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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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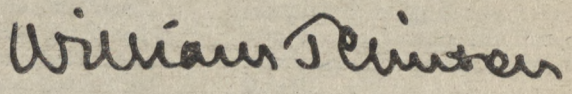
Title 3—

The President

## Executive Order 12840 of March 9, 1993

## Nuclear Cooperation With EURATOM

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 126a(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2155(a)(2)), and having determined that, upon the expiration of the period specified in the first proviso to section 126a(2) of such Act and extended for 12-month periods by Executive Orders Nos. 12193, 12295, 12351, 12409, 12463, 12506, 12554, 12587, 12629, 12670, 12706, 12753, and 12791, failure to continue peaceful nuclear cooperation with the European Atomic Energy Community would be seriously prejudicial to the achievement of United States non-proliferation objectives and would otherwise jeopardize the common defense and security of the United States, and having notified the Congress of this determination, I hereby extend the duration of that period to March 10, 1994. Executive Order No. 12791 shall be superseded on the effective date of this Executive order.



THE WHITE HOUSE,
*March 9, 1993.*

[FR Doc. 93–5803
Filed 3–10–93; 8:45 am]
Billing code 3195–01–M

**Editorial note:** For the President's letter to Congressional leaders on the continuation of the United States' cooperation with EURATOM, see issue 10 of the *Weekly Compilation of Presidential Documents.*

# Rules and Regulations

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

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

## FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R-0789]

## Home Mortgage Disclosure

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board is publishing a final rule to amend Regulation C, which implements the Home Mortgage Disclosure Act (HMDA), to incorporate new statutory provisions. The Housing and Community Development Act of 1992 contains amendments to HMDA that require financial institutions to make their loan application register data available to the public beginning March 31, 1993; the register must be modified in accordance with Board regulations before release to the public. The act also requires institutions to make their disclosure statement—as compiled by the Federal Financial Institutions Examination Council later in the year—available to the public within three business days of receiving it from the Examination Council; they currently have 30 days to do so.

**EFFECTIVE DATE:** March 1, 1993. The revised rules apply to the disclosure of the loan and application data collected for calendar year 1992.

**FOR FURTHER INFORMATION CONTACT:** Jane Jensen Gell or W. Kurt Schumacher, Staff Attorneys, or John C. Wood, Senior Attorney (202/452-2412 or 202/452-3667), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System. For the hearing impaired *only*, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:**

### (1) Background

The Home Mortgage Disclosure Act (HMDA) requires certain depository and nondepository mortgage lenders that have offices in metropolitan areas to disclose their housing-related lending activity each year. The Housing and Community Development Act of 1992 (Pub. L. 102-550, 106 Stat. 3672) amended HMDA in several respects.

The statutory amendments require institutions to make a modified version of their loan application register, modified in accordance with Board regulations, available in response to requests from the public. The requirement applies beginning with data submitted for the 1992 calendar year. Institutions will have a 30-day period in which to respond. The modified registers for 1992 must be available by March 31 for requests received on or before March 1, 1993, and within 30 days for requests made after March 1. The amendments direct the Board to specify deletions or modifications from institutions' registers to protect the privacy interests of applicants and borrowers, and to protect institutions from liability under federal or state privacy laws.

The statutory revisions also amend HMDA to require institutions to make their mortgage loan disclosure statements publicly available, upon request, within three business days after receiving them from the Federal Financial Institutions Examination Council (FFIEC) later this year. Regulation C previously required financial institutions to make their disclosure statements publicly available no later than 30 calendar days after they received them from the FFIEC.

The statutory provisions also address the time periods within which the federal supervisory agencies must complete processing the HMDA data for 1993 and subsequent years so that disclosure statements and aggregate tables can be made available to the public. For HMDA data collected in 1993, disclosure statements must be available before September 1, 1994. The aggregate data that are compiled by the FFIEC for each metropolitan area are to be available (in central data depositories) before December 1, 1994. For data collected in 1994 and subsequent years, the statute directs the federal supervisory agencies to make every effort to ensure that disclosure statements are available before July 1 (and that aggregate disclosure reports before September 1) following the year for which the data are compiled.

In January 1993 the Board published a proposal to implement these amendments (58 FR 31, January 4, 1993). The Board received 85 comment letters on its proposal. After review of these comments and upon further analysis, the Board has adopted a final rule.

### (2) Summary of Regulatory Amendments

The following material discusses the amendments to Regulation C section by section.

*Section 203.5 Disclosure and Reporting*

*Section 203.5(a) Reporting to Agency*

As revised, this section requires institutions to retain copies of their complete loan application register for a minimum of three years, instead of two years. This change is consistent with the statute.

*Section 203.5(b) Public Disclosure of Statement*

The amended statute requires an institution to make its disclosure statement publicly available, upon request, no later than three business days after its receipt from the FFIEC. Although many commenters believed that three business days is not sufficient time in which to ensure public availability, the statutory language requires the adoption of this rule in lieu of the 30 calendar days previously allowed. The Board proposed applying this three-business-day rule only to disclosures made available at an institution's *home office*. Lenders also must make statements available in at least one branch office in each additional MSA where they have physical offices, regarding loan activity for that MSA. However, because institutions receive only one set of disclosures and must produce copies for public release and for their own use, the Board proposed allowing 10 business days for availability at branch offices.

Based on review of the comments and its own analysis, the Board believes that it is reasonable to allow the longer time period for availability of disclosure statements at branch offices. Commenters representing several large institutions (with disclosure statements

between 6,000 and 8,000 pages long) stated that applying a three-business day rule to availability at branch offices would be extremely difficult, because of the number of pages to be duplicated and distributed. Smaller institutions also voiced concerns with a three-business day requirement, due to limited staff and resources. Moreover, community organizations and other members of the public are likely to want an institution's full disclosure statements, which lenders may but are not required to make available at branch offices. For this reason, most requests may in any event be directed to the home office.

*Section 203.5(c) Public Disclosure of Loan Application Register*

The statutory revisions require institutions to make their loan application registers available to the public upon request, modified to protect the privacy interests of applicants and borrowers and to protect institutions from liability under federal or state privacy laws. The statute specifies three items to be deleted—application or loan number, date application received, and date of action taken. The Board's rule conforms to this provision.

Under the final rule, an institution must make its modified register available to the public at its home office beginning March 31, 1993. They will have the option of preparing a modified loan application register for public disclosure prior to receiving a request for the data. Alternatively, they may wait until they actually receive a request, as long as they are able to make necessary modifications in time to meet the 30-calendar-day requirement.

*Section 203.5(d) Availability of Data*

In keeping with the statutory changes, this section requires institutions to retain modified loan application register information and to make it publicly available for a period of three years.

The Board has incorporated statutory language regarding the imposition of fees by an institution. The final rule makes clear that institutions may impose a reasonable fee for any cost incurred in providing or reproducing the modified loan application register or the disclosure statement.

*Section 203.5(e) Notice of availability*

Given the fact that there is no required or model language for the lobby notice that institutions must display at home and branch offices, the Board has not modified this section. However, if they so desire, institutions are free to modify the notice to reflect the fact that the modified loan application register data will be available to the public.

**Appendix A to Part 203—Form and Instructions for Completion of HMDA Loan/Application Register**

**III. Submission of HMDA-LAR and Public Release of Data**

D. *Availability of disclosure statement.* The instructions incorporate the new rule that an institution must make its disclosure statement available at its home office within three business days of receiving it from the FFIEC. The Board has also specified that disclosure statements must be made available in at least one branch office in each additional MSA within ten business days after receipt from the FFIEC. In the proposal, the Board solicited comment on whether the rule could state that copies of disclosure statements must be made available at a branch office within ten business days or within a "reasonable time". The majority of commenters who addressed the issue stated that they would need additional time to ensure availability at branch offices and favored a precise rule to provide certainty.

Most commenters believed that ten business days was an insufficient time for delivery at the branch offices. Many requested that the Board retain the previous 30-calendar-day rule, and a few believed that no fewer than 15 business days would be necessary for them to reproduce and deliver the required copies. Other commenters, however, objected to allowing longer than three business days for disclosure at branch offices. The Board considered all of these views. Given the clear Congressional intent to require availability without undue delay, but at the same time seeking to minimize costs and burdens associated with disclosure, the Board has retained the ten-business-day rule for the disclosure statements at an institution's branch offices. Finally, in the interest of certainty the Board has defined "business day."

E. *Availability of modified loan application register.* Paragraph 1 specifies the deletions that an institution must make to its register to protect the privacy interests of applicants and borrowers. These deletions conform to the amended statute, and correspond to those that the FFIEC removes in creating the public tapes of the edited raw data that it makes available.

F. *Location and format of disclosed data.* The statutory amendments strongly encourage institutions to make their modified register data available in census tract order. They allow the public release of this information (and of disclosure statements) in any media—including hard copy or in automated form—that is not prohibited by the Board. The statute makes clear that aside from the specified deletions, institutions are not required to change the format of the data from that used by institutions to internally maintain this information. However, the Board strongly encourages institutions, when feasible, to provide these data in the format requested by the public and in census tract order.

The agencies make free software available to covered institutions for collecting and maintaining their data. To facilitate compliance with the disclosure requirement in future years, the software for use in collecting and reporting 1993 data allows institutions to produce modified loan application registers suitable for public release; it deletes the applicable fields to protect the privacy interests of applicants and borrowers. The software does not sort the data by census tract, however. Plans are under way to add this sorting feature to the software version that will be available for data collection in 1994. (Software developed by some private vendors may already offer this capability.)

The revisions to HMDA require a clear and conspicuous notice on disclosure statements that they are subject to final review and revision, if necessary. Given that the FFIEC compiles the disclosure statements of financial institutions for public release by the institutions, the FFIEC plans to add this notice to the disclosure statements, thus eliminating the need for financial institutions to supply the notice.

Several commenters suggested that a similar notice should be provided on the modified loan application registers released by financial institutions, which too are subject to review and revision. Institutions may provide such a notice on the modified registers, if they wish.

**(3) Regulatory Flexibility Act Analysis**

HMDA does not cover small depository institutions (those with assets of $10 million or less), or small nondepository mortgage lenders (those with fewer than 100 home purchase loan originations and assets of $10 million or less). HMDA also exempts from coverage institutions that have neither a home nor a branch office in an MSA. Covered institutions must provide their loan/application registers to their supervisory agencies by March 1 for the preceding calendar year. Under this final rule, they are now also required to make a modified version of their register available to the public in the manner

specified by the Board. Additionally, institutions must now make their disclosure statements available at home offices within 3 business days of their receipt (and at branch offices, within 10 business day of receipt). Any incremental burdens associated with this final rule result from these statutory requirements. Small financial institutions will likely have fewer modifications to make to their registers, and less lengthy registers and disclosure statements to make publicly available (based on their fewer numbers of reportable transactions). This rule is therefore not expected to have a significant impact on the costs of small institutions.

**(4) Paperwork Reduction Act**

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. ch. 35; 5 CFR 1320.13), these revisions have been reviewed by the Board, under the authority delegated to the Board by the Office of Management and Budget, after consideration of the comments received during the public comment period. The final rule's requirements do not exceed those of the statute. Where appropriate, steps have been taken to minimize any increase in burden caused by the implementation of the statute.

**List of Subjects in 12 CFR Part 203**

Banks, banking, Mortgages, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board is amending 12 CFR part 203 as follows.

## PART 203—HOME MORTGAGE DISCLOSURE

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

**Authority:** 12 U.S.C. 2801-2810.

2. Section 203.5 is revised to read as follows:

**§203.5 Disclosure and reporting.**

(a) *Reporting to agency.* By March 1 following the calendar year for which the loan data are compiled, a financial institution shall send two copies of its complete loan application register (if submitted in paper form) to the agency office specified in appendix A of this regulation, and shall retain a copy for its records for a period of not less than three years. A financial institution need only submit one copy when the submission is on computer tape or diskette.

(b) *Public disclosure of statement.* A financial institution shall make its mortgage loan disclosure statement (to be prepared by the Federal Financial Institutions Examination Council) available to the public at its home office no later than three business days after receiving it from the Examination Council. A financial institution shall also make its disclosure statement available to the public within ten business days in at least one branch office in each additional MSA where it has offices. The disclosure statement at a branch office need only contain data relating to properties in the MSA where the branch office is located.

(c) *Public disclosure of loan application register.* A financial institution shall make its loan application register available to the public after modifying it in accordance with appendix A. An institution shall make its modified register available following the calendar year for which the data are compiled, by March 31 for a request received on or before March 1, and within 30 days for a request received after March 1. The modified register made available at a branch office need only contain data relating to properties in the MSA where the branch office is located.

(d) *Availability of data.* A financial institution shall make its modified register available to the public for a period of three years and its disclosure statement available for a period of five years. An institution shall make the data available for inspection and copying during the hours the office is normally open to the public for business. It may impose a reasonable fee for any cost incurred in providing or reproducing the data.

(e) *Notice of availability.* A financial institution shall post a general notice about the availability of its disclosure statement in the lobbies of its home office and any physical branch offices located in an MSA. Upon request, it shall promptly provide the location of the institution's offices where the statement is available. At its option, an institution may include the location in its notice.

3. Appendix A to part 203 is amended by revising the heading of section III., by revising section III.D., and by adding new sections III.E., F., and G., to read as follows:

**Appendix A to Part 203—Form and Instructions for Completion of HMDA Loan/Application Register**

* * * * *

III. Submission of HMDA-LAR and Public Release of Data

* * * * *

D. *Availability of disclosure statement.* The Federal Financial Institutions Examination Council (FFIEC) will prepare a disclosure statement from the data you submit. Your disclosure statement will be returned to the name and address indicated on the transmittal sheet. Within three business days of receiving the disclosure statement, you must make a copy available at your home office for inspection by the public. You also must make the disclosure statement available, within ten business days after receiving it from the FFIEC, in at least one branch office in each additional MSA where you have physical offices. For these purposes, a business day is any calendar day other than a Saturday, Sunday, or legal public holiday.

E. *Availability of modified loan application register.*

1. To protect the privacy of applicants and borrowers, an institution must modify its loan application register by removing the following information before releasing it to the public: the application or loan number, date application received, and date of action taken.

2. A financial institution must make its modified register available following the calendar year for which the data are compiled, by March 31 for a request received on or before March 1, and within 30 days for a request received after March 1.

F. *Location and format of disclosed data.* A financial institution must make a complete copy of its disclosure statement and modified register available to the public at its home office. Institutions may make these data available in hard copy or in automated form (such as by floppy disk or computer tape). Although you are not required to make the modified loan application register available in census-tract order, you are strongly encouraged to do so in order to enhance its utility to users. If you have physical branch offices in other MSAs, you must make available, in at least one branch office in each of those MSAs, either a complete copy of the disclosure statement or the portion of it that relates to properties in that MSA. Similarly, a modified register at a branch office need only reflect data concerning properties within the MSA where the branch is located.

You are not required to prepare a modified loan application register in advance of receiving a request from the public for this information, but must be able to respond to a request within 30 days.

G. *Posters.* Your agency can provide you with HMDA posters that you can use to inform the public of the availability of your disclosure statement, or you may print your own posters.

By order of the Board of Governors of the Federal Reserve System, March 3, 1993.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 93-5408 Filed 3-10-93; 8:45 am]

BILLING CODE 6210-01-F

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 93–CE–19–AD; Amendment 39–8508; AD 93–05–03]**

### Airworthiness Directives; Cessna Aircraft Company Models T303, 402C, 404, 414A, and 421C Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment supersedes Airworthiness Directive (AD) 92–27–20, Amendment 39–8497, which applies to certain Cessna Aircraft Company (Cessna) Model 402C airplanes. This AD currently requires fabricating and installing new fuel level placards, and another placard specifying that rolling and turning takeoffs are prohibited; and incorporating the AD into the Limitations section of the Pilots Operating Handbook and FAA-approved Airplane Flight Manual. A fatal accident involving a Model 402C airplane where a fuel inlet float valve failed while the valve was in the open position prompted the issuance of AD 92–27–20. Procedures for repetitively inspecting these fuel inlet float valves have now been developed, and these inspections, and valve replacements as necessary, should replace the fuel limitations imposed by the current AD. In addition, certain Cessna Models T303, 404, 414A, and 421C airplanes will also be affected by this AD. The actions specified by this AD are intended to prevent possible loss of engine power caused by failure of a fuel inlet float valve.

**DATES:** Effective March 30, 1993. Comments for inclusion in the Rules Docket must be received on or before May 28, 1993.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 93–CE–19–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Information that relates to this AD may be examined at the Rules Docket at the address above. Replacement parts required by this AD may be obtained from the Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles D. Riddle, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4144; Facsimile (316) 946–4407.

**SUPPLEMENTARY INFORMATION:** AD 92–27–20, Amendment 39–8497 (58 FR 7862, February 10, 1993), currently requires the following on certain Cessna Model 402C airplanes: (1) fabricating and installing new placards that specify new unusable fuel levels and new fuel levels at takeoff; (2) fabricating and installing a new placard specifying that rolling and turning takeoffs are prohibited; and (3) incorporating the AD into the Limitations Section of the Pilots Operating Handbook (POH) and FAA-approved Airplane Flight Manual (AFM).

A fatal accident involving a Cessna Model 402C airplane prompted this action. The FAA's continuing investigation of this accident revealed that a fuel inlet float valve, located in the right wing fuel tank on the affected airplane, failed while the valve was in the open position. This may have permitted air to enter the fuel system, which could have caused the power loss resulting in the accident.

Since issuance of AD 92–27–20, the FAA has received several reports of other fuel inlet float valve failures, and has examined the referenced accident failed valve, Cessna part number (P/N) 9910242–5, which was worn excessively in the area of the poppet valve. Based on the examination of this valve and others of similar configuration, the FAA has determined that the Cessna P/N 9910242 (all dash numbers) fuel inlet float valves could fail in the open position, which could allow air to enter the fuel line to the engine and result in loss of engine power. These P/N 9910242 valves consist of dash numbers –1, –4, –5, –6, –7, –8, –205, –206, –207, and –208; and are utilized in certain Cessna Models 404, 414A, 421C, and T303 airplanes, as well as the Cessna Model 402C airplanes. All these models utilize three valves per wing (6 per airplane), except for the Model T303 airplanes, which utilize two per wing (4 per airplane).

The FAA has developed valve test procedures that, if followed routinely, would detect faulty fuel inlet float valves.

After examining the circumstances and reviewing all available information related to the accident and incidents described above including the referenced inspection procedures, the FAA has determined that (1) a fuel inlet float valve on certain Cessna Models 402C, 404, 414A, 421C, and T303 airplanes could fail in the open position; and (2) AD action should be taken in order to prevent possible loss of engine power caused by such failure.

Since an unsafe condition has been identified that is likely to exist or develop in other Cessna Models 402C, 404, 414A, 421C, and T303 airplanes of the same type design, this action supersedes AD 92–27–20, with a new AD that requires repetitively inspecting each fuel inlet float valve in accordance with the valve test procedure included in this AD, and replacing any valve that does not pass this test. In addition, the action includes provisions for establishing a new minimum for takeoff fuel quantity and unusable fuel amounts if parts are required and not available.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments

submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 93–CE–19–AD." The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

2. Section 39.13 is amended by removing AD 92–27–20, Amendment 39–8497 (58 FR 7862, February 10, 1993), and by adding the following new airworthiness directive:

**93–05–03. Cessna Aircraft Company:** Amendment 39–8508; Docket 93–CE–19–AD. Supersedes AD 92–27–20, Amendment 39–8497.

*Applicability:* The following Model and serial number airplanes, certificated in any category:

| Model | Serial numbers |
|---|---|
| T303 | T30300001 through T30300315 |
| 402C | 402C0001 through 402C1020 |
| 404 | 404–0001 through 404–0859 |
| 414A | 414A0001 through 414A1212 |
| 421C | 421C0001 through 421C1807 |

*Compliance:* Required within the next 10 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 200 hours TIS.

To prevent possible loss of engine power caused by failure of a fuel inlet float valve, accomplish the following:

(a) Inspect each fuel inlet float valve for proper operation in accordance with the valve test procedure outlined below:

(1) Defuel the airplane and gain access to the fuel tank as necessary (Refer to applicable Maintenance Manual, Chapter 28, Fuel).

(2) Disconnect the fuel supply hose to the engine from the fuel tank outlet adapter, located at the inboard rib of the fuel tank.

(3) Connect vacuum test equipment to the tank outlet adapter fitting using a hose or tube. Test equipment is to consist of a dry vacuum pump capable of producing 6.0 inches mercury (HG), a vacuum regulator that ranges from 3.0 to 6.0 inches HG, and a vacuum gage with an indicating range of zero (0) to at least 6 inches HG vacuum (See Figure 1 for schematic).

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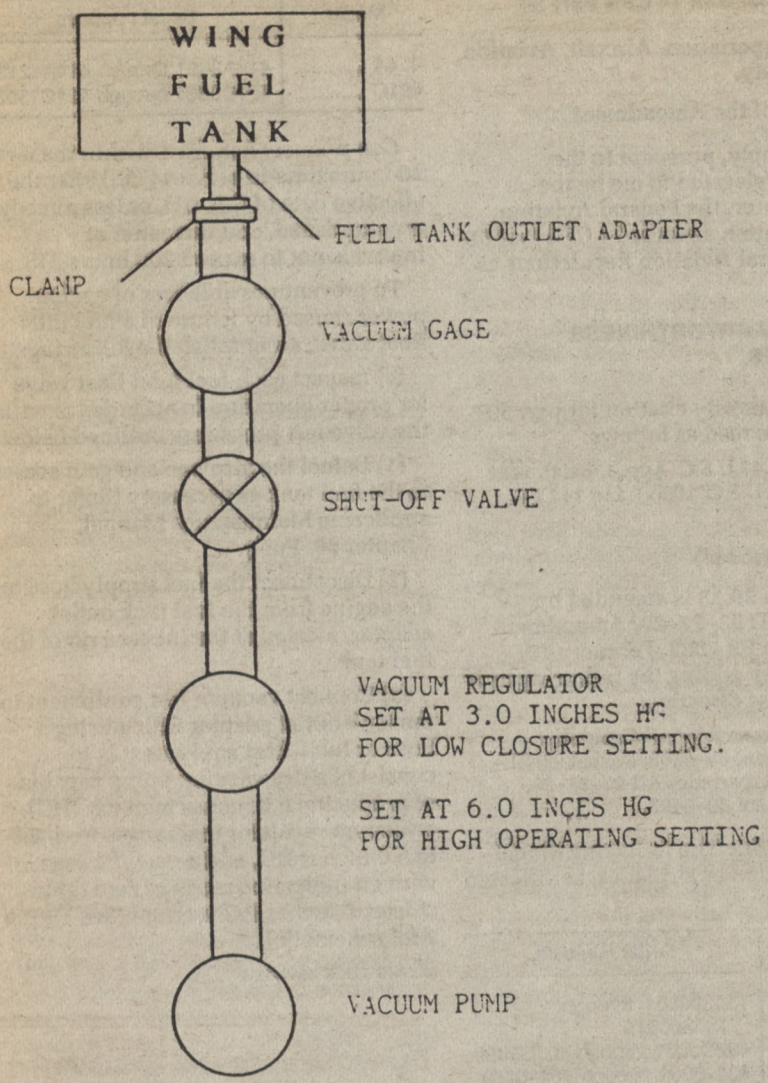



Figure 1



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(4) Set the vacuum regulator to 3.0 inches of HG vacuum. Operate the vacuum pump until the vacuum regulator achieves 3.0 inches HG. Close the shut-off valve and stop the vacuum pump.

(i) Verify that the system maintains 3.0 inches HG vacuum for 1 minute.

(ii) If the system does not maintain 3.0 inches HG vacuum for 1 minute, check the system to ensure all fittings are tight and float travel is not restricted (Refer to applicable Maintenance Manual, Removal/Installation of the Inlet Float Valve).

(5) Open the shut-off valve and set the vacuum regulator to 6.0 inches HG. Operate the vacuum pump for 1 minute and verify that the vacuum does not exceed 5.0 inches HG.

Note 1: If the system does not exceed 5.0 inches HG, the valves are functioning properly.

(6) Apply a regulated air pressure of 2.0 pounds per square inch gage (PSIG) to the fuel tank outlet adapter. Verify that the system maintains 2.0 PSIG for 1 minute.

(7) Replace any valve that did not pass all tests required by paragraphs (a)(4), (a)(5), and (a)(6) of this AD. Replacement parts may be obtained from the manufacturer at the address specified in paragraph (e) of this AD. The corresponding Cessna part numbers are as follows: 9910242–1, 9910242–4, 9910242–5, 9910242–6, 9910242–7, 9910242–8, 9910242–205, 9910242–206, 9910242–207, and 9910242–208.

Note 2: Paragraph (b) of this AD specifies actions that may be taken if replacement parts are unavailable.

(8) Remove the test equipment and reconnect the hose to the fuel tank outlet adapter.

(9) Purge the fuel system to eliminate contamination (Refer to applicable Maintenance Manual, Flushing Fuel System).

(b) If any fuel valve replacement is necessary and the replacement parts are not available, accomplish the following provided the parts have been ordered from the manufacturer and are installed upon availability:

(1) Incorporate the following into the Limitations Section of the Pilots Operating Handbook (POH) and FAA-approved Airplane Flight Manual (AFM):

(i) For the Model T303 airplanes:

Unusable fuel: Indicated fuel quantity below 36 pounds (6 gallons) in each main tank is unusable.

(ii) For the Models 402C, 404, 414A, and 421C airplanes:

Unusable fuel: Indicated fuel quantity below 90 pounds (15 gallons) in each main tank is unusable.

(iii) For the Model 404 airplanes:

Fuel Quantity: Minimum indicated fuel quantity for takeoff is 228 pounds (38 gallons) in each main tank.

(iv) For the Models 402C, 414A, and 421C airplanes:

Fuel Quantity: Minimum indicated fuel quantity for takeoff is 210 pounds (35 gallons) in each main tank.

(2) Fabricate placards, as applicable, with the following words in letters at least 0.10-inch in height and install these placards within the pilot's clear view on the instrument panel in close proximity to the fuel quantity gage:

(i) For Models 402C, 404, 414A, and 421C airplanes: "UNUSABLE FUEL—INDICATED FUEL QUANTITY BELOW 90 POUNDS (15 GALLONS) IN EACH MAIN TANK IS UNUSABLE".

(ii) For Model T303 airplanes: "UNUSABLE FUEL—INDICATED FUEL QUANTITY BELOW 36 POUNDS (6 GALLONS) IN EACH MAIN TANK IS UNUSABLE".

(3) For the Model 404 airplanes, fabricate four placards with the following in letters at least 0.10-inch in height: "157 GAL". Install these placards covering the four existing "172 GAL" markings on the existing placard around the engine fuel selector handles.

(4) For the Models 402C, 414A, and 421C airplanes, fabricate four placards with the following in letters at least 0.10-inch in height: "88 GAL". Install these placards covering the four existing "103 GAL" markings on the existing placard around the engine fuel selector handles.

(5) For the Model T303 airplanes, fabricate the following placards in letters at least 0.10-inch in height:

(i) "423 LBS" (2 placards). Install these placards covering the two existing "459 LBS" markings on the existing placard around the engine fuel selector handles.

(ii) "363 LBS" (1 placard). Install this placard covering the existing "399 LBS" marking on the existing placard around the engine fuel selector handles.

(6) For all affected Model airplanes, fabricate a placard with the following words in letters at least 0.10-inch in height and install this placard within the pilot's clear view on the instrument panel: "ROLLING, TURNING TAKEOFFS ARE PROHIBITED."

Note 3: For the Model 402C airplanes, these placard requirements may already be accomplished in accordance with AD 92–27–20, which is superseded by this action.

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

(d) An alternative method of compliance that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may concur or comment and then send it to the Manager, Wichita Aircraft Certification Office.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(e) Information that relates to this AD may be examined at the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Replacement parts required by this AD may be obtained from the Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277.

(f) This amendment (39–8508) supersedes AD 92–27–20, Amendment 39–8497.

(g) This amendment (39–8508) becomes effective on March 30, 1993.

Issued in Kansas City, Missouri, on March 4, 1993.

**Barry D. Clements,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 93–5559 Filed 3–10–93; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Parts 1 and 602

[T.D. 8478]

RIN 1545–AO44

### Consolidated Return Regulations—Deferred Gain or Loss

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Final and temporary regulations.

**SUMMARY:** This document contains final regulations relating to deferred intercompany transactions and distributions of property among members of a consolidated group. The final regulations provide rules concerning the creation and restoration of deferred gain or loss and assure that intragroup transfers generally do not affect the overall income of the group.

**EFFECTIVE DATE:** March 9, 1993.

**FOR FURTHER INFORMATION CONTACT:** Roy A. Hirschhorn or Sharon Bomgardner at (202) 622–7770 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Paperwork Reduction Act**

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1545–1161. The estimated annual burden per respondent varies from 1½ to 2½ hours, depending on individual circumstances, with an estimated average of 2 hours.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, ATTN: IRS Reports Clearance Officer T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

**Background**

*1. Introduction*

Sections 1.1502–13T and 1.1502–14T, which modify certain consolidated return deferred gain or loss rules, were amended by regulations filed with the Office of the Federal Register on March 9, 1990 (T.D. 8295; see 55 FR 9420; 1990–1 C.B. 165) and March 13, 1992 (T.D. 8402; see 57 FR 9384; 1992–1 C.B. 302). Corresponding proposed regulations were filed with the Office of the Federal Register on March 9, 1990 (see 55 FR 9462; 1990–1 C.B. 559) and July 24, 1991 (see 56 FR 34044; 1991–2 C.B. 906), respectively.

This document contains final regulations under §§ 1.1502–13 and 1.1502–14. The final regulations retain the general approach and the effective dates of the temporary regulations.

*2. The Deferral System*

Under §§ 1.1502–13, 1.1502–13T, 1.1502–14, and 1.1502–14T, gain or loss recognized on a transfer of property from one member of a consolidated group (the selling member) to another member (the purchasing member) is deferred and taken into account by the selling member when, for example, the property is depreciated or disposed of outside the group. The deferral system is intended to prevent intercompany transactions from affecting the timing of consolidated taxable income, and to fix the location, character, and source of the deferred gain or loss, generally with reference to the selling member. The temporary and final regulations assure that the deferral provisions operate as they were intended so that the group's overall income or loss generally is not affected by transactions between members.

*3. Comments*

Treasury and the Service received several comments regarding the regulations.

a. The Bump-and-Strip Transaction

Some comments criticized § 1.1502–14T(c)(1)(i) as it applies to a transaction commonly known as the bump-and-strip transaction. In a typical bump-and-strip transaction, the consolidated group indirectly sells the appreciated stock of a subsidiary (the target) by having the owning member distribute the target stock to another member, the target distribute cash (or other property) to the distributee member, and the target then issue enough new target stock to disaffiliate. Some taxpayers argued that, under the consolidated return regulations as they existed before the temporary regulations, the transaction permitted the group to indefinitely defer income that otherwise would result from the cash distribution and the disaffiliation.

The comments did not suggest that the position taken in the regulation was substantively incorrect but did argue that taxpayers had not been given adequate notice of the position adopted by the temporary regulations. The temporary regulations are effective for any taxable year for which the due date (without extensions) of the return is after March 14, 1990.

The effective date of the temporary regulations is consistent with section 1503(a), which specifically provides that the tax liability of corporations that file consolidated returns "shall be determined * * * in accordance with the regulations * * * prescribed before the last day prescribed by law for the filing of [the consolidated] return." The effective date was chosen because the bump-and-strip transaction was determined to be abusive. In effect, the transaction resulted in the realization of gain on a sale of stock outside of the consolidated group; this gain should not go untaxed because of intragroup transfers of stock preceding the sale. It is inconsistent with the purposes of the deferral systems in the consolidated return regulations that intragroup transactions generally would affect the overall tax liability of the group. Thus, the final regulations retain the effective date of the temporary regulations.

The final regulations do not limit the application, to transactions occurring before or after the effective date of the regulations, of other sections of the Code or general principles of tax law, including sections 337(d) and 482, the substance-over-form doctrine (e.g., application of *Commissioner* v. *Waterman Steamship Corp.*, 430 F.2d 1185 (5th Cir. 1970), *cert. denied*, 401 U.S. 939 (1971)), and the tax benefit rule.

b. Example 2 of § 1.1502–14T(c)(2)

Some comments argued that Example 2 of § 1.1502–14T(c)(2) reached an incorrect result under the consolidated return regulations. In the example, P, S, and T are members of a consolidated group. P owns all of the S stock, and S owns all of the T stock. T distributes cash to S, resulting in S having an excessive loss account (ELA) in the T stock, and S then distributes the T stock to P. The example provides that, following the distribution, the ELA is treated as deferred gain to S. The comments argued that the correct result in Example 2 should be that P succeeds to the ELA and that the ELA is not treated as S's deferred gain.

Section 1.1502–14T(c) deals with bump-and-strip and similar transactions, no matter how constructed. Treasury and the Service continue to believe that the result in Example 2 is consistent with the general approach to bump-and-strip transactions and intend to revise other parts of the consolidated return regulations consistent with Example 2.

c. Other Comments

Several comments also objected to § 1.1502–14T(c)(1)(ii). Under this paragraph, deferred gain with respect to stock of a target is taken into account following the disaffiliation of the target to the extent that post-disaffiliation distributions with respect to target stock, in the aggregate, exceed the owning member's basis in the stock, reduced by the deferred gain with respect to the stock, at the time of the disaffiliation. Under the temporary regulations, the deferred gain is taken into account even if the distributions occur several years after the disaffiliation. Comments suggested that post-disaffiliation distributions taken into account be limited, for example, to

those within two years of the disaffiliation.

Under the final regulations, distributions taken into account are limited to those to which the owning member becomes entitled (e.g., as of the record date) before two years after the disposition. However, in computing its consolidated taxable income with respect to distributions to which a member becomes entitled before March 9, 1993, a group may apply the temporary regulations (i.e., choose to take gain into account earlier).

The Service received a number of other comments dealing more generally with the regulations. These comments generally concern issues beyond the substantive provisions of §§ 1.1502–13T and 1.1502–14T and are being considered as part of a comprehensive project to revise §§ 1.1502–13 and 1.1502–14.

*4. Effective Dates*

The regulations are generally effective for any taxable year for which the due date (without extensions) of the income tax return is after March 14, 1990. Transition rules §§ 1.1502–13(m)(4)(ii) and 1.1502–14(g)(3)(ii)(A) apply to certain dispositions outside the group occurring before March 9, 1990. Further, § 1.1502–13(n) applies only to deferred intercompany transactions attributable to long term contracts entered into after June 20, 1988. Finally, § 1.1502–13(o) applies to acquisitions of stock of a subsidiary in an intercompany transaction occurring on or after July 24, 1991.

**Special Analyses**

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It also has been determined that these regulations do not have a significant impact on a substantial number of small entities and, therefore, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply to these regulations and a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notices of proposed rulemaking were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on the impact of the rules on small business.

**List of Subjects**

*26 CFR 1.1501–1 through 1.1502–27*

Income taxes, Reporting and recordkeeping requirements.

*26 CFR Part 602*

Reporting and recordkeeping requirements.

**Adoption of Amendments to the Regulations**

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

**Paragraph 1.** The authority citation for part 1 is amended in part by adding the following citations:

**Authority:** 26 U.S.C. 7805 * * *

Section 1.1502–13 also issued under 26 U.S.C. 1502 * * *

Section 1.1502–14 also issued under 26 U.S.C. 1502 * * *

**§ 1.1502–13 [Amended]**

**Par. 2.** Section 1.1502–13 is amended by:

1. Removing the reference "paragraphs (d), (e), and (f)" and adding "paragraphs (d), (e), (f), (l), (m), (n), and (o)" in its place in paragraph (c)(1)(iii).

2. Removing the last sentence of paragraph (c)(1)(iii).

3. Adding and reserving paragraph (k).

**Par. 3.** Paragraphs (l) through (o) of § 1.1502–13T are redesignated as paragraphs (l) through (o) of § 1.1502–13, respectively; and, adding new paragraphs (l) through (o) to § 1.1502–13T to read as follows:

**§ 1.1502–13T Temporary regulations for certain intercompany transactions.**

* * * * *

(l) through (o) [Reserved] For further guidance see § 1.1502–13 (l) through (o).

* * * * *

**Par. 4.** Newly designated paragraph (o) of § 1.1502–13, is revised to read as follows:

**§ 1.1502–13 Intercompany transactions.**

* * * * *

(o) *Additional restoration of gain deferred on the sale of stock of a member*—(1) *Restoration rule.* For purposes of this section, deferred gain with respect to an acquisition of stock of a subsidiary in an intercompany transaction shall be taken into account—

(i) Upon a disposition (as defined in § 1.1502–19(b)(2)) of the stock of the subsidiary in an amount equal to the amount that would have created or increased the excess loss account if the adjustment to basis (or excess loss account) of the stock of the subsidiary resulting from the acquisition had not occurred; or

(ii) Following a disposition (as defined in § 1.1502–19(b)(2)) of the stock of the subsidiary, to the extent distributions with respect to the stock to which a member becomes entitled (*e.g.*, as of the record date) no later than 24 months after the disposition would exceed the basis of the stock if the adjustment to the basis of the stock resulting from the acquisition had not occurred.

(2) *Example.* This paragraph (o) may be illustrated by the following example:

*Example.* (i) Corporations P, S1, S2, and S3 file consolidated returns on a calendar year basis. P owns all of the outstanding stock of S1 and S2. S1 owns all 100 shares of the outstanding stock of S3. The S3 shares have an adjusted basis of $1,000 and value of $10,000. S1 sells all 100 shares of the S3 stock to S2 for $10,000 and recognizes $9,000 of gain. The gain is deferred under § 1.1502–13(c). S2 takes a $10,000 basis in the S3 stock under § 1.1502–31(a).

(ii) S3 borrows $5,000 in 1992 and distributes the $5,000 to S2 in the same year. S3 has no current earnings and profits, and the distribution reduces S2's basis in the S3 stock from $10,000 to $5,000.

(iii) In 1993, S3 has no current earnings and profits. At the end of 1993, S3 issues 100 shares of stock to X, an unrelated third party. As a result, S2 no longer owns 80 percent or more of the S3 stock and S3 ceases to be a member of the group. S3's ceasing to be a member of the group is a disposition of the S3 stock under § 1.1502–19(b)(2)(i). If the basis of the S3 stock had not been adjusted as a result of the sale of the S3 stock by S1 to S2, the $5,000 distribution would have resulted in a $4,000 excess loss account with respect to the S3 stock. Accordingly, S1 is required to take into account $4,000 of the deferred gain (the amount that would have been in the excess loss account but for the adjustment to the basis of the S3 stock resulting from its sale).

(iv) In 1994, S2 sells its 100 shares of S3 stock to X for $6,000. S2 recognizes gain of $1,000 on the sale. Further, under § 1.1502–13(f)(1)(i), because the S3 stock is disposed of outside the group, S1 must take into account the remaining $5,000 of deferred gain on the S3 stock.

(3) *Effective date.* This paragraph (o) applies to acquisitions of stock of a subsidiary in an intercompany transaction occurring on or after July 24, 1991.

**Par. 5.** Paragraph (c) of § 1.1502–14T is redesignated as paragraph (g) of § 1.1502–14; and, new paragraph (c) is added to § 1.1402–14T to read as follows:

**§ 1.1502–14T Treatment of distributing corporation (temporary).**

* * * * *

(c) [Reserved] For further guidance see § 1.1502–14(g).

* * * * *

**Par. 6.** Newly designated paragraph (g) of § 1.1502–14 is revised to read as follows:

**§ 1.1502–14 Stocks, bonds, and other obligations of members.**

* * * * *

(g) *Additional restoration of gain deferred on distributions of stock of a member*—(1) *In general.* For purposes of this section and § 1.1502–13, gain deferred with respect to a distribution of stock of a subsidiary from one member to another member shall be taken into account—

(i) Upon a disposition (as defined in § 1.1502–19(b)(2)) of the stock of the subsidiary in an amount equal to the amount that would have created or increased the excess loss account if the adjustment to the basis (or the excess loss account) of the stock of the subsidiary resulting from the distribution had not occurred; or

(ii) Following a disposition (as defined in § 1.1502–19(b)(2)) of stock of the subsidiary, to the extent distributions with respect to the stock to which a member becomes entitled (e.g., as of the record date) no later than 24 months after the disposition would exceed the basis of the stock if the adjustment to the basis of the stock resulting from the distribution had not occurred.

(2) *Examples.* This paragraph (g) is illustrated by the following examples.

*Example 1.* (i) Corporations P, S, and T file consolidated returns on a calendar year basis. P owns all 100 shares of the outstanding stock of S. S owns all 200 shares of the outstanding stock of T. The T shares have an adjusted basis of $1,000 and a value of $10,000. S distributes all of its T stock to P. As a result of the distribution, S recognizes $9,000 of gain under section 311(b) and the gain is deferred under § 1.1502–14T(a). P receives a $10,000 basis in the T stock.

(ii) T borrows $9,000 in 1989 and distributes the $9,000 to P in the same year. T has no current earnings and profits, and the distribution reduces P's basis in the T stock from $10,000 to $1,000. In 1990, T has $1,000 of earnings and profits which are not distributed. At the end of 1990, T issues 100 shares of stock to X, an unrelated third party. As a result P no longer owns 80 percent or more of the stock of T and T ceases to be a member of the group. T's ceasing to be a member of the group constitutes a disposition of the T stock under § 1.1502–19(b)(2)(i). If the basis of the T stock had not been adjusted as a result of S's distribution of the T stock to P, the $9,000 distribution to P would have resulted in a $7,000 excess loss account with respect to the T stock. Accordingly, S is required to take into account $7,000 of deferred gain (the amount that would have been in the excess loss account but for the adjustment to the basis of the T stock resulting from its distribution).

(iii) At the end of 1991, P sells its 200 shares of T stock to Y for $2,000. P recognizes no gain or loss on the sale. Under § 1.1502–13(f)(1)(i), because the T Stock is disposed of outside the group, S must take into account the remaining $2,000 of deferred gain on the T stock.

*Example 2.* The facts are the same as in *Example 1* except that T borrows and distributes the $9,000 to S before S distributes the T stock to P. The results are the same as in *Example 1* because P would have had an excess loss account of $7,000 with respect to the T stock at the time T ceased to be a member of the P group but for the adjustment to the excess loss account resulting from S's distribution of the T stock to P.

(3) *Effective dates*—(i) *General rule.* Except as provided in paragraph (g)(3)(ii) of this section, this paragraph (g) applies to dispositions (as defined in this paragraph (g)) of stock of a subsidiary in taxable years for which the due date (without extensions) of the income tax return is after March 14, 1990.

(ii) *Exceptions.* Notwithstanding paragraph (g)(3)(i) of this section—

(A) This paragraph (g) does not apply to gain deferred with respect to a distribution of stock of a subsidiary from one member to another member before January 1, 1989, if the disposition (as defined in this paragraph (g)) of the stock of the subsidiary occurs before Mach 9, 1990.

(B) In computing its consolidated taxable income with respect to post-disposition distributions to which a member becomes entitled (e.g., as of the record date) before March 9, 1993, a group may apply § 1.1502–14T(c)(1)(ii) (as contained in 26 CFR part 1 edition revised as of April 1, 1992).

**§ 1.1502–14T [Amended]**

**Par. 7.** Section 1.1502–14T(a) is amended by removing the reference "§ 1.1502–13T(l) and (m)" and adding "§ 1.1502–13(l) and (m)" in its place.

## PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

**Par. 8.** The authority citation for part 602 continues to read as follows:

**Authority:** 26 U.S.C. 7805.

**Par. 9.** Section 602.101(c) is amended by removing the entry for "1.1502–13T" and revising the entry for "1.1502–13" to read as follows:

**§ 602.101 OMB Control Numbers.**

* * * * *

(c) * * *

| CFR part or section where identified and described | Current OMB control No. |
|---|---|
| * * * * * | |
| 1.1502–13 | 1545–0123<br>1545–0885<br>1545–1161 |
| * * * * * | |

**Michael P. Dolan,**

*Acting Commissioner of Internal Revenue.*

Approved:

**Jim Fields,**

*Acting Assistant Secretary of the Treasury.*

[FR Doc. 93–5516 Filed 3–9–93; 8:45 am]

BILLING CODE 4830–01–M

## 26 CFR Part 1

**[T.D. 8434]**

**RIN 1545–AM16**

## Treatment of Dual Consolidated Losses; Correction

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains a correction to the final regulations (T.D. 8434), which were published in the **Federal Register** for Wednesday, September 9, 1992 (57 FR 41079). The final regulations provide that a dual consolidated loss of a dual resident corporation may not be used to offset the taxable income of any domestic corporate affiliate.

**EFFECTIVE DATE:** October 1, 1992.

**FOR FURTHER INFORMATION CONTACT:** Sim Seo (202) 622–3840 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Background

The final regulations that are the subject of this correction implements section 1503(d) of the Internal Revenue Code of 1986. Section 1503(d) was added to the Code by section 1249 of the Tax Reform Act of 1986 (Pub L. 99–514) and was amended by section 1012(u) of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100–647).

### Need for Correction

As published, T.D. 8434 contains an error which may prove to be misleading and is in need of clarification.

### Correction of Publication

Accordingly, the publication of the final regulations (T.D. 8434), which was the subject of FR Doc. 92–21539, is corrected as follows:

On page 41087, column 1, § 1.1503–2(d)(2)(ii), third line from the bottom of the column, the language "limitations of § 1.502–21(c), as if the" is corrected to read "limitations of § 1.1502–21(c), as if the".

**Dale D. Goode,**

*Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).*

[FR Doc. 93–5520 Filed 3–10–93; 8:45 am]

BILLING CODE 4830–01–M

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**26 CFR Parts 1 and 602**

**[T.D. 8404]**

**RIN 1545–AQ35**

## Election by Shareholders of Certain Passive Foreign Investment Companies; Correction

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Correction to temporary regulations.

**SUMMARY:** This document contains corrections to temporary regulations (T.D.8404), which was published in the **Federal Register** for Wednesday, April 1, 1992 (57 FR 10992). The temporary regulations provide guidance to shareholders of certain passive foreign investment companies that are qualified electing funds about the time, manner, and other requirements for making the deemed dividend election.

**EFFECTIVE DATE:** April 1, 1992.

**FOR FURTHER INFORMATION CONTACT:** Gayle E. Novig, (202) 622–3880 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Background

The temporary regulations that are the subject of these corrections are issued under section 1291(d)(2)(B) of the Internal Revenue Code of 1986, and provide amendments to § 1.1291–10T.

### Need for Correction

As published, T.D. 8404 contains errors which may prove to be misleading and are in need of clarification.

### Correction of Publication

Accordingly, the publication of temporary regulations (T.D. 8404), which was subject to FR Doc. 92–6704 is corrected as follows:

1. On page 10992, column 2, in the preamble under the heading **SUMMARY**, third line from the top of the column, the language "enacted by the Technical Corrections" is corrected to read "enacted by the Technical and Miscellaneous Revenue".

2. On page 10994, column 1, in the preamble under the heading "Drafting Information", line 2, the language "proposed regulations is Gayle E. Novig" is corrected to read "temporary regulations is Gayle E. Novig".

**Dale D. Goode,**

*Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).*

[FR Doc. 93–5521 Filed 3–10–93; 8:45 am]

BILLING CODE 4830–01–M

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**COPYRIGHT ROYALTY TRIBUNAL**

**37 CFR Parts 301 and 311**

**[Docket No. 92–3–DART]**

## Digital Audio Recording Technology Act; Implementation

**AGENCY:** Copyright Royalty Tribunal.

**ACTION:** Interim regulation; reply comments.

**SUMMARY:** This document is issued to advise the public that the Copyright Royalty Tribunal will entertain reply comments on the interim regulations implementing the Digital Audio Recording Technology Act.

**DATES:** Reply comments are due on March 19, 1993.

**ADDRESSES:** An original and five copies of all reply comments shall be addressed to Chairman, Copyright Royalty Tribunal, 1825 Connecticut Avenue, NW., suite 918, Washington, DC 20009.

**FOR FURTHER INFORMATION CONTACT:** Linda R. Bocchi, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue, NW., suite 918, Washington, DC 20009, (202) 606–4400.

**SUPPLEMENTARY INFORMATION:** This document is issued to advise the public that the Copyright Royalty Tribunal will entertain reply comments in the above-referenced proceeding. Comments on the Tribunal's interim regulations were filed on March 1, 1993.

On January 29, 1993 (58 FR 6441), the Tribunal adopted interim regulations to implement section 1007 of the Audio Home Recording Act of 1992 (Act). These interim regulations prescribe the manner for filing claims, with the Tribunal, to royalties on the sales of each digital recording device, and blank disc or tape. The interim regulations prescribe the content and filing time of such claims and the procedure for distribution of the royalties.

The regulations were issued on an interim basis in order to allow interested copyright owners to file claims during January and February of 1993, as required by the Act, while permitting full public comment before the issuance of final regulations.

Reply comments should be filed no later than March 19, 1993.

Dated: March 5, 1993.

**Cindy Daub,**

*Chairman.*

[FR Doc. 93–5517 Filed 3–10–93; 8:45 am]

BILLING CODE 1410–09–M

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 80 and 86**

**[FRL–4602–2]**

## Public Meeting on Enforcement of Diesel Desulfurization Regulations

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

**ACTION:** Announcement of a public meeting.

**SUMMARY:** EPA will hold a public meeting to inform regulated parties of EPA's strategy for enforcing its diesel desulfurization regulations which were published in the **Federal Register** on May 7, 1992.

**DATES:** Public meeting, May 20, 1993, 10 a.m. until 4 p.m. Written questions should be submitted on or before April 15, 1993.

**ADDRESSES:** The meeting will be held at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, Virginia. Written questions should be directed to David J. Gottfried, Attorney, Investigations and Enforcement Branch, Field Operations and Support Division, Environmental Protection Agency (6406J) 401 M Street, SW., Washington, DC, 20460.

**FOR FURTHER INFORMATION CONTACT:** David J. Gottfried, (202) 233–9019, or (fax)—(202) 233–9557.

**SUPPLEMENTARY INFORMATION:** On May 7, 1992 (57 FR 19535), EPA published a notice of final rulemaking promulgating regulations to reduce the sulfur content on on-highway diesel fuel (to be codified within 40 CFR parts 80, 86). Since many issues have been raised concerning the enforcement of these regulations, EPA will hold a public meeting to inform regulated and other interested parties of its enforcement strategy and to receive feedback on its proposed enforcement actions.

Please submit written questions on or before April 15, 1993. At the meeting, EPA will discuss the questions that are submitted in writing by the deadline. If time permits, written questions submitted at the meeting may also be

addressed. Either at the meeting, or shortly thereafter, EPA will distribute a written question and answer document formally responding to questions submitted. To aid in planning, EPA would appreciate advance notice from parties wishing to attend the meeting. Parties may contact David J. Gottfried at (202) 233–9019 to notify EPA of their plans to attend.

Dated: March 2, 1993.

Michael H. Shapiro,

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 93–5262 Filed 3–10–93; 8:45 am]

BILLING CODE 6560–50–M

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 552

[Docket No. 91–51]

### Financial Reports of Common Carriers by Water in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is amending its rules governing financial reports of common carriers by water in the domestic offshore trades. The amendments expand the eligibility for waivers of detailed reporting requirements to carriers achieving gross revenues of $25 million or less under FMC-regulated rates, and delete the trade percentage criterion currently applicable to such waivers.

EFFECTIVE DATE: April 12, 1993.

FOR FURTHER INFORMATION CONTACT: Seymour Glanzer, Director, Bureau of Hearing Counsel, Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573–0001, (202) 523–5783 (Phone), (202) 523–5785 (Fax).

SUPPLEMENTARY INFORMATION: On November 8, 1991, the Federal Maritime Commission ("Commission" or "FMC") published an Advance Notice of Proposed Rulemaking ("ANPR") in the Federal Register, 56 FR 57298, soliciting comments and information from the public on issues which could be addressed in a proposed rule concerning substantive guidelines for determining what constitutes a just and reasonable rate of return or profit for common carriers by water in the domestic offshore trades. After reviewing comments and replies in response to the ANPR, the Commission decided to defer consideration of substantive changes to the applicable financial reporting and methodology rules, 46 CFR part 552, and to proceed immediately with a proposal to broaden the provisions of 46 CFR 552.2(e) under which waivers of financial reporting requirements may be obtained by common carriers by water in the domestic offshore trades. A proposed rule was published in the Federal Register on October 28, 1992, 57 FR 48770–75. This rule would expand the eligibility for waivers of complete reports to carriers earning $50 million or less in a particular trade, and would eliminate the trade percentage requirement currently applicable to such waivers.

Eight comments were received in response to the proposed rule. Supporting comments were filed by American President Lines Ltd. ("APL"); Crowley Maritime Corporation ("Crowley"); The State of Hawaii ("Hawaii"); Sea-Land Service, Inc. ("Sea-Land"); Totem Ocean Trailer Express, Inc. ("TOTE"); and Tropical Shipping & Construction Co., Ltd. ("Tropical").

Opposing comments were filed by the Government of Guam ("Guam"); and Puerto Rico Maritime Shipping Authority ("PRMSA").

Five of the six parties filing supporting comments urge adoption of the rule as proposed. The sixth, TOTE, suggests that the waiver limit be clarified to assure that the $50 million revenue requirement refers only to the FMC-regulated portion of a carrier's domestic offshore service. The Commission believes that this clarification is unnecessary because the language of the proposed rule specifies that the revenues must be earned in a particular trade. The "Trade" is defined in 46 CFR 552.5(c) as "that part of the Service subject to the Commission's regulation * * *" Thus, TOTE, or any other carrier earning less than the minimum revenue figure under its FMC tariffs, would be eligible for a waiver of complete financial reports under the proposed rule.

In addition, two of the supporting comments urge the Commission to revisit (Sea-Land) or reconsider (TOTE) its position, articulated in the supplementary information to the proposed rule, that creating a Zone of Reasonableness for carriers in the domestic offshore trades is beyond its statutory authority. The Commission continues to believe that the type of zone proposed by the carriers is contrary to the plain language and legislative history of the Intercoastal Shipping Act, 1933, 46 U.S.C. app. 843 *et seq.*, and does not intend to revisit or reconsider that issue in this proceeding. However, this position is not intended to foreclose consideration of any other suggestions for regulatory flexibility, consistent with our statutory mandate, that may be made by carriers or others in further stages of this proceeding.

In opposing the rule, PRMSA states that it has no objection to raising the waiver level by an amount necessary to account for inflation that has occurred since the current $10 million level was established in 1981, but argues that there appears to be no rational basis for raising it to $50 million. PRMSA asserts that the rationale offered for the proposed rule—focusing regulation on price leaders—does not support the $50 million level because carriers earning less than $50 million may function as price leaders. While PRMSA has not performed its own calculations to determine an appropriate waiver level to account for inflation, it cites Crowley's figure of $14.5 million, which was tendered in Crowley's comments in response to the ANPR in this proceeding.[1]

Guam strongly opposes the proposed rule and argues that:

A. The Commission lacks statutory authority to divest itself of regulation of the majority of domestic offshore carriers;

B. The Guam trade requires strict regulatory oversight;

C. The cost and burden of filing financial reports has been reduced, and not increased, over time;

D. Raising the waiver level to $50 million is entirely inconsistent with inflation and price increases during the last ten years; and

E. Dropping the 25% Trade percentage requirement is inconsistent with prior Commission action.

In a supplement to its comments, Guam also submitted an excerpt from the Federal Register of September 28, 1984, 49 FR 38317–38318, which contains much of the Commission's rationale for denying a 1983 petition by Sea-Land seeking to exempt all carriers in the domestic offshore trades from financial reporting requirements and from 60-day advance notice requirements from general rate increases and decreases. However, Guam makes no attempt to explain how this rationale is applicable to the instant proposal.

Upon consideration of these comments, the Commission has decided to establish the new waiver level at $25 million and to delete the trade

[1] In its earlier comments, at 4, Crowley states, "Since the present waiver was adopted in mid-1981, merely maintaining the exemption level at a producer price, inflation-adjusted amount would result in an increase in the exemption to approximately 14.5 million."

percentage criterion, as proposed. For the reasons discussed hereinafter, the Commission believes that this rule properly focuses regulation on those carriers which exercise price leadership in the FMC-regulated portion of the domestic offshore trades, while relieving the majority of carriers from the burden of filing complete financial reports.

As the Commission explained in issuing the proposed rule, significant changes have taken place in the domestic offshore trades since the waiver provisions of 46 CFR part 552 were established over a decade ago. Not the least of these changes has been the demonstrated willingness of carriers to shift significant, but unquantifiable portions of their domestic offshore services to the jurisdiction of the Interstate Commerce Commission ("ICC")[2] and the consequent erosion of rate control by the FMC. Despite this jurisdictional schism and the resulting loss of influence over rate levels, the Commission concluded that it could not administratively eliminate rate-of-return regulation required by statute and sought a balance by limiting the burden of filing complete financial reports to the handful of carriers which represent price leadership in the FMC-regulated portion of these trades. The Commission proposed to strike this balance by expanding the waiver to carriers achieving less than $50 million in FMC-regulated revenues, regardless of trade percentage.

PRMSA's comments challenge the factual underpinning for selecting a new waiver level of $50 million, arguing that, "carriers earning less than $50 million, however, specifically including Crowley, also sometimes function as price leader." PRMSA comments at 2.

In the proposed rule, the Commission did not attempt to define price leadership, but implied that carriers with the highest revenues establish price levels for the relevant trades. The clearest example of this type of price leadership may be in the Hawaii trade, where Matson historically has enjoyed a majority share of the market and has been the pacesetter for general rate changes. However, in the Puerto Rico trade, there are three large carriers; viz: PRMSA, Sea-Land, and Crowley,[3] each of which has a significant market share. The Commission's experience over many years indicates that these carriers often file identical (or very similar) general or across-the-board rate changes at approximately the same time. No particular carrier would appear to have taken a consistent position as the initiator of those changes.

There are various forms of price leadership, and the three carriers in the Puerto Rico trade may be exercising a form of leadership where price initiatives by any one carrier very likely could reflect the wishes of, and be followed by the others. According to David R. Pearce, The Dictionary of Modern Economics 343 (1st MIT Press Edition, 1981), this form of price leadership can be found in an oligopolistic market, where the leading firms have "similar market shares as well as demand and cost conditions." In view of this definition of price leadership, and the Commission's experience with rate changes in the Puerto Rico trade, it is difficult to dismiss PRMSA's argument that Crowley may sometimes function as a price leader, and should be governed by the same reporting requirements as its two major competitors in that trade.

Guam's objections to the proposed rule, as outlined above, are more extensive and diverse than those of PRMSA, and are discussed seriatim below.

### A. The Commission's Authority To Establish the Subject Rule

Guam argues that the Commission's statutory mandate is to regulate every carrier in the domestic offshore trades, and, in order to regulate, the Commission must have meaningful financial data from "any trade's major carriers." (Guam comments at 2). According to Guam, expansion of the waiver would effectively deregulate the Guam trade and is therefore said to be beyond the Commission's authority.

Guam does not argue that every carrier must file financial reports. Indeed, it agrees that it is proper to keep the waiver at its present level, or to raise the level to no more than $12.5 million. (Guam comments at 5, 9). Thus, by acknowledging that carriers earning lower revenues may be exempted from filing financial reports (as long as those carriers are not major carriers in a particular trade), Guam appears to have undermined its own argument.

In apparent recognition of the weakness of the major premise of its argument, Guam next attempts to invoke the rationale stated by the Commission for not adopting a zone of reasonableness as the foundation of its position that the Commission does not have the authority to expand the waiver rule. Guam's efforts in this regard fail for the same reason that its major premise fails. With respect to the suggested zone of reasonableness, the Commission concluded that any such zone would be contrary to explicit Congressional direction and, therefore, beyond its statutory authority. Here, Guam has conceded that some waivers of financial reports are within the Commission's authority to grant. Clearly, the Commission has the authority to exempt some carriers from the burden of filing financial reports.

### B. The Need for Financial Reports in the Guam Trade

The nature of the Guam trade was acknowledged by the Commission in the **SUPPLEMENTARY INFORMATION** to the proposed rule. Specifically, in note 23, at 19 of that document, the Commission discussed Guam's earlier comments in this proceeding, to the effect that competition in the Guam trade is completely foreclosed by a combination of the Jones Act[4] and geography. In such trade, Guam argues, regulation is a necessary alternative to unfettered competition.

While it is difficult to argue with Guam's description of the trade as small and isolated from normal competitive forces, or with its conclusion that regulation is necessary where competition is thwarted, it does not follow that the proposed rule will have an impact on this trade as it exists today. As noted in the supplementary information to the proposed rule, *id*, both carriers in the Guam trade, Sea-Land and APL, have shifted their operations to ICC jurisdiction. Sea-Land has had no FMC tariffs on file since 1989, and APL canceled all of its FMC tariffs, except for breakbulk tariffs, in 1991. Thus, neither carrier currently files complete Guam trade financial reports with the Commission.[5]

Guam counters that, "this is an inappropriate rationale on which to base a decision which has the impact of deregulating the Guam trade if any carrier chooses to serve Guam." (Guam comments at 1, 2, note 2). Moreover,

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[2] This shift followed two decisions by the U.S. Court of Appeals for the District of Columbia Circuit which affirmed the exclusive jurisdiction of the ICC over joint, intermodal services in the Puerto Rico trade. *Puerto Rico Maritime Shipping Authority* v. *ICC*, 645 F. 2d 1102 (DC Cir. 1981); *Trailer Marine Transport Corp.* v. *FMC* 602 F. 2d 370 (DC Cir. 1979).

