserved channel capacity at reasonable rates as determined in this rulemaking proceeding.

34. Federal Rules which Overlap, Duplicate, or Conflict with the Proposed Rule: None.

35. Description, Potential Impact and Number of Small Entities Involved: There are 9 entities that have construction permits for high-powered DBS satellite systems under part 100 of the Commission's Rules that would become subject to these public interest obligations when they commence broadcasting. Other DBS systems Under part 25 of the Commission's Rules may also be subject to these public interest requirements, but at the present time we are aware of only one company—which is a joint venture of various owners of multiple cable systems—that is providing direct-to-home programming by satellite in the Ku-band.

The potential impact of applying the political broadcasting requirements to these entities is that they would have to sell air time at their lowest unit charge to federal candidates and to other types of candidates that they permit on the air. The potential impact of the carriage obligations for noncommercial programming is that, under section 25(b) of the 1992 Cable Act, DBS service providers may not charge more than 50% of the "direct" costs of making a reserved channel available. This would presumably result in a loss on the use of these reserved channels. In addition, an unknown number of small entities such as public television stations and public or private educational institutions would have the opportunity to purchase time at reasonable rates for the broadcasting of noncommercial, educational and informational programming.

36. Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives: There are no alternatives with respect to the proposals to apply the political broadcasting rules or to establish carriage obligations for noncommercial, educational and informational programming that would minimize the impact on small entities. However, with respect to the possibility of adopting other public interest requirements or considering how DBS systems could promote localism, there is an additional option—that is, not to adopt regulations at this time but reserve the right to do so in the future if circumstances so warrant.

37. As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of these proposed policies and rules on small entities. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same deadlines as comments on the other sections of this Notice of Proposed Rule Making. However, such comments must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice of Proposed Rule Making and regulatory flexibility analysis to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

**Ex Parte**

38. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. *See generally* 47 CFR 1.1202, 1.203, and 1.206(a).

**Comments**

39. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before May 24, 1993, and reply comments on or before June 30, 1993. To file formally in this proceeding, you must file an original plus four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, room 239, Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

**Ordering Clauses**

40. Authority for this Notice of Proposed Rule Making is contained in sections 4 (i) and (j), 303, 613, and 617 of the Communications Act of 1934, as amended.

**List of Subjects in 47 CFR Part 76**

Cable television.

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

[FR Doc. 93–5288 Filed 3–5–93; 8:45 am]

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**47 CFR Part 76**

**[MM Docket No. 92–264, DA 93–233]**

## Cable Act of 1992; Cross-Ownership Limitations and Anti-Trafficking

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** Action taken herein extends the time for filing reply comments to the Notice of Proposed Rulemaking and Notice of Inquiry in MM Docket No. 92–264, 58 FR 3523 (January 11, 1993). The Notice seeks comment on the interpretation and implementation of the cross-ownership and anti-trafficking provisions of the Cable Act of 1992 as well as on the adoption of limits on horizontal concentration and vertical integration in the cable industry. The Commission agrees that it is appropriate to allow commenters additional time to address the vertical and horizontal ownership limits after the Commission has promulgated Program Access and Leased Access regulation, therefore, we leave the record open for reply comments addressing the establishment of vertical and horizontal ownership limits until May 12, 1993.

**DATES:** Reply comments are due on or before May 12, 1993.

**FOR FURTHER INFORMATION CONTACT:** Jackie Chorney, Policy and Rules Division, Mass Media Bureau (202) 632–7792.

**SUPPLEMENTARY INFORMATION:**

**Order**

In the matter of Implementation of sections 11 and 13 of the Cable Television Consumer Protection and Competition Act of 1992, Horizontal and Vertical Ownership Limits, Cross-Ownership Limitations and Anti-trafficking Provisions.

*Adopted:* February 26, 1993.

Released: February 26, 1993

*Comment Date:* February 9, 1993.

*Reply Comment Date:* May 12, 1993.

By the Chief, Mass Media Bureau:

1. Turner Broadcasting System, Inc. ("TBS"), by its attorneys, and Consumer Federation of America each filed motions requesting an extension of time for submission of reply comments in the above referenced proceeding. TBS requests such an extension until after the Commission has adopted rules implementing the Section 19 program access provisions and the section 9 leased access provisions of the Cable Consumer Protection and Competition Act of 1992 ("1992 Act").[1] Pursuant to the 1992 Act, the Commission must adopt Program Access and Leased Access rules by April 5, 1993.

2. TBS submits that such an extension is necessary because the outcome of the Program Access and Leased Access Proceedings "will directly affect the views of interested parties with respect to the appropriate horizontal and vertical limits to be imposed pursuant to Sections 11 and 13."[2] TBS also notes that the grant of such an extension will not contravene congressional intent, since the 1992 Act contemplates the adoption of horizontal and vertical ownership limits by October 5, 1993.

3. In the Notice of Proposed Rule Making and Notice of Inquiry, MM Docket No. 92–264, released December 28, 1992, in this proceeding, the Commission recognized that the structural restraints of the vertical and horizontal ownership limits must be considered in conjunction with the behavioral restrictions adopted in the Program Access and Leased Access Proceedings. Therefore, we agree that it is appropriate to allow commenters additional time to address the vertical and horizontal ownership limits after the Commission has promulgated Program Access and Leased Access regulations. However, since other issues in this proceeding such as the interpretation and implementation of the anti-trafficking and cross-ownership restrictions are unrelated to the Program Access and Leased Access Proceedings, we decline to extend the date for reply comments on all issues contained in this proceeding. Instead, we will leave the record open for reply comments addressing the establishment of vertical and horizontal ownership limits until May 12, 1993. This should provide interested parties adequate time to review and consider the implication of the Program Access and Leased Access rules on the establishment of vertical and horizontal ownership limits.

4. *Accordingly, it is ordered,* That the Motions for Extension of Time filed by Turner Broadcasting Systems, Inc. and Consumer Federation of America are granted and the time for filing reply comments on the issues of vertical and horizontal ownership limits is extended until May 12, 1993.

5. This action is taken pursuant to authority granted in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and delegated in § 0.204 (b) and 0.283 and 1.46 of the Commissioner's Rules.

Federal Communications Commission.

**Roy J. Stewart,**

*Chief, Mass Media Bureau.*

[FR Doc. 93–5287 Field 3–5–93; 8:45 am]

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[1] See Notice of Proposed Rulemaking In the Matter of Implementation of Sections 12 and 19 of the Cable Television Consumer Protection and Competition Act of 1992, MM Docket No. 92–265, released December 24, 1992 ("Program Access Proceeding"); Notice of Proposed Rulemaking In the Matter of Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation, MM Docket No. 92–266, released December 24, 1992 ("Leased Access Proceeding").

[2] TBS Comments at 2.

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## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

**49 CFR Part 571**

**[Docket No. 90–16; Notice 02]**

**RIN 2127–AD09**

## Federal Motor Vehicle Safety Standards, Seating Systems; Pedestal Seats

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM).

**SUMMARY:** This notice proposes to amend Standard 207, Seating Systems, to establish more appropriate test procedures for pedestal seats. A previous notice of proposed rulemaking was issued in 1990. The main difference between today's supplemental proposal and the 1990 proposal concerns the definitions of a pedestal seat. The test procedure that today's notice proposes to add to the standard is virtually identical to the earlier proposal, except that today's notice would permit manufacturers the choice of using either the current procedure or the new one for testing most pedestal seats.

This notice also announces the availability of a test report on tests conducted using the proposed procedure. NHTSA conducted the tests in response to commenters on the earlier proposal. The report is available in NHTSA's docket section.

**DATES:** Comments on this notice must be received by the agency no later than May 7, 1993.

Proposed effective date: If adopted, this amendment would be effective 90 days after publication of the final rule in the **Federal Register.**

**ADDRESSES:** Comments should refer to the docket number and notice number and be submitted in writing to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–5267. Docket hours are 9:30 a.m. to 4 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Dr. William J.J. Liu, Office of Vehicle Safety Standards, NRM–12, National

Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. Telephone: (202) 366–4923.

**SUPPLEMENTARY INFORMATION:** In August 1990, NHTSA published a notice of proposed rulemaking (NPRM) to establish in Standard 207, Seating Systems, a more appropriate test procedure for pedestal seats. (55 FR 33141; August 14, 1990.) Under the proposal, the pedestal and the seat portion of a pedestal seat would each be separately, but simultaneously, loaded. The NPRM proposed definitions for a "pedestal seat" and parts thereof to differentiate such seats from other seating systems.

The regulatory text in today's SNPRM replaces the text proposed by the 1990 NPRM. The main difference between the regulatory text in the two notices lies in the proposed definitions. Instead of attempting to define and differentiate different parts of a pedestal seat from one another as was done in the NPRM, this notice simply divides pedestal seats into the portion above the seat adjuster and that below the adjuster. The test procedure that today's notice proposes to add to the standard is virtually identical to the earlier proposal, except that today's notice would permit manufacturers the choice of using either the current procedure or the new one for testing most pedestal seats.

**Background**

Standard 207, Seating Systems, specifies requirements for seats and seat attachment assemblies to minimize the possibility of their failure when subjected to the forces imposed on them in a crash. The standard requires seats to withstand a force equal to 20 times the weight of the seat applied in a forward (S4.2(a)) and a rearward (S4.2(b)) direction. The seat must remain in its adjusted position during the successive application of the specified forces (S4.2.1).

The requisite forces are applied through the center of gravity (cg) of a seat if the seat's back and bench are attached to the vehicle by the same attachments (S5.1.1). (This notice uses the term "seat bench" rather than "seat pan" which was used in the NPRM, because "seat bench" is currently used in Standard 207. The terms are synonymous.)

Generally, for a seat configured as shown in Figure 1 of Standard 207, applying the force through the cg ensures a fair representation of the forces bearing on the seat adjuster and attachment structure in a crash. That is, the applied force does not include any force that the adjuster and attachment will not experience in a crash.

However, the application of the forces through the entire seat's cg can be a problem for pedestal seats. A pedestal seat consists of the seat bench, back and adjusters on top of a substantial supporting structure (i.e., the pedestal). The difficulties with testing pedestal seats appears to arise from the pedestal-to-seat weight ratio. In some seats, close to half of the weight of the pedestal seat is below the adjuster, i.e., in the pedestal. If the cg of the pedestal seat assembly lies at or above the level of the seat adjuster, applying a force of 20 times the weight of the entire assembly through the cg imposes a greater force on the adjuster and upper portion of the seat assembly than that experienced by those components in an actual crash.

Manufacturers of vehicles with pedestal seats have asked NHTSA to revise Standard 207's test procedure for their vehicles, particularly with regard to the standard's requirement in S4.2.1 that the seat must remain in its adjusted position when tested. Some manufacturers suggested that the standard's test procedure should be replaced by a two-step process. First, a force of 20 times the weight of the portion of the assembly above the adjuster would be applied to that portion. The test would determine if the upper portion of the assembly remains in its adjusted position during the load applications. Next, the entire seat assembly, as anchored to the vehicle floor, would be tested by applying 20 times the weight of the entire assembly at the cg of the assembly. During the second step, the manufacturers wanted the adjuster to be fixed, such as by welding or by other means. The second step would measure the integrity of the assembly as it is attached to the vehicle structure.

NHTSA concurred with the manufacturers that a seat adjuster on a pedestal seat tested to the standard's specifications is subjected to a greater load than that experienced by the component in a crash. The agency therefore deemed it appropriate to consider amending the procedure codified in the standard. (NHTSA did not concur with the suggestion to weld the seat during the second step of the test.)

The 1990 NPRM proposed that a force equal to 20 times the weight of the upper section of the seat assembly be applied to the cg of that section. The proposed procedure also specified that a force equal to 20 times the weight of the pedestal be applied through the cg of the pedestal, simultaneously with applying the load described above the seat's upper section. The agency believed that applying the loads simultaneously rather than sequentially would more nearly simulate real-world crash loading.

In order to determine whether a seat is a pedestal seat, NHTSA tentatively decided to define the terms "pedestal," "upper seat," and "pedestal seat." Under the proposal:

"Pedestal" meant "a structure which supports an upper seat and contributes 30 percent or more of a pedestal seat's total weight."

"Upper seat" meant "the seat back, the seat pan, and includes any horizontally movable portion of the occupant seat."

"Pedestal seat" meant "an assembly of an upper seat and a pedestal."

(The NPRM also proposed to revise the standard's current definition of "occupant seat.") NHTSA specifically requested comments on the proposed definitions.

**The Problem**

Five commenters responding to the NPRM raised questions about the proposed definitions. After reviewing the comments, NHTSA determined that it would issue an SNPRM to revise the proposed definitions.

Some commenters expressed concerns that the proposed "pedestal" definition might be too restrictive. For example, Seats Incorporated said that the definition should not specify a minimum 30 percent value, but should be expanded to ensure that "pedestal seat" includes any seat that has weight below the adjusters that "significantly affects the center of gravity and the test load." Ford indicated that the 30 percent value in the pedestal definition is too precise and does not account for pedestal seats that may have features, such as a built-in child restraint system, that affect whether the pedestal meets the 30 percent criterion for a particular seat. Ford also believed that the definition should be expanded to include non-structural components attached to the pedestal, such as stowage bins, electronic modules and plastic trim.

Commenters were also concerned that the definitions were ambiguous. Progressive Engineering said that the proposed definitions did not clearly indicate whether standard or electric seat adjusters would be part of the pedestal or the upper seat. That commenter suggested that "by clarifying the adjuster as a third component of the pedestal seat there would be no doubt where to add the adjuster load or how it affects the center of gravity measurements." IMMI believed that the "upper seat" definition implies that the fore/aft seat adjuster would have to be

located between the top of the pedestal and the bottom of the seat pan, which could limit new seat designs. Bostrom Seating said that pedestals could be constructed of several modules, each with motion in a horizontal plane. That commenter stated that the standard should "consider all the modules as a single pedestal and test accordingly." Bostrom suggested the following definitions: "Pedestal means the structure of the occupant seat between the floor pan and the uppermost horizontal motion plane." "Upper seat means the portion of the occupant seat above the uppermost horizontal motion plane."

**New Proposal**

Unlike the NPRM, today's SNPRM does not define a pedestal seat or divide it into various parts and define each part (i.e., pedestal seat, pedestal, and upper seat section). The reason is two-fold. First, it is difficult to develop a definition broad enough to accommodate various pedestal seat designs yet not so broad so as to be ambiguous. Second, the multiple definitions appear to be unnecessary.

The issue to be resolved is whether the standard ensures that the adjuster is not subjected to a force representing, in part, the weight of the portion of the seat below the adjuster. NHTSA tentatively concludes that the standard can accomplish this goal if it defines "seat adjuster." If the term can be defined, the seat adjuster can demarcate which portion of the seat would be used as the basis for the various load applications.

"Seat adjuster" would be defined as "the part of the seat that allows the seat bench and back to move forward and rearward, and/or to rotate around a vertical axis, including any fixed portion, such as a seat track * * *" The purpose of the definition is to divide the entire seat weight appropriately for the purpose of determining how much weight to apply to the various portions of the seat. The definition accords with the suggestion of some commenters that the adjuster should be defined as a separate component from other parts of the pedestal seat. NHTSA requests comments on the proposed definition.

**Test Procedure**

The test procedure described in today's SNPRM is the same as the procedure proposed in the NPRM. The procedure requires the simultaneous application of the two loads. One load would be 20 times the weight of the portion of the seat which extends above the lowest surface of the seat adjuster. The second load would be 20 times the weight of the portion of the seat that extends below the lowest surface of the uppermost seat adjuster down to the floor pan. Lap and/or torso belt loads are also applied simultaneously if the seat belt assembly is attached to the seat.

The "uppermost" adjuster is specified in case of a seat with adjusters at two different levels, i.e., the seat has two different horizontal motion planes. Two manufacturers commented that their seats are so designed; the agency requests comments on how common it is for a seat to have two adjusters, one at a higher level than the other. The appropriate load for the uppermost seat adjuster is a force 20 times the weight of the adjuster and the portion of the seat above the adjuster. The lower adjuster would be subjected to a force 20 times the weight of the seat that extends from the lowest surface of the uppermost seat adjuster down to the floor pan. The agency requests comments on whether those lower adjusters should be subjected only to a force equal to 20 times the weight of the portion of the seat above the lower adjusters. Bostrom commented that it might be impractical to apply individual forces to each portion of the pedestal that is separated from the rest of the pedestal by an adjuster or adjusters.

Some commenters suggested that the test could not be conducted on some pedestal seats without excessive expense or difficulty. Mack Trucks expressed concern that a seat that is currently subject to three simultaneously-applied loads (to the seat, pelvis and upper torso body blocks) would be subject to four simultaneously-applied loads under the proposal. Mack believed that the four-load test would be difficult to conduct. Seats Incorporated said that the Standard 207 loads and the seat belt loads would be very difficult to apply simultaneously because two loads might have to be applied at or near the same location. That commenter suggested applying the loads separately.

The agency proposed simultaneously-applied loads instead of separately applied loads to simulate better the loads on the various portions of the seat assembly in a real-world crash. In response to the commenters, however, the agency tested a pedestal seat to evaluate the ease with which the test can be conducted. NHTSA selected an "air supplied low height suspension/low seat back" model produced by Bostrom. Since the seat had a cg location for the seat/horizontal adjuster in close proximity to the location of the pelvis bodyform, testing the seat necessitated the most complex test hardware set-up. The agency mounted the seat in a Ford F–150 pick-up cab shell that was fixed on a rigid fixture.

NHTSA followed the test procedure proposed in the NPRM. In the test, the agency simultaneously applied four loads (torso bodyform, pelvis bodyform, seat and adjusters, and pedestal). The agency ran the test without excessive expense. NHTSA estimates the additional costs for the procedure to be $50 per test, with a one-time set-up cost of about $2,500.

The test results are discussed in a report that has been placed in the rulemaking docket. The report also discusses results from tests of the Bostrom seat using the current Standard 207 procedure (simultaneous application of three loads (torso bodyform, pelvis bodyform, and complete seat assembly)), and the two-step procedure mentioned above in this notice, which was suggested in the past by manufacturers and by some commenters to the NPRM.

Today's SNPRM would permit manufacturers to choose between the current Standard 207 procedure (load applied at cg of entire seat) or the new procedure for certain seats. Those seats would be those whose cg, as measured from the top of the seat back to the floor, is located in or above the horizontal plane tangent to the lowest surface of the seat adjuster (the uppermost adjuster if there is more than one adjuster). Since the current procedure is more stringent than the proposed one, NHTSA believes that few manufacturers would choose to test seats in new models under the current procedure.

This notice also specifies that the current procedure would have to be used if it is not physically possible to conduct the proposed procedure. For example, the pedestal height might be too low to accommodate equipment such as winch cables that apply the test loads to the seat. NHTSA requests comments on the issue of allowing optional use of the new procedure.

**Effective Date**

NHTSA proposes that these amendments be effective 90 days after publication of the final rule. The agency has tentatively determined that an effective date of less than 180 days is in the public interest because the amendment would specify a more representative test for pedestal seats. Moreover, the proposed test procedure, which is less stringent, would be optional for most manufacturers. Manufacturers, if any, for whom the new test procedure would be more stringent can choose to test their pedestal seats under Standard 207's

current procedure. The proposed rule would thus have minimal effects on manufacturers.

The proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392(d)), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

**Rulemaking Analyses and Notices**

*Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures*

NHTSA has determined that this proposed rule is not a major rule under Executive Order 12291 nor a significant rule within the meaning of the Department of Transportation's regulatory policies and procedures. A fully regulatory evaluation is not required because NHTSA anticipates that the rule, if adopted, would have no economic impacts other than a one-time cost related to the test fixture, for those manufacturers choosing the new procedure. In particular, they would have to add pneumatic or hydraulic rams to their test set-up. It is estimated that there would be a one-time set-up cost of $2,500. The proposed test procedure would not require any design, retooling, or assembly changes. The proposal is essentially a clarification of the test procedure.

*Regulatory Flexibility Act*

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act. Based upon the agency's evaluation, I certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. Vehicle manufacturers typically would not qualify as small entities. While some manufacturers of pedestal seats and seat belt attachments may be small entities, for the reasons stated above, NHTSA believes the proposed amendment would not significantly affect them. The proposed amendments should not affect the costs of pedestal seats, since the new procedure clarifies current requirements and does not make substantive changes. Because of this, small organizations and governmental units that purchase vehicles with pedestal seats should not be affected by the proposed rule.

*Executive Order 12612*

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

*National Environmental Policy Act*

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

**Comments on the Proposal**

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

**List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Motor vehicles.

**PART 571—[AMENDED]**

In consideration of the foregoing, NHTSA proposes to amend 49 CFR part 571 as set forth below.

1. The authority citation for part 571 would continue to read as follows:

**Authority:** 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

**§ 571.207 [Amended]**

2. S3, S4.2.1, and S5 through S5.1.1 would be revised to read as follows:

* * * * *

S3 *Definitions.*

*Occupant seat* means a seat that provides at least one designated seating position.

*Seat adjuster* means the part of the seat that allows the seat bench and back to move forward and rearward, and/or to rotate around a vertical axis, including any fixed portion, such as a seat track. The term also means the uppermost seat adjuster in the case of a seat equipped with seat adjusters at different levels.

* * * * *

S4.2.1 *Seat adjustment.* Except for vertical movement of nonlocking suspension type occupant seats in trucks or buses, each seat shall remain in its adjusted position when tested in accordance with the test procedures specified in S5.

* * * * *

S5. *Test procedures.*

S5.1 Apply the forces specified in S4.2(a) and S4.2(b) as follows:

S5.1.1 *For a seat whose seat back and seat bench are attached to the vehicle by the same attachments.*

(a) If the height of the seat is adjustable, the loads are applied when the seat is in its highest adjustment position.

(1) For a seat whose center of gravity (cg) of the seat, as measured above the floor pan, is located in or above the horizontal plane tangent to the lowest surface of the seat adjuster, and for which it is physically possible to follow

the procedure in S5.1.1(c), use at the manufacturer's option either S5.1.1(b) or S5.1.1(c).

(2) For a seat specified in paragraph (1) of this section for which it is not physically possible to follow the procedures in S5.1.1(c), use S5.1.1(b).

(3) For a seat whose cg is located below the horizontal plane tangent to the lowest surface of the uppermost seat adjuster, use S5.1.1(c).

(b) Secure a strut on each side of the seat from a point on the outside of the seat frame in the horizontal plane of the seat's cg to a point on the frame as far forward as possible of the seat anchorages. Between the upper ends of the struts attach a rigid cross-member, in front of the seat back frame for rearward loading and behind the seat back frame for forward loading. Apply the force specified by S4.2(a) or S4.2(b) horizontally through the rigid cross-member as shown in Figure 1.

(c) Find "$cg^1$," the cg of the seat measured from the top of the seat back to the horizontal plane tangent to the lowest surface of the seat adjuster. On each side of the seat, secure a strut from a point on the outside of the seat frame in the horizontal plane of $cg^1$ to a point on the frame as far forward as possible of the seat anchorages. Between the upper ends of the struts attach a rigid cross-member, in front of the seat back frame for rearward loading and behind the seat back frame for forward loading. Find "$cg^2$," the cg of the portion of the seat that is between the lowest surface of the seat adjuster and the floor pan. Apply a force horizontally through $cg^1$ equal to 20 times the weight of the seat from the top of the seat back to the lowest surface of the seat adjuster, and simultaneously apply a force horizontally through $cg^2$ equal to 20 times the weight of the seat from the lowest surface of the seat adjuster to the floor pan.

* * * * *

Issued on March 2, 1993.

Barry Felrice,

*Associate Administrator for Rulemaking.*

[FR Doc. 93–5127 Filed 3–5–93; 8:45 am]

BILLING CODE 4910–59–M

# Notices

Federal Register
Vol. 58, No. 43
Monday, March 8, 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.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Committee on Governmental Processes; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Governmental Processes of the Administrative Conference of the United States. The meeting will be held at 2 p.m., on Wednesday, March 31, 1992, at the Administrative Conference of the United States, suite 500, 2120 L Street, NW., Washington, DC (Library, 5th Floor).

The Committee will meet to discuss the draft recommendation and comments received on the Right to Counsel in Agency Investigations. The recommendation is based upon an underlying study by Professor Ronald F. Wright, Wake Forest University School of Law, on right to counsel issues arising in agency proceedings.

For further information concerning this meeting, contact Deborah S. Laufer, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC (Telephone: 202–254–7020).

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at lease one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available upon request.

Dated: March 1, 1993.

**Jeffrey S. Lubbers,**

*Research Director.*

[FR Doc. 93–5176 Filed 3–5–93; 8:45 am]

BILLING CODE 6110–01–M

## DEPARTMENT OF AGRICULTURE

### Notice of Intent To Award a Grant to Coordination in Development, Inc.

**AGENCY:** Office of International Cooperation and Development (OICD).

**ACTION:** Notice of intent.

**ACTIVITY:** OICD intends to award a grant to Coordination in Development (CODEL), Inc., for a revision to the book, "Environmentally Sound Small-Scale Forestry Projects."

**AUTHORITY:** Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99–198).

OICD anticipates the availability of funds in fiscal year 1993 (FY93) to support research expenses for potential revision of an existing book, "Environmentally Sound Small-Scale Forestry Projects." STEP 1 of the work will include survey and detailed analysis of survey results, and review of the existing book for potential revision based on the analysis.

Based on the above, this is not a formal request for application. An estimated $19,878 will be available in FY93 as partial funding support for STEP 1 of the project. Actual revision of the book may be covered by extension of this grant pending results of STEP 1, and availability of further funding.

Information on proposed Grant #59–319R–3–015 may be obtained from: USDA/OICD/Administrative Services, 0324—South Bldg., Washington, DC 20250–4300.

Dated: March 2, 1993.

**Nancy J. Croft,**

*Contracting Officer.*

[FR Doc. 93–5182 Filed 3–5–93; 8:45 am]

BILLING CODE 3410–DP–M

### Notice of Intent To Enter Into an Agreement With the Midwest Universities Consortium for International Affairs

**AGENCY:** Office of International Cooperation and Development (OICD), USDA.

**ACTION:** Notice of intent.

**ACTIVITY:** OICD intends to enter into an agreement with the Midwest Universities Consortium for International Affairs (MUCIA) to provide partial funding support for the MUCIA Internship Program.

**AUTHORITY:** Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (17 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99–198).

OICD announces the availability of funds in fiscal year 1993 (FY1993) to enter into an agreement with MUCIA to provide partial funding support for two interns who will work with the OICD Food Industries Division. Funds will support the stipend and travel expenses of the interns.

Based on the above, this is not a formal request for application. An estimated $4,600 will be available in FY1993 to support this project.

Information on proposed Agreement 58–319R–3–044 may be obtained from: USDA/OICD/Admin Services, 0324 South Bldg, Washington DC 20250–4300.

Dated: March 2, 1993.

**Nancy J. Croft,**

*Contracting Officer.*

[FR Doc. 93–5183 Filed 3–5–93; 8:45 am]

BILLING CODE 3410–DP–M

### Notice of Intent To Enter Into An Agreement With the World Resources Institute

**AGENCY:** Office of International Cooperation and Development (OICD).

**ACTION:** Notice of intent.

**ACTIVITY:** OICD intends to enter into an agreement with the World Resources Institute to provide funding support for a study on "USAID–NGO Collaboration in Environmental Policy Reform in Africa."

**AUTHORITY:** Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99–198).

OICD announces the availability of funds in fiscal year 1993 (FY1993) to enter into an agreement with the World Resources Institute (Center for International Development and Environment) to provide partial funding support for a study on Environmental Policy Reform. The goal of this study is to help improve natural resources management in Africa through better USAID and NGO relationships and

increased collaboration in public policy reform.

Based on the above, this is not a formal request for application. An estimated $44,665 will be available in FY1993 to support this project.

Information on proposed Agreement 58-319R-3-045 may be obtained from: USDA/OICD/Admin Services, 0324 South Bldg, Washington DC 20250-4300.

Dated: March 2, 1993.

Nancy J. Croft,

*Contracting Officer.*

[FR Doc. 93-5184 Filed 3-5-93; 8:45 am]

BILLING CODE 3410-OP-M

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## Animal and Plant Health Inspection Service

[Docket No. 93-017-1]

## Availability of Environmental Assessments and Findings of No Significant Impact Relative To Issuance of Permits To Field Test Genetically Engineered Organisms

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that seven environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The environmental assessments provide a basis for our conclusion that the field testing of these genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

**ADDRESSES:** Copies of the environmental assessments and findings 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. Persons wishing to inspect an application are encouraged to call ahead on (202) 690-2817 to facilitate entry into the reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. For copies of the environmental assessments and findings of no significant impact, write to Mr. Clayton Givens at the same address. Please refer to the permit numbers listed below when ordering documents.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article may be introduced into the United States. The regulations set forth the procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing each permit application, APHIS assessed the impact on the environment that releasing the organisms under the conditions described in the permit application would have. APHIS has issued permits for the field testing of the organisms listed below after concluding that the organisms will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of permits to allow the field testing of the following genetically engineered organisms:

| Permit No. | Permittee | Date Issued | Organisms | Field test location |
|---|---|---|---|---|
| 92-279-01 | Monsanto Agricultural Company. | 02-03-93 | Tomato Plants genetically engineered to increase the solids content. | Florida. |
| 92-322-01, renewal of permit 91-352-02, issued on 04-15-92. | Pioneer Hi-Bred International, Incorporated. | 02-09-93 | Alfalfa plants genetically engineered to express the coat protein gene of the alfalfa mosaic virus (AMV) for resistance to AMV. | Washington. |
| 92-349-04, renewal of permit 91-303-01, issue on 03-03-92. | Frito-Lay, Incorporated | 02-09-93 | Potato plants genetically engineered to express stress-alleviating enzymes, in order to obtain higher levels of stress tolerance in potato tubers. | Wisconsin. |
| 92-349-02, renewal of permit 91-301-01, issued on 02-03-92. | Frito-Lay, Incorporated | 02-11-93 | Potato plants genetically engineered to express metabolic enzymes in order to increase levels of dry matter in potato tubers. | Wisconsin. |
| 92-363-02, renewal of permit 91-352-01, issued on 04-13-92. | Calgene, Incorporated | 02-11-93 | Rapeseed plants genetically engineered to express an anti-sense desaturase gene for modification of oil profiles. | Michigan. |

| Permit No. | Permittee | Date issued | Organisms | Field test location |
|---|---|---|---|---|
| 92-301-01 | DNA Plant Technology Corporation. | 02-12-93 | Tomato plants genetically engineered to express a sense transcript for aminocyclo-pro-pane-1-carboxylic acid (ACC) synthase to modify ripening. | California, Florida. |
| 92-343-01, renewal of permit 92-022-04, issued on 05-21-92. | Calgene, Incorporated | 02-12-93 | Tomato plants genetically engineered to express an antisense poly-galacturonase (PG) gene, a cytokinin production gene, and ethylene regulation genes, all of which are involved in ripening. | California. |

The environmental assessments and findings of no significant impact have been 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).

Done in Washington, DC, this 3rd day of March 1993.

**Lonnie J. King,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 93-5255 Filed 3-5-93; 8:45 am]

BILLING CODE 3410-34-M

**[Docket No. 93-018-1]**

## Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that 13 applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

**ADDRESSES:** Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect an application are encouraged to call ahead on (202) 690-2817 to facilitate entry into the reading room. You may obtain copies of the documents by writing to the person listed under **FOR FURTHER INFORMATION CONTACT.**

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason To Believe Are Plant Pest," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

| Application No. | Applicant | Date received | Organisms | Field test location |
|---|---|---|---|---|
| 93-032-01 | Frito-Lay, Incorporated | 02-01-93 | Potato plants genetically engineered to express genes for resistance to *Rhizoctonia solani*, *Erwinia spp.*, and potato virus X. | Wisconsin. |
| 93-033-01 | PetoSeed Research Center. | 02-02-93 | Tomato plants genetically engineered to express the enzyme invertase for increased soluble solids. | California. |
| 93-033-02 | Pioneer Hi-Bred International, Incorporated. | 02-02-93 | Sunflower plants genetically engineered to express a methionine-rich seed storage protein from Brazil nut. | North Dakota. |
| 93-033-03 | FFR Cooperative | 02-02-93 | Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate. | Indiana, Tennessee. |
| 93-033-04 | Ciba Seeds Biotechnology Research. | 02-02-93 | Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate. | Florida, Illinois. |

| Application No. | Applicant | Date received | Organisms | Field test location |
|---|---|---|---|---|
| 93-034-01 | Calgene, Incorporated | 02-03-93 | Cotton plants genetically engineered to express a nitrilase enzyme for tolerance to the herbicide bromoxynil. | Alabama, Arizona, Arkansas, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas. |
| 93-036-01 | Land O'Lakes Research Farm. | 02-04-93 | Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate. | Iowa. |
| 93-039-01 | DeKalb Plant Genetics Research. | 02-08-93 | Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate. | Connecticut, Hawaii, Illinois. |
| 93-039-02 | University of Wisconsin at Madison. | 02-08-93 | Spruce and Poplar trees genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* subsp. *kurstaki* strain HD1 for resistance to lepidopteran insects. | Wisconsin. |
| 93-040-01 | Hoechst-Roussel Agri-Vet Company. | 02-09-93 | Corn plants genetically engineered to express the phosphinothricin N-acetyltransferase (PAT) gene, for tolerance to the herbicide glufosinate. | California, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Virginia, Wisconsin. |
| 93-040-02 | Ciba Seeds Biotechnology. | 02-09-93 | Tobacco plants genetically engineered to express a protein for resistance to fungal plant pathogens. | North Carolina. |
| 93-040-03 | Samuel Roberts Noble Foundation. | 02-09-93 | Tobacco plants genetically engineered to express a rice chitinase and/or an alfalfa glucanase gene for resistance to fungal plant pathogens. | Oklahoma. |
| 93-041-01, renewal of permit 92-027-01, issued on 04-09-92. | Upjohn Company | 02-10-93 | Cantaloupe and squash plants genetically engineered to express the coat protein genes of cucumber mosaic virus, papaya ringspot virus, watermelon mosaic virus 2, and zucchini yellow mosaic virus for resistance to these viruses. | California, Georgia, Michigan. |

Done in Washington, DC, this 3rd day of March 1993.

**Lonnie J. King,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 93-5256 Filed 3-5-93; 8:45 am]

BILLING CODE 3410-34-M

## Forest Service

### Lake Basin and Busch LP Timber Sales, Wenatchee National Forest, Chelan County, WA; Intent To Prepare an Environmental Impact Statement

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Forest Service, USDA, will prepare an environmental impact statement (EIS) to analyze and disclose the environmental impacts of a site-specific proposal for the Lake Basin and Busch LP Timber Sales. The project is located within the Slide Ridge Roadless Area in the Lake Creek Drainage on the Entiat Ranger District of the Wenatchee National Forest. The purpose of the EIS will be to develop and evaluate a range of alternatives for timber harvest and road construction levels. The alternatives will include a no action alternative, involving no harvest or construction, and additional alternatives to respond to issues generated during the scoping process. The proposed project will be in compliance with the direction in the Wenatchee National Forest Land and Resource Management Plan which provides the overall guidance for management of the area and the proposed projects for the next ten years. Lake Basin is scheduled for a fiscal year 1995 timber sale and Busch LP is scheduled for a fiscal year 1997 timer sale. The agency invites written comments on the scope of this project. In addition, the agency gives notice of this analysis so that interested and affected people are aware of how they may participate and contribute to the final decision.

**DATES:** Comments concerning the scope and implementation of this proposal must be received by March 31, 1993.

**ADDRESSES:** Submit written comments and suggestions concerning the scope of the analysis to Karin Whitehall, District Ranger, Entiat Ranger District, P.O. Box 476, Entiat, WA 98822.

**FOR FURTHER INFORMATION CONTACT:** Questions and comments about this EIS should be directed to Jim Ogden, Presale Forester, Entiat Ranger District, P.O. Box 476, Entiat, WA 98822; phone (509) 784-1511.

**SUPPLEMENTARY INFORMATION:** The Lake Basin Timber Sale is displayed in Amendment 5 to the Wenatchee National Forest Land and Resource Management Plan, Corrected Schedule A, page 25. This timber sale will consist of harvest of approximately 2,000 MBF on 250 acres with approximately 3.0 miles of road construction. The Busch LP Timer Sale is scheduled for 1997 and is not displayed in Amendment 5. This timber sale will consist of harvest of approximately 2,000 MBF on about 250 acres with approximately 2.0 miles of road construction. In connection with these proposals an evaluation of the impacts of upgrading the service level of

the Shady Pass Road #5900 from Entiat Valley Road to South Shore Lake Chelan Highway will be made.

To date, the major issues that have been identified for these proposed actions are the following: Timber harvest, water quality, soil stability concerns, entry into unroaded area, encroachment of Pawn Lake RNA, effects on trail system, visual quality from trails and Shady Pass Road, spotted owl and lynx habitat, safety on Shady Pass Road and creation of additional blowdown. This proposed sale area is within the Slide Ridge Roadless Area. Approximately 500 acres are proposed for harvesting in a 10,500 acre planning area.

Some forested areas in the planning area are unoccupied spotted owl habitat outside of Habitat Conservation Areas (HCA). There is a small piece of an established HCA within the analysis area.

Public participation will be especially important at several points during the analysis. The Forest Service will be seeking information, comments, and assistance from Federal, State, Tribes, and local agencies, and other individuals or organizations who may be interested in or affected by the proposed actions. This information will be used in preparation of the draft EIS. The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental process.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e. direct, indirect, and cumulative effects and connected actions).
6. Determining potential cooperating agencies and task assignments.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by November 1993. At that time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, and members of the public for their review and comment. EPA will publish a notice of availability of the draft EIS in the **Federal Register**.

The comment period on the draft EIS will be 45 days from the date the EPA notice appears in the **Federal Register**. It is very important that those interested in the management of the Wenatchee National Forest participate at that time.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS 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 a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers 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 EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 f. 2d 1016, 1022 (9th Cir, 1986) and *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 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 EIS. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible.

The final EIS is scheduled to be completed by June 1994. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making the decision regarding this proposal. Karin Whitehall, District Ranger, Entiat Ranger District, Wenatchee National Forest, is the responsible official. As the responsible official she will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service appeal regulations (36 CFR part 217).

Dated: February 24, 1993.

**Karin Whitehall,**

*Entiat District Ranger.*

[FR Doc. 93–5211 Filed 3–5–93; 8:45 am]

BILLING CODE 3410–11–M

## DEPARTMENT OF COMMERCE

### Agency Form Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* International Trade Administration.

*Title:* Watch Duty Exemption Program Forms.

*Agency Form Numbers:* ITA–321P, ITA–360P, and ITA–361P. Requirements are found at 15 CFR 303.6 through 303.12.

*OMB Approval Number:* 0625–0134.

*Type of Request:* Extension of the expiration date of a currently approved collection.

*Burden:* 86 hours.

*Number of Respondents:* 6.

*Avg Hours Per Response:* Varies between 15 minutes to 1 hour.

*Needs and Uses:* Public Law 97–446 creates production incentives for the territorial watch industry, incentives needed to maintain viable operations against increasing competition from low wage countries such as Hong Kong. The law requires the Departments of Commerce and Interior to administer the distribution of duty exemptions and duty refunds to watch producers in U.S. territories. The primary consideration in collecting information is the enforcement of this law, and the information gathered is limited to that necessary to prevent abuse of the program and to permit a fair and equitable distribution of its benefits.

*Affected Public:* Businesses or other for profit institutions; small businesses or organizations.

*Frequency:* On occasion and annually.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*OMB Desk Officer:* Gary Waxman, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Gary Waxman, OMB Desk Officer, room

3208, New Executive Office Building, Washington, DC 20503.

Dated: March 2, 1993.

**Edward Michals,**

*Departmental Forms Clearance Officer, Office of Management and Organization.*

[FR 93-5252 Filed 3-5-93; 8:45 am]

BILLING CODE 3510-CW-F

## International Trade Administration

## Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

**ACTION:** Notice of initiation of antidumping and countervailing duty administrative reviews.

**SUMMARY:** The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders, findings and suspension agreements with January anniversary dates. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

**EFFECTIVE DATE:** March 8, 1993.

**FOR FURTHER INFORMATION CONTACT:** Holly A. Kuga, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 482-2104.

**SUPPLEMENTARY INFORMATION:**

### Background

The Department of Commerce ("the Department") has received timely requests, in accordance with §§ 353.22(a) and 355.22(a) of the Department's regulations, from interested parties as defined in §§ 353.2(k) and 355.2(i) of the Department's regulations, for administrative reviews of various antidumping and countervailing duty orders, findings, and suspension agreements, with January anniversary dates.

### Initiation of Reviews

In accordance with §§ 353.22(c) and 355.22(c) of the Department's regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders, findings, and suspension agreements. We intend to issue the final results of these reviews not later than January 31, 1994.

| | Period to be reviewed |
|---|---|
| Antidumping Duty Proceedings and Firms | |
| Canada: Brass Sheet and Strip, A-122-601: Wolverine Tube (Canada), Inc | 1/1/92-12/31/92 |
| France: Anhydrous Sodium Metasilicate, A-427-098: Rhone-Poulenc, S.A | 1/1/92-12/31/92 |
| The Republic of Korea: Stainless Steel Cooking Ware, A-580-601: Namil Metal Co., Ltd. and Daelim Trading Co., Ltd | 1/1/92-12/31/92 |
| Countervailing Duty Proceedings | |
| Spain: Stainless Steel Wire Rod, C-469-004 | 1/1/92-12/31/92 |
| Thailand: Butt-Weld Pipe Fittings, C-549-804 | 1/1/92-12/31/92 |
| Suspended Investigations | |
| Hungary: Truck Trailer Axle-and-Brake Assemblies, A-437-001: RABA Hungarian Railway Carriage and Machine Works | 1/1/92-12/31/92 |

Interested parties must sumbit applications for administrative protective orders in accordance with §§ 353.34(b) and 355.34(b) of the Department's regulations.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 353.22(c)(1) and 355.22(c)(1) (1992).

Dated: February 24, 1993.

**Roland L. MacDonald,**

*Acting Deputy Assistant Secretary for Compliance.*

[FR Doc. 93-5165 Filed 3-5-93; 8:45 am]

BILLING CODE 3510-DS-M

[A-401-004]

## Carton Closing Staples and Stapling Machines From Sweden; Determination Not to Revoke Antidumping Duty Order

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

**ACTION:** Determination not to revoke antidumping duty order.

**SUMMARY:** The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on carton closing staples and stapling machines from Sweden.

**EFFECTIVE DATE:** March 8, 1993.

**FOR FURTHER INFORMATION CONTACT:** Barbara Victor or Thomas F. Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-0090/3814.

**SUPPLEMENTARY INFORMATION:**

### Background

On December 9, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 58180) its intent to revoke the antidumping duty order on carton closing staples and stapling machines from Sweden (48 FR 38250, December 20, 1983). The Department may revoke an order if the Secretary concludes that the order is no longer of interest to interested parties. We did not receive a request for administrative review of the order for the last four consecutive annual anniversary months and, therefore, published a notice of intent to revoke the order pursuant to 19 CFR 353.25(d)(4).

On December 21, 1992, International Staple and Machine Company, the petitioner, objected to our intent to revoke the order. Therefore, we no longer intend to revoke the order.

Dated: February 25, 1993.

**Roland L. MacDonald,**

*Acting Deputy Assistant Secretary for Compliance.*

[FR Doc. 93-5163 Filed 3-5-93; 8:45 am]

BILLING CODE 3510-DS-M

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## International Trade Administration

[A-475-801, A-401-801]

## Notice of Redetermination of Final Margin of Sales at Less Than Fair Value, Pursuant to Court Remand: Ball Bearings and Parts Thereof From Italy and Sweden

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

**EFFECTIVE DATE:** March 8, 1993.

**FOR FURTHER INFORMATION CONTACT:** Lawrence P. Sullivan or Carole A. Showers, Investigations, Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-0114 or 482-3217, respectively.

### Background

On April 20, 1988, the Department of Commerce (the Department) initiated antidumping investigations of imported antifriction bearings from nine countries, including Italy and Sweden (Initiation of Antidumping Duty Investigations: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany *et al.*, 53 FR 15073 (April 20, 1988)). On May 3, 1989, the Department issued final affirmative antidumping duty determinations for all of the investigations (Final Determinations of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany *et al.*, 54 FR 18992 (May 3, 1989)). Following the issuance of final affirmative determinations by the International Trade Commission, the Department published antidumping duty orders covering the subject imports (Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, and Spherical Plain Bearings and Parts Thereof from the Federal Republic of Germany *et al.*, 54 FR 19125 (May 15, 1989)).

In June 1989, SKF and numerous other interested parties initiated actions in the United States Court of International Trade (CIT) contesting the Department's final determinations. Among other issues, SKF challenged the Department's decision that SKF's Italian and Swedish home markets did not form a viable basis for determining foreign market value for ball bearings. On April 8, 1991, the CIT remanded the home market viability issue to the Department for further consideration (Slip Op. 91-25). The final results of this first remand proceeding were reported to the CIT on June 20, 1991. On January 7, 1992, the CIT again remanded the proceeding to the Department, this time with specific instructions to recalculate the final dumping margins for ball bearings using home market data for Italy and Sweden (Slip Op. 92-1, January 7, 1992). On March 20, 1992, the Department reported its final results of the second remand proceeding to the CIT, indicating that the recalculation resulted in a new less than fair value (LTFV) margin for Italy and Sweden of 221.28 and 105.92 percent, respectively. On July 17, 1992, the CIT ordered the Department to correct its second remand determination by properly converting the Italian indirect export selling expenses from Italian lire to United States dollars (see SKF USA, Inc., *et al.*, v. United States, CIT No. 89-06-00330).

### Final Determinations

In accordance with the CIT's instructions, we have corrected our remand determination by converting the Italian indirect export selling expenses from Italian lire to United States dollars and have redetermined the margins in the original LTFV investigation accordingly. Based on these recalculations, we determine the margins for SKF's Italian ball bearings to be 69.99 percent. Because the CIT did not require the Department to revise its previous redetermination for SKF Sweden, the margin for SKF Sweden remains at 105.92 percent.

This notice is published pursuant to section 735 of the Tariff Act of 1930, as amended.

Dated: February 24, 1993.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 93-5166 Filed 3-5-93; 8:45 am]

BILLING CODE 3510-DS-P

(A-427-806, A-427-807, A-427-809)

## Notice of Preliminary Negative Determinations of Critical Circumstances: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From France

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

**EFFECTIVE DATE:** March 8, 1993.

**FOR FURTHER INFORMATION CONTACT:** Edward Easton or Stephen Alley, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-1777 or 482-5288, respectively.

### Preliminary Critical Circumstances Determinations

On January 26, 1993, petitioners alleged that critical circumstances exist with respect to imports of certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, and certain cut-to-length carbon steel plate from France. The Department of Commerce (the Department) published its preliminary determinations of sales at less than fair value in these investigations on February 4, 1993, (58 FR 7091).

In accordance with 19 CFR 353.16(b)(2)(ii), since these allegations were filed later than 20 days before the scheduled date of the preliminary determinations, we must issue our preliminary critical circumstances determinations not later than 30 days after the allegations were filed.

Section 733(e)(1) of the Tariff Act of 1930, as amended, provides that the Department will preliminarily determine that there is a reasonable basis to believe or suspect that critical circumstances exist if:

(A) (i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

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

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

*History of Dumping*

With respect to whether there is a history of dumping in the United States of the classes or kinds of merchandise which are the subject of these investigations, the Department normally considers whether there have been antidumping orders on the merchandise. With regard to certain hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, and carbon steel plate products from France, the Department initiated antidumping duty investigations in April 1980. In October 1980, however, petitioners withdrew the petitions for those investigations, and the Department terminated the investigations and instituted a modified formal program to monitor the prices of these and other carbon steel imports. No antidumping duty orders were issued with regard to the carbon steel products from France subject to those investigations.

The Department initiated antidumping duty investigations on certain hot-rolled carbon steel plates, hot-rolled carbon steel sheet and strip, and cold-rolled sheet and strip carbon steel products from France again in February 1982. In March 1982, the U.S. International Trade Commission (the Commission) made a negative preliminary determination with respect to the imports of hot-rolled carbon steel plate products imported from France. In October 1982, the United States and the European Economic Community (EEC) concluded agreements with respect to imports into the United States of certain carbon steel products from EEC member countries, including France. As a consequence of these agreements, the petitioning U.S. steel producers withdrew their antidumping duty petitions on carbon steel products from France and certain other EEC member countries and the Commission terminated its investigations of imports from these countries. Accordingly, no antidumping duty orders have been issued by the United States with regard to the carbon steel products from France subject to these investigations.

With regard to a history of dumping elsewhere than the United States, our review of the Semi-Annual Reports under Article 14:4, issued by the General Agreement of Tariffs and Trade (GATT), revealed the issuance of final affirmative Canadian antidumping determinations on carbon steel plate from France (ADP/41/Add.7 (April 7, 1989)). We did not find any foreign antidumping orders on either hot-rolled or cold-rolled carbon steel flat products in these GATT reports. On the basis of the Canadian dumping determinations on carbon steel plate, we have determined that there is a history of dumping from France of cut-to-length carbon steel plate.

*Imputed Knowledge of Dumping*

To determine whether the persons for whom or for whose account the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigations at less than their fair value, the Department's practice is to impute knowledge of dumping when the estimated margins are of such a magnitude that the importer should have reasonably known that dumping exists with regard to the subject merchandise. Normally we consider estimated margins of 25 percent or greater on sales to unrelated parties and margins of 15 percent or greater on sales to related parties to be sufficient to impute such knowledge. (See, Final Determination of Sales at Less Than Fair Value: Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from Italy (52 FR 24196, June 29, 1987) and Final Determination of Sales at Less Than Fair Value: Certain Internal-Combustion, Industrial Forklift Trucks from Japan (53 FR 12522, April 15, 1988).) In the investigations of both hot-rolled carbon steel flat products and cold-rolled carbon steel flat products, we were unable to calculate preliminary dumping margins and, instead, relied upon an average of the margins calculated in the respective petitions as the best information available (BIA). These margins are 12.39 percent and 13.92 percent, respectively. Each is below the Department's lowest threshold margin for imputing a knowledge of dumping.

Because we have found a history of dumping with regard to certain cut-to-length steel plate from France, the Department does not need to determine whether the importers of this merchandise knew or should have known that it was being sold at less than fair value. We have performed that analysis nonetheless. In the preliminary determination for certain cut-to-length carbon steel plate, the Department calculated a preliminary margin rate for sales to unrelated U.S. customers and took the highest non-aberrational calculated margin from that exercise as BIA for sales to related U.S. customers. In cases where there are sales to both related and unrelated parties in the United States, the Department weight-averages the 25 percent and 15 percent benchmarks by volume of purchase price and ESP sales, respectively, to arrive at a weight-averaged benchmark percentage for imputing knowledge. (See, Final Determination of Sales at Less Than Fair Value: High-Tenacity Rayon Filament Yarn from Germany (57 FR 21,770, May 22, 1992).) In this investigation, the preliminary estimated weight-averaged dumping margin exceeds the weight-averaged benchmark. Accordingly, we found that importers either knew or should have known that the imports of cut-to-length carbon steel plate were being sold at less than fair value.

*Massive Imports*

Unless we find that there is a history of dumping the classes or kinds of merchandise subject to the investigations or that importers of the subject merchandise knew or should have known that such merchandise was being sold at less than fair value, we do not need to consider whether the imports of the merchandise have been massive. Consequently, we preliminarily determine that critical circumstances do not exist with respect to imports of hot-rolled carbon steel flat products and cold-rolled carbon steel flat products from France.

In the investigation of certain cut-to-length carbon steel plate from France, we have preliminarily found both a history of dumping and that importers knew or should have known that the merchandise was being sold at less than fair value. To determine whether there have been massive imports of this merchandise over a relatively short period, the Department generally considers whether the subject imports increased by at least 15 percent during the period immediately following the filing of a petition over imports of the same class or kind of merchandise during the comparable period immediately preceding the filing of the petition. If so, we consider them massive over a relatively short period (19 CFR 353.16(f), (g)). In the case of certain cut-to-length carbon steel plate, the respondent submitted shipment data on February 12, 1992. Our analysis of this data indicates that imports of steel plate from France were not massive over a relatively short period and, therefore, we preliminarily determine that critical circumstances do not exist for this class or kind of imports.

**Final Critical Circumstances Determinations**

We will make final determinations of critical circumstances when we make our final determinations in these investigations, *i.e.*, by June 21, 1993.

*ITC Notification*

In accordance with section 733(f) of the Act, we have notified the ITC of our determinations.

*Public Comment*

Since these preliminary determinations are being made before the due date for public comment on our preliminary determinations of sales at less than fair value in these cases, we will accept written comments on these preliminary determinations of critical circumstances until the date on which case briefs are due. A schedule for case briefs, rebuttal briefs, and hearings will be published at a later date.

These determinations are published pursuant to section 733(f) of the Act.

Dated: February 26, 1993.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 93-5167 Filed 3-5-93; 8:45 am]

BILLING CODE 3510-DS-P

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[A-570-805]

## Sodium Thiosulfate From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of final results of antidumping duty administrative review.

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**SUMMARY:** On December 11, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on sodium thiosulfate from the People's Republic of China (57 FR 58792). This review covers China National Chemicals Import and Export Corporation (Sinochem), and Shanghai Chemicals Import and Export Corporation (Shanghai) and the period December 12, 1990 through January 31, 1992. We have not completed the review and determine the dumping margin for Sinochem to be 148.42 percent, which is based on the best information available. Because Shanghai had no shipments of this merchandise to the United States during the period of review and was not investigated previously, we will use the "all others" rate as the estimated cash deposit rate for this firm.

**EFFECTIVE DATE:** March 8, 1993.

**FOR FURTHER INFORMATION:** Joseph A. Fargo or Richard Rimlinger, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-5253.

**SUPPLEMENTARY INFORMATION:** On December 11, 1992, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order (56 FR 6623, February 19, 1991) on sodium thiosulfate from the People's Republic of China covering the period December 12, 1990 (57 FR 58792) through January 31, 1992. The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

### Scope of the Review

Imports covered in this review are shipments of all grades of sodium thiosulfate, in dry or liquid form. The chemical composition of sodium thiosulfate is $Na^2S^2O^3$. Sodium thiosulfate is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 2832.30.1000. The HTS subheading is provided for convenience and customs purposes. The written description remains dispositive.

The review covers two manufacturers/exporters, Sinochem and Shanghai, of sodium thiosulfate from the PRC and the period December 12, 1990, through January 31, 1992 (the POR).

### Use of Best Information Available

We forwarded an antidumping questionnaire to Sinochem and Shanghai, two manufacturers/exporters of this merchandise to the United States. With respect to Sinochem, because the firm failed to respond to our questionnaire, the Department used the best information available (BIA) in accordance with section 776(c) of the Tariff Act. As explained in our preliminary results, we used revised price and cost information submitted by the petitioner for this review as BIA (See 57 FR 58792). The highest previous rate, also based on petitioner's price and cost information, was 25.57 percent. However, petitioner submitted information on the record in this review indicating that because costs and prices in the industry have changed substantially since the investigation, the previous rate was no longer sufficiently adverse to induce respondents to submit responses. We have revised the calculation from the final determination of sales at less than fair value accordingly, based on information submitted by petitioner for purposes of this review. Based upon the data furnished by petitioner, the margin is now 148.42 percent.

### Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

### Final Results of the Review

As a result of this review, we determine the following dumping margin for the period December 12, 1990 through January 31, 1992.

| Manufacturer/exporter | Margin (percent) |
|---|---|
| Sinochem | 148.42 |

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all others" rate established in these final results of this administrative review based on our analysis of Sinochem. Although the "all others" rate is normally based on the highest non-BIA rate from the current review (or from a prior review if there is no non-BIA rate in the current review), in this case there have been no non-BIA rates. Therefore, the current Sinochem rate of 148.42 percent is the "all others" rate. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to

file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 22, 1993.

Joseph A. Spetrini,

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 93-5164 Filed 3-5-93; 8:45 am]

BILLING CODE 3510-DS-M

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[C-100-004]

## Postponement of Final Determinations, Notice of Public Hearing Schedule, Revision of Scope, and Termination of the Suspension of Liquidation: Countervailing Duty Investigations of Certain Steel Products From Austria, Belgium, Brazil, France, Germany, Italy, Republic of Korea, Mexico, New Zealand, Spain, Sweden, United Kingdom

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

**EFFECTIVE DATE:** March 8, 1993.

**FOR FURTHER INFORMATION CONTACT:** Lawrence P. Sullivan or Roy A. Malmrose, Office of Countervailing Investigations, U.S. Department of Commerce, room 3099, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-0114 or 482-5414, respectively.

### Postponement of Final Determinations

In the preliminary determinations for these investigations, the final determinations were aligned with those of the companion antidumping duty investigations in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1671d(a)(1)) (see, e.g., Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination: Certain Steel Products from Austria, 57 FR 57781, (December 7, 1992)). The final determinations for the antidumping duty investigations have been postponed to no later than June 21, 1993, thereby also extending the final countervailing duty determinations to the same date (see, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cold-Rolled Carbon Steel Flat Products from Austria, 58 FR 7073 (February 4, 1993)).

### Hearing Schedule

In its preliminary determinations, the Department of Commerce (the Department) stated that a briefing and hearing schedule would be published in the Federal Register after receipt of all requests for hearings in these investigations. We have received requests for hearings from various parties in all twelve cases and, therefore, have scheduled a hearing for each case in addition to a hearing for general issues. The general issues hearing will be limited to the following topics:

(1) Privatization,

(2) Company restructuring,

(3) The proper treatment of plant closure and redundancy payments,

(4) The standard for determining equityworthiness and the appropriate calculation methodology for equity infusions,

(5) The finding of specificity based on a showing of disproportionate use,

(6) The test for determining whether a program provides recurring or non-recurring grants or, more generally, when to expense benefits in the year of receipt or allocate them over time,

(7) The proper period of time for allocating benefits over time, and

(8) The appropriate "denominator" to use in countervailing duty calculations.

Any comments by interested parties on this list of topics should be submitted within ten days of the publication date of this notice, for the general issues file, number C-100-004, located in Import Administration's Central Records Unit in room B-099 of the Main Commerce Building. Parties wishing to appear at the General Issues hearing should file a written request within ten days of the date of publication of this notice and specify which of the above-listed issues you intend to address.

We request that parties on these cases provide an executive summary of no more than ten pages on the major issues to be addressed (20 pages for the General Issues hearing). Further, briefs should contain a table of authorities. Citations to Commerce determinations and court decisions should include the page number where the cited information appears. In preparing the briefs, please begin each issue on a separate page.

The following is the list of hearing information along with due dates for case and rebuttal briefs.

| Country | Date | Time | Room | Brief due dates | |
|---|---|---|---|---|---|
| | | | | Case | Rebuttals |
| Austria | 3/15 | 10 a.m | 1851 | 3/8 | 3/12 |
| Belgium | 4/16 | 10 a.m | 3708 | 4/9 | 4/14 |
| Brazil | 4/21 | 10 a.m | 3407 | 4/14 | 4/19 |
| France | 4/23 | 10 a.m | 3708 | 4/16 | 4/21 |
| Germany | 4/8 | 10 a.m | 3407 | 4/1 | 4/6 |
| Italy | 3/26 | 10 a.m | 1851 | 3/19 | 3/24 |
| Korea | 5/3 | 10 a.m | 1851 | 4/26 | 4/30 |
| Mexico | 4/28 | 9:30 a.m | 3708 | 4/21 | 4/26 |
| New Zealand | 3/31 | 10 a.m | 1851 | 3/24 | 3/29 |
| Spain | 3/19 | 10 a.m | 1851 | 3/12 | 3/17 |
| Sweden | 4/9 | 10 a.m | 3708 | 4/2 | 4/7 |
| United Kingdom | 4/2 | 10 a.m | 3407 | 3/26 | 3/31 |
| General Issues | 5/5-6 | 10 a.m | 4830 | 4/28 | 5/3 |

**Scope of the Investigations and Issues Since the Notices of Initiation**

Since the initiation of these investigations on July 20, 1992, the Department has addressed the following scope issues. In the preliminary determinations, the scope inadvertently included X–70 plate and shadow-mask steel. In addition, since the publication of our preliminary determinations, several decisions have been made clarifying the scope of these investigations. All memoranda referred to below are available in Import Administration's Central Records Unit located in room B–099 of the Main Commerce Building.

*A. Grade X–70 Plate*

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

*B. Shadow Mask Steel*

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

*C. Coils and Narrow-Width Flat-Rolled Products*

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

*D. Products of Nonrectangular Cross-Section*

On November 25, 1992, petitioners requested that products of nonrectangular cross-section be included in the scope of the investigations regarding all four classes or kinds of merchandise. Petitioners noted that this was a clarification and not a broadening of the scope. After analyzing all information submitted on the record on this issue, we have included products of nonrectangular cross-section in the scope of all four classes or kinds. For further information on this issue, please refer to the January 25 memo.

*E. Products of Nonrectangular Shape*

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

*F. Certain Precision Steel Products*

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

*G. Certain Clad Products*

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

The revised scope of these investigations is attached as an appendix to this notice. We will transmit this scope to the U.S. Customs Service and instruct them to release bonds or cash deposits for products for which liquidation was errantly suspended or for products which the Department has subsequently excluded from the scope. In addition, we will instruct Customs to suspend liquidation on those products which were formerly excluded but are now included in the scope.

**Suspension of Liquidation**

Under Article 5, paragraph 3 of the Subsidies Code, provisional measures cannot be imposed for more than 120 days without final affirmative determinations of subsidization and injury. Therefore, we will instruct the U.S. Customs Service to discontinue the suspension of liquidation on the subject merchandise entered on or after April 6, 1993, but to continue the suspension of liquidation of all entries, or withdrawals from warehouse, for consumption of the subject merchandise entered between December 7, 1992, and April 5, 1993. For each separate investigation, we will reinstate suspension of liquidation under section 703(d) of the Act if the Department issues a final affirmative countervailing duty determination and the International Trade Commission issues a final affirmative injury determination. If these conditions are met, we will require a cash deposit on all entries of the subject merchandise equal to the rate determined in the final affirmative countervailing duty determination.

This notice is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

Dated: February 26, 1993.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

**Appendix**

*Scope of These Investigations*

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

*Certain Hot-Rolled Carbon Steel Flat Products*

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

*Certain Cold-Rolled Carbon Steel Flat Products*

These products include cold-rolled (cold-reduced) carbon steel flat products, of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTSUS under item numbers 7209.11.0000, 7209.12.0030, 7209.12.0090, 7209.13.0030, 7209.13.0090, 7209.14.0030, 7209.14.0090, 7209.21.0000, 7209.22.0000, 7209.23.0000, 7209.24.1000, 7209.24.5000, 7209.31.0000, 7209.32.0000, 7209.33.0000, 7209.34.0000, 7209.41.0000, 7209.42.0000, 7209.43.0000, 7209.44.0000, 7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.30.1030, 7211.30.1090, 7211.30.3000, 7211.30.5000, 7211.41.1000, 7211.41.3030, 7211.41.3090, 7211.41.5000, 7211.41.7030, 7211.41.7060, 7211.41.7090, 7211.49.1030, 7211.49.1090, 7211.49.3000, 7211.49.5030, 7211.49.5060, 7211.49.5090, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7217.11.1000, 7217.11.2000, 7217.11.3000, 7217.19.1000, 7217.19.5000, 7217.21.1000, 7217.29.1000, 7217.29.5000, 7217.31.1000, 7217.39.1000, and 7217.39.5000. Excluded from these investigations is certain shadow mask steel, *i.e.*, aluminum-killed, cold-rolled steel coil that is open-coil annealed, has a carbon content of less than 0.002 percent, is of 0.003 to 0.012 inch in thickness, 15 to 30 inches in width, and has an ultra flat, isotropic surface.

*Certain Corrosion-Resistant Carbon Steel Flat Products*

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

*Certain Cut-to-Length Carbon Steel Plate*

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

[FR Doc. 93–5168 Filed 3–5–93; 8:45 am]
BILLING CODE 3510–DS–P

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## Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on March 25, 1993. The meeting will be

from 2 p.m. to 4 p.m. in room 1412, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

The Committee advises Department of Commerce officials on textile and apparel export issues.

*Agenda:* The Administration's economic package, EC mark requirements and ISO 9000, conditions in the export market, Office of Textiles and Apparel export expansion activities, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact William Dawson (202/482–5155).

Dated: March 2, 1993.

**J. Hayden Boyd,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 93–5161 Filed 3–5–93; 8:45 am]

BILLING CODE 3510–DR–F

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## Colorado State University, et al.; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

*Docket Number:* 92–111. *Applicant:* Colorado State University, Fort Collins, CO 80523. *Instrument:* Upgrade Package for Mass Spectrometer. *Manufacturer:* John Sandercock Ltd., Switzerland. *Intended Use:* See notice at 57 FR 44361, September 25, 1992.

*Docket Number:* 92–132. *Applicant:* Rutgers University, Piscataway, NJ 08855-0849. *Instrument:* Ion Source, Model ICS-3. *Manufacturer:* High Voltage Engineering, The Netherlands. *Intended Use:* See notice at 57 FR 44360, September 25, 1992.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments, for the purposes for which the instruments are intended to be used, is being manufactured in the United States. *Reasons:* These are compatible accessories for instruments previously imported for the use of the applicants. In each case, the instrument and accessory were made by the same manufacturer.

We know of no domestic accessories which can be readily adapted to the previously imported instruments.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 93–5169 Filed 3–5–93; 8:45 am]

BILLING CODE 3510–DS–F

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## Pennsylvania State University, et al.; Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

*Docket Number:* 92–112. *Applicant:* Pennsylvania State University, University Park, PA 16802. *Instrument:* Grating Tuned $CO_2$ Laser, Model PL6. *Manufacturer:* Edinburg Instruments, United Kingdom. *Intended Use:* See notice at 57 FR 44361, September 25, 1992. *Reasons:* The foreign instrument provides: (1) Maximum power of 180W for 4 bands (9–11 μm), (2) amplitude stability to ± 2% and (3) frequency stability to 2 MHz/minute. *Advice Received From:* National Institute of Standards and Technology, November 5, 1992.

*Docket Number:* 92–126. *Applicant:* Texas A&M Research Foundation, College Station, TX 77843. *Instrument:* Water Current Meter, Model SD-12. *Manufacturer:* Sensordata, Norway. *Intended Use:* See notice at 57 FR 44362, September 25, 1992. *Reasons:* The foreign instrument provides: (1) Triaxial flow measurement, (2) flow field intrusion of only 23.6 x 3.6 inches, and (3) time resolution to 30 Hz. *Advice Submitted By:* National Oceanic and Atmospheric Administration, November 20, 1992.

The National Institute of Standards and Technology and National Oceanic and Atmospheric Administration advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 93–5170 Filed 3–5–93; 8:45 am]

BILLING CODE 3510–DS–F

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## National Oceanic and Atmospheric Administration

### July 1990 Galveston Bay Oil Spill: Availability and Request for Comments on an Amendment to the Draft Damage Assessment Plan

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of 30-day public comment period on an amendment to the Draft Damage Assessment Plan.

**SUMMARY:** On March 17, 1992 (57 FR 9245), NOAA provided notice that the draft document entitled, "The Galveston Bay Oil Spill July 28, 1990, Assessment Plan for the Measurement of Natural Resource Damages," was available for public review and comment until May 18, 1992. On May 18, 1992 (57 FR 21074), NOAA extended the public comment period until June 3, 1992.

Through today's notice, NOAA is announcing an amendment to the plan which provides for the assessment of natural resource damages for the lost use of access to surface waters closed as a result of the oil spill, and provision of a 30-day period for public comment on the amendment.

**DATES:** Comments in writing concerning the valuation of lost surface water access must be received no later than April 7, 1993.

**ADDRESSES:** Requests for a copy of the lost use valuation component of the Damage Assessment Plan should be sent to Brian Julius of the National Oceanic and Atmospheric Administration (NOAA) Damage Assessment Center, 6001 Executive Blvd., room 425, Rockville, MD. 20852.

Written comments on the valuation methodology should be sent to Brian Julius of the NOAA Damage Assessment Center.

**FOR FURTHER INFORMATION CONTACT:** Brian Julius of the NOAA Damage Assessment Center, (301) 443–8865.

**SUPPLEMENTARY INFORMATION:** On July 28, 1990, at approximately 2:30 p.m., the outbound tanker M/V SHINOUSSA, after passing the M/T HELLESPONT FAITH in the Houston Ship Channel in

Galveston Bay, collided with inbound petroleum barges being pushed by the tug CHANDY N. The collision occurred south of Red Fish Island off of Eagle Point, about 15 miles north of Galveston, Texas. As a result of the collision, approximately 700,000 gallons of a catalytic feedstock oil were discharged into Galveston Bay from two barges.

The incident is subject to the authority of the Federal Water Pollution Control Act, 33 U.S.C. 1321 *et seq.* (FWPCA).

NOAA, the Department of the Interior (DOI), the Texas Water Commission, the Texas Parks and Wildlife Department, and the Texas General Land Office are trustees for natural resources pursuant to the FWPCA, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, the Oil Pollution Act of 1990, subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR parts 300.72–300.74, and, in the case of the federal trustees, Executive Order 12580.

The state and federal trustee agencies (the cotrustees) are proceeding with an assessment of the natural resource damages resulting from this oil spill. The cotrustees previously provided notice of and received comment on a Draft Damage Assessment Plan. That Plan proposes to utilize the Type A procedure for assessing damages to natural resources resulting from the oil spill in Galveston Bay, Texas on July 28, 1990. Subsequent to the announcement of that Plan, the cotrustees have determined to seek compensation for an additional element of natural resource damages, lost access to surface waters closed as a result of the oil spill. This category of damages is not assessed by the Type A model identified in the DOI natural resource damage assessment regulations, 43 CFR parts 11.40–11.41, that is being used to determine damages for injuries to biological resources resulting from this oil spill. The methodology described in the plan amendment announced here represents a parallel Type B assessment as authorized in the regulations at 43 CFR part 11.15.

During the additional comment period, NOAA is only accepting comments on the new section of the Draft Damage Assessment Plan, concerning valuation of lost access to surface water resources.

Dated: March 3, 1993.

**James W. Brennan,**

*Acting General Counsel, National Oceanic and Atmospheric Administration.*

[FR Doc. 93–5281 Filed 3–5–93; 8:45 am]

BILLING CODE 3510–12–M

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## Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's Coastal Pelagic Species Plan Development Team will hold a public meeting on March 24, 1993 beginning at 10 a.m. The meeting will be held in the small conference room at the National Marine Fisheries Service, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA.

The purpose of this meeting is to review the Council's recommendations on and continue preparation of the coastal pelagic species fishery management plan.

For more information contact Patricia Wolf from the California Department of Fish and Game at (213) 590–5117 or Larry Jacobson from the National Marine Fisheries Service at (619) 546–7117.

Dated: March 1, 1993.

**David S. Crestin,**

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

[FR Doc. 93–5153 Filed 3–5–93; 8:45 am]

BILLING CODE 3510–22–M

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## Western Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council will hold a meeting of its Bottomfish and Seamount Groundfish Plan Team (Team) on March 16–17, 1993, at the National Marine Fisheries Service, Honolulu Laboratory, 2570 Dole Street, Honolulu, HI. The meeting will begin at 8:30 a.m. on each day.

The Team will discuss, and possibly make recommendations to the Council regarding the following: (1) Development of an amendment to the Bottomfish and Seamount Groundfish Fishery Management Plan that would establish a Federal minimum size for opakapaka of 17 inches and require all bottomfish to be landed with heads and tails on; (2) management needs and options for other bottomfish species; (3) preparation of data summaries for the 1992 annual report; (4) strategies for acquiring data from non-commercial fishery sectors; (5) problems of fishery interactions (e.g., with porpoises, taape, kahala, etc.); (6) priorities for bottomfish research; (7) species identification guidelines; (8) proposed revisions of the Northwestern Hawaiian Islands limited entry program; and (9) other topics as necessary.

For further information contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone: (808) 523–1368.

Dated: March 1, 1993.

**David S. Crestin,**

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

[FR Doc. 93–5154 Filed 3–5–93; 8:45 am]

BILLING CODE 3510–22–M

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## Western Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council's Pelagics Plan Team (Team) will hold a public meeting on March 22–23, 1993, at the National Marine Fisheries Service, Honolulu Laboratory, 2570 Dole Street, Honolulu, HI. The meeting will begin at 8:30 a.m., on each day.

The Team will discuss, and possibly make recommendations to the Council regarding the following: (1) Draft Amendment #7 to the Pelagics Fishery Management Plan, which will establish management measures to replace the longline entry moratorium when it expires in April 1994; (2) preparation of the 1992 annual report; (3) summary of data analyses and public comment regarding possible restrictions in the Hawaii pelagic handline fishery; and (4) other topics as necessary.

For further information contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone: (808) 523–1368.

Dated: March 2, 1993.

**David S. Crestin,**

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

[FR Doc. 93–5270 Filed 3–5–93; 8:45 am]

BILLING CODE 3510–22–M

[Docket No. 930239-3039]

## Information Relating to Bowhead Whales; U.S. Implementation of Bowhead Whale Strike Quota for 1993

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

**ACTION:** Notice of information and request for public comment.

**SUMMARY:** Information is published by NOAA for use in the development of the U.S. position before the International Whaling Commission (IWC) on the aboriginal/subsistence take of bowhead whales and in the domestic allocation of the existing IWC quota for bowhead whales to U.S. natives. NOAA is soliciting public comment on the proposed allocation of the IWC bowhead whale catch limit in 1993.