[3] Since August, 1992, Crowley has operated in the Puerto Rico trade through a subsidiary, Crowley American Transport Inc. For many years prior to that date, Crowley's operations in this trade were conducted through its subsidiary, Trailer Marine Transport Corp.

[4] Section 27 of the Merchant Marine Act, 1920, 46 U.S.C. app. 883, which reserves transportation between points in the United States, including Districts, Territories and possessions thereof, to vessels built in and documented under the laws of the United States and owned by citizens of the United States.

[5] APL filed alternative data for 1991.

Guam points out that, in Docket No. 89–26,[6] it is challenging the appropriateness of Sea-Land's operations on the ground that they are, in reality, port-to-port services subject to FMC jurisdiction. Guam also asserts that it intends to challenge APL's current operations on similar grounds. *Id.*

It is unrealistic to believe that Sea-Land and APL could be forced to file complete financial reports for future years with the FMC even if some of their prior operations can be shown to be truly port-to-port service. Those carriers certainly can structure proper joint, intermodal services if they so choose, and the FMC would have no authority to regulate such services.

However, should APL or Sea-Land choose to conduct most or all of their operations under FMC jurisdiction, Guam's argument would have greater validity, in that the proposed changes in the waiver provisions might then impact on the Guam trade. If most or all of their cargo moved under FMC tariffs, and if the minimum revenue is raised from $10 million to $50 million then APL and Sea-Land obviously are more likely to be eligible for waivers than if the waiver level were raised only to $12.5 million as suggested by Guam.

**C. The Cost And Burden Of Filing Financial Reports**

Guam argues that modern computers simplify the preparation of a multitude of financial reports and concludes that, "A minimal effort by almost any computer programmer is all that would be required to create a program which would produce accurate and meaningful data for FMC reporting requirements." (Guam comments at 7). Therefore, Guam suggests that the conclusions reached by the Commission in 1980 concerning the burden of filing financial reports are largely irrelevant today.

Whether the burden of filing these reports is greater or less today than in prior years is immaterial to this aspect of the Commission's rationale for the proposed rule. The Commission focused not on the level of the burden, but on the fact that the purpose for imposing any such burden has been greatly eroded by the demonstrated ability of carriers to shift from port-to-port to joint, intermodal service at will. Clearly, there is some burden involved in collecting the particular data and producing a report with all of the various schedules and workpapers required by 46 CFR part 552. Most of the carriers take the position that not only is this burden substantial, but that much of the information is gathered for no purpose other than the FMC's reporting requirement. Whatever the extent of the burden, there is good reason to exempt the carriers from any burden if the reports are unnecessary to carry out the Commission's regulatory responsibilities.

**D. Reasonableness Of Raising The Dollar Threshold To $50 Million Given Inflation Rates and Price Increase Levels**

Guam argues that the proposed increase to $50 million "is arbitrary and capricious and without any rational foundation other than apparently to exempt Guam trade carriers who might return to the FMC." (Guam comments at 7, 8). Based on inflation as reflected in the Producer Price Index, Guam concludes that it would be reasonable to raise the threshold from $10 million only to $12.5 million.

In issuing the proposed rule, the Commission did not attempt to justify an increase to $50 million on the basis of inflation. Rather, the Commission sought to limit full financial reports to those carriers exercising price leadership in the FMC-regulated portion of the domestic offshore trades. Because the FMC regulates only a small portion of one of the two carriers' services in the Guam trade, the Commission took the position that the proposed rule would have no impact on that trade. Whether the waiver limit is $10 million or $50 million, neither carrier in the Guam trade will be required to file complete reports under current conditions.

The Commission did not select the waiver limit arbitrarily. At the $50 million level, the dominant carrier in the Hawaii trade, and two of the three major carriers in the Puerto Rico trade would be required to file full financial reports. The carriers, and not the FMC, have placed the Guam trade beyond the reach of Part 552.

Nevertheless, the Commission is persuaded by these comments, in addition to those of PRMSA, above, that establishing the waiver level at $25 million, rather than $50 million, is more consistent with our stated rationale. At that level, both carriers in the Guam trade are more likely to be required to file complete financial reports, should they choose to carry most or all of their cargo under FMC tariffs. Conversely, even in this small trade, the Commission could have little influence on rate levels by focusing regulation on a carrier earning less than $25 million in FMC-regulated revenues.

**E. The 25% Trade Percentage Requirement**

Guam quotes language from a final rule published at 45 FR 3290 (Jan. 17, 1980),[7] in which the 25% trade percentage criterion was considered and retained as a separate and independent standard for determining whether an application for waiver should be granted. At that time, the Commission believed the standard useful in measuring a carrier's significance in a particular trade.

Since 1980, the domestic offshore trades have changed dramatically, as the Commission discussed at length in its proposed rule. The major change has been the shift of significant portions of these trades to ICC jurisdiction. This shift is precisely the reason why the Commission proposed to delete the 25% trade percentage criterion.

The trade percentage requirement contained in 46 CFR 552.2(e) is based on the FMC-regulated portion of the particular domestic offshore trade. As discussed in the supplementary information to the proposed rule, a carrier generating 25 percent of FMC-regulated revenues in a particular trade may represent only a tiny fraction of the overall service. A trade percentage criterion based on the overall service would be more meaningful, but data from which to calculate such a percentage is beyond the jurisdictional grasp of the Commission. Guam's alternative suggestion of raising the trade percentage criterion from 25% to 33% suffers from the same flaws as those affecting Guam's basic proposal to retain the current criterion.

Guam also argues that the trade percentage cutoff ensures that the Commission will be able to monitor at least one carrier in a trade served by carriers operating under FMC tariffs. Obviously, this argument can be valid only if one carrier (as in the Guam trade) generates 25%, or 33%, of the FMC-regulated trade. Moreover, such carrier's FMC-regulated share may be insignificant in the combined FMC/ICC service and have no impact on establishing the level of rates. In the Alaska trade, for example, retention of a 25% or even 33% trade percentage requirement may result in one of the numerous tug and barge operators filing complete financial reports, while TOTE and Sea-Land, two of the largest carriers in the combined FMC/ICC service, would not be required to file such reports.

[6] *The Government of the Territory of Guam et al., v. Sea-Land Service, Inc. and American President Lines, Ltd.*

[7] Docket No. 78–46, Financial Reports of Common Carriers by Water in the Domestic Offshore Trades, 19 SRR 1283, 1313 (1980).

Finally, Guam urges the Commission not to adopt the proposed rule without a "demonstrably adequate alternative for G.O. 11-type filing requirements." (Guam comments at 10). The Commission's rules at 46 CFR 552.2(e) currently provide that an application for waiver must be accompanied by a company-wide balance sheet and income statement. Apparently, Guam believes that something more than this alternative financial data is required in order for the Commission to carry out its oversight responsibility.

By proposing the subject changes to the waiver provisions of 46 CFR part 552, the Commission is attempting to balance its obligations to regulate rates in the domestic offshore trades against the industry's burden of collecting and submitting detailed financial data. In view of the jurisdictional split between this agency and the ICC, and because no carrier other than Matson has been the subject of a Commission-instituted rate investigation since 1981, the proposed rule attempts to strike this balance by focusing the Commission's regulatory oversight on carriers who are price leaders in the FMC-regulated trades. As discussed above, there is room for disagreement over the definition and identity of price leaders, but the concept of focusing on price leaders has not been challenged and, in fact, is supported by most of the comments.

In this context, to construct and require an alternative report for those carriers which apply for waivers from complete financial reports is an option that would appear to have far more disadvantages than advantages. Such reports would be required from those carriers which have little or no impact on the level of FMC-regulated rates in a trade. Moreover, the ability to determine the reasonableness of a carrier's rates, and to prescribe reasonable rates for the future requires extensive financial information and cannot be satisfied with a "short-form" report. Thus, an alternative report would create a burden without any foreseeable benefit. In any event, the suggested alternative report would require another rulemaking proceeding.

For all of the foregoing reasons, the Commission is raising the waiver level from $10 million to $25 million and deleting the trade percentage criterion of 46 CFR 552.2(e). Having resolved the waiver issue, the Commission now intends to turn its attention, separately, to the numerous other substantive changes to 46 CFR part 552 that have been suggested in this proceeding.

Although the Commission, as an independent regulatory agency, is not subject to Executive Order 12291, dated February 17, 1981, it nonetheless has reviewed the rule in terms of this Order and has determined that this rule is not a "major rule" as defined in Executive Order 12291 because it will not 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, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(n), that this rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small government jurisdictions. Its only impact will be to relieve some vessel-operating common carriers in the domestic offshore trades from filing certain financial reports with the FMC.

This rule does not impose any reporting or recordkeeping requirements in addition to those already approved by the Office of Management and Budget.

**List of Subjects in 46 CFR Part 552**

Maritime carriers, Reporting and recordkeeping requirements, Uniform system of accounts.

Therefore, pursuant to 5 U.S.C. 553, sections 18 and 43 of the Shipping Act, 1916, 46 U.S.C. app. 817 and 841a, and sections 2 and 3 of the Intercoastal Shipping Act, 1933, 46 U.S.C. app. 844 and 845, part 552 of title 46, Code of Federal Regulations, is amended as follows:

## PART 552—FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

1. The authority citation for part 552 continues to read as follows:

**Authority:** 5 U.S.C. 553; 46 U.S.C. app. 817(a), 820, 841a, 843, 844, 845, 845a and 847.

2. In § 552.2, paragraph (e) is revised to read as follows:

**§ 552.2 General requirements.**

* * * * *

(e) Upon application, the Commission shall grant a waiver of the detailed reporting requirements to carriers which have earned gross revenues of $25 million or less for the reporting period in a particular Trade. The application for waiver (Exhibit D) must be accompanied by a company-wide balance sheet and income statement. This waiver provision is applicable to annual reporting requirements and to filings of proposed rate changes in accordance with § 552.2(f).

* * * * *

By the Commission.[8]

**Joseph C. Polking,**

*Secretary.*

**Concurrence of Commissioner Ming Chen Hsu**

My approval of the $25 million waiver limit reflects not an endorsement of that increased limit as optimal so much as my agreement that it is a significant improvement over the present limit, which was set 12 years ago. By reducing the burden on smaller carriers of maintaining and reporting the required trade data, we have taken a step consistent with our recent agenda of moving to minimize governmental interference. It is a step in the right direction. However, our ability to effectively regulate PRMSA, Sea-land and Crowley—whether they be described as "dominant" or as "price leaders"—is doubtful given the small percentage of their FMC-regulated revenues to total trade revenues. It seems to me that the accepted rationale for deleting the existing trade percentage criterion would likewise support an even greater increase in the waiver limit. I hope our minds will be open to revisiting the question before 12 more years go by.

[FR Doc. 93–5512 Filed 3–10–93; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

**47 CFR Part 25**

**[CC Docket No. 86–496; FCC No. 93–38]**

## Reduction of Alien Carrier Interference Between Fixed-Satellites at Reduced Orbital Spacings and To Revise Application Processing Procedures for Satellite Communication Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** By a Notice of Proposed Rule Making (NPRM) in the above-referenced docket, we proposed to amend part 25 of the Commission's rules governing the construction, licensing and operation of satellite service facilities. This Second Report and Order adopts as final rules many of the technical proposals

[8] Chairman Christopher L. Koch not participating; Commissioner Ming Chen Hsu's separate concurrence attached.

proposed in the NPRM. Our primary purpose in adopting these rules is to implement recommendations made by the joint industry-government Advisory Committee on Implementation of Reduced Orbital Spacing Between Domestic Fixed-Satellites (Advisory Committee), 102 FCC 2d 390 (1985), which was established to advise the Commission on efficient means of implementing 2° orbital spacing between domestic satellites in the 4/6 GHz and 12/14 GHz frequency bands. In addition, we intend to make our licensing procedure as efficient as possible for the satellite carriers and the Commission staff while eliminating regulations that had become unnecessary.

**EFFECTIVE DATE:** May 10, 1993.

**FOR FURTHER INFORMATION CONTACT:**

Wilbert E. Nixon, Jr. or Harry Ng at (202) 634–1624.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Second Report and Order in the Matter of the Amendment of Part 25 of the Commission's Rules and Regulations to Reduce Alien Carrier Interference Between Fixed-Satellites at Reduced Orbital Spacings and to Revise Application Processing Procedures for Satellite Communication Services, Common Carrier Docket No. 86–496, FCC No. 93–38, adopted January 14, 1993 and released March 4, 1993. The full text of this document is available for inspection and copying during normal business hours at the Public Reference Room at its headquarters, room 239, 1919 M Street NW., Washington, DC 20554. The complete text of this decision may also be purchased from the FCC's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Public reporting burden for the collections of information is estimated to average 120 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden, to the Federal Communications Commission, Office of Managing Director, Paperwork Reduction Project (3060–0447), Washington, DC 20554 and to the Office of Management and Budget, Paperwork Reduction Project (3060–0447), Washington, DC 20503.

**Regulatory Flexibility Act—Final Analysis for Rules Adopted in the Second Report and Order**

*Need for Rules and Objective.* We have codified standing Commission technical policy, Advisory Committee recommendations and standard industry practice in an effort to promote efficiency and innovation in the allocation, licensing and use of the electromagnetic spectrum. Our objective has been to encourage the development of a competitive and innovative communications system. Finally, we have acted to promote effective and adaptive regulation for communications, while eliminating unnecessary regulations.

*Issues Raised by the Public in Response to the Initial Analysis.* No comments were received specifically in response to the initial Regulatory Flexibility Analysis. The bulk of the public comment in response to the initial analysis of the NPRM was addressed in the First Report and Order. We have taken into account those remaining issues raised by the public concerning the proposed technical rules. As a result of these comments we have modified our proposals as appropriate.

*Alternatives that would lessen impact.* We have reduced burdens whenever possible.[1] The regulatory burdens we have retained are necessary in order to carry out our duties under the Communications Act of 1934 as amended. We will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing any significant economic impact on small entities.

**Summary of the Second Report and Order**

1. This Second Report and Order codifies technical and operational rules for the Fixed-Satellite Service that were proposed by the Commission in the Notice of Proposed Rulemaking (NPRM) in this docket. The new rules include space station technical standards, video and SCPC transmission standards, earth station technical standards, transportable earth station technical standards and inter-system coordination procedures.

2. Due to the FCC's recent affirmation of 2° spacing, (*see* Amendment of C-Band Satellite Orbital Spacing Policies to Increase Satellite Video Service to the Home, 7 FCC Rcd 456 (1992)), this action is necessary to ensure that the rules and policies adopted in *Reduced Orbital Spacing*, 54 Rad. Reg. 2d (P&F) 577 (1983), can be codified.

3. The intended effect of this action is to allow for the continued transition to two degree orbital spacing for U.S. domestic satellites. For this to occur, space station and earth station operators must be guided by a universal set of standards and operational procedures. Successful implementation of two degree spacing will allow for the expansion of satellite capacity in the orbit serving the U.S. market, thus affording expansion opportunities to the U.S. domestic satellite industry.

**Conclusion and Ordering Clauses**

4. In this Second Report and Order we codify most of the technical rules proposed for earth station and satellite facilities contained in the NPRM, with the modifications as discussed.

5. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new and modified information collection requirements on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

6. Accordingly, *it is ordered* that part 25 of the Commission's Rules and Regulations is amended as specified below, effective 60 days after publication in the **Federal Register**.

7. *It is further ordered* that operators of non-conforming antennas are required to bring their station operations into conformance with Section 25.209 of the Commission's rules, 47 CFR 25.209, within one year after publication in the **Federal Register**.

**List of Subjects in 47 CFR Part 25**

Communication common carrier, Communication equipment, Radio, Reporting & recordkeeping requirements, Satellite

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

**Rule Changes**

Part 25 of the Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations) is amended as follows:

## PART 25—SATELLITE COMMUNICATIONS

1. The authority citation for Part 25 is revised to read as follows:

[1] See e.g., § 25.210(j)(3) where we relaxed the policy of requiring space station operators to submit "carrier" specific transponder utilization reports. Also, in § 25.204(e), we relaxed our policy regarding uplink power control for 12/14 GHz earth station operators.

**Authority:** §§ 25.101 to 25.531 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101–104, 76 Stat. 419–427; 47 U.S.C. 701–744.

2. A new § 25.132 is added to read as follows:

**§ 25.132 Verification of earth station antenna performance standards.**

(a) All applications for transmitting earth stations in the C and Ku-bands must be accompanied by a certificate pursuant to § 2.902 of the chapter from the manufacturer of each antenna that the results of a series of radiation pattern tests performed on representative equipment in representative configurations by the manufacturer which demonstrates that the equipment complies with the performance standards set forth in § 25.209. The licensee must be prepared to demonstrate the measurements to the Commission on request in the course of an investigation of a harmful interference incident.

(b)(1) In order to demonstrate compliance with § 25.209 (a) and (b), the following measurements on a production antenna performed on calibrated antenna range, as a minimum, shall be made at the bottom, middle and top of each allocated frequency band and submitted to the Commission:

(i) Co-polarized patterns for each of two orthogonal senses of polarizations in two orthogonal cuts of the antenna.

(A) In the azimuth plane, plus and minus 7 degrees and plus and minus 180 degrees.

(B) In the elevation plane, zero to forty-five degrees.

(ii) Cross-polarization patterns in the E- and H-planes, plus and minus 9 degrees.

(iii) Main beam gain.

(2) The FCC envelope specified in § 25.209 shall be superimposed on each pattern. The minimum tests specified above are recognized as representative of the performance of the antenna in most planes although some increase in sidelobe levels should be expected in the spar planes and orthogonal spar planes.

(c) The tests specified in paragraph (b) of this section are normally performed at the manufacturer's facility; but for those antennas that are very large and only assembled on-site, on-site measurements may be used for product qualification data. If on-site data is to be used for qualification, the test frequencies and number of patterns should follow, where possible, the recommendations in paragraph (b) of this section, and the test data is to be submitted in the same manner as described in paragraph (a) of this section.

(d) For each new or modified transmitting antenna over 3 meters in diameter, the following on-site verification measurements must be completed at one frequency on an available transponder in each frequency band of interest and submitted to the Commission.

(1) Co-polarized patterns in the elevation plane, plus and minus 7 degrees, in the transmit band.

(2) Co-polarized patterns in the azimuth and elevation planes, plus and minus 7 degrees, in the receive band.

(3) *System cross-polarization discrimination on-axis.* The FCC envelope specified in § 25.209 shall be superimposed on each pattern. The transmit patterns are to be measured with the aid of a co-operating earth station in coordination with the satellite system control center under the provisions of § 25.272.§

(e) Certification that the tests required by paragraph (c) of this section have been satisfactorily performed shall be provided to the Commission in notification that construction of the facilities has been completed as required by § 25.133.

(f) Antennas less than 3 meters in diameter and antennas on simple (manual) drive mounts that are operated at a fixed site are exempt from the requirements of paragraphs (c) and (d) of this section provided that a detailed technical showing is made that confirms proper installation, pointing procedures, and polarization alignment and manufacturing quality control. These showing must also include a plan for periodic testing and field installation procedures and precautions.

(g) Records of the results of the tests required by this section must be maintained at the antenna site or the earth station operator's control center and be available for inspection.

3. In § 25.202, a new paragraph (g) is added to read as follows:

**§ 25.202 Frequencies, frequency tolerance and emission limitations.**

* * * * *

(h) Telemetry, tracking and telecommand functions for U.S. domestic satellites shall be conducted at either or both edges of the allocated band(s). Frequencies, polarization and coding shall be selected to minimize interference into other satellite networks and within their own satellite system.

4. In § 25.203, paragraphs (b) and (c)(5) are revised to read as follows:

**§ 25.203 Choice of sites and frequencies.**

* * * * *

(b) An applicant for an earth station authorization in a frequency band shared with equal rights with terrestrial microwave services shall compute the great circle coordination distance contour(s) for the proposed station in accordance with the procedures set forth in § § 25.251 through 25.253 and the rain scatter coordination distance contour(s) for the proposed station in accordance with the procedures set forth in § 25.254. The applicant shall submit with the application a map or maps drawn to appropriate scale and in a form suitable for reproduction indicating the location of the proposed station and these contours. These maps, together with the pertinent data on which the computation of these contours is based, including all relevant transmitting and/or receiving parameters of the proposed station that might be useful in assessing the likelihood of interference, an appropriately scaled plot of the elevation of the local horizon as a function of azimuth, and the electrical characteristics of the earth station antenna(s), shall be submitted by the applicant in a single exhibit to the application. The coordination distance contour plot(s), horizon elevation plot, and antenna horizon gain plot(s) required by this section may also be submitted in tabular numerical format at 5° azimuthal increments instead of graphical format. At a minimum, this exhibit shall include the information listed in paragraph (c)(2) of this section. An earth station applicant shall also include in the application relevant technical details (both theoretical calculations and/or actual measurements) of any special techniques, such as the use of artificial site shielding, or operating procedures or restrictions at the proposed earth station which are to be employed to reduce the likelihood of interference, or of any particular characteristics of the earth station site which could have an effect on the calculation of the coordination distance.

(c) * * *

(5) The Commission may, in the course of examining any application, require the submission of additional showings, complete with pertinent data and calculations in accordance with § § 251.251 through 25.256, showing that harmful interference is not likely to result from the proposed operation.

* * * * *

**§ 25.203 [Amended]**

5. and 6. Section 25.203(e) is removed, and paragraphs (f) through (h) are redesignated as (e) through (g) respectively.

7. Sections 25.204 (d) and (e) are added to read as follows:

**§ 25.204 Power Limits.**

* * * * *

(d) Notwithstanding the e.i.r.p. and e.i.r.p. density limits specified in the station authorization, each earth station transmission shall be conducted at the lowest power level that will provide the required signal quality as indicated in the application and further amended by coordination agreements.

(e) For operations at frequencies above 10 GHz, earth station operators may exceed the uplink e.i.r.p. and e.i.r.p. density limits specified in the station authorization under the conditions of uplink fading due to precipitation by an amount not to exceed 1 dB above the actual amount of monitored excess attenuation over clear sky propagation conditions. The e.i.r.p. levels shall be returned to normal as soon as the attenuating weather pattern subsides. The maximum power level for power control purposes shall be coordinated between and among adjacent satellite operators.

8. Sections § 25.209 (a), (b), (c), and (d) are revised and paragraph (g) is added to read as follows:

**§ 25.209 Antenna performance standards.**

(a) The gain of any antenna to be employed in transmission from an earth station in the fixed-satellite service shall lie below the envelope defined below:

(1) In the plane of the geostationary satellite orbit as it appears at the particular earth station location:

| | |
|---|---|
| 29–25 $\log_{10}$ (Theta) dBi | 1° </= Theta </=7° |
| +8 dBi | 7° < Theta </=9.2° |
| 32–25 $\log_{10}$ (Theta) dBi | 9.2° < Theta </=48° |
| −10 dBi | 48° < Theta </=180° |

where Theta is the angle in degrees from the axis of the main lobe, and dBi refers to dB relative to an isotropic radiator. For the purposes of this section, the peak gain of an individual sidelobe may not exceed the envelope defined above for Theta between 1.0 and 7.0 degrees. For Theta greater than 7.0 degrees, the envelope may be exceeded by no more than 10% of the sidelobes, provided no individual sidelobe exceeds the gain envelope given above by more than 3 dB.

(2) In all other directions, or in the plane of the horizon including any out-of-plane potential terrestrial interference paths:

Outside the main beam, the gain of the antenna shall lie below the envelope defined by:

| | |
|---|---|
| 32–25 $\log_{10}$ (Theta) dBi | 1° </= Theta </=48° |
| −10 dBi | 48° < Theta </=180° |

where Theta and dBi are defined above. For the purposes of this section, the envelope may be exceeded by no more than 10% of the sidelobes provided no individual sidelobe exceeds the gain envelope given above by more than 6 dB. The region of the main reflector spillover energy is to be interpreted as a single lobe and shall not exceed the envelope by more than 6 dB.

(b) The off-axis cross-polarization gain of any antenna to be employed in transmission from an earth station to a space station in the domestic fixed-satellite service shall be defined by:

| | |
|---|---|
| 19–25 log10 (Theta) dBi | 1.8° < Theta </= 7° |
| −2 dBi | 7 °<Theta </= 9.2° |

(c) Earth station antennas licensed for reception of radio transmissions from a space station in the fixed-satellite service are protected from radio interference caused by other space stations only to the degree to which harmful interference would not be expected to be caused to an earth station employing an antenna conforming to the referenced patterns defined in paragraphs (a) and (b) of this section, and protected from radio interference caused by terrestrial radio transmitters identified by the frequency coordination process only to the degree to which harmful interference would not be expected to be caused to an earth station conforming to the reference pattern defined in paragraph (a)(2) of this section.

(d) The patterns specified in paragraphs (a) and (b) of this section shall apply to all new earth station antennas initially authorized after February 15, 1985 and shall apply to all earth station antennas after March 11, 1994.

* * * * *

(g) The antenna performance standards of small antennas operating in the 12/14 GHz band with diameters as small as 1.2 meters starts at 1.25° instead of 1° as stipulated in paragraph (a) of this section.

8. A new § 25.210 is added to read as follows:

**§ 25.210 Technical requirements for space stations in the Fixed-Satellite Service.**

(a) All space stations in the Fixed-Satellite Service used for domestic service in the 4/6 GHz frequency band shall:

(1) Use orthogonal linear polarization with one of the planes defined by the equatorial plane;

(2) Be designed so that the polarization sense of uplink transmissions is opposite to that of downlink transmissions on the same transponder; and

(3) Shall be capable of switching polarization sense upon ground command.

(b) All space stations in the Fixed-Satellite Service shall have a minimum capability to change transponder saturation flux densities by ground command in 4 dB steps over a range of 12 dB.

(c) All space stations in the Fixed-Satellite Service shall be designed to derive the maximum capacity feasible from the assigned orbital location. In particular, space stations in the Fixed-Satellite Service are required to employ state-of-the-art full frequency re-use using both horizontal and vertical polarization.

(d) For fixed-satellite space stations providing domestic service, full frequency re-use is defined as re-use of the frequency bands by polarization discrimination in both the uplink and downlink directions using state-of-the-art equipment and techniques.

(e) For international fixed-satellite space stations, full frequency re-use is defined as follows:

(1) Satellites must employ polarization discrimination so that, through the use of dual polarization, they shall be able to reuse both the uplink and downlink frequency band assignments.

(2) Satellites must be configured so that all assigned frequencies (in both polarizations) could be reused in beams serving widely separate areas.

(f) Exceptions to the requirements of paragraph (d) will only be made in accordance with Establishing of Satellite Systems Providing International Communications, 101 FCC 2d 1201 (1985).

(g) Space station antennas in the Fixed-Satellite Service must be designed to provide a cross-polarization isolation such that the ratio of the on axis co-polar gain to the cross-polar gain of the antenna in the assigned frequency band shall be at least 30 dB within its primary coverage area.

(h) Space stations to be operated in the geostationary satellite orbit must be:

(1) Designed with the capability of being maintained in orbit within 0.05° of their assigned orbital longitude,

(2) Maintained in orbit at their assigned orbital longitude within the longitudinal tolerance specified by the Commission, and

(3) The Commission may authorize operations at assigned orbital longitudes offset by 0.05° or multiples thereof from the nominal orbital location specified in the station authorizations.

(i) Antenna measurements of both co-polarized and cross-polarized performance must be made on all antennas employed by space stations both within the primary coverage area to facilitate coordination with other Commission space station licensees and outside the primary coverage area to facilitate international frequency coordination with other Administrations. The results of such measurements shall be submitted to the Commission within thirty days after preliminary in-orbit testing is completed.

(j) All operators of space stations shall file a semi-annual report with the Common Carrier Bureau and the Commission's Laurel, Maryland field office containing the following information:

(1) Status of satellite construction and anticipated launch dates, including any major problems or delays encountered;

(2) A listing of any non-scheduled transponder outages for more than thirty minutes and the cause(s) of such outages;

(3) A detailed description of the utilization made or anticipated to be made of each transponder on each of the in-orbit satellites. That description should identify the total capacity or the percentage of time each transponder is actually used for transmission, the amount of capacity (if any) sold but not in service and the amount of unused capacity in the transponder. If the transponder is reserved as a spare, the operating transponder being protected should be identified. If the transponder is used for preemptible or occasional services, the nature of these services and amount of time preemptible or occasional services that are provided over the transponder should also be identified; and

(4) Identification of any transponders not available for service or otherwise not performing to specifications, the cause of these difficulties, and the date any transponder was taken out of service or the malfunction identified.

9. A new § 25.211 is added to read as follows:

**§ 25.211 Video Transmissions in the Domestic Fixed—Satellite Service.**

(a) Downlink analog video transmissions in the band 3700–4200 MHz shall be transmitted only on a center frequency of 3700+20N MHz, where N=1 to 24. The corresponding uplink frequency shall be 2225 MHz higher.

(b) All 4/6 GHz analog video transmissions shall contain an energy dispersal signal at all times with a minimum peak-to-peak bandwidth set at whatever value is necessary to meet the power flux density limits specified in § 25.208(a) and successfully coordinated internationally and accepted by domestic adjacent satellite operators based on the use of state of the art space and earth station facilities. Further, all transmissions operating in frequency bands described in §§ 25.208 (b) and (c) shall also contain an energy dispersal signal at all times with a minimum peak-to-peak bandwidth set at whatever value is necessary to meet the power flux density limits specified in §§ 25.208 (b) and (c) and successfully coordinated internationally and accepted by domestic adjacent satellite operators based on the use of state of the art space and earth station facilities. The transmission of an unmodulated carrier at a power level sufficient to saturate transponder is prohibited, except by the space station licensee to determine transponder performance characteristics. All 12/14 GHz video transmissions for TV/FM shall identify the particular carrier frequencies for necessary coordination with adjacent domestic satellite systems and affected satellite systems of other administrations.

(c) All initial analog video transmissions shall be preceded by a video test transmission at an uplink e.i.r.p. at least 10 dB below the normal operating level. The earth station operator shall not increase power until receiving notification from the satellite network control center that the frequency and polarization alignment are satisfactory pursuant to the procedures specified in § 25.272. The stationary earth station operator that has successfully transmitted an initial video test signal to a satellite pursuant to this paragraph is not required to make subsequent video test transmissions if subsequent transmissions are conducted using exactly the same parameters as the initial transmission.

10. A new § 25.212 is added to read as follows:

**§ 25.212 Narrowband transmissions in the Fixed-Satellite Service.**

(a) Except as otherwise provided by this part, criteria for unacceptable levels of interference caused by other satellite networks shall be established on the basis of nominal operating conditions and with the objective of minimizing orbital separations between satellites.

(b) Emissions with an occupied bandwidth of less than 2 MHz are not protected from interference from wider bandwidth transmissions if the r.f. carrier frequency of the narrowband signal is within ±1 MHz of one of the frequencies specified in § 25.211(a).

11. Section 25.256 is added to read as follows:

**§ 25.256 Guidelines for performing interference analyses for precipitation scatter modes.**

(a) Once rain scatter coordination distance contours have been determined, it is necessary to determine the likelihood of impermissible levels of interference between the proposed earth station and each existing or proposed terrestrial station located within the rain scatter coordination distance.

(b) It may be presumed that any interference caused by precipitation scatter propagation mechanisms will be acceptable and that the interference paths may be eliminated from interference if the interference margin Pmar (p) defined in § 25.255(b) is greater than zero when the received interference power Prec (p) is computed on the basis of the available transmission loss between the earth station and terrestrial station due to scattering from precipitation.

(c) Additional information is provided by the reports and recommendations of the CCIR which serve as useful references. In particular, applicants and operators should be aware of the latest revisions of reports 382, 388, 448 and 569, XVIIth Plenary Assembly, Dusseldorf, 1990.

12. A new subpart D is added to part 25 to read as follows:

## Subpart D—Technical Operations

*25.271 Control of transmitting stations.*
*25.272 General inter-system coordination procedures.*
*25.273 Duties regarding space communications transmissions.*
*25.274 Procedures to be followed in the event of harmful interference.*
*25.275 Particulars of operation.*
*25.276 Points of communication.*
*25.277 Temporary fixed earth station operations.*

## Subpart D—Technical Operations

**§ 25.271 Control of transmitting stations.**

(a) The licensee of a facility licensed under this part is responsible for the proper operation and maintenance of the station.

(b) The licensee of a transmitting earth station licensed under this part shall ensure that a trained operator is present on the earth station site, or at a designated remote control point for the earth station, at all times that transmissions are being conducted. No operator's license is required for a person to operate or perform maintenance on facilities authorized under this part.

(c) Authority will be granted to operate a transmitting earth station by remote control only on the conditions that:

(1) The parameters of the transmissions of the remote station monitored at the control point, and the operational functions of the remote earth stations that can be controlled by the operator at the control point, are sufficient to insure that the operations of the remote station(s) are at times in full compliance with the remote station authorization(s);

(2) The earth station facilities are protected by appropriate security measures to prevent unauthorized entry or operations;

(3) Upon detection by the license, or upon notification from the Commission of a deviation or upon notification by another licensee of harmful interference, the operation of the remote station shall be immediately suspended by the operator at the control point until the deviation or interference is corrected, except that transmissions concerning the immediate safety of life or property may be conducted for the duration of the emergency; and

(4) The licensee shall have available at all times the technical personnel necessary to perform expeditiously the technical servicing and maintenance of the remote stations.

(d) The licensee shall insure that the licensed facilities are properly secured against unauthorized access or use whenever an operator is not present at the transmitter.

**§ 25.272 General inter-system coordination procedures.**

(a) Each space station licensee in the Fixed-Satellite Service shall establish a satellite network control center which will have the responsibility to monitor space-to-Earth transmissions in its system. This would indirectly monitor uplink earth station transmissions in its system and to coordinate transmissions in its satellite system with those of other systems to prevent harmful interference incidents or, in the event of a harmful interference incident, to identify the source of the interference and correct the problem promptly.

(b) Each space station licensee shall maintain on file with the Commission and with its Laurel, Maryland field office a current listing of the names, titles, addresses and telephone numbers of the points of contact for resolution of interference problems. Contact personnel should include those responsible for resolution of short term, immediate interference problems at the system control center, and those responsible for long term engineering and technical design issues.

(c) The transmitting earth station licensee shall provide the operator(s) of the satellites, on which the licensee is authorized to transmit, contact telephone numbers for the control center of the earth station and emergency telephone numbers for key personnel; a current file of these contacts shall be maintained at each satellite system control center.

(d) An earth station licensee shall ensure that each of its authorized earth stations complies with the following:

(1) The earth station licensee shall ensure that there is continuously available means of communications between the satellite network control center and the earth station operator or its remote control point as designated by the licensee.

(2) The earth station operator shall notify the satellite network control center and receive permission from the control center before transmitting to the satellite or changing the basic characteristics of a transmission.

(3) The earth station operator shall keep the space station licensee informed of all actual and planned usage.

(4) Upon approval of the satellite network control center, the earth station operator may radiate an RF carrier into the designated transponder. Should improper illumination of the transponder or undue adjacent transponder interference be observed by the satellite network control center, the earth station operator shall immediately take whatever measures are needed to eliminate the problem.

(5) The space station licensee may delegate the responsibility and duties of the satellite network control center to a technically qualified user or group of users, but the space station licensee shall remain ultimately responsible for the performance of those duties.

**§ 25.273 Duties regarding space communications transmissions.**

(a) No person shall:

(1) Transmit to a satellite unless the specific transmission is first authorized by the satellite network control center;

(2) Conduct transmissions over a transponder unless the operator is authorized by the satellite licensee or the satellite licensee's successor in interest to transmit at that time; or

(3) Transmit in any manner that causes unacceptable interference to the authorized transmission of another licensee.

(b) Satellite operators shall provide upon request by the Commission and by earth station licensees authorized to transmit on their satellites relevant information needed to avoid unacceptable interference to other users, including the polarization angles for proper illumination of a given transponder.

(c) Space station licensees are responsible for maintaining complete and accurate technical details of current and planned transmissions over their satellites, and shall require that authorized users of transponders on their satellites, whether by tariff or contract, provide any necessary technical information in this regard including that required by § 25.272. Based on this information, space station licensees shall exchange among themselves general technical information concerning current and planned transmission parameters as needed to identify and promptly resolve any potential cases of unacceptable interference between their satellite systems.

(d) Space stations authorized after May 10, 1993 which do not satisfy the requirements of § 25.210 may be required to accept greater constraints in resolving interference problems than complying ones. The extent of these constraints shall be determined on a case-by-case basis.

**§ 25.274 Procedures to be followed in the event of harmful interference.**

(a) The earth station operator whose transmission is suffering harmful interference shall first check the earth station equipment to ensure that the equipment is functioning properly.

(b) The earth station operator shall then check all other earth stations in the licensee's network that could be causing the harmful interference to ensure that none of the licensee's earth stations are the source of the interference and to verify that the source of interference is not from a local terrestrial source.

(c) After the earth station operator has determined that the source of the interference is not another earth station operating in the same network or from a terrestrial source, the earth station operator shall contact the satellite system control center and advise the satellite operator of the problem. The control center operator shall observe the interference incident and make reasonable efforts to determine the source of the problem. A record shall be maintained by the control center operator and the earth station operator of all harmful interference incidents and their resolution. These records shall be made available to an FCC representative on request.

(d) Where the suspected source of the interference incident is the operation of an earth station licensed to operate on

one or more of the satellites in the satellite operator's system, the control center operator shall advise the offending earth station of the harmful interference incident and assist in the resolution of the problem where reasonably possible.

(e) The earth station licensee whose operations are suspected of causing harmful interference to the operations of another earth station shall take reasonable measures to determine whether its operations are the source of the harmful interference problem. Where the operations of the suspect earth station are the source of the interference, the licensee of that earth station shall take all measures necessary to eliminate the interference.

(f) At any point, the system control center operator may contact the Commission's Laurel, Maryland office to assist in resolving the matter. This office specializes in the resolution of satellite interference problems. All licensees are required to cooperate fully with the Commission in any investigation of interference problems.

(g) Where the earth station suspected of causing interference to the operations of another earth station cannot be identified or is identified as an earth station operating on a satellite system other than the one on which the earth station suffering undue interference is operating, it is the responsibility of a representative of the earth station suffering harmful interference to contact the control center of other satellite systems.

**§ 25.275 Particulars of operation.**

(a) Radio station authorizations issued under this part will normally specify only the frequency bands authorized for transmission and/or reception of the station.

(b) When authorized frequency bands are specified in the station authorization, the licensee is authorized to transmit any number of r.f. carriers on any discrete frequencies within an authorized frequency band in accordance with the other terms and conditions of the authorization and the requirements of this part. Specific r.f. carrier frequencies within the authorized frequency band shall be selected by the licensee to avoid unacceptable levels of interference being caused to other earth, space or terrestrial stations. Any coordination agreements, both domestic and international, concerning specific frequency usage constraints, including non-use of any particular frequencies within the frequency bands listed in the station authorization, are considered to be conditions of the station authorization.

(c) A license for a transmitting earth station will normally specify only the r.f. carriers having the highest e.i.r.p. density, the narrowest bandwidth, and the largest bandwidth authorized for transmission from that station. Unless otherwise specified in the station authorization, the licensee is authorized to transmit any other type of carrier not specifically listed which does not exceed the highest e.i.r.p., e.i.r.p. density and bandwidth prescribed for any listed emission.

(d) Only the most sensitive emission(s) for which protection is being afforded from interference in the authorized receive frequency band(s) will be specified in the station authorization.

**§ 25.276 Points of communication.**

(a) Unless otherwise specified in the station authorization, an earth station is authorized to transmit to any space station in the same radio service provided that permission has been received from the space station operator to access that space station.

(b) Space stations licensed under this part are authorized to provide service to earth stations located within the specified service area. Coastal waters within the outer continental shelf shall be considered to be included within the service area specified by the named land mass.

(c) Transmission to or from foreign points over space stations in the Fixed-Satellite Service, other than those operated by the International Telecommunications Satellite Organization and Inmarsat, are subject to the policies established in Transborder Satellite Video Services, 88 FCC 2d 258 (1981) and Establishing of Satellite Systems Providing International Communications, 101 FCC 2d 1201 (1985), and the procedures promulgated thereunder.

**§ 25.277 Temporary fixed earth station operations.**

(a) When an earth station in the Fixed-Satellite Service is to remain at a single location for fewer than 6 months, the location may be considered to be temporary fixed. Services provided at a single location which are initially known to be of longer than six months' duration shall not be provided under a temporary fixed authorization.

(b) When a station, authorized as a temporary fixed earth station, is to remain at a single location for more than six months, application for a regular station authorization at that location shall be filed at least 30 days prior to the expiration of the six-month period.

(c) The licensee of an earth station which is authorized to conduct temporary fixed operations in bands shared co-equally with terrestrial fixed stations shall provide the following information to the licensees of all terrestrial facilities lying within the coordination contour of the proposed temporary fixed earth station site before beginning transmissions:

(1) The name of the person operating the station and the telephone number at which the operator can be reached directly;

(2) The exact frequency or frequencies used and the type of emissions and power levels to be transmitted; and

(3) The commencement and anticipated termination dates of operation from each location.

(d) Transmissions may not be commenced until all affected terrestrial licensees have been notified and the earth station operator has confirmed that unacceptable interference will not be caused to such terrestrial stations.

(e) Operations of temporary fixed earth stations shall cease immediately upon notice of harmful interference from the Commission or the affected licensee.

[FR Doc. 93–5403 Filed 3–10–93; 8:45 am]
BILLING CODE 6712–01–M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[MM Docket No. 91–193; RM–7717, RM–7822]**

### Radio Broadcasting Services; Corpus Christi and Three Rivers, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Three Rivers Communications, allots Channel 233C2 to Three Rivers, Texas, as the community's first local aural transmission service (RM–7822). See 56 FR 32371, July 16, 1991. Channel 233C2 can be allotted to Three Rivers in compliance with the Commission's minimum distance separation requirements with a site restriction of 22.0 kilometers (13.7 miles) southwest to avoid short-spacings to Station KFGI, Channel 234C, Luling, Texas, and to the construction permit for Station KBSO(FM), Channel 234A, Corpus Christi, Texas. The coordinates for

Channel 233C2 at Three Rivers are North Latitude 28–24–30 and West Longitude 98–23–49. Mexican concurrence has been obtained since Three Rivers is located within 320 kilometers (199 miles) of the U.S.-Mexican border. See SUPPLEMENTARY INFORMATION, *infra*.

DATES: Effective April 19, 1993. The window period for filing applications will open on April 20, 1993, and close on May 20, 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. 91–193, adopted February 10, 1993, and released March 5, 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 mutually exclusive proposal of Reina Broadcasting, Inc., to substitute Channel 234C2 for Channel 234A at Corpus Christi, Texas, is denied (RM–7717). With this action, this proceeding is terminated.

**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 adding Three Rivers, Channel 233C2.

Federal Communications Commission.

**Michael C. Ruger,**

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

[FR Doc. 93–5505 Filed 3–10–93; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Part 73**

**[MM Docket No. 92–279; RM–8111]**

## Radio Broadcasting Services; Hempstead, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Farmers Communications, permittee of Station KEZB–FM, Channel 287A, Hempstead, Texas, substitutes Channel 287C3 for Channel 287A at Hempstead and modifies Station KEZB–FM's construction permit to specify operation on the higher powered channel. See 57 FR 57411, December 4, 1992. Channel 287C3 can be allotted to Hempstead in compliance with the Commission's minimum distance separation requirements with a site restriction of 18.3 kilometers (11.3 miles) north to accommodate Farmers' desired site. The coordinates for Channel 287C3 are 30–15–39 and 96–05–29. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** April 19, 1993.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 92–279, adopted February 10, 1993, and released March 5, 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 contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

**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 287A and adding Channel 287C3 at Hempstead.

Federal Communications Commission.

**Michael C. Ruger,**

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

[FR Doc. 93–5506 Filed 3–10–93; 8:45 am]

BILLING CODE 6712–01–M

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

**[Docket No. 91–55; Notice 2]**

**RIN 2127–AE09**

## Federal Motor Vehicle Safety Standards; Tire Selection and Rims for Motor Vehicles Other than Passenger Cars

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

**ACTION:** Final rule.

**SUMMARY:** This notice amends Standard No. 120, Tire Selection and Rims for Motor Vehicles other than Passenger Cars, to clarify the requirement about tire information labels on multipurpose passenger vehicles, trucks, buses, and trailers. Specifically, this amendment requires the label to specify a recommended tire inflation pressure that reflects a reduction in load carrying capacity for a given inflation pressure when such vehicles are equipped with passenger car tires. The notice also deletes outdated language in Standard No. 120.

**DATES:** Effective Date: The amendments become effective on June 9, 1993.

*Petitions for Reconsideration*: Any petitions for reconsideration of this rule must be received by NHTSA no later than April 12, 1993.

**ADDRESSES:** Petitions for reconsideration of this rule should refer to Docket 91–55; Notice 2 and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry Cook, NRM–11, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, Telephone: (202) 366–4803.

**SUPPLEMENTARY INFORMATION:**

**Background**

Federal Motor Vehicle Safety Standard No. 120, Tire Selection and Rims for Motor Vehicles Other than Passenger Cars, specifies tire and rim selection requirements and rim marking requirements to ensure that multipurpose passenger vehicles (MPVs), trucks, buses, trailers and motorcycles are equipped with adequate tires and rims to support the fully-loaded vehicles under contemplated operating conditions. Section S5.3.2 of Standard No. 120 requires

manufacturers to affix a permanent label to each vehicle with information about rims, tires and corresponding inflation pressures appropriate for the vehicle's gross axle weight rating (GAWR).

Section S5.3.3 of Standard No. 120 references section S5.1.2 which explains how to determine whether a recommended tire size is appropriate for a vehicle's GAWR. Section S5.1.2 states that the sum of the maximum load ratings of the tires fitted to an axle shall not be less than the GAWR. In the event that passenger car tires are installed on an MPV, truck, bus, or trailer, this section specifies that each tire's load rating must be reduced by dividing by 1.10 before determining whether the tires on an axle are adequate for the GAWR.

The 1.10 reduction in load rating is intended to account for the generally harsher treatment, such as heavier loading and possible off-road use, that passenger car tires receive when installed on an MPV, truck, bus or trailer rather than on a passenger car. The reduction provides a safety margin for those other types of vehicles when they are equipped with passenger car tires.

Among the items of tire information that S5.3 requires to be labeled on a vehicle, S5.3.5 requires the manufacturer to recommend appropriate cold inflation pressures for tires specified for the vehicle, as well as suitable rims. During recent enforcement actions, a few manufacturers have argued that the 1.10 reduction in load rating for passenger car tires need not be reflected in the recommended inflation pressure labeled on the vehicle. They contended that the reduction applies only for the purpose of determining whether the tires actually installed on a vehicle have adequate load carrying capacity compared to the GAWR of each axle. In support of their argument, these manufacturers stated that the section containing the 1.10 reduction factor for passenger car tires is only expressly referenced in S5.3.3, dealing with tire sizes. Accordingly, they have questioned whether the reduction must be taken into account when recommending inflation pressures.

In a letter to one of these manufacturers, NHTSA stated that a Standard No. 120 tire information label recommending the use of a passenger car tire on a vehicle subject to Standard No. 120 must specify a recommended cold tire inflation pressure sufficient such that when the tire's load carrying capacity at that pressure is reduced by dividing by 1.10, the capacity is appropriate for the GAWR of each axle. In other words, the combined capacity of the tires on that axle must equal or exceed that GAWR. (See March 15, 1990 letter from Acting Chief Counsel Mr. Wood to Mr. Nishibori, Nissan Research & Development, Inc.)

The agency published a notice proposing to amend Standard No. 120 to reflect this interpretation by adding to the labeling provision regarding inflation pressure recommendations, a requirement that the pressure for a recommended passenger car tire be appropriate for the GAWR. (56 FR 55650, October 29, 1991) By appropriate, the agency meant that the pressure should be selected so as to reflect the reduction of the load carrying capacity for any given cold inflation pressure. The agency tentatively concluded that the change would facilitate agency efforts to ensure compliance with the Standard's intended guarantee of a safety margin when passenger car tires are recommended for use on MPVs, trucks, buses, and trailers.

**Comments and Agency's Determination**

NHTSA received comments from Atlas Supply Company, the Rubber Manufacturers Association (RMA), Chrysler, Ford, Toyota, and General Motors (GM). The commenters generally supported the proposal to clarify the requirements for tire load capacity and inflation pressures when passenger car tires are used on MPVs and trucks. Chrysler, Ford, and GM stated that the proposed amendment was consistent with how they have interpreted Standard No. 120. After reviewing the comments and other available information, the agency has decided to adopt the proposal, with a few minor modifications that are explained below.

RMA, Ford, and GM stated that the sections referenced in S5.3.2 of the proposed amendment were erroneously cited. After reviewing the proposal, NHTSA agrees with these comments and is modifying the regulatory text to include the correct references.

Toyota was concerned that adding the information would require a label that was larger than one that would fit within the available vehicle body dimensions in the locations currently employed in accordance with Standard No. 120. This led Toyota to recommend that the agency allow the label to be placed in the same location as the passenger car tire placard.

NHTSA believes that Toyota misinterpreted the proposal. There is no need to change the labels' size or placement since no information will have to be added to this existing Standard No. 120 label. The agency believes that Toyota may have been referring to the proposed requirements under Docket 91–16 Notice 1 for vehicle capacity weight which would have added information to the existing tire information label. (56 FR 15315, April 16, 1991)

Atlas recommended that the agency clarify the terminology concerning the 1.10 correction factor to include additional wording stating that the manufacturer must specify a recommended cold inflation pressure sufficient such that when the tire's load carrying capacity at that pressure is reduced by dividing by 1.10, the capacity is appropriate for the GAWR of each axle (i.e., the combined capacity of the tires on that axle must equal or exceed that GAWR).

After reviewing the comment, NHTSA agrees that additional wording to clarify the meaning of the relationship between the recommended tire cold inflation pressure and the 1.10 tire load reduction factor will help clarify the provision. Section S5.1.2 has been amended accordingly.

RMA recommended that S5.1.2 be amended to delete reference to appendix A of Standard No. 109, stating that appendix A was deleted from Standard No. 109 several years ago. NHTSA agrees with the comment that the wording in S5.1.2 should be modified to delete reference to old appendix A. Nevertheless, the agency notes that Standard No. 109 now contains a different appendix A which deals with the tire pressures used in current performance testing.

RMA commented that the tire label example belongs after S5.3.5 instead of S5.3.6. The agency agrees with this comment. The example has been moved to a location just after the requirements for tires and rims. The agency notes that the final rule adopts different section numbers. In addition, NHTSA agrees with RMA that the tire size in the second example should be changed since the 7.00—20(E) tire size is obsolete. Instead, the example now uses a tire size of 10.00—20(F).

In Docket 91–16 relating to vehicle capacity weight, the agency had proposed deleting some outdated language in Standard No. 120. (56 FR 15315, April 16, 1991). The agency is deleting the outdated language in this final rule because the agency terminated rulemaking about that proposal's substantive portions. (57 FR 7712, March 4, 1992)

This final rule does 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 examined the impact of this rulemaking action and determined that it is not major within the meaning of Executive Order 12291 or significant within the meaning of the Department of Transportation's regulatory policies and procedures. The agency has also determined that the economic and other impacts of this rulemaking action are so minimal that a full regulatory evaluation is not required. The amendment regarding load carrying capacity will not change the requirements of Standard No. 120 and is consistent with past agency interpretations of the Standard. The amendment merely incorporates the agency's existing interpretation that Standard No. 120 requires manufacturers to take into account the 1.10 reduction in load carrying capacity when recommending inflation pressures for passenger car tires that may be installed on MPVs, trucks, buses and trailers. Thus, the amendment will not impose any new requirements on manufacturers.

*Regulatory Flexibility Act*

NHTSA has also considered the impacts of this rulemaking action under the Regulatory Flexibility Act. I hereby certify that this amendment will not have a significant impact on a substantial number of small entities. Few, if any, vehicle manufacturers qualify as small entities. Further, the amendment will not affect the purchase price of new vehicles because it merely clarifies an existing requirement in Standard No. 120. Thus, the amendment will not significantly affect small organizations and governmental units. Accordingly, the agency has not prepared a preliminary regulatory flexibility analysis.

*National Environmental Policy Act*

NHTSA has also analyzed this rulemaking action with regard to the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

*Executive Order 12612 (Federalism)*

NHTSA has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612. The agency has determined that this rulemaking does not have significant federalism implications and therefore does not warrant the preparation of a Federal Assessment.

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

Imports, Motor vehicle safety, Motor Vehicles.

In consideration of the foregoing, 49 CFR 571.120 is amended as follows:

## PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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

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

**§ 571.120 [Amended]**

2. S5.1.2 is revised to read as follows:

S5.1.2 Except in the case of a vehicle which has a speed attainable in 2 miles of 50 mph or less, the sum of the maximum load ratings of the tires fitted to an axle shall be not less than the gross axle weight rating (GAWR) of the axle system as specified on the vehicle's certification label required by 49 CFR part 567. If the certification label shows more than one GAWR for the axle system, the sum shall be not less than the GAWR corresponding to the size designation of the tires fitted to the axle. If the size designation of the tires fitted to the axle does not appear on the certification label, the sum shall be not less than the lowest GAWR appearing on the label. When a tire subject to FMVSS No. 109 is installed on a multipurpose passenger vehicle, truck, bus, or trailer, the tire's load rating shall be reduced by dividing by 1.10 before calculating the sum (i.e., the sum of the load ratings of the tires on each axle, when the tires' load carrying capacity at the recommended tire cold inflation pressure is reduced by dividing by 1.10, must be appropriate for the GAWR).

3. S5.3 is revised to read as follows:

S5.3 *Label information.*

Each vehicle manufactured on or after December 1, 1984, shall show the information specified in S5.3.1 and S5.3.2, and in the case of a vehicle equipped with a non-pneumatic spare tire, the information specified in S5.3.3, in the English language, lettered in block capitals and numerals not less than three thirty-seconds of an inch high and in the format set forth following this section. This information shall appear either—

(a) After each GAWR listed on the certification label required by § 567.4 or § 567.5 of this chapter; or, at the option of the manufacturer,

(b) On the tire information label affixed to the vehicle in the manner, location and form described in § 567.4 (b) through (f) of this chapter, as appropriate for each GVWR–GAWR combination listed on the certification label.

S5.3.1 *Tires.* The size designation (not necessarily for the tires on the vehicle) and the recommended cold inflation pressure for those tires such that the sum of the load ratings of the tires on each axle (when the tires' load carrying capacity at the specified pressure is reduced by dividing by 1.10, in the case of a tire subject to FMVSS No. 109) is appropriate for the GAWR as calculated in accordance with S5.1.2.

S5.3.2 *Rims.* The size designation and, if applicable, the type designation of Rims (not necessarily those on the vehicle) appropriate for those tires.

*Truck Example*

Suitable Tire-Rim Choice

GVWR: 17280

GAWR: Front—6280 with 7.50—20 (D) tires, 20 x 6.00 rims, at 75 psi cold single.

GAWR: Rear—11000 with 7.50—20 (D) tires, 20 x 6.00 rims, at 65 psi cold dual.

GVWR 29279

GAWR: Front—10640 with 10.00—20 (F) tires, 20 x 7.50 rims, at 90 psi cold single.

GAWR: Rear—18639 with 10.00—20 (F) tires, 20 x 7.50 rims, at 80 psi cold dual.

S5.3.3 The non-pneumatic tire identification code, with which that assembly is labeled pursuant to S4.3(a) of § 571.129.

4. Standard No. 120 is amended by deleting section S6 in its entirety.

5. In Standard No. 120, sections S7, S8, S9, and S10 are renumbered as S6, S7, S8, and S9 respectively.

Issued on March 5, 1993.

**Howard M. Smolkin,**

*Executive Director.*

[FR Doc. 93–5577 Filed 3–10–93; 8:45 am]

BILLING CODE 4910–59–M

# Proposed Rules

Federal Register
Vol. 58, No. 46
Thursday, March 11, 1993

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

## DEPARTMENT OF ENERGY

## 10 CFR Part 810

## Assistance to Foreign Atomic Energy Activities

**AGENCY:** Office of Arms Control and Nonproliferation, Department of Energy.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Department of Energy (DOE) proposes to amend its regulations at 10 CFR part 810 concerning unclassified assistance to foreign atomic energy activities.

The amendments are designed to: Establish a general authorization for assistance that would enhance the operational safety of existing civilian nuclear power reactors in countries listed in § 810.8; add to § 810.3 a definition of "operational safety" as this concept relates to nuclear power reactors; update the § 810.8 list of countries requiring specific authorization for nuclear power reactor-related assistance by deleting certain countries and adding others; establish a requirement for specific authorization for assistance relating to certain research, prototype, and test reactors; require that any materials, equipment, or technology transferred under certain general authorizations not be retransferred to a country listed in section 810.8 without prior U.S. Government consent; and substitute current addresses for submitting reports and requests.

**DATES:** Comments are requested and must be received no later that April 12, 1993.

**ADDRESSES:** Written comments should be sent to: Director, Export Control Operations Division, Office of Export Control and International Safeguards, AN-30, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20586. Telephone (202) 586-2112.

**FOR FURTHER INFORMATION CONTACT:** Mr. Zander Hollander, Export Control Specialist, Export Control Operations Division, Office of Export Control and International Safeguards, An-30, U.S. Department of Energy. Telephone (202) 586-2125.

**SUPPLEMENTARY INFORMATION:**

### 1. Background

10 CFR part 810 implements section 57b(2) of the Atomic Energy Act of 1954, as amended by section 302 of the Nuclear Non-Proliferation Act of 1978 (NNPA) (42 U.S.C. 2077). These sections require that U.S. persons who engage directly or indirectly in the production of special nuclear material outside the United States be authorized to do so by the Secretary of Energy. According to the part 810 regulations, assistance by U.S. persons to nuclear power reactor-related activities outside the United States is generally authorized for countries not listed in § 810.8, which deals with activities requiring specific authorization. A main purpose of this revision is to establish a general authorization for assistance that would enhance the operational safety of existing civilian nuclear power reactors in countries listed in § 810.8, eliminating the need for specific authorization by the Secretary of Energy for such assistance. In this regard, the new general authorization can be viewed as building on to current authority in § 810.7(b), which generally authorizes assistance to prevent or correct a current or imminent radiological emergency posing a significant danger to public health and safety. However, unlike other general authorizations, applicants will have to obtain the written permission of the Department of Energy in order to use the new general authorization. It is expected that in most cases this permission will be given within 30 days. DOE will review applications to confirm that proposed activities meet the criteria for use of the authorization and are consistent with the objectives of U.S. national security, national disclosure, and nuclear nonproliferation policy. To this end, DOE will provide each application received to the Departments of State, Commerce, and Defense, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission. If it appears that review is required beyond the 30-day period, DOE will notify the applicant not to proceed until DOE informs the applicant otherwise.

The intent of the new general authorization is to:

- Expedite safety-related assistance to civilian nuclear power plants, particularly in the former Soviet Union, and support the U.S. Government's efforts to improve the operational safety of nuclear power reactors worldwide.
- Enable U.S. firms to compete more effectively against foreign competitors for safety-related nuclear business.
- Eliminate unnecessary paperwork and time-consuming bureaucratic delays.

A definition of "operational safety" is being added to § 810.3 "Definitions" to assist applicants in determining whether assistance they propose to furnish might qualify for the new general authorization. The authorization also would apply to "continuing programs" of safety enhancement, in which a U.S. supplier undertakes a variety of informational and assistance activities intended to upgrade and maintain safety over a long period; this would obviate the need for specific authorization of each or several of the activities periodically.

In § 810.8, the list of countries requiring specific authorization even for nuclear power-reactor related activities is being updated to reflect the vast changes in the world since the list was published in 1986. Deleted from the list are countries that no longer exist, some countries that have become party to the Nuclear Non-Proliferation Treaty (NPT) and completed full-scope safeguards agreements with the International Atomic Energy Agency, and East European countries that were listed solely for national security reasons that vanished with the disintegration of the Warsaw Pact. Added to the list are the republics of the former Soviet Union.

### 2. Proposed Regulatory Changes

The following changes are proposed to be made to part 810:

A. Section 810.3 Definitions. A definition of "operational safety" would be added.

B. Section 810.4 Communications. A new addressee for communications would be given.

C. Section 810.5 Interpretations. The title of the office providing advice would be changed.

D. Section 810.7 Generally authorized activities. A new general authorization

for assistance that would enhance the operational safety of existing civilian nuclear power reactors would be added.

E. Section 810.8 Grant of specific authorization. The list of countries in subsection 810.8(a) would be revised, with some countries deleted and others added. Section 810.8 would also be amended by adding requirements for specific authorization for assistance relating to research, prototype, and test reactors greater than 5 Megawatts Thermal and training in related activities.

F. Section 810.10 Grant of specific authorization. The addressee for proposals to provide assistance would be changed.

G. Section 810.13 Reports. Reporting requirements would include an assurance that a vendor has an agreement with the recipient requiring U.S. Government consent before the vendor can allow the recipient to retransfer to a country listed in § 810.8 materials, equipment, and technology transferred under a general authorization. Also, the addressee for reports would be changed.

The Department considered, but at this time does not propose, two variants on this requirement. Under one variant, the vendor would have to provide the assurance that the vendor has an agreement with the recipient requiring U.S. Government consent before the vendor can allow the recipient to retransfer to a country listed in § 810.8 assistance transferred under a general authorization, and that these U.S. Government consent rights must follow the assistance in perpetuity through any further retransfers to listed countries. Under the other variant, the vendor would have to provide the assurance that the vendor has an agreement with the recipient requiring U.S. Government consent before the vendor can allow the recipient to retransfer to any country assistance provided under a general authorization.

The Department invites public comment on these variants as well as on the proposed amendment.

H. Section 810.16 Effective date and savings clause. The savings clause would state that the revision will not affect previously granted specific authorizations or generally authorized activities for which the contracts, purchase orders, or licensing arrangements are already in effect on the date of publication of the final rule; also, that persons engaging in activities generally authorized under the present regulations but requiring specific authorization under the revision must request such specific authorization within 90 days but may continue their activities until DOE acts on the request.

**3. Statutory Requirements**

Pursuant to section 57b of the Atomic Energy Act as amended by the NNPA, with the concurrence of the Department of State and after consultations with the Departments of Defense and Commerce, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission, the Secretary of Energy has determined that to authorize this proposed revision of 10 CFR part 810 will not be inimical to the interests of the United States.

**4. Opportunity for Public Comment**

*A. Written Comments*

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in this notice. Comments should be submitted to the Director of the Export Control Operations Division at the address set forth in the **ADDRESSES** section of this notice. The envelope and written comments submitted should be identified with the designation "Notice of Proposed Rulemaking." Ten (10) copies of the comments should be submitted.

All comments received on or before the date specified in the beginning of this notice and all other relevant information will be considered by DOE before taking final action.

Any person submitting information which that person believes to be confidential and which may be exempt by law from public disclosure should submit one complete copy marked confidential, as well as ten (10) copies from which the information claimed to be confidential has been deleted. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination. This procedure is set forth in 10 CFR 1004.11.

*B. Public Hearing*

This notice of proposed rulemaking does not involve any significant issues of law or fact and the rule would be unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Accordingly, pursuant to 42 U.S.C. 7191(c) and 5 U.S.C 553, DOE is not scheduling a public hearing.

**5. Procedural Matters**

*A. Review Under Executive Order 12291*

The proposed rule has been reviewed under Executive Order 12291. DOE has concluded that the rule would not be a "major rule" since it will not 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 U.S.-based enterprises to compete in domestic export markets. In accordance with the requirements of the Executive Order, this notice of proposed rulemaking has been reviewed by the Office of Management and Budget.

*B. Review Under the Regulatory Flexibility Act*

The proposed rule has been reviewed under the Regulatory Flexibility Act, Public Law 96–354 (42 U.S.C. 601–612) which requires preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities, i.e., small businesses and small government jurisdictions. This action would amend certain regulations in a manner to expedite the current process of providing approval for U.S. persons to conduct certain activities in other countries; thus it would impose no economic burden upon small entities subject to those regulations. DOE accordingly certifies that there will not be a significant economic impact on a substantial number of small entities and that preparation of regulatory flexibility analysis is not warranted.

*C. Review Under the National Environmental Policy Act*

The proposed rule has been reviewed under the National Environmental Policy Act of 1969, Public Law 91–190 (42 U.S.C. 5321 *et seq.*), Council on Environmental Quality Regulations (40 CFR parts 1500–08), and the Department of Energy environmental regulations (10 CFR part 1021) and has been determined not to constitute a major Federal action significantly affecting the quality of the human environment. Accordingly, no environmental impact statement is required.

*D. Review Under Executive Order 12612*

Executive Order 12612 requires that regulations be reviewed for any substantial direct effects on States, on the relationship between the national Government and the States, or in the distribution of power among various levels of government. If there are sufficient substantial direct effects, the Executive Order requires the

preparation of a Federalism assessment to be used in decisions by senior policymakers in promulgating or implementing the regulation. The proposed rule will not have a substantial direct effect on the traditional rights and prerogatives of States in relationship to the Federal Government. Preparation of a Federalism assessment is therefore unnecessary.

*E. Review Under Executive Order 12778*

Section 2 of Executive Order 12778 instructs each agency subject to Executive Order 12291 to adhere to certain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 2(a) and (b)(2), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation: Specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describes any administrative proceedings to be available prior to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. DOE certifies that today's proposal meets the requirements of sections 2(a) and (b) of Executive Order 12778.

*F. Paperwork Reduction Act*

The information collections in this proposed rule are exempt from review by the Office of Management and Budget and from public comment for reasons of national security as provided for in Executive Orders 12035 and 12333 issued under the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

**List of Subjects in 10 CFR Part 810**

Foreign relations, Nuclear energy, Reporting and recordkeeping requirements.

Issued in Washington, DC, February 26, 1993.

**Victor E. Alessi,**

*Director, Office of Arms Control and Nonproliferation, Office of the Secretary.*

For the reasons set out in the preamble, part 810 of title 10 of the Code of Federal Regulations is proposed to be amended as set forth below:

## PART 810—ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES

1. The authority citation for part 810 continues to read as follows:

**Authority:** Sections 57, 127, 128, 129, 161, and 223, Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978, Pub. L. 955–242, 68. Stat. 932, 948, 950, 958, 92 Stat. 126, 136, 137, 138 (42 U.S.C. 2077, 2156, 2157, 2158, 2201, 2273); Sec. 104 of the Energy Reorganization Act of 1974, Pub. L. 93–438; Sec. 301 Department of Energy Organization Act, Pub. L. 95–91 (41 U.S.C. 7101).

2. Section 810.3 is amended by adding in alphabetical order the definition for the term "Operational safety" to read as follows:

**§ 810.3 Definitions.**

* * * * *

*Operational safety* means the capability of a reactor to be operated in a manner that prevents uncontrolled or inadvertent criticality, prevents or mitigates uncontrolled release of radioactivity to the environment, monitors and limits staff exposure to radiation and radioactivity, and protects the public for exposure to radiation or radioactivity. Operational safety may be enhanced by providing expert advice, equipment, instrumentation, technology, software, services, analyses, procedures, training, or other assistance that improves the capability of the reactor to be operated in such a manner.

* * * * *

3. Section 810.4 is amended by designating the first paragraph as (a) and revising it and designating the second paragraph as (b) to read as set forth below:

**§ 810.4 Communications.**

(a) All communications concerning these regulations should be addressed to: U.S. Department of Energy, Washington, DC 20585. Attention: Director, Export Control Operations Division, AN–30, Office of Export Control and International Safeguards. Telephone (202) 586–2112.

* * * * *

**§ 810.5 [Amended]**

4. Section 810.5 is amended by removing the phrase "Division of Politico-Military Security Affairs (PMSA)" in the first sentence and adding in its place "Export Control Operations Division (AN–30)". Section 810.5 is further amended by removing the acronym "PMSA" in the second sentence and adding in its place "Director, Export Control Operations Division".

* * * * *

5. Section 810.7 is amended by redesignating paragraphs (c) through (g) as (d) through (h) and adding a new paragraph (c) to read as follows:

**§ 810.7 Generally authorized activities.**

* * * * *

(c) Furnishing information or assistance, including through continuing programs, to enhance the operational safety of an existing civilian nuclear power plant or to prevent, reduce, or correct a danger to public health and safety posed by a civilian nuclear power plant provided the Department of Energy is notified in advance by certified mail, return receipt requested, and approves the use of the authorization in writing; the Department will notify the applicant of the status of the request within 30 days from the date of receipt of the notification.

* * * * *

6. Section 810.8 is amended by revising paragraphs (a) and (c)(5) and adding paragraph (c)(6) to read as follows:

**§ 810.8 Activities requiring specific authorization.**

* * * * *

(a) Engaging directly or indirectly in the production of special nuclear material in any of the countries listed below:

| | |
|---|---|
| Afghanistan | Kuwait |
| Albania | Kyrgyzstan |
| Algeria | Laos |
| Andorra | Latvia |
| Angola | Libya |
| Argentina | Mauritania |
| Armenia | Moldova |
| Azerbaijan | Monaco |
| Bahrain | Mongolian People's Democratic Republic |
| Belarus | Mozambique |
| Brazil | Niger |
| Burma (Myanmar) | Oman |
| Cambodia | Pakistan |
| Chile | Qatar |
| China, People's Republic of | Russia |
| Comoros | Saudi Arabia |
| Cuba | South Africa |
| Djibouti | Syria |
| Estonia | Tajikistan |
| Georgia | Turkmenistan |
| Guyana | Ukraine |
| India | United Arab Emirates |
| Iran | Uzbekistan |
| Iraq | Vanuatu |
| Israel | Vietnam |
| Kazakhstan | Zambia |
| Korea, People's Democratic Republic of | Zimbabwe |

Countries may be removed from or added to this list by amendments published in the **Federal Register.**

* * * * *

(c) * * *

(5) Designing, constructing, fabricating, operating, or maintaining research, prototype, or test reactors

capable of continuous operation above 5 Megawatts Thermal.

(6) Training in the activities of paragraphs (c)(1) through (5) of this section.

**§ 810.10 [Amended]**

7. Paragraph 810.10(a) is amended by removing the phrase "Director, Division of Politico-Military Security Affairs (DP–332), Office of International Security Affairs" and adding in its place "Director, Export Control Operations Division, AN–30, Office of Export Control and International Safeguards".

8. Section 810.13 is amended by revising the introductory text of paragraph (d), adding a new paragraph (d)(4), and revising paragraphs (f) and (g) to read as follows:

**§ 810.13 Reports.**

* * * * *

(d) Any person, within 30 days after beginning any generally authorized activity under sections 810.7(b), (c), or (h), shall provide to the Department of Energy:

* * * * *

(4) An assurance that the U.S. vendor has an agreement with the recipient that the vendor must obtain U.S. Government consent before the recipient may retransfer to a country listed in section 810.8 any technology, equipment, or materials transferred under general authorization.

* * * * *

(f) Persons engaging in activities generally authorized under section 810.7(a), (d), (e), (f), and (g) are not subject to reporting requirements under this section.

(g) All reports should be sent to: U.S. Department of Energy, Washington, DC 20585. Attention: Director, Export Control Operations Division, AN–30, Office of Export Control and International Safeguards.

9. Section 810.16 is revised to read as follows:

**§ 810.16 Effective date and savings clause.**

These regulations are effective on (date of publication of the final rule). Except for actions taken by DOE pursuant to § 810.11, this revision does not affect specific authorizations granted under the previous regulations or generally authorized activities under the previous regulations for which the contracts, purchase orders, or licensing arrangements are already in effect on (the date of publication of the final rule). Persons engaging in activities generally authorized under the previous regulations but requiring specific authorization under the revised regulations must request such specific authorization within 90 days but can continue their activities until DOE acts on the request.

[FR Doc. 93–5488 Filed 3–10–93; 8:45 am]

BILLING CODE 6450–01–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 92–NM–195–AD]**

### Airworthiness Directives; Fokker Model F27 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F27 series airplanes. This proposal would require a one-time high frequency eddy current inspection to detect cracks in the outer flap center hinge fitting, and repair of the outer flap center hinge. This proposal is prompted by a recent analysis of loading spectra, which revealed that the actual loads of the outer flap center hinge on these airplanes is heavier than originally calculated, resulting in a fatigue life of less than 90,000 landings for certain center hinges. The actions specified by the proposed AD are intended to prevent premature failure of the flap center hinge due to fatigue and reduced structural integrity of the outer flap.

**DATES:** Comments must be received by May 4, 1993.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–195–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–195–AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–195–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

*Discussion:* The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for The Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F27 series airplanes. The RLD advises that a recent analysis of loading spectra revealed that the actual loads of the outer flap center hinge on these airplanes is heavier than originally calculated, resulting in a fatigue life of less than 90,000 landings for certain center hinges. This condition, if not corrected, could result in premature failure of the flap center hinge due to fatigue and reduced structural integrity of the outer flap.

Fokker has issued Service Bulletin F27/57–66, dated October 11, 1991,

which describes procedures for a one-time high frequency eddy current inspection to detect cracks in the outer flap center hinge fitting, and repair of the outer flap center hinge. This repair includes replacement of the life-limited hinge fittings. The service bulletin recommends that the repair be accomplished before the retirement life of the hinge fittings is exceeded, or if cracks are found that exceed the specified limitations. This service bulletin specifies that flight with a crack is allowed, provided that (1) the crack is not part of multi-site damage, (2) the crack growth is easily detectable, and (3) the established inspection procedures would detect cracked structure at intervals that would permit repairs to be accomplished before the structure's strength falls below ultimate load carrying capability.

The Fokker service bulletin also distinguishes between airplanes based on the following modifications of the outer flap center hinge:

1. Airplanes on which Fokker Service Bulletin F27/57–22 (B–109) has not been accomplished. The original thickness of the hinge fitting is 10 mm and the bearing is secured by center punches. This hinge was installed at the factory on airplanes up to serial number 10220.

2. Airplanes on which Fokker Service Bulletin F27/57–22 (B–109) has been accomplished. A retainer ring, locking ring, and grease nipple are installed, and the bearing is secured by center punches in the locking ring. This modification was installed at the factory on airplane serial numbers 10221 through 10240, inclusive.

3. Airplanes on which a new center hinge, part number 3809–039–401, has been installed at the factory. The thickness of the hinge fitting was increased to 12 mm, and the fatigue life of this hinge exceeds 90,000 landings. This hinge was installed at the factory on airplane serial numbers 10241 and subsequent.

Fokker Service Bulletin F27/57–66 also specifies that the one-time inspection described in that service bulletin must be accomplished on airplanes in the pre- or post-service bulletin F27/57–22 (B–109) configuration that have accumulated more landings as of the issuance date of the service bulletin than the number of landings defined in item 57–50–02 of Fokker Structural Integrity Program (SIP) Document No. 27438, including revisions up through November 1, 1991. Replacement of the hinge fittings is specified at 72,000 landings [for Model F27 series airplanes in the pre-service bulletin F27/57–22 (B–109) configuration] or 55,000 landings [for Model F27 series airplanes in the post-service bulletin F27/57–22 (B–109) configuration] by AD 92–19–07 (57 FR 42693, September 16, 1992). Replacement of hinge fittings installed on airplanes that have exceeded the number of landings specified in that AD would be addressed by this rulemaking action.

The RLD classified Fokker Service Bulletin F27/57–66 as mandatory and issued Netherlands Airworthiness Directive BLA No. 91–129 in order to assure the continued airworthiness of these airplanes in The Netherlands.

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time high frequency eddy current inspection to detect cracks inside the bearing bore of the outer flap center hinge, and repair of the outer flap center hinge. The actions would be required to be accomplished in accordance with Fokker Service Bulletin F27/57–66, described previously.

The FAA estimates that 25 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 74 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $7,082 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $278,800, or $11,152 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Fokker:** Docket 92–NM–195–AD

*Applicability:* Model F27 series airplanes (except Model F27 Mark 050 series airplanes); serial numbers 10102 and 10105 through 10240, inclusive; certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent premature failure of the flap center hinge due to fatigue and reduced structural integrity of the outer flap, accomplish the following:

(a) For airplanes on which Fokker Service Bulletin SBF27/57–22 has not been accomplished and that have accumulated 72,000 or more landings as of the effective date of this AD: Within 1,000 landings or 6 months after the effective date of this AD, whichever occurs first, perform a high frequency eddy current inspection of the outer flap center hinge fittings to detect cracks, in accordance with Part I of Fokker Service Bulletin F27/57–66, dated October 11, 1991.

(1) If no crack is found, repair the outer flap center hinge within 2,800 landings or 2 calendar years following the inspection required by paragraph (a) of this AD, whichever occurs first, in accordance with Part 2 of Fokker Service Bulletin F27/57–66, dated October 11, 1991.

(2) If any crack is found, repair the outer flap center hinge, in accordance with Part 2 of Fokker Service Bulletin F27/57–66, dated October 11, 1991, at the times specified in paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) If the crack length inside the bore is less than 5 mm, and if no crack is found on one of the faces around the bore: Repair within 300 landings following the inspection required by paragraph (a) of this AD.

(ii) If the crack length inside the bore is equal to or more than 5 mm; or if the crack length inside the bore is less than 5 mm, and the crack is also present in one of the faces around the bore: Repair prior to further flight.

(b) For airplanes on which Fokker Service Bulletin SBF27/57–22 has been accomplished and that have accumulated 55,000 or more landings as of the effective date of this AD: Within 1,000 landings or 6 months after the effective date of this AD, whichever occurs first, perform a high frequency eddy current inspection of the outer flap center hinge fittings to detect cracks, in accordance with Part I of Fokker Service Bulletin F27/57–66, dated October 11, 1991.

(1) If no crack is found, repair the outer flap center hinge within 2,800 landings or 2 calendar years following the inspection required by paragraph (b) of this AD, whichever occurs first, in accordance with Part 2 of Fokker Service Bulletin F27/57–66, dated October 11, 1991.

(2) If any crack is found, repair the outer flap center hinge in accordance with Part 2 of Fokker Service Bulletin F27/57–66, dated October 11, 1991, at the times specified in paragraph (b)(2)(i) or (b)(2)(ii) of this AD.

(i) If the crack length inside the bore is less than 5 mm, and if no crack is found on one of the faces around the bore: Repair within 300 landings following the inspection required by paragraph (b) of this AD.

(ii) If a crack inside the bore is located on the grease nipple bore half of the hinge; or if the crack length inside the bore is equal to or more than 5 mm; or if the crack length inside the bore is less than 5 mm and the crack is also present in one of the faces around the bore: Repair prior to further flight.

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

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

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

Issued in Renton, Washington, on March 5, 1993.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 93–5590 Filed 3–10–93; 8:45 am]

BILLING CODE 4910–13–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 25

**[CC Docket No. 86–496; FCC No. 93–38]**

### Reduction of Alien Carrier Interference Between Fixed-Satellites at Reduced Orbital Spacings and To Revise Application Processing Procedures for Satellite Communication Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** By a Notice of Proposed Rule Making (NPRM) in the above-referenced docket, we proposed to amend part 25 of the Commission's rules governing the construction, licensing and operation of satellite service facilities. This Further Notice of Proposed Rulemaking addresses the issue of temporary-fixed (transportable) earth station testing. Our primary purpose in commencing this rulemaking was to implement recommendations made by the joint industry-government Advisory Committee on Implementation of Reduced Orbital Spacing Between Domestic Fixed-Satellites (Advisory Committee), 102 FCC 2d 390 (1985), which was established to advise the Commission on efficient means of implementing 2° orbital spacing between domestic satellites in the 4/6 GHz and 12/14 GHz frequency bands.

**DATES:** Comments are to be filed on or before May 7, 1993 and replies on or before June 22, 1993.

**ADDRESSES:** Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Wilbert E. Nixon Jr. or Harry Ng at (202) 634–1624.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Further Notice of Proposed Rulemaking in the Matter of the Amendment of part 25 of the Commission's Rules and Regulations to Reduce Alien Carrier Interference between Fixed-Satellites at Reduced Orbital Spacings and to Revise Application Processing Procedures for Satellite Communication Services, Common Carrier Docket No. 86–496, FCC No. 93–38, adopted January 14, 1993 and released March 4, 1993. The full text of this document is available for inspection and copying during normal business hours at the Public Reference Room at its headquarters, room 239, 1919 M Street NW., Washington, DC 20554. The complete text of this decision may also be purchased from the FCC's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Public reporting burden for the collections of information is estimated to average 120 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden, to the Federal Communications Commission, Office of Managing Director, Paperwork Reduction Project (3060–0447), Washington, DC 20554 and to the Office of Management and Budget, Paperwork Reduction Project (3060–0447), Washington, DC 20503.

**Initial Regulatory Flexibility Analysis**

*I. Reason for Action*

In this proceeding the Commission seeks to develop a record and to solicit comments on the proposed rule. These proposed rules are designed to implement recommendations made by the joint industry/government Advisory Committee on 2° satellite spacing and Conus Communications Company Limited Partnership.

*II. Objective*

This proceeding will elicit comments on the public interest benefits and costs of the proposed rule in accordance with the Commission's obligations under the mandate of title III of the Communications Act of 1934.

*III. Legal Basis*

The legal basis of this action is found in sections 4(i) and 303 of the Communications Act, 47 U.S.C. 4(i) and 303.

*IV. Description, Potential Impact and Number of Small Facilities Affected*

The proposed rule would apply to all transportable earth station operators including small satellite newsgathering operators. The proposed rule would establish operational and technical procedures designed to alleviate adjacent satellite interference and may

increase the reporting and cost burden on all satellite licensees.

*V. Reporting, Recordkeeping and Other Compliance Requirements*

The proposed rules will, in some instances, create additional burdens, but are necessary in order to reduce interference incidents.

*VI. Federal Rules Which Overlap, Duplicate or Conflict with the Proposed Rules*

There is no overlap, duplication or conflict.

*VII. Any Significant Alternative Minimizing Impact on Small Entities and Consistent With Stated Objectives*

In order to be effective, these rules must apply to all licensees and thus there is no significant alternative.

**Summary of Report and Order**

1. The Further Notice of Proposed Rulemaking proposes rules regarding transportable earth station testing standards. Due to the FCC's recent affirmation of 2° spacing, (see Amendment of C-Band Satellite Orbital Spacing Policies to Increase Satellite Video Service to the Home, 7 FCC Rcd 456 (1992)), this action is necessary to ensure that the rules and policies adopted in Reduced Orbital Spacing, 54 Rad. Reg. 2d (P&F) 577 (1983), can be codified.

2. The intended effect of this action is to allow for the continued transition to two degree orbital spacing for U.S. domestic satellites. For this to occur, space station and earth station operators must be guided by a universal set of standards and operational procedures. Successful implementation of two degree spacing will allow for the expansion of satellite capacity in the orbit serving the U.S. market, thus affording expansion opportunities to the U.S. domestic satellite industry.

**Conclusion and Ordering Clauses**

3. In the Second Report and Order attached to this Further Notice of Proposed Rulemaking, we codify most of the technical rules proposed for earth station and satellite facilities contained in the NPRM, with the modifications as discussed. We will not adopt rules on annual and on-site testing of transportable earth stations at this time, however. Instead, we propose in this Further Notice of Proposed Rulemaking a new rule, § 25.277(f), to govern transportable earth station testing.

4. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new and modified information collection requirements on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

5. *It is further ordered*, That pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 4(i), 303, further notice of proposed rulemaking is hereby provided to amend § 25.277 of the Commission's rules, 47 CFR 25.277, set forth below.

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

**List of Subjects in 47 CFR Part 25**

Communication common carrier, Communication equipment, Radio, Reporting and recordkeeping requirements, Satellite.

**Proposed Rule Change**

Part 25 of the Commission's Rules and Regulations (chapter I of title 47 of the Code of Federal Regulations) is proposed to be amended as follows:

## PART 25—SATELLITE COMMUNICATIONS

1. The authority citation for part 25 continues to read as follows:

**Authority:** §§25.101 25.531 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101–104, 76 Stat. 419–427; 47 U.S.C. 701–744.

2. A new Section 25.277(f) is added to read as follows:

**§ 25.277 Temporary fixed earth station operations.**

* * * * *

(f)(1) Single or multi-piece antennas less than 3 meters in diameter intended for use on a transportable basis should be qualified by the manufacturer as a transportable antenna. Samples of these antennas should be tested for compliance periodically during the manufacturing process (just as any other small antenna would be), and then subject to environmental tests simulating the transportable environment. These antennas would then be put back on the range to see that they are still compliant.

(2) These antennas would be annually tested using a receive signal provided by a cooperating earth station pursuant to § 25.132(b). If these results indicate a variance by more than 2dB from the manufacturer's published data, then the antenna would be sent out for repair and range test, or replacement.

(3) Damage to the antenna that could cause a change in the shape of the reflector or is visually apparent shall be taken out of service immediately and tested pursuant to § 25.132(b).

(4) Any other damage to the antenna shall be cause for replacement of the damaged parts and readjustment of those parameters such as feed centering and focal length that can successfully be done in the field. An antenna thus repaired shall then go through the annual qualification procedure in paragraph (f)(2) of this section.

[FR Doc. 93–5404 Filed 3–10–93; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Part 25**

**[CC Docket No. 93–23, FCC 93–89]**

## Satellite Communications; Filing Requirements for International Receive-Only Earth Stations

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission is proposing to eliminate the licensing requirement for most international receive-only earth stations in the fixed-satellite service. Earth stations excluded from this proposal are those operationally connected to a domestic common carrier system and used to exchange the carrier's common carrier traffic with the INTELSAT satellite system. A voluntary registration program is proposed to afford frequency protection to those who desire it. This change should open new markets and services for international communication transmissions and make international direct-to-home services, such as television programming, more feasible for U.S. consumers.

**DATES:** Comments must be submitted on or before May 12, 1993. Reply comments must be submitted on or before May 27, 1993.

**ADDRESSES:** All comments and reply comments concerning these proposals should be addressed 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) of the Federal Communications Commission, 1919 M St., NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Pollak, Senior Engineer, Common Carrier Bureau, (202) 632–7834 and Troy F. Tanner, Attorney, Common Carrier Bureau, (202) 632–7265.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking adopted on February 11, 1993. The full text of this Notice is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this Notice also may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

**Paperwork Reduction Act**

The following collection of information contained in this proposed rule has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h)). Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037. Persons wishing to comment on this collection of information should direct their comments to Jonas Neihardt, (202) 395–4814, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503. A copy of any comments filed with the Office of Management and Budget should also be sent to the following address at the Commission: Federal Communications Commission, Records Management Division, room 234, Paperwork Reduction Project, Washington, DC 20554. For further information contact Judy Boley, (202) 632–7513.

*Title:* Amendment of Section 25.131 of the Commission's Rules and Regulations to Eliminate the Licensing Requirement for Certain International Receive-Only Earth Stations.

*OMB Number:* None.

*Action:* Proposed New Collection.

*Respondents:* Business or other for profit, including small businesses.

*Frequency of Response:* On occasion.

*Estimated Annual Burden:* 200 responses; 2 hours per response; 400 hours total.

*Needs and Uses:* The Notice of Proposed Rulemaking solicits public comment to eliminate the licensing requirement for most international receive-only earth stations and to establish a voluntary registration program for international receive-only earth stations seeking interference protection, similar to that used for domestic receive-only earth stations. The information filed will be used to consider approval of the application.

**Regulatory Flexibility Act**

Pursuant to the Regulatory Flexibility Act of 1980, the FCC's initial analysis is as follows:

*Need and Purpose of this Notice:* This rulemaking proceeding is initiated to obtain comment regarding proposed elimination of the Commission's licensing requirement for most international receive-only earth stations. The Commission seeks to remove unnecessary regulations, and thereby stimulate growth in the international satellite market.

*Legal Basis:* The proposed action is authorized under sections 4 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154, 303(r), and section 201 of the Communications Satellite Act of 1962, 47 U.S.C. 721.

*Reporting, Recordkeeping and Other Compliance Requirements:* The proposed registration program is voluntary, and less burdensome than the current licensing procedures. Therefore, the new reporting or recordkeeping requirements of the proposed rules will not create additional burdens on the public.

*Federal Rules That Overlap, Duplicate or Conflict With These Rules:* None.

*Description, Potential Impact, and Number of Small Entities Involved:* The proposals discussed in this Notice primarily will reduce regulatory requirements on the small businesses and the public at large who utilize receive-only earth stations for their own use. The licensing requirement will remain the same for those earth station owners that plan on operationally connecting their earth stations with a domestic common carrier network and using it to exchange the carrier's common carrier traffic with the INTELSAT satellite system.

*Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With the Stated Objectives:* The Notice solicits comment on a variety of alternatives to achieve Commission objectives.

**Summary of Notice of Proposed Rulemaking**

The Notice of Proposed Rulemaking proposes to eliminate the licensing requirement for most international receive-only earth stations in the fixed-satellite service. This Notice is in response to a petition filed by Comsat to repeal the licensing requirement for receive-only earth stations operating with satellites of the INTELSAT system. This Notice also proposes to eliminate the licensing requirement for international receive-only earth stations operating with non-INTELSAT satellites.

The Commission already has removed the licensing requirement for domestic receive-only earth stations. Many of the same factors which prompted the Commission to eliminate the licensing requirements for domestic receive-only earth stations are now prevalent in the international satellite marketplace. For example, the introduction of new, high-powered international satellites, and the increasing competition among international satellite operators, means that U.S. consumers could soon have available to them a variety of affordable services such as international news and entertainment programming provided via their backyard receive-only satellite dish. However, the Commission believes it is unreasonable to expect potential U.S. customers of these services to undergo the burdensome process of individually licensing receive-only earth stations, especially if such licensing serves no legitimate purpose. Moreover, the administration of such a licensing program would place unnecessary strain on the Commission's already scarce resources. Therefore, modifying the Commission's licensing requirements should encourage new services, reduce customer cost, and free up Commission resources for other purposes.

The Commission believes deregulation of international receive-only earth stations would be consistent with U.S. law and treaty obligations. In the past, the Commission has declined to eliminate the licensing requirement for international receive-only earth stations because of concerns about U.S. obligations to INTELSAT. However, due to changes in the international satellite arena, as confirmed by the record generated by Comsat's petition, the Commission now believes there is no longer a basis for these concerns. In addition, the Commission tentatively concludes that neither the Satellite Act nor the Communications Act precludes deregulation, except in the few instances when receive-only earth stations are "satellite terminal stations," that is they are connected to a domestic common carrier network and used to provide U.S. common carrier services over the INTELSAT system. The Notice proposes that earth stations falling within this narrow category would still be required to obtain appropriate authorization.

Finally, to provide frequency protection to those international receive-only earth station operators who desire it, the Commission proposes to establish a streamlined registration

program, similar to that used for domestic receive-only earth stations. However, the Notice invites commenters to propose alternative methods of giving receive-only earth station owners interference protection.

**List of Subjects in 47 CFR Part 25**

Communications common carriers, Communications equipment, Satellites.

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

[FR Doc. 93–5583 Filed 3–10–93; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Parts 61, 64, and 69**

**[CC Docket Nos. 91–141 and 91–213; DA 93–227]**

## Expanded Interconnection With Local Telephone Company Facilities; Transport Rate Structure and Pricing

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of time.

**SUMMARY:** The Commission grants in part and denies in part (DA 93–227) a Motion for Modification of Schedule by the Competitive Telecommunications Association. The revised comment dates spread the burden of the comments and other pleadings in these dockets over a more manageable time frame, while ensuring that all of these proceedings move forward in a timely manner.

**DATES:** Reply comments on Transport Rate Structure and Pricing (CC Docket No. 91–213) are due on March 19, 1993. Comments on Expended Interconnection—Transport—Phase II (CC Docket No. 91–141) are due on April 2, 1993, and reply comments are due on April 30, 1993.

**ADDRESSES:** Parties should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition, parties should file two copies of any such pleadings with the Policy and Program Planning Division, Common Carrier Bureau, room 544, 1919 M Street, NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** David L. Sieradzki, Policy & Program Planning Division, Common Carrier Bureau, 202–632–1304.

**SUPPLEMENTARY INFORMATION:** These Proposed Rules originally appeared in the Federal Register at 57 FR 54205 (Nov. 17, 1992) (Transport Rate Structure and Pricing, 7 FCC Rcd 7006) and 57 FR 56888 (Dec. 1, 1992) (Expanded Interconnection With Local Telephone Company Facilities, 7 FCC Rcd 7740). The comment dates were modified in a Proposed Rule that appeared in the Federal Register at 57 FR 58767 (Dec. 11, 1992) (Expanded Interconnection with Local Telephone Company Facilities, 7 FCC Rcd 7936).

1. The Competitive Telecommunications Association (CompTel) has requested that the pleading cycles in the above-captioned proceedings be modified. CompTel requests an extension of the comment dates in the Transport Rate Structure and Pricing proceeding (reply comments are due on March 9, 1993) and in Phase II of the Expanded Interconnection proceeding (comments are due on March 3, 1993 and reply comments are due on April 2, 1993). Under CompTel's request, comments in Phase II of the Expended Interconnection proceeding would be due on March 24, 1993, and replies would be due on April 23, 1993; and reply comments in the Transport proceeding would be due on April 9, 1993.

2. In support of its request, CompTel states that both proceedings have been saturated with numerous, lengthy, and sometimes complex pleadings. CompTel notes that pleading cycles for comments on petitions for reconsideration did not close until this week, and that parties have filed various petitions for waivers resulting in additional pleading cycles. Beyond that, CompTel points out that numerous local exchange carriers filed collocation tariffs, petitions for exemption, and density zone pricing plans on February 16, 1993. CompTel requests that the Commission grant parties additional time to review and analyze the materials that have already been filed before preparing the further submissions currently scheduled for filing in early March. CompTel argues that a modest extension will ensure that the pleadings are more comprehensive and responsive on the issues in dispute. CompTel submits that the short extension requested should not delay the staff's development of recommendations or the Commission's decisionmaking timetable in either proceeding. WilTel, Inc., Sprint Communications Co., and MFS Communications Company, Inc. support CompTel's motion.

3. We do not routinely grant extensions of time. 47 CFR 1.46(a). We intended to ease the burden on the parties with our earlier modification of the pleading schedules in these proceedings. We did not, however, foresee the additional pleadings filed due to parties' petitions for waivers in the Expanded Interconnection proceeding, nor the relatively late schedules for comments on petitions for reconsideration in both proceedings. Accordingly, we conclude that CompTel has shown good cause for a limited extension of time. CompTel's proposed reply date for the Transport proceeding, however, would result in undue delay. Instead, we restructure the pleading cycle in a manner that ensures that both the Expanded Interconnection and Transport proceedings move forward in a timely manner.

4. We therefore adopt the following schedule:

March 19, 1993: Reply comments on Transport Rate Structure and Pricing (CC Docket No. 91–213)

April 2, 1993: Comments on Expanded Interconnection—Competitive Switched Access Networks (Phase II) (CC Docket No. 91–141)

April 30, 1993: Reply comments on Expanded Interconnection—Competitive Switched Access Networks (Phase II) (CC Docket No. 91–141)

5. *Accordingly, it is ordered,* That CompTel's Motion for Modification of Scheduled is granted to the extent provided herein, and otherwise is denied. This action is taken pursuant to sections 4(j) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. 154(j) and 155(c), and authority delegated thereunder pursuant to §§ 0.91 and 0.291 of the Commission's Rules, 47 CFR 0.91 and 0.291.

**List of Subjects in 47 CFR Parts 61, 64, and 69**

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

**James D. Schlichting,**

*Chief, Policy and Program Planning Division, Common Carrier Bureau.*

[FR Doc. 93–5608 Filed 3–10–93; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Part 73**

**[MM Docket No. 93–27, RM–8178]**

## Radio Broadcasting Services; Bentonville, AR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by JEM Broadcasting Company, Incorporated, seeking the allotment of Channel 239A to Bentonville, Arkansas, as that community's second local FM service. Coordinates for Channel 239A

at Bentonville are 36–20–09 and 94–13–36.

**DATES:** Comments must be filed on or before April 26, 1993, and replay comments on or before May 11, 1993.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: JEM Broadcasting, Company, Incorporated, 216 North Main Street, Bentonville, AR 72712.

**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. 93–27, adopted February 10, 1993, and released March 5, 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. 93–5507 Filed 3–10–93; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Part 73**

**[MM Docket No. 93–31, RM–8162]**

## Radio Broadcasting Services; Crescent North, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of William E. Stamps, Sr. and Patricia R. Stamps, d/b/a Let's Talk Radio, licensee of Station KPOD–FM, Channel 250C3, Crescent North, California, seeking the substitution of Channel 250C2 for Channel 250C3 and modification of its license accordingly to specify operation on the higher powered channel. Coordinates for this proposal are 41–48–25 and 124–10–16.

Petitoner's modification proposal complies with the provisions of § 1.420(g) of the Commission's Rules. Therefore, we will not accept competing expressions of interest in the use of Channel 250C2 at Crescent North, California, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before April 26, 1993, and reply comments on or before May 5, 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: Richard A. Helmick, Esq., Cohn and Marks, 1333 New Hampshire Ave., NW., suite 600, Washington, DC 20036.

**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. 93–31, adopted February 9, 1993, and released March 5, 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 73**

Radio broadcasting.

Federal Communications Commission.

**Michael C. Ruger,**

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

[FR Doc. 93–5508 Filed 3–10–93; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Part 73**

**[MM Docket No. 93–29, RM–8157]**

## Radio Broadcasting Services; Temple TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Progressive Communications, Inc., permittee of Channel 269A, Temple, Texas, proposing the substitution of Channel 269C3 for Channel 269A at Temple and modification of its authorization to specify operation on the higher powered channel. Channel 269C3 can be allotted to Temple in compliance with the Commission's minimum distance separation requirements with a site restriction of 20.1 kilometers (12.5 miles) northwest in order to avoid a short-spacing to vacant but applied for Channel 270A, Lometa, Texas. The coordinates for Channel 269C3 are 31–16–24 and 97–23–33. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest for use of Channel 269C3 at Temple or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

**DATES:** Comments must be filed on or before April 26, 1993, and reply comments on or before May 11, 1993.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: M. Anne Swanson, Esq., Koteen & Naftalin, 1150 Connecticut Avenue, NW., suite 1000, Washington, DC 20036 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pamela Blumenthal, Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–29, adopted February 9, 1993, and released March 5, 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 contractor, Downtown Copy Center, (202) 452–1422, 1990 M Street, NW., suite 640 Washington, DC 20036.

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. 93–5509 Filed 3–10–93; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Part 73**

**[MM Docket No. 93–30, RM–8171]**

## Radio Broadcasting Services; South Hill, VA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Old Belt Broadcasting Corporation, licensee of Station WSHV–FM, Channel 255A, South Hill, Virginia, proposing the substitution of Channel 255C3 for Channel 255A and modification of Old Belt's license to specify operation on the higher powered channel. Channel 255C3 can be allotted to South Hill in compliance with the Commission's minimum distance separation requirements with a site restriction of 8.6 kilometers (5.3 miles) north to accommodate Old Belt's desired site. The coordinates for Channel 255C3 are 36–48–11 and 78–08–45. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 255C3 at South Hill or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

**DATES:** Comments must be filed on or before April 26, 1993, and reply comments on or before May 11, 1993.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Earl R. Stanley, Esq., Wilkinson, Barker, Knauer & Quinn, 1735 New York Avenue, NW., Washington, DC 20006 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:**

Pamela Blumenthal, Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–30, adopted February 9, 1993, and released March 5, 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 contractor, ITS, 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. 93–5510 Filed 3–10–93; 8:45 am]

BILLING CODE 6712–01–M

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

**[Docket No. 93–17; Notice 1]**

**RIN 2127–AE77**

## Federal Motor Vehicle Safety Standards; Air Brake Systems; Air Applied, Mechanically Held Brake Systems

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** In response to concerns raised by International Transquip Industries (ITI) about Standard No. 121, *Air Brake Systems*, this notice proposes to amend that standard with respect to air-applied, mechanically held parking brakes. Specifically, this notice proposes to amend the requirements related to the application and holding of parking brake systems and the requirements related to the supply line pressure retention for trailer brakes. If adopted, these amendments would provide regulatory relief by removing unnecessary restrictions, without adversely affecting safety, thus facilitating the use of alternative brake systems.

**DATES:** *Comments.* Comments must be received on or before April 26, 1993.

*Proposed Effective Date.* The proposed amendments in this notice would become effective 30 days after publication of a final rule in the Federal Register.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–366–5274).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

It is NHTSA's policy to ensure that Federal motor vehicle safety standards are not unnecessarily design-restrictive. In light of this policy, the agency has conducted a number of rulemakings

related to Standard No. 121, *Air Brake Systems*, to ensure that the standard does not unnecessarily prevent the use of air-applied, mechanically held parking brake systems. See 44 FR 46850 August 9, 1979; 51 FR 10641, March 28, 1986; 56 FR 26927, June 12, 1991.

Last year, International Transquip Industries, Inc. (ITI), a manufacturer of an air-applied, mechanically held parking brake system, informed NHTSA that it believes two of Standard No. 121's current requirements are unnecessarily design restrictive or otherwise inappropriate for its brake system design. One of these requirements specifies that a vehicle must meet parking brake grade holding requirements on a 20 percent grade (or other equivalent requirements), with "any single leakage-type failure" of certain parts, including a failed diaphragm. (See S5.6). ITI argued that this requirement is unnecessarily restrictive with respect to its air-applied mechanically held single diaphragm brake system. That company argued that its brake system is designed so that the diaphragm will never experience a major failure, and that vehicles equipped with its brake system can be parked on a 20 percent grade in the presence of the types of diaphragm failures that typically occur.

The other requirement that ITI believes is inappropriate for its brake design is the supply line pressure requirement for trailers. (See S5.8.2.). According to ITI, this requirement, which addresses brake drag, is inappropriate for ITI's brake system which is designed so that its brakes are either fully applied or fully released.

As discussed below, after considering ITI's arguments, NHTSA has decided to propose certain changes to Standard No. 121. The agency has tentatively determined that these amendments would remove unnecessary restrictions, thus facilitating the use of air-applied, mechanically held parking brake systems. The agency believes that there would be no adverse effects as a result of these proposed changes.

## II. Grade Holding

Standard No. 121 currently requires an air-braked vehicle to have a parking brake system that enables it to meet certain grade holding requirements. Manufacturers have the option of complying with either a 20 percent grade holding test or an equivalent static drawbar pull test. The purpose of the parking brake requirement is to ensure that an air-braked vehicle has adequate parking brake performance on a grade.

The standard provides that the parking brake grade holding requirements must be met with any single leakage-type failure of certain parts, including service brake diaphragms. The purpose of this provision is to ensure that a driver can safely park his or her vehicle in the event of a leakage-type failure in the service brake system. The standard specifies "any" failure because leakage-type failures of many types and sizes can occur in vehicle brake systems. To ensure that a vehicle has adequate grade holding performance regardless of the specific nature or extent of a leakage-type failure, the agency intentionally did not limit the size or location of such failures.

Most brake systems are designed with two diaphragms, one for the service brake function and one for the parking brake function. Further, most brake systems incorporate a spring brake for parking. Air pressure holds the spring in the released position when a vehicle is being driven. Upon parking, the air pressure is vented, allowing the springs to apply the parking brakes. These brake systems can easily meet the parking brake holding requirements with a failure in the service brake diaphragm, because a failure in that diaphragm does not adversely affect parking brake performance.

In contrast, the ITI air-applied, mechanically held brake system has only one diaphragm which provides both the parking brake and service brake functions. A hole in that diaphragm can therefore affect both parking brake and service brake performance.

ITI contends that it is inappropriate to require vehicles to meet grade holding requirements with "any" failure in the common diaphragm of its brake system, because it contends that, during real-world use, a hole in its diaphragm will not get any larger than ⅛ inch. According to ITI, a vehicle equipped with its brake system would hold on a 20 percent grade and could never be driven with a failure larger than ⅛ inch. This is because, according to ITI, diaphragm failures begin as very small holes, develop very slowly, and its brakes will not release once the hole gets as large as ⅛ inch. Thus, once a hole gets that large and the driver parks the vehicle at the end of the day, it will not be possible to drive the vehicle without repairing the brakes.

Through its Vehicle Research and Test Center (VRTC), NHTSA evaluated the issues raised by ITI. As part of its evaluation, the agency conducted a number of tests of the ITI brake system. The evaluation report, which is entitled, Evaluation of Mini-Max Parking Forces with Chamber Diaphragm Failures, (December 17, 1992) has been placed in the docket for public review. In its testing of ITI's brake system, VRTC introduced a leakage-type failure in the air chamber containing the common diaphragm by removing a metal plug. VRTC then inserted a metering device to allow for progressively increasing levels of leakage representing those that would result from leakage type failures of a common diaphragm until reaching the minimum level of failure at which the parking brake could no longer be released.

In evaluating the issues raised by ITI, the agency first considered that company's contention that the current requirement is inappropriate for its system since a vehicle equipped with ITI brakes would not be driven with a failure in its diaphragm larger than 1/8 inch. Based on the procedure described above, agency evaluations confirmed that vehicles equipped with the ITI system would not likely experience major failures given that the vehicle could not be unparked in the presence of a relatively small failure. Accordingly, these vehicles would not be drivable with larger failures until the diaphragm was replaced. This assumes that diaphragm failures begin small and develop very slowly. The agency believes that this is a reasonable assumption, given the fabric-reinforced design of brake diaphragms.

Second, NHTSA considered whether it was possible to develop a test procedure that will identify the "worst case" diaphragm failure that might be experienced in the real world, for brake systems with common diaphragms that are designed to prevent major diaphragm failures by preventing release of the parking brakes in the presence of small diaphragm failures. To the extent that such a procedure could be developed, NHTSA believed that it would be appropriate to specify that vehicles equipped with such brake systems should be required to meet grade holding requirements at that condition, rather than being required to meet grade holding requirements for failure conditions beyond those that will occur in the real world.

Based on its research at VRTC, NHTSA has decided to propose a test procedure that it has tentatively concluded identifies the "worst case" diaphragm leakage-type failure that is likely to occur with these types of brake systems. A vehicle would be required to meet grade holding requirements with such a failure but not with larger failures.

Under the proposed procedure, the threshold level of diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing

that diaphragm) at which the vehicle's parking brakes become unreleasable is first determined. A measurement is then taken of the threshold maximum reservoir leakage rate associated with that level of failure. The threshold maximum reservoir leakage rate is the rate of reservoir air pressure decrease, for whichever of the vehicle's reservoirs whose pressure level is decreasing most rapidly, that results at that threshold level of leakage. In order to cover the possibility that a small diaphragm failure would grow larger between parking brake applications, a vehicle would be required to meet grade holding requirements with the level of diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing the diaphragm) that is associated with a maximum reservoir leakage rate that is three times the threshold maximum reservoir leakage rate.

The agency notes that in the VRTC testing, a leakage was introduced in the air chamber containing the common diaphragm, rather than a failure in the diaphragm itself, to facilitate the testing. By using a metering device, the agency was able to easily establish progressively larger leakages.

NHTSA believes that this amendment would facilitate the use of air-applied mechanically held parking brake systems. The agency believes that the proposal is necessary since some provisions in Standard No. 121 appear to be unnecessarily restrictive for air-applied, mechanically held brakes. The agency believes that the Standard should not unnecessarily prevent parking brake systems that are different than conventional spring brake systems. NHTSA has tentatively concluded that this proposal would provide regulatory relief by removing a restriction affecting the wide-spread use of non-spring brake systems, while continuing to ensure appropriate grade holding performance of air braked heavy vehicles.

The agency observes that its limited testing of the ITI brake system should not be misunderstood as a conclusion that the ITI system necessarily complies with Standard No. 121, including the amendment proposed in this notice. The agency notes that, as with any brake system, the vehicle manufacturer is required to certify that the vehicle complies with all applicable Standards.

## III. Supply Line Pressure Requirements for Trailers

Section S5.8.2 of Standard No. 121 currently requires that any single leakage type failure in the service brake system must not result in the pressure in the supply line falling below 70 p.s.i., measured at the forward trailer supply coupling. (See 56 FR 50666, October 8, 1991) The purpose of this provision is to prevent brake drag caused by the automatic application of trailer parking brakes while the minimum trailer supply line pressure is maintained.

In a June 5, 1992 letter to the agency, ITI argued that this provision relates to problems caused by brake drag, a situation that is not applicable to ITI's brake system, which, by design, can only be in the fully applied or fully released positions. Accordingly, ITI requested that the agency "exempt" its brake system from S5.8.2.

After considering ITI's arguments, NHTSA has tentatively concluded that it serves no safety purpose to apply this provision to non-towing trailers using air applied, mechanically held parking brakes that use a common diaphragm. The agency notes that these vehicles do not use spring brakes and thus are not subject to the safety problem (i.e., brake drag) that the requirement addresses. Accordingly, the agency is proposing to amend section S5.8.2 to clarify that this provision would not apply to non-towing trailers equipped with air-applied mechanically held parking brakes that use a common diaphragm.

NHTSA emphasizes that section S5.8.2 will continue to apply to towing trailers. The agency notes that it is possible to mix trailers with many types of systems in two and three trailer trains. Since the 70 psi requirements may be necessary for other vehicles in the train, NHTSA has determined that the provision should apply to towing trailers.

## IV. Leadtime

Section 103(c) of the Vehicle Safety Act requires that each order shall take effect no sooner than 180 days from the date the order is issued unless "good cause" is shown that an earlier effective date is in the public interest. NHTSA has tentatively concluded that there would be "good cause" not to provide the 180 day lead-in period given that this amendment would not impose any mandatory requirements on manufacturers. The public interest would also be served by not delaying the introduction of the proposed requirement. Based on the above, the agency has tentatively determined that there is good cause to propose an effective date 30 days after publication in the final rule.

This 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

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

NHTSA has analyzed this proposal and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. A full regulatory evaluation is not required because the rule, if adopted, would have no mandatory effects. Rather, the proposal would provide regulatory relief to facilitate the introduction of alternative brake systems. Therefore, the agency does not believe that this rulemaking would result in significant additional costs or cost savings.

*2. Regulatory Flexibility Act*

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendments would not have a significant economic impact on a substantial number of small entities. Vehicle and brake manufacturers typically would not qualify as small entities. This amendment would also affect small businesses, small organizations, and small governmental units to the extent that these entities purchase air-braked vehicles. As discussed above, the agency's assessment is that this amendment would have no significant cost impact to the industry. For these reasons, vehicle manufacturers, small businesses, small organizations, and small governmental units which purchase motor vehicles would not be significantly affected by the proposed requirements. Accordingly, no regulatory flexibility analysis has been prepared.

*3. Executive Order 12612 (Federalism)*

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that

the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

*4. National Environmental Policy Act*

Finally, the agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

**Public Comments**

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. 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, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency proposes to amend Standard No. 121, *Air Brake Systems*, in title 49 of the Code of Federal Regulations at part 571 as follows:

## PART 571—[AMENDED]

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.

2. In § 571.121, S4 would be amended by adding the following definition in alphabetical order.

**§ 571.121 Standard No. 121; Air brake systems.**

* * * * *

S4 * * *

*Common diaphragm* means a single brake chamber diaphragm which is a component of the parking, emergency, and service brake systems.

* * * * *

3. In § 571.121, S5.6 would be revised to read as follows:

**§ 571.121 Standard No. 121; Air brake systems.**

* * * * *

S5.6 *Parking brake system.*

(a) Except as provided in S5.6(b) and S5.6(c), each vehicle other than a trailer converter dolly shall have a parking brake system that under the conditions of S6.1 meets the requirements of:

(1) S5.6.1 or S5.6.2, at the manufacturer's option, and

(2) S5.6.3, S5.6.4, S5.6.5, and S5.6.6.

(b) At the option of the manufacturer, for vehicles equipped with brake systems which incorporate a common diaphragm, and which do not permit release of the parking brakes once the magnitude of a common diaphragm failure reaches a certain level, the performance requirements specified in S5.6(a) which must be met with any single leakage-type failure in a common diaphragm may instead be met with the level of common diaphragm leakage-type failure, or the equivalent level of leakage from the air chamber containing that diaphragm, determined under S5.6.7. The election of this option does not affect the performance requirements specified in S5.6(a) which apply with single leakage-type failures other than ones in a common diaphragm.

(c) At the option of the manufacturer, the trailer portion of any agricultural commodity trailer, heavy hauler trailer, or pulpwood trailer may meet the requirements of § 393.43 of this title instead of the requirements of S5.6(a).

4. In § 471.121, S5.6.3.5 would be deleted.

5. In § 571.121, S5.6 would be amended by adding a new section, S5.6.7, to read as follows:

**§ 571.121 Standard No. 121; Air Brake Systems.**

* * * * *

S5.6.7 *Maximum level of common diaphragm leakage-type failure/ Equivalent level of leakage from the air chamber containing that diaphragm.* In the case of vehicles for which the option in S5.6(b) has been elected, determine the maximum level of common diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing that diaphragm) according to the procedures set forth in S5.6.7.1 through S5.6.7.2.3.

S5.6.7.1 *Trucks and buses.*

S5.6.7.1.1 According to the following procedure, determine the threshold level of common diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing that diaphragm) at which the vehicle's parking brakes become unreleasable. With an initial reservoir system pressure of 100 psi, the engine turned off, no application of any of the vehicle's brakes, and, if the vehicle is designed to tow a vehicle equipped with air brakes, a 50 cubic inch test reservoir connected to the supply line coupling, introduce a leakage-type failure of the common diaphragm (or equivalent leakage from the air chamber containing that diaphragm). Apply the parking brakes by making an application actuation of the parking brake control. Reduce the pressures in all of the vehicle's reservoirs to zero, turn on the engine and allow it to idle, and allow the pressures in the vehicle's reservoirs to rise until they stabilize or until the compressor shut-off point is reached. At that time, make a release actuation of the parking brake control, and determine whether the parking brakes are released. Repeat this procedure with progressively decreasing or increasing levels (whichever is applicable) of leakage-type diaphragm failures or equivalent leakages, until the minimum level of common diaphragm leakage-type failures (or equivalent level of leakage from the air chamber containing that diaphragm) at which the vehicle's parking brakes become unreleasable is found.

S5.6.7.1.2 At the level of common diaphragm leakage-type failure (or equivalent level of leakage from the air

chamber containing that diaphragm) determined in S5.6.7.1.1, with an initial reservoir system pressure of 100 psi, the engine turned off, no application of any of the vehicle's brakes and, if the vehicle is designed to tow a vehicle equipped with air brakes, a 50 cubic inch test reservoir connected to the supply line coupling, make an application actuation of the parking brake control. Determine the threshold maximum reservoir leakage rate (in psi per minute), which is the maximum rate of decrease in air pressure of any of the vehicle's reservoirs that results after that parking brake application.

S5.6.7.1.3 Beginning with the threshold level of common diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing that diaphragm) determined in S5.6.7.1.1, and using the procedure set forth in S5.6.7.1.2, progressively increase (or if necessary, decrease) the level of leakage-type failure or equivalent leakage until the maximum reservoir leakage rate is three times the threshold maximum reservoir leakage rate determined in S5.6.7.1.2. The level of common diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing that diaphragm) associated with this reservoir leakage rate is the maximum level that is to be used under the option set forth in S5.6(b).

S5.6.7.2 *Trailers.*

S5.6.7.2.1 According to the following procedure, determine the threshold level of common diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing that diaphragm) at which the vehicle's parking brakes become unreleasable. With an initial reservoir system and supply line pressure of 100 psi, no application of any of the vehicle's brakes, and, if the vehicle is designed to tow a vehicle equipped with air brakes, a 50 cubic inch test reservoir connected to the supply line coupling, introduce a leakage-type failure of the common diaphragm (or equivalent leakage from the air chamber containing that diaphragm). Make a parking brake application by venting the front supply line coupling to the atmosphere, and reduce the pressures in all of the vehicle's reservoirs to zero. Pressurize the supply line by connecting the trailer's front supply line coupling to the supply line portion of the trailer test rig (Figure 1) with the regulator of the trailer test rig set at 100 psi, and determine whether the parking brakes are released. Repeat this procedure with progressively decreasing or increasing levels (whichever is applicable) of leakage-type diaphragm failures or equivalent leakages, until the minimum level of common diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing that diaphragm) at which the vehicle's parking brakes become unreleasable is found.

S5.6.7.2.2 At the level of common diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing that diaphragm) determined in S5.6.7.2.1, with an initial reservoir system and supply line pressure of 100 psi, no application of any of the vehicle's brakes and, if the vehicle is designed to tow a vehicle equipped with air brakes, a 50 cubic inch test reservoir connected to the supply line coupling, make a parking brake application by venting the front supply line coupling to the atmosphere. Determine the threshold maximum reservoir leakage rate (in psi per minute), which is the maximum rate of decrease in air pressure of any of the vehicle's reservoirs that results after that parking brake application.

S5.6.7.2.3 Beginning with the threshold level of common diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing that diaphragm) determined in S5.6.7.2.1, and using the procedure set forth in S5.6.7.2.2, progressively increase (or if necessary, decrease) the level of leakage-type failure or equivalent leakage until the maximum reservoir leakage rate is three times the threshold maximum reservoir leakage rate determined in S5.6.7.2.2. The level of common diaphragm leakage-type failure (or equivalent level of leakage from the air chamber containing that diaphragm) associated with this reservoir leakage rate is the maximum level that is to be used under the option set forth in S5.6(b).

* * * * *

6. In § 571.121, S5.8.2 would be revised to read as follows:

**§ 571.121 Standard No. 121, Air brake systems.**

S5.8.2 *Supply Line Pressure Retention.* Any single leakage type failure in the service brake system (except for a failure of the supply line, a valve directly connected to the supply line or a component of a brake chamber housing) shall not result in the pressure in the supply line falling below 70 p.s.i., measured at the forward trailer supply coupling. A trailer shall meet the above supply line pressure retention requirement with its brake system connected to the trailer test rig shown in Figure 1, with the reservoirs of the trailer and test rig initially pressurized to 100 p.s.i. and the regulator of the trailer test rig set at 100 p.s.i.; except that a trailer equipped with an air-applied, mechanically-held parking brake system and not designed to tow a vehicle equipped with air brakes, at the manufacturer's option, may meet the requirements of S5.8.4 rather than those of S5.8.2 and S5.8.3.

* * * * *

7. In § 71.121, S5.8.4 would be added to read as follows:

**§ 571.121 Standard No. 121; Air brake systems.**

* * * * *

S5.8.4 *Automatic Application of Air-Applied, Mechanically Held Paring Brakes.* With its brake system connected to the supply line portion of the trailer test rig (Figure 1) and the regulator of the trailer test rig set at 100 psi, and with any single leakage type failure in the service brake system (except for a failure of the supply line, a valve directly connected to the supply line or a component of a brake chamber, but including failure of any common diaphragm), the parking brakes shall not provide any brake retardation as a result of complete or partial automatic application of the parking brakes.

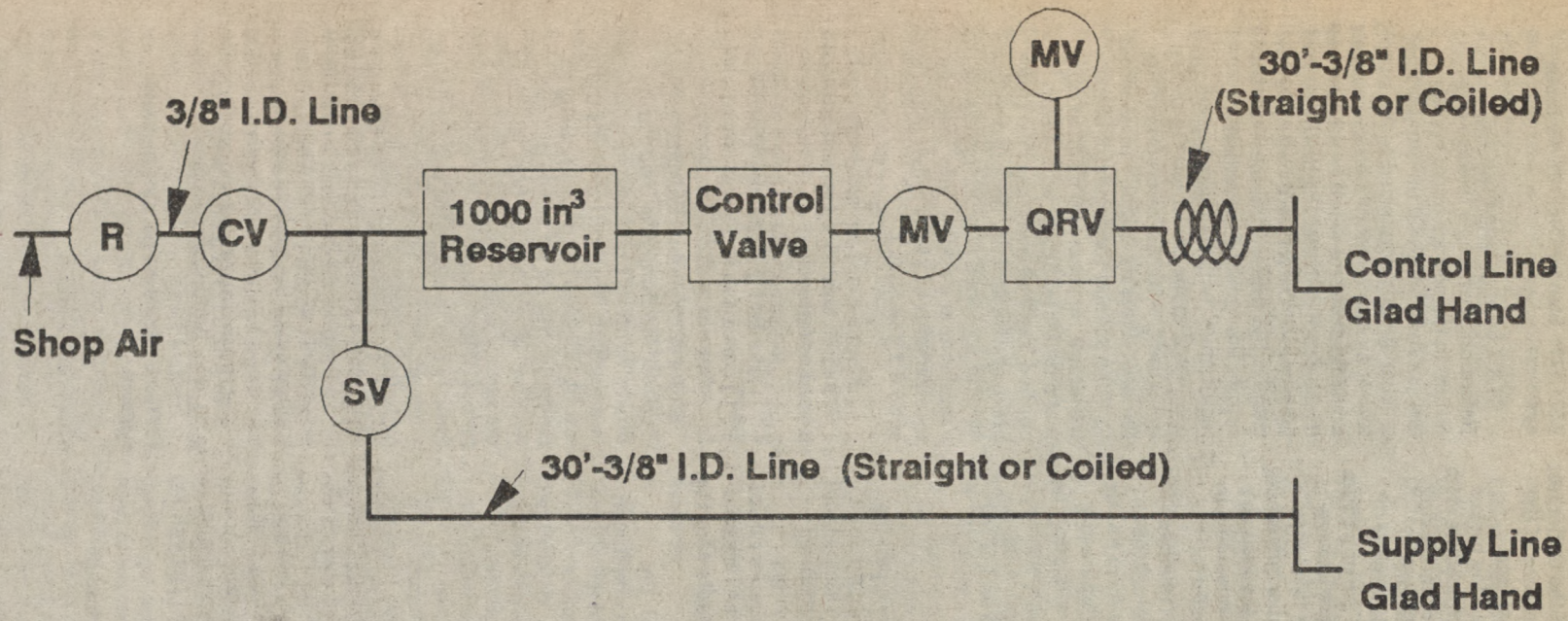
* * * * *

8. In § 571.121, Figure 1 would be revised to appear as follows:

**§ 571.121 Standard No. 121; Air brake systems.**

* * * * *

BILLING CODE 4910-59-M




SV - Shut-off Valve

R - Regulator (set at 100 psi for service brake actuation tests;
95 psi for service brake release tests;
100 psi for parking brake tests in S5.6.3.3, S5.6.3.4, S5.6.5.4, S5.6.6.5, and S5.6.7.2.1, for the supply line pressure renterntion test in S5.8.2; and for the automatic application of air applied, mechanically-held parking brakes test in S5.8.3; and any pressure above 70 psi for parking brake test in S5.6.5.3.)