**DATES:** Comments must be submitted on or before April 7, 1993.

**ADDRESSES:** Written comments may be mailed to the Office of International Affairs, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. A list of documents reviewed for this action may be obtained on request, and the documents examined during business hours (9 a.m. to 5 p.m.) at this address.

**FOR FURTHER INFORMATION CONTACT:** Kevin Chu, (301) 713-2276.

**SUPPLEMENTARY INFORMATION:** NOAA is responsible for implementation and enforcement of the Marine Mammal Protection Act (16 U.S.C. 1361–1407), the Endangered Species Act (16 U.S.C. 1531–1543) and the Whaling Convention Act (16 U.S.C. 916–916*l*). In addition, it provides staff support to the U.S. Commissioner to the IWC and to the Interagency Committee. Consistent with these responsibilities, NOAA develops positions for implementation of the aboriginal/subsistence harvest of bowhead whales under Paragraph 13 of the Schedule to the International Convention on the Regulation of Whaling, December 2, 1946, 62 Stat. 1716, T.I.A.S. No. 1849 (entered into force, November 10, 1948). In order to provide for review and comment by the public of the data upon which the U.S. positions are based, the following information is provided: (1) The IWC catch level available for the U.S. aboriginal/subsistence bowhead whale harvest for 1992–1994; (2) a summary of available bowhead scientific information, including estimates of current population level and annual recruitment rates; (3) a summary of information on the nature and extent of aboriginal/subsistence need; (4) the level of aboriginal/subsistence harvest limits which could be implemented domestically; and (5) notice of the availability of those documents reviewed by NOAA and relied on by the Under Secretary for Oceans and Atmosphere in making his finding on the range of harvest limits. NOAA is soliciting public comment on the proposed domestic implementation of the IWC bowhead whale catch limit for 1993.

### 1. Catch Level

At the 43rd Annual Meeting of the IWC, Reykjavik, Iceland, May 27–31, 1991, the following catch limit was established for aboriginal/subsistence whaling:

> The taking of bowhead whales from the Bering-Chukchi-Beaufort Seas stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that: For each of the years 1992, 1993, and 1994 combined, the total number of whales struck shall not exceed 141, except that: (A) any unused strikes up to ten percent of the total strikes allowed in the years 1989, 1990, and 1991 combined shall be carried forward from those years and added to the combined total of strikes for the years 1992, 1993, and 1994; and (B) in any one year no more than 54 whales shall be struck and no more than 41 shall be landed. (Schedule to the Convention, Paragraph 13(b)(1)(i).)

### 2. Scientific Information

At the 1991 IWC meeting, the Scientific Committee agreed that the Bering-Chuckchi-Beaufort Sea population of bowhead whales is between 6,400 and 9,200 animals, with a most likely estimate of 7,500 whales. A minimum estimate of the replacement yield (RY) was calculated to be 92 whales per year, and the most likely replacement yield for the population size of 7,500 is 254 whales per year. The replacement yield defines the number of new whales annually joining the adult population, and it is assumed that, all other things being constant, up to this number could be taken from the population without causing it to decline.

### 3. Aboriginal/Subsistence Need

The Department of the Interior (DOI) conducted its analysis of the nature and extent of aboriginal/subsistence need for bowhead whales and whaling in 1983, and the IWC adopted this method for quantifying need in 1986. DOI contracted for a new study on the quantification of subsistence and cultural need for bowhead whales in 1987, which was presented at the 1988 meeting. The new study presented the cultural and subsistence need of the nine Alaska Eskimo whaling villages to take 41 landed bowhead whales. This quantification of need used the same method of calculation accepted by the IWC in 1986. This method derives the mean annual number of bowhead whales landed per capita during a specified historical period and multiplies this mean by the current Eskimo population of nine Alaska Eskimo whaling villages. The result of this calculation is the total number of bowhead whales the nine Eskimo whaling villages need to land each year in order to meet their cultural and subsistence need.

When the IWC adopted this method of quantifying need, members of the IWC Aboriginal Subsistence Subcommittee noted that the quantification was based on a large but incomplete series of data on historical bowhead landings. It was also noted that the quantification used an inconsistent data base period. The DOI study was initiated to correct these deficiencies. To complete the series of data on historical bowhead whale landings to the extent possible, the study undertook a comprehensive review of available published and unpublished sources of bowhead landings. Remaining gaps are unlikely to be significantly reduced with further searches for historic data on bowhead landings. The data resulting from this study also permitted the use of a consistent historical base period for the calculation of need. In the prior analysis, the base periods varied from 1940 to 1970 and 1950 to 1970. The base period now begins in 1910, the year following the cessation of commercial whaling in the Arctic, and ends in 1969, prior to the period of unusually high bowhead harvests in the unique economic circumstances of the 1970s. Therefore, applying the additional landed bowhead data and the longer period to the accepted method of quantifying need, results in a current cultural and subsistence need of 41 landed whales.

### 4. Domestic Harvest Range

The IWC management scheme for aboriginal/subsistence whaling provides (in Schedule paragraph 13(a) (2)): "For stocks below the maximum sustainable yield (MSY) level but above a certain minimum level, aboriginal/subsistence catches shall be permitted so long as they are set at levels which allow whale stocks to move to the MSY level." Given the above-stated estimates of replacement yields of 92 (lower bound) to 254 whales for the point estimate recruited into the population annually, an aboriginal/subsistence catch can be permitted in 1993.

The catch limit for bowhead whales for the years 1992–1994, established by the IWC, is 141 strikes plus 13 strikes carried over from the previous block quota with no more than 54 whales struck and no more than 41 landed in any one year. Of the 154 total strikes for 1992–1994, 50 bowhead whales were struck and 38 were landed in 1992. Therefore, the number under consideration for allocation to the Alaska Eskimo Whaling Commission for the 1993 catch limit is 54 strikes or 41 landed whales.

5. Documents Reviewed

A list of the documents reviewed for this action may be obtained on request (see "ADDRESSES"). The documents are available for public inspection during the 30-day public comment period at the same address.

Authority: 16 U.S.C. 916, 1361–1407, 1531–43.

Dated: March 1, 1993.

Diana H. Josephson,

*Deputy Under Secretary for Oceans and Atmosphere.*

[FR Doc. 93–5246 Filed 3–5–93; 8:45 am]

BILLING CODE 3510-22-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Sri Lanka

March 2, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: March 3, 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 these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6708. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing, carryover, carryforward and carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 29290, published on July 1, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

J. Hayden Boyd,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

Committee for the Implementation of Textile Agreements

March 2, 1993.

Commissioner of Customs,

*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 25, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on July 1, 1992 and extends through June 30, 1993.

Effective on March 3, 1993, you are directed to amend the directive dated June 25, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Sri Lanka:

| Category | Adjusted twelve-month limit [1] |
|---|---|
| 237 | 184,430 dozen. |
| 331/631 | 2,214,885 dozen pairs. |
| 333/633 | 44,844 dozen. |
| 334/634 | 547,927 dozen. |
| 335/835 | 240,928 dozen. |
| 336/636/836 | 346,134 dozen. |
| 338/339 | 959,542 dozen. |
| 340/640 | 1,065,152 dozen of which not more than 328,392 dozen shall be in Categories 340–Y/640–Y [2]. |
| 341/641 | 1,745,033 dozen of which not more than 1,180,000 dozen shall be in Category 341 and not more than 1,070,000 dozen shall be in Category 641. |
| 342/642/842 | 546,526 dozen. |
| 345/845 | 141,537 dozen. |
| 347/348/847 | 1,037,683 dozen of which not more than 656,054 dozen shall be in Categories 347–T/348–T/847–T [3]. |
| 350/650 | 96,094 dozen. |
| 351/651 | 252,384 dozen. |
| 359–C/659–C [4] | 837,916 kilograms. |
| 352/652 | 1,058,545 dozen. |
| 369–D [5] | 278,037 kilograms. |
| 635 | 313,852 dozen. |
| 638/639/838 | 721,940 dozen. |
| 644 | 117,658 numbers. |
| 645/646 | 119,914 dozen. |
| 647/648 | 869,132 dozen. |

[1] The limits have not been adjusted to account for any imports exported after June 30, 1992.

[2] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[3] Category 347–T: only HTS numbers 6103.19.2015, 6103.19.4020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.3010, 6112.11.0050, 6113.00.0038, 6203.19.1020, 6203.19.4020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.3020, 6210.40.2035, 6211.20.1520, 6211.20.3010 and 6211.32.0040; Category 348–T: only HTS numbers 6104.12.0030, 6104.19.2030, 6104.22.0040, 6104.29.2034, 6104.62.2010, 6104.62.2025, 6104.69.3022, 6112.11.0060, 6113.00.0042, 6117.90.0042, 6204.12.0030, 6204.19.3030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.3010, 6204.69.9010, 6210.50.2035, 6211.20.1550, 6211.20.6010, 6211.42.0030 and 6217.90.0050; Category 847–T: only HTS numbers 6103.29.2044, 6103.49.3017, 6103.49.3024, 6104.29.2041, 6104.29.2045, 6104.69.3034, 6104.69.3038, 6112.19.2080, 6112.19.2090, 6117.90.0051, 6203.29.3046, 6203.49.3040, 6203.49.3045, 6204.29.4041, 6204.29.4047, 6204.69.3052, 6204.69.9044, 6211.20.3040, 6211.20.6040, 6211.39.0040, 6211.49.0040 and 6217.90.0070.

[4] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[5] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[6] Category 369–S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 93–5160 Filed 3–5–93; 8:45 am]

BILLING CODE 3510-DR-F

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Determination; Excess Defense Articles (12 Landing Craft)

Pursuant to the reporting requirements of section 517 of the Foreign Assistance Act of 1961 (FAA)

and of the International Narcotics Control Act of 1992, this document provides notification that during Fiscal Year 1993 the United States Government will transfer to the Government of Colombia excess landing craft. The total value of the items is estimated to be $80,000. The original acquisition value of the items was $1,050,712.

The landing craft will provide urgently needed support for the Colombian Navy, Marine Corps, and Coast Guard riverine and coastal narcotics interdiction programs.

In accordance with section 517(c) FAA, the recipient country will agree in the associated Letter of Offer and Acceptance that it will ensure that these items will be used primarily in support of counternarcotics activities.

The Deputy Director, Defense Security Assistance Agency, Glenn A. Rudd, certifies that the items are needed by Colombia and determines that there will be no adverse impact on U.S. military readiness as a result of these transfers.

Dated: March 2, 1993.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 93-5156 Filed 3-5-93; 8:45 am]

BILLING CODE 3810-01-M

## Office of the Secretary

### Defense Science Board Task Force on Joint Precision Interdiction (JPI)

**ACTION:** Notice of Advisory Committee Meetings.

**SUMMARY:** The Defense Science Board Task Force on Joint Precision Interdiction (JPI) will meet in closed session on April 14–15, 1993 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Director, Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review acquisition strategies needed for an optimum family of surveillance, reconnaissance, and target acquisition systems, C3I systems and weapon systems required to perform the JPI mission.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: March 2, 1993.

**Linda M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 93-5157 Filed 3-5-93; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Air Force

### Community College of the Air Force Board of Visitors; Meeting

The Community College of the Air Force (CCAF) Board of Visitors will hold a meeting on Thursday, April 22, 1993, at 8:30 a.m., in the Simler Hall (Bldg 836) Conference Room, Maxwell AFB, Alabama. The meeting will be open to the public.

Agenda items include a state of the College briefing and a briefing outlining CCAF's process for self-study towards reaffirmation.

For further information contact Captain Lynmari Tereyla, (205) 953–7937, Community College of the Air Force, 130 W Maxwell Blvd, Maxwell Air Force Base, Montgomery, Alabama 36112–6655.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 93-5235 Filed 3-5-93; 8:45 am]

BILLING CODE 3910-01-M

### USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Mission Analysis Panel will meet on 24–26 Mar 1993 from 8 a.m. to 5 p.m. at Elmendorf AFB, AK.

The purpose of this meeting is to receive briefings, hold discussions and begin report writing on projects related to Mission Analysis. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4648.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 93-5282 Filed 3-5-93; 8:45 am]

BILLING CODE 3901-01-M

### USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board of the Current State of the Air Force Panel will meet on 29–30 March 1993 from 8 a.m. to 5 p.m. at Hurlbert Field, FL.

The purpose of this meeting is to receive briefings, hold discussions and begin report writing on projects related to Current State of the Air Force. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4648.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 93-5283 Filed 3-5-93; 8:45 am]

BILLING CODE 3910-01-M

### Privacy Act of 1974; Delete and Amend Systems of Records Notices

**AGENCY:** Department of the Air Force, DOD.

**ACTION:** Delete and amend systems of records notices.

**SUMMARY:** The Department of the Air Force proposes to delete three existing systems of records and amend two in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**DATES:** The deletions will be effective March 8, 1993.

The amended systems will be effective April 7, 1993, unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to the Air Force Access Programs Manager, SAF/AAIA, 1610 Air Force Pentagon, Washington, DC 20330–1610.

**FOR FURTHER INFORMATION CONTACT:** Mr. James H. Gibson at (703) 697–3491 or DSN 227–3491.

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The deleted and amended systems are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which requires the submission of an altered system report. The specific changes to the systems of records being amended are set forth below, followed by the systems of records notices published in their entirety, as amended.

Dated: February 26, 1993.

L. M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

DELETIONS

F010 DAS A

SYSTEM NAME:

Unusual and Incoherent Translation Material, (50 FR 22336, May 29 1985).

REASON:

System is no longer needed. There are no plans to reinstate this system in the future. The records will be destroyed.

F011 DAS A

SYSTEM NAME:

Operational Reference File, (50 FR 22343, May 29, 1985).

REASON:

System is no longer needed. There are no plans to reinstate this system in the future. The records will be destroyed.

F900 DAY A

SYSTEM NAME:

Annual Outstanding Air Force Administration and Executive Support Awards , (50 FR 22561, May 29, 1985).

REASON:

System is no longer needed. There are no plans to reinstate this system in the future. The records will be destroyed.

AMENDMENTS

F035 AF MP A

SYSTEM NAME:

Effectiveness/Performance Reporting Systems, (56 FR 63719, December 5, 1991).

CHANGES:

* * * * *

STORAGE:

Add to end of entry "in computers and on computer output products."

* * * * *

SAFEGUARDS:

Add as last sentence "Those in computer storage devices are protected by computer system software."

* * * * *

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete entry and replace with "The portions of this system that have completed AF Forms 705, Lieutenant Colonel Promotion Recommendation Report and AF Forms 706, Colonel Promotion Recommendation Report, may be exempt under the provisions of 5 U.S.C. 552a(k)(7), as applicable, but only to the extent that disclosure would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager."

F035 AF MP A

SYSTEM NAME:

Effectiveness/Performance Reporting Systems.

SYSTEM LOCATION:

Headquarters, United States Air Force, Washington DC 20330–5060;

Headquarters, Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001;

National Military Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132–2001;

Air Reserve Personnel Center, Denver, CO 80280–5000; and

Human Resources Laboratory, Brooks Air Force Base, TX 78235–5000.

Headquarters of major commands and separate operating agencies; consolidated base personnel offices; each State Adjutant General Office, and Air Force Reserve and Air National Guard units. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military Personnel Only.

Officers: Applies to Active Duty/Air National Guard/Air Force Reserve personnel serving in grades Warrant Officer (W–1) through Colonel (0–6).

Enlisted: Applies to active duty personnel in grades Airman Basic (E–1) through Chief Master Sergeant (E–9), and to Air Force Reserve personnel in grades Staff Sergeant (E–5) through Chief Master Sergeant (E–9).

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer Effectiveness Reports; Education/Training Reports; Colonels and Lieutenant Colonels Promotion Recommendation Reports; Enlisted Performance Reports for Airman Basic (E–1) through Chief Master Sergeant (E–9); Description of data contained therein: Name; Social Security Number; active and permanent grades; specialty data; organization location and Personnel Accounting Symbol; period of report; number of days of supervision; performance evaluation scales; assessment of potential, and comments regarding ratings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 36–9, General Officer Promotions and Evaluations; Air Force Regulation 36–10, Officer Evaluation System; Air Force Regulation 39–62, Enlisted Evaluation System, and E.O. 9397.

PURPOSE(S):

Used to document effectiveness/duty performance history; promotion selection; school selection; assignment selection; reduction-in-force; control roster; reenlistment; separation; research and statistical analyses, and other appropriate personnel actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Copies of effectiveness reports are retained until separation or retirement. At separation or retirement, data subject is presented with field and command record copies of his or her reports. The Headquarters Air Force (HAF) copy is a permanent record that is forwarded to the National Personnel Records Center, St. Louis, MO 63132–2001. In the event the member has a Reserve commitment, the HAF copy is sent to the Air Reserve Personnel Center, Denver, CO 80280–5000.

The following exceptions apply:

Officers Field Record: Removed and given to individual when promoted to Colonel, when separated or retired, or destroy when voided by action of the Officer Personnel Records Review Board. When voided by action of the Air Force Board for Correction of Military

Records, forward all copies of report to Headquarters United States Air Force (HQ USAF) when directed.

Command Record: The command custodian will destroy the reports when voided by action of Officer Personnel Records Review Board. When voided by action of the Air Force Board for Correction of Military Records, forward all copies of report to HQ USAF when directed.

HAF Record: Remove reports voided by action of the Officer Personnel Records Review Board from the selection folder and file in the board recorder's office until destruction. Remove reports voided by action of the Air Force Board for Correction of Military Records from selection folder and submit to Board's Secretariat with duplicate and triplicate copies for custody and disposition. Promotion Recommendation Reports are temporary documents maintained only at HQ Air Force level and are destroyed after their purpose has been served.

Active duty Enlisted:

Grades E–3 through E–6: On separation or retirement, Enlisted Performance Reports (EPRs) are forwarded to the National Personnel Records Center, St Louis, MO unless data subject holds a reserve obligation, in which case they are forwarded to Air Reserve Personnel Center.

Grades E–7 through E–9: On separation or retirement, original copies, those retained in Senior NCO selection folders and those in field record closing before January 1, 1967, are forwarded to the National Personnel Records Center, or to Air Reserve Personnel Center if data subject holds a reserve obligation. Duplicate copies closing January 1, 1967 or later (field record) are returned to the member at separation or retirement.

Non-Active Duty Reserve Enlisted: Air Force Reserve Forces Noncommissioned Officers Performance Report; upon separation, retirement or assignment to a non-participating reserve status, they are forwarded to Air Reserve Personnel Center for file in the master personnel record and disposed of as a part of that record. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force, Washington DC 20330–5060; Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330–1000, and Director, Air National Guard, Washington, DC 20310–2500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the System Manager or directly to agency officials at the respective system location. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written inquiries to the System Manager or directly to agency officials at the respective system location. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

CONTESTING RECORD PROCEDURES:

The Department of the Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The basis of the ratings is observed on-the-job performance or by the education/training progression of the individual. Further, effectiveness reports may have as an additional source of information from Letters of Evaluation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The portions of this system that have completed AF Forms 705, Lieutenant Colonel Promotion Recommendation Report and AF Forms 706, Colonel Promotion Recommendation Report, may be exempt under the provisions of 5 U.S.C. 552a(k)(7), as applicable, but only to the extent that disclosure would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F900 AF MP A

SYSTEM NAME:

Military Decorations, (56 FR 63728, December 5, 1991).

CHANGES:

SYSTEM NAME:

Change system name to "Awards and Decorations."

SYSTEM LOCATION:

Delete entry and replace with "Headquarters, United States Air Force, Washington DC 20330–1670.

Directorate of Personnel Program Actions, Headquarters Air Force Military Personnel Center, Randolph AFB TX 78150–6001. Headquarters of major commands and at all levels down to and including Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Add as last sentence "Civilian personnel employed by the Department of the Air Force who are recommended for awards."

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PURPOSE(S):

Delete entry and replace with "Used by award approval authorities to determine qualification for recognition of individuals through an award or a military decoration."

* * * * *

F900 AF MP A

SYSTEM NAME:

Awards and Decorations.

SYSTEM LOCATION:

Headquarters, United States Air Force, Washington DC 20330–1670.

Directorate of Personnel Program Actions, Headquarters Air Force Military Personnel Center, Randolph AFB, TX 78150–6001. Headquarters of major commands and at all levels down to and including Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel. Air Force Reserve personnel. Air National Guard personnel. Civilian personnel employed by the Department of the Air Force who are recommended for awards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Supervisory evaluation of duty performance with comments by commanders at intermediate levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 857, Decorations and Awards; as implemented by Air Force Regulation 900–48, Individual and Unit Awards and Decorations, and E.O. 9397.

PURPOSE(S):

Used by award approval authorities to determine qualification for recognition of individuals through an award or a military decoration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Destroyed 1 year after completion by tearing into pieces shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Personnel, Headquarters, Air Force Military Personnel Center, Randolph AFB, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address written inquiries to the System Manager or to agency officials at location of assignment.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Assistant Deputy Chief of Staff/Personnel, Headquarters, Air Force Military Personnel Center, Randolph AFB, TX 78150–6001 or to the agency officials at location at location of assignment.

CONTESTING RECORD PROCEDURES:

The Department of the Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Supervisors' evaluations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 93–5158 Filed 3–5–93; 8:45 am]

BILLING CODE 3810–01–F

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## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0070]

### Clearance Request for Payments

**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 (9000–0070).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501), 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 Payments.

**FOR FURTHER INFORMATION CONTACT:** Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

Firms performing under Federal contracts must provide adequate documentation to support requests for payment under these contracts. The documentation may range from a simple invoice to detailed cost data. The information is usually submitted once, at the end of the contract period or upon delivery of the supplies, but could be submitted more often depending on the payment schedule established under the contract (see FAR 52.232–1 through 52.232–11). The information is used to determine the proper amount of payments to Federal contractors.

**B. Annual Reporting Burden**

The annual reporting burden is estimated as follows: *Respondents,* 80,000; *responses per respondent,* 120; *total annual responses,* 9,600,000; *preparation hours per response,* .025; and *total response burden hours,* 240,000.

**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. 9000–0070, Payments, in all correspondence.

Dated: February 23, 1993.

**Beverly Fayson,**

*FAR Secretariat.*

[FR Doc. 93–5179 Filed 3–5–93; 8:45 am]

BILLING CODE 6820–34–M

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[OMB Control No. 9000–0073]

### Clearance Request for Advance Payments

**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 (9000–0073).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501), 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 Advance Payments.

**FOR FURTHER INFORMATION CONTACT:** Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

Advance payments may be authorized under Federal contracts and subcontracts. Advance payments are the least preferred method of contract financing and require special determinations by the agency head or designee. Specific financial information about the contractor is required before

determinations by the agency head or designee. Specific financial information about the contractor is required before such payments can be authorized (see FAR 32.4 and 52.232–12). The information is used to determine if advance payments should be provided to the contractor.

**B. Annual Reporting Burden**

The annual reporting burden is estimated as follows: Respondents, *500*; responses per respondent, *1*; total annual responses, *500*; preparation hours per response, *1*; and total response burden hours, *500*.

*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. 9000–0073, Advance Payments, in all correspondence.

Dated: February 23, 1993.

**Beverly Fayson,**

*FAR Secretariat.*

[FR Doc. 93–5177 Filed 3–5–93; 8:45 am]

BILLING CODE 6820–34–M

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[OMB Control No. 9000–0072]

## Clearance Request for Contract Cost Principles and Procedures—Automatic Data Processing Equipment Leasing Costs

**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 (9000–0072).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501), 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 Contract Cost Principles and Procedures (Automatic Data Processing Equipment Leasing Costs).

**FOR FURTHER INFORMATION CONTACT:** Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

FAR part 31, Contract Cost Principles and Procedures, contains cost principles and procedures for: (1) The pricing of contracts, subcontracts, and modifications to contracts and subcontracts whenever cost analysis is performed; and (2) the determination, negotiation, or allowance of costs when required by a contract clause. However, certain cost elements that are reviewed pursuant to this part require supporting documentation. One of these involves a justification of automatic data processing equipment leasing costs under FAR 31.205–2. The information is used by the contracting officer to determine the allowability of a cost element.

**B. Annual Reporting Burden**

The annual reporting burden is estimated as follows: Respondents, *3,172*; responses per respondent, *1*; total annual responses, *3,172*; preparation hours per response, *.5*; and total response burden hours, *1,586*.

*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. 9000–0072, Contract Cost Principles and Procedures (Automatic Data Processing Equipment Leasing Costs), in all correspondence.

Dated: February 23, 1993.

**Beverly Fayson,**

*FAR Secretariat.*

[FR Doc. 93–5178 Filed 3–5–93; 8:45 am]

BILLING CODE 6820–34–M

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# DEPARTMENT OF ENERGY

## Golden Field Office; Notice of Federal Assistance Award to BP Research

**AGENCY:** Department of Energy.

**ACTION:** Notice of noncompetitive financial assistance award.

**SUMMARY:** The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7, is announcing its intention to renew a grant to BP Research (BPR) for development of a hybrid membrane, distillation system for separation of olefins.

**ADDRESSES:** Questions regarding this announcement may be addressed to the U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, Colorado 80401, Attention: M.A. Barron, Contract Specialist. The Contracting Officer is Dr. Paul K. Kearns.

**SUPPLEMENTARY INFORMATION:** DOE provided financial assistance to BPR under Grant No. DE–FG07–92ID13138 to determine the feasibility and economic potential for olefin separation using a hybrid membrane, distillation system. Major goals were to improve the sulfur resistance of the system and evaluate system operability in a refinery. The feasibility and economic potential proved to be very attractive.

DOE intends to restrict eligibility to BPR for continuation of this research through commercial demonstration plant scale in accordance with 10 CFR part 600.7(b)(2)(i) (A) and (D). DOE has performed a review in accordance with 10 CFR 600.7 and has determined that the activity to be funded is a continuation of an activity presently being funded by DOE and for which competition for support would have a significant adverse effect on continuity of the activity. Furthermore, the applicant has exclusive domestic capability to perform the activity successfully based upon unique equipment, proprietary data, and technical expertise.

DOE funding for the proposed activity is estimated to be $1,400,000 and BPR's share is estimated to be $2,900,000 for a total of $4,300,000 over a two year project period.

Issued in Chicago, Illinois, on February 24, 1993.

**Timothy S. Crawford,**

*Assistant Manager for Administration.*

[FR Doc. 93–5276 Filed 3–5–93; 8:45 am]

BILLING CODE 6450–01–M

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## Report on the Emergency Response Training and Equipment Activities Through Fiscal Year 1992 for the Transportation of Transuranic Waste to the Waste Isolation Pilot Plant

**AGENCY:** Department of Energy

**ACTION:** Notice of availability of emergency response training report.

**SUMMARY:** The Department of Energy (DOE) has issued a report describing emergency response training efforts as of September 30, 1992, in preparation for shipment of transuranic waste to the Waste Isolation Pilot Plant (WIPP). The report provides background on the training program, an overview of the course curricula, a summary of emergency response exercises, an overview of cooperative agreements between DOE and state and tribal governments, and a description of the New Mexico WIPP Medical Working Group. The report is available upon

request and will be updated annually to document the continuing WIPP emergency response training and equipment activities.

**ADDRESSES:** The report is available at the Public Reading Room (room 1E190), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, Monday-Friday, excluding Federal holidays. Copies of the report have also been placed in the following WIPP reading rooms: WIPP Public Reading Room, National Atomic Museum, U.S. Department of Energy, Albuquerque Field Office, P.O. Box 5400, Albuquerque, New Mexico 87115; Thomas Brannigan Memorial Library, 200 E. Picacho, Las Cruces, New Mexico 88005; New Mexico State Library, 325 Don Gaspar, Santa Fe, New Mexico 87503; Pannell Library, New Mexico Junior College, 5317 Lovington Highway, Hobbs, New Mexico 88240; Carlsbad Public Library, 101 S. Halagueno, Carlsbad, New Mexico 88220; Zimmerman Library, Government Publications Department, University of New Mexico, Albuquerque, New Mexico 87138; and Martin Speare Memorial Library, New Mexico Tech, Campus Station, Socorro, New Mexico 87801.

Specific requests for copies of the report should be addressed to: Ms. Tracy Loughead, Waste Isolation Pilot Plant Project Integration Office, U.S. Department of Energy, One Park Square, suite 903, 6501 Americas Parkway NE., Albuquerque, New Mexico 87110, at (505) 845–5977.

**SUPPLEMENTARY INFORMATION:** WIPP is a research and development facility located in Southeastern New Mexico with a mission of demonstrating the safe shipment and disposal of radioactive wastes resulting from defense activities and programs of the United States. Since 1988, DOE has provided training and equipment to emergency responders along proposed WIPP transportation routes. Through September 30, 1992, 8,690 emergency responders in 12 states have received training on the proper procedures to employ in the unlikely event of a WIPP transportation accident. The training is designed to supplement the basic hazardous materials training of those individuals asked to respond to a WIPP transportation accident. Courses include: First responder, first responder refresher training, kit (anti-contamination clothing and respiratory protection equipment), command and control, mitigation, medical management, and a train-the-trainer course. The course content has been reviewed by the affected States and other agencies, including the Federal Radiological Preparedness Coordinating Committee.

In addition, since 1989, DOE has trained 826 medical professionals in 6 States through the Radiation Emergency Assistance Center/Training Site. Working through the WIPP Medical Working Group established by the State of New Mexico, DOE assists hospitals in New Mexico in developing plans, conducting additional training, providing radiation detection equipment, and conducting WIPP-related exercises.

Consistent with provision of section 16(c)(1)(A) of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579), the document entitled Report on the Emergency Response Training and Equipment Activities through Fiscal Year 1992 for the Transportation of Transuranic Waste to the Waste Isolation Pilot Plant, DOE/WIPP 92–055, was issued by DOE on November 25, 1992, to the Congress and state and tribal governments along proposed WIPP transportation corridors.

**Paul D. Grimm,**

*Acting Assistant Secretary for Environmental Restoration and Waste Management.*

[FR Doc. 93–5277 Filed 3–5–93; 8:45 am]

BILLING CODE 6450–01–M

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## Federal Energy Regulatory Commission

**[Project No. 2362–002 Minnesota]**

### Blandin Paper Co.; Availability of Environmental Assessment

February 26, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new major license for the existing Blandin Hydroelectric Project, located on the Mississippi River in Itasca County, Minnesota, in the city of Grand Rapids, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the existing and potential future environmental impacts of the project and has concluded that approval of the project would not constitute a major Federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5186 Filed 3–5–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Project No. 11219–000 North Carolina]**

### Mayo Hydro; Availability of Environmental Assessment

March 2, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a minor license for the proposed Mayo Project located at the existing dam on the Mayo River, near Rockingham County, North Carolina, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the environmental impacts of the proposed project and has concluded that approval of the project, with appropriate mitigation measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5221 Filed 3–5–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Project No. 11090–000 Vermont]**

### Tunbridge Mill Corp.; Availability of Environmental Assessment

March 2, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for minor license for the proposed Tunbridge Mill Hydroelectric Project located on the First Branch of the White River in Orange County, near the Town of Tunbridge, Vermont, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff analyzed the environmental impacts of the project and concluded that approval of the project, with appropriate mitigative

measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5222 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. JD93-05002T, New Mexico-38]

## NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 2, 1993.

Take notice that on February 25, the United States Department of the Interior's Bureau of Land Management (BLM) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Morrow Formation in Eddy 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 approximately 3,840 acres described as follows:

Township 23 South, Range 31 East
Sections 17–18: All
Sections 20–21: All
Sections 28–29: All

The notice of determination also contains BLM's findings that the referenced portion of the Morrow 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 NW., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5223 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. TM93-2-1-000]

## Alabama-Tennessee Natural Gas Co.; Proposed Change in the FERC Gas Tariff

March 2, 1993.

Take notice that Alabama-Tennessee Natural Gas Company ("Alabama-Tennessee"), Post Office Box 918, Florence, Alabama 35631, on February 26, 1993 tendered for filing the following revision to its FERC Gas Tariff, First Revised Volume No. 1:

8th Rev. Sheet No. 4A

Alabama-Tennessee proposes that this tariff sheet be made effective March 1, 1993. In this regard, Alabama-Tennessee requests that the Commission grant a waiver of § 154.22 of its Regulations so that this tariff sheet might be made effective on less than thirty days notice.

Alabama-Tennessee states that the purpose of this filing is to adjust the take-or-pay charges applicable to each of its jurisdictional sales and transportation customers pursuant to the reconciliation procedures established under Article I, Section A.3 of the settlement approved by the Commission in this docket on October 17, 1991. Alabama-Tennessee states that this reconciliation has resulted in a reduction in both the Direct Billed Obligation and the Volumetric Surcharge (as those terms are defined under the settlement) that Alabama-Tennessee is authorized to collect from its jurisdictional sales and transportation customers. Alabama-Tennessee has requested that the Commission accept its filing and that it be permitted to become effective on less than thirty days notice in order that its customers might realize the benefits of these reductions as soon as possible.

In addition to the waiver of § 154.22, Alabama-Tennessee requests such other waivers of the Commission's Regulations as will be necessary to permit the tariff sheet to become effective as proposed in its filing.

Alabama-Tennessee states that copies of its filing were served upon its customers and interested public bodies, and all persons on the Commission's official service list in the captioned docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such motions or protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5186 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. TQ93-3-1-000]

## Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

March 2, 1993.

Take notice that on February 26, 1993, Alabama-Tennessee Natural Gas Company ("Alabama-Tennessee"), Post Office Box 918, Florence, Alabama 35631, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet with a proposed effective date of April 1, 1993:

39th Revised Sheet No. 4

Alabama-Tennessee states that this filing is a quarterly PGA filing which is designed to reflect the cost of gas purchased by Alabama-Tennessee from its suppliers. In addition, Alabama-Tennessee states this filing reflects Alabama-Tennessee's use of the demand cost allocation ratio, for computing the rates for jurisdictional sales customers, that was agreed upon in the settlement filed on December 29, 1992 in Docket No. TQ92-5-1, et al., which the Commission approved by letter order dated February 24, 1993.

Alabama-Tennessee advises the Commission that these rates will need to be adjusted in order to reflect the impact of Alabama-Tennessee's motion rates which will become effective on April 1, 1993 in its general rate case proceeding in Docket No. RP92-237. Because certain issues which will affect the RP92-237 rates are pending before the Commission on rehearing, the precise adjustments are unknown at this time.

Alabama-Tennessee has requested any waivers of the Commission's Regulations that may be necessary to permit the tariff sheet to become effective as proposed.

Alabama-Tennessee states that copies of the tariff filing have been mailed to its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214. All such motions or protests should be filed on or before March 9, 1993. Protests will be

considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5187 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. RP91-65-010]

## Arkla Energy Resources, a Division of Arkla, Inc.; Refund Report

March 2, 1993.

Take notice that on November 4, 1992, Arkla Energy Resources (AER), a division of Arkla, Inc., filed its report of refunds that were made to its jurisdictional customers.

AER states that on October 5, 1992, it made refunds to its jurisdictional customers pursuant to the Commission's order issued August 6, 1992, in Docket Nos. RP91-65-000 and CP89-2107-000. AER states that it had refunded to each of its jurisdictional customers a lump sum amount, including interest, equal to the difference between: (1) The total payments actually made by each jurisdictional customers for gas sold to it or for service rendered to it during the period July 1, 1991 thru August 31, 1992; and (2) the total payments that each customer would have made for such gas and service if the rates paid by the customer during this period had equalled the maximum rates under the prior settlement approved by the Commission in Docket Nos. RP88-45-000, et al.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5189 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. RP93-3-002]

## Arkla Energy Resources, a Division of Arkla Inc.; Compliance Filing

March 2, 1993.

Take notice that on February 26, 1993, Arkla Energy Resources, a division of Arkla Inc. (AER) filed revised rate sheets and accompanying workpapers in compliance with the Commission's October 29, 1992 order in Docket No. RP93-3-000. *Arkla Energy Resources, a division of Arkla Inc.*, 61 FERC ¶ 61,127.

AER states that a copy of this filing has been served on all jurisdictional customers and interested state commissions, and on all parties on the Commission's official service list in Docket No. RP93-3-002.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5190 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. EG93-28-000]

## Blue Mountain Power, L.P.; Notice of Application for Commission Determination of Exempt Wholesale Generator Status

March 2, 1993.

On February 24, 1993, Blue Mountain Power, L.P. (c/o Michael J. Zimmer, Esq., Reid & Priest, 701 Pennsylvania Avenue, NW., Washington, DC 20004) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act, as amended.

Blue Mountain states that it is a Pennsylvania limited partnership formed to own and operate a proposed natural gas fired turbine, combined cycle power plant in Bucks County, Pennsylvania.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before March 19, 1993 and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5224 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. TQ93-5-63-000, TM93-5-63-000]

## Carnegie Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 2, 1993.

Take notice that on February 25, 1993, Carnegie Natural Gas Company ("Carnegie") tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1, with a proposed effective date of March 1, 1993:

Forty-First Revised Sheet No. 8
Forty-First Revised Sheet No. 9

Carnegie states that pursuant to section 154.308 of the Commission's regulations and sections 23 and 26 of the General Terms and Conditions of its FERC Gas Tariff, it is filing a combine Out-of-Cycle Purchased Gas Adjustment ("PGA") and Transportation Cost Adjustment ("TCA") to reflect updated projections affecting the average commodity cost of purchased gas to be incurred by Carnegie on and after March 1, 1993, as well as to track a revision in the effective demand sales rate proposed by Carnegie's pipeline supplier, Texas Eastern Transmission Corporation ("Texas Eastern"). Carnegie states that this filing was necessitated by a substantial and unanticipated increase in the price of spot gas supplies available on and after March 1, 1993, as compared to the projected costs of gas supplies reflected in Carnegie's last scheduled PGA filed in Docket No. TQ93-4-63-000 on January 29, 1993.

The above tariff sheets reflect the following changes from Carnegie's last scheduled PGA filing in Docket No. TQ93-4-63-000: a $0.0912 per Dth decrease in the demand rate, a $0.1765 per Dth increase in the commodity rate, and a 0.0030 per Dth increase in the

DCA rate of its CDS and LVWS rate schedules; a $0.1736 per Dth increase in the maximum commodity rate and a $0.1765 per Dth increase in the minimum commodity rate under Rate Schedule SEGSS. The revised tariff sheets also reflect a decrease in the TCA charge of $0.0081 per Dth, from $0.1716 per Dth to $0.1635 per Dth of $0.0198 per Dth.

Carnegie states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5191 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. FA91-54-000]**

## Central Vermont Public Service Corp.; Order Establishing Hearing Procedures

March 2, 1993.

On December 7, 1992, the Chief Accountant issued a contested audit report [1] under delegated authority noting Central Vermont Public Service Corporation's (Central Vermont) disagreement with the recommendations of the Division of Audits as described in part I of the audit report regarding the administration of the fuel adjustment clause contained in its FERC Tariff No. 1. Central Vermont was requested to advise whether it would agree to the disposition of the contested matters under the shortened procedures provided for by part 41 of the Commission's Regulations. 18 CFR part 41.

On January 4, 1993, Central Vermont responded that it did not consent to the shortened procedures. Section 41.7 of the Commission's Regulations provides that in case consent to the shortened procedures is not given, the proceeding will be assigned for hearing. Accordingly, the Secretary, under authority delegated by the Commission, will set these matters for hearing.

Any interested person seeking to participate in this docket shall file a protest or motion to intervene pursuant to Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) no later than 15 days after the date of publication of this order in the **Federal Register**.

*It is ordered:*

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act, the provisions of the Federal Power Act, particularly sections 205, 206, and 301 thereof, and pursuant to the Commission's Rules of Practice and Procedures (18 CFR chapter I), a public hearing shall be held concerning the appropriateness of Central Vermont's practices as discussed above.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding, to be held within 45 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The Presiding Judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(C) This order shall be published in the **Federal Register**.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5192 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

[1] 61 FERC ¶ 62,195 (1992).

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**[Docket No. EG93-29-000]**

## Century Power Corp.; Notice of Application for Commission Determination of Exempt Wholesale Generator Status

March 2, 1993.

On February 25, 1993, Century Power Corporation ("Applicant") filed with the Federal Energy Regulatory Commission an application under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended, seeking a determination by the Commission that it is an exempt wholesale generator.

Applicant states that it is a privately held corporation organized under Arizona law with its principal offices located at 3567 East Sunrise Drive, suite 235, Tucson, Arizona 85718. Applicant states that it engages exclusively in the business of owning a 50 percent undivided interest in Unit 3 of a project known as the San Juan Project, and related equipment and properties, and in selling electricity to wholesale customers. Applicant states that San Juan Unit 3 is a coal-fueled electric generating unit located near Farmington, New Mexico.

Any person desiring to be heard or objecting to the requested determination should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211, 385.214. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments must be filed on or before March 19, 1993 and must be served on Applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5225 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket Nos. TQ93-2-21-000, TM93-2-21-000, TQ92-5-21-000, and TM92-12-21-000]**

## Columbia Gas Transmission Corp.; Conference

March 3, 1993.

Take notice that on March 11, 1993, a meeting is scheduled among the staff of the Federal Energy Regulatory Commission (FERC), the staff of the Internal Revenue Service (IRS), and representatives of the Columbia Gas Systems, Inc. and its subsidiary, Columbia Gas Transmission Corporation (Columbia). The meeting will take place at the offices of the Commission in Washington, DC at 10 a.m. in a room to be designated on the day of the meeting.

Columbia has indicated that the IRS and Columbia are developing certain facts and positions regarding the income tax effects of the 1989 Global Settlement among Columbia, its customers, and its suppliers. In particular, the IRS and Columbia are focusing on the facts surrounding the treatment in Columbia's rates of transportation costs

under Account No. 858, both before and after the so-called transportation cost tracker in the 1989 Global Settlement was implemented.

The purpose of the March 11, 1993 meeting is to determine whether Columbia's understanding of the rights and obligations of the parties involved wit the Account No. 858 transportation cost tracker comports with the understanding of the FERC staff.

Attendance at the meeting is limited to IRS and FERC staff, the Columbia representatives, and the existing parties to the above-captioned proceedings.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5228 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. ER92-754-000]

## Consumers Power Co., Filing

March 2, 1993.

Take notice that on February 25, 1993, Consumers Power Company tendered for filing an amendment to its earlier filing in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 11, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5193 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. TQ93-3-2-000]

## East Tennessee Natural Gas Co.; Rate Filing

March 2, 1993.

Take notice that on February 26, 1993, East Tennessee Natural Gas Company ("East Tennessee"), submitted for filing ten copies each of Thirty-third Revised Nos. 4 and 5 to First Revised Volume No. 1 of its FERC Gas Tariff to be effective April 1, 1993.

East Tennessee states that purpose of the filing is to implement a Quarterly Gas Rate Adjustment to be effective for the period April 1 through June 30, 1993, pursuant to section 21.(b) of the General Terms and Conditions of East Tennessee's FERC Gas Tariff.

East Tennessee states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20425, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining appropriate action but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who had previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5195 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. TQ93-4-23-000]

## Eastern Shore Natural Gas Co; Proposed Changes in FERC Gas Tariff

March 2, 1993.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on February 26, 1993 certain revised tariff sheets included in appendix A attached to the filing. Such sheets are proposed to be effective March 1, 1993.

ESNG states that the above referenced tariff sheets are being filed pursuant to § 154.308 of the Commission's regulations and §§ 21.2 and 21.4 of the General Terms and Conditions of ESNG's FERC Gas Tariff to reflect changes in ESNG's jurisdictional rates. The increased gas costs in this instant filing result from: (1) Higher prices being paid to producers/suppliers under ESNG's market-responsive gas supply contracts, (2) updating ESNG's pipeline supplier demand rates payable to Transcontinental Gas Pipe Line Corporation and Columbia Gas Transmission, and (3) updating CFSS storage demand rate payable to Columbia Gas Transmission Corporation.

The sales rates set forth in the above referenced tariff sheets reflect an increase of $.0708 per dt in the commodity rate and an increase of $.0734 per dt in the demand rate.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5194 Filed 3-5-93; 8:45 a.m.]

BILLING CODE 6717-01-M

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[Docket No. EG93-26-000]

## Enron Milford Operating Corp.; Notice of Application for Commission Determination of Exempt Wholesale Generator Status

March 2, 1993.

On February 19, 1993, Enron Milford Operating Corp. (Applicant), 3 Allen Center, suite 400, 333 Clay Street, Houston, TX 77002, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act, as amended. Applicant states that it will provide operating and maintenance services to a 149 megawatt, natural gas fueled, dispatchable, combined independent cycle power project (the "Facility") being built in Milford, Massachusetts. Applicant states that it will be exclusively engaged in the business of operating the Facility.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, DC 20426, in accordance with 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments must be filed on or before March 15, 1993 and must be served on the Applicant. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5226 Filed 3–5–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ER92–533–001]**

## Louisville Gas and Electric Co.; Filing

March 2, 1993.

Take notice that on February 12, 1993, Louisville Gas and Electric Company tendered for filing its compliance filing in response to the Commission's earlier order of January 14, 1993 in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 11, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5196 Filed 3–5–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TQ93–8–25–000]**

## Mississippi River Transmission Corp.; Rate Change Filing

March 2, 1993.

Take notice that on February 25, 1993, Mississippi River Transmission Corporation (MTR) tendered for filing Eighth Revised Eighty-Third Revised Sheet No. 4 and Eighth Revised Forty-Second Revised Sheet No. 4.1 to its FERC Gas Tariff, Second Revised Volume No. 1 to be effective March 1, 1993. MRT states that the purpose of the instant filing is to reflect an out-of-cycle purchase gas cost adjustment (PGA).

MRT states that Eighth Revised Eighty-Third Revised Sheet No. 4 and Eighth Revised Forty-Second Revised Sheet No. 4.1 reflect an increase of 13.80 cents per MMBtu in the commodity cost of purchased gas from PGA rates filed on January 29, 1993 to be effective March 1, 1993, in Docket No. TQ93–7–25–000. MRT also states that since the January 29, 1993 filing date, MRT has experienced changes in purchase and transportation costs for its system supply that could not have been reflected in that filing under current Commission regulations.

MRT states that a copy of this filing has been served on all of MRT's jurisdictional sales customers and to the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214. All such motions or protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5197 Filed 3–5–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. EG93–27–000]**

## Milford Power Limited Partnership; Notice of Application for Commission Determination of Exempt Wholesale Generator Status

March 2, 1993.

On February 19, 1993, Milford Power Limited Partnership (Applicant), 3 Allen Center, suite 400, 333 Clay Street, Houston, TX 77002, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act, as amended. Applicant states that it is a Massachusetts limited partnership which is constructing and will own a 149 megawatt, natural gas fueled, dispatchable, combined independent cycle power project (the "Facility") in Milford, Massachusetts. Applicant states that the Facility will sell electric power exclusively at wholesale. Applicant states that it will be exclusively engaged in the business of owning or operating the Facility.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments must be filed on or before March 15, 1993 and must be served on the Applicant. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5227 Filed 3–5–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TQ93–4–16–000]**

## National Fuel Gas Supply Corp., Proposed Changes in FERC Gas Tariff

March 2, 1993.

Take notice that on February 26, 1993, National Fuel Gas Supply Corporation ("National") tendered for filing the following revised tariff sheet as part of its FERC Gas Tariff, Second Revised Volume No. 1, to become effective on April 1, 1993:

Thirty-First Revised Sheet No. 5

National states that the filing is made to implement quarterly (a) Purchased Gas Adjustment ("PGA") rate change, and (b) Transportation and Compression Cost Adjustment ("TCCA") rate change. National's revised demand and commodity rates are $9.72 per Dt and 215.34 cents per Dt respectively.

National further states that copies of this filing were served upon the Company's jurisdictional customers and the Regulatory Commissions of the States of New York, Ohio, Pennsylvania, Delaware, Massachusetts and New Jersey.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions to intervene or protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5198 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. RP93-67-000]

## Natural Gas Pipeline Co. of America; Proposed Changes in FERC Gas Tariff and Filing of Reconciliation Report

March 2, 1993.

Take notice that on February 26, 1993, Natural Gas Pipeline Company of America (Natural) tendered for filing First Revised Sheet Nos. 156 and 170 through 173 to be part of its FERC Gas Tariff, Fourth Revised Volume No. 1, to be effective April 1, 1993.

Natural states the filing is being made pursuant to the Revised Procedure for Recoupment of Take-or-Pay Settlement Costs (Section 34) of the General Terms and Conditions of its tariff. The filing is intended to: (1) Recover approximately $.8 million of additional net transition costs not included in previous filings; (2) reflect accrued interest for the period June 1, 1992 through March 31, 1993; (3) submit the Reconciliation Report required by section 34.6; and (4) cancel Sheet Nos. 156 through 161 for administrative purposes.

Natural states that customers with overrecovered balances were refunded the amounts due on February 26th concurrently with the filing. Natural requested waiver of the Commission's Regulations and its tariff to the extent necessary to make lump-sum billing on April 1st to customers with underrecovered balances.

Natural states a copy of the filing is being mailed to Natural's jurisdictional sales customers, interested state regulatory agencies and all parties set out on the official service list at Docket Nos. RP91-22, RP91-31 and CP89-1281, *et al.*

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5199 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. CP91-2392-002]

## Northwest Pipeline Corp.; Petition to Amend

March 1, 1993.

Take notice that on February 22, 1993, Northwest Pipeline Corporation (Northwest), P.O. Box 58900, Salt Lake City, Utah 84158-0900, filed in Docket No. CP91-2392-002 a petition to amend the authorization issued by order issued on May 1, 1992, in Docket No. CP91-2392-000, to reflect Northwest's December 31, 1992, conveyance to Williams Gas Processing Company (WGP) of two certificated meter stations, all as more set forth in the petition which is on file with the Commission and open to public inspection.

Northwest states that it originally intended to retain ownership of the Grand Gas and Grand Valley Meter Stations on the erroneous assumption that they were located adjacent to Northwest's mainline receipt points from the Grand Gas and Grand Valley gathering systems, respectively, after the conveyance of those systems to WGP as authorized in Docket No. CP91-2392-000. Northwest then states that subsequent review indicated that the subject meter stations are in fact each located several miles upstream on the gathering trunk lines of the respective Grand Gas and Grand Valley Gathering Systems.

Northwest states that although the subject meter stations were identified as transmission rather than gathering facilities in its previously authorized application to abandon all gathering facilities, the meter stations were conveyed to WGP on December 31, 1992, as part of the gathering systems on which they are located. Northwest requests issuance of a conforming amendment to the abandonment order in Docket No. CP91-2392-000 to reflect the conveyance of these two meter stations to WGP.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 22, 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.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5229 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. RP93-6-005]

## Paiute Pipeline Co.; Compliance Filing

March 2, 1993.

Take notice that on February 24, 1993, Paiute Pipeline Company (Paiute) tendered for filing and acceptance the following tariff sheet to be a part of its FERC Gas Tariff, First Revised Volume No. 1-A:

Second Sub Third Revised Sheet No. 10

Paiute states that this filing is made to comply with the Commission's Letter Order issued February 9, 1993 in Docket No. RP93-6-002, wherein the Commission rejected for noncompliance Substitute Third Revised Sheet No. 10 which Paiute submitted on November 27, 1992 in compliance with the Commission's October 30, 1992 Suspension Order in Docket No. RP93-6.

In response to the February 9, 1993 Letter Order, Paiute has submitted proposed Second Sub Third Revised Sheet No. 10, along with workpapers and a further explanation to support its projected level of interruptible transportation service. Paiute proposes no change to either the interruptible transportation volume projection or the proposed rates which were reflected in its November 27, 1992 filing. Paiute has requested an effective date of April 1, 1993 for the tendered sheet.

Paiute states that copies of its filing have been mailed to all parties on the official service list in Docket No. RP93-6.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5200 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. RP93-85-000]

## Southern Natural Gas Co. and South Georgia Natural Gas Co.; Joint Petition for Limited Waiver of Storage Provisions

March 2, 1993.

Take notice that on February 24, 1993, Southern Natural Gas Company (Southern) and South Georgia Natural Gas Company (South Georgia) tendered for filing a petition for a limited waiver of certain storage tariff provisions which provide that the gas to be injected is to be purchased from Southern and South Georgia.

Southern requests a limited waiver of the requirement contained in section 2.1 of Exhibit B to Rate Schedule STS-1 that a customer make volumes available for delivery to storage under Rate Schedules CSS-1 and CSS-2 by purchasing such volumes from Southern. In conjunction therewith, Southern requests a limited waiver of the requirement contained in section 3.1 of Exhibit B of Rate Schedules CSS-1 and CSS-2 that storage gas shall be provided pursuant to Rate Schedule STS-1. South Georgia requests a limited waiver of the same provisions set out in section 2.1 of Exhibit B of its ST-1 and ST-2 Rate Schedules and in section 3.1 of Exhibit B of its SS-1 and SS-2 Rate Schedules.

Southern and South Georgia states that such waivers will permit the storage services customers to purchase gas from any source to meet their storage requirements under these services. Southern and South Georgia request that such waivers remain in effect to October 31, 1993, which will extend the waiver through the entire upcoming injection season for deliveries of the third party gas into storage.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5201 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. RP86-119-032]

## Tennessee Gas Pipeline Co., Report of Refunds

March 2, 1993.

Take notice that Tennessee Gas Pipeline Company (Tennessee) on January 25, 1993, tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made in accordance with the Commission's orders issued April 10, 1992 and June 25, 1992, in Docket No. RP86-119, which accepted a settlement filed June 25, 1991 and as modified on May 7, 1992.

On January 25, 1993, Tennessee states that it refunded $51,392,120 to the customers listed on the schedules attached to the filing, inclusive of interest calculated in accordance with 18 CFR 154.67(c), to its customers. Tennessee also states that the refunds represent the accumulated value of the take-or-pay payments received under prior recovery formulas in excess of allocated take-or-pay demand costs, pursuant to the settlement.

Tennessee states that refunds in excess of $10 million are being made in three equal semi-annual payments as provided by the settlement.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 93-5202 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. TM93-8-29-000]

## Transcontinental Gas Pipe Line Corp.; Tariff Filing

March 2, 1993.

Take notice that on February 24, 1993 Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing with the Federal Energy Regulatory Commission (Commission) First Revised Second Revised Sheet No. 23 to its FERC Gas Tariff, Third Revised Volume No. 1, which tariff sheet is attached thereto. The proposed effective date of the enclosed tariff sheet is April 1, 1993.

On June 19, 1991, the Commission issued its "Order Approving Settlements As Modified And Issuing Certificates" in Docket Nos. CP88-391-004 *et al.* (June 19 Order), which approved with certain modifications TGPL's June 22, 1990 Settlement filed in Docket Nos. RP87-7-000 *et al.* (Rate Settlement) and TGPL's September 17, 1990 Settlement filed in Docket Nos. CP88-391 *et al.* (GIC Settlement). Pursuant to Article III of the GIC Settlement, during Phase II (April 1, 1991 through March 31, 1994), there shall be generally applicable fixed monthly Firm Service Fees. Specifically, commencing April 1, 1993, the monthly Firm Service Fee shall be $5.80 per Mcf of daily sales entitlement. Such Firm Service Fee is set forth in Exhibit A, section 3(c) of the FS Service Agreement. The purpose of this filing is to set forth in TGPL's Volume No. 1 Tariff the Firm Service Fee under Rate Schedule FS of $5.80 commencing April 1, 1993.

TGPL states that copies of the instant filing are being mailed to customers, State Commissions and other interested parties. In accordance with provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at TGPL's main offices

at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protest should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5203 Filed 3–5–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TM93–6–29–000]**

## Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

March 2, 1993.

Take notice that Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing on February 26, 1993 Fifth Revised Fourth Revised Sheet No. 50 to its FERC Gas Tariff, Third Revised Volume No. 1, which tariff sheet is proposed to be effective February 1, 1993.

TGPL states that the purpose of the instant filing is to track a rate change attributable to the transportation service purchased from Texas Gas Transmission Corporation (Texas Gas) under its Rate Schedule FT the costs of which are included in the rates and charges payable under TGPL's Rate Schedule FT–NT. The tracking filing is being made pursuant to section 4 of TGPL's Rate Schedule FT–NT.

Included in appendix A attached to the filing is the explanation of the rate change and details regarding the computation of the revised FT–NT rates.

TGPL states that copies of the filing are being mailed to each of its FT–NT customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Streets, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5204 Filed 3–5–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TM93–6–29–001]**

## Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

March 2, 1993.

Take notice that Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing on February 26, 1993 Second Substitute First Revised Sixth Revised Sheet No. 28 and Substitute Second Revised Sixth Revised Sheet No. 28 to its FERC Gas Tariff, Third Revised Volume No. 1, which tariff sheets are proposed to be effective October 1, 1992 and December 1, 1992, respectively.

TGPL states that the purpose of the instant filing is to correct a typographical error in the SS–1 Demand charge reflected in TGPL's filing of December 22, 1992 in Docket No. TM93–6–29–000 (December 22 Filing). Included in such filing was a rate change attributable to the storage service purchased from North Penn Gas Company (North Penn) under its Storage Service rate schedule, the cost of which are included in the rates and charges payable under TGPL's Rate Schedule SS–1. Appendix B, Schedule 3 of the December 22 Filing reflected the correct SS–1 Demand charge of $8.1726 effective October 1, 1992. However, the rate was incorrectly transcribed as $8.176 on Substitute First Revised Sixth Revised Sheet No. 28 and Second Revised Sixth Revised Sheet No. 28 effective October 1, 1992 and December 1, 1992 respectively.

TGPL states that copies of the filing are being mailed to each of its SS–1 customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be on filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5205 Filed 3–5–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. RP93–86–000]**

## Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

(March 2, 1993)

Take notice that, on February 26, 1993, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

**Tariff Sheet**

*Effective April 1, 1993:*

2nd Revised Sheet No. 5A.05
Substitute 4th Revised Sheet No. 5B

**Tariff Sheets**

*Effective April 1, 1993:*

101st Revised Sheet No. 5
7th Revised Sheet No. 5A
3rd Revised Sheet No. 5A.01
3rd Revised Sheet No. 5A.05
5th Revised Sheet No. 5B
1st Revised Sheet No. 5E(v)
8th Revised Sheet No. 87
14th Revised Sheet No. 89
3rd Revised Sheet No. 89A

The above referenced tariff sheets are being filed by Transwestern to modify its take-or-pay, buy-out and buy-down mechanism ("Transition Cost Recovery" or "TCR" mechanism) in order to recover certain take-or-pay settlement, buy-out, buy-down, and contract reformation costs ("Transition Costs") which amounts it paid subsequent to the implementation date of its Gas Inventory Charge ("GIC"), October 1, 1989, and which do not qualify under the Litigation Exception provision of its tariff.

Further, Transwestern seeks to modify this exit point surcharge to provide a separate TCR C rate for its FTS–2 Rate Schedule customers. The previously filed exit point volumetric surcharges for FTS–1 and ITS–1 Rate Schedule customers are not altered by this minor change.

In addition, the above referenced tariff sheets include additional carrying charges associate with two previous Transition Cost Recovery filings, as permitted by the Commission in its

Order dated July 23, 1992 in Docket Nos. RP91-215-002 and RP92-8-002.

Transwestern has paid an additional $393,182.26 in Transition Costs ("TCR Amount Twelve") and is revising certain tariff sheets and requesting authority to begin recovery of such amounts under the tariff sheets.

Under the tariff sheets, Transwestern proposes to absorb twenty-five percent (25%) of the additional Transition Costs it has incurred and to recover the remaining seventy-five percent (75%) through an exit point, volumetric surcharge which includes a reconciliation or "true-up" mechanism.

Transwestern respectfully requests that the Commission grant any and all waivers of its rules, regulations, and orders as may be necessary so as to permit the above listed tariff sheets to become effective April 1, 1993.

Transwestern states that copies of the filing have been mailed to each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests must be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5206 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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## Union Electric Co.; Filing

[Docket No. ER92-842-001]

February 25, 1993.

Take notice that on January 29, 1993, Union Electric Company tendered for filing a Second Amendment to the Wholesale Power Agreement between Union Electric Company (UE) and Central Illinois Public Service Company.

The purpose of this amendment is to comply with the Commission's letter of December 30, 1992 accepting UE's submittal for filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5231 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. ER92-537-001]

## Union Electric Co.; Filing

February 25, 1993.

Take notice that on January 29, 1993, Union Electric Company tendered for filing a Second Amendment to the 60 Hertz Wholesale Power Agreement, a Third Amendment to the 25 Hertz Wholesale Power Agreement, and a Third Amendment to the Interchange Agreement, all between Union Electric Company and Iowa Electric Light and Power Company.

The purpose of these amendments is to comply with the Commission's letter of December 30, 1992 accepting Union Electric Company's submittal for filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5230 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. EF93-5091-000]

## Western Area Power Administration; Further Extension of Time

February 25, 1993.

On February 22, 1993, the Department of Water and Power for the City of Los Angeles (the City) and Southern California Edison Company (Edison) filed a motion for a further extension of time to file motions to intervene or protests in response to the Commission's Notice of Filing issued December 23, 1992, in the above-docketed proceeding. In the motion, the City and Edison state that the Western Area Power Administration (WAPA) and the Bureau of Reclamation have accepted a proposal of the City that the two government agencies and the Boulder Canyon Project Power contractors agree on a time table for negotiations with respect to issues that are a part of pending proceedings in the Commission with respect to Rate Order No. WAPA-58. The City and Edison state that additional time is needed to complete preparation of their intervention pending the outcome of these negotiations. The City and Edison also state that these issues also relate to a case which is pending in the U.S. District Court involving Rate Order No. WAPA-49.

Upon consideration, notice is hereby given that a further extension of time for filing motions to intervene and protests is granted to and including March 15, 1993.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5207 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. RP88-197-009]

## Williston Basin Interstate Pipeline Co.; Report of Refunds

March 2, 1993.

Take notice that Williston Basin Interstate Pipeline Company (Williston Basin) on November 5, 1992, tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made in compliance with the Commission's "Order Denying Rehearing" issued September 21, 1992, in Docket Nos. RP88-197-007 and RP88-236-002.

Williston Basin states that on November 5, 1992, it refunded $6,406,817.63 inclusive of interest calculated in accordance with 18 CFR 154.67(c), to its customers. The refunds are for the period September 24, 1988 through May 31, 1989. Williston Basin states that the refunds were calculated

by comparing the rates billed for the refund period and the rates in the Compliance Filing submitted to the Commission on October 21, 1992.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 9, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5208 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. CP93-220-000]

## Williams Natural Gas Co.; Request Under Blanket Authorization

February 26, 1993.

Take notice that on February 19, 1993, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP93-220-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to install a tap, measuring, regulating and appurtenant facilities for the delivery of interruptible transportation gas to the City of Girard (Girard) in Crawford County, Kansas, under WNG's blanket certificate issued in Docket No. CP82-479-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG states that it proposes to install the facilities in order to provide standby service to the Girard power plant during the summer months. It is further stated that the projected volume of delivery is estimated to be approximately 2,760 Dth per day. WNG states that the estimated cost of construction is $59,490, of which $54, 340 would be reimbursed by Girard.

WNG states that this change is not prohibited by an existing tariff and it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

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. 93-5232 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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## Williams Natural Gas Co.

[Docket No. CP93-221-000]

February 26, 1993.

Take notice that on February 22, 1993, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP93-221-000, a request pursuant to §§ 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act, to abandon the sale of gas to Peoples Gas Company (Peoples) for resale to the Town of Pershing in Osage County, Oklahoma, under Williams' blanket certificate authorization issued in Docket No. CP82-479-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Williams sold gas to Freedom under a resale sales agreement designated as Rate Schedule F. However, Peoples' successor, LeAnn Gas Company (LeAnn) [1] has requested that Williams cancel the sales agreement with Peoples as LeAnn has a firm transportation agreement in place which would take the place of Peoples's resale sales agreement.

No abandonment of facilities is requested in this proposal, as Williams indicates the facilities will remain in place and be available for the delivery of transportation gas. Williams also indicates that no construction or reclaim of facilities is involved with this proposal.

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. 93-5233 Filed 3-5-93; 8:45 am]

BILLING CODE 6717-01-M

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## Office of Hearing and Appeals

### Notice of Cases Filed During the Week of February 12 Through February 19, 1993

During the Week of February 12 through February 19, 1993, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

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: March 2, 1993.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

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[1] LeAnn acquired the assets of Peoples on December 1, 1992.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Feb. 12 through Feb. 19, 1993]

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Feb. 16, 1993 | Eugene Maples, Hopkins, SC | LFA-0271 | Appeal of an information request denial. If granted: The February 2, 1993 Freedom of Information Request Denial issued by the Atlanta Support Office would be rescinded, and Eugene Maples would receive access to correspondence relating to GAO audit report ER-B-92-06. |
| Feb. 17, 1993 | Chevron USA, Inc., San Francisco, CA | LRJ-0003 | Request for protective order. If granted: Chevron USA, Inc. would enter into a Protective Order regarding the release of proprietary information to James F. Flug of Lobel, Novins, Lamont & Flug in connection with Chevron USA, Inc. (Case No. LRO-0004). |

REFUND APPLICATIONS RECEIVED

| Date received | Name of refund proceeding/ name of refund application | Case No. |
|---|---|---|
| 2/12/93 thru 2/19/93. | Gulf Oil Refund Applications Received. | RF300-20932 thru RF300-21090. |
| 2/12/93 thru 2/19/93. | Crude Oil Refund Applications Received. | RF272-94132 thru RF272-94243. |
| 2/12/93 thru 2/19/93. | Texaco Oil Refund Applications Received. | RF321-19600 thru RF321-19614. |
| 2/16/93 | Refiners Distributing Corp. | RF 304-13604. |
| 2/16/93 | Gene S. Bula. | RC272-169. |
| 2/17/93 | Bill's Arco | RF304-13605. |
| 2/17/93 | W.W. Muffett Arco. | RF304-13606. |
| 2/17/93 | J&H Fuel Service. | RF304-13607. |
| 2/17/93 | Evett Oil Company. | RF304-13608. |
| 2/17/93 | Frank's Arco. | RF304-13609. |
| 2/17/93 | Maverick Arco. | RF304-13610. |
| 2/17/93 | Bowers Oil Company, Inc. | RF304-13611. |
| 2/17/93 | Fodi Atlantic Service. | RF304-13612. |
| 2/17/93 | Vallino's Arco. | RF304-13613. |
| 2/17/93 | Cooper Canal Station. | RF346-31. |
| 2/17/93 | Jeff Davis Canal. | RF346-32. |
| 2/17/93 | Richard Canal Station. | RF346-33. |
| 2/17/93 | Elton Canal Center. | RF346-34. |

REFUND APPLICATIONS RECEIVED—Continued

| Date received | Name of refund proceeding/ name of refund application | Case No. |
|---|---|---|
| 2/18/93 | Morton Grove Service, Inc. | RF304-13614. |
| 2/19/93 | Atlas Arco | RF304-13615. |

[FR Doc. 93-5278 Filed 3-5-93; 8:45 am]

BILLING CODE 6450-01-M

## Office of Hearings and Appeals

### Issuance of Decisions and Orders During the Week of February 8 Through February 12, 1993

During the week of February 8 through February 12, 1993, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

### Appeals

*Citizens' Action Committee of Pike County Citizens, 2/10/93, LFA-0262*

The Citizens' Action Committee of Pike County Citizens filed an Appeal from a determination issued to it by the Oak Ridge Field Office of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that there are no records concerning post-1979 shipments of contaminated waste to the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio from either the Fernald Environmental Management Project site near Cincinnati, Ohio or the Miamisburg, Ohio Mound Facility. No responsive documents exist because, to the best knowledge of those concerned, no such shipments have occurred. The DOE, therefore, determined that the search for documents in the classified and unclassified records of the DOE and its contractor was adequate. Accordingly, the Appeal was denied.

*Glen Milner, 2/8/93, KFA-0183, KFA-0230, KFA-0273*

On April 25, 1988, and November 25, 1988, Glen Milner filed Appeals from determinations issued by the Albuquerque Operations Office of the DOE in response to a request that he submitted under the Freedom of Information Act (FOIA). In these determinations, Albuquerque withheld, except the Title and Signature pages, Technical Manual TP 45-51A, claiming that the Manual was exempt from disclosure under Exemptions 1, 2, and 3 of the FOIA. On Appeal, the DOE determined that all of the material within the Technical Manual must continue to be withheld as properly classified Restricted Data (RD) or Unclassified Controlled Nuclear Information (UCNI), protected under the Atomic Energy Act of 1954 and exempt from disclosure under Exemption 3, or National Security Information (NSI), exempt from disclosure under Exemption 1. In addition, because the Technical Manual is a joint DOE/Department of Defense (DOD) publication, DOD was asked to perform a supplementary review. The DOD agreed with DOE findings and also determined that the document contained Exemption 2 information, i.e., unclassified information on internal matters, the disclosure of which would allow circumvention of a rule or regulation, thereby impeding the government's ability to perform its assigned roles and functions. Therefore, the Appeal was denied in part and granted in part so that a copy of the new

Title and Signature pages could be sent to Mr. Milner.

*Harbert Corporation, 2/10/93, LFA-0264*

The Harbert Corporation filed an Appeal from a determination issued to the firm by the Director of the Office of Placement and Administration in response to a Freedom of Information Request. The applicant sought records pertaining to the financing and construction of the Agrifuels alcohol fuels plant located in New Iberia, Louisiana. In his determination, the Director withheld 20 documents on the ground that they fell within the scope of FOIA Exemption 5. In considering the Appeal, the DOE found that the Director's determination was deficient because (1) it did not adequately describe the withheld documents or explain the reasons why they fell within the scope of Exemption 5, (2) it did not explain why documents originating with DOE contractors should be considered intra-agency documents that are withholdable under Exemption 5, and (3) it did not consider whether the withheld documents should be released in the public interest. Under these circumstances, the Appeal was granted in part, and the matter was remanded to the Director for a new determination.

**Implementation of Special Refund Procedures**

*Automatic Comfort Corporation, 2/8/93, LEF-0005*

A Decision and Order was issued implementing a plan for the distribution of funds received pursuant to a consent order entered into between Automatic Comfort Corporation (Automatic) (now d/b/a Connecticut Petroleum Marketers) and the DOE. The DOE determined that the Automatic funds should be distributed pursuant to subpart V. The specific information to be included in Applications for Refund is set forth in the Decision.

**Refund Applications**

*Apex Oil Co., Clark Oil & Refining Corp./Halron Oil Co., Inc., 2/11/93, RF342-78*

The DOE issued a Decision and Order denying an Application for Refund filed by Halron Oil Co., Inc. (Halron), in the Apex/Clark special refund proceeding. In response to the DOE's initial conclusion that Halron was a spot purchaser, Halron argued that because it regularly supplied its customer base with isolated purchases from a variety of suppliers, it was a "regular" customer of Clark petroleum products. The DOE determined that because Halron had discretionary ability to purchase product only when it was economically advantageous to do so, it was not a regular customer of Clark for the purposes of the Apex/Clark proceeding. In addition, although Halron argued that it was economically disadvantaged because Clark charged higher prices to Halron than to its jobbers, the mere fact that Halron may have purchased product at higher prices did not establish that it was unable to pass through the increased costs to its customers. Accordingly, Halron's Application for Refund was denied.

*Good Hope Refineries/Howard Oil Company, Inc., Exxon Company, USA, 2/12/93, RF339-5, RF339-7*

Howard Oil Company, Inc. and Exxon Company, USA filed Applications for Refund Seeking portions of a $9 million fund which the successor to Good Hope Refineries remitted to the DOE under the terms of a July 31, 1979 Consent Order. Under the refund procedures established in *Good Hope Refineries*, 21 DOE ¶ 85,309 (1991) (*Good Hope II*), Howard Oil and Exxon were eligible to receive certain shares of the Good Hope fund that were specified by the Department's Economic Regulatory Administration in an Appendix to *Good Hope II*, subject to a presumption of injury for mid-range reseller and refiner claimants. Accordingly, each firm received a refund of $50,000 plus interest, under the mid-range presumption of injury.

*Gulf Oil Corporation/Munford, Inc. 2/9/93, RR300-198*

The DOE issued a Decision and Order concerning a Motion for Reconsideration submitted in the Gulf Oil Corporation special refund proceeding by Munford, Inc., a reseller of petroleum products that is currently a Chapter 11 debtor. Munford, Inc. was granted a refund for purchases of 184,068,767 gallons of Gulf petroleum products under the 40 percent presumption of injury. The total refund granted to Munford, Inc. was $79,518. In addition, the DOE ruled that it will continue to send refund checks directly to the applicant in cases where the applicant is represented by Resource Refunds, Inc., a private filing service.