CV - Check Valve

MV - Metering Valve (Variable or Fixed)

QRV - Quick Release Valve

**Figure 1. Trailer Test Rig.**

BILLING CODE 4910–59–C

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Issued on: March 5, 1993.

**Barry Felrice,**

*Associate Administrator for Rulemaking.*

[FR Doc. 93–5500 Filed 3–10–93; 8:45 am]

BILLING CODE 4910–59–M

# Notices

Federal Register
Vol. 58, No. 46
Thursday, March 11, 1993

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

## DEPARTMENT OF AGRICULTURE

### Forms Under Review by Office of Management and Budget

March 5, 1993.

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

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

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

**Reinstatement**

- *Economic Research Service*

Cost of Producing Sugarcane and Processing Sugarcane and Sugarbeets for the 1991 Crop
4 to 6 years
Farms, Businesses or other for-profit; 59 responses; 83 hours Fred L. Hoff, (202) 219–0883

**New Collection**

- *Agricultural Stabilization and Conservation Service*

7 CFR parts 792 and 1403, Debt Settlement Policies and Procedures
CCC–279
On occasion
Individuals or households; farms; small businesses or organizations; 900 responses; 200 hours
Paula Roney (7 CFR 792); Annette Race (7 CFR 1403), (703) 305–1424

**Donald E. Hulcher,**

*Deputy Department Clearance Officer.*

[FR Doc. 93–5616 Filed 3–10–93; 8:45 am]

BILLING CODE 3410–01–M

### Agricultural Stabilization and Conservation Service

### List of Warehouses and Availability of List of Cancellations and/or Terminations

**AGENCY:** Agricultural Stabilization and Conservation Service, USDA.

**ACTION:** Notice of publication of list of warehouses licensed under the U.S. Warehouse Act and availability of list of cancellations and/or terminations occurring during calendar year 1992.

**SUMMARY:** Notice is hereby given that the Agricultural Stabilization and Conservation Service has published a list of warehouses licensed under the U.S. Warehouse Act (7 U.S.C. 241 *et seq.*) as of December 31, 1992, as required by section 26 of that Act (7 U.S.C. 266). Also available is a list of cancellations and/or terminations that occurred during calendar year 1992. A copy of the list of warehouses as of December 31, 1992, will be distributed to all licensed warehousemen. Other interested parties may obtain a copy of either list from the person listed below.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Judy Fry, Agricultural Stabilization and Conservation Service, Licensing Authority Division, U.S. Department of Agriculture, P.O. Box 2415, room 5962, South Agriculture Bldg., Washington, DC 20013–2415, telephone: 202–720–3822.

Signed at Washington, DC, March 3, 1993.

**Bruce R. Weber,**

*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc. 93–5411 Filed 3–10–93; 8:45 am]

BILLING CODE 3410–05–M

### Commodity Credit Corporation

### Feed Grain Donations; Colville Indian Reservation of Washington

**AGENCY:** Agricultural Stabilization and Conservation Service, and Commodity Credit Corporation, USDA.

**ACTION:** Notice.

**SUMMARY:** The Executive Vice-President, Commodity Credit Corporation (CCC) and the Administrator, Agricultural Stabilization and Conservation Service, is announcing that the reservation and grazing land of the Colville Indian Reservation of Washington is an acute distress area and that CCC-owned feed grain will be donated to needy livestock owners on the reservation.

**FOR FURTHER INFORMATION CONTACT:** Margie L. Hartman, Livestock Programs Branch, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Washington, DC 20013–2415, 202–720–6235.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), Executive Order 11336, and the delegation of authority in 7 CFR 2.65(a)(21), notice is being given that I have determined that:

1. The chronic economic distress of the needy members of the Colville Tribes (the Tribes) of the Colville Indian Reservation of Washington has been materially increased and become acute because of severe and prolonged drought and late spring freeze, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Tribes for grazing purposes.

2. The use of feed grain or products thereof made available by CCC for livestock feed for such needy members of the Tribes will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing land of the Tribes to be an acute distress area and authorize the donation of feed grain owned by the CCC to livestock owners who are determined by the Bureau of Indian Affairs, United States Department of the Interior, to be needy members of the Tribes utilizing such lands. These donations by the CCC may commence upon February 16, 1993, and shall be made available through

April 30, 1993, or such other date as may be stated in a notice issued by the Administrator, Agricultural Stabilization and Conservation Service.

Signed at Washington, DC on March 3, 1993.

**Thomas A. Von Garlem,**

*Acting Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 93–5368 Filed 3–10–93; 8:45 am]

BILLING CODE 3410–05–M

## Feed Grain Donations; Spokane Indian Reservation of Washington

**AGENCY:** Agricultural Stabilization and Conservation Service, and Commodity Credit Corporation, USDA.

**ACTION:** Notice.

**SUMMARY:** The Executive Vice-President, Commodity Credit Corporation (CCC) and the Administrator, Agricultural Stabilization and Conservation Service, is announcing that the reservation and grazing land of the Spokane Indian Reservation of Washington is an acute distress area and that CCC-owned feed grain will be donated to needy livestock owners on the reservation.

**FOR FURTHER INFORMATION CONTACT:** Margie L. Hartman, Livestock Programs Branch, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Washington, DC 20013–2415, 202–720–6235.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), Executive Order 11336, and the delegation of authority in 7 CFR 2.65(a)(21), notice is being given that I have determined that:

1. The chronic economic distress of the needy members of the Spokane Tribe of the Spokane Indian Reservation of Washington has been materially increased and become acute because of severe and prolonged drought, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Tribe for grazing purposes.

2. The use of feed grain or products thereof made available by CCC for livestock feed for such needy members of the Tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing land of the Tribe to be an acute distress area and authorize the donation of feed grain owned by the CCC to livestock owners who are determined by the Bureau of Indian Affairs, United States Department of the Interior, to be needy members of the Tribes utilizing such lands. These donations by the CCC may commence upon February 16, 1993, and shall be made available through April 30, 1993, or such other date as may be stated in a notice issued by the Administrator, Agricultural Stabilization and Conservation Service.

Signed at Washington, DC on March 1, 1993.

**Bruce R. Weber,**

*Acting Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 93–5369 Filed 3–10–93; 8:45 am]

BILLING CODE 3410–05–M

## Forest Service

## Exempt Decision for Green Olive Salvage From Appeal, Umatilla National Forest, OR

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice to exempt decisions from administrative appeal.

**SUMMARY:** This is a notification that the decision to implement the Green Olive Salvage Project, located on the North Fork John Day Ranger District, Umatilla National Forest, is exempted from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published in the **Federal Register** on January 23, 1989 (54 FR 3342).

**EFFECTIVE DATE:** March 11, 1993.

**FOR FURTHER INFORMATION CONTACT:** Craig Smith-Dixon, District Ranger, North Fork John Day Ranger District, P.O. Box 158, Ukiah, Oregon 97880, phone (503) 427–3231.

**SUPPLEMENTARY INFORMATION:** In 1986 a large wildfire burned approximately 3,200 acres in the Green Olive Planning Area. In 1989 the Rusty Salvage Timber Sale harvested approximately 550 acres of fire-damaged trees. In March of 1993, the District will advertise for sale an additional 107 acres of fire-damaged trees as part of the Black Olive Salvage Timber Sale. The Green Olive Salvage is the third salvage project located in the same general area. All are a result of the same catastrophic fire event.

In the Summer of 1991, a District interdisciplinary team (IDT) surveyed much of the remaining burn to assess what could be salvaged and the effects on wildlife, riparian, and in-stream habitat. The IDT identified the need to salvage dead trees while they were still merchantable. The IDT also identified the desirability to complete the salvage quickly so that establishment of new forest stands could take place promptly.

The analysis of the proposed action for the Green Olive area began in early 1992. Scoping included individuals, groups, State and other Federal agencies, and the Confederated Tribes of the Umatilla Indian Reservation.

The proposed action will salvage harvest 700,000 board feet on approximately 80 acres. Only dead trees will be harvested. No road construction or reconstruction will be required. The harvest method would be ground based. Reforestation, with seral species, will occur where post harvest surveys indicate that natural regeneration will not be adequate. All main skid trails and landings will be sub-soiled to relieve soil compaction and grass seeded to minimize sedimentation.

This salvage fits within a category of action that may be categorically excluded from documentation in an environmental impact statement or an environmental assessment (Forest Service Handbook 1909.15, section 31.2).

Biological evaluations have been completed for all plant, wildlife, and fish Proposed, Endangered, Threatened and Sensitive (PETS) species within the project area. There will be no effect on any PETS species or their critical habitat. Cultural resource surveys indicate that this project will have no effect on native American religious sites, archaeological sites, or historic properties or areas.

The Green Olive Salvage and accompanying work are designed to accomplish the objectives as quickly as possible and minimize the amount of salvage volume lost and resource damage. To expedite this salvage, this project is exempted from appeal (36 CFR part 217). Under this Regulation, the following are exempt from appeal:

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

After publication of this notice in the **Federal Register**, the Decision Memo for the Green Olive Salvage may be signed by the North Fork John Day District Ranger. Therefore, this project will not be subject to review under 36 CFR part 217.

Dated: March 3, 1993.

**Robert T. Jacobs,**

*Acting Regional Forester.*

[FR Doc. 93–5585 Filed 3–10–93; 8:45 am]

BILLING CODE 3410–11–M

## Exempt Decisions for Beardown and Bearchips Salvage Timber Sales From Appeal, Willamette National Forest, OR

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice to exempt decisions from administrative appeal.

**SUMMARY:** This is a notification that the decisions to implement the Beardown and Bearchips Salvage Timber Sales on the Willamette National Forest are exempted from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published in the Federal Register on January 23, 1989, (54 FR 3342).

**EFFECTIVE DATE:** March 11, 1993.

**FOR FURTHER INFORMATION CONTACT:** Herbert Wick, District Ranger, Rigdon Ranger District, 49098 Salmon Creek Road, Oakridge, Oregon 97463, phone (503) 782–2283.

**SUPPLEMENTARY INFORMATION:** In 1990, an intense, localized windstorm caused extensive wind-throw in this area. This area is now unsuitable as habitat for the Northern Spotted Owl and therefore not under injunction. Exemption from appeal of Beardown Salvage is needed to facilitate the rapid removal of the wood to reduce the deterioration of timber value. These trees have been on the ground for three years and include high elevation true firs that decay faster than lower elevation Douglas-fir. Rapid removal of this material would reduce further commercial loss of wood products. Included in the Beardown Salvage analysis is about twenty log truck loads of old firewood and right-a-way piles. This material will be sold separately from the wind-thrown trees as Bearchips Salvage Timber Sale.

The interdisciplinary team (IDT) began the analysis of impacts of these projects in October of 1992. A public scoping meeting occurred in November of 1992. As a result, the following concerns were identified: Salvage of dead, down, root-sprung trees on 24.5 acres; reforestation on 24.5 acres; and removal of twenty-five piles of woody material suitable for chips (old firewood piles).

Volume estimate for these sales are 800,000 board feet for the wind-thrown trees, and about twenty truck loads of woody material from old firewood piles (chips). These activities will be analyzed together but sold separately as Beardown Salvage and Bearchips Salvage.

The wind-thrown trees in Beardown Salvage have been on the ground since 1990. Although some value loss has already occurred, the material is still merchantable as sawlogs. If prompt action is not taken to remove this material now, it may deteriorate to the point past using it as sawlogs. The Bearchip Salvage portion is being sold as material that can not be used as sawlogs. The amount of decay in this material limits the options for its use. If prompt action does not occur this material may deteriorate beyond the ability to use it for wood chips.

Beardown and Bearchip Salvage Timber Sales are designed to facilitate the rapid sale of material to reduce further commercial value loss of the wood products (sawlogs and wood chips). To expedite these two salvage projects, they have been exempted from appeal (36 CFR part 217). Under this Regulation, the following are exempt from appeal:

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

After publication of this notice in the **Federal Register**, the Decision Memo for the Beardown Salvage Timber Sale and Bearchips Salvage Timber Sale may be signed by the Rigdon District Ranger. Therefore, this project will not be subject to review under 36 CFR part 217.

Dated: March 3, 1993.

**Robert T. Jacobs,**

*Acting Regional Forester.*

[FR Doc. 93–5586 Filed 3–10–93; 8:45 am]

BILLING CODE 3410–11–M

## Exempt Decision for Underdog Timber Sale Modification From Appeal, Ochoco National Forest, OR

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice to exempt decision from administrative appeal.

**SUMMARY:** This is a notification that the decision to implement the Underdog Timber Sale Modification on the Prineville Ranger District of the Ochoco National Forest is exempted from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published in the Federal Register on January 23, 1989 (54 FR 3342).

**EFFECTIVE DATE:** March 11, 1993.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Schmidt, Forest Supervisor, Ochoco National Forest, P.O. Box 690, Prineville, Oregon 97754, phone (503) 447–6247.

**SUPPLEMENTARY INFORMATION:** During the last decade, the defoliation and mortality caused by the western spruce budworm on the Douglas-fir and white fir stands of the Ochoco National Forest have become epidemic and forest wide. One of the hardest hit areas is in and around the Underdog Timber Sale on the Prineville Ranger District. In some stands the mortality was nearly total. No stand with white fir was left unaffected.

The outbreak of the western spruce budworm occurred in 1982 and lasted until 1987. Although the infestation was widespread, there was little if any mortality. Later, between the years 1987 to 1989, the infestation subsided and new needle growth signaled an end to the attack. However, in 1990 a resurgence of the infestation was even more widespread and resulted in the mortality indicated above.

During the time the infestation was subsiding, in 1989, Underdog Timber Sale was marked and prepared for sale. With the idea that the situation was returning to normal, the emphasis of the sale was a more traditional type of preparation, a green sale with pine volume. The following year the sale was sold. In 1991, road construction was completed. No further activities continued.

Early in 1991, the Prineville Ranger District, with the agreement of the purchaser, suspended logging activities after defining the situation as catastrophic. In November of 1991, an interdisciplinary team (IDT) was formed to assess the current damage caused by the infestation in relation to activities planned in the Underdog Timber Sale. The IDT identified the need to modify the current sale to salvage the dead and dying timber in the shortest time possible. Timber value was, and still is, being lost due to the effects of time and natural activities such as damage from other insects and diseases, weather, and checking. Salvaging will reduce the loss of timber value and reduce the susceptibility of further attacks within the framework of a Forest Health strategy.

The proposed change in harvest strategy amounted to the withdrawal of the majority of larger and economically more favorable ponderosa pine from the sale volume. Replacing the pine, except those pine at risk of dying in five years, would be the dead and dying fir of less size and value.

The proposed action, offered by the Prineville Ranger District, would

harvest dead, dying, and at risk timber. An Underdog Timber Sale Modification environmental analysis was begun in November of 1991. The IDT began scoping in November of 1991 by meeting with the Underdog Timber Sale purchaser, DAW Forest Products Company of Bend, Oregon, and the public at large.

After meetings, press releases, and contacts with individuals and State and Federal agencies, the following three major issues were identified:

1. Providing revenue to the Federal and county treasuries.

2. Appraising an alternative that indicated a negative value, a deficit sale.

3. Loss of employment provided from the harvest of timber.

The IDT developed four alternatives to analyze, including the No-Action Alternative. The effects of these alternatives are disclosed in the Cougar Butte environmental assessment which was prepared for the proposal. The Pine Alternative would harvest about 989 acres of area of the most infestation concern and harvest about 9.0 million board feet (mmbf), 5.0 mmbf of Douglas-fir and white fir and 4.0 mmbf of salvageable ponderosa pine. Approximately .75 mile of roads would be constructed. This alternative is the most effective in regard to the purpose and need and the issues.

The Underdog Timber Sale Modification and accompanying work is designed to accomplish the Forest Health objectives as quickly as possible and minimize the amount of salvage volume lost. To expedite this timber sale, this project is exempted from appeal (36 CFR part 217). Under this Regulation, the following are exempt from appeal:

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

Upon publication of this notice in the **Federal Register**, the Cougar Butte Decision Notice may be signed by the Forest Supervisor. Therefore, the Underdog Timber Sale Modification within the Cougar Butte Decision Notice will not be subject to review under 36 CFR part 217.

Dated: March 4, 1993.

**Robert T. Jacobs,**

*Acting Regional Forester.*

[FR Doc. 93–5584 Filed 3–10–93; 8:45 am]

BILLING CODE 3410–11–M

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Export Trade Certificate of Review

**ACTION:** Notice of issuance of an Export Trade Certificate of Review, Application No. 92–00013.

**SUMMARY:** The Department of Commerce has issued an Export Trade Certificate of Review to the General Aviation Manufacturers Association, Inc. ("GAMA"). This notice summarizes the conduct for which certification has been granted.

**FOR FURTHER INFORMATION CONTACT:** George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (1992) (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register.** Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

**Description of Certified Conduct**

*Export Trade*

*Export Trade Facilitation Services*

Export trade promotion and facilitation activities including: consulting, coordination and negotiation of the terms and conditions of participation in air shows, trade shows, expositions, exhibitions, conferences, or similar events conducted in the Export Markets.

*Export Markets*

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

*Members (in Addition to Applicant)*

Advanced Industries, Inc., Wichita, KS; Aircraft Technical Publishers, Brisbane, CA; Aire-Sciences, Inc., Fairfield, NJ; Airtechnics, Inc., Wichita, KS; Bendix-King General Aviation Avionics, Olathe, KS (listed as Allied-Signal General Aviation Avionics, Olathe, KS, in the Notice of Application published in the **Federal Register** on December 18, 1992 (57 FR 60171)); Garrett General Aviation Services, Phoenix, AZ; Allison Gas Turbine Division, Indianapolis, IN; American General Aircraft Corp., Greenville, MS; Ametek, Inc. US Gauge Div., Sellersville, PA; Aviation Simulation Technology, Inc., Bedford, MA; B & D Instruments and Avionics, Inc., Valley Center, KS; Beech Aircraft Corporation, Wichita, KS; BFGoodrich Aerospace, Akron, OH; Century Flight Systems, Inc., Mineral Wells, TX; Cessna Aircraft Company, Wichita, KS; Collins Commercial Avionics, Cedar Rapids, IA; Hydro-Aire Division, Burbank, CA; The Dee Howard Company, San Antonio, TX; Dukes, Inc., Northridge, CA; Elano Corporation, Dayton, OH; ERDA, Inc., Peshtigo, WI; Fairchild Aircraft Incorporated, San Antonio, TX; FlightSafety International, Inc., New York, NY; Global-Wulfsberg Systems, Irvine, CA; Gulfstream Aerospace Corp, Savannah, GA; Hartzell Propeller, Inc., Piqua, OH; Honeywell, Inc., Phoenix, AZ; Jeppesen, Inc., Englewood, CO (listed as Jeppesen Sanderson, Inc., Englewood, CO., in the Notice of Application published in the **Federal Register** on December 18, 1992 (57 FR 60171)); Learjet, Inc., Wichita, KS; Lucas Aerospace Power Equip. Company, Aurora, OH; Marathon Power Technologies, Waco, TX; Mooney Aircraft Corp., Kerrville, TX; Parker Bertea Aerospace Group, Irvine, CA; Piper Aircraft Corp., Vero Beach, FL; Precision Airmotive Corporation, Everett, WA; Sabreliner Corporation, Chesterfield, MO; SimuFlite Training International, Dallas/Fort Worth, TX; Teledyne Continental Motors, Mobile, AL; Textron Lycoming Turbine Engine Div., Stratford, CT; Textron Lycoming Reciprocating Engine Div., Williamsport, PA; Unison Industries, Inc., Jacksonville, FL; United Technologies Corporation, Longueuil, Quebec, Canada; Universal Navigation Corporation, Tucson, AZ; Whittaker Controls, Inc., North Hollywood, CA; Williams International, Walled Lake, MI; and Woodward Governor Company, Rockford, IL.

*Export Trade Activities and Methods of Operation*

1. GAMA and/or one or more of its Members may:

a. Agree on which air shows, trade shows, expositions, exhibitions, conferences, or similar events conducted in the Export Markets to attend, duration of attendance, level of participation, and size or content of displays;

b. Agree to refuse to attend any specific air shows, trade shows, expositions, exhibitions, conferences, or similar events conducted in the Export Markets;

c. Jointly negotiate with sponsors or hosts of air shows, trade shows, expositions, exhibitions, conferences, or similar events conducted in the Export Markets on frequency, duration, costs, and all other terms and conditions of participation in such events;

d. Jointly negotiate with providers of transportation services, intermodal shipments, insurance, or documentation for airframes, engines, and other equipment used at air shows, trade shows, expositions, exhibitions, conferences, or similar events conducted in the Export Markets;

e. Jointly negotiate with providers of ancillary services, such as hotels, local transportation companies, and caterers, in connection with participation in air shows, trade shows, expositions, exhibitions, conferences, or similar events conducted in the Export Markets; and

f. Exchange and discuss information only about the conduct identified in subparagraphs (a)—(e) above.

2. GAMA and one or more of its Members may refuse to provide the export trade promotion and facilitation services identified in paragraph one under Export Trade Activities and Methods of Operation above to companies who are not members of GAMA.

*Definitions*

1. "Non-Member" means any person other than GAMA and the Members listed in this Certificate.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: March 5, 1993.

**George Muller,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 93-5673 Filed 3-10-93; 8:45 am]

BILLING CODE 3510-DR-M

[A-570-819]

## Antidumping Duty Order: Ferrosilicon From the People's Republic of China

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

**EFFECTIVE DATE:** March 11, 1993.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Hardin, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230: (202) 482-0371.

### Scope of Order

The merchandise subject to this antidumping duty order is ferrosilicon, a ferroalloy generally containing, by weight, not less than four percent iron, more than eight 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 phosphorous, less than 2.75 percent magnesium, and not more than 10 percent calcium or any other element.

Ferrosilicon is a ferroalloy produced by combining silicon and iron through smelting in a submerged-arc furnace. Ferrosilicon is used primarily as an alloying agent in the production of steel and cast iron. It is also used in the steel industry as a deoxidizer and a reducing agent, and by cast iron producers as an inoculant.

Ferrosilicon is differentiated by size and by grade. The sizes express the maximum and minimum dimensions of the lumps of ferrosilicon found in a given shipment. Ferrosilicon grades are defined by the percentages by weight of contained silicon and other minor elements. Ferrosilicon is most commonly sold to the iron and steel industries in standard grades of 75 percent and 50 percent ferrosilicon.

Calcium silicon, ferrocalcium silicon, and magnesium ferrosilicon are specifically excluded from the scope of this investigation. Calcium silicon is an alloy containing, by weight, not more than five percent iron, 60 to 65 percent silicon and 28 to 32 percent calcium. Ferrocalcium silicon is a ferroalloy containing, by weight, not less than four percent iron, 60 to 65 percent silicon, and more than 10 percent calcium. Magnesium ferrosilicon is a ferroalloy containing, by weight, not less than four percent iron, not more then 55 percent silicon, and not less than 2.75 percent magnesium.

Ferrosilicon is classifiable under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050. The HTSUS subheadings are provided for convenience and customs purposes. Our written description of the scope of this investigation is dispositive.

### Antidumping Duty Order

In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on January 12, 1993, the Department of Commerce (Department) made its final determination that ferrosilicon from the People's Republic of China (PRC) is being sold at less than fair value (58 FR 5356 January 21, 1993). On March 4, 1993, in accordance with section 735(d) of the Act, the U.S. International Trade Commission notified the Department that such imports materially injure a U.S. industry.

### Suspension of Liquidation

Therefore, in accordance with section 736 of the Act, the Department will direct U.S. Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of ferrosilicon from the PRC. These antidumping duties will be assessed on all unliquidated entries of ferrosilicon from the PRC entered, or withdrawn from warehouse, for consumption on or after January 21, 1993, the date on which the Department published its preliminary determination notice in the Federal Register (58 FR 5356). On or after the date of publication of this notice in the Federal Register, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposit for the subject merchandise.

| Manufacturer/producer/exporter | Margin percentage |
|---|---|
| All manufacturers/producers/exporters | 137.73 |

This notice constitutes the antidumping duty order with respect to ferrosilicon from the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: March 4, 1993.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 93-5529 Filed 3-10-93; 8:45 am]

BILLING CODE 3510-DS-M

## Kansas State University et al.; Consolidated 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:* 92-156. *Applicant:* Kansas State University, Manhattan, KS 66506-2604. *Instrument:* Electron Cyclotron Resonance Ion Source. *Manufacturer:* Institut für Kernphysik, Germany. *Intended Use:* See notice at 57 FR 54972, November 23, 1992. *Reasons:* The foreign instrument provides a 5.0 GHz ion source with beam currents of 200, 100 and 60 μA, respectively, for Ar, Ne and C. *Advice Received From:* Oak Ridge National Laboratory, December 23, 1992.

*Docket Number:* 92-039R. *Applicant:* University of Pittsburgh, Pittsburgh, PA 15238. *Instrument:* Mass Spectrometer, Model API I. *Manufacturer:* Perkin-Elmer Sciex Instruments, Canada. *Intended Use:* See notice at 57 FR 21394, May 20, 1992. *Reasons:* The foreign instrument provides liquid sample flow rates of 0.2 to 2.0 ml/minute for compatibility with HPLC and proper polarity, current and temperature of the ion spray. *Advice Received From:* National Institutes of Health, November 19, 1992.

*Docket Number:* 92-102. *Applicant:* U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Galveston, TX 77551-5997. *Instrument:* (3) Electronic Digital Fish Measuring Boards, Model FMB IV. *Manufacturer:* Limnoterra Atlantic, Inc., Canada. *Intended Use:* See notice at 57 FR 39394, August 31, 1992. *Reasons:* The foreign instrument provides in situ, digitized logging of fish dimensions with simultaneous entry of ancillary data which can be down-loaded to a PC on return from the field. *Advice Received From:* National Institutes of Health, November 19, 1992.

*Docket Number:* 92-107. *Applicant:* Utah State University, Logan UT 84322-5230. *Instrument:* Portable Pulse-modulated Chlorophyll Fluorometer, Model PAM 2000. *Manufacturer:* Walz Mess- und Regeltechnik, Germany. *Intended Use:* See notice at 57 FR 39395, August 31, 1992. *Reasons:* The foreign instrument provides quenching coefficients from pulse-modulated operation with 100 μs time resolution. *Advice Received From:* National Institutes of Health, November 19, 1992.

*Docket Number:* 92-109. *Applicant:* Stanford University, Stanford, CA 94305. *Instrument:* Cryostream Nitrogen Gas Cooler System. *Manufacturer:* Stoe Diffraction Systems, United Kingdom. *Intended Use:* See notice at 57 FR 39395, August 31, 1992. *Reasons:* The foreign instrument provides an operating temperature range of 80°K to 320°K and stability to ±0.5°K. *Advice Received From:* National Institutes of Health, November 19, 1992.

*Docket Number:* 92-110. *Applicant:* University of California, Los Angeles, Los Angeles, CA 90024-1759. *Instrument:* Mass Spectrometer, Model API III-R. *Manufacturer:* Perkin-Elmer Sciex Instruments, Canada. *Intended Use:* See notice at 57 FR 44361, September 25, 1992. *Reasons:* The foreign instrument provides sample flow rates to 200 μl/minute and sensitivity (with low noise) to produce complete daughter ion spectra. *Advice Received From:* National Institutes of Health, November 19, 1992.

*Docket Number:* 92-113. *Applicant:* New York University, New York, NY 10003. *Instrument:* (3) Glass Bead Sterilizers, Model STERI 350. *Manufacturer:* Simon Keller AG, Switzerland. *Intended Use:* See notice at 57 FR 44361, September 25, 1992. *Reasons:* The foreign instrument provides a large well (14 cm deep) for rapid sterilization (5-10 seconds) and is suitable for use in laminar flow hoods. *Advice Received From:* National Institutes of Health, November 19, 1992.

*Docket Number:* 92-116. *Applicant:* Albert Einstein College of Medicine, Bronx, NY 10461. *Instrument:* High Intensity Xenon Flashlamp System, Model XF-10. *Manufacturer:* Dr. Gert Rapp, Germany. *Intended Use:* See notice at 57 FR 44361, September 25, 1992. *Reasons:* The foreign instrument provides focusing optics and flash pulse shaping features optimized to deliver controlled energy to a small photolysis area. *Advice Received From:* National Institutes of Health, November 19, 1992.

*Docket Number:* 92-120. *Applicant:* University of Virginia, Charlottesville, VA 22908. *Instrument:* Automatic Karyotyping System, Model Cytoscan 3. *Manufacturer:* Applied Imaging International, United Kingdom. *Intended Use:* See notice at 57 FR 44362, September 25, 1992. *Reasons:* The foreign instrument provides computer based metaphase location and karyotyping with a spatial image resolution of 768 x 575 pixels. *Advice Received From:* National Institutes of Health, November 19, 1992.

Oak Ridge National Laboratory and the National Institutes of Health 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 any of the foreign instruments.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 93-5530 Filed 3-10-93; 8:45 am]

BILLING CODE 3510-DS-F

## State University of New York, et al.; Consolidated 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:* 92-161. *Applicant:* State University of New York, Stony Brook, NY 11794. *Instrument:* Moire Interferometry U-V Set and Accessories. *Manufacturer:* Shanghai Machinery and Equipment Import and Export Corporation, China. *Intended Use:* See notice at 57 FR 54972, November 23, 1992. *Reasons:* The foreign instrument

provides 2–D holographic interferometric measurements of stress and strain in materials and structures for instructing students in this technique and for use in their laboratory research projects.

*Docket Number:* 92–142. *Applicant:* University of Hawaii at Manoa, Honolulu, HI 96822. *Instrument:* Gas Source Isotope Ratio Mass Spectrometer, Model Delta S. *Manufacturer:* Finnigan, Germany. *Intended Use:* See notice at 57 FR 49456, November 2, 1992. *Reasons:* The foreign instrument provides: (1) an internal reproducibility of 0.006 per mil for 100 bar μl samples of $CO_2$, (2) a gas chromatograph-combustion interface and (3) continuous flow operation at remote locations (e.g., aboard ship).

*Docket Number:* 92–149. *Applicant:* University of Georgia, Athens, GA 30602. *Instrument:* Gas Source Isotope Ratio Mass Spectrometer, Model MAT 252. *Manufacturer:* Finnigan, Germany. *Intended Use:* See notice at 57 FR 54971, November 23, 1992. *Reasons:* The foreign instrument provides an internal precision of 0.005 per mil for 3 bar μl samples of $CO_2$ and a 6 Faraday cup multicollector array for the simultaneous collection of up to 3 ion beams.

*Docket Number:* 92–162. *Applicant:* University of California, Los Alamos National Laboratory, Los Alamos, NM 87545. *Instrument:* Glow Discharge Mass Spectrometer System, Model CONCEPT. *Manufacturer:* Kratos Analytical Incorporated, United Kingdom. *Intended Use:* See notice at 57 FR 54973, November 23, 1992. *Reasons:* The foreign instrument provides both a Faraday cup collector for large sample measurements and a Daly scintillation detector with an ion counting system and a resolution of 20 000 with a glow discharge source.

*Docket Number:* 92–152. *Applicant:* U.S. Department of Energy, Argonne National Laboratory, Argonne, IL 60439. *Instrument:* Inductively Coupled Plasma Mass Spectrometer, Model VG PlasmaQuad. *Manufacturer:* VG Instruments, United Kingdom. *Intended Use:* See notice at 57 FR 54972, November 23, 1992. *Reasons:* The foreign instrument provides (1) a sensitivity of $8.0 \times 10^6$ counts per second per μg/ml for $^{59}Co$, $^{115}In$ and $^{238}U$ and (2) detection limits of 0.01 ng/ml using 3 second integrations.

The capability of each of the foreign instruments described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 93–5531 Filed 3–10–93; 8:45 am]

BILLING CODE 3510–DS–F

## Minority Business Development Agency

### Business Development Center Applications: Greenville/Spartanburg, SC

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** In accordance with Executive Order 11625, the U.S. Department of Commerce's Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 months) is $169,125 in Federal funds and a minimum of $29,846 in non-Federal (cost-sharing) contributions. This federal amount includes $4,125 for an annual audit. Cost-sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from August 1, 1993 to July 31, 1994. The MBDC will operate in the Greenville/Spartanburg, South Carolina geographic service area.

The award number for this MBDC will be 04–10–93008–01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, State and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority businesses.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000. False information on the application can be grounds for denying or terminating funding.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities. If an application is selected for funding, DOC has no obligation to provide any additional future funding in

connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards. If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Applicants also should be notified that notwithstanding any verbal assurance that they may have received, there is no obligation on the part of DOC to cover pre-award costs.

In accordance with OMB Circular A–129 "Managing Federal Credit Programs," no award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either: the delinquent account is paid in full, a negotiated repayment schedule is established and at least one payment is received, or other arrangements satisfactory to DOC are made.

Applicants are subject to Governmental Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

Notification must be provided that all non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing, criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a pre-condition for receiving Federal grant or cooperative agreement awards.

15 CFR part 28, is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant or cooperative agreement. Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required. Recipients shall require applicants/bidders for subgrants, contracts, or other lower tier covered transactions Form CD–512, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'" and disclosure form, SF–LLL, "Disclosure of Lobbying Activities." Form CD–512 is intended for use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient of subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

**CLOSING DATE:** The closing date for submitting an application is April 16, 1993. Applications must be postmarked on or before April 16, 1993. Proposals will be reviewed by the Atlanta Regional Office. The mailing address for submission of RFA responses is: U.S. Department of Commerce, Atlanta Regional Office, Minority Business Development Agency, 401 West Peachtree Street, NW., suite 1715, Atlanta, Georgia 30308–3516.

A pre-application conference to assist all interested applicants will be held on March 31, 1993, 9 a.m. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, NW., room 1715, Atlanta, Georgia 30308–3516.

**SUPPLEMENTARY INFORMATION:** Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. To order a Request for Application (RFA) and to receive additional information, contact: Carlton L. Eccles, Regional Director of the Atlanta Regional Office on (404) 730–3300 or U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, NW., room 1715, Atlanta, Georgia 30308–3516.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: March 3, 1993.

**Carlton L. Eccles,**

*Regional Director, Atlanta Regional Office.*

[FR Doc. 93–5592 Filed 3–10–93; 8:45 am]

BILLING CODE 3510–21–M

## National Oceanic and Atmospheric Administration

### North Pacific Fishery Management Council; Public Meeting

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

The North Pacific Fishery Management Council's Ad Hoc Observer Committee (Committee) will meet on March 16, 1993, at the Alaska Fishery Science Center, in room 2143, Seattle, WA. The meeting will begin at 9 a.m.

The Committee will overview the data collected in the observer program, its use, and its accessibility through the Freedom of Information Act. This Committee is separate from the Council's Observer Oversight Committee which has been established under the North Pacific Fisheries Research Plan.

For more information contact Brent Paine, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271–2809.

Dated: March 5, 1993.

**David S. Crestin,**

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

[FR Doc. 93–5562 Filed 3–10–93; 8:45 am]

BILLING CODE 3510–22–M

### Marine Mammals; Permits

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

**ACTION:** Notice of receipt of application for a scientific research permit to take marine mammals (P250D).

Notice is hereby given that the Washington Department of Wildlife Marine Mammal Investigations, 7801 Phillips Road, S.W., Tacoma, WA 98498, the National Marine Fisheries Service, National Marine Mammal Laborstory, 7600 Sand Point Way, NE., BIN C15700—Building 4, Seattle, WA 98115–0070, and the Oregon Department of Fish and Wildlife, Marine Region, Marine Science Drive, Building 3, Newport, OR 97365, have applied in due form for a joint permit

to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), §§ 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act (16 U.S.C. 1531–1543) and the regulations governing endangered fish and wildlife (50 CFR parts 217–222).

The applicants seek authorization to conduct scientific research on pinniped populations along the coasts of Oregon and Washington. This research would entail the incidental harassment of up to 40,000 harbor seals (*Phoca vitulina*), 5,000 California sea lions (*Zalophus Californianus*), 6,000 Steller sea lions (*Eumetopias jubatus*), and 100 elephant seals (*Mirounga angustirostris*) multiple times annually over a five-year period while carrying out aerial, ground, and boat censuses and during collection of fecal samples. The applicants also propose to capture, flipper tag, weigh, measure, and blood sample up to 500 harbor seals annually. Some of these would be hot branded, pelage marked, and/or have identification patches applied, instrumented with time/depth recorders (TDRs), and/or VHF radio tags, tissue sampled for genetic analysis, and biopsied for blubber samples. Animals tagged with TDRs and/or VHF radio tags may be recaptured to retrieve the instruments. Biopsied animals would be recaptured after three to five years to monitor long-term effects of contaminants.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data, views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East West Highway, room 7234, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, suite 7324, Silver Spring, MD 20910 (310/713–2289); and

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., BIN C15700—Building 1, Seattle, WA 98115–0070 (206/526–6150).

Dated: March 5, 1993.

**Nancy Foster,**

*Director of Protected Resources.*

[FR Doc. 93–5607 Filed 3–10–93; 8:45 am]

BILLING CODE 3510–22–M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Marine Mammals; Permits

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

**ACTION:** Notice of receipt of application for a Scientific Research Permit to Take Marine Mammals (P771#65).

Notice is hereby given that the Alaska Fisheries Science Center, NMFS, NOAA, National Marine Mammal Laboratory, 7600 Sand Point Way, NE., Bldg. 4, Seattle, WA 98115, has applied in due form for a Permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act (16 U.S.C. 1531–1543) and the regulations governing endangered fish and wildlife (50 CFR parts 217–222).

The Applicant seeks authorization to conduct aerial surveys for spotted seals (*Phoca Largha*) in waters off Alaska and in the Bering Sea over a three-year period. This research would involve the potential harassment of unspecified numbers of spotted seals while carrying out the surveys, as well as incidental harassment of unspecified numbers of other marine mammals that may be encountered during these flights, such as Pacific harbor seals (*Phoca vitulina*), walrus (*Odobenus rosmarus*), ribbon seals *Phoca fasciata*), bearded seals (*Erignathus barbatus*), and ringed seals (*Phoca hispida*). Steller sea lions (*Eumetopias jubatus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocenoides dalli*), killer whales (*Orcinus orca*), humpback whales (Megaptera novaeangliae), grey whales (*Eschrichtius robustus*), belugas (*Delphinapterus leucas*), and bowheads (*Balaena mysticetus*) might also be sighted in small numbers.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7234, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20910 (301/713–2289);

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., BIN C15700-Building 1, Seattle, WA 98115–0070, (206/526–6150);

Director, Alaska Region, National Marine Fisheries Service, Federal Annex, 9109 Mendenhall Mall Rd., suite 6, Juneau, AK 99802 (907/586–7221); and

U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Arlington, Virginia 22203 (703/358–2104).

Dated: February 11, 1993.

**Nancy Foster,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

Dated: March 5, 1993.

**I. Teiko Saito,**

*Chief, Permit Branch, Office of Management Authority, Fish and Wildlife Service.*

[FR Doc. 93–5561 Filed 3–10–93; 8:45 am]

BILLING CODE 3510–22–M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### USAF Scientific Advisory Board Meeting

The Pre-Launch Panel of the USAF Scientific Advisory Board's Committee on Options for Theater Air Defense will meet on March 31, 1993, at The Pentagon, Room 5D982, Washington, DC, from 8 a.m. to 5 p.m.

The purpose of this meeting will be to gather information on issues related to theater air defense.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 93–5535 Filed 3–10–93; 8:45 am]

BILLING CODE 3910–01–M

### Privacy Act of 1974: Delete and Amend Systems of Records

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

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

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

**DATES:** The deletions are effective March 11, 1993.

The amended systems will be effective April 12, 1993, unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to the Air Force Access Programs Manager, SAF/AAIA, The Pentagon, Washington, DC 20330–1000.

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

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force record systems 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 are set forth below, followed by the systems of records notices published in their entirety, as amended.

Dated: March 5, 1993.

**L. M. Bynum,**

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

**DELETIONS**

**F050 ESC A**

**SYSTEM NAME:**

Voice Processor Student History, (February 22, 1993, 58 FR 10402).

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

**F210 ESC A**

**SYSTEM NAME:**

Historical Research and Retrieval System (HORRS), (February 22, 1993, 58 FR 10508).

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

**AMENDMENTS**

**F050 AFIC B**

**SYSTEM NAME:**

Training Progress, (February 22, 1993, 58 FR 10392).

**CHANGES:**

**SYSTEM IDENTIFIER:**

Change system identifier to "F050 AFIC A."

* * * * *

**SYSTEM LOCATION:**

Delete entry and replace with "Headquarters, Air Force Intelligence Command, Noncommissioned Officer Professional Military Education Center, Goodfellow Air Force Base, TX 76908–5000."

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Delete entry and replace with "Air Force active duty enlisted personnel assigned to the Intelligence Command Noncommissioned Officer Professional Education Center."

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Delete entry and replace with "In-processing forms, containing personal data such as name, Social Security Number, grade, home address and home phone."

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with "10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by."

* * * * *

**SAFEGUARDS:**

Delete entry and replace with "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."

* * * * *

**SYSTEM MANAGER(S) AND ADDRESS:**

Delete entry and replace with "Air Force Intelligence Command Noncommissioned Officer Professional Military Education Center, Goodfellow Air Force Base, TX 76908–5000."

**NOTIFICATION PROCEDURE:**

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Air Force Intelligence Command Noncommissioned Officer Professional Military Education Center, Goodfellow Air Force Base, TX 76908–5000."

**RECORD ACCESS PROCEDURES:**

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Air Force Intelligence Command Noncommissioned Officer Professional Military Education Center, Goodfellow Air Force Base, TX 76908–5000."

**CONTESTING RECORD PROCEDURES:**

Delete entry and replace with "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."

* * * * *

**F050 AFIC A**

**SYSTEM NAME:**

Training Progress.

**SYSTEM LOCATION:**

Headquarters, Air Force Intelligence Command, Noncommissioned Officer Professional Military Education Center, Goodfellow Air Force Base, TX 76908–5000.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Air Force active duty enlisted personnel assigned to the Intelligence

Command Noncommissioned Officer Professional Education Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

In-processing forms, containing personal data such as name, Social Security Number, grade, home address and home phone.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used by military training instructors to evaluate student progress.

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 file folders.

RETRIEVABILITY:

Retrieved by name.

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.

RETENTION AND DISPOSAL:

Destroy 10 years after student completes training by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Intelligence Command Noncommissioned Officer Professional Military Education Center, Goodfellow Air Force Base, TX 76908–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to the Air Force Intelligence Command Noncommissioned Officer Professional Military Education Center, Goodfellow Air Force Base, TX 76908–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Air Force Intelligence Command Noncommissioned Officer Professional Military Education Center, Goodfellow Air Force Base, TX 76908–5000.

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:

Information obtained from educational institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 ACC B

SYSTEM NAME:

Instructional Systems Development (ISD) Evaluation, (February 22, 1993, 58 FR 10384).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "693 Operational Support Squadron, Instructional Systems Development Division, Castle Air Force Base, CA 95342–5000."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Air Combat Command and Air Mobility Command aircrew members (B–1B and B–52G/H) pilots, copilots, navigators, radar navigators, electronic warfare officers, aerial defense gunners; KC–135 pilots, copilots, navigators, inflight refueling operators who are attending, or have attended, a course of instruction conducted by the 693 Operational Support Squadron, Castle Air Force Base, CA 95342– 5000."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "10 U.S.C. 8013, Secretary of the Air Force; powers and duties; delegation by; as implemented by Air Force Regulations 50–8, Policy and Guidance for Instructional System Development (ISD); and 50–38, Field Evaluation of Education and Training Programs; and E.O. 9397."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Education Specialist or ISD System Manager, 693 Operational Support Squadron, Scientific Advisory Branch (DO5S), Castle Air Force Base, CA 95342–5000."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on them should address inquiries to the Education Specialist or Instructional System Development System Manager, 693 Operational Support Squadron, Scientific Advisory Branch (DO5S), Castle Air Force Base, CA 95342–5000.

Requests to determine existence of record should include full name, and grade, Social Security Number and approximate dates individual attended a course of instruction."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Education Specialist or Instructional System Development System Manager, 693 Operational Support Squadron, Scientific Advisory Branch (DO5S), Castle Air Force Base, CA 95342–5000."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "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:

Delete entry and replace with "Information is obtained from questionnaires completed by students, graduates or Flight Instructors, and current combat crew training instructors."

* * * * *

F050 ACC B

SYSTEM NAME:

Instructional Systems Development (ISD) Evaluation.

SYSTEM LOCATION:

693 Operational Support Squadron, Instructional Systems Development Division, Castle Air Force Base, CA 95342–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Combat Command and Air Mobility Command aircrew members (B–1B and B–52G/H) pilots, copilots, navigators, radar navigators, electronic warfare officers, aerial defense gunners; KC–135 pilots, copilots, navigators, inflight refueling operators who are attending, or have attended, a course of instruction conducted by the 693 Operational Support Squadron, Castle Air Force Base, CA 95342–5000.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized information file compiled from questionnaires about training accomplished while attending a course of instruction, the responder's base of assignment and subjective assessment of the training conducted.

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 Regulations 50–8, Policy and Guidance for Instructional System Development (ISD); and 50–38, Field Evaluation of Education and Training Programs; and E.O. 9397.

PURPOSE(S):

Used to tabulate and compare data; and to identify strengths and weaknesses of the training programs. Will also be used to score trainee within-course test performances. Identification of specific responders in the records will only be used by the custodian to evaluate and assess quality of Air Force Training Programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth 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 file folders, and in computers and on computer products.

RETRIEVABILITY:

Retrieved by Social Security Number. Information may also be retrieved by groupings of data from such elements as type airframe, course attended, crew position, or base of assignment.

SAFEGUARDS:

Records are accessed by custodian of the record system and personnel responsible for servicing the record system in performance of their official duties. Records are stored on diskettes kept in a locked room whenever office is not manned. Original questionnaire responses will be maintained in a locked container when the office is not manned.

RETENTION AND DISPOSAL:

Paper records are destroyed by tearing into pieces, shredding, burning, macerating, or pulping, and diskettes will be destroyed by degaussing, when superseded or when the individual is reassigned from Air Combat Command.

SYSTEM MANAGER(S) AND ADDRESS:

Education Specialist or Instructional System Development System Manager, 693 Operational Support Squadron, Scientific Advisory Branch (DO5S), Castle Air Force Base, CA 95342–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to the Education Specialist or Instructional System Development System Manager, 693 Operational Support Squadron, Scientific Advisory Branch (DO5S), Castle Air Force Base, CA 95342–5000.

Requests to determine existence of record should include full name, and grade, Social Security Number and approximate dates individual attended a course of instruction.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Education Specialist or Instructional System Development System Manager, 693 Operational Support Squadron, Scientific Advisory Branch (DO5S), Castle Air Force Base, CA 95342–5000.

CONTESTING RECORD PROCEDURES:

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:

Information is obtained from questionnaires completed by students, graduates or Flight Instructors, and current combat crew training instructors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 ACC A

SYSTEM NAME:

Student Record File, (February 22, 1993, 58 FR 10384).

CHANGES:

SYSTEM LOCATION:

Delete entry and replace with "67 Support Group, Noncommissioned Officer Academy West, Bergstrom Air Force Base, TX 78743–5000, and 325 Support Group, Noncommissioned Officer Academy East, Tyndall Air Force Base, FL 32403–5000."

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to end of entry "containing name, grade, Social Security Number and evaluation data regarding training progress/status."

* * * * *

SAFEGUARDS:

Delete entry and replace with "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:

Change last sentence to read "Computer records are destroyed by erasing, deleting or overwriting."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Director of Education, 67 Support Group, Noncommissioned Officer Academy West, Bergstrom Air Force Base TX 78743–5000 and Director of Education, 325 Support Group, Noncommissioned Officer Academy East, Tyndall Air Force Base, FL 32403–5000."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Commandant, 67 Support Group, Noncommissioned Officer Academy West, Bergstrom Air Force Base TX 78743–5000 or Commandant, 325 Support Group, Noncommissioned Officer Academy East, Tyndall Air Force Base, FL 32403–5000."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system should address requests to the Commandant, 67 Support Group, Noncommissioned Officer Academy West, Bergstrom Air Force Base TX 78743–5000 or Commandant, 325 Support Group, Noncommissioned Officer Academy East, Tyndall Air Force Base, FL 32403–5000."

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F050 ACC A

SYSTEM NAME:

Student Record File.

SYSTEM LOCATION:

67 Support Group, Noncommissioned Officer Academy West, Bergstrom Air Force Base, TX 78743–5000, and 325 Support Group, Noncommissioned

Officer Academy East, Tyndall Air Force Base, FL 32403–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty enlisted military personnel assigned to the Academies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual student evaluation record, containing name, grade, Social Security Number and evaluation data regarding training progress/status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; Powers and Duties, delegation by.

PURPOSE(S):

Used to monitor the academic progress of academy students and as a history file.

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 card files and in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name and class 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:

Records are retained for 10 years after individual completes or discontinues a training course. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Education, 67 Support Group, Noncommissioned Officer Academy West, Bergstrom Air Force Base TX 78743–5000 and Director of Education, 325 Support Group, Noncommissioned Officer Academy East, Tyndall Air Force Base, FL 32403–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Commandant, 67 Support Group, Noncommissioned Officer Academy West, Bergstrom Air Force Base TX 78743–5000 or Commandant, 325 Support Group, Noncommissioned Officer Academy East, Tyndall Air Force Base, FL 32403–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the Commandant, 67 Support Group, Noncommissioned Officer Academy West, Bergstrom Air Force Base TX 78743–5000 or Commandant, 325 Support Group, Noncommissioned Officer Academy East, Tyndall Air Force Base, FL 32403–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to 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:

Information for this system is obtained from automated system interfaces and from student performance evaluations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F053 AFA A

SYSTEM NAME:

Educational Research Data Base, (February 22, 1993, 158 FR 10407).

CHANGES:

SYSTEM LOCATION:

Delete entry and replace with "Headquarters, United States Air Force Academy, 2304 Cadet Drive, Suite 357, USAF Academy, CO 80840–5002."

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CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "High school, college and USAF career information. Including active duty, reserve, and national guard military performance, academic performance, certain medical, disciplinary and personal facts, and test data from interest/personality profiles."

* * * * *

PURPOSE(S):

Insert the word "attitudes," in front of the word "retention."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with "The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

Information may be furnished to congressional nominating source for the purpose of enhancing the nomination selection process.

Information may also be furnished to other DOD components, Library of Congress, U.S. Coast Guard, General Accounting Office and Congressional Committees for assessment of Academy programs.

The Association of Graduates may receive information to foster graduates' fellowship and professional development, as well as promote institutional development."

* * * * *

SAFEGUARDS:

Delete entry and replace with "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:

Delete last sentence and replace with "Computer records are destroyed by erasing, deleting or overwriting."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Deputy Chief of Staff/Plans and Programs, Headquarters, USAF Academy/XPPG, 2304 Cadet Drive, Suite 357, USAF Academy, CO 80840–5002."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on them should address inquiries to the Deputy Chief of Staff/Plans and Programs, Headquarters, USAF Academy/XPPG, 2304 Cadet Drive, Suite 357, USAF Academy, CO 80840–5002."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Chief of Staff/Plans and Programs, HQ USAFA/XPPG, 2304 Cadet Drive, Suite 357, USAF Academy, CO 80840–5002."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "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."

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F053 AFA A

SYSTEM NAME:

Educational Research Data Base.

SYSTEM LOCATION:

Headquarters, United States Air Force Academy, 2304 Cadet Drive, Suite 357, USAF Academy, CO 80840–5002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former USAF Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

High school, college and USAF career information. Including active duty, reserve, and national guard military performance, academic performance, certain medical, disciplinary and personal facts, and test data from interest/personality profiles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; Superintendent; faculty; and E.O. 9397.

PURPOSE(S):

Used by USAF Academy faculty and staff in conducting studies and analysis relating to attitudes, retention, graduate professional performance, and career pattern.

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.

Information may be furnished to congressional nominating source for the purpose of enhancing the nomination selection process.

Information may also be furnished to other DOD components, Library of Congress, U.S. Coast Guard, General Accounting Office and Congressional Committees for assessment of Academy programs.

The Association of Graduates may receive information to foster graduates' fellowship and professional development, as well as promote institutional development.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computers and on computer output products.

RETRIEVABILITY:

Retrieved by 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:

Records are retained until superseded, obsolete, no longer needed for reference, or upon inactivation. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Plans and Programs, Headquarters, USAF Academy/XPPG, 2304 Cadet Drive, Suite 357, USAF Academy, CO 80840–5002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Deputy Chief of Staff/Plans and Programs, Headquarters, USAF Academy/XPPG, 2304 Cadet Drive, Suite 357, USAF Academy, CO 80840–5002.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Chief of Staff/Plans and Programs, Headquarters, USAF Academy/XPPG, 2304 Cadet Drive, Suite 357, USAF Academy, CO 80840–5002.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to 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:

Information obtained from educational institutions, medical institutions, automated system interfaces, Association of Graduates, and source documents (such as reports).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F060 AF B

SYSTEM NAME:

Contractor Flight Operations, (February 22, 1993, 58 FR 10412).

CHANGES:

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CATEGORIES OF RECORDS IN THE SYSTEM:

Delete "and, similar data" from end of entry.

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SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Headquarters, Air Force Materiel Command/DOO, Wright Patterson Air Force Base, OH 45433–5001."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on them should address inquiries to Headquarters, Air Force Materiel Command/DOO, Wright Patterson Air Force Base, OH 45433–5001, or to the system location where the flight certification is recorded. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

For personal visits, the individual may be asked to show a valid identification card or a driver's license as proof of identity."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to Headquarters, Air Force Materiel Command/DOO, Wright Patterson Air Force Base, OH 45433–5001, or to the system location where the flight certification is recorded. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

For personal visits, the individual may be asked to show a valid identification card or a driver's license as proof of identity."

* * * * *

F060 AF B

SYSTEM NAME:

Contractor Flight Operations.

SYSTEM LOCATION:

All Air Force activities that approve contractor aircraft flight and ground

operations procedures or utilize contractor personnel who operate aircraft for the government.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All contractor personnel who operate aircraft for the Air Force, for which the government assumes some risk of loss or damage. It covers both flight crewmember and non-crewmember personnel designated by a contractor to conduct flights, perform functions while the aircraft is in flight, or perform ground operations in support of such flights.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name; Social Security Number; home address and telephone number; date of birth; security clearance data; education; military service data; flight qualification, proficiency, training, and experience records; standardization and evaluation data; safety and mishap records, and medical and physiological data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; Air Force Regulation 55–22, Contractor's Flight and Ground Operations, and E.O. 9397.

**PURPOSE(S):**

Used to monitor and manage individual contractor flight and ground personnel records.

**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 file folders, notebooks, 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:**

Records are maintained in the system until contract termination, at which time they will be destroyed when no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

**SYSTEM MANAGER(S) AND ADDRESS:**

Headquarters, Air Force Materiel Command/DOO, Wright Patterson Air Force Base, OH 45433–5001.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to Headquarters, Air Force Materiel Command/DOO, Wright Patterson Air Force Base, OH 45433–5001, or to the system location where the flight certification is recorded. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

For personal visits, the individual may be asked to show a valid identification card or a driver's license as proof of identity.

**RECORD ACCESS PROCEDURES:**

Individuals seeking to access records about themselves contained in this system should address requests to Headquarters, Air Force Materiel Command/DOO, Wright Patterson Air Force Base, OH 45433–5001, or to the system location where the flight certification is recorded. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

For personal visits, the individual may be asked to show a valid identification card or a driver's license as proof of identity.

**CONTESTING RECORD PROCEDURES:**

The Department of the Air Force rules for access to 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:**

Information is provided by the individual or from training, evaluation, and examination records.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**F100 AFCC A**

**SYSTEM NAME:**

Military Affiliate Radio System (MARS) Member Records, (February 22, 1993, 58 FR 10424).

**CHANGES:**

**SYSTEM LOCATION:**

Delete entry and replace with "At Technology Integration Center. Subordinate headquarters, Air Force installations, and at Military Affiliate Radio System member stations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

* * * * *

**SAFEGUARDS:**

Delete entry and replace with "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:**

Delete entry and replace with "At Technology Integration Center, retained until termination of membership or alteration of information. At Military Affiliate Radio System stations, retained in office files until reassignment or termination of membership. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting."

**SYSTEM MANAGER(S) AND ADDRESS:**

Delete entry and replace with "Chief, USAF Military Affiliate Radio System (DLTX), Technology Integration Center, Scott Air Force Base, IL 62225–6341, and Director of Operations at all other levels. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

**NOTIFICATION PROCEDURE:**

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Chief, USAF Military Affiliate Radio System (DLTX), Technology Integration Center, Scott Air Force Base, IL 62225–6341, or Director of Operations at all other levels. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Chief, USAF Military Affiliate Radio System (DLTX), Technology Integration Center, Scott Air Force Base, IL 62225–6341, or Director of Operations at all other levels. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Air Force rules for access to 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."

* * * * *

F100 AFCC A

SYSTEM NAME:

Military Affiliate Radio System (MARS) Member Records.

SYSTEM LOCATION:

At Technology Integration Center. Subordinate headquarters, Air Force installations, and at Military Affiliate Radio System member stations. 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:

Amateur Radio Operators licensed by United States Air Force (USAF) Military Affiliate Radio System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Military Affiliate Radio System Personnel Action Notification and Registration; Military Affiliate Radio System Station Questionnaire; Application for Membership in Military Affiliate Radio System. Information includes individuals name, Military Affiliate Radio System call sign, amateur call sign, mailing address, Federal Communications Commission license class, Military Affiliate Radio System assignment, communications capability, Military Affiliate Radio System position, military status, and telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of Air Force, powers and duties; delegation by; as implemented by Air Force Regulation 700–17, Military Affiliate Radio System (MARS).

PURPOSE(S):

To identify Military Affiliate Radio System members, to describe and update information concerning members, station capability, Military Affiliate Radio System assignment and position status, to assign call signs and designators, to specify operational parameters and constraints, mailing address, amateur license, telephone number, and responsibilities.

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 file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name, by call sign or designator and geographic location.

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:

At Technology Integration Center, retained until termination of membership or alteration of information. At Military Affiliate Radio System stations, retained in office files until reassignment or termination of membership. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, USAF Military Affiliate Radio System (DLTX), Technology Integration Center, Scott Air Force Base, IL 62225–6341, and Director of Operations at all other levels. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to the Chief, USAF Military Affiliate Radio System (DLTX), Technology Integration Center, Scott Air Force Base, IL 62225–6341, or Director of Operations at all other levels. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief, USAF Military Affiliate Radio System (DLTX), Technology Integration Center, Scott Air Force Base, IL 62225–6341, or Director of Operations at all other levels. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

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:

Individual members and Military Affiliate Radio System officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AF SP B

SYSTEM NAME:

Complaint/Incident Reports, (February 22, 1993, 58 FR 10444).

CHANGES:

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RETENTION AND DISPOSAL:

Delete entry and replace with "Individual incident records are retained in the office of the Chief of Security Police and destroyed three years after close of year in which last entry was made. Information copies at other activities are destroyed when no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on them should address inquiries to the Air Force Office of Security Police, Kirtland Air Force Base, NM 87117, or the installation Chief of Security Police. Official mailing

addresses are published as an appendix to the Air Force's compilation of record systems notices.

When requesting information in writing, individual should include full name, Social Security Number, military status, and home address. For a personal visit, individual must have a military ID, if applicable, a valid drivers license, or other appropriate proof of identity."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Air Force Office of Security Police, Kirtland Air Force Base, NM 87117, or the installation Chief of Security Police. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

* * * * *

F125 AF SP B

SYSTEM NAME:

Complaint/Incident Reports.

SYSTEM LOCATION:

Kept by the Chief of Security Police at the installation where an individual becomes involved in an incident or complaint, and by the Chief of Security Police at the installation where an individual is assigned if the incident occurs at a different location. Information copies of a report are kept at the individual's organization and other organizations which have an interest in a particular incident. 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:

Persons who become involved in complaints or incidents on Air Force installations or Air Force active duty personnel who become involved in incidents regardless of the location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes the incident or complaint report, statements by the subject or witness, information on seized or acquired property, if applicable, copies of forms referring cases to other agencies for final disposition, and other forms or reports required to complete basic report. Also includes an individual incident reference record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to record information on individual involvement in incidents or criminal activity. Reports are used to provide information to the appropriate individual within an organization who ensures corrective action is taken.