*Murphy Oil Corporation, Williams Energy Company et. al., 2/8/93, RF309-649 et al.*

The DOE issued a Decision and Order granting four and denying three Applications for Refund filed in the Murphy Oil Corporation special refund proceeding on behalf of Williams Energy Company (WEC) and four of its affiliates. The DOE determined that the original owner of Best Gas & Oil Co., Inc. (Best), retained the right to a refund for Best's Murphy purchases when it sold the assets of the firm to WEC in 1979. Therefore, the DOE granted the applicant a refund for purchases made prior to the sale. The DOE denied three applications filed by David Petroleum (Davis) on behalf of WEC, Buckeye Gas Products Company (Buckeye), WEC successor-in-name, and Davis Oil, a company whose business WEC acquired in 1976. Because Davis purchased only the Minnesota operations of Buckeye in a sale of assets only, the DOE determined that Davis had not purchased the right to a refund for the three firms and therefore denied Davis' applications. Finally, the DOE determined that Ferrellgas, Inc. (Ferrellgas), purchased the right to a refund for purchases made by WEC, Best, Davis Oil, and Agasie Oil Co. (Agasie) when it purchased all of the assets of Buckeye, the successor to WEC and parent of Best, Davis Oil, and Agasie. Ferrellgas acquired all of Buckeye's assets when it purchased 100% of the partnership interest in Buckeye Gas Products Company, L.P. (Buckeye L.P.), a newly-created limited partnership to which Buckeye had implicitly transferred the right to a refund. The DOE initially identified Agasie as a spot purchaser, and Ferrellgas declined to challenge our conclusion. Therefore, the DOE granted Ferrellgas' Applications for Refund filed on behalf of WEC, Best, and Davis Oil and denied the Application filed on behalf of Agasie. The total amount of the refunds granted in this Decision and order is $4,603 (comprised of $2,135 principal and $1,028 interest).

*Shell Oil Company/Day Oil Co., 2/8/93, RF315-7437*

The DOE issued a Decision and Order granting an Application for Refund filed in the Shell Oil Company special refund proceeding on behalf of Day Oil Co. (DOC). The applicants, Dorence and Janet Noteboom, claimed a refund on the Shell products purchased by DOC during the consent order period. Mr. and Mrs. Noteboom had sold the right to the DOC refund, along with all issued and outstanding stock in DOC, to Cummings Transfer Co. (Cummings) in 1987. Subsequently, however, Cummings assigned the right to the DOC refund to Mr. and Mrs. Noteboom. This assignment indicated that Cummings did not intend to acquire the right to the refund when it purchased all stock in the firm. Accordingly, the DOC refund was granted to Mr. and Mrs. Noteboom.

*Texaco Inc./Blackie's Texaco Service, Blackie's Texaco, 2/9/93, RF321-16870, RF321-18933*

The DOE issued a Decision and Order concerning two Applications for Refund filed in the Texaco Inc. subpart V special refund proceeding on behalf of Blackie's Texaco, a retail outlet located in Fort Worth, Texas. These applicants both claimed the right to receive the refund for the outlet's Texaco purchases made during the refund period. In this instance, in which a change of ownership took place after the refund period, the DOE examined the Sale and Purchase Agreement and found that the right to the refund was not transferred when the ownership changed. Therefore, the refund of $8,165 ($6,062 in principal and $2,103 in interest) was granted to the widow of the owner of the outlet during the refund period, Mrs. Mary L. Wardlow (RF321–16870).

*Texaco Inc./Bob Spaulding Texaco, 2/11/93, RF321–19584, RF321–19586*

The DOE issued a Decision and Order concerning two Applications for Refund filed in the Texaco Inc. subpart V special refund proceeding on behalf of Bob Spaulding Texaco, a retail outlet located in Tucson, Arizona. Robert W. Spaulding (Case No. RF321–19586) claimed the right to the full refund while his former wife, Jeanine Spaulding (Case No. RF321–19584), claimed the right to one-half of the refund. The applicants were married throughout the refund period and the outlet was purchased and sold during the course of the marriage. The DOE examined the parties' divorce decree and the applicable Arizona community property law and found that the applicants were each eligible for one-half of the refund. Therefore, the refund of $1,548 ($1,150 in principal and $398 in interest) was divided between the Jeanine Spaulding and Robert W. Spaulding as co-owners of the retail outlet during the refund period.

*Texaco Inc./Boston Edison Company, 2/12/93, RF321–16983*

The DOE issued a Decision and Order granting an Application for Refund filed by Boston Edison Company in the Texaco Inc. subpart V special refund proceeding. Boston Edison, a public utility whose prices for services are regulated by a governmental agency, claimed a refund equal to its full allocable share based on the presumption of injury for regulated firms and cooperatives. Boston Edison also certified that it will pass through to its customers the entire refund amount it receives and that it will notify its State regulatory agency of receipt of the refund. Accordingly, Boston Edison was granted a refund of $1,620,494 ($1,203,129 principal plus $417,365 interest) based on Texaco purchases of 1,093,753,830 gallons of residual fuel oils.

*Texaco, Inc./White Lane Texaco, White Lane Texaco, 2/10/93, RF321–13737, RF321–17159*

The DOE issued a Decision and Order concerning two Applications for Refund filed in the Texaco Inc. special refund proceeding. These applications were filed by Jack and Nelma Hammons, who purchased and operated White Lane Texaco during the course of their marriage. Their marriage was dissolved by a divorce decree issued in 1982. In his application (Case No. RF321–17159) Jack Hammons claimed that he was entitled to the entire refund based on the purchases of petroleum products by White Lane Texaco during the period March 1973 through January 1981. Nelma Hammons claimed she was entitled to one-half the refund. In support of her position that she should receive one-half of the refund, she submitted a 1984 Judgment of the Superior Court of California and other documents concerning the division of marital assets which indicated that the service station was community property. In considering the applications, the DOE determined that as husband and wife in a community property state, both parties bore the burden of Texaco's alleged overcharges during the refund period. The DOE also determined that since all of the couple's property disposed of by the Judgment, except that which was expressly excluded, was considered to be community in nature, so too should be the refund for the purchases made by White Lane Texaco. Accordingly, the DOE concluded that Jack Hammons and Nelma Hammons were entitled to equal shares of the refund based on the outlet's purchases. Therefore, the Hammons were each awarded one-half of the refund of $5,160 ($3,800 plus $1,306 interest).

**Refund Applications**

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

| | | |
|---|---|---|
| Atlantic Richfield Company/Dave Grant's Arco et al | RF304–13373 | 02/12/93 |
| Atlantic Richfield Company/Lowell O. Volden et al | RF304–13537 | 02/09/93 |
| Atlantic Richfield Company/Terry's Arco | RF304–13510 | 02/11/93 |
| Gerry's Atlantic Service | RF304–13511 | |
| Jones Arco | RF304–13515 | |
| Jones Arco | RF304–13560 | |
| Atlantic Richfield Company/Tom Moore's Arco et al | RF304–13371 | 02/11/93 |
| Bangor & Aroostook Railroad Co | RF272–93385 | 02/11/93 |
| City of York, Pennsylvania et al | RF272–88010 | 02/10/93 |
| Enron Corp./Midwest Products Supply Co., Inc | RF340–36 | 02/11/93 |
| Milton Propane, Inc | RF340–122 | |
| Grand Trunk Western Railroad | RF272–82308 | 02/09/93 |
| The Great Lakes Towing Co | RF272–90022 | |
| Gulf Oil Corporation/Agrico Chemical Company | RF300–15174 | 02/11/93 |
| Gulf Oil Corporation/Cumbee Oil Co | RF300–14233 | 02/10/93 |
| Gulf Oil Corporation/Fusco Motors | RF300–16884 | 02/12/93 |
| Gulf Oil Corporation/Mineral Springs Gulf et al | RF300–13197 | 02/09/93 |
| Gulf Oil Corporation/Page's Convenience Store et al | RF300–17022 | 02/10/93 |
| Gulf Oil Corporation/R&R Gulf et al | RF300–14047 | 02/12/93 |
| Gulf Oil Corporation/Truckman Service Corp. et al | RF300–16526 | 02/12/93 |
| Johnson Controls Battery Group | RF272–92816 | 02/12/93 |
| Newark Valley Central School et al | RF272–82408 | 02/08/93 |
| Phelps Dodge Corporation | RF272–92658 | 02/11/93 |
| Rising Star Independent School District et al | RF272–80717 | 02/10/93 |
| Shell Oil Company/Arrow Gas Realty Corp | RF315–1780 | 02/12/93 |

| | | |
|---|---|---|
| Shell Oil Company/Bayfront Shell et al | RF315–8330 | 02/09/93 |
| South Kingstown School Dept. et al | RF272–82629 | 02/09/93 |
| Spentonbush Transportation Service | RF272–76901 | 02/11/93 |
| Tesoro Petroleum Corp./Koch Refining Company | RF326–260 | 02/10/93 |
| Wood River Oil & Refining Co | RF326–328 | |
| Texaco Inc./Charter Oak Texaco et al | RF321–10310 | 02/09/93 |
| Texaco Inc./Kenneth Stanley Texaco Distributor et al | RF321–16803 | 02/08/93 |
| Texaco Inc./M.D. Geer Texaco et al | RF321–17418 | 02/12/93 |
| Texaco Inc./Max's Texaco | RF321–19587 | 02/12/93 |
| Max's Texaco | RF321–19588 | |
| Texaco Inc./Mickey's Sales & Service et al | RF321–10536 | 02/08/93 |
| Texaco Inc./Mordale Texaco et al | RF321–10675 | 02/09/93 |
| Texaco Inc./Wildwood Texaco et al | RF321–13022 | 02/12/93 |

**Dismissals**

The following submissions were dismissed:

| Name | Case No. |
|---|---|
| Acme Oil Company | RF300–17639 |
| Arvin Rooks Gulf | RF300–15099 |
| Attala Lumber Company | RF300–17945 |
| Bennett Gardens | RF300–14296 |
| C.T. Kersey and Son Farm. | RF300–17132 |
| Cesaro & Gatter, Inc | RF304–12932 |
| Cousins Arco | RF304–12901 |
| Delnero's Gulf | RF300–15095 |
| J.H. Lout Grocery | RF300–17227 |
| Mountain Manor, Inc | RF300–14297 |
| Olympian Oil Company | RF304–12716 |
| Pittsburg Independent School District. | RF272–83725 |
| Preston Gates Ellis & Rouvelas Meeds. | LFA–0250 |
| Robert E. Reedy & Sons Company. | RF304–13489 |
| Robert Marshall Gulf Service. | RF300–16464 |

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: March 2, 1993.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 93–5279 Filed 3–5–93; 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 disbursement of $340,000, plus accrued interest, in alleged crude oil overcharges obtained by the DOE under the terms of a Consent Order and Settlement Agreements entered into with Walter J. Scott & Benjamin J. Agajanian Oil Producers, William J. Scott, and Walter J. Scott d/b/a Scott Oil Company, Case No. LEF–0053. The OHA has determined that the funds obtained from these three firms, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges.

**DATES AND ADDRESSES:** Applications for Refund must be filed in duplicate, addressed to "Subpart V Crude Oil Overcharge Refunds," and sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Applications must be postmarked by June 30, 1994.

**FOR FURTHER INFORMATION CONTACT:** Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–2094 (Mann); 586–2383 (Klurfeld).

**SUPPLEMENTARY INFORMATION:** In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute to eligible claimants $340,000, plus accrued interest, obtained by the DOE under the terms of a Consent Order and Settlement Agreements entered into with Walter J. Scott & Benjamin J. Agajanian Oil Producers, Walter J. Scott d/b/a Scott Oil Company, and William J. Scott on December 17, 1986, July 27, 1991, and December 2, 1991. The funds were paid by these three firms towards the settlements of common violations of the Federal petroleum price and allocation regulations that were in effect from August 19, 1973 through January 28, 1981.

The OHA will distribute the Scott Settlement fund in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986) (the MSRP). Under the MSRP, crude oil overcharge monies are divided between the Federal government, the states, and injured purchasers of refined petroleum products. Refunds to the states will be distributed in proportion to each state's consumption of petroleum products during the price control period. Refunds to eligible purchasers will be based on the number of gallons of petroleum products which they purchased and the degree to which they can demonstrate injury.

Applications for Refund must be postmarked by June 30, 1994. Any claimant which has already filed a subpart V crude oil refund application should not file another application, as the prior application will be deemed to be filed in this crude oil refund proceeding. Instructions for the completion of crude oil refund applications are set forth in the Decision that immediately follows this notice. Refund claims should be sent to the address listed at the beginning of this notice.

Unless labelled as "confidential," all submissions must be made available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in room 1E–234, 100 Independence Avenue, SW., Washington, DC 20585.

Dated: February 25, 1993.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

**Decision and Order of the Department of Energy**

*Name of Firm:* Walter J. Scott & Benjamin J. Agajanian, Oil Producers. William J. Scott, Walter J. Scott d/b/a Scott Oil Company.

*Date of Filing:* December 11, 1992.

*Case Number:* LEF–0053.

On December 11, 1992, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed a Petition for the Implementation of Special Refund

Procedures with the Office of Hearings and Appeals (OHA), to distribute the funds which Walter J. Scott & Benjamin J. Agajanian Oil Producers, Walter J. Scott d/b/a Scott Oil Company, and William J. Scott remitted to the DOE pursuant to a December 17, 1986 Consent Order, a July 27, 1991 Settlement Agreement and General Agreement, and a December 2, 1991 Settlement Agreement and General Release. These three firms have remitted $340,000 pursuant to their respective Consent Order and Settlement Agreements, to which $59,226 has accrued as of January 31, 1993. In accordance with the procedural regulations codified at 10 CFR part 205, subpart V (subpart V), the ERA requests in its Petition that the OHA establish special procedures to make refunds in order to remedy the effects of alleged regulatory violations which were resolved by the above mentioned Consent Order and Settlement Agreements. This Decision and Order sets forth the OHA's plan to distribute these funds.

**I. Background**

The ERA issued Proposed Remedial Orders (PROs) to the above mentioned firms on June 4, 1982, alleging that they had violated the DOE price regulations. In the PROs, the ERA found that the three firms had sold crude oil from various leases during the respective audit periods at prices in excess of the lower-tier ceiling price specified in 10 CFR 212.73. On March 21, 1984, the DOE issued a Remedial Order that consolidated the Proposed Remedial Orders issued to the three firms for common violations of the Federal petroleum price and allocation regulations that were in effect from August 19, 1973 through January 28, 1981. The DOE and Benjamin J. Agajanian entered into a December 17, 1986 Consent Order, whereby Agajanian was directed to pay the sum of $105,000, plus interest, to the DOE. The DOJ and William J. Scott entered into a July 27, 1991 Settlement Agreement and General Agreement, whereby Scott was directed to pay the sum of $125,000, plus interest, to the DOJ to settle all claims. In addition, the DOJ and Walter J. Scott entered into a December 2, 1991 Settlement Agreement and General Release, whereby Scott was directed to pay the sum of $110,000, plus interest to the DOJ to settle all claims. The three firms in total have remitted $340,000, to which $59,226 in interest has accrued as of January 31, 1993, making available a total of $399,226 (the Scott Settlement fund) for distribution through subpart V. These funds are being held in an interest-bearing escrow account maintained at the Department of the Treasury pending a determination regarding their proper distribution.

**II. Jurisdiction and Authority**

The subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of funds received as a result of an enforcement proceeding. The DOE policy is to use the subpart V process to distribute such funds. For a more detailed discussion of subpart V and the authority of OHA to fashion procedures to distribute refunds, see Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. 4501–07, Office of Enforcement, 9 DOE ¶ 82,508 (1981), and Office of Enforcement, 8 DOE ¶ 82,597 (1981).

We have considered the ERA's petition that we implement a subpart V proceeding with respect to the Scott Settlement fund and have determined that such a proceeding is appropriate. This Decision and Order sets forth the OHA's plan to distribute this fund.

**III. Refund Procedures**

On January 7, 1993, OHA issued a Proposed Decision and Order (PD&O) establishing tentative procedures to distribute the Scott Settlement fund. That PD&O was published in the **Federal Register**, and a 30-day period was provided for the submission of comments regarding our proposed refund plan. See 58 FR 4430 (January 14, 1993). More than 30 days have elapsed and the OHA has received no comments concerning the proposed procedures for the distribution of the Scott Settlement fund. Consequently, the procedures will be adopted as proposed.

*A. Crude Oil Refund Policy*

The funds obtained pursuant to the above mentioned Consent Order and Settlement Agreements will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986) (the MSRP). The MSRP was issued as a result of a court-approved Settlement Agreement In re: The Department of Energy Stripper Well Exemption Litigation, 653 F. Supp. 108 (D. Kan.), 6 Fed. Energy Guidelines ¶ 90,509 (1986) (the Stripper Well Settlement Agreement). The MSRP establishes that 40 percent of the crude oil overcharge funds will be remitted to the federal government, another 40 percent to the states, and up to 20 percent may be initially reserved for the payment of claims by injured parties. The MSRP also specifies that any monies remaining after all valid claims by injured purchasers are paid be disbursed to the federal government and the states in equal amounts.

The OHA has utilized the MSRP in all Subpart V proceedings involving alleged crude oil violations. See Order Implementing the MSRP, 51 FR 29689 (August 20, 1986). This Order provided a period of 30 days for the filing of comments or objections to our proposed use of the MSRP as the groundwork for evaluating claims in crude oil refund proceedings. Following this period, the OHA issued a Notice evaluating the numerous comments which it received pursuant to the Order Implementing the MSRP. This Notice was published at 52 FR 11737 (April 10, 1987) (the April 10 Notice).

The April 10 Notice contained guidance to assist potential claimants wishing to file refund applications for crude oil monies under the subpart V regulations. Generally, all claimants would be required to (1) document their purchase volumes of petroleum products during the August 19, 1973 through January 27, 1981 crude oil price control period, and (2) prove that they were injured by the alleged crude oil overcharges. We also specified that end-users of petroleum products whose businesses are unrelated to the petroleum industry will be presumed to have been injured by the alleged crude oil overcharges and need not submit any additional proof of injury beyond documentation of their purchase volumes. See City of Columbus, Georgia, 16 DOE ¶ 85,550 (1987). Additionally, we stated that crude oil refunds would be calculated on the basis of a per gallon (or "volumetric") refund amount, which is obtained by dividing the crude oil refund pool by the total consumption of petroleum products in the United States during the crude oil price control period. The OHA has adopted the refund procedures outlined in the April 10 Notice in numerous cases. See e.g., Shell Oil Co., 17 DOE ¶ 85,204 (1988) (Shell); Mountain Fuel Supply Co., 14 DOE ¶ 85,475 (1986) (Mountain Fuel).

*B. Refund Claims*

We will adopt the DOE's standard crude oil refund procedures to distribute the monies in the Scott Settlement fund. We have chosen to initially reserve 20 percent of the fund, plus accrued interest, for direct refunds to claimants in order to ensure that sufficient funds will be available for injured parties. This reserve figure may later be reduced if circumstances warrant.

The OHA will evaluate crude oil refund claims in a manner similar to that used in subpart V proceedings to evaluate claims based on alleged refined product overcharges. See Mountain Fuel, DOE at 88,869. Under these procedures, claimants will be required to document their purchase volumes of petroleum products and prove that they were injured as a result of the alleged violations.

We will adopt a presumption that the crude oil overcharges were absorbed, rather than passed on, by applicants which were (1) end-users of petroleum products, (2) unrelated to the petroleum industry, and (3) not subject to the regulations promulgated under the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751–160h. In order to receive a refund, end-user claimants need not submit any evidence of injury beyond documentation of their purchase volumes. See Shell, 17 DOE at 88,406.

Petroleum retailer, reseller, and refiner applicants must submit detailed evidence of injury, and they may not rely upon the injury presumptions utilized in some refined product refund cases. *Id.* These applicants may, however, use econometric evidence of the type found in the OHA Report on Stripper Well Overcharges, 6 Fed. Energy Guidelines ¶ 90,507 (1985). See also Petroleum Overcharge Distribution and Restitution Act 3003(b)(2), 15 U.S.C. 4502(b)(2). If a claimant has executed and submitted a valid waiver pursuant to one of the escrows established by the Stripper Well Settlement Agreement, it has waived its rights to file an application for subpart V crude oil refund monies. See *Mid-America Dairymen* v. *Herrington*, 878 F.2d 1448 (Temp. Emer. Ct. App.), 3 Fed. Energy Guidelines ¶ 26,617 (1989); In re: Department of Energy Stripper Well Exemption Litigation, 707 F. Supp. 1267 (D. Kan.), 3 Fed. Energy Guidelines ¶ 26,613 (1987).

As has been stated in prior Decisions, a crude oil refund applicant will only be required to submit one application for its share of all available crude oil overcharge funds. See e.g., A. Tarricone, Inc., 15 DOE ¶85,495 (1987). A party that has already submitted a claim in any other crude oil refund proceeding implemented by the DOE need not file another claim. The prior application will be deemed to be filed in all crude oil refund proceedings finalized to date. The DOE has established June 30, 1994 as the current deadline for filing an Application for Refund from the crude oil funds. Quintana Energy Corp., 21 DOE ¶85,032 (1991). It is the policy of the DOE to pay all crude oil refund claims at the rate of $.0008 per gallon. While we anticipate that applicants that filed their claims before June 30, 1988 will receive a supplemental refund payment, we will decide in the future whether claimants that filed later applications should received additional refunds. See e.g., Seneca Oil Co., 21 DOE ¶85,327 (1991). Notice of any additional amounts available in the future will be published in the **Federal Register**.

*C. Crude Oil Application Requirements*

To apply for a crude oil refund, a claimant should submit an Application for Refund containing all of the following information:

(1) Identifying information including the claimant's name, current business address, business address during the refund period, taxpayer identification number, a statement indicating whether the claimant is a corporation, partnership, sole proprietorship, or other business entity, the name, title, and telephone number of a person to contact for any additional information, and the name and address of the person who should receive any refund check.[1] If the applicant operated under more than one name or under a different name during the price control period, the applicant should specify these names;

(2) If the applicant's firm is owned by another company, or owns other companies, a list of those companies' names, addresses, and descriptions of their relationship to the applicant's firm;

(3) A brief description of the claimant's business and the manner in which it used the petroleum products listed on its application;

(4) A statement identifying the petroleum products which the applicant purchased during the period August 19, 1973 through January 27, 1981, an annual schedule displaying the number of gallons of each petroleum product purchased during this refund period, and the total number of gallons of all petroleum products claimed on the refund application;

(5) An explanation as to how the applicant obtained the above mentioned purchase volumes, and, if estimates were used, a description of its method of estimation;

(6) A statement that neither the claimant, its parent firm, affiliates, subsidiaries, successors, nor assigns has waived any right it may have to receive a crude oil refund (e.g., by having executed and submitted a valid waiver accompanying a claim to any of the escrow accounts established pursuant to the Stripper Well Settlement Agreement);

(7) A statement that the applicant has not filed any other refund application in the subpart V crude oil refund proceeding;

(8) If the applicant is not an end-user, was covered by the DOE price regulations, or is related to the petroleum industry, a showing that the applicant was injured by the alleged crude oil overcharges;

(9) If the Applicant is a regulated utility or a cooperative, certifications that it will pass on the entirety of any refund received to its customers, will notify its state utility commission, other regulatory agency, or membership body of the receipt of any refund, and a brief description as to how the refund will be passed along;

(10) The statement listed below signed by the individual applicant or a responsible official of the company filing the refund application:

I swear (or affirm) that the information contained in this application and its attachments is true and correct 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. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application which will be placed in the OHA Public Reference Room.

All applications should be either typed or printed and clearly labeled "Application for Crude Oil Refund." Each applicant must submit an original and one copy of the application. If the applicant believes that any of the information in its application is confidential and does not wish for this information to be publicly disclosed, it must submit an original application, clearly designated "confidential," containing the confidential information, and two copies of the application with the confidential information deleted. All refund applications should be sent to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW. Washington, DC 20585.

The filing deadline is June 30, 1994. Even though an applicant is not required to use any specific form for its crude oil refund application, a suggested form has been prepared by the OHA and may be obtained by sending a written request to the address listed above.

*D. Payments to the Federal Government and the States*

Under the terms of the MSRP, the remaining eighty percent of the alleged crude oil overcharge amounts subject to this Decision, plus accrued interest, will be disbursed in equal shares to the states and federal government for indirect restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the period of price controls. The share or ratio of the funds which each state will receive is contained in Exhibit H of the Stripper Well Settlement Agreement, 6 Fed. Energy Guidelines ¶90,509 at 90,687. When disbursed, these funds will be subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Stripper Well Settlement Agreement.

*It is therefore ordered that*

(1) Applications for Refund from the alleged crude oil overcharges remitted to the Department of Energy by Walter J. Scott & Benjamin J. Agajanian Oil Producers, William J. Scott, and Walter J. Scott d/b/a Scott Oil Company, pursuant to the Consent Order and Settlement Agreements entered into on December 17, 1986, July 27, 1991, and December 2, 1991, may now be filed.

(2) All crude oil refund applications submitted pursuant to Paragraph (1) above must be postmarked no later than June 30, 1994.

(3) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Controller's Office, Department of Energy, shall transfer a total of $136,000, plus accrued interest, from the subaccounts denominated "Scott & Agajanian" (Consent Order No. 940C00115W, $64,000), "Scott Oil Company" (Consent Order No. 940C00107W, $22,000), and "William J Scott" (Consent Order No. 940C00177W, $50,000) into the subaccount denominated "Crude Tracking-States," Account No. 999DOE003W.

(4) The Director of Special Accounts and Payroll shall transfer a total of $136,000, plus accrued interest, from the subaccounts denominated "Scott & Agajanian" ($64,000), "Scott Oil Company" ($22,000), and "William J Scott" ($50,000) into the subaccount denominated "Crude Tracking-Federal," Account No. 999ZDOE002W.

(5) The Director of Special Accounts and Payroll shall transfer a total of $68,000, plus accrued interest, from the subaccounts denominated "Scott & Agajanian" ($32,000), "Scott Oil Company" ($11,000), and "William J Scott" ($25,000) into the subaccount denominated "Crude Tracking-Claimants 4," Account No. 999DOE010Z.

Dated: February 25, 1993.

George B. Breznay,

*Director, Office of Hearings and Appeals.*

[FR Doc. 93-5280 Filed 3-5-93; 8:45 am]

BILLING CODE 6450-01-M

[1] Under the Privacy Act of 1974, the submission of a social security number by an individual applicant is voluntary. An applicant that does not with to submit a social security number must submit an employer identification number if one exists. This information will be used in processing refund applications, and is requested pursuant to our authority under the Petroleum Overcharge Distribution and Restitution Act of 1986 and the regulations codified at 10 CFR part 205, subpart V. The information may be shared with other Federal agencies for statistical, auditing or archiving purposes, and with law enforcement agencies when they are investigating a potential violation of civil or criminal law. Unless an applicant claims confidentiality, this information will be available to the public in the Public Reference Room of the Office of Hearings and Appeals.

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-4601-4]

### 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; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before April 7, 1993.

**FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR, CONTACT:** Ms. Sandy Farmer at EPA, (202) 260-2740.

**SUPPLEMENTARY INFORMATION:**

#### Office of Air and Radiation

*Title:* Federal Implementation Plan for Ozone in the Chicago Area–Information Requirements (EPA ICR No. 1565.02; OMB No. 2060-0203). This is a request for reinstatement of a previously approved information collection, for which there is no change in the substance or method of collection.

*Abstract:* Sources in the Chicago area which emit or use volatile organic materials must keep sufficient records to determine their compliance with the requirements to which they are subject under the Federal Implementation Plan (FIP) for the Chicago, Illinois, ozone nonattainment area. The FIP includes corrections to the existing Illinois stationary source control strategy to reflect Reasonably Available Control Technology. The records and reports required by the FIP are necessary to enable EPA to identify sources subject to the regulations, ensure that the sources comply with the standards and limitations of the regulations, and evaluate reasonable further progress toward achieving the National Ambient Air Quality Standard for ozone.

*Burden Statement:* The public reporting burden for this collection of information is estimated to average 3 hours per response for reporting, and 80 hours per recordkeeper annually. This estimate includes the time needed to review instructions, search existing data sources, gather the data needed and review the collection of information.

*Respondents:* Sources in Cook, DuPage, Kane, Lake, McHenry, and Will Counties in Illinois that emit or use volatile organic materials.

*Estimated Number of Respondents:* 4,093.

*Estimated Number of Responses Per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 341,222 hours.

*Frequency of Collection:* One time notifications.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to:

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC, 20460.

and

Mr. Chris Wolz, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW.,Washington, DC, 20503.

Dated: March 2, 1993.

**Paul Lapsley,**

*Director, Regulatory Management Division.*

[FR Doc. 93-5264 Filed 3-5-93; 8:45 am]

BILLING CODE 6560-50-F

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[OPPTS-59299G; FRL-4575-1]

### Certain Chemicals, Extension of Test Marketing Period for Test Marketing Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of extension to the test marketing period for test marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA designated the original test marketing applications as TME-91-19 and TME-91-20. Therefore, this extension is a modification of the previously granted TMEs. The test marketing conditions are described below.

**EFFECTIVE DATES:** March 1, 1993.

**FOR FURTHER INFORMATION CONTACT:** David Giamporcaro, Biotechnology Program, Section Chief, Chemical Control Division (TS-794), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-613, 401 M St. SW., Washington, DC 20460, (202) 260-6362.

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves the extension of the test marketing period for TME-91-19 and TME-91-20. EPA has determined that test marketing of the pesticide intermediates described below, under the conditions set out in the TME applications and modification requests, and for the modified time periods specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the original application. All other conditions and restrictions described in the original Notice of Approval of Test Marketing Application must be met.

#### T-91-19 and T-91-20

*Notice of Approval of Original Application:* July 8, 1991 (56 FR 30923).

*Further extension of Modified Test Marketing Period:* May 1, 1993, representing a 61-day extension from the previous expiration date of March 1, 1993.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: March 1, 1993.

**Paul J. Campanella,**

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 93-5257 Filed 3-5-93; 8:45 am]

BILLING CODE 6560-50-F

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[FRL-4602-3]

### Rhode Island Marine Sanitation Device Standard; Receipt of Petition

Notice is hereby given that a petition has been received from the State of Rhode Island requesting a determination by the Regional Administrator, Environmental Protection Agency,

pursuant to section 312(f)(3) of Public Law 92–500 as amended by Public Law 95–217 and Public Law 100–4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Great Salt Pond, in the Town of New Shoreham, County of Washington, within the State of Rhode Island. The Town of New Shoreham is located on Block Island, in the Atlantic Ocean, approximately 11 nautical miles south-southwest of Point Judith, Rhode Island, and 12 nautical miles east of Montauk Point on Long Island, New York. Block Island is shaped like a tear-drop, approximately six miles long and varying in width from one mile at its northern end to three-and-a-half miles at its southern end. The total land area is approximately 6,000 acres.

Great Salt Pond dominates the center of Block Island, nearly separating its northern and southern halves. The Pond is entirely land-locked except for a single entrance channel at its northwest corner, which at its narrowest point is slightly less than 300 feet wide and 15 feet deep. Great Salt Pond has a surface area of approximately 770 acres, and its maximum depth is 55 feet at mean low water.

The State of Rhode Island has certified that there are four pumpout facilities available to service vessels in Great Salt Pond.

Pumpout facility No. 1 is a mobile, vessel-mounted unit owned by the Town of New Shoreham and operated by the Block Island Harbors Department. The pumpout unit is mounted on a 23-foot Ocean Scout motor launch and connected to a 300 gallon holding tank built into the hull. Pumpout service is provided from 7 to 11 a.m. and from 1 to 4 p.m. daily. Pumpout service is free for boats on Town-owned moorings, and costs $10 for boats on private moorings, at anchor, or alongside private docks.

Pumpout facility No. 2 is located at Champlin's Marina, on the southwestern shore of Great Salt Pond, and will accommodate vessels with a draft of 15 feet. This facility is open from 7 a.m. to 8 p.m., seven days a week. Pumpout service is free for marina patrons, and costs $15 for others.

Pumpout facility No. 3 is located at the Block Island Boat Basin, on the southern shore of Great Salt Pond, and will accommodate vessels with a draft of ten feet. This facility is open from 7 a.m. to 8 p.m., seven days a week. Pumpout service is free for customers, and costs $12.50 for others.

Pumpout facility No. 4 is located at Payne's Dock, in the southeastern corner of Great Salt Pond, and will accommodate vessels with a draft of 14 feet. This facility is open from 7 a.m. to 8 p.m., seven days a week. Pumpout service is available only to marina patrons, and is free of charge.

The three privately-operated pumpout facilities are connected to the municipal sewage system, and the pumpout boat discharges to the Block Island Boat Basin pumpout facility. The New Shoreham Water Pollution Control Facility is located on Spring Street, just south of Old Harbor, and discharges to the Atlantic Ocean. The facility was commissioned in 1977, and an upgrade to increase its capacity was completed in 1990. The facility provides secondary treatment utilizing activated sludge and extended aeration, and has consistently met EPA and Rhode Island Department of Environmental Management effluent discharge standards.

While there are only approximately 130 boats registered with the Town of New Shoreham, boat counts on weekends during the summer season (which extends from Memorial Day through Columbus Day) regularly exceed 1,000, and have approached 1,500 on some holiday weekends. The Block Island Harbors Department estimates that the live-aboard population on such weekends is on the order of 4,000. None of these vessels will be excluded from using one or more of the existing pumpout facilities.

Comments and views regarding this request for action may be filed on or before April 15, 1993. Such communications, or requests for information or a copy of the applicant's petition, should be addressed to Phil Colarusso, U.S. Environmental Protection Agency-Region I, Marine and Estuarine Protection Section (WQE), JFK Federal Building, Boston, MA 02203. Telephone: 617/565–4428.

Dated: March 1, 1993.

**Paul G. Keough,**

*Acting Regional Administrator.*

PUMPOUT FACILITY TABLE

| Marina/locations | No. Pump-out units | Hours | Draft limitations | Fee |
|---|---|---|---|---|
| Block Island Harbors Department, Office of the Harbormaster, P.O. Box 220, Block Island, RI 02807, (401) 466–3204, Channels 12/73 VHF–FM. | 1 Mobile vessel-mounted units. | 7 am to 11 am, and 1 pm to 4 pm Daily. | None | Free for town-owned moorings; $10 others. |
| Champlin's Marina, New Harbor, P.O. Box J, Block Island, RI 02807, (401) 466–2641, Channel 68 VHF–FM. | 1 Stationary at head of dock. | 7 am to 8 pm Daily | 15' MLW at station | Free for patrons; $15 others. |
| Block Island Boat Basin, Job's Hill, P.O. Box 369, Block Island, RI 02807, (401) 466–2631, Channel 09 VHF–FM. | 1 Stationary at head of dock. | 7 am to 8 pm Daily | 10' MLW at station | Free for patrons; $12.50 others. |
| Paynes New Harbor Dock, Foot of Ocean Ave., P.O. Box 112, Block Island, RI 02807, (401) 466–5572, Channel 09 VHF–FM. | 1 Portable with 40 gallon holding tank. | 7 am to 8 pm Daily | 14" MLW at head of dock. | Free for patrons. |

[FR Doc. 93–5261 Filed 3–5–93; 8:45 am]

BILLING CODE 6560–50–M

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Approved by Office of Management and Budget

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96–511. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 632–6934.

**Federal Communications Commission**

*OMB Control No.:* 3060–0402.

*Title:* Application for a New or Modified Microwave Radio Station License Under Part 21, FCC Form 494.

*Expiration Date:* 12/31/95.

*Description:* FCC Form 494 is used by Commission staff in carrying out its duties as set forth in sections 308 and 309 of the Communications Act, 47 U.S.C. sections 308 and 309, to determine the technical, legal and other qualifications of the applicant to operate stations in the Domestic Public Fixed Radio Services. In addition to the requirements specified in the form, applicants must submit exhibits and other showings as required by 47 CFR part 21, which contains the technical and legal requirements for radio stations in the Domestic Public Fixed Radio Services. FCC Form 494 will be updated to display the 12/31/95 expiration date. A Public Notice will be issued to announce the availability of the updated edition of the FCC Form 494 and the deadline for filing the current 1991 edition of the form.

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

[FR Doc. 93–5216 Filed 3–5–93; 8:45 am]

BILLING CODE 6712–01–M

## FEDERAL ELECTION COMMISSION

### Clearinghouse on Election Administration; Meeting

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. app. I) and Office of Management and Budget Circular A–63, as revised, the Federal Election Commission announces the following Advisory Panel meeting

*Name:* Federal Election Commission Clearinghouse Advisory Panel.

*Date:* 24–26 March 1993.

*Place:* Hyatt Hotel, Two Bay St, Savannah, GA.

*Time:* 1500–1730 on 24 March 1993, 0830–1200; 1330–1700 on 25 March 1993, 0830–1200; 1400–1700 on 26 March 1993.

*Proposed Agenda:* Innovative Management Techniques; International Elections; 21st Century Election Office Technology; Texas and Colorado Experience Early Voting; National Voter Registration Act of 1993; Disaster Planning; Confidential Voter Registration; Election Materials Retention.

*Purpose of the Meeting:* The Panel will present their views on problems in the administration of Federal elections, and formulate recommendations to the Federal Election Commission Clearinghouse for its future program development.

The Advisory Panel meeting is open to the public, dependent on available space. There is an $85.00 registration fee for food functions. Any member of the public may file a written statement with the Panel before, during or after the meeting. To the extent that time permits, the Panel Chairman may allow public presentation or oral statements at the meeting.

All communications regarding the Advisory Panel should be addressed to Penelope Bonsall, National Clearinghouse on Election Administration, Federal Election Commission, 999 E Street NW., Washington DC 20463.

Dated: February 24, 1993.

**Marjorie W. Emmons,**

*Secretary to the Commission.*

[FR Doc. 93–5220 Filed 3–5–93; 8:45 am]

BILLING CODE 6715–01–M

[Notice 1993–10]

### Filing Dates for the Wisconsin Special Elections

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of filing dates for special elections.

**SUMMARY:** Wisconsin has scheduled special elections on April 6, 1993, and May 4, 1993, in the First Congressional District to fill the seat vacated by Representative Les Aspin.

Committees required to file reports in connection with the Special Primary Election should file a 12-day Pre-Primary Report on March 25, 1993. Committees required to file reports in connection with both the Special Primary and Special General Election to be held on May 4, 1993, must file a 12-day Pre-Primary Report, a 12-day Pre-General Report on April 22, 1993, and a Post-General Report on June 3, 1993.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bobby Werfel, Information Division, 999 E Street, NW., Washington, DC 20463, Telephone: (202) 219–3420; Toll Free (800) 424–9530.

**SUPPLEMENTARY INFORMATION:** All principal campaign committees of candidates in the Special Primary and Special General Elections and all other political committees not filing monthly which support candidates in these elections shall file a 12-day Pre-Primary Report on March 25, 1993, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through March 17, 1993, and a 12-day Pre-General Election Report on April 22, 1993, with coverage dates from March 18, 1993, through April 14, 1993, a 30-day Post-General Election Report on June 3, 1993, with coverage dates from April 15, 1993, through May 24, 1993 and a Mid-Year Report on July 31, 1993, with coverage dates from May 25, 1993, through June 30, 1993.

All principal campaign committees of candidates in the Special Primary Election only and all other political committees not filing monthly which support candidates in the Special Primary Election shall file a 12-day Pre-Primary Report on March 25, 1993, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through March 17, 1993, and a Mid-Year Report on July 31, 1993, with coverage dates from March 18, 1993, through June 30, 1993.

All political committees not filing monthly which support candidates in the Special General only shall file a 12-day Pre-General Election Report on April 22, 1993, with coverage dates from the last report filed or the date of the committee's first activity, whichever is later, through April 14, 1993, and a 30-day Post-General Election Report on June 3, 1993, with coverage dates from April 15, 1993, through May 24, 1993. Such committees must also file a Mid-Year Report on July 31, 1993, with coverage dates from May 25, 1993, through June 30, 1993.

CALENDAR OF REPORTING DATES FOR WISCONSIN SPECIAL ELECTIONS

| Report | Period Covered | Reg./Cert. Mailing Date [1] | Filing date |
|---|---|---|---|
| I. All Committees involved in the special primary (04/06) and special general (05/04) must file: | | | |
| Pre-Primary | [2] 01/01/93–03/17/93 | 03/22/93 | 03/25/93 |
| Pre-General | 03/18/93–04/14/93 | 04/19/93 | 04/22/93 |

CALENDAR OF REPORTING DATES FOR WISCONSIN SPECIAL ELECTIONS—Continued

| Report | Period Covered | Reg./Cert. Mailing Date[1] | Filing date |
|---|---|---|---|
| Post-General | 04/15/93–05/24/93 | 06/03/93 | 06/03/93 |
| Mid-Year | 05/25/93–06/30/93 | 07/31/93 | 07/31/93 |
| II. All Committees involved in the special primary (04/06) only must file: | | | |
| Pre-Primary | [2] 01/01/93–03/17/93 | 03/22/93 | 03/25/93 |
| Mid-Year | 03/18/93–06/30/93 | 07/31/93 | 07/31/93 |
| III. All Committees involved in the special general (05/04) only must file: | | | |
| Pre-General | [2] 01/01/93–04/14/93 | 04/19/93 | 04/22/93 |
| Post-General | 04/15/93–05/24/93 | 06/03/93 | 06/03/93 |
| Mid-Year | 05/25/93–06/30/93 | 07/31/93 | 07/31/93 |

[1] Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.
[2] The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

Dated: March 2, 1993.

Scott E. Thomas,

*Chairman, Federal Election Commission.*

[FR Doc. 93–5175 Filed 3–5–93; 8:45 am]

BILLING CODE 6715–01–M

## FEDERAL MARITIME COMMISSION

### Agreement(s) Filed; Tampa Port Authority et al.

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.:* 224–200753.

*Title:* Tampa/Apollo Stevedoring Terminal Agreement.

*Parties:* Tampa Port Authority ("Port"); Apollo Stevedoring Company, Inc. ("Apollo").

*Synopsis:* The Agreement is an electrical service incentive agreement for refrigerated containers which provides that Apollo will pay the Port $21.75 per day per container based on a minimum of 30 containers per month utilizing the electrical service.

By Order of the Federal Maritime Commission.

Dated: March 2, 1993.

Joseph C. Polking,

*Secretary.*

[FR Doc. 93–5210 Filed 3–5–93; 8:45 am]

BILLING CODE 6730–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 92N–0420]

### Charles Y. Chang; Debarment Order

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing an order under section 306(a)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355a(a)(2)) permanently debarring Mr. Charles Y. Chang, 4514 Westbrook Ln., Kensington, MD 20895, from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Mr. Chang was convicted of a felony under Federal law for conduct (1) relating to the development and approval, including the process for development and approval, of a drug product; and (2) relating to the regulation of a drug product under the act. Mr. Chang has failed to request a hearing and, therefore, has waived his opportunity for a hearing concerning this action.

**EFFECTIVE DATE:** March 8, 1993.

**ADDRESSES:** Application for termination of debarment to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Megan L. Foster, Center for Drug Evaluation and Research (HFD–366), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8041.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On October 3, 1992, the United States District Court for the District of Maryland entered judgment against Mr. Charles Y. Chang for one count of interstate travel in aid of racketeering, and one count of aiding and abetting interstate travel in aid of racketeering, Federal felony offenses under 18 U.S.C. 1952 and 18 U.S.C. 2.

As a result of these convictions, FDA served Mr. Chang by certified mail on November 21, 1992, a notice proposing to permanently debar him from providing services in any capacity to a person that has an approved or pending drug product application and offered him an opportunity for a hearing on the proposal. The proposal was based on a finding, under section 306(a)(2)(A) and (a)(2)(B) of the act, that he was convicted of felonies under Federal law for conduct (1) relating to the development and approval, including the process for development and approval, of a drug product; and (2) relating to the regulation of a drug product under the act. Mr. Chang did not request a hearing. His failure to request a hearing constitutes a waiver of his opportunity for a hearing and a waiver of any contentions concerning his debarment.

### II. Findings and Order

Therefore, the Deputy Commissioner for Operations, under section 306(a) of the act, and under authority delegated to her (21 CFR 5.20), finds that Mr. Charles Y. Chang has been convicted of felonies under Federal law for conduct (1) relating to the development and approval, including the process for development and approval, of a drug

product (21 U.S.C. 335a(a)(2)(A)); and (2) relating to the regulation of a drug product (21 U.S.C. 335a(a)(2)(B)).

As a result of the foregoing findings, Mr. Charles Y. Chang is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under section 505, 507, 512, or 802 of the act (21 U.S.C. 355, 357, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective March 8, 1993 (21 U.S.C. 335a(c)(1)(B) and (c)(2)(A)(ii) and 21 U.S.C. 321(ee)). Any person with an approved or pending drug product application who knowingly uses the services of Mr. Chang in any capacity, during his period of debarment, will be subject to civil money penalties. If Mr. Chang, during his period of debarment, provides services in any capacity to a person with an approved or pending drug product application, he will be subject to civil money penalties. In addition, FDA will not accept or review any abbreviated new drug application or abbreviated antibiotic drug application from Mr. Chang during his period of debarment.

Any application by Mr. Chang for termination of debarment under section 306(d)(4) of the act should be identified with Docket No. 92N–0420 and sent to the Dockets Management Branch (address above). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j). Publicly available submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 22, 1993.

**Jane E. Henney,**

*Deputy Commissioner for Operations.*

[FR Doc. 93–5247 Filed 3–5–93; 8:45 am]

BILLING CODE 4160–01–F

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## Health Resources and Services Administration

### Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committee has been filed with the Library of Congress:

**Advisory Council on Nurses Education**

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, DC. Copies may be obtained from: Dr. Mary S. Hill, Executive Secretary, Advisory Council on Nurses Education, room 9–36, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6193.

Dated: March 2, 1993.

**Jackie E. Baum,**

*Advisory Committee Management Officer, HRSA.*

[FR Doc. 92–5172 Filed 3–5–93; 8:45 am]

BILLING CODE 4160–15–M

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## Public Health Service

### Privacy Act of 1974; Altered System of Records

**AGENCY:** Public Health Service, HHS.

**ACTION:** Notification of altered system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a proposal to alter the system of records 09–15–0037, "Public Health Service (PHS) and National Health Service Corps (NHSC) Scholarship/Loan Repayment Participants Records System, HHS/HRSA/BPHC." The PHS staff office that is responsible for this system is the Division of Scholarships and Loan Repayments (DSLR), Bureau of Primary Health Care (BPHC), Health Resources and Services Administration (HRSA). The main purposes of the major alteration are the addition of new programs, the name change to reflect the added programs, and the extension of time that records are maintained prior to destruction.

**DATES:** The PHS invites interested parties to submit comments on the proposed internal uses on or before April 7, 1993. The PHS has sent a Report of Altered System to the Congress and to the Office of Management and Budget (OMB) on February 23, 1993. The alteration of this system of records will be effective 60 days from the date submitted to the OMB, unless PHS receives comments which would result in a contrary determination.

**ADDRESSES:** Please address comments to the HRSA Privacy Act Coordinator, Department of Health and Human Services, Room 14A–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–3780. This is not a toll-free number. We will make comments received available for public inspection at the above address during normal business hours, 8:30 a.m. through 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Carolyn Beth Lee, R.N., Deputy Director, DSLR, BPHC, HRSA, Room 7–22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–3744. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The BPHC, HRSA, is recommending this proposed major alteration because of the addition of three (3) new programs. Specifically, the Nursing Education Loan Repayment Agreement Program, the Nursing Student Education Direct Loan Program, and the Native Hawaiian Health Scholarship Program.

First, we are proposing to change the name of this system of records to "Public Health Service (PHS) and National Health Service Corps (NHSC) Scholarship/Loan Repayment Participants Records System, HHS/HRSA/BPHC" to reflect the addition of the records of the NHSC Loan Repayment Program authorized by Section 338B of the Public Health Service Act (42 United States Code 2541–1), as amended November 15, 1990, by Public Law 101–597. Second, we are proposing to expand the "Categories of Individuals Covered by the System" to include participants in the Nursing Education Loan Repayment Agreement Program, the Nursing Student Education Direct Loan Program, and the Native Hawaiian Health Scholarship Program. Third, we are proposing to change the "Categories of Records in the System" to include "financial loan data." Fourth, we propose to change the "Retention and disposal" section from a 7-year retention period to a 25-year retention period. Last, we propose to revise the purpose section of the system as follows:

*1. The PHS/NHSC and Native Hawaiian Health Scholarship Programs*

To monitor scholarship-related activities; to select and match award recipients, volunteers, and others for assignment to health professional shortage areas; to monitor services provided by scholarship recipients; to maintain necessary records on scholarship recipients for management of the programs.

*2. The NHSC and Nursing Education Loan Repayment Agreement Program*

To monitor loan-repayment-related activities; to select and match loan repayment recipients to health professional shortage areas; to monitor services provided by loan repayment

recipients; to maintain necessary records on loan repayment recipients for management of the programs.

Only authorized users will have access to the records contained in the system. Authorized users include: System managers and their staffs, NHSC headquarters and regional office officials, financial and fiscal management personnel, computer personnel, and NHSC contractors, all of whom are responsible for administering the PHS and NHSC Scholarship Programs. Access to records is strictly limited to those staff members trained in accordance with Privacy Act procedures. Contractors will be required to maintain, and will also be required to ensure that subcontractors maintain, confidentiality safeguards with respect to the records.

We do not propose any new routine uses at this time.

The 09–15–0037 system notice was last published in the **Federal Register** on June 8, 1987. We are republishing the system notice in its entirety below to incorporate the proposed changes. The following notice is written in the present, rather than future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the alterations have become effective.

Dated: February 26, 1993.

**Wilford J. Forbush,**

*Director, Office of Management.*

09–15–0037

SYSTEM NAME:

Public Health Service (PHS) and National Health Service Corps (NHSC) Scholarship/Loan Repayment Participants Records System, HHS/HRSA/BPHC

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Scholarships and Loan Repayments, Bureau of Primary Health Care, Health Resources and Services Administration, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Division of National Health Service Corps, Bureau of Primary Health Care, Health Resources and Services Administration, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Parklawn Computer Center, Food and Drug Administration, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

PHS Health Data Center, Gillis W. Long Hansen's Disease Center, Carville, Louisiana 70721.

Records are also located at contractor sites. A list of contractor sites where individually identifiable data are currently located is available upon request to the Policy-Coordinating Official, at that individual's address shown in the "System Manager(s) and Address" section of this notice.

Partial records are also located at Department of Health and Human Services (HHS) Regional Offices. A list of Regional Offices where individually identifiable data are currently located is available upon request to the Policy-Coordinating Official.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for, who have been approved to receive, who are receiving, and who have received funds under the PHS/NHSC and Native Hawaiian Health Scholarship Programs, NHSC Loan Repayment Program, the Nursing Education Loan Repayment Agreement Program, and the Nursing Student Education Direct Loan Program; individuals who have volunteered for service in the NHSC; scholarship recipients who are fulfilling their PHS/NHSC and/or Native Hawaiian Health scholarship obligations; loan repayment recipients; and individuals who include an interest in employment in or an assignment to a medical facility located in a health professional shortage area or a medically underserved population area, including public and Federal medical facilities, such as community health centers, Indian Health Service (IHS) medical facilities, and other federally sponsored public health centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, Social Security number, scholarship and loan repayment application and associated forms, employment data, professional performance and credentialing history of licensed health professionals; preference for site-selection; personal, professional, and demographic background information; progress reports (which include related data, correspondence, and professional performance information consisting of continuing education, performance awards, and adverse or disciplinary actions); financial loan data, payroll forms, deferment and placement data; and repayment/delinquent/default status information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 333 of the Public Health Service Act, as amended (42 U.S.C. 254f), Assignment of Corps Personnel;

Section 338 of the Public Health Service Act, as amended (42 U.S.C. 254), Scholarship Program and Loan Repayment Program;

Section 836(h) of the Public Health Service Act, as amended (42 U.S.C. 297b) Nursing Education Loan Repayment Agreements for Registered Nurses entering employment at certain health facilities.

Section 847 of the Public Health Service Act, as amended (42 U.S.C. 297n) Nursing Student Education Direct Loan Program with respect to service in certain health care facilities in underserved areas.

Section 338K of the Public Health Service Act (42 U.S. Code 254s) Native Hawaiian Health Scholarship Program.

Section 202 of Title II of Public Law 92–157 (42 U.S.C. 3505d), National Health Manpower Clearinghouse;

Debt Collection Act of 1982, Public Law 97–365 (5 U.S.C. 5514note);

Section 4 of the Debt Collection Act of 1982, Public Law 97–365 (5 U.S.C. 5514 note), Requirement That Applicant Furnish Taxpayer Identifying Number; and

Section 215(a) of the Public Health Service Act, as amended (42 U.S.C. 216(a)), for PHS commissioned officers, and 5 U.S.C. 3301 for civil service employees, both of which authorize verification of an individual's suitability for employment.

PURPOSE(S):

The purposes of this system of records are as follows:

*1. The PHS/NHSC and Native Hawaiian Health Scholarship Programs*

(a) To monitor scholarship-related activities, such as payment tracking, deferment of service obligation, default, placement, and claims determination;

(b) To select and match PHS/NHSC and Native Hawaiian Health scholarship recipients, NHSC volunteers, and other individuals for assignment to or employment with a health care facility serving a health professional shortage area, including other public and federally sponsored health care delivery programs, such as community health centers;

(c) To monitor services provided by PHS/NHSC and Native Hawaiian health providers;

(d) To maintain records on and to verify individuals' credentials and

educational background, previous and current professional employment data and performance history information to verify that all claimed background and employment data are valid and all claimed credentials are current and in good standing; and

(e) To assist BPHC officials in the collection of overdue debts owed under PHS/NHSC and Native Hawaiian Health scholarship programs.

*2. The NHSC and Nursing Education Loan Repayment Agreement Programs, and the Nursing Student Education Direct Loan Program*

(a) To monitor loan repayment related activities, such as service obligations, default and claims determinations;

(b) To assure PHS/NHSC loan repayment recipients match to a health care facility serving high priority health professional shortage areas or populations, including other public and federally sponsored health care delivery programs, such as community health centers;

(c) To monitor services provided by NHSC health providers;

(d) To maintain records on and to verify individuals' credentials and educational background;

(e) To assist BPHC officials in the collection of overdue debts owed under the NHSC and Nursing Education Loan Repayment Agreement Programs, and the Nursing Student Education Direct Loan Program.

Records in this system are also used by HHS regional offices and the IHS for the purpose of negotiating site assignment, and by the PHS for the purpose of recruiting health professionals for PHS programs.

Records may be transferred to System No. 09–15–0045, "Health Resources and Service Administration Loan Repayment/Debt Management Records System, HHS/HRSA/OA," for debt collection purposes when BPHC officials are unable to collect overdue debts owed under the PHS and NHSC scholarship programs, the NHSC Loan Repayment Program, the Nursing Education Loan Repayment Agreement Program, and the Nursing Student Education Direct Loan Program.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

1. The HRSA may disclose to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. The Department may disclose information from this system of records to the Department of Justice, or to a court or other tribunal when:

(a) HHS, or any component thereof, or

(b) Any HHS employee in his or her official capacity; or

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, or local, charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

4. The HRSA may disclose records consisting of names, disciplines, current mailing addresses, and dates of graduation of scholarship recipients to designated coordinators at each school of medicine, osteopathy, and dentistry participating in the scholarship program for the purpose of guiding and informing these recipients about the nature of their forthcoming professional service obligation in health professional shortage areas or populations.

5. The HRSA may disclose records consisting of name of scholarship or loan repayment recipient, professional school he/she is attending, and the date of graduation to health professions associations and other interested health professions groups which have responsibility for coordinating funds paid to students from Federal and other sources.

6. The HRSA may disclose records to Department contractors and subcontractors for the purpose of collecting, compiling, aggregating, analyzing, or refining records in the system. Contractors maintain, and are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to such records.

7. The HRSA may disclose records to Department contractors and subcontractors for the purpose of recruiting, screening, and matching health professionals for assignment to our employment in a health care facility serving health professional shortage areas or populations, including other federally sponsored programs, such as IHS medical facility sites and community health centers. In addition, Department contractors and subcontractors: (1) May disclose biographic data and information supplied by potential applicants (a) to reference listed on application and associated forms for the purpose of evaluating the applicant's professional qualifications, experience, and suitability, and (b) to a State or local government medical licensing board and/or to the Federation of State Medical Boards or a similar nongovernment entity for the purpose of verifying that all claimed background and employment data are valid and all claimed credentials are current and in good standing; (2) may disclose biographic data and information supplied by references listed on application and associated forms to other references for the purpose of inquiring into the applicant's professional qualifications and suitability; and (3) may disclose professional suitability evaluation information to NHSC officials; prospective employers, or to site representatives, for the purpose of appraising the applicant's professional qualifications and suitability for site assignment or employment. Contractors maintain, and are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to such records.

8. The HRSA may disclose records consisting of name, Social Security number, employment history, educational data, accreditation, licensing, and professional qualification data to a State or local government medical licensing board and/or to the Federation of State Medical Boards or a similar nongovernment entity which maintains records concerning an individual's employment history or concerning the issuance, retention or revocation of licenses or registrations necessary to practice a health professional occupation or speciality. The purposes of this disclosure are: (1) To enable HRSA to obtain information relevant to a decision concerning a health professional's accomplishments, professional and personal background qualifications, and experience to

determine the individual's suitability for employment, retention, or termination as a health services provider in a health care facility serving a health professional shortage area or a population, and (2) to inform medical licensing boards or the appropriate nongovernment entities about the health care practices of a practicing, terminated, resigned, or retired health services provider whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice as to raise reasonable concern for the health and safety of private sector patients.

9. The HRSA may disclose information from this system of records to private parties, such as present and former employers, references listed on application and associated forms, other references, and educational institutions. The purpose of such disclosures is to evaluate an individual's professional accomplishments, performance, and credentials and educational background, and to determine if an applicant is suitable for employment in/assignment to a health care facility serving health professional shortage areas or populations.

10. The HRSA may disclose information from this system of records to a consumer reporting agency (credit bureau) to obtain a commercial credit report for the following purposes:

(a) To establish creditworthiness of a scholarship applicant; and

(b) To assess and verify ability of a debtor to repay debts owed to the Federal Government.

Disclosures are limited to the individual's name, address, Social Security number and other information necessary to identify him/her; the funding being sought or amount and status of the debt; and the program under which the application or claim is being processed.

11. The HRSA will disclose from this system of records a delinquent debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose, as follows:

(a) To another Federal agency so that agency can effect a salary offset for debts owed by Federal employees; if the claim arose under the Social Security Act, the employee must have agreed in writing to the salary offset.

(b) To another Federal agency so that agency can effect an authorized administrative offset; i.e., withhold money, other than Federal salaries, payable to or held on behalf of debtors.

(c) To the Treasury Department, Internal Revenue Service (IRS), to request a debtor's current mailing address to locate him/her for purposes of either collecting or compromising a debt, or to have a commercial credit report prepared.

12. The HRSA may disclose information from this system of records to another agency that has asked the Department to effect a salary or administrative offset to help collect a debt owed to the United States. Disclosure is limited to the individual's name, address, Social Security number, and other information necessary to identify the individual, to information about the money payable to or held for the individual, and to other information concerning the offset.

13. The HRSA may disclose to the Treasury Department, IRS, information about an individual applying for a loan under any loan program authorized by the Public Health Service Act to find out whether the loan applicant has a delinquent tax account. This disclosure is for the sole purpose of determining the applicant's creditworthiness and is limited to the individual's name, address, Social Security number, other information necessary to identify him/her, and the program for which the information is being obtained.

14. The HRSA will report to the Treasury Department, IRS, as taxable income, the written-off amount of a debt owed by an individual to the Federal Government when a debt becomes partly or wholly uncollectible—either because the time period for collection under the statute of limitations has expired, or because the Government agrees with the individual to forgive or compromise the debt.

15. The HRSA will disclose to debt collection agents, other Federal agencies, and other third parties who are authorized to collect a Federal debt, information necessary to identify a delinquent debtor. Disclosure will be limited to the debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose.

16. The HRSA will disclose information from this system of records to any third party that may have information about a delinquent debtor's current address, such as a U.S. Post Office, a State motor vehicle administration, a professional organization, an alumni association, etc., for the purpose of obtaining the debtor's current address. This disclosure will be strictly limited to information necessary to identify the individual, without any reference to the reason for the agency's need for obtaining the current address.

17. The HRSA may disclose information from this system of records to other Federal agencies that also provide scholarship funding at the request of these Federal agencies in conjunction with a matching program conducted by these Federal agencies to detect or curtail fraud and abuse in Federal scholarship programs, and to collect delinquent loans or benefit payments owed to the Federal Government.

18. The HRSA will disclose from this system of records to the Department of Treasury, IRS: (1) A delinquent debtor's name, address, Social Security number, and other information necessary to identify the debtor; (2) the amount of the debt; and (3) the program under which the debt arose, so that the IRS can offset against the debt any income tax refunds which may be due to the debtor.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 158a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of these disclosures are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable HRSA to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security number, and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, computer tape, and discs.

RETRIEVABILITY:

Name, Social Security numbers, or other identifying numbers or characteristics.

SAFEGUARDS:

1. Authorized Users: Access is limited to authorized personnel in the performance of their duties. Authorized personnel include: System managers and their staff, NHSC headquarters and

Regional Office officials, financial and fiscal management personnel, computer personnel, and NHSC contractors—all of whom are responsible for administering the scholarship and loan repayment programs.

2. Physical Safeguards: Magnetic tapes, discs, other computer equipment, and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. All automated and nonautomated documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas. The ADP remote stations are locked during nonstandard working hours. Twenty-four hour, seven-day security guards perform random checks on the physical security of the data and the storage areas. Backup files are maintained in an off-site facility with controlled entrances and exists.

3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data to authorized users only. All users of personal information in connection with the performance of their jobs (see Authorized Users, above) protect information from public view and from unauthorized personnel entering an unsupervised office. Codes by which automated files may be accessed are changed periodically. This procedure also includes deletion of access codes when employees leave. New employees are briefed and the guard office is notified of all staff members authorized to be in secured areas during nonstandard working hours. This list is revised as employees are increased or leave.

Access to records is strictly limited to those staff members trained in accordance with the Privacy Act and ADP security procedures. Contractors are required to maintain, and are also required to ensure that subcontractors maintain, confidentiality safeguards with respect to these records. Contractors and subcontractors are instructed to make no further disclosure of the records except as authorized by the System Manager and permitted by the Privacy Act. All individuals who have access to these records receive the appropriate ADP security clearances. The BPHC personnel make site visits to ADP facilities for the purpose of ensuring that ADP security procedures continue to be met. Privacy Act and ADP system security requirements are specifically included in contracts. System Managers oversee compliance with these requirements.

**RETENTION AND DISPOSAL:**

Applications of individuals not selected for participation in a scholarship program are retained for 6 months, then destroyed by shredding. Applications, contracts, and other records of NHSC scholarship recipients are retained through the completion or other disposition of the scholarship service obligation, then sent to the Federal Records Center for an additional 25-year retention period and destroyed in accordance with Federal Records Center disposal standards. Automated historical tapes are sent to a Federal Records Center and the initial records are destroyed in accordance with the HRSA Records Control Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Policy-Coordinating Official: Director, Bureau of Primary Health Care, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857.

Scholarship Applicants/Recipients: Director, Division of Scholarships and Loan Repayments, Bureau of Primary Health Care, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857.

Placement/Assignment: Director, Division of National Health Service Corps, Bureau of Primary Health Care, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857.

**NOTIFICATION PROCEDURES:**

To find out if the system contains records about you, contact the Policy-Coordinating Official. The Policy-Coordinating Official will then refer the requester to the appropriate System Manager or Regional Office.

Requests in person: A subject individual who appears in person at a specific location seeking access to or disclosure of records relating to him/her shall provide his/her name, current address, Social Security number or other identifying numbers, dates of enrollment in the scholarship program, and at least one piece of tangible identification, such as driver's license, passport, or voter registration card. Identification papers with current photographs are preferred but not required. If a subject individual has no identification but is personally known to an agency employee, such employee shall make a written record verifying the subject individual's identity. Where the subject individual has no identification papers, the responsible agency official shall require that the subject individual certify in writing that he/she is the individual who he/she claims to be and that he/she understands that the knowing and willful request or acquisition of a record concerning an individual under false pretenses is a criminal offense subject to a $5,000 fine.

Requests by mail: A written request must contain the name and address of the requester, Social Security number or other identifying numbers, and his/her signature which is either notarized to verify his/her identity or includes a written certification that the requester is the person he/she claims to be and that he/she understands that the knowing and willful request or acquisition of records pertaining to an individual under false pretenses is a criminal offense subject to a $5,000 fine. In addition, the following information is needed: Dates of enrollment in the scholarship program and current enrollment status, such as pending application approval, deferment of service obligation, or shortage area placement.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

**RECORD ACCESS PROCEDURES:**

Same as notification procedures. Requesters should also provide a reasonable description of the record being sought.

Requesters may also request an accounting of disclosures that have been made of their records, if any.

**CONTESTING RECORD PROCEDURES:**

Contact the Policy-Coordinating Official, provide a reasonable description of the record, specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

**RECORD SOURCE CATEGORIES:**

Individuals whose records are contained in the system; educational institutions attended; internship and/or residency training progress reports; NHSC Professional Training Information Questionnaires; NHSC Private Practice Option Agreements; Bureau of Health Professions Area Resources File tapes; PHS Division of Commissioned Personnel and U.S. Office of Personnel Management personnel records; health professional associations; DHHS contractors/subcontractors; consumer reporting agencies/credit bureaus; other Federal agencies, including but not limited to the Department of the Treasury, IRS, and the U.S. Postal Service; State or local government medical licensing boards and/or the Federation of State Medical Boards or a similar nongovernment entity; and third

parties who provide references concerning the subject individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 93-5171 Filed 3-5-93; 8:45 am]

BILLING CODE 4140-15-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-080-84-6332-02; GP3-116]

### Notice of Availability, for a Wild and Scenic River Management Plan and Final Corridor Boundary; Oregon

**SUMMARY:** In compliance with the Wild and Scenic Rivers Act, this notice announces the availability of the Final Management Plan and Corridor Boundary for the designated segment of Quartzville Creek, a component of the National Wild and Scenic Rivers System.

The final corridor boundary for the designated segment of Quartzville Creek lies entirely within the general legal description below:

Willamette Meridian

T. 11 S., R. 3 E.
Portions of Sections: 24, 25, 26, 35, 36
T. 11 S., R. 4 E.
Portions of Sections: 19, 20, 21, 28, 29, 30
T. 12 S., R. 3 E.
Portions of Sections: 2, 3, 10

A more detailed legal description is available upon request.

**FOR FURTHER INFORMATION CONTACT:** Paul Jeske, Area Manager, Santiam Resource Area, BLM, Salem District Office, 1717 Fabry Road SE., Salem, Oregon 97306, (503) 375-5644.

Paul Jeske,

*Area Manager, Santiam Resource Area.*

[FR Doc. 93-5209 Filed 3-5-93; 8:45 am]

BILLING CODE 4310-33-M

## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-641-642 (Preliminary)]

### Ferrosilicon From Brazil and Egypt; Determinations

#### Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Brazil and Egypt of ferrosilicon,[3] provided for in subheadings 7202.21.10, 7202.21.50, 7202.21.75, 7202.21.90, and 7202.29.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

#### Background

On January 12, 1993, a petition was filed with the Commission and the Department of Commerce by AIMCOR, Pittsburgh, PA; Alabama Silicon, Inc., Bessemer, AL; American Alloys, Inc., Pittsburgh, PA; Globe Metallurgical, Inc., Cleveland, OH; Silicon Metaltech, Inc., Seattle, WA; Oil, Chemical & Atomic Workers Union (local 389); United Autoworkers of America Union (locals 523 and 12646); and United Steelworkers of America Union (locals 2528, 3081, and 5171), alleging that an industry in the United States is materially injured by reason of LTFV imports of ferrosilicon from Brazil and Egypt. Accordingly, effective January 12, 1993, the Commission instituted antidumping investigations Nos. 731-TA-641-642 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 21, 1993 (58 FR 5413). The conference was held in Washington, DC, on February 3, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 26, 1993. The views of the Commission are contained in USITC Publication 2605 (February 1993), entitled "Ferrosilicon from Brazil and Egypt: Determinations of the Commission in Investigations Nos. 641-642 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

Issued: March 3, 1993.

By order of the Commission.

Paul R. Bardos,

*Acting Secretary.*

[FR Doc. 93-5244 Filed 3-5-93; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Vice Chairman Watson and Commissioners Brunsdale and Crawford dissent with respect to Egypt.

[3] For purposes of these investigations, the subject product is ferrosilicon, a ferroalloy generally containing, by weight, not less than four percent iron, more than 8 percent but not more than 96 percent silicon, not more than 10 percent chromium, not more than 30 percent manganese, not more than three percent phosphorus, less than 2.75 percent magnesium, and not more than 10 percent calcium or any other element.

[Investigation 337-TA-340]

### Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

In the Matter of Certain Specimen Container Systems and Components Including Alignment Indicator Labels, and Method of Use.

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above captioned investigation terminating the following respondent on the basis of a consent order agreement: Starplex Scientific, Inc.

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon parties on March 2, 1993.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**WRITTEN COMMENTS:** Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such documents must be filed with the Secretary to the Commission, 500 E Street, SW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any

person desiring to submit a document (or portions thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, Telephone (202) 205–1802.

Issued: March 2, 1993.

By order of the Commission.

**Paul R. Bardos,**

*Acting Secretary.*

[FR Doc. 93–5245 Filed 3–5–93; 8:45 am]

BILLING CODE 7020–02–M

## JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

### Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the 6th floor conference room, Public Ledger Building, 6th and Chestnut Streets, Philadelphia, Pennsylvania, on March 31, 1993, beginning at 8:30 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in title 29 U.S. Code, section 1242(a)(1)(B).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the subject of the meeting falls within the exception to the open meeting requirement set forth in title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: March 1, 1993.

**Leslie S. Shapiro,**

*Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.*

[FR Doc. 93–5159 Filed 3–5–93; 8:45 am]

BILLING CODE 4810–25–M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Manufacturer of Controlled Substances; Application; Janssen, Inc.

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on December 23, 1992, Janssen, Inc., HC02 Box 19250, Gurabo, Puerto Rico 00658–9629, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

| Drug | Schedule |
|---|---|
| Alfentanil (9737) | II |
| Sufentanil (9740) | II |

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than 30 days from publication.

Dated: February 24, 1993.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 93–5248 Filed 3–5–93; 8:45 am]

BILLING CODE 4410–09–M

### Manufacturer of Controlled Substances; Application; Knoll Pharmaceuticals

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on January 25, 1993, Knoll Pharmaceuticals, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Hydromorphone (9150).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 7, 1993.

Dated: March 1, 1993.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 93–5249 Filed 3–5–93; 8:45 am]

BILLING CODE 4410–09–M

### Manufacturer of Controlled Substances; Application; Mallinckrodt Specialty Chemicals Co.

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on January 25, 1993, Mallinckrodt Specialty Chemicals Company, Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

| Drug | Schedule |
|---|---|
| Cocaine (9041) | II |
| Codeine (9050) | II |
| Diprenorphine (9058) | II |
| Etorphine Hydrochloride (9059) | II |
| Dihydrocodeine (9120) | II |
| Oxycodone (9143) | II |
| Hydromorphone (9150) | II |
| Diphenoxylate (9170) | II |
| Hydrocodone (9193) | II |
| Levorphanol (9220) | II |
| Meperidine (9230) | II |
| Methadone (9250) | II |
| Methadone-intermediate (9254) | II |
| Dextropropoxyphene, bulk (non-dosage forms) (9273). | II |
| Morphine (9300) | II |
| Thebaine (9333) | II |
| Opium extracts (9610) | II |
| Opium fluid extract (9620) | II |
| Opium tincture (9630) | II |
| Opium, powdered (9639) | II |
| Opium, granulated (9640) | II |
| Oxymorphone (9652) | II |
| Alfentanil (9737) | II |
| Sufentanil (9740) | II |
| Fentanyl (9801) | II |

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

issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than 30 days from publication.

Dated: February 24, 1993.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 93-5250 Filed 3-5-93; 8:45 am]

BILLING CODE 4410-09-M

## Importation of Controlled Substances; Application; Sanofi Winthrop Pharmaceutical

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 26, 1993, Sanofi Winthrop LP, DBA Sanofi Winthrop Pharmaceutical, 200 East Oakton Street, Des Plaines, Illinois 60018, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below: The firm plans to import small quantities for research purposes only.

| Drug | Schedule |
|---|---|
| Codeine (9050) | II |
| Hydromorphone (9150) | II |
| Meperidine (9230) | II |
| Morphine (9300) | II |
| Fentanyl (9801) | II |

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA **Federal Register** Representative (CCR), and must be filed no later than April 7, 1993.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: February 24, 1993.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 93-5251 Filed 3-5-93; 8:45 am]

BILLING CODE 4410-09-M

# NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

## Public Partnership Office Advisory Board; Amended Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice of a meeting of the Office of Public Partnership Advisory Panel (Local Arts Agencies Section) which was to have been held on March 16, 1993 from 9:15 a.m.–5 p.m., March 17 from 9:15 a.m.–5:30 p.m., and March 18 from 9:15 a.m.–12 p.m. will be held on March 16, 1993 from 3 p.m.–4:30 p.m., March 17 from 9 a.m.–6 p.m., and March 18 from 9 a.m.–3 p.m.

This meeting will be open to the public on a space available basis. The topics will include opening remarks, application review, and policy discussion.

Any person may attend meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated March 2, 1993.

**Yvonne M. Sabine,**

*Director, Panel Operations, National Endowment for the Arts.*

[FR Doc. 93-5174 Filed 3-5-93; 8:45 am]

BILLING CODE 7537-01-M

# NUCLEAR REGULATORY COMMISSION

**[Docket No. 50-219]**

## GPU Nuclear Corp., Oyster Creek Nuclear Generating Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a one-time exemption from 10 CFR 55.59 (a)(1) and (c)(1) to the GPU Nuclear Corporation (GPUN or the licensee) for Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

### Environmental Assessment

*Identification of the Proposed Action*

The proposed action would grant a one-time exemption to the requirements of 10 CFR 55.59 (a)(1) and (c)(1), which require a licensed operator requalification program to be conducted for a continuous period not to exceed 24 months in duration. GPUN is requesting an extension of the current program duration from 24 to 32 months.