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 file folders and card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Individual incident records are retained in the office of the Chief of Security Police and destroyed three years after close of year in which last entry was made. Information copies at other activities are destroyed when no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Chief of Security Police at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to the Air Force Office of Security Police, Kirtland Air Force Base, NM 87117, or the installation Chief of Security Police. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

When requesting information in writing, individual should include full name, Social Security Number, military status, and home address. For a personal visit, individual must have a military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Air Force Office of Security Police, Kirtland Air Force Base, NM 87117, or the installation Chief of Security Police. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers, witnesses and from persons registering complaints or who become victims of a crime.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F168 ACC A

SYSTEM NAME:

Physician Retention Program, (February 22, 1993, 58 FR 10464).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Headquarters, Air Combat Command, Langley Air Force Base, VA 23665–5578, and at all Air Combat Command medical facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete "Tactical Air Command" and replace with "Air Combat Command."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Physician Retention Officer, HQ ACC, Director of Professional Services, Langley Air Force Base, VA 23665–5578."

* * * * *

F168 ACC A

SYSTEM NAME:

Physician Retention Program.

SYSTEM LOCATION:

Headquarters, Air Combat Command, Langley Air Force Base, VA 23665–

5578, and at all Air Combat Command medical facilities. 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:

Practitioners who are members of the United States Air Force Medical Service or civil service employees who are assigned to, employed by, or practice in any Air Combat Command (ACC) medical facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Number, duty title, specialty and Air Force Specialty Code, information on service commitment, educational background, personal goals, career goals, and future plans. Date entered Air Force, past duty assignments, reasons for entering and remaining, and future assignment desires. Deterrents to making the Air Force a career. Will also contain spouse's name, spouse's occupation, children's names and ages.

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 168–4, Air Combat Command Supplement 1, Administration of Medical Activities, and E.O. 9397.

PURPOSE(S):

To assist in retaining qualified physicians beyond their initial service commitments.

To identify and reduce or eliminate irritants to each physician. Information is solicited to make future career assignments and reassess irritants and reasons for dissatisfaction. Information is summarized and presented to a retention committee.

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 agency'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 file folders and visible file binders/cabinets and in computers and on computer products.

RETRIEVABILITY:

Retrieved by name, Social Security Number, and location.

SAFEGUARDS:

Records are accessed by custodian of the record system; by person(s) responsible for servicing the record system in performance of their official duties; by commanders of Air Combat Command medical facilities, and Headquarters Air Combat Command Surgeon General personnel with a need to know. Computers and disks will be stored in locked cabinets or locked rooms.

RETENTION AND DISPOSAL:

Records are transferred to the gaining Air Combat Command medical facility if reassigned within Air Combat Command. If separated or reassigned outside of Air Combat Command, records will be retained for one year then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Electronic data will be erased upon separation or reassignment to a non-Air Combat Command medical facility.

SYSTEM MANAGER(S) AND ADDRESS:

Physician Retention Officer, HQ Air Combat Command, Director of Professional Services, Langley Air Force Base, VA 23665–5578.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to the medical facility Physician Retention Officer where assigned. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

For records maintained at HQ Air Combat Command, contact the Physician Retention Officer, HQ Air Combat Command, Director of Professional Services, Langley Air Force Base, VA 23665–5578.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the medical facility Physician Retention Officer where assigned. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

For records maintained at HQ Air Combat Command, contact the Physician Retention Officer, HQ Air Combat Command, Director of Professional Services, Langley Air Force Base, VA 23665–5578.

CONTESTING RECORD PROCEDURES:

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:

Information is obtained from subject of the record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F900 TAC A

SYSTEM NAME:

Special Awards File, (February 22, 1993, 58 FR 10516).

CHANGES:

* * * * *

SYSTEM LOCATION:

Change "Tactical Air Command" to "Air Combat Command."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete "Tactical Air Command" and replace with "Air Combat Command (ACC), formerly Tactical Air Command."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete "TAC" and insert "ACC."

* * * * *

SAFEGUARDS:

Delete entry and replace with "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."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Change "Tactical Air Command" to "Air Combat Command."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on them should address inquiries to the Deputy Chief of Staff, Personnel, Air Combat Command, Langley Air Force Base, VA 23665–5001."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Chief of Staff, Personnel, Air Combat Command, Langley Air Force Base, VA 23665–5001."

* * * * *

**F900 ACC A**

**SYSTEM NAME:**

Special Awards File.

**SYSTEM LOCATION:**

Headquarters Air Combat Command, Langley Air Force Base, VA 23665–5001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Air Force active duty military personnel, civilian employees and retired Air Force officers who are or were formerly assigned to Air Combat Command (ACC), formerly Tactical Air Command.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Alphabetical file containing limited award and biographical data on command personnel where awards have been approved and may be used for reference in future. File is informational in nature and action does not result therefrom.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and 8074, Commands: Territorial organization, and Air Force Regulation 900–48, Individual and Unit Awards and Decorations, Air Combat Command Sup 1, and Air Force Regulation 900–29, Special Trophies and Awards, Air Combat Command Sup 1.

**PURPOSE(S):**

Used by Command Awards Branch for reference.

**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 file folders.

**RETRIEVABILITY:**

Retrieved by name.

**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.

**RETENTION AND DISPOSAL:**

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Chief of Staff, Personnel, Air Combat Command, Langley Air Force Base, VA 23665–5001.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information on them should address inquiries to the Deputy Chief of Staff, Personnel, Air Combat Command, Langley Air Force Base, VA 23665–5001.

**RECORD ACCESS PROCEDURES:**

Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Chief of Staff, Personnel, Air Combat Command, Langley Air Force Base, VA 23665–5001.

**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:**

Information obtained from previous employers and source documents such as reports.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 93–5591 Filed 03–10–93; 8:45 am]

**BILLING CODE 3810–01–F**

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## Department of the Army

### Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

*Name of Committee:* Army Science Board (ASB).

*Date of Meeting:* 8 April 1993.

*Time of Meeting:* 0900–1700, each day.

*Place:* Waterways Experiment Station, Vicksburg, Mississippi.

*Agenda:* The Army Science Board Ad Hoc Panel on "Space Systems and Future Army Operations" will meet in executive session for discussions focused on current and future operational concepts, and associated technologies. This meeting will be closed to the public in accordance with section 552b. (c) of title 5, U.S.C., specifically subparagraph (1) thereof and title 5, U.S.C. appendix 2, subsection 10(d). The classified and unclassified information to be discussed will be so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695–0781.

**Sally A. Warner,**

*Administrative Officer, Army Science Board.*

[FR Doc. 93–5593 Filed 3–10–93; 8:45 am]

**BILLING CODE 3710–08–M**

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## Defense Logistics Agency

### Privacy Act of 1974; Amend Record System.

**AGENCY:** Defense Logistics Agency, DOD.

**ACTION:** Amend record system.

**SUMMARY:** The Defense Logistics Agency proposes to amend an existing system of records in the DLA inventory of systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**DATES:** This action will be effective without further notice on April 12, 1993, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to the Privacy Act Officer, Administrative Management Branch, Planning and Resource Management Division, Defense Logistics Agency, Room 5A120, Cameron Station, Alexandria, VA 11304–6100.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Salus at (703) 617–7583.

**SUPPLEMENTARY INFORMATION:** The complete inventory of Defense Logistics Agency record system notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, can be obtained from the address listed above.

The amendments 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 record system being amended are set forth below followed by the system notice as amended, in its entirety.

Dated: February 9, 1993.

**L. M. Bynum,**

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

**S322.50 DLA-LZ**

**SYSTEM NAME:**

Defense Enrollment/Eligibility Reporting System, (DEERS) (53 FR 9966, March 28, 1992).

CHANGES:

SYSTEM IDENTIFIER:

Change to read 'S322.50 DMDC'.

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with 'To the Department of Health and Human Services; Department of Veterans Affairs; Department of Commerce; Department of Transportation for the conduct of health care studies, for the planning and allocation of medical facilities and providers, for support of the DEERS enrollment process, and to identify individuals not entitled to health care. The data provided includes Social Security Number, name, age, sex, residence and demographic parameters of each Department's enrollees and dependents.

To the Social Security Administration (SSA) to perform computer data matching against the SSA Wage and Earnings Record file for the purpose of identifying employers of Department of Defense (DOD) beneficiaries eligible for health care. This employer data will in turn be used to identify those employed beneficiaries who have employment related group health insurance, to coordinate insurance benefits provided by DOD with those provided by the other insurance. This information will also be used to perform computer data matching against the SSA Master Beneficiary Record file for the purpose of identifying DOD beneficiaries eligible for health care who are enrolled in the Medicare Program, to coordinate insurance benefits provided by DOD with those provided by Medicare.

To other Federal agencies and State, local and territorial governments to identify fraud and abuse of the Federal agency's programs and to identify debtors and collect debts and overpayment in the DOD health care programs.

To each of the fifty states and the District of Columbia for the purpose of conducting an on going computer matching program with state Medicaid agencies to determine the extent to which state Medicaid beneficiaries may be eligible for Uniformed Services health care benefits, including CHAMPUS and to recover Medicaid monies from the CHAMPUS program.

To private dental care providers to assure treatment eligibility.

The 'Blanket Routine Uses' published at the beginning of DLA's compilation of systems of records notices apply to this system.

* * * * *

S322.50 DMDC

SYSTEM NAME:

Defense Enrollment/Eligibility Reporting System (DEERS).

SYSTEM LOCATION:

Primary location: W.R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93920-5000.

Decentralized segments: A support center and an eligibility center are maintained and operated by a contractor in Monterey, CA and Alexandria, VA; two data processing centers in Sacramento, CA and Camp Hill, PA and the Processing Center for Automation of DOD Forms 1171 in Monterey, CA.

Back-up files are maintained at the Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Armed Forces and reserve personnel and their dependents, retired Armed Forces personnel and their dependents; surviving dependents of deceased active duty or retired personnel; active duty and retired Coast Guard personnel; active duty and retired Public Health Service personnel (Commissioned Corps) and their dependents; and active duty and retired National Oceanic and Atmospheric Administration employees (Commissioned Corps) and their dependents; and State Department employees employed in a foreign country and their dependents and any other individuals entitled to care under the health care program; providers and potential providers of health care; and any individual who submits a health care claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer files containing beneficiary's name, Service or Social Security Number of sponsor, enrollment number, relationship of beneficiary to sponsor, residence address of beneficiary or sponsor, date of birth of beneficiary, sex of beneficiary, branch of service of sponsor, dates of beginning and ending eligibility, number of dependents of sponsor, primary unit duty location of sponsor, race and ethnic origin of beneficiary, occupation of beneficiary, rank/pay grade of sponsor, and claim records of CHAMPUS claims containing enrolled, patient and provider data such as cause of treatment, amount of payment, name and Social Security or tax ID number of providers of care. Information on individual records may extend to blood test results, dental care premium codes and dental x-rays.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136; 1969 Pub. L. 91–121, Section 404(A)(2), Establishment of the Assistant Secretary of Defense for Health Affairs; the Presidentially Commissioned Department of Defense, Department of Health, Education and Welfare, Office of Management and Budget Report of the Health Care Study (completed December 1975); DOD Directive 1341.1, Defense Enrollment/Eligibility Reporting System, October 14, 1981; DOD Instruction 1341.2, DEERS Procedures; E.O. 9397.

PURPOSE(S):

The purpose of the system is to provide a data base for determining eligibility to receive health care benefits under the Uniformed Health Services Delivery System and CHAMPUS, to support DOD health care management programs, to provide identification of deceased members, to monitor the accuracy of payments and to identify and collect overpaid amounts and to detect fraud and abuse of the benefit program by claimants and providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Health and Human Services; Department of Veterans Affairs; Department of Commerce; Department of Transportation for the conduct of health care studies, for the planning and allocation of medical facilities and providers, for support of the DEERS enrollment process, and to identify individuals not entitled to health care. The data provided includes Social Security Number, name, age, sex, residence and demographic parameters of each Department's enrollees and dependents.

To the Social Security Administration (SSA) to perform computer data matching against the SSA Wage and Earnings Record file for the purpose of identifying employers of Department of Defense (DOD) beneficiaries eligible for health care. This employer data will in turn be used to identify those employed beneficiaries who have employment related group health insurance, to coordinate insurance benefits provided by DOD with those provided by the other insurance. This information will also be used to perform computer data matching against the SSA Master Beneficiary Record file for the purpose of identifying DOD beneficiaries eligible for health care who are enrolled in the Medicare Program, to coordinate insurance benefits provided by DOD with those provided by Medicare.

To other Federal agencies and State, local and territorial governments to identify fraud and abuse of the Federal agency's programs and to identify debtors and collect debts and overpayment in the DOD health care programs.

To each of the fifty states and the District of Columbia for the purpose of conducting an on going computer matching program with state Medicaid agencies to determine the extent to which state Medicaid beneficiaries may be eligible for Uniformed Services health care benefits, including CHAMPUS and to recover Medicaid monies from the CHAMPUS program.

To private dental care providers to assure treatment eligibility.

The 'Blanket Routine Uses' published at the beginning of DLA'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:**

Records are maintained on magnetic tapes and disks are housed in a controlled computer media library.

**RETRIEVABILITY:**

Records about individuals are retrieved by an algorithm determined by contractor which uses name, enrollment number, Social Security Number, date of birth, rank and duty location as possible inputs. Retrievals are made on a summary basis by geographic characteristics and location and demographic characteristics. Information about individuals will not be distinguishable in such summary retrievals. Retrievals for the purposes of generating address lists for direct mail distribution of health care information may be made using selection criteria based on geographic and demographic keys.

**SAFEGUARDS:**

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, guards, administrative procedures (e.g., fire protection regulations). Exits used solely for emergency situations is secured to prevent unauthorized intrusion.

Personal data stored at a separate location for backup purposes is protected at least comparably to the protection provided at the primary location.

Requirements for protection of information are binding on contractors or their representative and are subject to the following minimum standards:

Access to personal information is restricted to those who require the records in the performance of their official duties, and to the individuals who are the subjects of the record or their authorized representatives. Access to personal information is further restricted by the use of passwords which are changed periodically.

All those officials whose duties require access to, or processing and maintenance of personal information are trained in the proper safeguarding and use of the information.

**RETENTION AND DISPOSAL:**

Computerized records on an individual are maintained as long as the individual is legally eligible to receive health care benefits from the Uniformed Health Sciences Delivery System. The records are maintained for two (2) years after termination of eligibility.

Records may be disposed of or destroyed in accordance with DOD Component record management regulations which conform to the controlling disposition of such material as set forth in 44 U.S.C. 3301–3314. Non-record material containing personal information and other material of similar temporary nature is destroyed as soon as its intended purpose has been served under procedures established by the Head of the DOD Component consistent with the following requirement. Such material shall be destroyed by tearing, burning, melting, chemical deposition, pulping, pulverizing, shredding, or mutilation sufficient to preclude recognition or reconstruction of the information.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

Written requests for the information should contain full name of individual and sponsor, if applicable, and other attributes required by previously mentioned search algorithm.

For personal visits the individual should be able to provide a data element required to satisfy the previously mentioned algorithm. Identification should be corroborated with a driver's license or other positive identification.

**CONTESTING RECORD PROCEDURES:**

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Personnel and financial pay systems of the Military Departments, the Coast Guard, the Public Health Service, the National Oceanic and Atmospheric Administration, other Federal agencies having employees eligible for military medical care.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 93–4108 Filed 03–10–93; 8:45 am]

BILLING CODE 3810–01–F

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## Department of the Navy

### CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Stealth and Stealth Countermeasures Task Force will meet March 25, 1993, from 2 pm to 3 pm, in the Pentagon, Room 4E630. This session will be closed to the public.

The purpose of this meeting is to do the final out-brief for the Task Force on Stealth and Stealth Countermeasures. Matters to be considered will consist of discussions of key issues related to stealth, stealth countermeasures, and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Kevin Mattonen,

Executive Secretary to the CNO Executive Panel, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: March 3, 1993.

**Michael P. Rummel,**

*LCDR, JAGC, USN, Federal Register Liaison Officer.*

[FR Doc. 93-5594 Filed 3-10-93; 8:45 am]

BILLING CODE 3810-AE-F

## DEPARTMENT OF EDUCATION

**[CFDA No. 84.031A]**

### Strengthening Institutions Program, Title III, Part A of the Higher Education Act of 1965, as Amended; Notice Inviting Applications for New Awards for Fiscal Year 1993

Purpose of Program: Provide grants to eligible institutions of higher education to improve their academic quality, institutional management, and fiscal stability to enable institutions to become self-sufficient.

This grant program should be seen as an opportunity for those institutions to support those elements of the National Education Goals that are relevant to their unique missions.

Deadline for Transmittal of Applications: April 26, 1993.

Deadline for Transmittal of Intergovernmental Review: June 25, 1993.

Applications Available: Applications will be mailed by March 15, 1993 to the Office of the President of all institutions that are designated eligible to apply for a grant under the Strengthening Institutions Program.

Available Funds: $20,000,000.

Estimated Range of Awards: $25,000 to $35,000 for planning grants; $300,000 to $350,000 per year for development grants.

Estimated Average Size of Awards: $30,000 for planning grants; $325,000 per year for five-year development grants.

Estimated Number of Awards: 12 planning grants and 60 development grants.

Project Period: Up to 12 months for planning grants; 60 months for development grants.

**Note:** The Department is not bound by any estimates in this notice.

Special Funding Considerations: In tie-breaking situations described in § 607.23 of the Strengthening Institutions Programs regulations, 34 CFR 607.23, the Secretary awards additional points under § 607.21 and § 607.22 to an application from an institution which has an endowment fund of which the current market value, per FTE student, is less than the average, per FTE student, at similar type institutions; or which has expenditures for library materials, per FTE student, which are less than the average, per FTE student, at similar type institutions. For the purposes of these funding considerations, an applicant must be able to demonstrate that the current market value of its endowment fund, per FTE student, or expenditures for library materials, per FTE student, is less than the following national averages for base year 1988–89.

| | Average market value of endowment fund, per FTE | Average library expenditures for materials, per FTE |
|---|---|---|
| Two-year public institutions | $117 | $39 |
| Two-year nonprofit, private institutions | 4,048 | 61 |
| Four-year public institutions | 2,379 | 137 |
| Four-year nonprofit, private institutions | 26,294 | 200 |

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) the Strengthening Institutions Program Regulations, 34 CFR part 607.

Supplementary Information: The Secretary plans to publish a Notice of Proposed Rulemaking for the Strengthening Institutions Program based on the reauthorization of the Higher Education Act of 1965 (HEA), as amended by Public Law 102–325.

So that fiscal year 1993 funds may be awarded on a timely basis, the Secretary will use the current 34 CFR part 607, as modified by the new statutory requirements of Public Law 102–325.

Under section 313(a) of the HEA, the Secretary awards Strengthening Institutions Program development grants for a five year period. Under section 313(b) of the HEA, the Secretary gives priority to grant applicants who are not the recipients of Strengthening Institutions Program grants.

As a result of these statutory amendments, § 607.9(a)(3) and § 607.9(b) (2), (3), and (4) have been superseded and are no longer in effect.

For Further Information Contact: Louis J. Venuto, U.S. Department of Education, 400 Maryland Avenue, SW., room 3042, ROB–3, Washington, DC 20202–5335. Telephone: (202) 708–8840. Individuals who are hearing impaired may call the Federal Dual Party Relay Services at 1–800–877–8339 (in the Washington, DC, 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

**Program Authority:** 20 U.S.C. 1057.

Dated: March 5, 1993.

**Maureen A. McLaughlin,**

*Acting Assistant Secretary for Postsecondary Education.*

[FR Doc. 93–5552 Filed 3–10–93; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

### Research Opportunity Announcement Applied Research and Development

**AGENCY:** U.S. Department of Energy (DOE), Morgantown Energy Technology Center.

**ACTION:** Issue of a research opportunity announcement.

**SUMMARY:** The objective of this program is to support the U.S. Department of Energy's (DOE's) Office of Technology Development's applied research efforts for the development of technologies having potential applications in the Environmental Restoration and Waste Management (EM) program. Technologies which: do not duplicate existing work; complement or enhance existing or planned work; and best serve the needs of the EM program are desired. A proposed technology may be a device, process, material or method that improves DOE's capabilities in the following areas: In situ remediation of contaminated sites; characterization, sensors and monitoring; low-level mixed waste processing; efficient separations technology for radioactive wastes; robotics; materials disposition technologies; improved engineered barriers for waste storage and disposal; and waste forms.

For the purpose of this program, "applied research" is the systematic application of knowledge toward the production of useful devices, materials or methods, including design, development, and improvement of prototypes and processes to meet specific requirements. Proposals for basic research are not desired under this ROA.

It is not the purpose of this solicitation to support, and no proposal will be selected to conduct, support service activities, conference or training activities, or projects which do not conduct research (e.g. paper studies).

**DATES:** Proposals may be submitted at any time after the issuance date of this ROA up to and including one year after the issue date. Proposals must state an acceptance period of at least 180 days.

**ADDRESSES/FOR FURTHER INFORMATION CONTACT:**

**ADDITIONAL INFORMATION, FORMS, AND DOE POINT OF CONTACT:**

A. Requests for information concerning the ROA as well as the information package should be submitted in writing to the following address: U.S. Department of Energy, Attn: Thomas L. Martin, M.S. 107, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, WV 26507–0880, (304) 291–4087 FAX (304) 291–4469

B. Additional information concerning DOE's requirements is available. The information package includes a summary, more complete description of the research areas identified in the areas of research section, above, and the following documents: a proposal cover sheet; DOE Representations, Certifications, and Other Statements of Bidders/Offerors; a Certificate of Environmental Safety and Health Program; a Statement of Work format; Standard Form 1411; a cost proposal preparation format; sample reporting requirements; information regarding patent and data clauses and rights; and a set of standard contract clauses.

**SUPPLEMENTARY INFORMATION:** Identification number and authority for issuance:

A. DE–RO21–93MC30140.

B. The use of broad agency announcements is authorized by the Competition in Contracting Act of 1984 (CICA) (41 U.S.C. 259(b)(2)) and the Federal Acquisition Regulation at part 6.102(d)(2) as supplemented by the Department of Energy Acquisition Regulation.

**Title of Research Opportunity Announcement: Applied Research and Development of Technologies For Environmental Restoration and Waste Management**

Areas of research in which contracts may be awarded:

*A. In situ Remediation*

There is a need for innovative and improved in situ remediation methods for the cleanup of contaminated soils and groundwater. In situ remediation technologies include both treatment and containment technologies. In situ treatment refers to treatment of contaminated material with minimal, or no, excavation, as well as any enhancement of contaminant removal from the subsurface. In situ remediation includes on-site treatment of groundwater and soils. In situ containment refers to technologies which retard or eliminate contaminant migration to the surrounding environment. The EM program has focused on three areas in which to develop in situ remediation technologies. They are: (1) In situ containment, (2) in situ biological treatment and (3) physical/chemical in situ treatment.

*B. Characterization, Sensors and Monitoring*

Technologies for characterization and monitoring are required for site clean-up and waste processing applications. There is a need for greater use of field-deployable methods and devices including real-time monitoring of process streams to reduce dependency on laboratory analyses which are costly and time consuming. In addition, techniques, including information management systems, are required that can better elucidate the physical, hydrogeological and chemical properties of the subsurface while minimizing or optimizing the use of boreholes. Finally, improved sensors are needed to better measure contaminants in varied, hazardous environments.

*C. Low-level Mixed Waste Processing*

DOE has identified the need for the development of new technologies for reducing current mixed (hazardous and radioactive) waste inventories. Low-level mixed waste is categorized into the following generic descriptions: Aqueous liquid wastes, organic liquid wastes containing organic chemicals, wet solid wastes, and dry solid wastes.

Six treatment technology areas, ranging from front-end waste handling through the generation of a final waste form, are identified for focusing applied research and development efforts. The treatment technology areas are: (1) Front-end waste handling and feed preparation, (2) non-thermal waste treatment, including decontamination, recycling and separation of suspended and dissolved materials, (3) mercury control, (4) waste destruction and stabilization, (5) secondary destruction and off-gas treatment and (6) final waste forms. Processing low-level mixed wastes will emphasize, where appropriate, use of methods to treat and/or separate the hazardous component to simplify the handling and disposal of materials in subsequent steps.

*D. Efficient Separations Technology for Radioactive Wastes*

Separations technologies are required to process a wide spectrum of highly radioactive defense wastes. These wastes may include high-level wastes, low-level wastes, transuranic wastes, and mixed wastes in all three categories. Highly radioactive defense wastes are anticipated to be processed into waste forms suitable for disposal in deep geologic repositories. Innovative applications of appropriate separation technologies will substantially decrease the volume of waste to be disposed of in repositories resulting in significant cost savings.

*E. Robotics*

Five areas have been identified within the EM program for development and application of advanced robotics and automation technologies. These are: (1) The characterization and remediation of waste storage tanks, (2) the characterization and remediation of buried waste sites, (3) the automation of contaminant analysis, (4) the decontamination and decommissioning of inactive nuclear facilities, and (5) operations for waste handling. Advancements in the development of robotics and automation technologies are needed in the areas of mechanical, control, and sensor systems.

*F. Material Disposition Technology*

Decontamination and decommissioning of surplus DOE facilities will result in the need to dispose of concrete, metals, sludges, contaminated soil, chemicals, and hazardous and mixed wastes. The implementation of recycling and reuse technologies is desired due to the great volumes and potential value of the material that is present at these facilities. Volume reduction technologies are also needed to minimize the costs associated with storage and disposal.

*G. Improved Engineered Barriers for Waste Storage and Disposal*

There is a need for improved engineered barriers, i.e., any man-made structures, devices or practices that enhance the performance of a waste storage or disposal facility. Engineered barriers are required to contain wastes which might otherwise release contaminants along air, surface water and/or groundwater pathways. Technology is needed for the design, construction and performance assessment of improved engineered barriers relative to low-level radioactive waste disposal and the interim storage of high-level radioactive wastes.

*H. Improved Waste Forms*

Technologies producing improved waste forms for hazardous, radioactive and mixed wastes are desired. Waste forms must meet certain performance requirements, including durability and resistance to leaching. Waste types for which improved waste forms are desired are: Low-level mixed wastes, incinerator ash and various special

radioactive wastes including spent nuclear fuels, calcine waste, cesium and strontium halides, and transuranic waste. In addition, DOE is seeking performance assessment methodologies to rapidly and reliably determine the leachability and durability of waste forms.

Submission and withdrawal of proposals:

A. Unsuccessful offerors will be given an opportunity for a debriefing which will describe the evaluation process and discuss the major strengths and weaknesses found in their proposal.

Unsuccessful proposals will be retained by the receiving office and will not be returned to unsuccessful offerors.

Proposals received subsequent to the close of the submission deadline may be considered and evaluated under a succeeding ROA if one is issued by METC, provided that the offeror so affirms, in writing, and provides METC, as part of its affirmation, any needed updated information relating to its proposal and the proposed research is consistent with the objectives of the succeeding ROA.

B. Proposals may be withdrawn by the offeror at any time prior to award of a contract by written notice to the cognizant program office (the individual identified above as the point of contact).

Funding availability: The amount of money which is available for first year funding of potential contract awards is approximately $6,000,000.

Evaluation factors and proposal preparation instructions:

*A. Technical Evaluation Factors*

The following factors will be used for the evaluation of proposals submitted under this solicitation:

1. Technical Approach and Understanding

Proposals will be evaluated considering the offeror's understanding of the need(s) or problem(s) the technology will address and the soundness and likelihood of success of the proposed research effort in meeting the research objective(s).

2. Merit of the Technology

Proposals will be evaluated considering the offeror's discussion on the technology's merit in terms of anticipated performance and cost savings over existing technology and how the technology is an improvement over existing technology.

3. Personnel Qualifications, Project Organization and Experience

Proposals will be evaluated considering the offeror's technical and managerial experience, qualifications, and availability of personnel who are proposed to work on the project; project organization and management structure; and prior experience in managing projects similar in type, technology, size and complexity.

4. Facilities and Equipment

Proposals will be evaluated considering the quality, availability, and appropriateness of the offeror's proposed facilities and equipment.

*B. Relative Importance of the Evaluation Criteria*

The Technical Proposal Evaluation Criteria, as listed above, are in descending order of importance. Criteria 1 and 2 are of equal importance. Criterion 3 is twice as important as criterion 4. Criteria 1 and 2 are each more than three times as important as criterion 4.

*C. Cost Evaluation*

Proposed cost will be evaluated for reasonableness, appropriateness, and probable cost to the Government.

*D. Proposal Preparation Instructions*

1. Offerors who include in their proposal data that they do not want disclosed to the public for any purpose or used by the Government except for evaluation purposes shall:

a. Mark the title page with the following legend:

"This proposal or quotation includes data that shall not be disclosed outside of the Government and shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal or quotation. If, however, a contract is awarded to this offeror or quoter as a result of—or in connection with—the submission of this data, the government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets (insert number or other identification of sheets)"; and

b. Mark each sheet of data it wishes to restrict with the following legend: "Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal or quotation."

2. Each proposal will be submitted in the quantities specified below to the address given in the summary section, above, designated as the delivery point for proposals. Each proposal will be comprised of three separate volumes, numbered and submitted in the number of copies as follows:

| Volume | Number of copies |
|---|---|
| Volume I Offer and other document | 2 |
| Volume II Technical proposal | 7 |
| Volume III Cost proposal | 7 |

Brief, but complete, proposals are desired. The Technical Proposal shall be as brief as possible while addressing all of the technical evaluation criteria and preparation instructions. The technical proposal shall not, in any case, exceed 50 pages in length including figures and tables but excluding resumes of proposed personnel. The statement of work may be included in an appendix to the technical proposal. The statement of work shall not exceed 10 pages and is not included in the technical proposal's 50 page limit. There is no limitation on the length of the two other volumes of the proposal.

The volumes of the proposal must contain the following:

1. Volume I—Offeror Information: (Original and 1 copy)
   a. Name and address of the offeror.
   b. The ROA solicitation number.
   c. The date of submission of the proposal and the offer acceptance period (minimum of 180 days).
   d. The names and addresses of any other Federal, State, or local government entity who has in the past, or is currently, or expects in the future, to provide funds for the same or similar research activities of the offeror.
   e. A proposal cover sheet signed by an individual authorized to contractually obligate the offeror (See Article 9).
   f. DOE Representations, Certifications, and Other Statements of Bidders/Offerors.
   g. Certificate of Environmental Safety and Health.
2. Volume II—Technical Proposal: (Original and 6 copies)

The offeror shall identify the specific area(s) of research the proposed project addresses. These areas are defined in the Article 4. "Areas of Research in Which Contracts May be Awarded".

*A. Technical Approach and Understanding*

This section shall describe the offeror's technical approach to accomplish the work.

The offeror shall provide a description of the technology, its

intended use(s), and the need(s) or problem(s) the technology will address. The offeror shall provide a clear description of the project objective(s) and deliverables (e.g. reports, device(s)).

The offeror shall provide a statement of work (SOW) which shall be divided into logical tasks and subtasks necessary to accomplish the project objective(s). The SOW shall include, where applicable, key go/no-go decision points (it is understood that because of the nature of the work proposed that some, though few, will not lend themselves to go/no-go decision points) which will be used to evaluate project success. These decision points may be identified as options in any resulting contract. The offeror shall identify specific success criteria which must be satisfied to demonstrate success for each key go/no-go decision point.

**Note:** The statement of work will contain Task 1 which will require the preparation of documentation and submission of information necessary for DOE to comply with the National Environmental Policy Act requirements if the project does not qualify as a categorical exclusion. Offerors may receive the Statement of Work format, which includes Task 1, from the individual identified in Article 9, as part of the information package.

Where applicable the offer should provide a preliminary test plan which shall include, but not be limited to, objectives of the test, description of test equipment and experimental setup, test procedures, test conditions, number of tests, duration of tests, data to be collected, and criteria to determine success of a test. Also where applicable, the offeror shall provide a preliminary process flow diagram and material balance for the proposed technology.

The proposer shall provide a PERT (Program Evaluation and Review Technique) chart or equivalent depicting the project schedule, milestones, and interrelationship of the project tasks. The offeror shall identify the critical path which identifies the sequential tasks which, if not completed on time, will result in a delay in the overall project schedule.

The offeror shall provide a table listing the estimated labor hours and labor categories (e.g., management, engineering, scientific, technician, analytical, clerical) required for each task. The offeror shall include a table showing labor hours and labor categories for any proposed subcontracting or consulting effort for each task, including Task 1. The offeror shall discuss the rationale used to develop estimates for labor hours, labor categories, subcontracting effort, consulting effort, and travel. Cost information is not to be included in the technical proposal volume.

The offeror shall describe the proposed travel. The purpose of the trip, number of trips, the origin and destination, trip duration, and the number of personnel shall be included in the explanation.

*B. Merit of the Technology*

The offeror shall describe the merit of the proposed technology in terms of anticipated performance and/or cost savings over existing technologies and how the technology is an improvement, where applicable, in the following areas:

- Reducing public and occupational health risks
- Reducing environmental impacts
- Improving clean-up and waste management/processing operations
- Cost reduction
- Reducing the time required for remediation and or waste management/processing
- Minimizing generated or secondary wastes
- Ability to meet regulatory requirements
- Feasibility in implementing the technology
- Breadth of application

*C. Personnel Qualifications, Project Organization and Experience*

The offeror shall describe relevant technical and managerial experience, qualifications, and availability of the proposed project personnel including subcontractors and consultants. Resumes of key project personnel (e.g. project manager, principal investigator) shall be included in an appendix to the proposal.

The offeror shall provide a description of the project organization structure and the lines of authority, both technical and administrative, and the relationship to the proposed research effort.

The offeror shall discuss any prior experience in managing project that were similar in type, size, and complexity. The offeror shall discuss experience in developing the proposed or similar technologies.

*D. Facilities and Equipment*

The offeror shall provide a discussion of the type, quality, availability and appropriateness of the proposed facilities and equipment, including a description of any facilities and/or non-monetary resources requested to be furnished by the Government for use by the offeror in performance of the proposed research.

The offeror shall discuss any special existing permits and licenses for handling, treating, storing and disposing of hazardous and radioactive waste at their facilities.

3. Volume III—Cost Proposal: (Original and 6 copies)

a. A fully executed Standard Form (SF) 1411.

b. Supporting cost exhibits for the total project, by task, and between go/no-go decision points to include labor hours, rates and costs; equipment and supplies lists and costs; subcontracted costs in the same level of detail; indirect costs and all other costs proposed. The same level of detail shall be provided for shared costs, if proposed.

DOE obligation for proposal preparation:

DOE is under no obligation to reimburse the offeror for any costs associated with the preparation or submission of proposals; however, bid and proposal preparation costs which are a portion of an established indirect cost rate will be paid to successful offerors to the extent that such costs have been reviewed and approved by the appropriate auditing agency.

Funding of proposals:

DOE reserves the right to fund, in whole or in part (including any options that may be negotiated), any, all or none of the proposals submitted.

Return of unsuccessful proposals:

DOE is not required to, and will not, return to the offeror a proposal which is not selected.

Proposal review and selection:

A. Each proposal will be objectively reviewed on its own merit against the evaluation criteria stated in the ROA using scientific and/or peer reviewers, some of whom may be DOE contractors. Offerors who object to review of their proposal by persons other than Government employees shall so state in Volume I of their proposal. Offerors are cautioned that DOE may be unable to give full consideration to proposals which indicate that only Government evaluation is authorized.

B. Proposals will be reviewed individually, or in groups which will be assembled as often as practical considering the number of proposals received and the availability of competent reviewers.

C. Selection of proposal(s) will be made in consideration of the evaluation, the importance of the proposed research to the program objectives, and the availability of funds.

Proposal evaluation and award:

DOE is not obligated to award a contract to an offeror merely because the offeror's proposal was accepted by DOE for evaluation.

Set-aside information, standard industrial classification, and qualified offerors:

A. *Set Aside Information:* A minimum of twenty percent (20%) of the number of awards made as a result of this solicitation are set aside for small businesses.

B. *Standard industrial classification:* The standard industrial classification (SIC) code for this acquisition is 8731. The small business size standard is 500. The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

C. *Qualified Offerors:* Individuals, educational institutions, large and small businesses, and all other organizations, with the exceptions noted below, may submit proposals under this ROA.

Proposals are not solicited from and contracts will not be awarded to any specific entity which operates a Government-owned or Government-controlled research, development, special production, or testing establishment, such as DOE's management and operating contractors facilities, or Federally Funded Research and Development Centers chartered by other agencies. For further information see DEAR 935.016–2(b)(2).

Issued: March 2, 1993.

**Thomas F. Bechtel,**

*Director, Morgantown Energy Technology Center.*

[FR Doc. 93–5643 Filed 3–10–93; 8:45 am]

BILLING CODE 6450–01–M

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## Federal Energy Regulatory Commission

**[Docket No. QF87–93–005]**

### Cambria CoGen Co.; Application for Commission Recertification of Qualifying Status of a Small Power Production Facility

March 5, 1993.

On February 24, 1993, Cambria CoGen Company of 7201 Hamilton Boulevard, Allentown, Pennsylvania 18195, submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the small power production facility is located near Ebensburg, in Cambria Township Pennsylvania. The Commission previously certified the facility as an 85 MW bituminous coal refuse small power production facility. The instant request for recertification is due to a change in the facility's power production capacity and a change in ownership structure.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the applicant. 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. 93–5619 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. QF86–1061–004]**

### Eagle Point Cogeneration Partnership; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

March 5, 1993.

On February 26, 1993, Eagle Point Cogeneration Partnership, c/o ANR Venture Eagle Point Company, 310 First Street, Fifth Floor, Roanoke, Virginia 24011, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. According to the applicant, the instant request for recertification is due to changes in the ownership and configuration of the facility. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Westville, New Jersey. The Commission previously certified the facility as a qualifying cogeneration facility, Eagle Point Cogeneration Partnership, 37 FERC ¶62,135 (1986). Notices of self-recertification were filed on March 1, 1989, June 28, 1989 and December 15, 1992.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal 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. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the applicant. 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. 93–5620 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket Nos. QF91–38–001, et al.]**

### Nissequoque Cogen Partners, et al.; Electric rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

**1. Nissequoque Cogen Partners**

[Docket No. QF91–38–001]

March 1, 1993.

On February 22, 1993, Nissequoque Cogen Partners c/o CEA USA, Inc., 1200 E. Rigewood, New Jersey 07450–3939, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. The instant request for recertification is due to changes in the ownership structure of the facility and the commence of operation date from December 1993 to June 1994. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the topping-cycle cogeneration facility to be located in the Town of Brookheaven, in Suffolk, County, New York was previously certified by the Commission as a qualifying cogeneration facility, *Nissequoque Cogen Partners*, 54 FERC ¶ 62,147 (1991).

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

**2. Kamine/Besicorp Allegany L.P.**

[Docket No. QF88–292–002]

March 1, 1993.

On February 18, 1993, Kamine/Besicorp Allegany L.P., of 1620 Route 22 East, Union, New Jersey 07083, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the topping-cycle cogeneration facility is located in the Town of Hume, Allegany County, New York, and will consist of one combustion turbine generator, one heat recovery boiler (HRB), and one extraction/condensing steam turbine generator. Steam recovered from the HRB will be used by Stewart & Stevenson Services, Inc. to produce ultra-high purity water for its distillation plant. The net electric power production capacity of the facility will be 56.7 MW. The Primary energy source will be natural gas. Construction of the facility will commence in October 1994.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

**3. Oxbow Power of North Tonawanda, New York, Inc.**

[Docket No. QF89–111–003]

March 1, 1993.

On February 18, 1993, Oxbow Power of North Tonawanda, New York, Inc., filed a petition with the Federal Energy Regulatory Commission for a temporary waiver of the efficiency standard for the year 1993 pursuant to § 292.205(c) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the 55 MW topping-cycle cogeneration facility which is located in North Tonawanda, New York, Inc. consists of a combustion turbine generator, a heat recovery boiler and a steam turbine generator. Thermal energy recovered from the facility will be used in the space heating of an affiliated greenhouse complex. The facility will use natural gas as its primary energy source. The Commission recently granted Oxbow's petition for waiver of the operating standard for calendar year 1993 (Oxbow Power of North Tonawanda, New York, Inc.), 62 FERC ¶ 62,037 (1993).

Applicant states that the temporary waiver of the efficiency standard is requested due to the limited generation of power without concurrent use of thermal output because of the nature of the host's thermal requirements.

*Comment date:* Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

**4. Ocean State Power**

[Docket No. ER93–397–000]

March 4, 1993.

Take notice that on February 26, 1993, Ocean State Power (Ocean State) tendered for filing the following supplements (the Supplements) to its rate schedules with the Federal Energy Regulatory Commission (FERC or the Commission):

Supplements No. 14 to Rate Schedule FERC No. 1
Supplements No. 11 to Rate Schedule FERC No. 2
Supplements No. 10 to Rate Schedule FERC No. 3
Supplements No. 11 to Rate Schedule FERC No. 4

The Supplements to the rate schedules request approval of Ocean State's proposed rate of return on equity for the period beginning on April 27, 1993, the requested effective date of the Supplements, and ending on the effective date of Ocean State's updated rate of return on equity to be filed in February 1994. Ocean State is filing the Supplements pursuant to section 7.5 of each of Ocean State's unit power agreements with Boston Edison Company, New England Power Company, Montaup Electric Company, and Newport Electric Corporation, respectively, and the Commission's order in Ocean State Power II, 59 FERC ¶61,360 (1992). The Supplements constitute a rate decrease.

Copies of the Supplements have been served upon Boston Edison Company, New England Power Company, Montaup Electric Company, Newport Electric Corporation, the Massachusetts Department of Public Utilities, the Rhode Island Public Utilities Commission and TransCanada Pipe Lines Limited.

*Comment date:* March 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

**5. Wisconsin Electric Power Company**

[Docket No. ER92–812–002]

March 4, 1993.

Take notice that on February 8, 1993, as further supplemented on February 9, 1993, Wisconsin Electric Power Company tendered for filing its compliance filing in response to Commission's order of January 8, 1993 in this docket.

*Comment date:* March 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

**6. Pacific Gas and Electric Company**

[Docket No. ER93–413–000]

March 4, 1993.

Take notice that on March 2, 1993 Pacific Gas and Electric Company tendered for filing a change in the rate schedule for Midway Transmission Service to the Transmission Agency of Northern California. This change consists of changes to the rates and related terms and conditions for Midway Transmission Service. This transmission service is provided under Pacific Gas and Electric Company Rate Schedule FERC No. 143, as supplemented.

*Comment date:* March 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

**7. Jackson Valley Energy Partners, L.P.**

[Docket Nos. QF82–208–006 and QF82–208–007]

March 4, 1993.

On February 25, 1993, Jackson Valley Energy Partners, L.P. tendered for filing supplemental information in this docket.

The supplemental information revises the January 15, 1993, filing pertaining to the stream of benefits. No determination has been made that the submittal constitutes a complete filing.

*Comment date:* March 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

**8. Ocean State Power II**

[Docket No. ER93–398–000]

March 4, 1993.

Take notice that on February 26, 1993, Ocean State Power II (Ocean State II) tendered for filing the following supplements (the Supplements) to its rate schedules with the Federal Energy Regulatory Commission (FERC or the Commission):

Supplements No. 12 to Rate Schedule FERC No. 5
Supplements No. 12 to Rate Schedule FERC No. 6
Supplements No. 11 to Rate Schedule FERC No. 7
Supplements No. 11 to Rate Schedule FERC No. 8

The Supplements to the rate schedules request approval of Ocean State II's proposed rate of return on equity for the period beginning on April 27, 1993, the requested effective date of the Supplements, and ending on the effective date of Ocean State II's updated rate of return on equity to be filed in February of 1994. Ocean State

II is filing the Supplements pursuant to section 7.5 of each of Ocean State II's unit power agreements with Boston Edison Company, New England Power Company, Montaup Electric Company, Newport Electric Corporation, respectively, and the Commission's order in Ocean State Power II, 59 FERC ¶61,360 (1992). The Supplements constitute a rate decrease.

Copies of the Supplements have been served upon Boston Edison Company, New England Power Company, Montaup Electric Company, Newport Electric Corporation, the Massachusetts Department of Public Utilities, the Rhode Island Public Utilities Commission and TransCanada PipeLines Limited.

*Comment date:* March 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

**9. John B. Keane**

[Docket No. ID–2767–000]

March 4, 1993.

Take notice that on February 26, 1993, John B. Keane (Applicant) tendered for filing a supplemental application under section 305(b) of the Federal Power Act to hold the following positions:

Director, Vice President and General Counsel-Corporate—The Connecticut Light and Power Company
Director, Vice President and General Counsel-Corporate—Western Massachusetts Electric Company
Director, Vice President, General Counsel-Corporate—Holyoke Water Power Company
Vice President and General Counsel-Corporate—Connecticut Yankee Atomic Power Company
Vice President and General Counsel-Corporate—Public Service Company of New Hampshire

Comment date: March 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

**10. Robert P. Wax**

[Docket No. ID–2766–000]

March 4, 1993.

Take notice that on February 26, 1993, Robert P. Wax (Applicant) tendered for filing a supplemental application under section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Secretary and General Counsel—The Connecticut Light and Power Company
Vice President, Secretary, Assistant Clerk and General Counsel—Western Massachusetts Electric Company
Vice President, Secretary, Assistant Clerk and General Counsel—Holyoke Water Power Company
Vice President, Secretary, Assistant Clerk and General Counsel—Holyoke Power and Electric Company
Vice President, Secretary and General Counsel—Connecticut Yankee Atomic Power Company
Director, Vice President, Assistant Secretary and General Counsel—Public Service Company of New Hampshire

*Comment date:* March 17, 1993, in accordance with Standard Paragraph E end of this notice.

**11. Western Resources, Inc.**

[Docket No. ER93–396–000]

March 4, 1993.

Take notice that on February 26, 1993, Western Resources, Inc., formerly the Kansas Power and Light Company, tendered for filing a notice of cancellation for Rate Schedule FPC Nos. 14, 16, 54 and 161 and Rate Schedule FERC Nos. 213 and 239.

Notice of the proposed cancellation has been served upon the customers and the Kansas Corporation Commission.

*Comment date:* March 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraphs**

E. 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 the comment date. 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. 93–5538 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Project Nos. 2454–018, et al.]**

## Hydroelectric Applications [Minnesota Power & Light Company, et al.]; Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1. a. *Type of Application:* New Major License (Less than 5 MW).

b. *Project No.:* 2454–018.

c. *Date filed:* December 10, 1991.

d. *Applicant:* Minnesota Power & Light Company.

e. *Name of Project:* Sylvan Hydroelectric Project.

f. *Location:* On the Crow Wing River in Cass, Crow Wing, and Morrison Counties, Minnesota.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Stephen A. Kopish, Hydro Operations Manager, Minnesota Power & Light Company, 30 West Superior Street, Duluth, Minnesota 55802, (218) 722–2641.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* Initial Comments—April 12, 1993; Reply Comments—May 25, 1993.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D6.

l. *Description of Project:* The run-of-river project consists of : (1) A 35-foot-high, 1,249-foot-long dam; (2) a 1,275-acre impoundment with a surface elevation of 1170 feet; (3) a powerhouse containing three generating units with a total installed capacity of 1,800 kW; (4) step-up transformers; and (5) appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant estimates the average annual generation from this project to be 9,745 MWh.

m. *Purpose of Project:* All project energy generated would be put into the applicant's electrical grid and distributed to its customers.

n. This notice also consists of the following standard paragraphs: B1 and D6.

o. Available Locations of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the Minnesota Power & Light Company, located at 30 West Superior Street, Duluth, Minnesota 55802, or by calling Mr. Stephen A. Kopish at (218) 722–2641.

2 a. *Type of Application:* New License.

b. *Project No:* 2474–004.

c. *Date Filed:* December 6, 1991.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of Project:* Oswego River Project.

f. *Location:* On the Oswego River in Oswego County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jerry L. Sabattis, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202, (315) 428–6215.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Comment Date:* April 12, 1993.

k. *Status of Environmental Analysis:* This application is accepted for filing but is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The proposed project consists of the following three developments:

*Fulton Development*

(1) A concrete buttress dam, totaling about 509 feet long, with a maximum height of 15 feet at a crest elevation of 334.0 feet msl, topped with about 6-inch-high flashboards, consisting of a gated concrete intake section, about 35 feet high by 41 feet long by 14 feet wide, having (a) three steel gates, measuring 8 feet high by 6.5 feet wide; (b) a forebay measuring 10 feet long by 40 feet wide; (c) perpendicular trashracks with ⅜-inch steel bars at 2½ inch openings for a total gross area of 538 square feet; and (d) an existing bypass reach about 1,850 feet long;

(2) A concrete-steel with brick masonry powerhouse, about 55 feet high by 25 feet wide by 43 feet long, equipped with two vertical fixed-propeller turbine and synchronous generator combinations having (a) a total rated capacity of 1,250 kilowatts (kW); (b) an operating hydraulic capacity of 1,010 cubic feet per second (cfs); (c) a rated head of 17 feet; and (d) an average annual generation of 7,380 MWh;

(3) A switchgear building, about 24 feet by 32 feet, housing the main controls for the units;

(4) An impoundment having (a) a surface area of about 33 AC; (b) 620 AF gross storage capacity; (c) a usable storage capacity of 30 AF; and (d) a normal pool headwater elevation of 334.5 feet msl; and

(5) Appurtenant facilities.

*Minetto Development*

(1) A concrete gravity dam, totaling about 500 feet long, with a maximum height of 22.5 feet at a crest elevation of 307.0 feet msl, topped with proposed 10-inch-high pneumatic flashboards, consisting of a gated concrete intake section, about 40 feet high by 190 feet long, having (a) nine steel gates, measuring 9 feet high by 11 feet wide; and (b) perpendicular trashracks with ½-inch steel bars at 2½ inch openings for a total gross area of 2,891 square feet;

(2) A concrete-steel with brick masonry powerhouse, about 77 feet high by 88 feet wide by 230 feet long, equipped with five vertical Francis turbine and General Electric generator combinations having (a) an existing total rated capacity of 8,000 kW, a total hydraulic capacity of 7,000 cfs, and an average annual generation of 31,800 MWH; (b) a proposed total rated capacity of 10,500 kW, a total hydraulic capacity of 8,000 cfs, and an average annual generation of 47,300 MWh; and (c) a rated head of 17.5 feet;

(3) An impoundment having (a) a surface area of about 350 AC; (b) a gross storage capacity of 4,730 AF; (c) a useable storage capacity of 290 AF; and (d) a normal pool headwater elevation of 307.8 msl; and

(4) Appurtenant facilities.

*Varick Development*

(1) A masonry gravity dam, totaling about 730 feet long with a maximum height of 13 feet, consisting of: (a) a curved section, measuring 480 feet long with a crest elevation of 267.5 feet msl, topped with a proposed 2.5-foot-high rubber dam, replacing the existing "stepped" flashboards, which varies from the west to east in heights at each quarter of the section: 30 inches, 32 inches, 34 inches, and 36 inches; (b) a straight section, measuring 250 feet long with a crest elevation of 268.5 feet msl, also topped with a proposed 2.5-foot-high rubber dam, replacing the existing "stepped" flashboards, varying in heights of 10 inches; and (c) a gated section, about 189 feet long by 28 feet wide, with (i) twenty-four steel gates measuring 11 feet high by 6.25 feet wide, (ii) an unused minimum flow gate, (iii) a forebay measuring 950 feet long by 150 feet wide; (iv) perpendicular trashracks with 3/8-inch steel bars at 4-inch openings for a total gross area of 3,083 square feet; and (v) an existing bypass reach about 1,940 feet long;

(2) A concrete and brick powerhouse, about 78 feet high by 66 feet wide by 271 feet long, equipped with four vertical fixed-blade turbine and synchronous generator combinations having (a) an existing total rated capacity of 8,800 kW, a total hydraulic capacity of 5,600 cfs, and an average annual generation of 35,000 MWh; (b) a proposed total rated capacity of 10,000 kW, a total hydraulic capacity of 6,400 cfs, and an average annual generation of 43,300 MWh; and (c) a rated head of 19.6 feet;

(3) An impoundment having (a) a surface area of about 32 AC; (b) a 435 AF of gross storage capacity; (c) a useable storage capacity of 80 AF; and (d) a normal pool headwater elevation of 270.0 feet msl;

(4) And appurtenant facilities. The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. Based on the expiration of December 31, 1993, the Applicant's estimated net investment in the project would amount to $6,260,659.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202 or by calling (315) 428–6215.

3 a. *Type of Application:* New License.

b. *Project No.:* 2482–014.

c. *Date Filed:* December 19, 1991.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of Project:* Hudson River Project.

f. *Location:* On the Hudson River in Saratoga and Warren Counties, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jerry L. Sabattis, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202, (315) 428–6215.

i. *FERC Contact:* Robert Bell (202) 219–2806.

j. *Comment Date:* April 12, 1993.

k. *Status of Environmental Analysis:* This application is accepted for filing but is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The proposed project consists of the following two developments:

*Spier Falls Development:*

1. A 638-acre impoundment (normal maximum surface area), with a normal maximum surface elevation of 436.8 feet

NGVD, located in a narrow valley, is approximately 4.5 miles long with an average depth of 800 feet. The impoundment has continuously wooded, mountainous shorelines with limited road contact due to forested buffer zones. Gross storage at normal maximum surface elevation is 28,926 acre-feet and usable storage at four feet of drawdown is 2,526 acre-feet.

2. A dam consisting of one spillway section 810.25 feet long by 70 feet high containing eleven 27-foot-long by 8-foot-high needle beam bays, 15, 27 feet long by 8 feet high taintor gate bays and one 12-foot-long by 8-foot-high taintor gate bay.

3. A forebay canal 540 feet long by 120 feet average width and 40 feet average depth.

4. An intake structure for Unit No. 8 which is 70 feet long and is a maximum of 55 feet high containing trash racks and two 12 feet diameter penstock openings controlled by 14-foot-wide and 15-foot-high electric motor operated steel gates. The intake structure for Unit 9 is 156 feet long and is a maximum of 80 feet high containing trash racks, a trash rake and eight penstock openings. Four of the penstock openings are sealed with a bulkhead for a future generating unit and the remaining four are controlled by 12-foot-wide by 17.5 feet high electric motor operated steel gates.

5. Water conduits consisting of two sections of 12-foot-diameter steel penstock combined into one steel penstock 132 feet long to supply water to Unit No. 8.

6. Two powerhouses, one 73.5 feet wide by 241.83 feet long with an average height of 50.5 feet contains Unit No. 8, and the other is 73.25 feet wide by 79 feet long and 64 feet high and contains Unit No. 9. Generating Unit No. 8 consists of a vertical Francis turbine (I.P. Morris manufactured) and a GE Generator which is rated at 7,380 kW for maximum power at 1,380 cfs. Generating Unit No. 9 consists of a Newport News manufactured Vertical Francis turbine and a GE Generator which is rated at 43,280 kW for maximum power at 7,590 cfs.

7. A tailrace created in the original river bottom to increase flow capability away from the powerhouse.

8. Appurtenant equipment.

*Sherman Island Development*

1. A 305-acre impoundment at normal maximum surface area, at elevation 353.3 feet NGVD. Gross storage at that elevation is 6,960 acre-feet, and usable storage at 3.7 feet drawdown is 1,060 acre-feet. It is located in a narrow valley, and approximately 3.5 miles long with an average width of 650 feet. The impoundment has continuously wooded, mountainous shorelines with limited road contact due to forested buffer zones.

2. A buttressed (and partial gravity) dam consisting of a spillway, 949 feet long with a maximum height of 38 feet and a major portion of the crest at an elevation of 349.6 feet (NGVD). The spillway section of the dam will be modified to contain two rubber dam sections starting at the right abutment and having a total length of approximately 277 feet and a sill elevation of 347.6 feet NGVD.

3. A forebay 340 feet long with a maximum bottom width of 100 feet, a minimum width of 32 feet and a depth of 39 feet.

4. An intake structure consisting of a 3,100-foot-long power canal and fifteen 10 feet wide by 13-foot-high penstock openings. Three of these openings are sealed by bulkheads for a possible future generating unit.

5. There are three penstocks per unit with three additional penstocks for a possible future unit. Each penstock is 200 feet long, 10.67 feet wide and 10 feet high.

6. A powerhouse, 228.1 feet long by 51.67 feet wide by 48 feet average height, holds the four existing generating units. The generating units each consist of a Vertical Francis I.P. Morris turbine and a General Electric generator which is rated at 7,200 kW for maximum power at 1,650 cfs.

7. After receipt of a new license, the gate structure of the power canal will be completely replaced with four electric hoist-operated steel gates approximately 18 feet by 26 feet to control the flow.

8. A new concrete powerhouse will be constructed to have the new Kaplan tube type minimum flow unit. The powerhouse will be approximately 24 feet by 50 feet. One 7-foot diameter penstock approximately 100 feet long will have a butterfly valve to shut off the flow of water for the new unit.

9. A tailrace was created to increase flow away from the powerhouse. A concrete apron 209 feet long extends from the channel that otherwise could cause undermining of the powerhouse.

10. Appurtenant equipment. The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. Based on the expiration of December 31, 1993, the Applicant's estimated net investment in the project would amount to $34,581,604.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202 or by calling (315) 428–6215.

4 a. *Type of Application:* New Major License.

b. *Project No.:* 2496–006.

c. *Date filed:* December 26, 1991.

d. *Applicant:* Eugene Water and Electric Board.

e. *Name of Project:* Leaburg-Walterville Hydroelectric Project.

f. *Location:* On the McKenzie River in Lane County, near Eugene, Oregon.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Randy L. Berggren, General Manager, Eugene Water & Electric Board, 500 East 4th Avenue, P.O. Box 10148, Eugene, Oregon 97440, (503) 484–2411.

i. *FERC Contact:* Mr. Surender M. Yepuri, P.E., (202) 219–2847.

j. *Deadline Date:* April 15, 1993.

k. *Status of Environmental Analysis:* The application is not ready for environmental analysis at this time—see attached paragraph E1.

l. *Description of Project:* The project as proposed for licensing combines two separately licensed developments into one licensed facility.

(A) Leaburg Development: This development as proposed for licensing consists of: (1) The 22-foot-high, 400-foot-long concrete diversion dam impounding the 68-acre reservoir at elevation 743.5 msl; (2) the 15-foot-deep, 5-mile-long canal; (3) the forebay with two 260-foot-long, 12-foot-diameter concrete penstocks; (4) the concrete powerhouse containing two 7.5-MW turbine-generator units; (5) the fishways; (6) the 1,100 foot-long tailrace; and (7) other appurtenant structures. The average annual generation is 97.3 GWh.

(B) Walterville Development: This development as proposed for licensing consists of: (1) The 15-foot-deep, 4-mile-long canal; (2) the pumped storage pond; (3) the forebay with a 100-foot-long, 16.5-foot-square concrete penstock; (4) the structural steel powerhouse containing a 8-MW turbine-generator unit;

(5) the 2-mile-long tailrace; and (6) other appurtenant structures. The average annual generation is 66.6 GWh.

The Leaburg-Walterville project also includes the two 14.2-mile-long, 69-kV transmission lines.

m. This notice also consists of the following standard paragraphs: B1 and E1.

n. *Available Locations of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above).

5 a. *Type of Application:* New License.

b. *Project No.:* 2539–003.

c. *Date Filed:* December 23, 1991.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of Project:* School Street Project.

f. *Location:* On the Mohawk River in Albany and Saratoga Counties, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jerry L. Sabattis, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202, (315) 428–6215.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Comment Date:* April 12, 1993.

k. *Status of Environmental Analysis:* This application is accepted for filing but is not ready for environmental analysis at this time—see attached standard paragraph E1.

1. *Description of Project:* The proposed project consists of:

(1) A 100-acre surface area reservoir is impounded behind a gravity-type masonry dam. The normal maximum reservoir surface elevation is at 156.1 feet (USGS), and usable storage capacity is 270 acre-feet and gross storage at maximum surface elevation of the impoundment is 788 acre-feet. The existing masonry dam measures 1,280 feet long and 16 feet high. Existing normal fluctuation limits (drawdown) are 3 feet.

(2) The existing ice fender and skimmer is located adjacent to the western abutment of the dam (about 375 feet long by an average of 18 feet high). The fender consists of a series of concrete beams spanning about 29 feet.

(3) The existing upper gatehouse consists of two integrated portions measuring about 206 feet long. Gatehouse portions incorporate nine timber slide gates and three steel tainter gates. The existing lower gatehouse measures about 152 feet long by 48.5 feet wide by 57.5 feet high and incorporates five steel headgates at the end of the power canal.

(4) The existing power canal is about 4,400 feet long, averaging 150 feet wide and carrying a water depth of 14 feet under normal operating conditions.

(5) The existing by-passed reach is 4,500 feet in length.

(6) There are five existing steel penstocks. Each penstock feeds one generating unit; 11 feet (four units) and 13 feet in diameter, averaging 190 feet long.