*The Need for the Proposed Action*

By letter dated January 4, 1993, the licensee requested an exemption under 10 CFR 55.11 from the requirements of 10 CFR 55.59 (a)(1) and (c)(1). By letter dated January 20, 1993, GPUN provided additional information to the NRC staff to support the exemption request. The schedular exemption requested will allow extending the current Oyster Creek Nuclear Generating Station requalification program duration from 24 to 32 months to allow the comprehensive written examination required by 10 CFR 55.59(a)(2) to be conducted by the NRC during August 1993. The requested exemption would constitute a one-time extension of the requalification program duration for those licensed operators whose last comprehensive written examination was administered on March 5, 1991. The

NRC staff has determined, however, that an extension to 30 months is adequate to allow the comprehensive written exam required by 10 CFR 55.59(a)(2) to be administered by the NRC during August 1993 as requested by the licensee.

*Environmental Impacts of the Proposed Action*

The NRC staff has reviewed the proposed action with regard to environmental impacts. The NRC staff concludes that there will be no change in the competence of any licensed operator, subject to the proposed action. Accordingly, there will be no increases in routine or accidental radioactive releases resulting from the proposed action; thus, there will be no environmental impacts associated with potential radioactive releases. In addition, since the proposed action does not affect land use or plant operation, other previously considered environmental impacts described in the Final Environmental Statement for Oyster Creek, dated December 1974, will not be more significant.

*Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemption would be to deny the exemption requested. Such action would not enhance the protection of the environment.

*Alternative Use of Resources*

This action does not involve the use of resources not considered previously in the Final Environmental Statement for the Oyster Creek Nuclear Generating Station.

*Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

**Finding of No Significant Impact**

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this proposed action, see the licensee's letter dated January 4, 1993, as supplemented by letter dated January 20, 1993, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Ocean County Library Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland this 1st day of March 1993.

For the Nuclear Regulatory Commission.

**John F. Stolz,**

*Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 93–5236 Filed 3–5–93; 8:45 am]

BILLING CODE 7590–01–M

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**[Docket No. 50–213]**

## Connecticut Yankee Atomic Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR–61 and issued to Connecticut Yankee Atomic Power Company (CYAPCO/licensee) for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

During the upcoming 1993 refueling outage, CYAPCO will modernize the feedwater control system, by making advanced technology, hardware changes. These changes will improve feedwater control system reliability and redundancy. The proposed amendment would change the Technical Specifications to reflect modifications to be made to upgrade the feedwater control system.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 7, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public

Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-248-5100 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499 (attorney for licensee).

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated January 29, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Dated at Rockville, Maryland, this 1st day of March 1993.

For the Nuclear Regulatory Commission.

John F. Stolz,

*Director, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 93-5237 Filed 3-5-93; 8:45 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (National Environmental Group, Inc., 14% Cumulative Convertible, Preferred Stock, $.10 Par Value) File No. 1-8038

March 2, 1993.

Key Energy Group, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

An order dated December 4, 1992 (the "Confirmation Order") of the United States Bankruptcy Court for the District of New Jersey (the "Bankruptcy Court"), was entered by the Bankruptcy Court on December 7, 1992. The Confirmation Order was entered pursuant to the Joint Plan of Reorganization dated as of October 20, 1992 (the "Plan") of the Debtors National Environmental Group Inc., ESKEY Inc. and YFC International, N.V. The Confirmation Order was submitted in Jointly Administered Case No. 92-36657 and was confirmed pursuant to section 1129 of the United States Bankruptcy Code, 11 U.S.C. §§ 101-1330 (the "Bankruptcy Code").

The Bankruptcy Court, in addition to other actions, approved the merger (the "Recapitalization Merger") of Key Energy Group, Inc. ("KEGI") into National Environmental Group, Inc. and the merger (the "ESKEY Merger") of ESKEY Inc. ("ESKEY") into National Environmental Group, Inc.; Key Energy Group, Inc. ("KEGI"). National Environmental Group, Inc. ("NEGI") changed its name to Key Energy Group, Inc.

According to the Company, the Recapitalization Merger and the ESKEY Merger were authorized pursuant to the Confirmation Order by the Bankruptcy Court acting under federal law, the Bankruptcy Code. Pursuant to the Confirmation Order no actions or resolutions of the Boards of Directors of KEGI, NEGI or ESKEY were required in order to consummate the Recaptilization Merger and the ESKEY Merger in accordance with applicable state law. The Preferred Stock and the Senior Debentures were converted into rights to receive shares of the New Common Stock of Key Energy Group, Inc., pursuant to the Confirmation Order, the ESKEY Merger and the Recapitalization Merger. The New Common Stock of KEGI is currently listed and traded on the American Stock Exchange.

According to the Company, the Boston Stock Exchange has no objection to the delisting of the Preferred Stock and the Senior Debentures.

Any interested person may, on or before March 23, 1993 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

*Secretary.*

[FR Doc. 93-5238 Filed 3-5-93; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Notice No. 93-11]

### Aircraft Accessibility Federal Advisory Committee; Meeting

**AGENCY:** Office of the Secretary, Department of Transportation (DOT).

**ACTION:** Notice; schedule of committee meeting.

**SUMMARY:** The Department of Transportation gives notice, as required by the Federal Advisory Committee Act (Pub. L. 92-463), of the time and location of the fourth meeting of the Aircraft Accessibility Federal Advisory Committee.

**DATES:** The fourth meeting of this Committee is scheduled for Wednesday, March 31, and Thursday, April 1, 1993, in Conference Room 10234 of the Department of Transportation (Nassif Building), 400 7th Street SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Ebersole, Senior Program Analyst, Department of Transportation, Office of Transportation Regulatory Affairs, 400

7th Street SW., Washington, DC 20590, Telephone (202) 366–4864

or

Ira Laster, Jr., Executive Director, Aircraft Accessibility Federal Advisory Committee, Department of Transportation, Office of Transportation Regulatory Affairs, 400 7th Street SW., Washington, DC 20590, Telephone (202) 366–4859.

**SUPPLEMENTARY INFORMATION:** The purpose of the Aircraft Accessibility Federal Advisory Committee is to advise the Secretary of Transportation on issues necessary for further rulemaking to implement the Air Carrier Access Act of 1986. The Committee will advise the Department on matters such as:

1. The degree to which it is possible to design for placement in a narrow-body aircraft a toilet that will accommodate persons with disabilities, including those who use wheelchairs;

2. For the various cabin configurations of different aircraft types under 200 seats, what physical layouts are possible to offer passengers at least visual privacy, and the ability to maneuver in the lavatories?

3. What physical layouts are possible which would provide disabled passengers using an on-board chair full maneuvering room inside the lavatory? What layouts would provide partial accessibility (e.g., a privacy area curtain outside the lavatory)?

4. Which designs can be accomplished without the loss of revenue seats? Which designs can be accomplished with only a minimal loss of revenue seats?

5. How would such arrangements affect passenger traffic within the cabin, flight attendant duties in galleys, and the passenger ease of access to the remaining lavatories?

6. How might such arrangements impair safety, if at all?

7. In small planes, where can the on-board chairs be stored?

8. Down to what size airplanes and for what types can accessible lavatory requirements reasonably be imposed?

9. Should any requirements for accessible lavatories be made a function of stage length (i.e., range of distances the aircraft usually covers during a flight segment) instead of airplane size, and, if so, for what stage lengths should such requirements be imposed? How would this approach alter air carriers' operational flexibility?

**Background**

Concurrent with the March 1990 publication of DOT's Air Carrier Access Act rule, the Department issued an Advance Notice of Proposed Rulemaking (ANPRM) seeking comments on specifications for accessible lavatories in narrow-body aircraft. The ANPRM stated that if sufficient information was not received, the Department would bring together aircraft manufacturers, disabled consumers, air carriers, and flight duty personnel to exchange information from which to frame a regulatory requirement.

Comments to the Docket in response to the 1990 ANPRM revealed little agreement among commenters concerning the degree of accessibility that can be achieved in lavatories on narrow-body aircraft. This is a complex, controversial question best answered through structured dialogue between aircraft manufacturers, air carriers, consumers with disabilities, and flight duty personnel.

The Department will use advise provided by the Committee to develop a notice of proposed rulemaking and a final rule.

Issued on March 3, 1993.

**Patrick V. Murphy,**

*Acting Assistant Secretary for Policy and International Affairs.*

[FR Doc. 93–5271 Filed 3–5–93; 8:45 am]

BILLING CODE 4910–62–M

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## Coast Guard

**[CGD 93–013]**

## New York Harbor Traffic Management Advisory Committee; Meeting

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. I), notice is hereby given of a meeting of the New York Harbor Traffic Management Advisory Committee to be held on April 14, 1993, in the South Conference Room "B", 34th floor, One World Trade Center, New York, New York, beginning at 10 a.m.

The agenda for this meeting of the New York Harbor Traffic Management Advisory Committee is as follows:

1. Introductions.
2. Update of Marine Events.
3. Update of dredging operations in New York harbor.
4. Update on Vessel Traffic Service.
5. Update on Coast Guard regulatory initiatives.
6. 40 foot channel through the Kill Van Kull and Newark Bay.
7. "P.O.R.T.S." update.
8. Charter renewal update.
9 Topics from the floor.
10. Review of agenda topics and selection of date for next meeting.

The New York Harbor Traffic Management Advisory Committee has been established by Commander, First Coast Guard District to provide information, consultation, and advice with regard to port development, maritime trade, port traffic, and other maritime interests in the harbor. Members of the Committee serve voluntarily without compensation from the Federal Government.

Attendance is open to the interested public. With advance notice to the Chairperson, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than one day before the meeting. Any member of the public may present a written statement to the Committee at any time.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander J.P. Benvenuto, USCG, Executive Secretary, NY Harbor Traffic Management Advisory Committee, Vessel Traffic Service, Building 108, Governors Island, New York, NY 10004–5070; or by calling (212) 668–7429.

Dated: March 3, 1993.

**R.M. Larrabee,**

*Captain, U.S. Coast Guard, Captain of the Port New York, NYHTMAC Executive Director.*

[FR Doc. 93–5243 Filed 3–5–93; 8:45 am]

BILLING CODE 4910–14–M

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## Federal Aviation Administration

## Aviation Rulemaking Advisory Committee Meeting on Air Carrier Operations

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss air carrier operations issues.

**DATES:** The meeting will be held on March 30, 1993, at 9 a.m.

**ADDRESSES:** The meeting will be held at FAA Headquarters (FOB 10A), room 9A, 800 Independence Avenue, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Marlene Vermillion, Flight Standards Service, Air Transportation Division (AFS–200), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–8166.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. app. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to be held on March 30, 1993, at FAA Headquarters (FOB 10A), 800 Independence Ave., SW., Washington, DC. The agenda for this meeting will include progress reports from the Fuel Requirements Working Group, Autopilot Engegement Working Group, and Flight Crewmember Flight/Duty/Rest Requirements Working Group. Each working group Chair will report on the progress of the working group. Attendance is open to the interested public but may be limited to the space available. The public must make arrangements in advance to present oral statements at the meeting or may present written statements to the committee at any time. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC, on March 2, 1993.

**David S. Potter,**

*Assistant Executive Director for Air Carrier Operations, Aviation Rulemaking Advisory Committee.*

[FR Doc. 93–5217 Filed 3–5–93; 8:45 am]

BILLING CODE 4910–13–M

## Flight Service Station at Cut Bank, MT, Notice of Closing

Notice is hereby given that on or about March 31, 1993, the flight service station at Cut Bank, Montana, will be closed. Services to the aviation public formerly provided by this facility will be provided by the automated flight service station in Great Falls, Montana. This information will be reflected in the FAA Organization Statement the next time it is issued. Section 313(a) of Federal Aviation Act of 1958, as amended, 72 Stat. 752; 49 U.S.C. App. 1354(a).

Issued in Seattle, Washington, on February 25, 1993.

**Frederick M. Isaac,**

*Regional Administrator, Northwest Mountain Region.*

[FR Doc. 93–5218 Filed 3–5–93; 8:45 am]

BILLING CODE 4910–13–M

## National Highway Traffic Safety Administration

**[Docket No. 93–08; Notice 1]**

## Notice of Receipt of Petition for Determination That Nonconforming 1975 Laverda 1000 Motorcycles Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for determination that . . . nonconforming 1975 Laverda 1000 motorcycles are eligible for importation.

**SUMMARY:** This notice requests comments on a petition submitted to the National Highway Traffic Safety Administration (NHTSA) for a determination that a 1975 Laverda 1000 motorcycle that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

**DATES:** The closing date for comments on the petition is April 7, 1993.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours are from 9:30 a.m. to 4 p.m.]

**FOR FURTHER INFORMATION CONTACT:** Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

**SUPPLEMENTARY INFORMATION:**

### Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register.**

J.K. Motors, Inc., of Kingsville, Maryland ("J.K.") (Registered Importer No. R–90–006) has petitioned NHTSA to determine whether 1975 Laverda 1000 motorcycles are eligible for importation into the United States. The vehicle that J.K. believes is substantially similar is the 1975 Laverda 1000 that was manufactured for importation into and sale in the United States and that was certified by its manufacturer, Laverda Motorcycles of Italy, as complying with all applicable Federal motor vehicle safety standards.

The petitioner stated that it examined the non-U.S. certified 1975 Laverda 1000, and determined that it is substantially similar to its U.S. certified counterpart. Based on this examination, the petitioner contends that the non-U.S. certified 1975 Laverda 1000, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the two models are identical with respect to compliance with Standards Nos. 106 *Brake Hoses*, 108 *Lamps, Reflective Devices and Associated Equipment*, 111 *Rearview Mirrors*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, 120 *Tire Selection and Rims for Motor Vehicles other than Passenger Cars*, 122 *Motorcycle Brake Systems*, 123 *Motorcycles Controls and Displays*, and 205 *Glazing Materials*.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 17, 1993.

**Authority:** 15 U.S.C. 1397(c)(3)(A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 1, 1993.

**William A. Boehly,**

*Associate Administrator for Enforcement.*

[FR Doc. 93–5272 Filed 3–5–93; 8:45 am]

BILLING CODE 4910–59–M

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[Docket No. 93–13; Notice 1]

## Notice of Receipt of Petition for Determination That Nonconforming 1970 Mercedes-Benz 300SEL Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for determination that nonconforming 1970 Mercedes-Benz 300SEL passenger cars are eligible for importation.

**SUMMARY:** This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1970 Mercedes-Benz 300SEL that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

**DATES:** The closing date for comments on the petition is April 7, 1993.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours are from 9:30 a.m. to 4 p.m.]

**FOR FURTHER INFORMATION CONTACT:** Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

**SUPPLEMENTARY INFORMATION:**

### Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register.**

Champagne Imports Inc. of Lansdale, Pennsylvania (Registered Importer No. R–90–009) has petitioned NHTSA to determine whether 1970 Mercedes-Benz 300SEL (Model ID 109.056) passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1970 Mercedes-Benz 300SEL that was manufactured for importation into, and sale in the United States, and certified by its manufacturer, Daimler Benz A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner contends that it carefully compared the non-U.S. certified 300SEL to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the non-U.S. certified 1970 model 300SEL, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1970 model 300SEL is identical to its U.S. certified counterpart with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *.*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 111 *Rearview Mirrors*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 207 *Seating Systems*, 208 *Occupant Crash Protection*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, and 301 *Fuel System Integrity.*

Petitioner also contends that the non-U.S. certified 1970 model 300SEL is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamp assemblies which incorporate rear sidemarkers.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 114 *Theft Protection:* installation of a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power-Operated Window Systems:* rewiring of the power window system so that the window transport is inoperative when the ignition is turned off.

Standard No. 206 *Door Locks and Door Retention Components:* replacement of the rear door locks and the rear door locking buttons with U.S. model parts.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted

to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 15 U.S.C. 1397(c)(3)(A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 3, 1993.

**William A. Boehly,**

*Associate Administrator for Enforcement.*

[FR Doc. 93-5273 Filed 3-5-93; 8:45 am]

BILLING CODE 4910-59-M

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[Docket No. 93-14; Notice 1]

## Notice of Receipt of Petition for Determination That Nonconforming 1980 BMW 628 CSI Passenger Cars Are Eligible for Importation; Correction

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Correction to notice of receipt of petition for determination that nonconforming 1980 BMW 628 CSi passenger cars are eligible for importation.

**SUMMARY:** This document corrects a notice published Tuesday, February 23, 1993 (58 FR 11085), announcing receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1980 BMW 628 CSi that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States. The docket number included with that notice was "92-18." Because this docket number had previously been assigned to another petition, any comments submitted on the petition at issue would be misfiled if this docket number were to be used. A new docket number, 93-14, has accordingly been assigned to this petition. This docket number should be referenced in any comments submitted on this petition.

**DATES:** The closing date for comments on the petition is March 25, 1993.

**ADDRESSES:** Comments should refer to the new docket number and notice number (93-14; Notice 1) and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4 p.m.

Issued on: March 3, 1993.

**William A. Boehly,**

*Associate Administrator for Enforcement.*

[FR Doc. 93-5274 Filed 3-5-93; 8:45 am]

BILLING CODE 4910-59-M

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# DEPARTMENT OF THE TREASURY

## Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service

**AGENCY:** Department Offices, Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces the date of the next meeting and the agenda for consideration by the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service.

**DATE:** The next meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will be held on March 24, 1993 at 8 a.m. in the Pancho Villa Room of the Camino Real Paso del Norte (formerly the Westin), El Paso, Texas; Tel.: (915) 534-3000.

**FOR FURTHER INFORMATION CONTACT:** Dennis M. O'Connell, Director, Office of Tariff and Trade Affairs, Office of the Assistant Secretary (Enforcement), room 4004, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Tel.: (202) 622-0220.

**SUPPLEMENTARY INFORMATION:** The preliminary agenda to be considered at the meeting is as follows:

1. The Customs Modernization Act and Informed Compliance Legislation.
2. Status of the North American Free Trade Agreement.
3. Customs Trade Enforcement Strategic Plan.
4. Customs budget, staffing and resources.
5. Automated commercial system redesign.
6. Customs Valuation Center.

The agenda may be supplemented or otherwise amended prior to the meeting date.

The meeting is open to the public; however it is necessary for any person other than an Advisory Committee member who wishes to attend the meeting to give advance notice. In order to be admitted to the meeting, contact Ms. Theresa Manning at (202) 622-0220 no later than March 17, 1993.

Dated: March 2, 1993.

**John P. Simpson,**

*Acting Assistant Secretary (Enforcement).*

[FR Doc. 93-5253 Filed 3-5-93; 8:45 am]

BILLING CODE 4810-25-M

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# DEPARTMENT OF VETERANS AFFAIRS

## Information Collection Under OMB Review

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

The Department of Veterans Affairs has submitted to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information;

(1) The title of the information collection, and the Department form number(s), if applicable;

(2) A description of the need and its use;

(3) Who will be required or asked to respond;

(4) An estimate of the total annual reporting hours, and recordkeeping burden, if applicable;

(5) The estimated average burden hours per respondent;

(6) The frequency of response; and

(7) An estimated number of respondents.

**ADDRESSES:** Copies of the proposed information collections and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233-3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

**DATES:** Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: March 1, 1993.

By direction of the Secretary.

**Frank E. Lalley,**

*Associate Deputy Assistant Secretary for Information Resources Policies and Oversight.*

**Revision**

1. Loan Guaranty Funding Fee Transmittal, VA Forms 26-8986 and 26-8986-1
2. Use of these forms will allow lending institutions to transmit funding fees

required for VA-guaranteed home loans to a lockbox depository
3. Individuals or households—businesses or other for-profit
4. 58,333 hours
5. 10 minutes
6. On occasion
7. 350,000 respondents

**Extension**

1. Verification of Pursuit of Course Leading to a College Degree, VA Form 22–6553
2. Use of this form will allow for the verification of continued enrollment and the reporting of change in enrollment status to determine if VA education benefits are affected
3. State or local governments—non-profit institutions—small businesses or organizations
4. 38,922 hours
5. 10 minutes
6. On occasion
7. 233,533 respondents

**Extension**

1. Report of Income from Property or Business, VA Form 21–4185
2. The form is used by veterans and survivors to report business and/or property income and expenses. The information is used to determine eligibility for VA benefits and, if eligibility exists, it is used to determine the rate payable
3. Individuals or households
4. 29,750 hours
5. 30 minutes
6. On occasion
7. 59,500 respondents

**Reinstatement**

1. Certification of School Attendance or Termination, VA Form 21–8960
2. The form is used to verify continued school attendance in those cases where benefits are paid for dependent children based on school attendance. The information is used to determine continued eligibility based upon school attendance
3. Individuals or households
4. 11,667 hours
5. 10 minutes
6. On occasion; annually
7. 70,000 respondents

**Reinstatement**

1. Certificate as to Securities, VA Form 27–4709
2. The form is used to verify investment in bonds or other securities assets that are reported in a fiduciary's accounting as being part of an incompetent VA beneficiary's estate. Respondents are fiduciaries acting on behalf of VA beneficiaries
3. Individuals or households—State or local governments—Non-profit institutions—Small businesses or organizations
4. 2,100 hours (1,517 annual reporting hours and 583 annual recordkeeping hours)
5. 13 minutes
6. On occasion—annually—biennially—per State Law
7. 7,000 respondents

**Reinstatement**

1. Compliance Report of Proprietary Institutions, VA Form 27–4274
2. The form is used to collect statistical information from proprietary schools which receive Federal assistance from VA and Department of Education to determine compliance with applicable civil rights statutes and regulations
3. Non-profit institutions—small businesses or organizations
4. 124 hours
5. 1 hour
6. On occasion
7. 124 respondents.

[FR Doc. 93–5267 Filed 3–5–93; 8:45 am]

BILLING CODE 8320–01–M

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## Information Collection Under OMB Review

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

**ADDRESSES:** Copies of the proposed information collection and supporting documents may be obtained from Patti Viers, Records Management Service (723), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233–3172.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

**DATES:** Comments on the information collection should be directed to the OMB Desk Officer by April 7, 1993.

Dated: March 1, 1993.

By direction of the Secretary.

**Frank E. Lalley,**

*Associate Deputy Assistant Secretary for Information Resources Policies and Oversight.*

**Existing Collection in Use Without an OMB Control Number**

1. Authorization for Direct Deposit, VA Form 10051 (Test)
2. The form is used to gather the necessary information required to enroll VA Compensation and Pension beneficiaries in the direct deposit of recurring benefits payments. The information will be used to process the payment data from VA to the beneficiary's designated financial institution.
3. Individuals or households
4. 140 hours
5. 2 minutes
6. One-time
7. 4,200 respondents

[FR Doc. 93–5268 Filed 3–5–93; 8:45 am]

BILLING CODE 8320–01–M

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## Information Collection Under OMB Review

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

**ADDRESSES:** Copiers of the proposed information collection and supporting documents may be obtained from Ann Bickoff, Veterans Health Administration (161B3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 535–7407.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by April 7, 1993.

Dated: March 1, 1993.

By direction of the Secretary.

Frank E. Lalley,

*Associate Deputy Assistant Secretary for Information Resources Policies and Oversight.*

**Reinstatement**

1. Dental Record, Authorization and Invoice for Outpatient Services, VA Form 10–2570d
2. The form is used to authorize veterans to seek private dentists for dental examination and treatment plan. The information is used by VA to authorize treatment and to determine customary fees for the services from the private fee dentist whom the veteran selected
3. Individuals or households—Businesses or other for-profit—Federal agencies or employees—Small businesses or organizations
4. 14,333 hours
5. 20 minutes
6. Non-recurring
7. 43,000 respondents

[FR Doc. 93–5269 Filed 3–5–93; 8:45 am]

BILLING CODE 8320–01–M

# Sunshine Act Meetings

Federal Register
Vol. 58, No. 43
Monday, March 8, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 10:00 a.m., Tuesday, March 30, 1993.

**PLACE:** 2033 K St., N.W., Washington, D.C., Lower Lobby Hearing Room.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

—Protection of Commodity Customers; Risk Disclosure by Futures Commission Merchants and Introducing Brokers to Customers; Bankruptcy Disclosure, Final rule 1.55

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 254–6314.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 93–5334 Filed 3–4–93; 11:34 a.m.]

BILLING CODE 6351–01–M

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 10:30 a.m., Tuesday, March 30, 1993.

**PLACE:** 2033 K St., N.W., Washington, D.C., 8th Floor Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Rule Enforcement Review.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 254–6314.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 93–5335 Filed 3–4–93; 11:34 am]

BILLING CODE 6351–01–M

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 11:00 a.m., Tuesday, March 30, 1993.

**PLACE:** 2033 K St., N.W., Washington, D.C., 8th Floor Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Enforcement Matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 254–6314.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 93–5336 Filed 3–4–93; 11:34 am]

BILLING CODE 6351–01–M

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 10:00 a.m., Tuesday, April 6, 1993.

**PLACE:** 2033 K St., NW., Washington, DC, Lower Lobby Hearing Room.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

—Registration of Floor Traders, Mandatory Ethics Training for Registrants; Suspension of Registrants Charged with Felonies, final rules

—Exemption for Certain Contracts Involving Energy Products, final order

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 254–6314.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 93–5337 Filed 3–4–93; 11:34 am]

BILLING CODE 6351–01–M

**FARM CREDIT ADMINISTRATION**

Farm Credit Administration Board; Amendment to Sunshine Act Meeting

**SUMMARY:** Pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), the Farm Credit Administration gave notice on February 24, 1993 (58 FR 11289) of the special meeting concerning Farm Credit System Building Association matters scheduled for February 18, 1993. This notice is to amend the agenda to remove the closed portion of that meeting.

**FOR FURTHER INFORMATION CONTACT:** Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883–4003, TDD (703) 883–4444.

**ADDRESSES:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

**SUPPLEMENTARY INFORMATION:** This meeting was open to the public (limited space available). The agenda for February 18, 1993, is amended to read as follows:

**Open Session**

*A. Report*

1. Farm Credit System Building Association

Dated: March 3, 1993.

**Curtis M. Anderson,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 93–5318 Filed 3–3–93; 5:08 pm]

BILLING CODE 6705–01–P

**FARM CREDIT ADMINISTRATION**

Farm Credit Administration Board; Regular Meeting

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), that the April 8, 1993 regular meeting of the Farm Credit Administration Board (Board) will not be held and that a special meeting of the Board is scheduled for Thursday, April 15, 1993. An agenda for this meeting will be published at a later date.

**FOR FURTHER INFORMATION CONTACT:** Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883–4003, TDD (703) 883–4444.

**ADDRESS:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

Dated: March 3, 1993.

**Curtis M. Anderson,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 93–5319 Filed 3–3–93; 5:09 pm]

BILLING CODE 6705–01–P

**FEDERAL COMMUNICATIONS COMMISSION**

FCC To Hold Open Commission Meeting Thursday, March 11, 1993

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 11, 1993, which is scheduled to commence at 9:30 a.m., in room 856, at 1919 M Street, NW., Washington, DC.

*Item No., Bureau, and Subject*

1—Common Carrier—Title: Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation (CC Docket No. 91–35). Summary: The Commission will consider adoption of an *Order on Further Reconsideration and Further Notice of Proposed Rulemaking* which reaffirms the requirement that international blocking services be federally tariffed and requests comments on several issues, including whether screening services should be federally tariffed.

2—Common Carrier—Title: Amendment of Part 22 of the Commission's Rules Relating to License Renewals in the Domestic Public Cellular Radio Telecommunications Service (CC Docket No. 90–358). Summary: The Commission will consider adoption of a *Memorandum Opinion and Order on Reconsideration* regarding petitions for reconsideration of its Report and Order concerning hearing procedures for comparative cellular radio renewal proceeding.

3—Private Radio—Title: Co-channel Protection Criteria for Part 90, Subpart S, Stations Operating Above 800 MHz (RM–8028). Summary: The Commission will consider adoption of a *Notice of Proposed Rulemaking* concerning interference protection criteria and co-channel station spacing for Specialized Mobile Radio Service (SMR) and non-SMR systems operating above 800 MHz.

4—Private Radio—Title: Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems (RM–8013). Summary: The Commission will consider adoption of a *Notice of Proposed Rulemaking* concerning rules for licensing Automatic Vehicle Monitoring Systems.

5—Office of Engineering and Technology—Title: Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation. Summary: The Commission will consider adoption of a *Notice of Proposed Rulemaking* concerning the use of revised guidelines for evaluation of human exposure to radiofrequency radiation for purposes of environmental analysis.

6—Mass Media—Title: Implementation of Section 3 of the Cable Television Consumer Protection and Competition Act of 1992—Buy-through Prohibition (MM Docket No. 92–262). Summary: The Commission will consider adoption of a *Report and Order*.

7—Mass Media—Title: Implementation of the Cable Television Consumer Protection and Competition Act of 1992—Broadcast Signal Carriage Issues (MM Docket No. 92–259). Summary: The Commission will consider adoption of a *Report and Order* regarding the mandatory signal carriage and retransmission consent provisions of the 1992 Cable Act.

8—Mass Media—Title: Implementation of Section 8 of the Cable Television Consumer Protection and Competition Act of 1992—Consumer Protection and Customer Service. Summary: The Commission will consider adoption of a *Report and Order* regarding standards governing cable customer service.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Steve Svab, Office of Public Affairs, telephone number (202) 632–5050.

Federal Communications Commission.

Issued: March 4, 1993.

**Donna R. Searcy,**

*Secretary.*

[FR Doc. 93–5402 Filed 3–4–93; 3:31 pm]

BILLING CODE 6712–01–M

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**FEDERAL ELECTION COMMISSION**

**"FEDERAL REGISTER" NUMBER:** 93–5173.

**PREVIOUSLY ANNOUNCED DATE AND TIME:** Thursday, March 11, 1993, 10:00 a.m., Meeting Open to the Public.

**THE FOLLOWING ITEMS WERE ADDED TO THE AGENDA:**

1. Transfers of funds from State to Federal campaigns; revised implementation plan.
2. Public Hearings on Best Efforts and Ex Parte Communications Rulemakings.

**PERSON TO CONTACT FOR INFORMATION:** Mr. Fred Eiland, Press Officer, Telephone: (202) 219–4155.

**Marjorie W. Emmons,**

*Secretary of the Commission.*

[FR Doc. 93–5348 Filed 3–4–93; 12:42 pm

BILLING CODE 6715–01–M

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**FEDERAL ENERGY REGULATORY COMMISSION**

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), U.S.C. 552b:

**DATE AND TIME:** March 10, 1993, 10:00 a.m.

**PLACE:** 825 North Capitol Street, N.E., Room 9306, Washington, D.C. 20426.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Agenda.

**Note**—Items listed on the agenda may be deleted without further notice.

**CONTACT PERSON FOR MORE INFORMATION:** Lois D. Cashell, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

**Consent Agenda—Hydro, 975th Meeting—March 10, 1993, Regular Meeting (10:00 a.m.)**

CAH–1.
Project No. 2523–003, Wisconsin Electric Power Company

CAH–2.
Project No. 9885–034, Marysville Hydro Partners

CAH–3.
Project No. 2827–004, City of Redding, California

CAH–4.
Project Nos. 9175–002 and 013, River Electric Company, Inc.

CAH–5.
Project Nos. 8835–016, 017 and 020, Dewey B. Smith

CAH–6.
Project No. 11050–002, North Side Canal Company, Limited

CAH–7.
Project No. 7045–012, R.L. Garry Corporation

CAH–8.
Omitted

CAH–9.
Project No. 6167–016, Ronald E. Rulofson

CAH–10.
Docket No. RM93–5–000, Revision of the Billing Procedures for Annual Charges for Administering Part I of the Federal Power Act

**Consent Agenda—Electric**

CAE–1.
Docket No. ER93–91–000 Detroit Edison Company

CAE–2.
Omitted

CAE–3.
Docket Nos. ER92–595–002 and ER92–596–002, Pacific Gas and Electric Company

CAE–4.
Docket Nos. ER93–150–001 and EL93–10–001, Boston Edison Company

CAE–5.
Docket No. ER92–280–001, Public Service Electric and Gas Company

CAE–6.
Docket Nos. EC92–21–001 and ER92–806–001, Entergy Services, Inc. and Gulf States Utilities Company

CAE–7.
Docket No. EL–92–22–001, City of Lebanon, Ohio v. Cincinnati Gas & Electric Company

CAE–8.
Docket No. ER93–17–001, Maine Public Service Company

CAE–9.
Omitted

CAE–10.
Omitted

CAE–11.
Omitted

CAE–12.
Docket No. EG93–13–000, InterAmerican Energy Leasing Company

CAE–13.
Docket No. EG93–14–000, Louis Dreyfus Electric Power Inc.

CAE–14.
Docket No. EG93–15–000, NW Energy (Williams Lake) Limited Partnership

CAE–15.
Docket No. QF92–179–000, Arroyo Energy, Limited Partnership

CAE–16.
Docket Nos. ER92–436–000, 001, 002, EL92–29–000, 001, 002, EL92–30–000, ER93–299–000 and EL93–18–000, Florida Power Corporation

CAE–17.
Docket No. ER92–592–002, Yankee Atomic Electric Company
Docket Nos. ER90–525–009 and ER90–526–005, New England Power Company

CAE–18.
Docket No. EC88–2–010, Utah Power and Light Company, PacifiCorp and PC/UP&L Merging Corporation

CAE–19.
Docket No. ER92–297–000, Ohio Edison Company

**Consent Agenda—Oil and Gas**

CAG–1.
Docket No. RP93–62–002, Equitrans, Inc.

CAG–2.
Docket Nos. RP86–119–028, 031, *et al.*, RP92–220–002 and 000, Tennessee Gas Pipeline Company

CAG–3.
Docket Nos. RP93–5–003, 005 and RS92–69–002, Northwest Pipeline Corporation

CAG–4.

Docket No. RP93-75-000, Florida Gas Transmission Company

CAG-5.
Docket No. CP92-552-002, Granite State Gas Transmission, Inc.

CAG-6.
Docket No. RP93-72-000, CNG Transmission Corporation

CAG-7.
Docket Nos. GT93-10-000, GT93-11-000, GT93-12-000, GT93-13-000, GT93-14-000, GT93-21-000, GT93-22-000, GT93-23-000, GT93-24-000, GT93-25-000, GT93-26-000 and GT93-28-000, El Paso Natural Gas Company

CAG-8.
Docket No. CI85-513-014, El Paso Natural Gas Company

CAG-9.
Docket Nos. TM93-2-24-000, 001, 002 and 003, Equitrans, Inc.

CAG-10.
Docket No. RP92-137-013, Transcontinental Gas Pipe Line Corporation

CAG-11.
Docket No. MT88-3-009, Transcontinental Gas Pipe Line Corporation

CAG-12.
Docket No. RP93-42-002, Colorado Interstate Gas Company

CAG-13.
Docket Nos. RP91-41-011, 002, RP91-90-004 and 001, Columbia Gas Transmission Corporation

CAG-14.
Docket No. RP88-262-024, Panhandle Eastern Pipe Line Company

CAG-15.
Docket Nos. RP88-259-062, 063, 064, CP89-1227-016, 017, CP89-1951-001, RP89-136-027, RP90-124-012, 013, RP90-161-008, 009, RP92-228-001, 002, RP91-1-012 and 014, Northern Natural Gas Company

CAG-16.
Docket Nos. TQ92-5-1-002, 006 and TQ93-1-1-001, Alabama-Tennessee Natural Gas Company

CAG-17.
Docket No. PR93-2-000, Transok, Inc.

CAG-18.
Docket Nos. RP92-157-000 and 002, Pacific Offshore Pipeline Company

CAG-19.
Docket Nos. RP80-97-059, RP82-12-022 and RP91-203-022, Tennessee Gas Pipeline Company

CAG-20.
Omitted

CAG-21.
Docket Nos. RP93-62-001 and RS92-15-000, Equitrans, Inc.

CAG-22.
Docket Nos. RP93-6-001 and RS92-75-001, Paiute Pipeline Company

CAG-23.
Docket No. CP92-190-001, Panhandle Eastern Pipe Line Company
Docket No. CP92-203-001, KN Wattenburg Transmission Limited Liability Company
Docket No. CP92-208-001, KN Front Range Gathering Company

CAG-24.
Docket No. CP92-182-003, Florida Gas Transmission Company
Docket No. CP92-415-001, Transcontinental Gas Pipe Line Corporation and Florida Gas Transmission Company

CAG-25.
Docket No. CP92-184-002, Texas Eastern Transmission Corporation
Docket No. CP92-185-002, Algonquin Gas Transmission Company

CAG-26.
Docket No. CP92-441-003, National Fuel Gas Supply Corporation and Tennessee Gas Pipeline Company

CAG-27.
Docket No. CP92-598-001, Transcontinental Gas Pipe Line Corporation

CAG-28.
Docket No. CP92-6-007, Southern Natural Gas Company and South Georgia Natural Gas Company
Docket No. CP92-311-003, Southern Natural Gas Company

CAG-29.
Docket Nos. CP89-460-008, 009, CP90-1-002 and 003, Pacific Gas Transmission Company

CAG-30.
Docket No. CP89-2035-001, Meridian Oil Gathering Inc.

CAG-31.
Docket No. RM92-9-001, Regulations Governing Blanket Marketer Sales Certificates

CAG-32.
Docket No. CP92-445-000, Southern Natural Gas Company

CAG-33.
Docket No. CP92-611-000, Natural Gas Pipeline Company of America

CAG-34.
Docket No. CP92-687-000, Columbia Gas Transmission Corporation

CAG-35.
Docket No. CP93-98-000, Gas Company of New Mexico

CAG-36.
Docket No. CP93-185-000, Portal Municipal Gas

CAG-37.
Docket Nos. RP89-183-045, RP89-40-000, RP89-195-000, RP89-233-000, RP90-123-000, RP91-107-000, RP89-140-000, RP90-71-001, RP91-152-000, 008, RP89-152-009, RP91-185-000, TM91-6-43-000, TM92-3-43-000, TC89-8-000, RP91-43-000, TM91-3-43-000 and RS92-12-000, Williams Natural Gas Company

CAG-38.
Docket No. IS93-13-001, Amerada Hess Pipeline Corporation
Docket No. IS93-14-001, ARCO Transportation Alaska, Inc.
Docket No. IS93-15-001, BP Pipelines (Alaska) Inc.
Docket No. IS93-16-001, Exxon Pipeline Company
Docket No. IS93-17-001, Mobil Alaska Pipeline Company
Docket No. IS93-18-001, Phillips Alaska Pipeline
Docket No. IS93-19-001, Unocal Pipeline Company

**Hydro Agenda**

H-1.
Reserved

**Electric Agenda**

E-1.
Reserved

**Oil and Gas Agenda**

*I. Pipeline Rate Matters*

PR-1.
Docket No. RM93-11-000, Oil Pipeline Regulatory Reform Pursuant to the Energy Policy Act of 1992. Notice requesting comments.

PR-2.
Docket No. RP92-133-000 (Phase I), Gas Research Institute. Order on settlement.

*II. Restructuring Matters*

RS-1.
Docket Nos. RS92-12-000, RP89-183-000, 002, TC89-8-000, RP91-43-000, TM91-3-43-000 and RP91-152-000, Williams Natural Gas Company. Order on compliance filing.

RS-2.
Docket No. RS92-36-000, Gateway Pipeline Company. Order on compliance filing.

RS-3.
Docket No. RS92-73-000, Pacific Interstate Offshore Company. Order on compliance filing.

RS-4.
Docket Nos. RS92-23-005, RP91-203-026 and RP92-132-028 (Consolidated in Part), Tennessee Gas Pipeline Company. Order on compliance filing.

RS-5.
Docket Nos. RS92-22-003 and 004, Panhandle Eastern Pipe Line Company. Order on second compliance filing and on requests for rehearing and clarification.

*III. Pipeline Certificate Matters*

PC-1.
Reserved

Dated: March 3, 1993.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93-5412 Filed 3-4-93; 4:00 pm]

BILLING CODE 6717-01-M

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**FOREIGN CLAIMS SETTLEMENT COMMISSION**

## F.C.S.C. Meeting Notice No. 7-93

## Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

*Date, Time, and Subject Matter*

Mon., March 22, 1993 at 2:30 p.m.

Consideration of Proposed Decisions on claims against Iran.

Hearings on the record on objections to Proposed Decisions in the following claims against Iran:

IR-1737—Thomas J. Temple
IR-2202—Billie C. Castleman
IR-0746—Langston (Div. of Molins Machine Company, Inc.)

Tues., March 23, 1993 at—

Oral Hearings on objections to Proposed Decisions in the following claims against Iran:

10:30 a.m.—IR-1429—Ocean-Air Cargo, Inc.
10:30 a.m.—IR-1102—Ocean-Air Cargo, Inc.
2:00 p.m.—IR-3160—Joe J. Amaro
2:30 p.m.—IR-1360—Estate of Thomas N. O'Neill, Dec'd

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 601 D Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 601 D Street, NW., Room 10000, Washington, DC 20579. Telephone: (202) 208-7727.

Dated at Washington, DC on March 3, 1993.

**Judith H. Lock,**

*Administrative Officer.*

[FR Doc. 93-5315 Filed 3-3-93; 5:07 pm]

BILLING CODE 4410-01-M

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**NATIONAL SCIENCE FOUNDATION / NATIONAL SCIENCE BOARD**

**DATE AND TIME:**

March 18, 1993—1:30 p.m. Open Session
March 19, 1993—9:00 a.m. Closed Session
March 19, 1993—9:30 a.m. Open Session

**PLACE:** National Science Foundation, 1800 G Street, NW., Rm. 540, Washington, DC 20550.

**STATUS:** Part of this meeting will be open to the public. Part of this meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Thursday, March 18, 1993.

*Open Session (1:30 p.m.-3:00 p.m.)*

NSB Commission Report

Friday, March 19, 1993.

*Closed Session (9:00 a.m.-9:30 a.m.)*

1. Minutes—February 1993 Meeting.
2. Alan T. Waterman Award.
3. NSF Budget.
4. Grants and Contracts.

*Open Session (9:30 a.m.-10:30 a.m.)*

4. Chairman's Report.
5. Minutes—February 1993 Meeting.
6. Director's Report.
7. NSF International Activities.
8. Other business/Adjourn.

**Marta Cehelsky,**

*Executive Officer.*

[FR Doc. 93-5320 Filed 3-4-93; 8:47 am]

BILLING CODE 7555-01-M

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**TENNESSEE VALLEY AUTHORITY**

[Meeting No. 1456]

**TIME AND DATE:** 10 a.m. (EST), March 10, 1993.

**PLACE:** Bull Run Fossil Plant, Clinton, Tennessee.

**STATUS:** Open.

**AGENDA:** Approval of minutes of meeting held on January 20, 1993.

**DISCUSSION ITEMS:**

1. New TVA Flag.
2. TVA Honor Guard.

**ACTION ITEMS:**

**New Business**

*B—Purchase Awards*

B1. Indefinite Quantity Term Agreement for Line Crews, Miscellaneous Crafts People, and Equipment for Work on Transmission Lines and Substations.

*C—Energy*

C1. Reactivation of Completion Activities—Bellefonte Nuclear Plant.

C2. Personal Services Contract with B&W Nuclear Services Company, Subject to Satisfactory Negotiations and Final Review Prior to Execution.

C3. Personal Services Contract with Stone & Webster Engineering Corporation, Subject to Satisfactory Negotiations and Final Review Prior to Execution.

C4. Changes in Dispersed Power Production Guidelines.

C5. Realignment of Hydro Benefit to Residential Consumers.

*E—Real Property Transactions*

E1. Sale of Permanent Easement Affecting Approximately 0.25 Acre of Hendersonville 161-kV Substation Property, Sumner County, Tennessee, to the Hendersonville, Tennessee, Utility District.

E2. Sale of Permanent and Construction Easements Affecting Approximately 0.48 Acre of Harrison Bay 161-kV Substation Property, Hamilton County, Tennessee, to the State of Tennessee.

E3. Sale of Permanent Easement Affecting Approximately 12 Acres of Wilson Dam Reservation, Lauderdale County, Alabama, to the City of Florence, Alabama.

E4. Procedures for Assessment of Civil Penalties Under the Archaeological Resources Protection Act of 1979.

**INFORMATION ITEMS:**

1. Lost Fork Coal License Agreement with Ikerd-Bandy, Inc.—Clay County, Kentucky—Red Bird Coal Reserves.
2. Supplement to Personal Services Contract No. TV-82909V with B&W Nuclear Services Company—Bellefonte Nuclear Plant.

**CONTACT PERSON FOR MORE INFORMATION:** Alan Carmichael, Vice President, Governmental Relations, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479-4412.

Dated: March 3, 1993.

**Edward S. Christenbury,**

*General Counsel and Secretary.*

[FR Doc. 93-5325 Filed 3-4-93; 9:15 am]

BILLING CODE 8120-08-M

# Corrections

Federal Register
Vol. 58, No. 43
Monday, March 8, 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.

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 1

### Financial Reporting by Introducing Brokers; Valuation of Investments of Customer Funds by Futures Commission Merchants

*Correction*

In rule document 93–4019 beginning on page 10949 in the issue of Tuesday, February 23, 1993 make the following corrections:

1. On page 10949, in the first column, in the first paragraph, under SUMMARY, in the third line, "amended" should read "amending".

2. On page 10951, in the 1st column, in the 1st full paragraph, in the 19th line, "IBIs" should read "IBI".

**§ 1.10 [Corrected]**

3. On page 10952, in the third column, in § 1.10(b)(2)(ii)(B), in the third line from the bottom, insert "the" after "following".

BILLING CODE 1505-01-D

## NUCLEAR REGULATORY COMMISSION

### 48 CFR Chapter 20

RIN 3150-AC01

### Acquisition Regulation (NRCAR)

*Correction*

In rule document 92-30419 beginning on page 61152 in the issue of Wednesday, December 23, 1992, make the following correction:

On page 61169, in the second column, in the subchapter heading above part 2027, "Subchapter 3" should read "Subchapter E".

BILLING CODE 1505-01-D

federal register

Monday
March 8, 1993

Part II

# Commission on National and Community Service

## Availability of Funds for Summer of Service Youth Corps Programs; Notices

## COMMISSION ON NATIONAL AND COMMUNITY SERVICE

### Availability of Funds for Summer of Service

**AGENCY:** Commission on National and Community Service.

**ACTION:** Notice of availability of funds.

**SUMMARY:** The Commission on National and Community Service announces the availability of a $15 million program, subject to congressional appropriation, to support summer community service initiatives. These funds will enable more than a thousand young people to serve their communities and participate in leadership development training activities, through Summer of Service programs operating in four to ten areas across the country.

In addition to supporting the Summer of Service program, some funds will go to expanding community service activities this summer through the following:

(1) Incentive funding to encourage summer youth corps programs with a proven track record of success to increase the number of funded summer corps participants;

(2) Funding for a summer training program for public and private elementary and secondary school teachers to integrate service-learning in our primary and secondary school curricula; and

(3) A transfer of funds to ACTION to support VISTA summer associate positions this year.

The funds are provided under the authority of the National and Community Service Act of 1990 (Pub. L. 101–610), as amended. This notice will describe the process for applying for the Summer of Service program funds. A subsequent notice will cover the summer youth corps program. No awards of grants will be made until such time as funds are appropriated by Congress.

**DATES:** Proposals must arrive by 6 p.m. e.s.t. on Thursday, April 1, 1993.

**ADDRESSES:** Applications should be submitted to the Commission on National and Community Service, 529 14th Street, suite 452, Washington, DC 20045.

**FOR FURTHER INFORMATION CONTACT:** The Commission on National and Community Service, (202) 724–0600.

**SUPPLEMENTARY INFORMATION:** Approximately ten million dollars in funding will support Summer of Service programs that will engage up to 1800 youth (ages 17 to 25) in serving the health, educational, environmental and public safety needs of at risk children in four to ten sites across the country. The Summer of Service will be nine and a half weeks long and will include national service and leadership training for staff and participants, at least eight weeks of service, and a closing summit conference with the President.

The goals of the Summer of Service are: To demonstrate immediately, through a summer initiative, the potential of national service; to provide tangible and measurable community benefits; to develop leaders for national and community service; and to unleash the talents and energies of young Americans in tackling the nation's urgent needs.

Summer of Service programs will be run by partnerships between higher education institutions and public organizations including youth corps, health and social service providers, local nonprofits and community-based organizations, public and private schools, and governmental agencies. Each Summer of Service program will recruit and select 50 or more young people preferably from diverse racial, economic and educational backgrounds to participate in service activities for the summer. Summer of Service programs will be funded by the Commission and will provide participants with federal minimum wage stipends and a $1,000 post-service benefit.

The Summer of Service initiative will fund programs in no less than 4 and no more than 10 areas. An area is defined as a metropolitan statistical area (MSA), a city, or a rural area which may include up to three counties. It is anticipated that approximately 200–500 young people will serve in each larger Summer of Service area which may include several Summer of Service programs. Rural and small urban areas may not have as many participants. Any given area may have one or more operating programs. For example, six programs of 50 participants each could be funded in an area for a total of 300 participants serving. Likewise, one program of 300 could be funded in an area.

The Commission will provide placement assistance to help participants who wish to continue serving after the summer fund year-round full-time service placements. In addition, the Commission may award up to 25 Service Entrepreneurial Awards for Change to participants who wish to develop innovative year-round service projects during the summer. Additional information on both of these aspects of the program will be provided to those programs that are selected.

### I. Eligibility to Apply

Only partnerships between higher education institution(s) and one or more public or private nonprofit organizations are eligible to apply for funds. Examples of organizations that can be partners with higher education institutions include community-based nonprofits, schools, governmental entities, health and social service providers, and youth corps. Although an eligible partnership must include at least one institution of higher education, one of the other organizations in the partnership can serve as the fiduciary agent and be responsible for program management.

### II. Program Description and Proposal Guidelines

Summer of Service applicants will be expected to submit program proposals that meet the criteria listed below under Program Narrative and that contain the following sections. There is no other proposal form.

*A. Title Page*

(1) Name, address and type of organization of applicant with management and fiduciary responsibility. (2) Names and types of organizations in partnership. (3) Signatures of legal applicant and principal partners. (4) Total amount requested, number of stipended participants, and number of other non-stipended volunteers. (5) Brief (not more than one paragraph) description of project service activities and community to be served.

*B. Program Narrative (See Description Below)*

*C. Institutional and Personnel Information*

The quality of project leadership and management is of critical importance in the selection process. Attach descriptions of the experience and major accomplishments of the project director and other key personnel. Also indicate whether these personnel are already committed to the project or are to be recruited. This section should describe the applicant's institutional capacity to administer the program and the organization's experience in running community service programs. Each individual resume or curriculum vitae may not be more than two pages in length. If available, applicants should attach annual reports describing their organization's activities.

*D. Budget (Complete the Attached Budget Form)*

**Program Narrative Description**

The program narrative should cover the following program criteria in no more than 10 single-spaced pages. The primary focus of the narrative should be on sections 1, 2, and 3.

*1. Demonstrated Needs and Impacts*

Most important, programs must define community needs and demonstrate tangible and measurable community benefits for children at risk. Examples of measurable outcomes could include the number of children tutored or immunized, or the number of playgrounds refurbished.

*2. Program Participants*

(a) Programs must provide meaningful service opportunities, stipends and post-service benefits for at least 50 participants. Depending upon the number of areas selected and the number of programs at any given area, programs could enroll up to 500 participants.

(b) Stipended participants in the program must be 17 to 25 years old and preferably be from diverse racial, economic, and educational backgrounds. All applicants must describe the recruitment and selection process they will use to attract a qualified and preferably diverse pool of participants in whom they see leadership potential. Any given program should seek to enroll current college students, recent graduates, entering college students, and non-college bound youth.

(c) In addition, programs will also be judged on their plans to involve other volunteers, particularly middle school children, in service activities. These volunteers may participate in all or part of the service activities, but unlike program participants, they will not receive stipends and post-service benefits.

*3. Service Activities*

(a) Programs must include a minimum of 8 weeks of service which will include necessary on-site training and leadership development activities. Participant activities must focus on delivering services that directly improve the lives of children at risk. Program design must include proper orientation, supervision and service-learning opportunities for participants. Programs should also describe any leadership development activities.

(b) Applicants must specify the service projects to be undertaken, including specific information on which community agencies will be assisting. Service must be targeted on the needs of at risk children. Service projects must specifically focus on one or more of the following tasks: meeting the health care needs of at risk children (e.g., immunizations, eye examinations, health education outreach); bettering the environment of children at risk (e.g., identifying toxins that threaten the children's environment, building playgrounds); providing educational enrichment activities for at risk children (e.g., tutoring, literacy activities, summer classes); and improving their public safety (e.g., crime prevention activities).

Applicants must demonstrate an ability to implement their proposed projects expeditiously.

*4. Service Entrepreneurial Awards for Change (SEA Change Awards)*

The Commission may grant up to 25 SEA Change Awards to encourage participants in the Summer of Service programs to develop year-round innovative national and community service projects to involve the nation's youth in addressing urgent national needs. Interested participants may submit a plan during the summer detailing their intention to create a service project that they would implement during the nine months following the Summer of Service.

Programs may nominate up to 5 participants to submit to the Commission for the national selection process. Programs should briefly describe the process and criteria that they would like to use in selecting their nominees. Further information and guidelines will be provided by the Commission once programs are selected.

*5. Organizational Capacity, Leadership and Experience*

(a) Applicants must demonstrate that they have in place the infrastructure, including the leadership and organizational capacity, to manage the proposed summer program. In addition, programs should show a measure of broad-based community support for the summer program. Those programs that are able to raise private funds and in-kind matches to support Summer of Service activities will be looked favorably upon in the selection process. Programs will also be judged in part on their success in connecting their activities to other federally funded programs, including summer jobs and summer Chapter 1 school programs, in their communities.

(b) Applicants must have demonstrable experience in operating community service programs and involving youth in leadership roles. All programs must have appropriate liability arrangements for participants. Programs should indicate what these arrangements are.

*6. Stipends and Post-Service Benefits*

Applicants must include in their budget request to the Commission federal minimum wage stipends for all participants and a $1,000 post-service benefit to be used for education and training for all participants who successfully complete the Summer of Service. Programs must have the capacity to assure appropriate payment of post-service benefits and to ensure that they are used only for education and training purposes.

*7. National Leadership Training*

Applicants must make a commitment to attend national training activities and present a budget for traveling to them. Current plans for national training activities include:

4-day training for the project directors and mid-level supervisors of the summer programs, tentatively scheduled for May 21–24, on the west coast.

5-day training for participants. Program leaders and mid-level supervisors will also be expected to participate. The 5-day training will tentatively take place from June 21–25 on the west coast.

Closing weekend summit at or near the end of the Summer of Service programs. The closing summit will most likely take place during the second or third weekend in August in the Washington, DC area.

*8. Evaluation Plan*

The Commission will hire a national evaluator to assess the impact of the Summer of Service programs on (a) the communities being served and (b) the participants. Local programs will be required to cooperate with this national evaluation effort.

In the proposal, programs should list the criteria by which they believe their program should be evaluated. Programs should include the quantifiable benefits that they hope to achieve for the community and participants through the Summer of Service.

**III. Proposal Selection Criteria**

The following criteria will be used to judge and select applicants for award.

*Important Consideration:* In addition to selecting programs for funding based on the evaluation criteria described below, the Commission will have to weigh area considerations in the program selection process.

The Summer of Service initiative will fund programs at 4 to 10 areas across the country. Areas are defined as metropolitan statistical areas (MSA), cities, or rural areas which may include up to three counties. The participant target for each Summer of Service area will be approximately 200 to 500 participants, except in rural and smaller urban areas where there may be fewer and smaller programs. Any given area may have one or more operating programs. For example, six programs of 50 participants each could be funded in an area for a total of 300 participants serving. Likewise, one program of 300 could be funded in an area.

For this reason, programs may receive preference in the selection process if they are located in an urban or rural area where a number of programs are clustered. The "clustering" of programs in an area is intended to demonstrate the impact of a significant number of participants serving in a reasonably concentrated area. Geographic distribution will also influence program and area selection.

*1. Quality of the Program (40%)*

A. The proposed program addresses important needs of the community focusing on children-at-risk.
B. There are clearly defined, measurable outcomes.
C. The program is well-designed and effective with feasible plans for implementation. The program design includes service-learning and leadership development components.
D. The program has a recruitment and selection process that will attract a qualified and diverse pool of potential community service leaders.
E. The operating programs have a proven track record running, monitoring and evaluating community service programs.
F. The program presents a sound evaluation plan.
G. The program has the ability to pay and monitor the use of post-service benefits for educational and training purposes.
H. Those programs that demonstrate a "multiplier effect" by engaging additional non-stipended participants, especially middle school children, in service activities may receive a preference in the selection process.

*2. Quality of the Leadership and Management (30%)*

The program director(s) and supervisors are well-qualified for their responsibilities. They have previous experience recruiting, selecting and supervising youth participants in community service programs. Experience in managing or cooperating in a partnership will also be important.

*3. Innovation (10%)*

The project demonstrates innovation in its partnerships, service delivery and community involvement. Those programs that develop innovative partnerships with other federally funded programs may be favorably judged.

*4. Replicability (5%)*

The program is a good model adaptable in other locations and circumstances.

*5. Sustainability (5%)*

The degree to which an applicant can continue the best aspects of the program next summer without Commission funding.

*6. Cost Effectiveness (10%)*

The budget is reasonable and the program is cost-effective in addressing community needs.

Matching funds from nonfederal sources will also be a consideration evidencing local community support with financial or in-kind participation from the private sector, nonprofits, public agencies or participating partnerships in the application. Other Federal funds that may be used to support this activity would also be considered.

The amount of Administration Costs (including any indirect costs) will also be a consideration in judging cost effectiveness.

## IV. Summer of Service Program Examples

The following are illustrative of the types of programs envisioned for the Summer of Service initiative. Applicants should note that they only are examples and do not represent the totality of organizations that should or could be involved nor the only types of services that could be delivered.

**Example A**

A local nonprofit youth corps forms a partnership with an inner city community college to provide tutoring, mentoring and child care/summer camp services for 200 6 to 12 year old children in a summer lunch program. The program involves 160 young service providers who during the week operate a structured program of math and English lessons using service-learning techniques as well as arts, crafts and recreational activities for the children. The youth corps manages the program.

**Example B**

A group of community health centers collaborate with an urban university, a youth service corps and a middle school. The program places teams of young people composed of middle school students, summer youth corps members, and college students in the community to work on meeting the health needs of children at risk. Teams work with community health centers to assist in the immunization of preschool children by providing support services, contacting parents, following up to make sure children are immunized, and organizing educational presentations at the local community centers on the need to immunize children.

One hundred youth corps members and college student participants are involved in the program and receive stipends. In addition, the partnership is able to attract another 75 volunteers, including the middle school children (who are especially effective in organizing presentations for their parents and neighbors on the importance of early childhood immunization). The program is managed by the consortium of community health centers and the university's urban extension office.

**Example C**

A consortium of colleges and universities form a partnership with city homeless shelters in a large urban area. A team of participants is placed in each shelter to organize a school readiness program which includes tutoring, vision checks, immunizations, and visits to the doctor and dentist for the children in that shelter. The consortium manages the program. Two hundred young people provide service in this summer program.

**Example D**

A state government in cooperation with its cooperative extension service, local 4-H Clubs, and the state land-grant university organizes an environmental assessment and improvement project. Service teams consist of university students, 4-H Club members, recent high school and college graduates, out of school youth, and senior volunteers. These teams conduct environmental audits and pollution prevention programs to identify and reduce health risks for young children throughout a tri-county region in the state. One hundred stipended young people along with 30 senior volunteers serve in this program. The state coordinates the program activities.

**Example E**

The mayor's office coordinates this city-wide project aimed at crime prevention. The partners in this program include two institutions of higher education, the mayor's office, and a nonprofit organization. College students, and former offenders implement projects that range from providing mentoring and peer support to juvenile offenders, to working with the Police Department to organize crime prevention presentations at youth centers in the city, to setting up summer activities for youth in city housing developments to keep them "off the streets." The mayor's office manages this Summer of Service program involving over 300 participants.

V. Definitions

*Metropolitan Statistical Area:*

A. A city of 50,000 or more population; or

B. A Census Bureau defined urbanized area of at least 50,000 population, provided that the component county/counties of the metropolitan statistical area have a total population of at least 100,000 (55 CFR 12154, March 30, 1990).

*Rural Area:*

A. Open country which is not part of or associated with an urban area;

B. Any town, village, city or place, including the immediately adjacent densely settled area, which is not part of or associated with an urban area and which:

a. Has a population not in excess of 10,000 if it is rural in character; or

b. Has a population in excess of 10,000 but not in excess of 20,000 and is not contained within a Metropolitan Statistical Area.

*Service-Learning*

A method by which participants learn and develop through active participation in thoughtfully organized service experiences that meet actual community needs and that are coordinated in collaboration with the community. Service-learning can occur through structured time for a participant to reflect or write about what he or she did and saw during the actual service activity. Service-learning programs provide participants with opportunities to use newly acquired skills and knowledge in real-life situations in their own communities, enhance what is taught in schools by extending learning beyond the classroom and into the community, and help to foster the development of a sense of caring for others.

For further assistance please contact the Commission at (202) 724–0600.

**Authority:** 42 U.S.C. 12501 *et seq.*

Dated: March 4, 1993.

**Catherine Milton,**

*Executive Director.*

BILLING CODE 6820–BA–M

# Budget

For *each* program (minimum of 50 participants) in the application, provide the following cost information and supporting explanations:

1. **Participant Costs**

| # of participants | x | Federal min. wage | x | # of weeks (minimum 9.5)[1] | = | $ |
|---|---|---|---|---|---|---|

2. **Project Leaders' Salaries** $ _____

3. **Other Supervisors'/Leaders' Salaries** _____

_____

_____ $ _____

4. **Other Expenses**[2]

_____

_____

_____ $ _____

5. **National Training & Travel**[3]

Participants _____

Leaders/Supervisors ____ (#) _____ $ _____

**TOTAL FUNDS REQUESTED FROM THE COMMISSION** $ _____

6. Matching Funds $ _____
7. In-Kind Contributions $ _____
8. Other Federal Funds $ _____

**Total Project Costs** $ _____

1 There must be a minimum of 8 weeks of service plus one week of national training and 2-1/2 days for conclusion summit.
2 Any other expenses should be included and briefly explained.
3 The travel for participants and project leaders/supervisors. Should be based on one trip to the West Coast and one summit trip to the East Coast (Washington, DC., area). Cost of travel should include airline or other transportation and per diem, calculated at $75 per day per participants or leader, the number of leaders/supervisors should be cited.

[FR Doc. 93–5429 Filed 3–5–93; 10:19 am]
BILLING CODE 6820–BA–C

## COMMISSION ON NATIONAL AND COMMUNITY SERVICE

### Notice of Summer of Service Youth Corps Program

AGENCY: Commission on National and Community Service.

ACTION: Notice of availability of funds.

SUMMARY: The Commission on National and Community Service announces a $1 million program, subject to Congressional appropriation, to encourage conservation and youth service corps to expand opportunities for a summer of service for 2,000 youths.

DATES: Proposals must arrive by 6 p.m. e.s.t. on Thursday, April 1, 1993.

ADDRESSES: Proposals should be submitted to the Commission on National and Community Service, 529 14th Street, suite 452, Washington, DC 20045.

FOR FURTHER INFORMATION CONTACT: The Commission on National and Community Service, (202) 724–0600.

SUPPLEMENTARY INFORMATION: The Commission will make grants on a competitive basis to existing public or private nonprofit youth corps programs to engage youth in meaningful service projects that address unmet needs. The term "youth corps program" means a program, such as a conservation corps or youth service corps program, that offers full-time productive work (to be financed through living allowances) with visible community benefits in a natural resource or human service setting and that gives participants a mix of work experience, basic and life skills, education, training, and support services.

### Summer of Service Youth Corps Program Requirements

Applicants will be expected to submit program proposals that meet the following requirements:

1. The Commission will provide funding of $500 per participant to be used only for participant stipends. This money may be used to leverage additional funds from Federal, State, local and private sources. In no case can the total Federal share of funding exceed 75 percent of program costs.

2. The applicant must detail the type of activities the participants will be engaged in. In the case of conservation corps those activities may include programs that focus on:

A. Conservation, rehabilitation, and the improvement of wildlife habitat, rangelands, parks, and recreational areas;

B. Urban and rural revitalization, historical and cultural site preservation, and reforestation of both urban and rural areas;

C. Fish culture, wildlife habitat maintenance and improvement, and other fishery assistance;

D. Road and trail maintenance and improvement;

E. Erosion, flood, drought, and storm damage assistance and controls;

F. Stream, lake, waterfront harbor, and port improvement;

G. Wetlands protection and pollution control;

H. Insect, disease, rodent, and fire prevention and control;

I. The improvement of abandoned railroad beds and rights-of-way;

J. Energy conservation projects, renewable resource enhancement, and recovery of biomass;

K. Reclamation and improvement of strip-mined land;

L. Forestry, nursery, and cultural operations; and

M. Making public facilities accessible to individuals with disabilities.

In the case of youth service corps programs, those activities may include participant service in:

A. State, local, and regional governmental agencies;

B. nursing homes, hospices, senior centers, hospitals, local libraries, parks, recreational facilities, child and adult day care centers, programs serving individuals with disabilities, and schools;

C. law enforcement agencies, and penal and probation systems;

D. private nonprofit organizations that primarily focus on social service such as community action agencies;

E. activities that focus on the rehabilitation or improvement of public facilities, neighborhood improvements, literacy training that benefits educationally disadvantaged individuals, weatherization of and basic repairs to low-income housing including housing occupied by older adults, energy conservation (including solar energy techniques), removal of architectural barriers to access by individuals with disabilities to public facilities, activities that focus on drug and alcohol abuse education, prevention and treatment, and conservation, maintenance, or restoration of natural resources on publicly held lands; and

F. any other nonpartisan civic activities and services that the Commission determines to be of a substantial social benefit in meeting unmet human, educational, or environmental needs (particularly needs relating to poverty), or in the community where service is to be performed.

3. The applicant must also detail the type of education and training provided to the participants, including the incorporation of service learning methods. While Commission funds are to be used exclusively for stipends, at least 10 percent of the total resources devoted to the program must be for training and educational services and materials for the participants.

4. Eligible participants may not be younger than 14 years of age nor older than 21 years of age.

5. The applicant must describe the total number of participants and crew leaders and the qualifications of and manner of appointment and training of supervisory personnel.

6. Collaborative arrangements between the youth corps and other public or private organizations which will enhance the service impact on the community or the participants are encouraged.

7. The programs must ensure that educationally and economically disadvantaged youth are offered opportunities to enroll.

8. Participants shall receive a living allowance of not more than an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

9. Participants may receive a post-service education and training benefit in an amount that is not in excess of $100 per week of service.

10. The summer program must operate for a period between May 1 and October 1.

11. Applicants must comply with all applicable OMB circulars and Federal laws including the supplementation, nonduplication, and nondisplacement provisions set forth in 45 CFR 2506.2

### Program Evaluation

The programs will be given preference based on:

1. The amount of resources leveraged by Commission funds—particularly non-Federal resources.

2. The long term benefits to the public.

3. The degree to which it can instill the sense of civic responsibility, work ethic, and sense of public service in the participants.

4. The quality of the program proposed.

5. The degree to which it will enhance the skills and educational level and opportunities for the participants.

Geographic diversity will also be a factor in the selection of programs.

Proposals should be limited to no more than five pages in length and be submitted with a signed cover page

which indicates the total number of participants and the amount of funding requested.

For further assistance please contact the Commission at (202) 724–0600.

**Authority:** 42 U.S.C. 12501 et seq.

Dated March 4, 1993.

**Catherine Milton,**

*Executive Director.*

[FR Doc. 93–5430 Filed 3–5–93; 10:19 am]

BILLING CODE 6820–BA–M

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1991. The CFR volume issued January 1, 1987, should be retained.

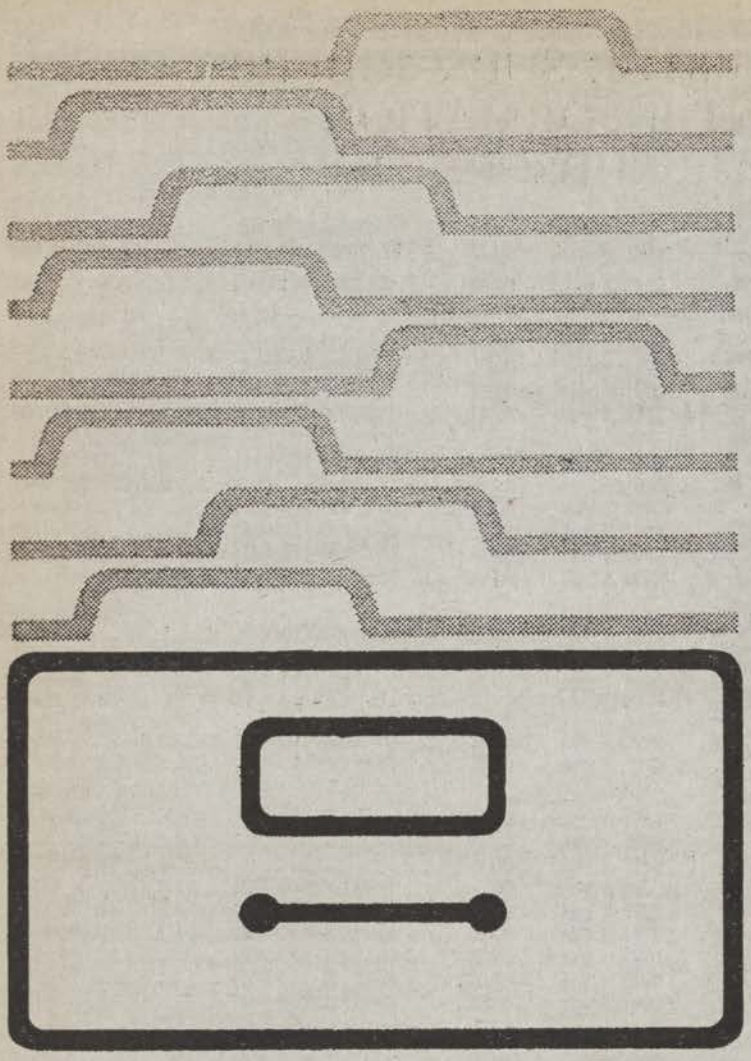
[5] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1991. The CFR volume issued April 1, 1990, should be retained.

[6] No amendments to this volume were promulgated during the period Apr. 1, 1991 to Mar. 30, 1992. The CFR volume issued April 1, 1991, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1992. The CFR volume issued July 1, 1991, should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 1991 to September 30, 1992. The CFR volume issued October 1, 1991, should be retained.



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## in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1992

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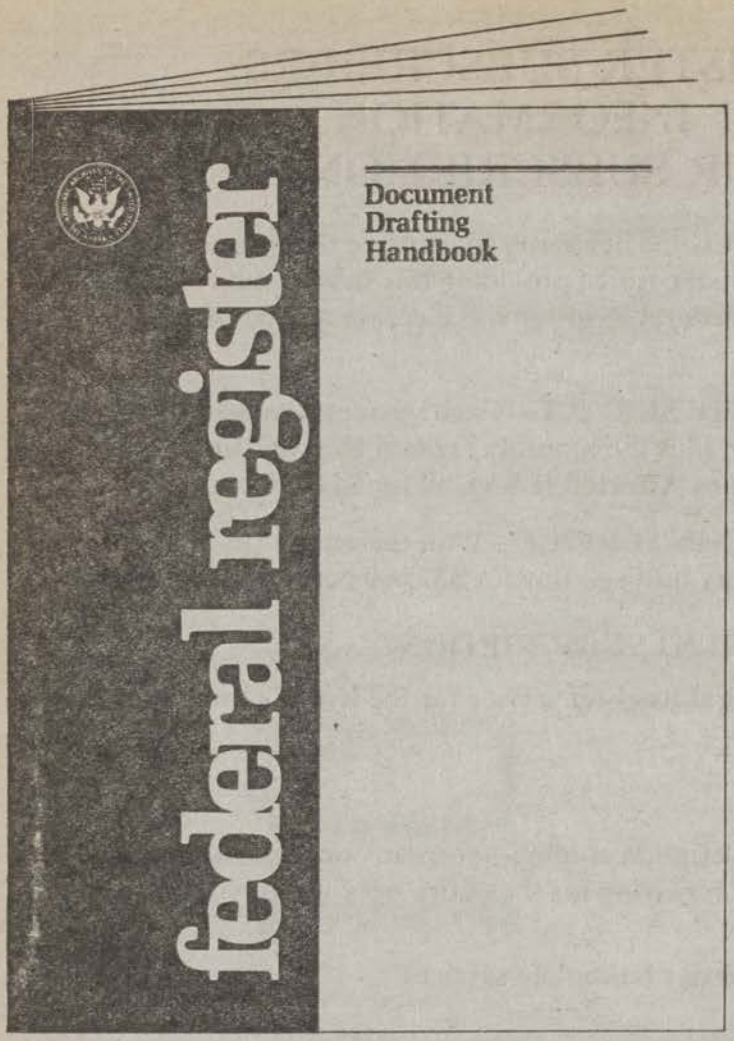


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