(7) The Powerhouse measures approximately 170 feet long by 78 feet wide by 87 feet high and encloses five vertical Francis turbine-generator units and associated controls and equipment. The total existing nameplate capacity rating of the units is:

Unit 1—7.2 MW at 92 feet net head
Unit 2—7.2 MW at 92 feet net head
Unit 3—7.2 MW at 92 feet net head
Unit 4—7.2 MW at 92 feet net head
Unit 5—10.0 MW at 92 feet net head

The capacity of the proposed new Unit 6 addition, a 3,000 cfs vertical Kaplan unit, is 21.0 MW at 92 feet net head. The total proposed project capacity is 59.8 MW.

(8) Existing maximum (total) discharge is 5,910 cfs, existing base flow is 0 cfs, and powerhouse gross head is 94 feet.

Other ancillary equipment at the School Street Project include trashracks, and ice sluice. Power generated at the School Street Project enters Niagara Mohawk's integrated transmission system at the project site.

(9) There is no transmission lines included in the project.

(10) The applicant has proposed to:

(a) Upgrade two of the existing five School Street generating units;

(b) Install a new 3,000 cfs, 21.0 MW vertical Kaplan unit adjacent to the existing powerhouse. The new proposed reinforced concrete and steel powerhouse addition will measure 110 feet long by 50 feet wide by 110 feet high.

(c) To service the new proposed unit, a new 17.5 feet diameter steel penstock, approximately 190 feet long will be constructed.

(d) To allow for the increased hydraulic capacity, the canal will be excavated to varying depths along its length. The proposed maximum discharge is 8,850 cfs, with proposed normal fluctuation limits of 1 foot. The proposed by-passed reach minimum flow is 60 cfs derived from a sluice release.

(11) Appurtenant equipment at the facility include governor systems and powerhouse crane.

The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. Based on the expiration of December 31, 1993, the Applicant's estimated net investment in the project would amount to $3,925,242.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202 or by calling (315) 428–6215.

6a. *Type of Application:* New License.

b. *Project No.:* 2569–004.

c. *Date Filed:* November 29, 1991.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of Project:* Black River Project.

f. *Location:* On the Black River in Jefferson County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jerry L. Sabattis, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202, (315) 428–6215.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Comment Date:* April 12, 1993.

k. *Status of Environmental Analysis:* This application is accepted for filing but is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The proposed project consists of the following five developments:

*Herrings Hydroelectric Development*

(1) A 140-acre reservoir, at normal maximum surface elevation of 680.1 feet (USGS), with a gross storage capacity of 669.4 acre-feet and a useable storage capacity of 70 acre-feet;

(2) A dam consisting of (a) a 512-foot-long by 25-foot-high "L"-shaped

concrete gravity dam, with a permanent crest elevation of 679.1 feet (USGS), topped with existing 1-foot-high wooden flashboards;

(3) An intake structure, integral with the powerhouse, consisting of (a) a stop-log waste sluice upstream of the existing perpendicular trash racks measuring 101-foot-wide by 31-foot-high with 3.5 inches of clear spacing, (b) an 11-foot-wide stop-log waste sluice downstream of the trash racks, and (c) nine, 9-foot-wide, 12.5-foot-high motor operated slide gates;

(4) A 137-foot-wide, 33-foot-long brick/masonry powerhouse containing three vertical Allis-Chalmers generating units, each rated at 1,800 kilowatts (kW), with a design head of 19.5 feet and a hydraulic capacity of 1,203 cubic feet per second (cfs);

(5) A 110-foot-wide by 127-foot-long excavated rock tailrace discharging directly into the Black River;

(6) Transmission lines consisting of (a) 30, 70, and 108-foot-long leads connecting to a 2.4-kilovolt (kV) powerhouse bus, and (b) three 97-foot-long 2.4-kV lines connected to a 2.4/23-kV step-up transformer; and

(7) Appurtenant facilities.

*Deferiet Hydroelectric Development*

(1) A 70-acre reservoir, at normal maximum surface elevation of 659.0 feet (USGS), with a gross storage capacity of 405 acre-feet and a useable storage capacity of 35 acre-feet;

(2) A dam consisting of (a) a 503-foot-long by 18-foot-high ambursen dam section, with a permanent crest elevation of 656 feet (USGS), topped with existing 3-foot-high wooden flashboards, proposed to be replaced with 3-foot-high pneumatic flashboards, and (b) a 192-foot-long sluice gate section that houses eleven 14-foot-wide stop-log bays;

(3) A headworks structure consisting of (a) a 180-foot-wide concrete power canal headworks section housing twenty 5-foot-wide by 12.5-foot-high hand operated timber slide gates;

(4) An approximately 4,200-foot-long canal which connects the power canal headworks and existing powerhouse;

(5) An intake structure consisting of (a) a 108-foot-wide by 27-foot-high perpendicular trash rack with 3.5 inches of clear spacing, (b) three steel slide gates, and (c) an 11-foot-wide ice sluice controlled by stop logs;

(6) A 145.5-foot-wide by 92.5-foot-long brick/masonry powerhouse equipped with three vertical Francis generating units, each rated at 3,600 kW, with a design head of 46 feet, and a hydraulic capacity of 1,147 cfs;

(7) A 1,400-foot-long excavated rock tailrace;

(8) Transmission lines consisting of (a) 65, 45, and 65-foot-long leads connecting to a 2.4 kV powerhouse bus, (b) 67, 69, and 73-foot-long (2.4 kV) underground lines connecting to a 2.4/23-kV step-up transformer; and

(9) Appurtenant facilities.

*Kamargo Hydroelectric Development*

(1) A 40-acre reservoir, at normal maximum surface elevation of 563.8 feet (USGS), with a gross storage capacity of 359.5 acre-feet and a useable storage capacity of 20 acre-feet;

(2) A dam consisting of (a) a 647-foot-long by 12-foot-high concrete gravity spillway dam, with a permanent crest elevation of 561.8 feet (USGS), topped with existing 2-foot-high wooden flashboards, proposed to be replaced with 2-foot-high pneumatic flashboards; and (b) a 150-foot-long non-overflow section;

(3) A headworks structure consisting of (a) a 131-foot-long power canal headworks structure, with fourteen 8-foot-wide by 11-foot-high wooden headgates, leading to (b) a 3,850-foot-long unlined power canal, and (c) a 143-foot-long bulkhead section;

(4) A 580-foot-long concrete forebay channel consisting of (a) a 190-foot-long concrete gravity overflow section, (b) a 230-foot-long concrete gravity section topped with 1-foot-high flashboards, and (c) a 160-foot-long side channel spillway section equipped with twelve stop-log bays;

(5) An intake structure consisting of (a) a 66-foot-wide by 28.5-foot-high perpendicular trashrack, with 3.5-inch clear spacing, (b) a waste sluice, and (c) nine timber gates with stop-log slots;

(6) A 97.5-foot-wide by 37-foot-long brick/masonry powerhouse equipped with three vertical S. Morgan Smith Francis generating units, each rated at 1,800 kW, a design head of 25 feet, and a hydraulic capacity of 1,100 cfs;

(7) A short excavated rock tailrace discharging directly into the Black River;

(8) Transmission lines consisting of (a) three 25-foot-long leads connecting to a 2.4-kV powerhouse bus, and (b) three 89-foot-long, 2.4-kV underground leads; and

(9) Appurtenant facilities.

*Black River Hydroelectric Development*

(1) A 25-acre reservoir, at normal maximum surface elevation of 536 feet (USGS), with a gross storage capacity of 124 acre-feet and a useable storage capacity of 12 acre-feet;

(2) A dam consisting of (a) a 327-foot-long by 16-foot-high horseshoe-shaped concrete retaining wall, (b) a 36.5-foot-long gated section housing, two sluice gates, (c) an abandoned substructure powerhouse, and (d) a 291-foot-long by 25-foot-high concrete gravity spillway, with a permanent crest of 534 feet (USGS), topped with 2-foot-high flashboards, proposed to be replaced with 2-foot-high pneumatic flashboards;

(3) A headworks structure consisting of (a) an 80-foot-long concrete power canal upper bulkhead structure housing twelve 6-foot-wide by 11-foot-high timber slide gates, (b) a 2,250-foot-long power canal composed of a 1,270-foot-long unlined section, containing a 250-foot-long side concrete waste weir, and (c) a 980-foot-long concrete-lined section containing a 134-foot-long side concrete waste and low level sluice gate;

(4) A 580-foot-long concrete forebay channel consisting of (a) a 190-foot-long concrete gravity overflow section, (b) a 230-foot-long concrete gravity section topped with 1-foot-high flashboards, and (c) a 160-foot-long side channel spillway section equipped with twelve stop-log bays;

(5) An intake structure consisting of (a) a 80-foot-wide by 29-foot-high perpendicular trashrack, with 3.5-inch clear spacing, and (b) nine timber slide gates;

(6) A 118-foot-wide by 66-foot-long powerhouse equipped with three vertical S. Morgan Smith vertical Francis generating units, each rated at 2,000 kW, with a design head of 33 feet, and a hydraulic capacity of 1,067 cfs;

(7) A short excavated rock tailrace discharging directly into the Black River;

(8) Transmission lines consisting of (a) 36, 65, and 95-foot-long leads connecting to a 2.4-kV powerhouse bus, and (b) three 88-foot-long, 2.4/23-kV underground leads; and

(9) Appurtenant facilities.

*Sewalls Hydroelectric Development*

The Sewalls development consists of two facilities along Sewalls Island; one on the north channel and one on the south channel. Existing power generation is obtained from the powerhouse on the south channel. The north channel facility is proposed to be reconditioned for additional power generation.

*South Channel Facility*

(1) A 4-acre reservoir, at normal maximum surface elevation of 463.9 feet (USGS), has a gross storage capacity of 48 acre-feet and a useable storage capacity of 2 acre-feet;

(2) A dam consisting of (a) a 243-foot-long by 15.5-foot-high concrete gravity dam, with a permanent crest elevation

of 463.9 feet (USGS), with no flashboards;

(3) A headworks structure consisting of (a) a 65.5-foot-long power canal headworks structure housing two stop-log bays and two 15-foot-wide by 12-foot-high automated steel slide gates, leading to (b) a 400-foot-long by 33 to 35-foot-wide concrete-lined power canal, with a wall adjacent to the Black River with a permanent crest elevation of 463 feet (USGS) and equipped with 2-foot flashboards for its entire length;

(4) An intake structure consisting of (a) a 69-foot-wide by 21-foot-high perpendicular trash rack with 3.5-inch clear spacing, (b) a waste sluice low-level drain, and (c) four gate openings for steel slide gates;

(5) An 81-foot-wide by 32-foot-long powerhouse equipped with two vertical Allis Chalmers propeller-type generating units, each rated at 1,100 kW, a design head of 15.5 feet, and a hydraulic capacity of 900 cfs;

(7) A short excavated rock tailrace discharging directly into the Black River;

(8) Transmission lines consisting of (a) 12 and 47-foot leads connecting to a 2.4-kV powerhouse bus, and (b) two 180-foot-long, 2.4-kV underground lines connecting to a 2.4/23-kV step/up transformer; and

(9) Appurtenant facilities.

*North Channel Facility*

Existing Facilities

(1) A 90-foot-long by 18.5-foot-high concrete dam with no flashboards with a permanent crest of 463.9 feet (USGS);

(2) An abandoned 37-foot-long forebay canal headworks structure housing two steel slide gates, and a 78-foot-long concrete forebay canal with two draft-tubes encased in the floor; and

(3) A 68-foot-wide by 34-foot-long abandoned masonry/concrete block powerhouse.

Proposed Changes

Niagara Mohawk proposes to make changes only to the existing north channel facilities. Proposed changes include a re-conditioning of the intake and powerhouse, repair of the trash rack structure, powerhouse brickwork and generator floor. The existing flume will be reconditioned and a superstructure constructed providing shelter as well as housing an overhead crane rail system. Two submersible turbine/generator units are proposed to be installed in the existing draft tubes. Additionally, the northern channel would need to be excavated between the rehabilitated powerhouse and an existing bridge (Pearl Street). A currently abandoned dam (Black Clawson), located at the downstream end of the north channel will be removed to realize an additional 5.5 feet of head. Proposed transmission lines from the proposed generator equipment include: (a) leads connecting to a 2.4-kV powerhouse bus; and (b) two 2.4-kV lines connecting to a 2.4/23-kV step/up transformer.

The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. Based on the expiration of December 31, 1993, the Applicant's estimated net investment in the project would amount to $14,685,481.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., room 3104, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202 or by calling (315) 428–6215.

7 a. *Type of Application:* Amendment of License.

b. *Project No.:* 2614–021.

c. *Date Filed:* 07/31/92.

d. *Applicant:* City of Hamilton, Ohio.

e. *Name of Project:* Greenup Project.

f. *Location:* Ohio River in Scioto County, Ohio.

g. *Filed Pursuant to:* Section 23(b) of the Federal Power Act.

h. *Applicant Contact:* Mr. Leon Daggett, Director of Utilities, City of Hamilton, 20 High Street, Hamilton, OH 45011, (513) 868–5907.

i. *FERC Contact:* Jon E. Cofrancesco, (202) 219–2650.

j. *Comment Date:* April 12, 1993.

k. *Description of Project:* The licensee is requesting approval of revised Exhibit G drawings (project boundary drawings) showing a change made to the project's approved transmission line and right-of-way. The filing includes specific information on the change made to the transmission line.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

**Standard Paragraphs**

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B1. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, Room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D6. *Filing and Service of Responsive Documents*—The application is ready

for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (April 12, 1993 for Project No. 2454–018). All reply comments must be filed with the Commission within 105 days from the date of this notice. (May 25, 1993 for Project No. 2454–018).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

E1. *Filing and Service of Responsive Documents*—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: March 5, 1993, Washington, DC.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5539 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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## Hydroelectric Applications [Niagara Mohawk Power Corp., et al.]; Applications

**[Project Nos. 2645–029, et al.]**

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1a. *Type of Application:* New License.

b. *Project No.:* 2645–029.

c. *Date Filed:* November 29, 1991.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of Project:* Beaver River Project.

f. *Location:* On the Beaver River in Herkimer and Lewis Counties, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jerry L. Sabattis, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202, (315) 428–6215.

i. *FERC Contact:* Robert Bell (202) 219–2806.

j. *Comment Date:* April 12, 1993.

k. *Status of Environmental Analysis:* This application is accepted for filing but is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The proposed project consists of the following eight developments:

*Moshier*

(1) A 920-foot-long by 93-foot-high earth embankment dam consisting of a 200-foot-long concrete spillway topped with 2-foot-high flashboards;

(2) An impoundment, at the normal maximum surface elevation of 1,641 ft (NGVD), has a surface area of 340 acres, a gross storage capacity of 7,339 acre-feet, and a usable capacity of 2,876 acre-feet;

(3) A 28-foot-wide by 51-foot-high concrete intake structure containing two 11-foot-wide by 51.5-foot-high trashracks and two 10-foot-wide by 12-foot-high steel slides gates;

(4) A 3,740-foot-long by 10-foot-diameter steel penstock connected to a 5,620-foot-long by 10-foot-diameter fiberglass reinforced plastic penstock for a total penstock length of 9,360 feet;

(5) An excavated tailrace channel;

(6) A 30-foot-diameter steel surge tank;

(7) A bifurcation downstream of the penstock into two 70-foot-long by 7-foot-diameter steel penstocks;

(8) A 34-foot-wide by 70-foot-long concrete/masonry powerhouse containing two vertical Francis turbines connected to direct-drive sycronous generators, each with a rated capacity of 4,000 kW, a hydraulic capacity of 330 cfs, and a design head of 196 feet;

(9) An 11-mile-long, 115 kilovolt (kv) transmission line; and

(10) Appurtenant equipment.

*Eagle*

(1) A 365-foot-long by 21-foot-high concrete gravity dam containing a 185-foot-long ogee spillway topped with 1-foot-flashboards and an 85-foot-long, non-overflow concrete abutment;

(2) An impoundment, at the normal maximum surface elevation of 1,426.2 ft (NGVD), has a surface area of 138 acres, a gross storage capacity of 668 acre-feet, and a useable capacity of 545 acre-feet;

(3) A 20-foot-wide gated log sluice.

(4) A 50-foot-long headgate with four 9.5-foot-wide stop log slots and four 9.5-foot by 9.5-foot trashracks,

(5) An 18-foot-wide by 16-foot-deep by 540-foot-long forebay canal.

(6) A concrete intake structure containing three 10-foot-wide by 7-foot-high timber slide gates.

(7) A 2,725-foot-long by 9-foot-diameter steel penstock.

(8) A 63-foot-wide by 87-foot-long concrete masonry powerhouse containing four horizontal Francis turbines connected to direct-drive sycronous generators, with rated capacities of 1,350 kW (Units 1 through 3) and 2,000 kW (Unit 4), hydraulic capacities of 150 cfs (units 1 through 3) and 200 cfs (unit 4), and design heads of 135 feet (units 1 through 3) and 125 feet (unit 4);

(9) A 5-foot-wide aluminum slide gate which currently supplies minimum flow to the bypass will be replaced with a new powerhouse located 1000 feet downstream of the existing intake and containing a 210 kW turbine,

(10) A 160-foot-long, 115 kilovolt (kv) transmission line; and

(11) Appurtenant equipment.

*Soft Maple*

(1) Five earth embankment dams.

(2) A 910-foot-long by 115-foot-high earth embankment diversion dam.

(3) A 720-foot-long by 100-foot-high earth embankment terminal dam.

(4) An impoundment, at the normal maximum surface elevation of 1,289.9 ft (NGVD), has a surface area of 400 acres, a gross storage capacity of 2,678 acre-feet, and a useable capacity of 1,528 acre-feet;

(5) A 144-foot-long concrete ogee spillway with 1.5-foot-high flashboards.

(6) Two 10-foot-wide aluminum sluice gates.

(7) A 600-foot-long forebay.

(8) An 81.5-foot-wide concrete intake structure containing three 26-foot-wide by 33.5-foot-high trashracks.

(9) Two 530-foot-long by 11.5-foot-diameter steel penstocks.

(10) Intake facilities for an additional penstock.

(11) An 82-foot-wide by 50-foot-long concrete/masonry powerhouse containing two identical vertical Francis turbines connected to direct-drive sychronous generators, each with a rated capacity of 7,500 kW, a hydraulic capacity of 860 cfs, and a design head at 121.5 feet;

(12) A 20-foot-long, 115 kilovolt (kv) transmission line; and

(13) Appurtenant equipment.

*Effley*

(1) 1,647-foot-long by 30-foot-high concrete gravity dam containing a 430-foot-long by 30-foot-high concrete ogee spillway.

(2) A gated 29-foot-long log chute.

(3) An impoundment, at the normal maximum surface elevation of 1,163 ft (NGVD), has a surface area of 340 acres, a gross storage capacity of 3,140 acre-feet, and a useable capacity of 1,720 acre-feet;

(4) A 100-foot-long forebay.

(5) A 38.5-foot-wide intake structure containing a 22-foot-wide by 22-foot-high trashrack and three 6-foot-wide by 8-foot-high timber slide gates.

(6) A concrete intake structure containing a 20-foot-wide by 27-foot-high trashrack and a 11-foot by 11-foot slide gate.

(7) Three 87-foot-long by 5-foot-diameter steel penstocks, on 148-foot-long by 8-foot-diameter steel penstock.

(8) Two concrete/masonry powerhouses, one 58-feet-wide by 53-foot-long containing three horizontal Francis turbines and generators with total rated capacity of 1,360-kW and the other 42.5-feet-wide by 44-feet-long containing a single vertical Francis turbine connected to a direct-drive sychronous generator rated at 1,600 kW, with a hydraulic capacity of 450 cfs and a design head of 52.6 feet;

(9) A 2.3-mile-long, 23 kilovolt (kv) transmission line; and

(10) Appurtenant equipment.

*Elmer*

(1) A 238-foot-long by 23-foot-high concrete gravity spillway.

(2) A 25-foot-wide sluice gate with needle beams.

(3) An impoundment, at the normal maximum surface elevation of 1,108 ft (NGVD), has a surface area of 34 acres, a gross storage capacity of 345 acre-feet, and a useable capacity of 207 acre-feet;

(4) A forebay.

(5) A 39-foot-wide concrete intake structure containing two 16.5-foot-wide by 21.5-foot-high trashracks and four 6-foot-wide by 11-foot-high timber slide gates.

(6) A 78-foot-wide by 34-foot-long concrete/masonry powerhouse containing two vertical Francis turbines connected to direct-drive sychronous generators, each with a rated capacity of 750 kW, a hydraulic capacity of 290 cfs, and a design of 37 feet;

(7) A 2,270-foot-long, 23 kilovolt (kv) transmission line; and

(8) Appurtenant equipment

*Taylorville*

(1) A 1,003-foot-long by 23-foot-high concrete gravity dam.

(2) An impoundment, at the normal maximum surface elevation of 1,076.6 ft (NGVD), has a surface area of 170 acres, a gross storage capacity of 1,091 acre-feet, and a useable capacity of 685 acre-feet;

(3) A 33-foot-wide concrete intake structure containing a 25-foot-wide by 20-foot-high trashrack and three 5.5-foot-wide by 13-foot-high timber slide gates.

(4) A 2,725-foot-long by 9.5-foot-diameter steel penstock.

(5) An 18-foot-diameter surge tank located about 40 feet upstream of the powerhouse.

(6) A 93-foot-wide by 62.5-foot-long concrete/masonry powerhouse containing four horizontal Francis turbines connected to direct-drive sychronous generators, with rated capacities of 1,100 kW (units 1 and 2), 1,372 kW (unit 3) and 1,200 kW (unit 4), each with hydraulic capacity of 180 cfs, and a design head of 96.6 feet;

(7) A 400-foot-long, 23 kilovolt (kv) transmission line; and

(8) Appurtenant equipment.

*Belfort*

(1) A 206-foot-long by 19-foot-high concrete gravity dam consisting of a 161-foot-long by 17-foot-high concrete ogee spillway equipped with 2-foot-high flashboards.

(2) An impoundment, at the normal maximum surface elevation of 966 ft (NGVD), has a surface area of 50 acres, a gross storage capacity of 120 acre-feet, and a useable capacity of 47 acre-feet;

(3) A 120-foot-long forebay.

(4) A 62-foot-wide concrete intake structure containing one 12-foot-wide by 17-foot-high trashrack, one 12-foot-wide by 23-foot-high trashrack, and two 11-foot by 11-foot timber slide gates to be replaced with a new 40-foot-wide by 20-foot-high concrete intake structure containing 30-foot-wide by 10-foot-high trashracks and one 10-foot-wide by 10-foot-long vertical slide gate.

(5) One 52-foot-long by 7-foot-diameter steel penstock and one 52-foot-long by 7.5-foot-diameter steel penstock to be replaced with a new 70-foot-long by 9-foot-diameter steel penstock.

(6) A 78-foot-wide by 39-foot-long concrete masonry powerhouse containing three horizontal Francis turbines connected to direct-drive sychronous generators, with a rated capacity of 400 kW (unit 1), 640 kW (unit 2), and 1,000 kW (unit 3), with hydraulic capacities of 200 cfs (units 1 and 2) and 310 cfs (unit 3), each with a design head of 48 feet to be replaced with a new 42-foot-long by 25-foot wide concrete powerhouse containing a single Kaplan turbine connected to a direct-drive sychronous generator rated at 3,150 kW, with a hydraulic capacity of 880 cfs, and a design head of 47 feet;

(7) A 400-foot-long tailrace channel and.

(8) An existing 3,540-foot-long, 23 kilovolt (kv) transmission line; and

(9) Appurtenant equipment.

*High Falls*

(1) A 1,233-foot-long concrete gravity dam containing a 470-foot-long non-overflow concrete gravity section and a 650-foot-long concrete ogee spillway.

(2) An impoundment, at the normal maximum surface elevation of 915 ft (NGVD), has a surface area of 145 acres, a gross storage capacity of 1,058 acre-feet, and a useable capacity of 923 acre-feet;

(3) A 64-foot-wide by 29-foot-high concrete intake structure containing four 12-foot-wide by 20.5-foot-high trashracks and four steel slide gates.

(4) A 49-foot-wide log sluice that has been sealed.

(5) A 605-foot-long by 12-foot-diameter riveted steel penstock.

(6) A 34-foot-wide by 99-foot-long concrete/masonry powerhouse containing three vertical Francis turbines connected to direct-drive sychronous generators, each with a rated capacity of 1,600 kW, a hydraulic capacity of 300 cfs, and a design head of 100 feet;

(7) A spare turbine bay for future expansion;

(8) A 3.7-mile-long, 23 kilovolt (kv) transmission line; and

(9) Appurtenant equipment.

The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. Based on the expiration of December 31, 1993, the Applicant's estimated net investment in the project would amount to $20,667,644.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202 or by calling (315) 428–6215.

2 a. *Type of Application:* Surrender of Exemption.

b. *Project No:* 6123–002.

c *Date Filed:* January 11, 1993.

d. *Applicant:* Scott Luff.

3. *Name of Project:* Viola Church Camp.

f. *Location:* On the Armstrong Ditch off Bailey Creek in Shasta County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Scott Luff, 8071 Mineral Road, Viola, CA 96088, (916) 474–3160.

i. *FERC Contact:* Donald Wilt, (202) 219–2676.

j. *Comment Date:* April 12, 1993.

k. *Description of Project:* The facilities of the constructed project include: (1) The 5-foot-high, 20-foot-long Bailey Creek Diversion Dam; (2) a 2-foot-high, 8-foot-long diversion weir; (3) a 150-foot-long steel penstock; (4) a powerhouse with an installed capacity of 50 kW; (5) a 12–kV, 200-foot-long transmission line; and (6) appurtenant facilities.

The exemptee states that it is no longer economically feasible to operate the project. The exemption was issued April 20, 1982.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

3 a. *Type of Application:* Surrender of License.

b. *Project No.:* 9086–024.

c. *Date Filed:* December 21, 1992.

d. *Applicant:* Northwest Power Company.

e. *Name of Project:* Excelsior.

f. *Location:* On the South Fork Yuba River in Nevada County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* James Doolittle, Northwest Power Company, P.O. Box 565, Coloma, CA 95613.

i. *FERC Contact:* Donald Wilt, (202) 219–2676.

j. *Comment Date:* April 8, 1993.

k. *Description of application:* The licensee states that it was unable to start construction of the project by the November 16, 1992, due date. The licensee had already received the one time maximum 2-year extension of time as allowed by section 13 of the Federal Power Act. The license was issued on April 20, 1988, and would have expired March 31, 2035. The licensee states that no construction has occurred and the proposed site remains unaltered.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

4 a. *Type of Application:* Surrender of Exemption (5MW or Less).

b. *Project No.:* 9140–006.

c. *Date filed:* November 25, 1992.

d. *Applicant:* Charles F. Heimerdinger.

e. *Name of Project:* Elizabethtown Project.

f. *Location:* Beach Stream in Essex County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Richard G. Leland, Rosenman & Colin, 575 Madison Avenue, New York, NY 10022–2858, (212) 940–8700.

i. *FERC Contact:* Hank Ecton, (202) 219–2678.

j. *Comment Date:* April 12, 1993.

k. *Description of Proposed Action:* The existing project, for which the exemption is being surrendered, consists of: (1) A 4-foot-wide, 5-foot-high, 40-foot-long intake structure; (2) a 20-inch-diameter, 500-foot-long penstock at water surface elevation 740 feet m.s.l.; (3) a powerhouse containing a generating unit with a rated capacity of 100 kilowatts; (4) a 100-foot-long transmission line tying into the existing New York State Electric and Gas Corporation System; and (5) related facilities.

The exemptee is requesting surrender of the exemption because the project is economically unfeasible.

l. This notice also consists of the following standard paragraphs: B, C.

5 a. *Type of Application:* Surrender of License.

b. *Project No:* 9765–007.

c. *Date Filed:* January 26, 1993.

d. *Applicant:* Ramah Energy, Inc.

e. *Name of Project:* Big Sand Wash.

f. *Location:* Big Sand Wash in Duchesne County, Utah.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* James F. Smith, President, Ramah Energy, Inc., Route 1, Box 1011, Roosevelt, UT 84066, (801) 722–3165.

i. *FERC Contact:* Mark R. Hooper, (202) 219–2680.

j. *Comment Date:* April 8, 1993.

k. *Description of Project:* The project is unconstructed. The licensee states personal and financial reasons for the surrender request.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

6 a. *Type of Application:* Surrender of License.

b. *Project No:* 9952–006.

c. *Date Filed:* December 28, 1992.

d. *Applicant:* Warren Osborn.

e. *Name of Project:* Sixmile Creek Hydropower Project.

f. *Location:* Sixmile Creek, Adams County, near New Meadows, Idaho.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* John Crockett, Myers Engineering Company, P.A., 750

Warm Springs Avenue, Boise, ID 83712, (208) 336–1425.

i. *FERC Contact:* Patricia Massie, (202) 219–2681.

j. *Comment Date:* April 12, 1993.

k. *Description of Project:* The licensee states that the project is infeasible to construct at this time.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

7 a. *Type of Application:* Surrender of Exemption.

b. *Project No:* 10200–006.

c. *Date Filed:* January 15, 1993.

d. *Applicant:* Gary Whipple.

e. *Name of Project:* Congdon Dam Project.

f. *Location:* Oxoboxo Brook, New London County, Connecticut.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Gary Whipple, 311 Sandy Hollow Road, Mystic, CT 06355, (203) 572–9496.

i. *FERC Contact:* Patricia Massie, (202) 219–2681.

j. *Comment Date:* April 12, 1993.

k. *Description of Project:* The project consists of: a 35-foot-high, 170-foot-long dam with flashboards, owned by the applicant; a 6.5-acre reservoir; a powerhouse containing one turbine/generator with an installed capacity of 60 kW; and other appurtenant facilities.

The applicant states that the U.S. Fish and Wildlife Service wants him to close the low water gate, and this is infeasible.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

8 a. *Type of Application:* Major License (less than 5 MW).

b. *Project No.: 10461–002.*

c. *Date Filed:* May 31, 1990.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of Project:* Parishville.

f. *Location:* On the West Branch of the St. Regis River, St. Lawrence County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Michael W. Murphy, System Law Department, C–3, Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, New York 13202, (315) 428–6941.

i. *FERC Contact:* Michael Dees (202) 219–2807.

j. *Deadline Date:* Initial Comments—April 12, 1993, Reply Comments—May 25, 1993.

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see attached standard paragraph D9.

l. *Description of Project:* The proposed project would consist of: (1) An existing dam composed of an earthen dike and various concrete structures; (2) an existing intake structure; (3) an existing penstock 2,561 feet long and six to 10 feet in diameter; (4) an existing powerhouse housing a 2,400–kW hydropower unit; (5) an existing tailrace 400 feet long; (6) an existing 4.8–kV transmission line; and (7) appurtenant facilities. The estimated annual energy production is 12.5 GWh.

m. *Purpose of Project:* The purpose of the project is to generate energy that would be used by the applicant to satisfy its customers needs.

n. This notice also consists of the following standard paragraphs: A4 and D9.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, New York, 13202.

9 a. *Type of Application:* Minor License.

b. *Project No.:* 11124–000.

c. *Date Filed:* July 10, 1985; see paragraph n below.

d. *Applicant:* Lawrence E. and Veronica P. Smith.

e. *Name of Project:* Kezar Falls Upper Development.

f. *Location:* On the Ossippee River in York and Oxford Counties, Maine.

g. *Filed Pursuant to:* Federal Power Act, 6 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Andrew E. Sims, Kleinschmidt Associates, 75 Main Street, P.O. Box 576, Pittsfield, ME 04967, (207) 487–3328.

i. *FERC Contact:* Michael Dees (202) 219–2807.

j. *Deadline Date:* Initial Comments April 12, 1993 Reply Comments May 25, 1993.

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see standard paragraph D10.

l. *Description of Project:* The existing project consists of: (1) A rock-filled timber crib dam about 8 feet high by 270 feet long surmounted by flashboards approximately 1.8 feet high; (2) a concrete gravity dam with an ogee crest about 11 feet high by 196 feet long surmounted by 1.8-foot-high flashboards, and containing two 6-foot by 6-foot waste gates adjacent to its island abutment; (3) an impoundment with a normal water surface elevation of 366.7 feet National Geodetic Vertical Datum (NGVD) and a surface area of about 10 acres; (4) a power canal about 700 feet long with an average width of about 100 feet; (5) stoplog slots at a single lane bridge crossing the power canal; (6) a concrete flume about 132 feet long with an average width of 33 feet, extending from the power canal, under State Route 25, to the powerhouse; (7) a concrete and brick powerhouse with approximate dimensions of 23 feet by 37 feet, containing one vertical turbine and generator unit rated at 350 kilowatts (kW); (8) a tailrace about 60 feet long that passes beneath a non-project mill building; (9) a 40-foot-long underground transmission line; and (10) appurtenant facilities.

m. *Purpose of Project:* The purpose of the project is to generate energy for sale to Central Maine Power Company.

n. The application for license for this project was originally filed as part of Project No. 9340, which originally included both the upper and lower Kezar Falls developments. On May 3, 1991, in response to a petition for rehearing of the licensing order for Project No. 9340 (which licensed both developments), the Commission modified the license by removing the upper development, created Project No. 11124 for the upper development, and directed the applicants to conduct certain flow studies. The flow studies have been completed and filed.

o. This notice also consists of the following standard paragraphs: A4 and D10.

p. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Kleinschmidt Associates, 75 Main Street, Pittsfield, ME 04967.

10 a. *Type of Application:* Minor License.

b. *Project No.:* 11132–000.

c. *Date filed:* April 26, 1991.

d. *Applicant:* Consolidated Hydro Maine, Inc.

e. *Name of Project:* Eustis Dam.

f. *Location:* On the North Branch of the Dead River near Eustis in Franklin County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Wayne E. Nelson, RR 2, Box 690 H Industrial Ave., Sanford, ME 04073, (207) 490–1980.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment Date:* Initial Comments—April 12, 1993. Reply Comments—May 25, 1993.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D9.

l. *Description of Project:* The proposed project would consist of: (1) An existing 15-foot-high concrete gravity dam having; (2) a 178-foot-long ogee type spillway; (3) an existing reservoir with a surface area of 73.5 acres at surface elevation 1,161 feet m.s.l. and a storage capacity of 570 acre-feet; (4) an existing powerhouse containing one generating unit with a rated capacity of 250 kw; (5) a bedrock tailrace; and (6) appurtenant facilities. The average annual energy generation is estimated to be 1,600 MWh. There is no new construction; therefore, there are no project costs.

m. *Purpose of Project:* Power produced would be sold to a local power company.

n. This notice also consists of the following standard paragraphs: A4 and D9.

o. *Available Location of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Consolidated Hydro Maine, Inc., RR 2, Box 690 H Industrial Avenue, Sanford, ME 04073, or by calling (207) 490–1980.

11 a. *Type of Application:* Minor License.

b. *Project No.:* 11163–000.

c. *Date filed:* June 28, 1991.

d. *Applicant:* Consolidated Hydro Maine, Inc.

e. *Name of Project:* South Berwick Dam.

f. *Location:* On the Salmon Falls River in South Berwick Township, in York County, Maine, and Strafford County, New Hampshire.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Wayne E. Nelson, RR 2, Box 690 H Industrial Ave., Sanford, ME 04073, (207) 490–1980.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment Date:* Initial Comments—April 12, 1993, Reply Comments—May 25, 1993.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D9.

l. *Description of Project:* The proposed project would consist of: (1) An existing 18-foot-high concrete gravity dam owned by the applicant; (2) an existing reservoir with a surface area of 58 acres at surface elevation 24.95 feet m.s.l. and a storage capacity of 116 acre-feet; (3) an intake structure at the left east abutment of the dam; (4) an existing powerhouse containing three generating units with a total rated capacity of 1,200 kW; and (5) appurtenant facilities. The average annual energy generation is estimated to be 4,500 MWh. There is no new construction; therefore, there are no project costs.

m. *Purpose of Project:* Power produced would be sold to a local power company.

n. This notice also consists of the following standard paragraphs: A4 and D9.

o. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the offices of Consolidated Hydro Maine, Inc., RR 2, Box 690 H Industrial Avenue, Sanford, ME 04073, or by calling (207) 490–1980.

12 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11372–000.

c. *Date filed:* December 29, 1992.

d. *Applicant:* Thomas J. Collins and Andrew R. Blystra.

e. *Name of Project:* Oregon Hydropower Project.

f. *Location:* On the Rock River, in Ogle County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Thomas J. Collins and Andrew R. Blystra, Suite 975, 165 North Canal Street, Chicago, Illinois 60606, (312) 454–1060.

i. *FERC Contact:* Mary C. Golato (202) 219–2804.

j. *Comment Date:* April 11, 1993.

k. *Description of Project:* The proposed project consists of the following features: (1) An existing dam 12 feet high and 867.5 feet long; (2) an existing reservoir with a surface area of 900 acres and a storage capacity of 3,500 acre-feet; (3) a powerhouse containing three 400-kilowatt (kW) turbine-generating units for a total installed capacity of 1,200 kW; (4) a 600-foot-long, 12,000-volt transmission line; and (5) appurtenant facilities. The applicant estimates that the total average annual generation would be 11,000,000 kilowatthours. The dam and powerhouse foundation are owned jointly by the Illinois Department of Conservation and the City of Oregon.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

13 a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 11315–001.

c. *Date filed:* September 8, 1992.

d. *Applicant:* BMB Enterprises, Inc.

e. *Name of Project:* Granite Creek.

f. *Location:* Within Granite Ranch, on the ranch's irrigation system which draws water from Granite Creek, in Juab County, Utah, T. 12., R. 17 W., Section 17.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Brad F. Hutchings, 282 North Pheasant Ridge Circle, Bountiful, UT 84010, (801) 298–4450.

i. *FERC Contact:* Hector M. Pérez at (202) 219–2843.

j. *Comment Date:* April 16, 1993.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D–4.

l. *Description of Project:* The proposed project would consist of a powerhouse with a 350-kilowatt generating unit at the end of the existing pipeline that discharges into the storage reservoir at the ranch. The project would have an estimated average annual generation of 1,485,000 megawatthours.

m. This notice also consists of the following standard paragraphs: A2, A9, B1, and D4.

n. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the address shown in item h above.

**Standard Paragraphs**

A4. *Development Application*—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No

competing applications or notices of intent may be filed in response to this notice.

A5. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit will be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B1. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, Room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D4. *Filing and Service of Responsive Documents*—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (April 16, 1993 for Project No. 11315–001). All reply comments must be filed with the Commission within 105 days from the date of this notice. (June 1, 1993 for Project No. 11315–001).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in

accordance with 18 CFR 4.34(b) and 385.2010.

D9. *Filing and Service of Responsive Documents*—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (April 12, 1993 for Project Nos. 10461–002, 11132–000 and 11163–000). All reply comments must be filed with the Commission within 105 days from the date of this notice. (May 25, 1993 for Project Nos. 10461–002, 11132–000 and 11163–000).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

D10. *Filing and Service of Responsive Documents*—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (April 12, 1993 for Project No. 11124–000). All reply comments must be filed with the Commission within 105 days from the date of this notice. (May 25, 1993 for Project No. 11124–000).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

E1. *Filing and Service of Responsive Documents*—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: March 5, 1993, Washington, DC.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5540 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. JD93–05065T; Texas–118]**

## State of Texas NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 5, 1993.

Take notice that on March 1, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Massive Upper Wilcox Formation (T9 Sand Interval, Fandango Field), underlying a portion of Zapata County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 4 and consists of approximately 300 acres in the L.F. Rumsey Survey No. 156, A–516 and the G.B. & C.N.G. RR. Co. Survey No. 153, A–117.

The notice of determination also contains Texas' findings that the referenced portions of the Massive

Upper Wilcox Formation, meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5621 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. JD93–05066T; Texas–119]**

## State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 5, 1993.

Take notice that on March 1, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Vicksburg Formation (Encinitas (V–19–A) Field), underlying a portion of Brooks County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 4 and consists of approximately 515 acres in the J.M. & L. Luciano Survey, A–97 and 981 acres of the Guadalupe Sanchez La Rucia Survey, A–481.

The notice of determination also contains Texas' findings that the referenced portions of the Vicksburg Formation, meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5622 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. JD93–05067T; Texas–120]**

## State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 5, 1993.

Take notice that on March 1, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Vicksburg Formation, Texan Gardens (S, West) Field, underlying a portion of Hidalgo County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 4 and consists of approximately 333 acres in the P. Flores, Porcion 77 (A–577) as highlighted on Exhibit 6.

The notice of determination also contains Texas' findings that the referenced portion of the Vicksburg Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5623 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TQ92–5–1–008]**

## Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

March 5, 1993.

Take notice that on March 2, 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, various revised tariff sheets with a proposed effective date of April 1, 1993.

Alabama-Tennessee states that this filing is being submitted pursuant to articles V and VI of the "Joint Stipulation and Agreement in Settlement of Proceedings" ("Settlement") submitted in the above-captioned dockets on December 29, 1992, and in compliance with the Commission's February 24, 1993 Letter Order approving this Settlement ("Letter Order"). Alabama-Tennessee states it is under no obligation to make this filing at this juncture. Alabama-Tennessee further states it is nonetheless undertaking an early implementation of the Settlement in order to provide its customers with the Settlement benefits as of April 1, 1993. However, according to Alabama-Tennessee, its filing is expressly being made contingent upon the Commission's Letter Order becoming "final" as that term is defined under Article V of the Settlement. In the event that a request for rehearing of the Letter Order is filed under rule 713 of the Commission's Rules of Practice and Procedure, 18 CFR 385.713 (1992), or the Letter Order is modified, for whatever reason, Alabama-Tennessee states that its filing is to be deemed null and void, unless it notifies the Commission to the contrary within five (5) days of any such request for rehearing or modification.

In this regard, Alabama-Tennessee notes that the quarterly PGA filing that it submitted on February 26, 1993 in Docket No. TQ93–3–1, in which Alabama-Tennessee has also proposed an April 1, 1993 effective date, reflects certain calculations (in particular, involving the demand cost allocation ratio) which were made in accordance with the Settlement and the revised tariff sheets being submitted in the above-referenced dockets. Alabama-Tennessee states that in the event that the aforementioned contingency comes about, it reserves its rights to modify its quarterly PGA filing as may be necessary.

Alabama-Tennessee requests such waivers of the Commission's Regulations as may be necessary in order to accept and approve its filing as submitted.

Alabama-Tennessee states that copies of the tariff filing have been mailed to its customers and affected state regulatory commissions as well as to all customers on the Commission's official service lists established in the above-referenced dockets.

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 12, 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. 93–5624 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TM93–4–33–000]**

## El Paso Natural Gas Co.; Tariff Filing

March 5, 1993.

Take notice that on March 1, 1993, El Paso Natural Gas Company ("El Paso"), tendered for filing, pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, a notice of:

(i) A revision to El Paso's Take-or-Pay Buyout and Buydown Cost Recovery mechanism for interest in accordance with sections 22 and 21, Take-or-Pay Buyout and Buydown Cost Recovery, of its First Revised Volume No. 1–A and Second Revised Volume No. 1 FERC Gas Tariffs, respectively; and

(ii) A credit reflected in the calculation of the throughput surcharge for the removal of certain dollars identified in the report filed by El Paso on December 22, 1992 in compliance with the October 23, 1992 Commission order at Docket Nos. RP91–26–000, et al., RP91–162–000 and RP92–18–000.

El Paso states that the filing reflects that no additions have been made to the amount presently being amortized under El Paso's Take-or-Pay Cost Recovery mechanism as set forth in El Paso's filing made July 1, 1992 at Docket No. RP92–195–000. The only adjustments proposed by the filing are being made pursuant to §§ 21.4(d)(iii) and 21.5(c)(iii) contained in its Second Revised Volume No. 1 Tariff which provides for adjustments to El Paso's Monthly Direct Charge and Throughput Surcharge for interest calculated on the unrecovered balance of El Paso's buyout and buydown costs.

The principal amortization period for the Monthly Direct Charge ended on February 28, 1993; therefore, in accordance with El Paso's Second Revised Volume No. 1 Tariff, § 21.4(d)(iv), El Paso has revised Sheet Nos. 102 and 103 to reflect the difference between the previously estimated and the actual interest and any actual interest for February and March 1993 in order to calculate the interest applicable to the Monthly Direct Charge. El Paso states that interest is permitted to accrue, with respect to its buyout and buydown costs, commencing on the effective date of the rates including such costs or the date El Paso makes the take-or-pay payment, whichever is later. As a result, the Throughput Surcharge has been changed from a Maximum Rate of $0.0397 per dth to $0.0415 per dth.

El Paso requested waiver of that portion of § 21.4(d)(iv), which provides for a three (3) month adjustment process; and in lieu thereof, to allow a one-time adjustment to the Monthly Direct Charge for the interest true-up effective April 1, 1993 due to the *de minimis* amount involved.

El Paso respectfully requested that the tendered tariff sheets be accepted and permitted to become effective on April 1, 1993, which is not less than thirty (30) days after the date of filing.

El Paso states that copies of the filing were served upon all interstate pipeline system transportation and sales customers of El Paso and interested 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 18 CFR 385.214 and 385.211 of the Commission's Regulations. All such motions or protests should be filed on or before March 12, 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 conference room.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5625 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TA93–1–34–000]**

## Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

March 5, 1993.

Take notice that on March 1, 1993 Florida Gas Transmission Company (FGT) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to be effective May 1, 1993:

Thirty-Eighth Revised Sheet No. 8
Seventh Revised Sheet No. 160
Ninth Revised Sheet No. 223
Ninth Revised Sheet No. 228

FGT states that pursuant to § 154.305 of the Federal Energy Regulatory Commission's ("Commission") Regulations, 18 CFR 154.305, and section 15 of the General Terms and Conditions of FGT's FERC Gas Tariff, FGT has submitted the above-referenced tariff sheets as part of its annual PGA filing to be effective May 1, 1993.

The current adjustment reflects FGT's projected cost of gas for the period May 1, 1993 through July 31, 1993. As shown in detail on Schedule A1, FGT anticipates a decrease from the $2.8014 per MMBtu saturated reflected in FGT's last scheduled filing in Docket No. TQ93–3–34 effective February 1, 1993 to $2.6469 per MMBtu saturated in the instant filing.

FGT also states that the surcharge adjustments set forth on the tariff sheet reflect the amortization of the current deferral balance accumulated during the period January 1, 1992 through December 31, 1992.

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 and Regulations. All such motions or protests should be filed on or before March 12, 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. 93–5626 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. RS92–18–000]**

## Kentucky West Virginia Gas Co.; Technical Conference

March 5, 1993.

Take notice that a technical conference will be convened in this proceeding on Thursday, March 18, 1993 at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of discussing the tariff compliance issues identified in the Commission's March 2, 1993 order on Kentucky West Virginia Gas Company's Order No. 636 compliance filing.

All interested parties are invited to attend; however, attendance at the conference will not confer party status.

For additional information, contact J. Carmen Gastilo at (202) 208–2182.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5627 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. RP92–226–001]**

## Kern River Gas Transmission Co.; Proposed Changes in the FERC Gas Tariff

March 5, 1993.

Take notice that on March 1, 1993, Kern River Gas Transmission Company ("Kern River") filed the following revised tariff sheets to its FERC Gas Tariff to be effective March 1, 1993:

*Original Volume No. 1*

Substitute First Revised Sheet No. 5
Substitute First Revised Sheet No. 6

Kern River states that the revised tariff sheets reflect the transportation rate approved by the Commission on September 30, 1992, and suspended for five months, as well as the currently applicable Gas Research Institute Charge. In addition, the FERC Annual Charge Surcharge has been deleted from Tariff Sheet Nos. 5 and 6 as required by FERC Letter Order dated October 20, 1992.

Kern River states that a copy of its filing was served on each of its customers and affected state commissions pursuant to § 154.16(b) of the Commission's Regulations.

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 12, 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. 93–5628 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. RP91–189–006]**

## Midwestern Gas Transmission Co.; Report of Refunds

March 5, 1993.

Take notice that Midwestern Gas Transmission Company (Midwestern) on January 29, 1993, tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made in accordance with the Commission's order issued December 21, 1992, in Docket No. RP91–189. Midwestern states that the refunds were made pursuant to the Stipulation and Agreement filed September 14, 1992.

As of January 25, 1993, Midwestern calculated the total refund including interest calculated in accordance with 18 CFR 154.67(c), to be $3,201,349.77. On the same date, Midwestern states that it disbursed refunds to customers for refunds amounts in excess of $1.00. Refunds of $1.00 or less will be made upon customer request.

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 12, 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. 93–5629 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TM93–1–27–000]**

## North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

March 5, 1993.

Take notice that North Penn Gas Company (North Penn) on March 2, 1993 tendered for filing Fourteenth Revised Sheet No. 3A to its FERC Gas Tariff First Revised Volume No. 1.

This filing is North Penn's Annual take-or-pay (TOP) surcharge rate adjustment filing proposed to become effective April 1, 1993. North Penn's computed second annual TOP surcharge is a refund rate of $0.0125 per Mcf, which represents a decrease of $0.0364 per Mcf.

North Penn respectfully requests waiver of any of the Commission's Rules and Regulations as well as North Penn's tariff as may be required to permit this filing to become effective April 1, 1993, as proposed.

North Penn states that copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's affected customers and State Commissions shown on the attached service list.

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, 385.214). All such motions or protests should be filed on or before March 12, 1993. Protests will be considered by the Commission in determining 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. 93–5630 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ER93–400–000]**

## Northern States Power Co. (Wisconsin); Filing

March 5, 1993.

Take notice that on February 26, 1993, Northern States Power Company (Wisconsin) (NSPW) filed revised tariff sheets constituting a rate increase of $600,000 on an annual basis based on Period II (calendar year 1993). NSPW states that it had originally intended to file a rate increase of $1,092,946 on an annual basis but that as a result of settlement discussions involving all of its customers a Settlement Agreement has been executed. Under the terms of the Settlement Agreement, which was also filed with the Commission, NSPW filed its tariff changes effecting a $600,000 rate increase on an annual basis for Period II.

NSPW requests an effective date of sixty (60) days from the filing but states that it expects the Commission to approve the Settlement Agreement and, in accordance with the terms of the Settlement Agreement, allow an effective date of September 1, 1993.

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 17, 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. 93–5631 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TM93–2–37–000]**

## Northwest Pipeline Corp.; Proposed Change in FERC Gas Tariff

March 5, 1993.

Take notice that on March 2, 1993, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets:

*Second Revised Volume No. 1*

Fourth Revised Twentieth Revised Sheet No. 10
Fourth Revised Nineteenth Revised Sheet No. 11
Fourth Revised Fourteenth Revised Sheet No. 13

*First Revised Volume No. 1–A*

Third Revised Fifteenth Revised Sheet No. 201

*Original Volume No. 2*

First Revised Twenty-Ninth Revised Sheet No. 2.3

Northwest states that the purpose of this filing is to update its Commodity SSP Surcharge effective April 1, 1993, to reflect (1) interest applicable to January, February and March 1993, (2) the amortization of principal and interest, and (3) the calculation of the Commodity SSP Surcharge using Docket No. RP93–5 billing determinants. The proposed Commodity SSP Charge contained in this instant filing is 4.15¢ per MMBtu for the three months commencing April 1, 1993.

Northwest states that a copy of this filing has been served upon all jurisdictional customers and state regulatory commissions in its market area.

Any person desiring to be heard or protest said filing should file a motion to intervene of protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 12, 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. 93–5632 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. RP93–5–006]**

## Northwest Pipeline Corp.; Proposed Changes in FERC Gas Tariff

March 5, 1993.

Take notice that on March 2, 1993, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets:

*Second Revised Volume No. 1:*

Second Sub Twenty-First Rev Sheet No. 10
Second Sub Twentieth Rev Sheet No. 11
Third Sub Fifteenth Rev Sheet No. 13
Substitute Original Sheet No. 16
Substitute First Revised Sheet No. 20
Substitute First Revised Sheet No. 22
Substitute Second Revised Sheet No. 25
Substitute Second Revised Sheet No. 37
Substitute First Revised Sheet No. 45
Substitute First Revised Sheet No. 66
Substitute First Revised Sheet No. 85
Substitute First Revised Sheet No. 95
Substitute Second Revised Sheet No. 100
Substitute First Revised Sheet No. 120
Substitute First Revised Sheet No. 122
Substitute First Revised Sheet No. 123
Second Revised Sheet No. 125
Second Revised Sheet No. 128
Substitute Original Sheet No. 153–A
Substitute Fifth Revised Sheet No. 300
Substitute Fourth Revised Sheet No. 301
Substitute Fourth Revised Sheet No. 302

*First Revised Volume No. 1–A*

Second Sub Sixteenth Rev Sheet No. 201
Substitute Fourteenth Revised Sheet No. 202
Substitute First Revised Sheet No. 400
Substitute Second Revised Sheet No. 422
First Revised Sheet No. 422–A
Substitute Fifth Revised Sheet No. 601
Substitute Fifth Revised Sheet No. 602

*Original Volume No. 2:*

Substitute Sixteenth Revised Sheet No. 2
Substitute Eighth Revised Sheet No. 2.1
Substitute Thirteenth Revised Sheet No. 2.3
Substitute Fourteenth Revised Sheet No. 2–A
Substitute Eighth Revised Sheet No. 2–A.1

The tariff sheets listed above have not previously been filed with the Commission. Northwest also moves to place into effect certain tariff sheets listed in appendix A to its filing that are unchanged from Northwest's original October 1, 1992 filing in Docket No. RP93–5–000.

Northwest states that the purpose of this filing is to (1) move to place into effect, on April 1, 1993, tariff sheets accepted and suspended by the Commission's Order in the captioned proceeding, rejecting tariff sheets, accepting and suspending tariff sheets, subject to refund and conditions, and establishing procedures (61 FERC ¶ 61,165 (1992), reh'g denied, 62 FERC ¶ 61,047 (1993) ("October 30 Order")) as modified by Northwest's November 30, 1992 filing in compliance with the October 30 Order, and (2) satisfy the Commission's directive to provide *pro forma* SFV rates and tariff sheets implementing cost mitigation where the change to SFV rate design causes cost impacts on an individual customer basis of more than ten percent.

This filing has been served upon the parties appearing on the Commission's official service list in the referenced proceeding which includes Northwest's affected jurisdictional customers and the state regulatory Commissions in Northwest's service area interested in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 12, 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. 93–5633 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ES92–36–002]**

## Old Dominion Electric Cooperative; Application

March 5, 1993.

Take notice that on March 3, 1993, Old Dominion Electric Cooperative (Old Dominion) filed an amendment to its application in Docket Nos. ES92–36–000 and ES92–36–001 under section 204 of the Federal Power Act. Old Dominion is requesting that the issuance of $350 million of its Series B Bonds be exempt from negotiated requirements of 18 CFR 34.2(b)(2)(i)(B) of the Commission's regulations. The requested authorization is in addition to the exemption from the competitive bidding requirements of 18

CFR 34.2(a)(1) granted in Docket Nos. ES92–36–000 and ES92–36–001 issued April 30, 1992.

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 April 2, 1993. Protests will be considered by the Commission 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 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. 93–5634 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ES93–22–001]**

## Rayburn Country Electric Cooperative, Inc.; Amended Application

March 5, 1993.

Take notice that on March 3, 1993, Rayburn Country Electric Cooperative, Inc. (Rayburn) filed an amendment to its application in Docket No. ES93–22–000 under § 204 of the Federal Power Act. Rayburn requests that the Commission retroactively approve the following:

1. A revolving line of credit entered into on August 18, 1992, in the amount of $5 million through August 17, 1993. As of January 31, 1993, $1,853,029 had been drawn down under the credit agreement,

2. Two long term loan agreements entered into on August 20, 1992:

A. One loan agreement (9002 Notes) in the amount of not more than $4,048,065 for a term of seven years. On January 12, 1993, Rayburn Electric received an advance of the entire loan amount and,

B. One loan agreement (9001 Notes) in the amount of not more than $22,939,032 for term of 32 years. No funds have been advanced under this loan agreement.

3. Notes issued by Rayburn to each of its Members aggregating $4,048,065 (Member Notes).

Alternatively, if the Commission is not willing to grant the requests, Rayburn requests that the Commission approve the issuance of Notes under the 9001 agreement and the issuance of new notes in substitution for the Credit Line Note, the 9002 Note and the Member Notes, all having the same terms as the Credit Line Note, the 9002 Note and the Member Notes.

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 11, 1993. Protests will be considered by the Commission 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 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. 93–5541 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. RS92–24–000]**

## Texas Gas Transmission; Conference

March 5, 1993.

Take notice that on Tuesday, March 23 and, if necessary, Wednesday, March 24, 1993, a conference will be convened in the above-captioned restructuring docket to discuss Texas Gas Transmission Company's proposed plan for implementation of Order No. 636.

The conference will be held in a hearing or conference room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The conference will begin at 1 p.m. on March 23, 1993. All interested parties are invited to attend. Attendance at the conference will not confer party status. For additional information, interested persons can call Mary Benge at (202) 208–1214 or Yvonne Owens at (202) 208–2152.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5635 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP93–228–000]**

## Texas Eastern Transmission Corp.; Request Under Blanket Authorization

March 4, 1993.

Take notice that on March 2, 1993, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed in Docket No. CP93–228–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to modify an existing receipt point from Three Rivers Pipeline Company (Three Rivers), a subsidiary of Graham Energy Marketing Corporation (Graham), under Texas Eastern's blanket certificate issued in Docket No. CP82–535–000 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.

Specifically, Texas Eastern proposes to modify an existing receipt point from Three Rivers, located in Indiana County, Pennsylvania, in order to make it a bidirectional delivery point to enable Texas Eastern to make deliveries of natural gas to Three Rivers. Texas Eastern states that Graham has requested this modification of the receipt point. Texas Eastern further states that the peak and average day deliveries will be 40,000 Dth per day.

Texas Eastern states that the modification of the receipt point will have no effect on Texas Eastern's peak day or annual deliveries and will be accomplished without detriment or disadvantage to Texas Eastern's other customers. Texas Eastern further state that its existing tariff does not prohibit the additional volumes.

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 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. 93–5542 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–137–000 (Phase II)]

## Transcontinental Gas Pipe Line Corp.; Informal Settlement Conference

March 5, 1993.

Take notice that an informal settlement conference will be convened in this proceeding on March 16, 1993, at 10 a.m., at the offices of the Federal Regulatory Commission, 810 First Street NE., Washington, DC.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Donald A. Heydt at (202) 208–0740 or Joanne Leveque at (202) 208–5705.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 93–5636 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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[Docket No. TM93–10–29–000]

## Transcontinental Gas Pipe Line Corp.; Tariff Filing

(March 5, 1993.)

Take notice that Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing on March 2, 1993 certain revised tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, which tariff sheets are enumerated in appendix A to the filing. The proposed effective date of the revised tariff sheets is April 1, 1993.

The purpose of the instant filing is to revise the Transmission Electric Power (TEP) Rates effective April 1, 1993 pursuant to Section 41 of the General Terms and Conditions of TGPL's FERC Gas Tariff. TGPL states that the revised TEP Rates included in the instant filing have been calculated in a manner consistent with the Commission's "Order on Rehearing" issued February 18, 1993 in Docket No. RP92–137–010 directing TGPL to file revised tariff sheets which provide that TGPL will only track electric power costs related to electric compressor use.

Attached in appendices B through D to the filing are workpapers supporting the calculation of the revised TEP Rates reflected on the tariff sheets include therein.

TGPL states that copies of the instant filing were mailed to each of its 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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 12, 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. 93–5637 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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[Docket No. TM93–11–29–000]

## Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

March 5, 1993.

Take notice that Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing on March 2, 1993, certain revised tariff sheets to Third Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff enumerated in appendix A to the filing. The proposed effective date of the tariff sheets is April 1, 1993.

TGPL states that the instant filing is being submitted pursuant to Section 38 of the General Terms and Conditions which provides that TGPL will file, to be effective April 1, a redetermination of its fuel retention percentages applicable to storage and transportation rate schedules. However, due to the fact that recent activity in TGPL's Deferred GRO Account indicates that the recovery of fuel under the existing fuel retention factors approximates the level of fuel actually burned, TGPL requests that the Commission grant a waiver of § 38.2 of the General Terms and Conditions to allow TGPL's currently effective fuel retention factors to remain in effect in lieu of making effective the revised fuel retention factors submitted herein.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 12, 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. 93–5638 Filed 3–10–93; 8:45 am]

BILLING CODE 6717–01–M

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## Office of Hearings and Appeals During the Issuance of Decisions and Orders

Week of December 14 Through December 18, 1992

During the week of December 14 through December 18, 1992, 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.

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 5, 1993.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

### Appeals

*OXY USA Inc., 12/14/92, LFA–0248*

OXY USA Inc. (OXY) filed an Appeal from a partial denial by the Economic Regulatory Administration (ERA) of a request for information submitted under the Freedom of Information Act (FOIA). In response to OXY's request, the ERA had released certain responsive documents, but withheld 136 documents in their entirety pursuant to 5 U.S.C. 552(b)(5) (FOIA Exemption 5). These documents related primarily to a DOE enforcement action brought against

Cities Services Corporation (Cities), now OXY USA Inc., and settlement negotiations with Cities' parent company, Occidental Petroleum Corporation. In considering the Appeal, the DOE found that: (i) The drafts and other intra-agency documents withheld by the ERA were exempt from disclosure under the Exemption 5 deliberative process privilege; and (ii) the ERA properly determined that 121 of the documents were within the scope of the attorney work-product privilege of Exemption 5. However, three of the documents withheld under the deliberative process privilege and one of the attorney work-product documents contained reasonably segregable material that was not released to the appellant. Accordingly, the matter was remanded to the ERA with instructions to issue a new determination regarding these four documents, either releasing additional material or explaining in detail the reasons for its withholding. In all other respects, the Appeal was denied.

*Public Utility District No. 2 of Grant County, Washington, 12/15/92, LFA–0249*

Public Utility District No. 2 of Grant County, Washington (District) filed an Appeal from a determination issued to it on November 5, 1992 by the Office of Communications (OC) of the Department of Energy Field Office, Richland. In that determination, the OC denied in part the District's request for information under the Freedom of Information Act (FOIA). In response to the District's request, the OC granted access to an entire file related to the Hanford Reach of the Columbia River Draft Comprehensive River Study and Environmental Impact Statement (DEIS) (June 1992) prepared by the Departments of Interior and Energy, but concluded that one document, the "Comments" file, was exempt from mandatory disclosure pursuant to Exemption 5 of the FOIA. The District questioned whether an adequate search for records responsive to its request was conducted and whether the "Comments" file was properly withheld under the FOIA. In considering the Appeal, the DOE found that the OC conducted an adequate search for responsive documents and that the OC properly withheld the "Comments" file pursuant to Exemption 5. Therefore, the District's Appeal was denied.

**Remedial Order**

*Gear Petroleum Company, Inc.; Economic Regulatory Administration, 12/18/92, HRO–0144; KRD–0034; KRZ–0089; KRZ–0090*

Gear Petroleum Company, Inc. (Gear Petroleum) filed a Statement of Objections to a Proposed Remedial Order (PRO) issued to it by the Economic Regulatory Administration (ERA) on March 4, 1983. The PRO alleged that during the audit period, June 1979 through October 1980, Gear Petroleum violated the Mandatory Petroleum Price Rules set forth at 10 CFR Part 212, subpart D, by misclassifying, and by selling at prices in excess of the applicable ceiling level prices, crude oil produced from the Finnup A–1 unit property in Gray County, Kansas.

Before considering the PRO, the Department of Energy (DOE) disposed of three pending motions. First, the DOE denied the ERA's Motion for Discovery as not greatly beneficial to resolution of the case and as impermissibly late. Second, the DOE denied Gear Petroleum's Motion to Strike from the Administrative Record the unsworn letter of Michael Lennen, former chairman of the Kansas Corporation Commission (KCC), which purported to explain the legal effect of a 1976 KCC well-spacing order for the Ingalls-Mississippi crude oil pool in Gray County, Kansas. The DOE found that there would be no prejudice to Gear Petroleum from retention of the letter in the record, but stated that it would refrain from referring to the letter in adjudication of the PRO. Third, the DOE denied Gear Petroleum's Motion to Strike from the Administrative Record an affidavit submitted by Kishore Parekh, an ERA petroleum engineer. The DOE determined that there would be no prejudice to Gear Petroleum from retaining the affidavit in the record because the factual affidavit was submitted by the ERA to support, rather than to change, the legal theory of the PRO.

In considering Gear Petroleum's objections to the PRO, the DOE found that Gear Petroleum had misclassified, and sold above applicable ceiling price levels, crude oil produced from the Finnup A–1 unit property. In its Statement of Objections, Gear Petroleum claimed that production from the Finnup A–1 unit property could be sold at market prices because it qualified under the "newly discovered crude oil ceiling price rule" found in 10 CFR 212.79. That rule, *inter alia*, allowed sales at market prices for crude oil produced from properties with no 1978 production. Specifically, Gear Petroleum asserted that the Finnup A–1 unit property was created as a necessary response to the 1976 KCC well-spacing order in either 1976 or 1978 by the aggregation of portions of three pre-existing properties. Therefore, the firm claimed that, although the Finnup A–1 unit property was made up in part of premises that had been part of a property with 1978 production, the Finnup A–1 unit property had become a separate entity that did not have 1978 production.

The DOE rejected Gear Petroleum's assertions, and noted that Ruling 1980–3 determined that rearranged rights to produce in changed well-spacing situations do not necessarily create new properties for the purposes of § 212.79. Rather, under that Ruling, the property should be judged on the physical status of the premises in calendar year 1978. The DOE found that the 1976 KCC well-spacing order by itself had not created the Finnup A–1 unit property because it did not delineate sufficiently specific parameters of the property as required by the uniform interpretation of the property concept. In addition, the DOE determined that during at least part of 1978, portions of the Finnup A–1 unit property, including that part of the property containing the Finnup A–1 unit well, had been part of a property with 1978 crude oil production. Thus, the DOE found that production from the Finnup A–1 unit property was ineligible for market prices under section 212.79.

In addition, the DOE rejected Gear Petroleum's attacks on the legal validity of the PRO, § 212.79, and ruling 1980–3. The DOE also found no merit in Gear Petroleum's claims regarding the operation of state statutes of limitation, or the PRO's assessment on the firm of liability for all overcharges plus interest. In addition, the DOE determined that any refunds recovered from Gear Petroleum shall be distributed in accordance with the procedures set forth in 10 CFR part 205, subpart V. Accordingly, the DOE issued the PRO, as modified, as a final Remedial Order.

**Implementation of Special Refund Procedures**

*Texas International Co.; Texas International Petroleum Corp., 12/14/92, LEF–0045*

The Department of Energy (DOE) issued a Decision setting forth the procedures for distributing $1,786,696.83 plus interest in crude oil overcharges obtained from a settlement with Texas International Company and its affiliate, Texas International Petroleum Corporation. Under the plan, the DOE will distribute these funds in accordance with the procedure set forth in the Modified Statement of Restitutionary Policy for Crude Oil

Overcharges and the Notice published at 52 FR 11737 (April 10, 1987).

**Refund Application**

*Shell Oil Company/Eastman Kodak Co., 12/18/92, RF315–9586*

The DOE issued a Decision and Order concerning an Application for Refund filed in the Shell Oil Company special refund proceeding by Eastman Kodak Company. The Applicant was an end-user of para-xylene during the consent order period. The DOE determined that para-xylene was a covered product under the Mandatory Petroleum Price and Allocation Regulations. Accordingly, the DOE granted Eastman Kodak Co. a principal refund of $7,674.

**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/A. Townsend & Son *et al.* | RF304–13310. | 12/17/92 |
| Atlantic Richfield Company/ ABCO Oil Corporation. | RF304–30 .... | 12/14/92 |
| Atlantic Richfield Company/Dennis M. Sikorski *et al.* | RF304–13209. | 12/15/92 |
| Atlantic Richfield Company/Frank P. Nunes. | RF304–12670. | 12/15/92 |
| Atlantic Richfield Company/Fuel Distributors, Inc. | RF304–29 .... | 12/14/92 |
| Atlantic Richfield Company/Kelly Company. | RF304–13326. | 12/14/92 |
| Baxter Community School District. | RF272–81436. | 12/15/92 |
| Blue Mountain School District *et al.* | RF272–81403. | 12/18/92 |
| Botetourt County Public Schools. | RF272–81361. | 12/15/92 |
| Boyne City Public Schools *et al.* | RF272–83373. | 12/17/92 |
| Brocton Central School. | RF272–82483. | 12/17/92 |
| City of Albertville, Alabama. | RF272–82704. | 12/17/92 |
| City of Seminole *et al.* | RF272–83314. | 12/16/92 |
| Clark Oil & Refining Corp./Tom's Clark Super 100 *et al.* | RF342–81 .... | 12/16/92 |
| Empire Lines, Inc | RF272–89213. | 12/18/92 |
| Allied Supermarkets. | RF272–89066. | |
| FFE Transportation Svcs., Inc. | RF272–78290. | |
| Willers Truck Service. | RF272–78110. | |
| Enron Corp./Leon Gas Company. | RF340–66 .... | 12/16/92 |
| Enron Corp./ Sooner Corporation. | RF340–127 .. | 12/17/92 |
| Gulf Oil Corporation/Ed's 44 Gulf *et al.* | RF300–17094. | 12/17/92 |
| Gulf Oil Corporation/H.W. Jenkins Lumber Co. *et al.* | RF300–13317. | 12/18/92 |
| Gulf Oil Corporation/Herman Burke's Gulf *et al.* | RF300–17244. | 12/18/92 |
| Gulf Oil Corporation/Thurston Motor Lines, Inc. | RF300–13115. | 12/17/92 |
| Indiana Area School District. | RF272–82478. | 12/17/92 |
| Lac Du Flambeau Public School. | RF272–82437. | 12/17/92 |
| McGraw Central School District. | RF272–82462. | 12/18/92 |
| Mosinee School District. | RF272–81262. | 12/15/92 |
| Murphy Oil Corp./ Triangle Oil Co. *et al.* | RF309–1324 | 12/14/92 |
| Oologah School District *et al.* | RF272–80809. | 12/14/92 |
| Orangeburg School District Four. | RF272–82401. | 12/17/92 |
| Pines Plains Central School District. | RF272–81396. | 12/15/92 |
| Pleasant Hill School District #1. | RF272–81031. | 12/15/92 |
| Richburg Central School. | RF272–82457. | 12/18/92 |
| Shell Oil Company/Angelo's Shell Service. | RF315–1643 | 12/17/92 |
| Shell Oil Company/Campbell Oil Company. | RF315–103 .. | 12/18/92 |
| Shell Oil Company/Eastern Air Lines, Inc. | RF315–5538 | 12/16/92 |
| Shell Oil Company/Ericson Oil Corporation *et al.* | RF315–120 .. | 12/18/92 |
| Shell Oil Company/Sahara Oil Company, Inc. | RF315–8198 | 12/16/92 |
| Texaco Inc./Ames Sand and Gravel *et al.* | RF321–17600. | 12/17/92 |
| Texaco Inc./Bob Spaulding Texaco. | RF321–19499. | 12/14/92 |
| Texaco Inc./Catalina Texaco *et al.* | RF321–2220 | 12/16/92 |
| Texaco Inc./ Crump's Texaco *et al.* | RF321–9079 | 12/16/92 |
| Texaco Inc./ George W. Tinnin, Inc. *et al.* | RF321–15405. | 12/17/92 |
| Texaco Inc./Imperial Fuel Company *et al.* | RF321–17403. | 12/16/92 |
| Texaco Inc./J.E. & R.E. Potter *et al.* | RF321–15149. | 12/18/92 |
| Texaco Inc./Maurice Edward Bomar *et al.* | RF321–2342 | 12/15/92 |
| Texaco Inc./Mid-Way Texaco *et al.* | RF321–703 .. | 12/14/92 |
| Texaco Inc./R & L Texaco. | RF321–14729. | 12/16/92 |
| R & L Texaco ..... | RF321–19400. | |
| Turner County Board of Commissioners. | RC272–166 . | 12/16/92 |
| United Refining Company/Defense Fuel Supply Center. | RF333–31 .... | 12/16/92 |
| Wayne-Finger Lakes Board of Coop. Educational Services. | RF272–81417. | 12/16/92 |
| West Mifflin Area School District. | RC272–167 . | 12/16/92 |
| Whitehall Central School District. | RF272–82455. | 12/18/92 |
| Winona R–III Schools. | RF272–81535. | 12/18/92 |

**Dismissals**

The following submissions were dismissed:

| Name | Case No. |
|---|---|
| Air Conditioning Services, Inc. | RF309–1126 |
| Bill's Texaco ..... | RF321–17867 |
| C&H Gas Company ..... | RF309–1096 |
| Chuck Hansen ..... | LFA–0251 |
| Claremont Public School, ISD #2125. | RF272–79341 |
| Contractors Heating & Cooling | RF309–1120 |
| Dave's Arco ..... | RF304–12485 |
| J.R. White's Grocery ..... | RF300–17121 |
| Leemon Oil Company, Inc. ..... | RF342–195 |
| Nelson Public School District . | RF272–81321 |
| Parrish Texaco ..... | RF321–12730 |
| Service Corp. International ..... | RD272–17474 |
| Service Corp. International ..... | RF272–17474 |
| Shiver Oil Co. ..... | RF321–13903 |

| Name | Case No. |
|---|---|
| Suburban Service, Inc. | RF321–16594 |
| Sweetwater City School District. | RF272–83642 |
| TBA, Inc. | RF309–1161 |
| Tom Gattie Arco Service | RF304–13405 |
| Valley Gas Company | RF300–14063 |
| Wilhelm Company | RF321–16294 |
| Wold's Service | RF309–1288 |

[FR Doc. 93–5644 Filed 3–10–93; 8:45 am]
BILLING CODE 6450–01–M

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 5, 1993.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

*OMB Number:* None.
*Title:* Section 13.217, Records.
*Action:* New collection.
*Respondents:* Businesses or other for-profit.
*Frequency of Response:* Recordkeeping requirement.
*Estimated Annual Burden:* 15 recordkeepers; 1 hour average burden per recordkeeper; 15 hours total annual burden.
*Needs and Uses:* The recordkeeping requirement contained in section 13.217 is necessary to assure records of expenditures and revenues for administering commercial operator examinations are available if needed. Records must be kept so that the FCC can detect any wrongdoing in the program. The records are journal entries showing revenues collected and expenses incurred. The records may be inspected by FCC field investigators. The records will provide a vehicle for the FCC to cancel the designation of a person or organization as an examination manager. If the information were not collected, it is conceivable that fraud and abuse could occur in the commercial radio examination program.

Federal Communications Commission.
**William F. Caton,**
*Acting Secretary.*
[FR Doc. 93–5511 Filed 3–10–93; 8:45 am]
BILLING CODE 6712–01–M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–979–DR]

### California; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).
**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of California (FEMA–979–DR), dated February 3, 1993, and related determinations.

**EFFECTIVE DATE:** March 4, 1993.
**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.
**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident period for this disaster is amended to be January 5, 1993, and continuing.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**Richard W. Krimm,**
*Deputy Associate Director, State and Local Programs and Support.*
[FR Doc. 93–5578 Filed 3–10–93; 8:45 am]
BILLING CODE 6718–02–M

## FEDERAL MARITIME COMMISSION

### Port of Palm Beach, et al.; Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, 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.:* 224–200086–002.
*Title:* Port of Palm Beach/MSAS Terminal Lease Agreement.
*Parties:* Port of Palm Beach, MSAS Customs Logistics, Inc.
*Synopsis:* This modification extends the current lease of office space until February 22, 1994.

Dated: March 5, 1993.

By Order of the Federal Maritime Commission.
**Joseph C. Polking,**
*Secretary.*
[FR Doc. 93–5513 Filed 3–10–93; 8:45 am]
BILLING CODE 6730–01–M

## FEDERAL RESERVE SYSTEM

### AMBANC Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than April 5, 1993.

**A. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

*1. AMBANC Corp.*, Vincennes, Indiana; to acquire 100 percent of the voting shares of Farmers' State Bank of Palestine, Palestine, Illinois.

Board of Governors of the Federal Reserve System, March 5, 1993.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 93–5554 Filed 3–10–93; 8:45 am]

BILLING CODE 6210–01–F

## AMCORE Financial, Inc.; Acquisition of Company Engaged in Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a) or (f) of the Board's Regulation Y (12 CFR 225.23(a) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 31, 1993.

**A. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*1. AMCORE Financial, Inc.*, Rockford, Illinois; to engage *de novo* through AMCORE Investment Banking, Inc., Rockford, Illinois, in providing advice with respect to and arranging for the private placement of debt and equity securities as agent for issuers, under the same terms as *Bankers Trust*, 75 Federal Reserve Bulletin 829 (1989); and *J.P. Morgan*, 76 Federal Reserve Bulletin 26 (1990); and in financial advisory services pursuant to § 225.25(b)(4)(vi) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 5, 1993.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 93–5555 Filed 3–10–93; 8:45 am]

BILLING CODE 6210–01–F

## Margaret Ann Speight Mixon, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 31, 1993.

**A. Federal Reserve Bank of Atlanta** (Zane R. Kelley, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

*1. Margaret Ann Speight Mixon*, Unadilla, Georgia; Charles Gordon Speight, Jr., Unadilla, Georgia; David Mark Speight, Atlanta, Georgia; Joseph Daniel Speight, Jr., Pinehurst, Georgia; Michael Clark Speight, Unadilla, Georgia; and Patti Speight Taylor, Unadilla, Georgia, as members of a committee that will control the subject stock, to acquire 52 percent of the voting shares of Middle Georgia Bankshares, Inc., Unadilla, Georgia, and thereby indirectly acquire Citizens Bank, Vienna, Georgia.

**B. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*1. William T. Graham* to acquire an additional 12.73 percent, for a total of 15 percent, of the voting shares of First Business Bancshares, Inc., Madison, Wisconsin, and thereby indirectly acquire First Business Bank, Kingston, Wisconsin.

**C. Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

*1. William J. Cavanagh*, Trustee for William J. Cavanagh Revocable Trust; Robert J. Cavanagh, Trustee for Robert J. Cavanagh Revocable Trust; and Charles L. Cavanagh, Trustee for Charles L. Cavanagh Revocable Trust; to each acquire 26.66 percent of the voting shares of Perham State Bancshares, Inc., Perham, Minnesota.

**D. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*1. Joseph H. Geisel, Jr.*, Kansas City, Missouri; Terrence J. Lillis, Kansas City, Missouri; and Edward P. O'Connor, Prairie Village, Kansas; as Trustees for the Francis H. Giblin Trust Number 1, Beloit, Kansas, to acquire 61.16 percent of the voting shares of First National Bankshares of Beloit, Inc., Beloit, Kansas, and thereby indirectly acquire First National Bank of Beloit, Beloit, Kansas.

Board of Governors of the Federal Reserve System, March 5, 1993.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 93–5556 Filed 3–10–93; 8:45 am]

BILLING CODE 6210–01–F

## Panhandle Bancshares, Inc.; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the

proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 31, 1993.

**A. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

*1. Panhandle Bancshares, Inc.*, Panhandle, Texas; to engage *de novo* through its subsidiary, Panhandle Financial Services, Inc., Amarillo, Texas, in providing management consulting advice to nonaffiliated bank and nonbank depository institutions pursuant to § 225.25(b)(11); and tax planning and preparation services pursuant to § 225.25(b)(21) of the Board's Regulation Y. The management consulting services will be conducted in Texas, Oklahoma, and New Mexico. The tax planning and preparation services will be conducted in Potter County, Swisher County, Carson County, and all adjacent counties in the Texas Panhandle.

Board of Governors of the Federal Reserve System, March 5, 1993.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 93–5557 Filed 3–10–93; 8:45 am]

BILLING CODE 6210–01–F

## RNYC Holdings; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 5, 1993.

**A. Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

*1. RNYC Holdings*, Marina Bay, Gibraltar; to become a bank holding company by acquiring 100 percent of the voting shares of Republic New York Corporation, New York, New York, and thereby indirectly acquire Republic National Bank of New York, New York, New York, and The Manhattan Savings Bank, New York, New York.

In connection with this application, RNYC Holdings Limited, Marina Bay, Gibraltar, has applied to engage through its subsidiaries, Republic New York Corporation, New York, New York; Republic Clearing Corporation, New York, New York, in futures commission merchant activities with respect to foreign exchange, government securities, certificates of deposits, other money market instrument, and bullion contracts pursuant to § 225.25(b)(18) of the Board's Regulation Y; Republic Factors Corporation, New York, New York, in factoring, including old line maturity factoring of accounts receivable (purchase of accounts receivable) and lending against accounts receivable collateral, pursuant to § 225.25(b)(1)(v) of the Board's Regulation Y; Republic Information and Communications Services, Inc., New York, New York, in providing processing, systems, programming, communications, technical support and related services to RNYC Group members, and provide equipment and technical support regarding such equipment to non-RNYC Group members for disaster recovery actions by them, pursuant to §§ 225.22(a)(2)(iii) and 225.25(b)(7) of the Board's Regulation Y; Republic New York Trust Company of Florida, National Association, North Miami, Florida, limited to trust and other fiduciary services, pursuant to § 225.25(b)(3) of the Board's Regulation Y; Republic New York Mortgage Corporation, Pompano Beach, Florida, in originating and servicing mortgage loans for members of the RNYC Group, pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y; Republic New York Securities Corporation, New York, New York, in (1) providing investment advisory services and financial advisory services, including advice regarding mergers, acquisitions, and capital raising proposals by institutional customers, pursuant to §§ 225.25(b)(4) and (15) of the Board's Regulation Y; (2) providing securities brokerage services on an individual basis as well as in combination with investment advisory services (full-service brokerage), including exercising limited investment discretion on behalf of institutional customers, (*Saban, S.A.*, 78 Federal Reserve Bulletin 955 (1992)); (3) purchasing and selling all types of securities on the order of institutional and retail customers as a "riskless principal," *Saban, S.A.*, 78 Federal Reserve Bulletin 955 (1992)); and (4) engaging in securities credit activities under the Board's Regulation T, pursuant to § 225.25(b)(15) of the Board's Regulation Y, including acting as a "conduit" or "intermediary" in securities borrowing and lending, pursuant to § 225.25(b)(4) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 5, 1993.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 93-5558 Filed 3-10-93; 8:45 am]

BILLING CODE 6210-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 92N-0391]**

### Analysis of Adverse Reactions to Monosodium Glutamate; Announcement of Rescheduled Dates for Public Submission of Written Materials and Public Meeting; Tentative Report; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) announcing the availability of a tentative report entitled, "Tentative Report: Adequacy of Existing Scientific Information on Possible Adverse Reactions to Monosodium Glutamate." The tentative report was prepared by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (LSRO/FASEB). In a previous notice, FDA announced the closing date for requests to make oral presentations at an open meeting, the closing date for submission of written materials, and the tentative dates and time of a public meeting on the tentative report. This document announces the rescheduled dates for the aforementioned events.

**DATES:** LSRO/FASEB will hold a public meeting on April 7, 1993, at 1:30 p.m. If necessary, the public meeting will reconvene on April 8, 1993, at 8:30 a.m. Requests to make oral presentations at the open meeting must be submitted in writing and received by March 19, 1993. Written materials to be considered at the public meeting should be submitted on or before April 5, 1993.

**ADDRESSES:** Submit written requests for single copies of the tentative report to the Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814-3998. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written requests to make oral presentations of scientific data, information, and views at the public meeting to both LSRO/FASEB (address above) and the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. Requests should be identified with the docket number found in brackets in the heading of this document. Two copies of the scientific data, information, and views should be submitted to each office. A copy of the tentative report is available for public examination in LSRO/FASEB and in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. The public meeting will be held in the Chen Auditorium, Lee Bldg., FASEB (address above).

**FOR FURTHER INFORMATION CONTACT:** Kenneth D. Fisher or Daniel J. Raiten, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814-3998, 301-530-7030; or David G. Hattan, Office of Pre-Market Approval (HFS-225), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-3912.

**SUPPLEMENTARY INFORMATION:** FDA has a contract (223-92-2185) with LSRO/FASEB concerning the analysis of scientific issues that bear on the safety of foods and cosmetics. The objective of this contract is to provide information to FDA on general and specific issues of scientific fact associated with the analysis of human nutrition.

Current food use of MSG as a generally recognized as safe (GRAS) ingredient is described in 21 CFR 182.1 as an example of common safe food ingredients. GRAS uses of glutamic acid, glutamic acid hydrochloride, monoammonium glutamate, and monopotassium glutamate are codified in 21 CFR 182.1045, 182.1047, 182.1500, and 182.1516, respectively.

The Select Committee on GRAS Substances (SCOGS) of LSRO/FASEB, as part of FDA's update of GRAS safety assessments, independently reviewed health aspects of MSG in 1978 and 1980, and glutamate-containing protein hydrolysates in 1980. Protein hydrolysates are not listed as GRAS food ingredients, but are considered GRAS by a number of FDA opinion letters. Since the publication of the SCOGS reports, additional information about the physiological effects of glutamic acid and its salts has accumulated from scientific investigations. Moreover, there are continuing concerns raised by the public about the use of these substances as food ingredients.

In the **Federal Register** of December 4, 1992 (57 FR 57467), FDA announced that it had asked FASEB, as a task within contract 223-92-2185, to provide FDA's Center for Food Safety and Applied Nutrition with an up-to-date scientific safety review of the effects of the use of MSG and hydrolyzed protein products as food ingredients. Responding to that request, FASEB directed its LSRO to obtain state-of-the-art scientific information about the safety of MSG and related products as currently used. LSRO/FASEB has initiated the study and will prepare a documented scientific report that summarizes information pertaining to MSG and glutamate-containing food ingredients currently approved for GRAS use.

Details of the objectives for the scientific review requested by FDA are contained in the December 4, 1992, notice announcing the start of the study. The project is divided into two phases. In Phase I, which has been completed, LSRO/FASEB reviewed the existing scientific literature as well as government-furnished materials to determine whether information and data were available to address 18 core questions on the safety of MSG that are listed in the notice. That notice also stated that Phase I would culminate with the public availability of a tentative report addressing the adequacy of extant information with respect to the 18 questions and would further define a concise set of issues raised by the Phase I review. The tentative report is on display at the Dockets Management Branch (address above) and is also on display at, and available from, LSRO/FASEB (address above).

LSRO is now proceeding with Phase II of the study. In Phase II, LSRO is conducting a comprehensive evaluation of the safety of MSG using the Phase I tentative report as the focus of the indepth review. Phase II will be complete with the preparation of a publicly available final report.

In the notice (57 FR 57467), FDA and FASEB announced that LSRO/FASEB anticipated holding a public meeting on the topic of MSG safety during the period of February 9, 1993, to February 27, 1993. Due to scheduling difficulties, however, that meeting was not held. FDA and FASEB are now announcing that LSRO/FASEB has rescheduled the public meeting to be held on April 7, 1993, beginning at 1:30 p.m. Depending on the number of requests to make oral presentations, the public meeting will reconvene at 8:30 a.m. on April 8, 1993, if necessary. Written requests to make oral presentations of scientific data, information, and views at the open meeting must be submitted in writing to LSRO/FASEB (address above) and to the Dockets Management Branch (address above) and received by March 19, 1993. The open meeting will be held in the

Chen Auditorium, Lee Bldg., FASEB (address above).

FDA and FASEB are also inviting submission of written presentations of scientific data, information, and views. These materials should be submitted on or before April 5, 1993. Two copies of the written material to be considered at the open meeting must be submitted to each office.

Pursuant to its contract with FDA, FASEB will provide the agency with a scientific report on the Phase II review and evaluation on or before March 1, 1994.

Dated: March 2, 1993.

**Gary Dykstra,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 93–5519 Filed 3–10–93; 8:45 am]

BILLING CODE 4160–01–F

## National Institutes of Health

### National Institute of Dental Research; Meeting of Dental Research Programs Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Dental Research Programs Advisory Committee, National Institute of Dental Research, on April 13–14, 1993, in Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland, from 9 a.m. to recess on April 13 and from 9 a.m. to adjournment at 1 p.m. on April 14. The entire meeting will be open to the public to discuss NIDR extramural research—Research Opportunities in Periodontal Research: Juvenile and Refractory Adult Periodontitis. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. John D. Townsley (301/496–7807) in advance of the meeting.

Dr. John D. Townsley, Associate Director for Policy and Coordination, Extramural Program, NIDR, NIH, Westwood Building, room 506, Bethesda, MD 20892 (telephone 301/496–7807) will provide a summary of the meeting, roster of committee members and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research)

Dated: March 1, 1993.

**Susan K. Feldman,**

*Committee Management Officer, NIH.*

[FR Doc. 93–5563 Filed 3–10–93; 8:45 am]

BILLING CODE 4140–01–M

### National Institute on Deafness and Other Communication Disorders; Meeting of the National Deafness and Other Communication Disorders Advisory Board

Pursuant to Public Law 92–473, notice is hereby given of the meeting of the National Deafness and Other Communication Disorders Advisory Board on April 30, 1993. The meeting will take place from 8:30 a.m. to 4:30 p.m. in Conference Room 6, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The meeting, which will be open to the public, is being held to discuss the Board's activities and to present special reports. Attendance by the public will be limited to the space available.

Summaries of the Board's meeting and a roster of members may be obtained from Ms. Mirene Boerner, Acting Executive Director, National Deafness and Other Communication Disorders Advisory Board, Building 31, room 3C08, National Institutes of Health, Bethesda, Maryland 20892, (301) 402–1129, upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Acting Executive Director in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.173, Biological Research Related to Deafness and Communication Disorders)

Dated: March 1, 1993.

**Susan K. Feldman,**

*Committee Management Officer, NIH.*

[FR Doc. 93–5564 Filed 3–10–93; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Administration

**[Docket No. D–93–1020; FR–3439–D–01]**

### Amendment of Redelegation of Procurement Authority

**AGENCY:** Office of the Assistant Secretary for Administration, HUD.

**ACTION:** Notice of amendment of redelegation of procurement authority.

**SUMMARY:** The redelegation of authority published in the **Federal Register** on December 7, 1992 at 57 FR 57841 (Docket No. D–92–984; FR–3341–D–01) is amended to add language to redelegate procurement authority to the Director, Office of Procurement and Contracts.

**EFFECTIVE DATE:** March 3, 1993.

**FOR FURTHER INFORMATION CONTACT:** Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Office of Procurement and Contracts, room 5262, 451 Seventh Street, SW., Washington, DC 21410, (202) 708–0294. (This is not a toll-free number.).

**SUPPLEMENTARY INFORMATION:** A redelegation of procurement authority is being amended to update and consolidate existing authority and eliminate obsolete authority concerning the Director, Office of Procurement and Contracts.

Accordingly, the redelegation of authority published in the **Federal Register** on December 7, 1992 at 57 FR 57841 (Docket No. D–92–984; FR–3341–D–01) is amended to add a new paragraph 2 to Section A, Authority Redelegated, as follows:

*Section A. Amendment of Redelegation of Authority*

A new paragraph 2 is inserted into section A of the redelegation of authority published in the **Federal Register** on December 7, 1992 at 57 FR 57841 (Docket No. D–92–984; FR–3341–D–01), to read as follows:

2. The Director, Office of Procurement and Contracts, is designated the Department's principal Contracting Officer and may:

a. Enter into and administer all procurement contracts and interagency agreements for property and services required by the Department (including the publication in newspapers of advertisements, notices, or proposals);

b. Enter into and administer grants and cooperative agreements in support of the Department's discretionary assistance programs; and,

c. Make determinations and findings regarding the use of advance payments under FAR Subpart 32.4 with the concurrence of the Director, Office of Finance and Accounting.

d. Redelegate the authority:

(1) In a. and b. above to qualified Office of Procurement and Contracts employees;

(2) Respecting the following simplified purchasing procedures to qualified Departmental employees:

(i) Use of SF–44, Purchase Order-Invoice-Voucher (FAR 13.505–3);

(ii) Issuance of call orders under established Blanket Purchase Agreements (FAR subpart 13.2);

(iii) Use of the Government-wide Commercial Credit Card system to place open market small purchases (FAR subpart 13.5), delivery orders under

GSA Federal Supply Schedules (FAR subpart 8.4), and delivery orders under established Departmental indefinite-delivery contracts.

Section A, paragraph 2 of the redelegation of authority published in the **Federal Register** on December 7, 1992 at 57 FR 57841 (Docket No. D–92–984; FR–3341–D–01) is redesignated as paragraph 3, and the reference cited in the final subparagraph thereunder is redesignated as "3b(3)(ii)".

*Section B. Redelegations Revoked*

All redelegations of procurement authority to the Director, Office of Procurement and Contracts, prior to this redelegation of authority, are revoked in their entirety.

**Authority:** 41 U.S.C. 414(2); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 3, 1993.

**Michael F. Hill,**

*Acting Assistant Secretary for Administration.*

[FR Doc. 93–5551 Filed 3–10–93; 8:45 am]

BILLING CODE 4210–01–M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–702631

*Applicant:* U.S. Fish and Wildlife Service, Region 1, Portland, OR.

The applicant requests an amendment to their current permit to authorize take activities with the following aquatic snails: Idaho springsnail (*Pyrgulopsis idahoensis*), Bruneau Hot Springsnail (*Pyrgulopsis bruneauensis*), Utah valvata (*Valvata utahensis*), Snake River physa (*Physa natricina*), Banbury Springs lanx (undescribed *Lanx*) and underscribed species: Bliss Rapids snail, for scientific purposes and the enhancement of propagation or survival in accordance with approved recovery activities.

PRT–776114

*Applicant:* Joel Morrow, Richmond, Texas.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) culled from the captive-herd maintained by Mr. J.C. Troskie, "Welkom", Somerset East, South Africa, for the purpose of enhancement of survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: March 5, 1993.

**Susan Jacobsen,**

*Acting Chief, Branch of Permits, Office of Management Authority.*

[FR Doc. 93–5560 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–55–M

### Zebra Mussel Coordination Committee Meeting

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a meeting of the Zebra Mussel Coordination Committee (Committee), a committee of the Aquatic Nuisance Species Task Force. A number of subjects will be discussed, including updates on agency activities, status of research inventory database, public outreach and education, and research needs. The meeting is open to the public. Interested persons may make oral statements to the Committee or may file written statements for consideration.

**DATES:** The Zebra Mussel Coordination Committee will meet from 1 p.m. to 5 p.m. on Monday, March 29, 1993.

**ADDRESSES:** The meeting will be held at the Drake Hotel, 140 East Walton Place, Chicago, Illinois 60611, (312) 787–2200.

**FOR FURTHER INFORMATION CONTACT:** Dr. Alfred Beeton, National Oceanic and Atmospheric Administration, Great Lakes Environmental Research Laboratory, 2205 Commonwealth Blvd., Ann Arbor, MI 48105 at (313) 668–2235 or Dr. Edwin Theriot, U.S. Army Engineer Waterways Experiment Station, CEWES–ER–A, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180 at (601) 634–2678.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. I), this notice announces a meeting of the Zebra Mussel Coordination Committee established under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101–646, 104 Stat. 4761, 16 U.S.C. 4701 *et seq.*, November 29, 1990). Minutes of meeting will be maintained by Coordinator, Aquatic Nuisance Species Task Force, room 840, 4401 North Fairfax Drive, Arlington, Virginia 22203 and the Zebra Mussel Coordination Committee Chairman, National Oceanic and Atmospheric Administration, Great Lakes Environmental Research Laboratory, 2205 Commonwealth Blvd., Ann Arbor, MI 48105 and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: March 5, 1993.

**Gary Edwards,**

*Co-Chair, Aquatic Nuisance Species Task Force.*

[FR Doc. 93–5649 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–55–M

### Bureau of Land Management

**[CO–920–03–4120–03; COC 53560]**

### Public Hearing and Request for Comments on Environmental Assessment, Maximum Economic Recovery Report, and Fair Market Value; Application for Competitive Coal Lease COC 53560; Colorado

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public hearing.

**SUMMARY:** Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held to receive comments on the environmental assessment, maximum economic recovery, and fair market value of federal coal to be offered. An application for coal lease was filed by Cyprus Western Coal Company requesting the Bureau of Land Management offer for competitive lease 544.08 acres of Federal coal in Routt County, Colorado.

**DATES:** The public hearing will be held at 7 p.m., April 9, 1993. Written comments should be received no later than April 15, 1993.

**ADDRESSES:** The public hearing will be held in the Yampa Valley Electric Association Building, 32 10th Street, Steamboat Springs, Colorado. Written

comments should be addressed to the Bureau of Land Management, Little Snake Resource Area Office, 1280 Industrial Avenue, Craig, Colorado 81625.

**FOR FURTHER INFORMATION CONTACT:** John Husband, Area Manager, Little Snake Resource Area Office at the address above, or by telephone at (303) 824–4441.

**SUPPLEMENTARY INFORMATION:** Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held on April 9, 1993, at 7 p.m., in the Yampa Valley Electric Association Building, 32 10th Street, Steamboat Springs, Colorado.

An application for coal lease was filed by Cyprus Western Coal Company requesting the Bureau of Land Management offer for competitive lease Federal coal in the lands outside established coal production regions described as:

T. 5 N., R. 86 W., 6th P.M.
Sec. 31, lots 1, 2, W½NE¼, and E½NW¼.
T. 5 N., R. 87 W., 6th P.M.
Sec. 36, lots 1, 2, W½NE¼, and NW¼.
Containing 544.08 acres.

The coal resource to be offered is limited to coal recoverable by underground mining methods.

The purpose of the hearing is to obtain public comments on the environmental assessment and on the following items:

(1) The method of mining to be employed to obtain maximum economic recovery of the coal,

(2) The impact that mining the coal in the proposed leasehold may have on the area, and

(3) The methods of determining the fair market value of the coal to be offered.

Written requests to testify orally at the April 9, 1993, public hearing should be received at the Little Snake Resource Area Office prior to the close of business April 9, 1993. Those who indicate they wish to testify when they register at the hearing may have an opportunity if time is available.

In addition, the public is invited to submit written comments concerning the fair market value and maximum economic recovery of the coal resource. Public comments will be utilized in establishing fair market value for the coal resource in the described lands. Comments should address specific factors related to fair market value including, but not limited to:

1. The quality and quantity of the coal resource.

2. The price that the mined coal would bring in the market place.

3. The cost of producing the coal.

4. The interest rate at which anticipated income streams would be discounted.

5. Depreciation and other accounting factors.

6. The mining method or methods which would achieve maximum economic recovery of the coal.

7. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area, and

8. Any comparable sales data of similar coal lands.

Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Written comments on the environmental assessment, maximum economic recovery, and fair market value should be sent to the Little Snake Resource Area Office at the above address prior to close of business on April 15, 1993.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

The Draft Environmental Assessment and Maximum Economic Recovery Report are available from the Little Snake Resource Area office upon request.

A copy of the Draft Environmental Assessment, the Maximum Economic Recovery Report, the case file, and the comments submitted by the public, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado.

Dated: March 5, 1993.

**Richard D. Tate,**

*Chief, Mining Law and Solid, Minerals Adjudication Section.*

[FR Doc. 93–5587 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–JB–M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[WY–040–03–4410–04]**

### Green River RMP Draft Environmental Impact Statement; Extension of Comment Period

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Due to the complexity and length of the Green River RMP Draft EIS, the public comment period is hereby extended until April 19, 1993. This is to allow sufficient time for interested parties to complete their reviews of the document and to submit their comments to the BLM.

**DATES:** Comments will be accepted until April 19, 1993. Other public involvement activities during the planning process will be announced through the Federal Register, local news media, and public mailings.

**ADDRESSES:** Written comments should be sent to the Bureau of Land Management, Rock Springs District Office, P.O. Box 1869, Rock Springs, Wyoming 82902–1869, Attention: Green River RMP Team Leader.

**FOR FURTHER INFORMATION CONTACT:** Bill LeBarron, Green River Resource Area Manager, 1993 Dewar Drive, Rock Springs, Wyoming 82901, phone: (307) 362–6422, or Renée Dana, Team Leader at the District Office address above, phone: (307) 382–5350.

**SUPPLEMENTARY INFORMATION:** The Draft Green River RMP Draft EIS evaluates four resource management plan alternatives, including BLM's preferred alternative, for managing the Green River planning area. Each alternative analyzed in detail represents a complete and reasonable land use plan that could be used to guide the management of the planning area. The planning area includes about 3.6 million acres of public land surface and 3.7 million acres of Federal mineral estate administered by the BLM within the Green River Resource Area. The planning area is located in southwestern Wyoming, in Sweetwater, Uinta, Lincoln, Sublette, and Fremont counties.

Included in the draft RMP EIS is documentation of the coal screening process, including the Application of the Coal Unsuitability Criteria, conducted on the Federal coal lands in the planning area. About 12,600 acres of BLM-administered public land were found to be unsuitable for further consideration for Federal coal leasing under five of the criteria: (1) Federal Land Systems, (2) Rights-of-Way and Easements, (3) Wilderness Study Areas, (16) Floodplains, and (17) Municipal Watersheds.

Copies of the Green River RMP Draft EIS are available at the Green River Resource Area Office at the address listed above.

Dated: March 5, 1993.

**Ray Brubaker,**

*State Director, Wyoming.*

[FR Doc. 93–5589 Filed 3–10–93 8:45 am]

BILLING CODE 4310–22–M

## Bureau of Land Management

[CA-058-4210-02]

### Intent To Prepare an Environmental Impact Statement; Clear Lake Resource Area, CA

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement (EIS) on an effluent pipeline from various Lake County Communities to The Geysers Geothermal Field and notice of scoping meetings.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Clear Lake Resource Area, will be directing the preparation of an EIS to be prepared by a third party contractor on the impacts of a proposed pipeline carrying treated wastewater from various Lake County locations to The Geysers Geothermal Field for injection. The pipeline will affect Federal and non-Federal land; therefore, a joint EIS/EIR will be prepared in cooperation with the County of Lake.

**DATES:** Public scoping meetings will be held to solicit public input on issues or concerns to be assessed in the development of the Draft EIR/EIS, and to identify affected or interested parties. Public scoping meetings will be held beginning at 10 a.m. on March 26, 1993 at the Lake County Courthouse in the Board of Supervisors chambers located at 255 North Forbes Street, Lakeport, and at 1:30 p.m. on March 25, 1993 on the 20th floor of the Renaissance Building located at 801 K Street in Sacramento. Written comments on the proposed project and scope of the EIR/EIS will be accepted until April 16, 1993.

**ADDRESSES:** Comments should be sent to the Bureau of Land Management, 555 Leslie St., Ukiah, CA 95482, ATTN: Rich Estabrook.

**FOR FURTHER INFORMATION CONTACT:** Rich Estabrook, Bureau of Land Management, (707) 462-3873; Mark Dellinger, Lake County Planning Dept., (707) 263-2221.

**SUPPLEMENTARY INFORMATION:** The primary focus of this EIS/EIR is the Southeast Geysers Effluent Pipeline and Injection Project. A consortium of a municipal joint powers agency (Northern California Power Agency, NCPA) and two private geothermal companies (Calpine Corporation and the Pacific Gas & Electricity Company, PG&E) would participate in the project with Lake County Sanitation District (LACOSAN). A 26 mile pipeline would be constructed and operated by LACOSAN while the distribution piping and injection operations would be the responsibility of NCPA and Calpine. In the event that The Geysers could not receive the treated effluent, a back-up disposal well on NCPA's leasehold would be utilized by LACOSAN. There are two purposes for this project: LACOSAN would use this as a wastewater disposal method and the geothermal industry participants would use the treated effluent as a means of geothermal reservoir enhancement and to reduce steam pressure decline.

The proposal includes construction of a 20"-24" steel pipeline which would carry up to 5800 gallons per minute (GPM) of secondarily treated wastewater. The approximately 26 mile long pipeline would begin at the Southeast Regional Wastewater Treatment Plant (SRWTP) north of the City of Clear Lake and end in the southeast portion of The Geysers Geothermal Field, between PG&E's Unit 13 and NCPA's powerplants in southern Lake County. The project would also include a water intake and piping from Clear Lake to the SRWTP treated effluent reservoir. Steel tanks would be located near Childers Peak and PG&E Unit 13 in The Geysers to be used for balancing pressure and volume of the effluent. The pipeline would also be connected to the Middletown Wastewater Treatment Plant and will receive effluent from this LACOSAN-operated facility. Most of the main pipeline would be buried, although some pipe will be above ground, especially pumping and regulating stations. Electrical supply to the pumping stations would be brought in through tap lines from existing transmission lines. In The Geysers steamfield, significant portions of the main pipeline and all of the distribution system would be above ground. Much of the distribution piping and all of the injection wells are already in existence.

Treated effluent would come from the City of Clearlake and surrounding areas, the Community of Lower Lake, and the Community of Middletown. In the early years of operation, make-up water would come from Clear Lake. As the volume of effluent increases in the pipeline, the volume of lake water would decrease.

In The Geysers, several leaseholds and powerplants would be involved. Treated effluent would be distributed to about 12 injection wells located in NCPA's leasehold and Calpine's leaseholds which supply steam to PG&E's Units 13 and 16. A small amount of effluent would go to the Bear Canyon Creek leasehold operated by Calpine. A back-up disposal well located in NCPA's leasehold on the "M" Pad is also included in the proposed project.

Of the proposed 26 mile course of the pipeline, approximately 2 miles (8%) will cross public land. Between 50% to 80% of the effluent will be injected into federal leases at The Geysers.

**Robert Menendez,**

*Acting Clear Lake Resource Area Manager.*

[FR Doc. 93-5588 Filed 3-10-93; 8:45 am]

BILLING CODE 4310-40-M

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[ID-010-03-4320-01-ADVB]

### Rescheduling of meeting.

**AGENCY:** Boise District, Bureau of Land Management, ID.

**SUMMARY:** The Boise District Grazing Advisory Board Meeting originally scheduled for February 23, 1993 was postponed due to the weather. The meeting has been rescheduled for Wednesday, April 14, 1993. The following items will be discussed:

Expenditure of FY93 Grazing Advisory Board Funds
Expenditure of Range Improvement Funds for FY93
Expenditure of Range Improvement Funds for Wildlife Habitat Improvement Projects FY91 & 92
Animal Damage Control

The meeting is open to the public and a comment period will be held at 2 p.m.

**DATES:** The meeting will begin at 9 a.m. Wednesday, April 14, 1993, in the district office conference room.

**ADDRESSES:** The Boise District Office is located at 3948 Development Avenue, Boise, Idaho, 83705.

**FOR FURTHER INFORMATION CONTACT:** Fred Schley, Boise District, BLM, (208) 384-3300.

**Rodger E. Schmitt,**

*Associate District Manager.*

[FR Doc. 93-5595 Filed 3-10-93; 8:45 am]

BILLING CODE 4310-GG-M

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[CO-070-0-4410-13-241A]

### Grand Junction District Advisory Council; Meeting

**AGENCY:** Bureau of Land Management, Department of the Interior.

**ACTION:** Notice meeting.

**SUMMARY:** The Grand Junction District Advisory Council will meet on Tuesday, April 13, 1992. The meeting will convene at 9 a.m. in the County Commissioners Room (301) in the County Courthouse in Glenwood Springs, Colorado.

**SUPPLEMENTARY INFORMATION:** The agenda for the meeting will include (1) Opening Remarks, (2) Update on Ruby Canyon, (3) Update on Hawxhurst land exchange, (4) King Mountain Update, (5) Landfill Update, (6) Briefing on Upper Colorado River Alliance, (7) Discussion of Glenwood Springs Travel Management Planning and public comment.

The meeting is open to the public. Interested persons may make oral statements to the Council between 1:30 and 2:45 p.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 2815 H Road, Grand Junction, Colorado, 81506 by April 5, 1992. Depending on the number of persons wishing to make oral statements, a per person may be established by the District Manager.

Minutes of the Council will be available for public inspection in the District Office thirty (30) days following the meeting.

**FOR FURTHER INFORMATION CONTACT:** Tim Hartzell, District Manager, Grand Junction District Office, Bureau of Land Management, 2815 H Road, Grand Junction, Colorado 81506, phone (303) 244–3000.

**Lynda L. Boody,**

*Assistant District Manager for Administrative Services.*

[FR Doc. 93–5546 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–84–M

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**[OR–020–03–4210–02; G3–121]**

## Temporary Road Closure; Harney County, OR

**AGENCY:** Bureau of Land Management, DOI.

**ACTION:** Notice.

**SUMMARY:** A portion of the Skull Creek Road in Harney County, Oregon is being temporarily closed to all motorized vehicular traffic, except as noted below, under the provisions of 43 CFR 8364.1.

**SUPPLEMENTARY INFORMATION:** The Skull Creek Road from its junction with the Radar County Road No. 806 in the SW¼NE¼, sec. 3, T. 23 S., R. 30 E., Willamette Meridian, approximately 9.9 miles north to its junction with a secondary road in the E½SW¼, sec. 2, T. 22 S., R. 29 E. is being closed to all motorized vehicular traffic with the following exceptions:

1. Snowmobiles.
2. Private landowners who would normally access their property by use of the segment of Skull Creek Road being closed.
3. BLM grazing permittees during their permitted season of use who would normally access their allotments by use of the segment of Skull Creek Road being closed.
4. Law enforcement and other emergency personnel while engaged in official duties.
5. Other individuals who can demonstrate a need to travel the road by the types of vehicles being prohibited.
6. BLM employees while engaged in official duties.

Individuals who meet one of these criteria and who desire to utilize the road shall possess, while traveling the road, a written waiver issued by the Authorized Officer. Snowmobile operators, land management, law enforcement and emergency personnel need not have a written waiver.

Failure to comply with this temporary closure may result in a fine of not more than $1,000 or imprisonment not to exceed 12 months, or both, in accordance with 43 CFR 8360.0–7.

The closure is necessary to prevent needless damage to the road surface, road base, and adjacent resources due to extremely wet soil conditions resulting from excessive snow pack this winter. Unnecessary traffic on the road will also cause harassment and disturbance to stressed wildlife populations in the area. An analysis of the closure is available for inspection at the address listed below.

**EFFECTIVE DATES:** The temporary closure will be effective upon posting and closure of the road by the Authorized Officer. It will remain in effect until, as determined by the Authorized Officer, road and soil conditions have dried sufficiently to prevent damage to the road and adjacent resources.

**FOR FURTHER INFORMATION CONTACT:** Craig M. Hansen, Area Manager, or Skip Renchler, Realty Specialist, Three Rivers Resource Area, HC 74, 12533 HWY 20 West, Hines, Oregon 97738, telephone (503) 573–5241.

Dated: March 4, 1993.

**Craig M. Hansen,**

*Three Rivers Resource Area Manager.*

[FR Doc. 93–5645 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–33–M

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**[CA–068–4333–05 and 7122–08–1016; CACA 28304]**

## Notice of Issuance of Land Conveyance Document and Order Opening Lands Acquired in Exchange; California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The purpose of this exchange was to acquire 986.64 acres of non-Federal lands within the Black Mountain Cultural Area/Area of Critical Environmental Concern, Western Mojave Land Tenure Adjustment Project Consolidation Zone; East Mojave National Scenic Area; and Rasor Off-Highway Vehicle Area. This exchange will consolidate the public lands within the above areas. The public interest was well served through completion of this exchange. This action will open 320 acres to surface entry, mining, and mineral leasing. The remaining 666.64 acres will be closed to surface entry, mining, and mineral leasing.

**EFFECTIVE DATE:** April 12, 1993.

**FOR FURTHER INFORMATION CONTACT:** Viola Andrade, BLM California State Office, 916–978–4820.

**SUPPLEMENTARY INFORMATION:** A cash payment in the amount of $144,600 has been paid to the United States by John R. Cooley and Evelyn J. Cooley to equalize the values between the non-Federal lands and the public lands.

1. The United States conveyed the following described lands to John R. Cooley and Evelyn J. Cooley under section 206 of the Act of October 21, 1976, 43 U.S.C. 1716 (1988):

**San Bernardino Meridian**

T. 5 N., R. 3 W.,
Sec. 6, lots 13 and 14.
T. 6 N., R. 3 W.,
Sec. 31, W½NE¼NW¼SE¼, E½NW¼NW¼SE¼, NE¼SW¼NW¼SE¼, SE¼SW¼NW¼SE¼, NW¼SE¼NW¼SE¼, SW¼SE¼NW¼SE¼, W½NE¼SW¼SE¼, NE¼NW¼SW¼SE¼, S½NE¼SW¼SE¼, E½SW¼SW¼SE¼, and W½SE¼SW¼SE¼.
T. 8 N., R. 4 W.,
Sec. 19, lot 1 of NW¼ and W½NE¼.

The areas described aggregate 214.41 acres of public land in San Bernardino County.

2. In exchange for these lands, the United States acquired the following described lands from John R. Cooley and Evelyn J. Cooley:

**Mount Diablo Meridian**

T. 31 S., R. 45 E.,
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½.

**San Bernardino Meridian**

T. 11 N., R. 7 E.
Sec. 2, E½SE¼;
Sec. 11, N½NE¼.
T. 12 N., R. 8 E.,
Sec. 26, SW¼SW¼;
Sec. 27, SE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, NW¼NW¼.

The areas described aggregate 986.64 acres of non-Federal lands in San Bernardino County.

3. The following described land will be closed to the operation of the public land laws, including the mining and mineral leasing laws, pending completion of the West Mojave Coordinated Management Plan:

**Mount Diablo Meridian**

T. 31 S., R. 45 E.,
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½.

The area described contains 666.64 acres in San Bernardino County.

At 10 a.m. on April 12, 1993, the lands described in paragraph 2, except for that described in paragraph 3, will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 12, 1993, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 10 a.m. on April 12, 1993, the lands described in paragraph 2, except for that described in paragraph 3, will be opened to location and entry under the United States mining laws and to the operation of the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: March 3, 1993.

**Nancy J. Alex,**

*Chief, Lands Section.*

[FR Doc. 93–5596 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–40–M

**[NV–930–4210–05; Nev–063922]**

## Termination of Recreation and Public Purposes Classification and Opening Order, NV

March 4, 1993.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice terminates a Recreation and Public Purposes Classification in its entirety and provides for opening the land to appropriation under the public land laws and the general mining laws.

**EFFECTIVE DATE:** April 12, 1993.

**FOR FURTHER INFORMATION CONTACT:** Mary Clark, Nevada State Office, Bureau of Land Management, 850 Harvard Way, Reno, NV 89520, (702) 785–6530.

**SUMMARY:** On September 28, 1961, Classification No. 62–3 was issued which classified the following described land in Esmeralda County, Nevada, for disposal under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, 896–1 to 869–4):

**Mount Diablo Meridian, Nevada**

T. 3 S., R. 35 E.,
Sec. 36, lot 3.

Comprising 34.95 acres.

The land was segregated from all forms of appropriation, including location under the mining laws, except as to applications under the Recreation and Public Purposes Act and the mineral leasing laws.

No application was filed within 18 months after issuance of the aforementioned classification order. Therefore, pursuant to section 7 of the Taylor Grazing Act (48 Stat. 1272) and the authority delegated by appendix 1 of Bureau of Land Management Manual 1203, the aforementioned Recreation and Public Purposes classification is hereby terminated in its entirety. At 10 a.m. on April 12, 1993, the above described land will become open to the operation of the public land laws generally, subject to existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

At 10 a.m. on April 12, 1993, the above described land will become open to location under the United States mining laws. Appropriation of the land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The land has been and will remain open to the operation of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, 869–1 to 869–4), and to leasing under the mineral leasing laws.

**Billy R. Templeton,**

*State Director, Nevada.*

[FR Doc. 93–5598 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–HC–M

**[AZ–920–03–4212–13; AZA–25355]**

## Arizona; Exchange of Public and Private Lands

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of issuance of exchange documents.

**SUMMARY:** Notice is hereby given of the completion of an exchange between the United States and ASARCO Incorporated. The United States transferred 4943.66 acres located in Pinal and Pima County, Arizona, and ASARCO Incorporated transferred 548.64 acres of land situated in Pima County, Arizona.

**FOR FURTHER INFORMATION CONTACT:** Evelyn Stob, Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011. Telephone (602) 640–5534.

**SUPPLEMENTARY INFORMATION:** On March 20, 1992, and December 23, 1992, the Bureau of Land Management transferred the following described lands (all in the Gila and Salt River Meridian, Arizona) to ASARCO, Incorporated, pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

*Deed No. AZ–92–002)* (4.89 acres):

T. 14 S., R. 16 E.,
Sec. 7, N½SE¼NE¼;

except therefrom the East 30 ft. lying in the right-of-way of Freeman Extension as shown on the road map recorded in Book 2 of Road Maps, page 156.

*Patent No. 02–92–0012* (3,804.54 acres):

T. 11 S., R. 8 E.,
Sec. 28, S½N½N½S½N½N½N½, S½N½S½N½N½N½, S½S½N½N½N½, S½N½N½, S½;
Sec. 29, all;
Sec. 32, lots 2, 5, 9, 10, 11, 12, SE¼SW¼, SW¼SE¼;
Sec. 33, lots 1, 9–20, incl., N½NE¼;

Sec. 34, lots 2, 3, W½E½NE¼, W½NE¼, NW¼, E½SW¼, W½E½E½SE¼, W½E½SE¼, W½SE¼.
T. 12 S., R. 8 E.,
Sec. 3, lots 16, 17 and 20;
Sec. 4, lots 13 to 23, incl.;
Sec. 5, lots 4 to 7 incl., 14 to 20 incl., SW¼, W½SE¼;
Sec. 10, lots 13 and 14;
Sec. 14, lot 3;
Sec. 15, lot 5.
T. 12 S., R. 9 E.,
Sec. 17, all;
Sec. 20, N½NE¼, NE¼NW¼.

*Patent No. 02–92–0013* (100.76 acres):

T. 16 S., R. 12 E.,
Sec. 35, lots 6 to 8 incl.;
T. 17 S., R. 12 E.,
Sec. 2, lots 19 to 26 incl.

*Patent No. 02–92–0014* (864.26 acres):

T. 3 S., R. 13 E.,
Sec. 24, E½NE¼, NE¼SE¼.
T. 3 S., R. 14 E.,
Sec. 19, lots 2, 3 and 4, E½SW¼;
Sec. 29, W½, S½SE¼;
Sec. 30, N½NE¼, SE¼NE¼, NE¼NW¼.

*Patent No. 02–93–0002* (169.21 acres):

T. 17 S., R. 12 E.,
Sec. 11, lots 2, 3, 4, 8, 9, 10.

In exchange, ASARCO Incorporated conveyed the following described lands, containing 548.64 acres, to the United States by General Warranty Deed:

**Gila and Salt River Meridian, Arizona**

T. 14 S., R. 16 E.,
Sec. 8, SE¼SE¼, EXCEPT the south 40 ft. within East Broadway Boulevard, as conveyed to Pima County by instrument recorded in Docket 4447, Page 98; EXCEPT the East 30 ft. within Wentworth Road, as shown on the map recorded in Book 2 of Maps and Plats, Page 98.
T. 17 S., R. 17E.,
Sec. 26 E½NW¼.
T. 17 S., R. 18 E.,
Sec. 17, the East 1560 feet of said section;
Sec. 20, NE¼NW¼, SW¼SW¼;
Sec. 29, NW¼NW¼.
T. 18 S., R. 18 E.,
Sec. 6, SE¼SW¼;
Sec. 11, NE¼SE¼.
T. 12 S., R. 9 E.,
Sec. 32, Iron Cap No. 1 and Iron Cap No. 2, lode mining claims, designated as Mineral Survey No. 3885.

The total value of the Federal land was $1,460,010; the value of the private land was $1,738,000. ASARCO waived the equalization payment due from the United States.

The lands received in this exchange have become public land. They will not be available for location under the mining laws of application for sale, entry or mineral leasing until such availability is published in the **Federal Register**.

**Mary Jo Yoas,**

*Chief, Branch of Lands Operations.*

[FR Doc. 93–5599 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–32–M

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**[NV–930–4210–05; N–41567–04]**

## Partial Termination of Recreation and Public Purposes Classification and Opening Order, NV

March 4, 1993

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice terminates a Recreation and Public Purposes Classification in part and provides for opening the affected land to appropriation under the public land laws and the general mining laws.

**EFFECTIVE DATE:** April 12, 1993.

**FOR FURTHER INFORMATION CONTACT:** Mary Clark, Nevada State Office, Bureau of Land Management, 850 Harvard Way, Reno, NV 89520, (702) 785–6530.

**SUMMARY:** On March 12, 1992, a Notice of Realty Action (NORA) was published in the **Federal Register** (57 FR 8777) identifying several parcels of public land that the Clark County School District had applied for pursuant to the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, 869–1 to 869–4). Upon publication of the NORA in the **Federal Register**, the land became segregated from appropriation under the public land laws and the general mining laws; the classification became effective 60 days thereafter.

A right-of-way for a drainage channel bisects the land requested in application No. N–41567–04. Since a school site is not compatible with a drainage channel, the School District has withdrawn that application, which effects the following described land comprising 10 acres:

**Mount Diablo Meridian, Nevada**

T. 20 S., R. 60 E.,
Sec. 5, S½NE¼NW¼SE¼, N½SE¼NW¼SE¼.

Pursuant to section 7 of the Taylor Grazing Act (48 Stat. 1272) and the authority delegated by Appendix 1 of Bureau of Land Management Manual 1203, the aforementioned Recreation and Public Purposes classification is hereby terminated as it affects the above described land.

At 10 a.m. on April 12, 1993, the above described land will become open to the operation of the public land laws generally, subject to existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

At 10 a.m. on April 12, 1993, the above described land will become open to location under the United States mining laws. Appropriation of the land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The land has been and will remain open to the operation of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, 869–1 to 869–4), and to leasing under the mineral leasing laws.

**Billy R. Templeton,**

*State Director, Nevada.*

[FR Doc. 93–5597 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–HC–M

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**[CA–940–4210–06; CACA 27744]**

## Cancellation of Proposed Withdrawal; California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The United States Department of Agriculture, Forest Service, has canceled its application to withdraw 825.92 acres of National Forest System lands for the Bower Cave Historical Area. The temporary 2-year segregation of the proposed withdrawal expired on December 27, 1992. The land is included in a new application for withdrawal and remains closed to location and entry under the United States mining laws (30 U.S.C. ch. 2).

**FOR FURTHER INFORMATION CONTACT:** Viola Andrade, BLM California State office, 2800 Cottage Way, room E–2845, Sacramento, California 95825, 916–978–4820.

**SUPPLEMENTARY INFORMATION:** A Notice of Proposed Withdrawal was published in the **Federal Register**, 55 FR 53364, December 28, 1990, which segregated the land described therein from location and entry under the mining laws, subject to valid existing rights. The Forest Service has canceled this application and filed a new application to withdraw additional land to expand Bower Cave Historical Area so as to

conform with the Stanislaus National Forest Land and Resource Management Plan approved October 28, 1991. The land is described as follows:

**Mount Diablo Meridan**

**Stanislaus National Forest**

T. 2 S., R. 17 E.,
Sec. 13, S½SW¼SW¼, SW¼SE¼SW¼, S½NE¼, and N½,SE¼;
Sec. 14, N½SW¼, W½SE¼, and SE¼,SE¼;
Sec. 15, SE¼NE¼ and NE¼SE¼;
Sec. 23, N¼ lot 1;
Sec. 24, lot 1, N½NE¼, and NE¼NW¼.
T. 2 S., R. 18 E.,
Sec. 19, lots 1, 2, and 3, NE¼SW¼, and NW¼SE¼.

The areas described aggregate 825.92 acres in Mariposa County.

Dated: March 3, 1993.

**Nancy J. Alex,**

*Chief, Lands Section.*

[FR Doc. 93–5602 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–40–M

## National Park Service

### Final General Management Plan, Development Concept Plans and Environmental Impact Statement, Great Basin National Park; Record of Decision

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, and specifically to the regulations promulgated by the Council on Environmental Quality at 40 CFR 1505.2, the Department of the Interior, National Park Service (NPS) has prepared a Record of Decision on the Final General Management Plan, Development Concept Plans/ Environmental Impact Statement for Great Basin National Park.

The NPS will implement the General Management Plan and related development concept plans in accordance with the proposal set forth in the Final General Management Plan, Development Concept Plans/ Environmental Impact Statement (GMP/ EIS) issued in January, 1993 (58 FR 3042). The Draft GMP/EIS was issued in October, 1991 (56 FR 50924).

Copies of the Record of Decision may be obtained either from the Superintendent, Great Basin National Park, Baker, Nevada 89311, or the National Park Service, Western Regional Office, Division of Planning, Grants and Environmental Quality, 600 Harrison Street, suite 600, San Francisco, California 94107–1372.

Dated: March 2, 1993.

**Lewis Albert,**

*Acting Regional Director, Western Region.*

[FR Doc. 93–5544 Filed 3–10–93; 8:45 am]

BILLING CODE 4310–70–M

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731–TA–567 (Final)]**

### Ferrosilicon From the People's Republic of China

*Determination*

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from China 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 have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

*Background*

The Commission instituted this investigation effective November 5, 1992, following a preliminary determination by the Department of Commerce that imports of ferrosilicon from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the institution of the Commission's investigation and of a public hearing 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 December 2, 1992 (57 FR 57076). The hearing was held in Washington, DC, on January 22, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on March 4, 1993. The views of the Commission are contained in USITC Publication 2606 (March 1993), entitled "Ferrosilicon from the People's Republic of China: Determination of the Commission in Investigation No. 731–TA–567 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: March 5, 1993.

By order of the Commission.

**Paul R. Bardos,**

*Acting Secretary.*

[FR Doc. 93–5536 Filed 3–10–93; 8:45 am]

BILLING CODE 7020–02–M

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioners Brunsdale and Crawford dissent.

[3] For purposes of this investigation, 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 3 percent phosphorus, less than 2.75 percent magnesium, and not more than 10 percent calcium or any other element.

## INTERSTATE COMMERCE COMMISSION

### Burlington Northern Railroad Co.; Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Johnnie Davis or Ms. Tawanna Glover-Sanders, Interstate Commerce Commission, Section of Energy and Environment, Room 3219, Washington, DC 20423, (202) 927–5750 or (202) 927–6245.

Comments on the following assessment are due 15 days after the date of availability:

Comments on the following assessment are due 30 days after the date of availability:

AB–6 (Sub-No. 346X), Burlington Northern Railroad Company—Abandonment—Between Lyle and Klickitat, In Klickitat County, Washington. EA available 3/1/93.

**Sidney L. Strickland, Jr.,**

*Secretary.*

[FR Doc. 93–5641 Filed 3–10–93; 8:45 am]

BILLING CODE 7035–01–M

**[Finance Docket No. 32229]**

### Burlington Northern Railroad Company—Construction and Operation Exemption—Macon and Randolph Counties, MO

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** Under 49 U.S.C. 10505, the Commission conditionally exempts from the prior approval requirements of 49 U.S.C. 10901 Burlington Northern Railroad Company's (BN) construction and operation of about 17 miles of track in Macon and Randolph Counties, MO. BN will acquire from Associated Electric Cooperative (AECI) and rehabilitate about 6.85 miles of line between milepost 9.87, near Binkley, and milepost 16.72, at the Thomas Hill Power Plant near Moberly. BN will construct and operate about 10.15 miles of new line between milepost 9.87 and BN's main line at milepost 76.18, near Bevier. The exemption is subject to the Commission's subsequent approval of the environmental aspects of the proposal.

**DATES:** The Commission's decision to exempt the proposed transaction will become effective upon completion of its environmental review process and issuance of a subsequent decision. Petitions for reconsideration must be filed by March 31, 1993.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 32229 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representative: Michael E. Roper, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102–5384.

**FOR FURTHER INFORMATION CONTACT:**

Richard B. Felder (202) 927–5610, [TDD for hearing impaired: (202) 927–5721].

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person, from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

*Decided:* March 2, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

**Sidney L. Strickland, Jr.,**

*Secretary.*

[FR Doc. 93–5639 Filed 3–10–93; 8:45 am]

BILLING CODE 7035–01–M

**[Finance Docket No. 32251]**

## CSX Transportation, Inc.—Trackage Rights Exemption—Carey Short Line Corp.

Carey Short Line Corporation (CSLC) has agreed to grant local trackage rights to CSX Transportation, Inc. (CSXT) over the approximately 1.0-mile Carey Industrial Track, including sidings and industrial sidetracks, between the connection between CSLC and CSXT at milepost ±49.50 and the end of the segment at milepost ±48.50, at Carey, in Wyandot County, OH.[1] CSLC also has agreed that, if it later acquires all interest and ownership in CSXT's track connecting Conrail's Carey Industrial Track with CSXT's Columbus Subdivision sidetrack, at Carey, OH, it will grant CSXT trackage rights over such connecting track.[2] The trackage rights became effective on February 26, 1993.[3]

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected pursuant to Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Decided: March 5, 1993.

[1] On January 19, 1993, CSLC filed a notice of exemption under 49 CFR 1150.31 for its acquisition of the Carey Industrial Track from Consolidated Rail Corporation. See Finance Docket No. 32236, Carey Short Line Corp.—Acquisition and Operation Exemption—Consolidated Rail Corp. Line in Wyandot County, OH. The parties intended to consummate the acquisition transaction after January 26, 1993, the effective date of that notice.

[2] The parties' agreement describes the segment as follows: "all 500 feet approximately of Owner's sidetrack #156 between the aforesaid Milepost 49.50, and connection with User's sidetrackage at User's Milepost 74.00 approximately." In this description, the term "owner" refers to CSLC and "user" refers to CSXT.

[3] To qualify for an exemption under 49 CFR 1180.2(d), a railroad must file a verified notice of the transaction at least a week before the transaction is to be consummated. See 49 CFR 1180.4(g). The notice filed by CSXT in this proceeding stated that the trackage rights would become effective approximately February 23, 1993. However, because it had been filed only 4 days earlier, on February 19, 1993, the trackage rights did not become effective until February 26, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Sidney L. Strickland, Jr.,**

*Secretary.*

[FR Doc. 93–5640 Filed 3–10–93; 8:45 am]

BILLING CODE 7035–01–M

## DEPARTMENT OF JUSTICE

### Antitrust Division

## Notice Pursuant to the National Cooperative Research Act of 1984—National Center for Manufacturing Sciences, Inc.

Notice is hereby given that, on February 3, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the National Center for Manufacturing Sciences, Inc. ("NCMS") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following companies were recently accepted as active members of NCMS: Allied-Signal Inc., Morristown, NJ; Angle Incorporated, Springfield, VA; CogniSense, Inc., San Jose, CA; Cybernet Systems Corporation, Ann Arbor, MI; Eastman Kodak Company, Rochester, NY; Littleford Bros. Inc., Florence, KY; Manufacturing Laboratories Inc., Gainesville, FL; Productivity Action Associates, Inc., Livonia, MI; Progressive Tool & Industries Company, Novi, MI; Research Technologies, Inc., Edmonds, WA; and View Engineering, Inc., Simi Valley, CA. In addition, the following organizations were recently accepted as affiliate members of NCMS: The Ohio State University, Columbus, OH; and The Robert C. Byrd Institute for Advanced Flexible Manufacturing Systems, Huntington, WV. Moreover, the following companies recently resigned from active membership in NCMS: Advanced Temperature Devices, Inc., Cypress, TX; Apeiron, Inc., Vadnais Heights, MN; Ascent Logic Corporation, San Jose, CA; Dynetics Corporation, Woburn, MA; Electronics Incorporated, Mishawaka, IN; Fabreeka International, Inc., Stoughton, MA; Master Chemical Corporation, Perrysburg, OH; The Bodine Corporation, Bridgeport, CN; and The National Machinery Company, Tiffin, OH. Lastly, the following organizations recently resigned from affiliate membership in NCMS:

American Machine Tool Distributors' Association, Rockville, MD; and Northeastern Illinois University, Chicago, IL.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NCMS intends to file additional written notification disclosing all changes in membership.

On February 20, 1987, NCMS filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 17, 1987, (52 FR 8375).

The last notification was filed with the Department on November 2, 1992. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 12, 1993, (58 FR 8429).

**Joseph H. Widmar,**

*Director of Operations Antitrust Division.*

[FR Doc. 93–5603 Filed 3–10–93; 8:45 am]

BILLING CODE 4410–01–M

## Notice Pursuant to the National Cooperative Research Act of 1984—Petroleum Environmental Research Forum

Notice is hereby given that, on February 9, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), the participants in the Petroleum Environmental Research Forum ("PERF") Project No. 92–08, titled "Biodegradation of VOCs in Vapor Bioprocesses," have filed written notifications simultaneously with the Attorney General and with the Federal Trade Commission disclosing (1) the identities of the parties participating in PERF Project No. 92–08 and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties participating in PERF Project No. 92–08, together with the nature and objectives of the research program, are Amoco Oil Company, Naperville, IL; BP America, Inc., Cleveland, OH; Chevron Research & Technology Co., Richmond, CA; Exxon Research & Engineering Company, Florham Park, NJ; Mobil Oil Corporation, Princeton, NJ; Phillips Petroleum Co., Bartlesville, OK; and Texaco Inc., Port Arthur, TX.

Research and Development work required in furtherance of PERF Project No. 92–08 is to be carried out by EG&G Rotron, Inc., Saugerties, NY; Envirogen, Inc., Lawrenceville, NJ; and Mr. Gero Leson, Santa Monica, CA, under contract with the above participants. The nature and objective of the research program to be carried out in accordance with this Project is to conduct an assessment of biofiltration technology to treat vapor phase contaminants of importance to petrochemical operations and petroleum-related site remediation activities.

Participation in this Project will remain open to interested persons and organizations until issuance of the final Project Report, which is presently expected to occur approximately twelve (12) months after the Project commences. The Participants intend to file additional written notifications disclosing all changes in membership of parties involved in this Project.

Information regarding participation in the Project may be obtained from Barbara J. Smith, Chevron Research and Technology Company, 100 Chevron Way, P.O. Box 1627, Richmond, CA 94802–0627.

**Joseph H. Widmar,**

*Director of Operations, Antitrust Division.*

[FR Doc. 93–5604 Filed 3–10–93; 8:45 am]

BILLING CODE 4410–01–M

## Drug Enforcement Administration

### Importer of Controlled Substances; Notice of Registration

By Notice dated January 19, 1993, and published in the **Federal Register** on January 27, 1993, (58 FR 6313), Minn-Dak Growers Limited, Highway 81 North, P.O. Box 1276, Grand Forks, North Dakota 58206–1276, made application to the Drug Enforcement Administration to be registered as an importer of marihuana (7360), a basic class of controlled substance listed in Schedule I.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21 Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: March 4, 1993.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 93–5618 Filed 3–10–93; 8:45 am]

BILLING CODE 4410–09–M

## Immigration and Naturalization Service

**[INS No. 1394–92]**

### Mailing Addresses for Filing Asylum and Asylum-Related Applications and New Addresses for the Los Angeles and Chicago Asylum Offices

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice.

**SUMMARY:** The notice provides mailing addresses for filing applications for asylum in the United States under section 208 of the Immigration and Nationality Act. This notice is necessary to streamline the processing of applications in the asylum offices. In addition, this notice provides the new mailing address for the Los Angeles Asylum Office and the Chicago Asylum Office.

**FOR FURTHER INFORMATION CONTACT:** Christine Davidson, Senior Policy Analyst, Office of International Affairs, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Attn: ULLICO, Third Floor; Telephone (202) 633–4389.

**EFFECTIVE DATE:** March 11, 1993.

**SUPPLEMENTARY INFORMATION:** On June 17, 1992, the Immigration and Naturalization Service published a notice in the **Federal Register** at 57 FR 27068 concerning the filing of asylum applications for the Los Angeles, Miami, Newark, and San Francisco asylum offices. This notice concerns the filing of asylum applications for the remaining three asylum offices. These offices are located in Arlington, VA; Chicago, IL; and Houston, TX, as delineated below. Beginning November 30, 1992, Form I–589, Request for Asylum in the United States, and related Forms G–325A, Biographic Information, FD–258, Applicant Chart, G–28, Notice of Entry of Appearance as Attorney or Representative, and Form I–765, Application for Employment Authorization (when accompanying the I–589), must be mailed to the respective Service Center that has jurisdiction over the alien's place of residence. The asylum applications and supporting documents must be filed in quadruplicate. A complete asylum application includes all the required forms and must include two photographs (according to ADIT specifications) for each individual included in the asylum application.

**Arlington**

Asylum applicants within the jurisdiction of the Arlington Asylum Office shall mail their applications to

the USINS Southern Service Center, P.O. Box 152122, Department A, Irving, TX 75015–2122. The Asylum Office in Arlington has jurisdiction over the District of Columbia, the western portion of the state of Pennsylvania currently within the jurisdiction of the Pittsburgh suboffice, and the states of Maryland, Virginia, West Virginia, North Carolina, Georgia, Alabama, and South Carolina.

**Chicago**

Asylum applicants within the jurisdiction of the Chicago Asylum Office shall mail their applications to the USINS Northern Service Center, room B–26, 100 Centennial Mall North, Lincoln, NE 68508. The Asylum Office in Chicago has jurisdiction over the states of Illinois, Indiana, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Kansas, Missouri, Ohio, Iowa, Nebraska, Montana, Idaho, and Kentucky.

**Houston**

Asylum applicants within the jurisdiction of the Houston Asylum Office shall mail their applications to the USINS Southern Service Center, P.O. Box 152122, Department A, Irving, TX 75015–2122. The Asylum Office in Houston has jurisdiction over the states of Louisiana, Arkansas, Mississippi, Tennessee, Texas, Oklahoma, Utah, New Mexico, Colorado, and Wyoming.

**Los Angeles**

On October 9, 1991, the Immigration and Naturalization Service published an interim rule in the **Federal Register** at 56 FR 50810–50812 concerning mailing and street addresses for the seven asylum offices. Since that time, the Los Angeles Asylum Office has moved to 290 S. Anaheim Boulevard, Anaheim, CA 92805. The new phone number for the general public is 714–635–0126. The new mailing address for the Los Angeles Asylum Office is P.O. Box 65015, Anaheim, CA 92815–5015.

Asylum applicants within the jurisdiction of the Los Angeles Asylum Office will continue to mail their asylum and related applications to the USINS Western Service Center, P.O. Box 10589, Laguna Niguel, CA 92607–0589.

**Chicago**

Since the publication of the above mentioned interim rule, the Chicago Asylum Office has moved to 209 S. LaSalle Street, suite 625, Chicago, IL 60604.

Dated: March 4, 1993.

**Chris Sale,**

*Acting Commissioner, Immigration and Naturalization Service.*

[FR Doc. 93–5576 Filed 3–10–93; 8:45 am]

BILLING CODE 4410–10–M

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of February 1993.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

**Negative Determinations**

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

*TA–W–28,016; Wayne Corp., Richmond, IN*

*TA–W–28,054; IGI Adhesives, Lyndhurst, NJ*

*TA–W–27,948; The Gates Rubber Co., Denver, CO*

*TA–W–27,991; Reggio Fashions, Inc., Shenandoah, PA*

*TA–W–28,006; Arcadia Fashions, Paterson, NJ*

*TA–W–28,034; GEHL Co., West Bend, WI*

*TA–W–28,117; Oil Dynamics, Inc., Tulsa, OK*

*TA–W–28,034; Advanced Machine Works, Inc., Houma, LA*

*TA–W–27,845; Intel Corp., OEM Products Div., Hillsboro, OR*

*TA–W–28,030; Nitrogen Products, Helena, AR*

*TA–W–27,863; U-Brand Corp., Ashland, OH*

*TA–W–27,864; U-Brand Corp., Shelby, OH*

*TA–W–28,079; Hallmark Fishery's, Charleston, OR*

*TA–W–27,928; K-W Battery Co., Skokie, IL*

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

*TA–W–28,045; Conca D'Oro, Paterson, NJ*

Increased imports did not contribute importantly to worker separations at the firm.

*TA–W–28,011; Oil Industry Engineering, Inc., Tomball, TX*

Increased imports did not contribute importantly to worker separations at the firm.

*TA–W–28,062; CTC International, Mandeville, LA*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA–W–28,237; Andrews Savings & Loan Association, Andrews, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA–W–28,252; Jackie's Quality Catering, Orem, UT*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA–W–27,923; Western Steel Group, Elyria, OH*

U.S. imports of cold finished steel bars declined absolutely and relative to domestic shipments in 1990 compared to 1989 and in the twelve month period of November to October 1991–1992 compared to the same period of November to October 1990–1991.

*TA–W–28,088; Northwest Shingle Co., Bogachiel Falls, WA*

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

*TA–W–27,937; Amerada Hess, Houston, TX*

The investigation revealed that criterion (2) and criterion (3) have not

been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

*TA–W–227,981; Northwest Airlines, St. Paul, MN*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA–W–27,897; Paterson Pellets Co., Inc., Paterson, NJ*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA–W–28,144; Lucas Aerospace Power Transmission Corp., Utica, NY*

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

*TA–W–28,173; Texaco Exploration & Production, Inc., Midland, TX*

Increased imports did not contribute importantly to worker separations at the firm.

*TA–W–28,091; TRW Vehicle Safety Systems, Inc., Washington, MI*

Increased imports did not contribute importantly to worker separations at the firm.

*TA–W–27,903, TA–W–27,903A; Welchem, Inc., Worland, WY and Gillette, WY*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA–W–28,099; IBM Corp., Media Dept., San Jose, CA*

Increased imports did not contribute importantly to worker separations at the firm.

*TA–W–28,114; General Motors Corp., Inland Fisher Guide Div., Syracuse, NY*

Increased imports did not contribute importantly to worker separations at the firm.

*TA–W–27,946; John L. Cox, Oklahoma City, OK*

Increased imports did not contribute importantly to worker separations at the firm.

*TA–W–28,095; Nerco Oil and Gas, Inc., Portland, OR*

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

*TA–W–28,174; Transamerican Natural Gas Corp., Houston, TX*

The investigation revealed that criterion (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification.

*TA–W–27,982; Northwest Marine, Inc., Portland, OR*

Increased imports did not contribute importantly to worker separations at the firm.

**Affirmative Determinations**

*TA–W–27,867; Circuitech, Inc., Eatontown, NJ*

A certification was issued covering all workers separated on or after September 15, 1991.

*TA–W–28,060; Shape, Inc., Segoma Div., Biddeford, ME*

A certification was issued covering all workers separated on or after November 9, 1991.

*TA–W–28,308; Evergreen Mfg., Vancouver, WA*

A certification was issued covering all workers separated on or after January 29, 1992.

*TA–W–27,777; Aircraft Engines, Rutland, VT*

A certification was issued covering all workers separated on or after August 23, 1991.

*TA–W–27,972; Yankee Atomic Electric Co., Rowe, MA*

A certification was issued covering all workers separated on or after July 9, 1991.

*TA–W–27,930; Stanley G. Flagg & Co., Stowe, PA*

A certification was issued covering all workers separated on or after October 15, 1991.

*TA–W–27,900; Vesuvius Lava, Zelienople, PA*

A certification was issued covering all workers separated on or after September 28, 1991.

*TA–W–27,911; Zelienople, Greenhouse, CO*

A certification was issued covering all workers separated on or after October 2, 1991.

*TA–W–28,028; Orenstein Fashions, Garfield, NJ*

A certification was issued covering all workers separated on or after November 28, 1991.

*TA–W–27,944; Comptec, Inc., Custer, WA*

A certification was issued covering all workers separated on or after August 30, 1992.

*TA–W–27,994; J&R Drilling Co., Inc., Corpus Christi, TX and Operating at Various Other Locations in the State of Texas*

A certification was issued covering all workers separated on or after November 5, 1991.

*TA–W–27,701; Lumber System, Inc., Vancouver, WA*

A certification was issued covering all workers separated on or after August 9, 1991.

*TA–W–28,008; Dabri Fashions, Passaic, NJ*

A certification was issued covering all workers separated on or after November 29, 1991.

*TA–W–28,024; Joseph Frank, Inc., Passaic, NJ*

A certification was issued covering all workers separated on or after October 29, 1991.

*TA–W–28,007; N&R Fashions, Paterson, NJ*

A certification was issued covering all workers separated on or after October 29, 1991.

*TA–W–28,067; Mary Ann Casuals, Inc., Garfield, NJ*

A certification was issued covering all workers separated on or after November 10, 1991.

*TA–W–28,065; Mario & Son, Passaic, NJ*

A certification was issued covering all workers separated on or after November 10, 1991.

*TA–W–28,183; Midessa Drilling Co., Midland, TX*

A certification was issued covering all workers separated on or after December 28, 1991.

*TA–W–28,084; Sutton Shirt Corp., Sparta, TN*

A certification was issued covering all workers separated on or after November 25, 1991.

*TA–W–27,983; S&H Fabricating & Engineering, Inc., Valdosta, GA*

A certification was issued covering all workers separated on or after November 5, 1991.

*TA–W–27,999; Medford Corp., Medford, OR*

A certification was issued covering all workers separated on or after November 5, 1991.

*TA–W–27,985; Champion Int'l Corp., Roseburg Operation, Roseburg, OR*

A certification was issued covering all workers separated on or after October 26, 1991.

*TA–W–27,921; Pitts Oil Co., Dallas, TX*

A certification was issued covering all workers engaged in the production and exploration of crude oil and natural gas separated on or after September 29, 1991.

I hereby certify that the aforementioned determinations were issued during the month of February 1993. Copies of these determinations are available for inspection in room C–4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: March 5, 1993.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 93–5574 Filed 3–10–93; 8:45 am]

BILLING CODE 4510–30–M

## NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

### Meeting Notice

**AGENCY:** The National Commission on American Indian, Alaska Native, and Native Hawaiian Housing.

**ACTION:** Meeting notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing announces the forthcoming meeting of the Commission.

**DATES:** March 22, 1993, 9 a.m. to 5 p.m.

**ADDRESSES:** Sheraton Palace Hotel, 2 New Montgomery Street, San Francisco, CA 94105, (415) 392–8600.

**FOR FURTHER INFORMATION CONTACT:** Lois V. Toliver, Administrative Officer, (202) 275–0045.

**SUPPLEMENTARY INFORMATION:**

**Type of Meeting**

Open.

**Agenda**

Call to Order,
Roll Call,
Chairman's Message,
Update of Commission Activities,
Committee Reports,
Housing Summit,
Commission Strategy Session.

**Lois V. Toliver,**

*Administrative Officer.*

[FR Doc. 92–5613 Filed 3–10–93; 8:45 am]

BILLING CODE 6820–07–M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Biological and Critical Systems: Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

*Date and Time:* April 7, 1993; 8:30 a.m.–5 p.m.

*Place:* National Science Foundation, 1800 G Street NW., room 1133, Washington, DC 20550.

*Type of Meeting:* Closed.

*Contact Person:* Karen Mudry, Program Director, Division of Biological and Critical Systems, room 1132, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357–7217.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate NSF Young Investigator proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4), and (6) of the Government in the Sunshine Act.

Dated: March 8, 1993.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 93–5565 Filed 3–10–93; 8:45 am]

BILLING CODE 7555–01–M

### Advisory Committee for Chemistry; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting.

*Dates and Times:* April 8, 1993, 9 a.m.–5 p.m., April 9, 1993, 9 a.m.–3 p.m.

*Place:* Room 540, 1800 G Street, NW., Washington, DC 20550.

*Type of Meeting:* Open.

*Contact Person:* Kenneth G. Hancock, Director, Division of Chemistry, room 340, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–7947.

*Minutes:* May be obtained from the contact person listed above.

*Purpose of Meeting:* To provide advice and recommendations concerning support for research and education in chemistry.

*Agenda:* Long range planning for the Division of Chemistry, review of current activities, and discussion of new programs and procedures.

Dated: March 8, 1993.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 93–5566 Filed 3–10–93; 8:45 am]

BILLING CODE 7555–01–M

### Advisory Panel for Economics; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Dates and Times:* April 1–3, 1993, 9 a.m. to 6 p.m.

*Place:* Rooms 543 & 523, 1800 G Street NW., Washington, DC.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Daniel Newlon, Program Director for Economics, Division of Social, Behavioral, and Economics Research, room 336, National Science Foundation, 1800 G Street NW., Washington, DC 20550, Telephone: (202) 357–9675.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 8, 1993.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 93–5567 Filed 3–10–93; 8:45 am]

BILLING CODE 7555–01–M

### Special Emphasis Panel in Engineering Education and Centers; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

*Dates and Times:* April 5, 1993, 2 p.m.–4:30 p.m.; April 6, 1993, 8:30 a.m.–4:30 p.m.

*Place:* 1110 Vermont Avenue, NW., Washington, DC, room 500C.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Alexander Schwarzkopf, Program Director, Division of Engineering Education and Centers, rm. 1121, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–9707.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Self-Sufficient Partnership and Research Program and Evaluator proposals.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 8, 1993.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 93–5568 Filed 3–10–93; 8:45 am]

BILLING CODE 7555–01–M

## Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

*Dates and Times:* April 1–2, 1993; 8:30 a.m.–5 p.m.

*Place:* 1110 Vermont Avenue NW., room 500–A, Washington, DC.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Arturo Bronson, Program Director, Research Improvement In Minority Institutions, Human Resource Development, room 1225, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357–7350.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Research Improvement In Minority Institutions proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 8, 1993.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 93–5569 Filed 3–10–93; 8:45 am]

BILLING CODE 7555–01–M

## Special Emphasis Panel in Materials Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meetings:

*Name:* Special Emphasis Panel in Materials Research (DMR) on Metals, Ceramics & Electronic Materials (MCEM) Program.

*Dates and Times:* April 8, 1993, 8 a.m.–5 p.m.

*Place:* NSF Conference & Training Center, 1110 Vermont Avenue NW., Rooms 500 A, B & C, Washington, DC 20550.

*Type of Meeting:* Closed.

*Contact Person:* Dr. LaVerne Hess, Program Director, Electronic Materials Program, Division of Materials Research, room 408, National Science Foundation, Washington, DC 20550. Telephone (202) 357–9789.

*Purpose of Meetings:* To provide advice and recommendations concerning support for DMR 1993 Young Investigator Awards Program Proposals.

*Agenda:* Evaluation of proposals.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 8, 1993.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 93–5570 Filed 3–10–93; 8:45 am]

BILLING CODE 7555–01–M

## Special Emphasis Panel in Physics; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

*Date and Time:* Monday, March 29, 1993; 8:30 a.m. to 5 p.m.

*Place:* Room 523, National Science Foundation, 1800 G Street, NW., Washington, DC

*Type of Meeting:* Closed.

*Contact Person:* Dr. Rolf M. Sinclair, Program Director for Cross Directorate Activities, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–7996.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate NSF Young Investigator proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 8, 1993.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 93–5571 Filed 3–10–93; 8:45 am]

BILLING CODE 7555–01–M

## Advisory Panel for Physiology and Behavior; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

*Date and Time:* April 8 and 9, 1992, 8:30 a.m. to 5 p.m.

*Place:* Room 1242, National Science Foundation, 1800 G St. NW., Washington, DC 20550.

*Type of Meeting:* Part-Open.

*Contact Person:* Dr. Machi F. Dilworth, Program Director, Integrative Plant Biology, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357–7987.

*Minutes:* May be obtained from the contact person listed above.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Integrative Plant Biology proposals as part of the selection process for awards. Open Session: April 8, 1993, noon to 1 pm—To discuss research trends and opportunities in Integrative Plant Biology.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 8, 1993.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 93–5572 Filed 3–10–93; 8:45 am]

BILLING CODE 7555–01–M

## Committee of Visitors of the Office of Polar Programs; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

*Dates and Times:* April 5–6, 1993; 8:30 a.m. to 5 p.m.

*Place:* Room 523, 1800 G Street NW., Washington, DC.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Jane Dionne, Program Manager, Polar Coordinated Science Projects, OPP, Rm. 620, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357–7894.

*Purpose of Meeting:* To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

*Agenda:* To provide oversight review of the OPP, Polar Science Section.

*Reason for Closing:* The meeting is closed to the public because the Committee is

reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: March 8, 1993.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 93–5573 Filed 3–10–93; 8:45 am]

BILLING CODE 7555–01–M

## NUCLEAR REGULATORY COMMISSION

### Final Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the State of Maryland

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** This notice is to advise the public of the issuance of a Final Memorandum of Understanding (MOU) between the U.S. Nuclear Regulatory Commission (NRC) and the State of Maryland. The MOU provides the basis for mutually agreeable procedures whereby the State of Maryland may utilize the NRC Emergency Response Data System (ERDS) to receive data during an emergency at a commercial nuclear power plant in Maryland. Public comments were addressed in conjunction with the MOU with the State of Michigan published in the **Federal Register** Vol. 57, No. 28, February 11, 1992.

**EFFECTIVE DATE:** This MOU is effective January 27, 1993.

**ADDRESSES:** Copies of all NRC documents are available for public inspection and copying for a fee in the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** John R. Jolicoeur or Eric Weinstein, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492–4155 or (301) 492–7836.

This attached MOU is intended to formalize and define the manner in which the NRC will cooperate with the State of Maryland to provide data related to plant conditions during emergencies at commercial nuclear power plants in Maryland.

Dated at Rockville, Maryland, this 1st day of March, 1993.

For the U.S. Nuclear Regulatory Commission.

**James M. Taylor,**

*Executive Director for Operations.*

**Agreement Pertaining to the Emergency Response Data System Between the State of Maryland and the U.S. Nuclear Regulatory Commission**

*I. Authority*

The U.S. Nuclear Regulatory Commission (NRC) and the State of Maryland enter into this Agreement under the authority of section 274i of the Atomic Energy Act of 1954, as amended.

Maryland recognizes the Federal Government, primarily the NRC, as having the exclusive authority and responsibility to regulate the radiological and national security aspects of the construction and operation of nuclear production or utilization facilities, except for certain authority over air emissions granted to States by the Clean Air Act.

*II. Background*

A. The Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, authorize the Nuclear Regulatory Commission (NRC) to license and regulate, among other activities, the manufacture, construction, and operation of utilization facilities (nuclear power plants) in order to assure common defense and security and to protect the public health and safety. Under these statutes, the NRC is the responsible agency regulating nuclear power plant safety.

B. NRC believes that its mission to protect the public health and safety can be served by a policy of cooperation with State governments and has formally adopted a policy statement on "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities" (54 FR 7530, February 22, 1989). The policy statement provides that NRC will consider State proposals to enter into instruments of cooperation for certain programs when these programs have provisions to ensure close cooperation with NRC. This agreement is intended to be consistent with, and implement the provisions of the NRC's policy statement.

C. NRC fulfills its statutory mandate to regulate nuclear power plant safety by, among other things, responding to emergencies at licensee's facilities, monitoring the status and adequacy of the licensee's responses to emergency situations.

D. Maryland fulfills its statutory mandate to provide for preparedness, response, mitigation, and recovery in the event of an accident at a nuclear power plant through the Maryland Emergency Management Agency and the Maryland Department of Environment, Radiological Health Program, as described in the Maryland Emergency Management Agency Act and the Maryland Radiation Act.

*III. Scope*

A. This Agreement defines the way in which NRC and Maryland will cooperate in planning and maintaining the capability to transfer reactor plant data via the Emergency Response Data System during emergencies at nuclear power plants, in the State of Maryland.

B. It is understood by the NRC and the State of Maryland that ERDS data will only be transmitted by a licensee during emergencies classified at the Alert level or above, during scheduled tests, or during exercises when available.

C. Nothing in this Agreement is intended to restrict or expand the statutory authority of NRC, the State of Maryland, or to affect or otherwise alter the terms of any agreement in effect under the authority of Section 274b of the Atomic Energy Act of 1954, as amended; nor is anything in this Agreement intended to restrict or expand the authority of the State of Maryland on matters not within the scope of this Agreement.

D. Nothing in this Agreement confers upon the State of Maryland with regards to nuclear power production or nuclear utilization facilities, authority to (1) interpret or modify NRC regulations and NRC requirements imposed on the licensee; (2) take enforcement actions; (3) issue confirmatory letters; (4) amend, modify, or revoke a license issued by NRC; or (5) direct or recommend nuclear power plant employees to take or not to take any action. Authority for all such actions is reserved exclusively to the NRC.

*IV. NRC's General Responsibilities*

Under this agreement, NRC is responsible for maintaining the Emergency Response Data System (ERDS). ERDS is a system designed to receive, store, and retransmit data from in-plant data systems at nuclear power plants during emergencies. The NRC will provide user access to ERDS data to one user terminal for the State of Maryland during emergencies at nuclear power plants which have implemented an ERDS interface and for which any portion of the plant's 10 mile Emergency Planning Zone (EPZ) lies within the State of Maryland. The NRC agrees to provide unique software already available to NRC (not commercially available) that was developed under NRC contract for configuring an ERDS workstation.

*V. Maryland's General Responsibilities*

A. Maryland will, in cooperation with the NRC, establish a capability to receive ERDS data. To this end, Maryland will provide the necessary computer hardware and commercially licensed software required for ERDS data transfer to users.

B. Maryland agrees not to use ERDS to access data from nuclear power plants for which a portion of the 10 mile Emergency Planning Zone does not fall within its State boundary.

C. For the purpose of minimizing the impact on plant operators, clarification of ERDS data will be pursued through the NRC.

*VI. Implementation*

Maryland and the NRC agree to work in concert to assure that the following communications and information exchange protocol regarding the NRC ERDS are followed.

A. Maryland and the NRC agree in good faith to make available to each other

information within the intent and scope of this Agreement.

B. NRC and Maryland agree to meet as necessary to exchange information on matters of common concern pertinent to this Agreement. Unless otherwise agreed, such meetings will be held in the NRC Operations Center. The affected utilities will be kept informed of pertinent information covered by this Agreement.

C. To preclude the premature public release of sensitive information, NRC and Maryland will protect sensitive information to the extent permitted by the Federal Freedom of Information Act, the Maryland Public Information Act, 10 CFR 2.790, and other applicable authority.

D. NRC will conduct periodic tests of licensee ERDS data links. A copy of the test schedule will be provided to Maryland by the NRC. Maryland may test its ability to access ERDS data during these scheduled tests, or may schedule independent tests of the State link with the NRC.

E. NRC will provide access to ERDS for emergency exercises with reactor units capable of transmitting exercise data to ERDS. For exercises in which the NRC is not participating, Maryland will coordinate with NRC in advance to ensure ERDS availability. NRC reserves the right to preempt ERDS use for any exercise in progress in the event of an actual event at any licensed nuclear power plant.

*VII. Contacts*

A. The principal senior management contacts for this Agreement will be the Director, Division of Operational Assessment, Office for Analysis and Evaluation of Operational Data, and the Director, Radiological Health Program, Maryland Department of Environment (MDE). These individuals may designate appropriate staff representatives for the purpose of administering this Agreement.

B. Identification of these contacts is not intended to restrict communication between NRC and Maryland staff members on technical and other day-to-day activities.

*VIII. Resolution of Disagreements*

A. If disagreements arise about matters within the scope of this Agreement, NRC and Maryland will work together to resolve these differences.

B. Resolution of differences between the State and NRC staff over issues arising out of this Agreement will be the initial responsibility of the NRC Division of Operational Assessment management.

C. Differences which cannot be resolved in accordance with Sections VIII.A and VIII.B will be reviewed and resolved by the Director, Office for Analysis and Evaluation of Operational Data.

D. The NRC's General Counsel has the final authority to provide legal interpretation of the Commission's regulations.

*IX. Effective Date*

This Agreement will take effect after it has been signed by both parties.

*X. Duration*

A formal review, not less than 1 year after the effective date, will be performed by the NRC to evaluate implementation of the Agreement and resolve any problems identified. This agreement will be subject to periodic reviews and may be amended or modified upon written agreement by both parties, and may be terminated upon 30 days written notice by either party.

*XI. Separability*

If any provision(s) of this agreement, or the application of any provision(s) to any person or circumstances is held invalid, the remainder of this Agreement and the application of such provisions to other persons or circumstances will not be affected.

For the U.S. Nuclear Regulatory Commission.

Dated: January 6, 1993.

James M. Taylor,

*Executive Director for Operations.*

For the State of Maryland,

Dated: January 27, 1993.

Robert Perciasepe,

*Secretary, Maryland Department of the Environment.*

Dated: January 22, 1993.

Merrylin Zaw-Mon,

*Director, Air and Radiation Management Administration.*

Dated: January 13, 1993.

Roland G. Fletcher,

*Administrator, Radiological Health Program, Maryland Department of Environment.*

Approved as to form and legal sufficiency this 13th day of January, 1993.

Neil F. Quinter,

*Assistant Attorney General.*

[FR Doc. 93–5648 Filed 3–10–93; 8:45 am]

BILLING CODE 7590–01–M

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[Docket No. 50–440]

## The Cleveland Electric Illuminating Co., et al., Perry Nuclear Power Plant, Unit No. 1; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–58 issued to the Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company for operation of the Perry Nuclear Power Plant (PNPP), Unit No. 1, located in Lake County, Ohio.

The proposed amendment would revise the Technical Specifications (TSs) to allow a one-time exception to the requirements of TS 6.3.1, to permit a specific individual to assume the active duties of Manager, Perry Operations Section, without currently holding a Senior Reactor Operator License on PNPP Unit 1.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed amendment has been reviewed with respect to these three factors and it has been determined that the proposed change does not involve a significant hazard because:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS change is an administrative change consisting of an exception to a single unit staff qualification requirement for one unit staff position on a case specific basis for a limited period of time beyond which the requirement will be met. The individual who is intended to succeed the current Manager, Perry Operations Section, has held an SRO license at two other generating units and satisfies all other ANSI N18.1–1971 qualification requirements for the equivalent position. Therefore, the change does not result in a significant reduction in overall unit staff qualifications or expertise.

The ANSI N18.1–1971 qualification requirements for all other unit staff management positions continue to be met. The proposed change will have no significant adverse impact on accident probability or consequences. Therefore, the proposed TS change does not increase the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS change is an administrative change to allow an exception to a single staff qualification requirement for a single unit staff position on a case-specific basis for a limited period of time beyond which the qualification requirement will be met. The lack of a current PNPP Unit 1 SRO

license on the part of the Manager, Perry Operations Section, unlike a procedure or design change, is not a potential new accident precursor.

The ANSI N18.1–1971 qualification requirements for all other unit staff management positions remain unchanged. Additionally, the proposed TS change does not affect plant design, hardware, system operation, or procedures. Therefore, the proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed TS change is an administrative change to allow an exception to a single unit staff qualification requirement contained in the Administrative Controls Section of PNPP Technical Specifications for a single unit staff position on a case-specific basis for a limited period of time beyond which the qualification requirement will be met. The candidate's education and previous experience adequately compensate for the present lack of an SRO license.

The ANSI N18.1–1971 qualification requirements for all other unit staff management positions continue to be met. The licensed operator qualifications and training programs will continue to comply with the requirements of 10 CFR and ANSI N18.1–1971. The proposed change does not involve a relaxation in the criteria used to establish safety limits, nor does it involve a change in the bases for limited safety system settings or limiting conditions for operation. Therefore, the proposed TS change does not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules Review & Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 12, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. 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 party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to reply in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that

failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 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 N. Hannon: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 26, 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 local public document room located at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Rockville, Maryland, this 4th day of March 1993.

For the Nuclear Regulatory Commission.

**Jon B. Hopkins, Sr.,**

*Project Manager, Project Directorate III–3, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.*

[FR Doc. 93–5647 Filed 3–10–93; 8:45 am]

BILLING CODE 7590–01–M

## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy

### Small Business Administration; Interim Policy Directive, Small Business Competitiveness Demonstration Program

**AGENCY:** Office of Federal Procurement Policy (OFPP); Small Business Administration (SBA).

**ACTION:** Interim policy directive with request for comments.

**SUMMARY:** The OFPP and SBA are amending the final policy directive and test plan, dated August 31, 1989, which implement the Small Business Competitiveness Demonstration Program Act of 1988, title VII, Public Law 100–656. Section 201 of the Small Business Credit and Business Opportunity Enhancement Act of 1992 (Pub. L. 102–366) extends the Small Business Competitiveness Demonstration Program through September 30, 1996; section 202 contains several other amendments to the Program. These amendments are being implemented in this interim policy directive.

**EFFECTIVE DATE:** March 11, 1993.

**COMMENT DATE:** Comments on the interim policy directive should be submitted to the addresses shown below on or before May 10, 1993, to be considered for formulation of the final policy directive.

**ADDRESSES:** Comments on the policy directive should be submitted to: Allan V. Burman, Administrator, Office of Federal Procurement Policy, 725 17th Street, NW, room 9001, Washington, DC 20503.

Comments on the information collection requirements contained in Attachment A of the policy directive should be submitted both to the OFPP Administrator at the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503—Attention: Desk Officer for the Federal Acquisition Regulation.

**FOR FURTHER INFORMATION CONTACT:** Karen Maris, Deputy Associate Administrator (202) 395–4955; or Robert Neal, Deputy Associate Administrator (202) 395–6168.

**SUPPLEMENTARY INFORMATION:**

#### A. Background

The Small Business Competitiveness Demonstration Program was established to test the effectiveness of eliminating small business set-asides in certain industries. The program has two primary objectives: (1) To demonstrate whether small businesses in certain industry groups can compete successfully on an unrestricted basis for Federal contracts, and (2) to demonstrate whether targeted goaling and management techniques can expand Federal contract opportunities for small businesses in industry categories where such opportunities historically have been low despite adequate numbers of small business contractors in the economy.

Section 201 of the Small Business Credit and Business Opportunity Enhancement Act of 1992 (the Act) extends the Program, which was originally scheduled to expire on December 31, 1992, through September 30, 1996. The Act also makes several other amendments to the Program which are being implemented in this interim policy directive.

Section 202(b)(1) requires that when a participating agency misses its small business participation goal, restricted competition shall be reinstituted only at those buying activities that failed to attain the goal. Section 202(g) limits coverage of architectural and engineering (A&E) services to contracts awarded under the qualification-based procedures required by 40 U.S.C. 541 *et seq.* (the "Brooks A–E Act"). Section 202(h) reduces the small business participation goal for A&E services from 40 percent to 35 percent until OFPP implements certain data collection improvements required by the Act, including the limitation of A&E coverage to contracts awarded under the Brooks A–E Act.

OFPP also is required to develop and implement a simplified system to collect data on the participation of small business concerns, including small disadvantaged business concerns, as other than prime contractors. This system will apply only to the Environmental Protection Agency, the National Aeronautics and Space Administration, the Army Corps of Engineers (Civil Works), and the

Department of Energy. A separate proposed rule to implement this requirement is being issued by OFFP.

Other changes being made to the policy directive and test plan include the following. Language has been added to more specifically provide that the 40 percent small business goal for construction applies individually to each of the major groups that comprise the industry. Participating agencies are instructed that any combination of Federal Procurement Data System and Standard Industrial Classification codes for A&E Services may be counted toward their small business goal. A requirement for public notice in the **Federal Register**, when participating agencies reinstitute restricted or full and open competition, has been added. The reporting format (Attachment B to the test plan) has been modified to require dollars to be reported in thousands and percentages to be stated in whole numbers.

**B. Regulatory Flexibility Act and Executive Order 12291**

The program may have a significant economic impact on a substantial number of small businesses, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and a Regulatory Flexibility Analysis is necessary. In addition, for the purposes of E.O. 12291, OFPP and SBA have determined that this interim policy directive is a major rule because it will have an annual effect on the economy of $100 million or more.

However, since this is a test program, which has been extended by statute through September 30, 1996, an evaluation of the consequences of the test program at this time would be inappropriate and premature. The economic impact of this test program will be determined at its conclusion.

**C. Paperwork Reduction Act**

The information collection requirements contained in the policy directive and test plan were previously approved by OMB and assigned OMB control number 9000–0100. Public Law 101–37, however, expanded the universe of contracts requiring this data submission. A revised information collection request has been submitted to OMB for approval under the Paperwork Reduction Act (44 U.S.C. 35).

**Allan V. Burman,**

*Administrator, Office of Federal Procurement Policy.*

**Robert J. Moffitt,**

*Associate Administrator for Procurement Assistance, Small Business Administration.*

[FR Doc. 93–5515 Filed 3–10–93; 8:45 am]

BILLING CODE 3110–01–M

## Subcontract Reporting System Test Plan Rand Reporting Plan

**AGENCY:** Executive Office of the President, Office of Management and Budget (OMB), Office of Federal Procurement Policy.

**ACTION:** The Office of Federal Procurement Policy (OFPP) is requesting comments on a proposed subcontract reporting system test plan and reporting form that provide guidance on reporting subcontracting activity under the Small Business Competitiveness Demonstration Program.

**SUMMARY:** The proposed Subcontract Reporting System Test Plan and Reporting Form are being issued to implement Section 202(d) of the Small Business Credit and Business Opportunity Enhancement Act of 1992, (Pub. L. 102–366). Section 202(d) requires the Administrator for Federal Procurement Policy to develop and implement a simplified system to collect data on the participation of small business concerns (including small business concerns owned and controlled by socially and economically disadvantaged individuals) as other than prime contractors. The system shall collect subcontract data regarding prime contracts for architectural and engineering (A&E) services (including surveying and mapping) that are procured under 40 U.S.C. 541 *et seq* (the Brooks A–E Act). The system is applicable to the Environmental Protection Agency, the National Aeronautics and Space and Administration, the United States Army Corps of Engineers (Civil Works), and the Department of Energy.

The primary purpose of this proposed new simplified reporting system is to demonstrate that the actual rate of small business participation on A&E prime contracts is substantially higher than is now being reflected in data captured by the Government's existing procurement data system. Also, this new system is intended to collect subcontracting data under a broader range of A&E contract awards than are covered by the existing reporting requirements of Public Law 95–507.

**COMMENT DATE:** Comments must be received on or before April 12, 1993.

**ADDRESSES:** Comments should be sent to Dr. Allan V. Burman, Administrator, Office of Federal Procurement Policy, Office of Management and Budget, 725 17th Street NW., room 9001, Washington, DC 20503.

**COMMENTS ON THE INFORMATION COLLECTION REQUIREMENTS:** The test reporting system requires Federal prime contractors (other than small business and small disadvantaged business firms) to collect and report subcontract activity in support of Federal prime contracts for A&E services (including surveying and mapping). This information collection may place a substantial reporting burden on the Federal prime contractors participating in the reporting system. Comments are solicited on the impact of this reporting requirement on existing industry subcontract data collection systems.

Comments on the information collection requirements contained in the Subcontract Reporting System Test Plan and Reporting Form should be submitted both to the OFPP Administrator at the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Peter Weiss, Desk Officer for the Federal Acquisition Regulation.

**FOR FURTHER INFORMATION CONTACT:** Linda G. Williams, Deputy Associate Administrator, (202) 395–3302.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Pursuant to the Small Business Act, prime contractors and subcontractors (except small business firms) that receive one or more contracts over $500,000 ($1 million for construction) are required to submit a subcontracting plan with goals for using small business and small disadvantaged business concerns as subcontractors under Federal prime contracts, and to report accomplishments against the goals. Concerns have been expressed that small business firms actually receive more subcontracting opportunities than are being reported under the existing reporting system. As part of the Small Business Competitiveness Demonstration Program, OFPP is required to develop and implement a simplified reporting system to test the rate of small business and small disadvantaged business participation at the subcontract level under Federal prime contracts for A&E services (including surveying and mapping).

**B. Regulatory Flexibility Act**

This reporting system will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., and, therefore, no Regulatory Impact analysis has been prepared.

The system seeks to measure the amount of small business participation in subcontracts. The reporting

requirements of the system will be imposed on large businesses and, as such, there is no cost to small businesses.

**C. Executive Order No. 12291**

This reporting system has been reviewed in accordance with the objectives and criteria of Executive Order No. 12291. The system will not result in any of the economic or regulatory impacts associated with a major rule. The system will not have an annual effect on the economy of $100 million or more and will not result in a major increase in cost for consumers, individual industries, State and local government agencies, or geographic regions and would not have an adverse effect on competition, employment, investment, productivity, innovation, and the ability of United States based industries to compete with foreign-based enterprises in domestic or export markets.

**D. Paperwork Reduction Act**

This information collection requirements for this reporting system have been submitted to the Office of Management and Budget for approval.

**List of Subjects**

Govenment procurement, Small business procurement.

**Allan V. Burman,**

*Administrator.*

Dated: January 13, 1993.

[FR Doc. 93–5514 Filed 3–10–93; 8:45 am]

BILLING CODE 3110–01–M

## PEACE CORPS

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Peace Corps.

**ACTION:** Notice of submission of public use form review request to the Office of Management and Budget.

**SUMMARY:** Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C. chapter 35) the Peace Corps has submitted to the Office of Management and Budget, a request to approve the use of the National Agency Check Questionnaire for Peace Corps Volunteer Background Investigation through March 31, 1996. Section 22 of the Peace Corps Act (22 U.S.C. 2501 et seq.) mandates that "all persons employed or assigned to duties under the Act shall be investigated to insure that employment or assignment is consistent with national interest in accordance with standards and procedures established by the President."

For information about the collection:

*Agency Address:* Peace Corps, 1990 K St., NW., Washington, DC 20526.

*Title:* National Agency Check Questionnaire for Peace Corps Volunteer Background Investigation.

*Request:* Approval of Use.

*Frequency of Collection:* Recurring—Voluntary.

*General Description of Respondents:* Individuals who have applied for Peace Corps service and have been invited to a specific project.

*Estimated Number of Respondents:* 10,000.

*Estimated Hours of Respondents to Complete Form:* 2,500.

*Respondent's Obligation to Reply:* Voluntary.

*Comments:* Telephone comments on this proposal should be directed to Lin Liu, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC. A copy of the form may be obtained from Christopher Kent, Office of Placement, Peace Corps, 1990 K St., NW., room 9202, Washington, DC 20526. Mr. Kent may be called at (202) 606–3994. This is not a request to which 44 U.S.C. 3504 (h) applies. This notice is issued in Washington, DC on March 2, 1992.

**Joan Ambre,**

*Acting Associate Director of Management.*

[FR Doc. 93–5582 Filed 3–10–93; 8:45 am]

BILLING CODE 6051–01–M

## SECURITIES AND EXCHANGE COMMISSION

### Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

March 5, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Salomon Brothers High Income Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–10326)

Wackenhut Corp.
Series B Common Stock, $.01 Par Value (File No. 7–10327)

Dean Witter/Discover & Co.
Common Stock, $.01 Par Value (File No. 7–10329)

Emerging Mexico Fund, Inc.
Rights to Subscribe (File No. 7–10330)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 26, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 93–5543 Filed 3–10–93; 8:45 am]

BILLING CODE 8010–01–M

**[Rel. No. IC—19314; 811–5119]**

### Harvest Funds, Inc.; Notice of Application

March 5, 1993.

**AGENCY:** Securities and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Harvest Funds, Inc.

**RELEVANT ACT SECTIONS:** Section 8(f).

**SUMMARY OF APPLICATION:** Applicant seeks an order declaring that it has ceased to be an investment company.

**FILING DATES:** The application was filed on December 31, 1992 and was amended on February 16, 1993.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 30, 1993, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested.

Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 4000 Park Road, Charlotte, North Carolina 28209.

**FOR FURTHER INFORMATION CONTACT:** Mary Kay Frech, Staff Attorney, at (202) 272–7648, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

**Applicant's Representations**

1. Applicant is a diversified open-end management investment company incorporated under the laws of the State of Maryland. On April 16, 1987, applicant registered under the Act by filing a notification of registration pursuant to section 8(a). On that same date, applicant filed a registration statement on Form N–1A under the Securities Act of 1933 and section 8(b) of the Act. Applicant's registration statement was declared effective, and its initial public offering commenced, on July 7, 1987.

2. On March 27, 1992, applicant's board of directors approved a resolution to close the Income Portfolio of applicant because of declining assets. On April 7, 1992, notice was sent to shareholders that the shares of the Income Portfolio would be redeemed on April 27, 1992. On that date, the Income Portfolio had an aggregate net asset value of $154,382.33, which was distributed *pro rata* to the remaining shareholders based on the net asset value per share, which was $9.73.

3. On October 15, 1992, applicant's board of directors approved a resolution to close its remaining portfolio, the Growth Portfolio, and, thereafter, dissolve applicant. Applicant's board of directors concluded at that meeting that the Growth Portfolio should be closed due to the amount of total assets and the lack of sales of portfolio shares. The board of directors determined that without additional sales of Growth Portfolio shares, the portfolio's expense ratios would continue to increase, resulting in a decrease in net asset value without regard to performance. On October 28, 1992, notice was sent to shareholders that the shares of the Growth Portfolio of applicant would be redeemed on December 15, 1992. On that date, the Growth Portfolio had an aggregate net asset value of $367,507.15, which was distributed *pro rata* to the remaining shareholders based on the net asset value per share, which was $8.15.

4. On December 21, 1992, after all of the outstanding shares of common stock of applicant had been redeemed, the board of directors approved a resolution to dissolve applicant.

5. Applicant has incurred approximately $5,096 in expenses in connection with the closing of the Income and Growth Portfolios and the dissolution of applicant. At the time of the filing of the application, applicant had retained $18,514.75 to cover remaining expenses equal to that amount, consisting primarily of legal, accounting, custodian and transfer agent fees.

6. Upon receipt of tax clearance certificates, applicant intends to file articles of dissolution with the State of Maryland.

7. As of the time of filing the application, applicant had no securityholders and is not a party to any litigation or administrative proceedings. Applicant is not presently engaged, and does not propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 93–5611 Filed 3–10–93; 8:45 am]

**BILLING CODE 8010–01–M**

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**[Release No. IC–19315; 812–8242]**

## Nicholas-Applegate Mutual Funds, et al.; Notice of Application

March 5, 1993.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

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**APPLICANTS:** Nicholas-Applegate Mutual Funds (the "Trust") and the following series thereof: Nicholas-Applegate Core Growth Portfolio A, Nicholas-Applegate Income and Growth Portfolio A, Nicholas-Applegate Balanced Growth Portfolio A, Nicholas Applegate Worldwide Growth Portfolio A, and Nicholas-Applegate Government Income Portfolio A (the "Portfolio A Series"); Nicholas-Applegate Core Growth Portfolio B, Nicholas-Applegate Income and Growth Portfolio B, Nicholas-Applegate Balanced Growth Portfolio B, Nicholas-Applegate Worldwide Growth Portfolio B, and Nicholas-Applegate Government Income Portfolio B (the "Portfolio B Series"); Nicholas-Applegate Money Market Portfolio (the "Money Market Portfolio," and together with Portfolio A Series and Portfolio B Series, the "Portfolios"); Nicholas-Applegate Capital Management (the "Adviser"); Nicholas-Applegate Securities (the "Distributor"); and all other open-end management investment companies or series thereof that invest substantially all of their assets in a registered investment company for which the Adviser serves in the future as investment adviser, that are in the same "group of investment companies" as the Portfolios, as defined in rule 11a–3 under the Act, the shares of which will be distributed on substantially the same basis as those of the Portfolios.

**RELEVANT ACT SECTIONS:** Exemption requested under section 6(c) from the provisions of sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the Act and rule 22c–1 thereunder.

**SUMMARY OF APPLICATION:** Applicants seek an order that would permit them to impose a contingent deferred sales charge ("CDSC") on certain redemptions of shares, and waive the CDSC in certain specified instances.

**FILING DATE:** The application was filed on January 12, 1993, and amended on February 11, 1993.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 29, 1993 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 501 West Broadway, suite 2000, San Diego, California 92101.

**FOR FURTHER INFORMATION CONTACT:** Marc Duffy, Staff Attorney, (202) 272–2511, or C. David Messman, Branch Chief, (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application

may be obtained for a fee from the SEC's Public Reference Branch.

**Applicant's Representations**

1. The Trust is an open-end management investment company organized in December 1992 as a Delaware business trust. The Trust has filed a registration statement on Form N–1A under the Act and the Securities Act of 1933, which has not yet been declared effective. The Trust is currently comprised of 17 series, divided into four groups: The Portfolio A Series, the Portfolio B Series, the Money Market Portfolio, and the Qualified Portfolios (the "Series"). The Portfolio A Series, the Portfolio B Series, and the Money Market Portfolio are intended to be offered to the public. The Qualified Portfolios will be offered exclusively to certain qualified retirement plans and to other institutional investors that are advisory clients of the Adviser. Each Series has separate investment objectives and policies, and segregated assets.

2. Each Series will invest substantially all of its assets in a corresponding series (a "Master Fund") of Nicholas-Applegate Investment Trust (the "Master Trust"), an open-end management investment company organized in December 1992 as a Delaware business trust. Shares of the Master Funds will be issued in private placement transactions to certain institutional investors such as other investment companies, retirement plans, broker-dealers, and insurance company separate accounts. The Adviser provides investment advisory services to the Master Trust. The Trust has not retained the services of an investment adviser since each Series will seek to achieve its investment objectives by investing its assets in a corresponding Master Fund. The Distributor will serve as the principal underwriter for each of the Series, and as placement agent for shares of the Master Funds in private sales to the Series and other institutional investors.

3. Under the "master-feeder" structure between the Trust and the Master Trust, all portfolio management services will be provided, and all related costs will be incurred, at the Master Fund level, although each Series will bear its *pro rata* share of the corresponding Master Fund's costs and expenses. The Master Trust, on behalf of each Master Fund, will enter into an investment advisory agreement and an administration agreement with the Adviser. Distribution and shareholder servicing fees and costs, and additional administrative expenses, will be paid by the Trust at the Series level. The Trust and each Series will enter into an administration agreement with the Adviser that will provide administrative services, and a plan of distribution pursuant to rule 12b–1 of the Act, a distribution agreement, and a shareholder service plan with the Distributor. The Distributor, in turn, will enter into selected dealers agreements with unaffiliated broker-dealers pursuant to which such broker-dealers will sell shares of the Series.

4. Shares of the Money Market Portfolio will be offered at net asset value without a front-end sales load, but will be subject to a rule 12b–1 fee and a shareholder service fee at expected annual rates of up to 0.25% and 0.10%, respectively, of the Money Market Portfolio's average daily net assets.

5. Shares of each Portfolio A Series will be offered at net asset value plus a front-end sales load. The maximum sales load will be 5.25% (4.75% on purchases of the Nicholas-Applegate Government Income Portfolio A) for purchases of less than $50,000. Lesser sales loads will apply to larger purchases. Purchases of $1,000,000 or more of shares of a Portfolio A Series will be made without the imposition of a front-end sales load. Shares of each Portfolio A Series will be subject to a rule 12b–1 fee and shareholder service fee at expected annual rates of up to 0.25% and 0.10%, respectively, of the Portfolio A Series' average daily net assets.

6. If shares of a Portfolio A Series that had been acquired without a sales load through a purchase of $1,000,000 or more are redeemed within a specified period (currently anticipated to be 12 months) after their purchase date, the redemption proceeds will be reduced by a percentage (currently anticipated to be 1.00%) of the lesser of the value of the shares redeemed or the total cost of such shares (the "Portfolio A CDSC").

7. Shares of each Portfolio B Series will be offered at net asset value without a front-end sales load, but will be subject to a rule 12b–1 fee and a shareholder service fee at expected annual rates of up to 0.75% (0.60% in the case of Nicholas-Applegate Government Income Portfolio B) and 0.25%, respectively, of the Portfolio B Series' average daily net assets.

8. If shares of the Portfolio B Series are redeemed within a specified period (currently anticipated to be 12 months) after their purchase date, the redemption proceeds will be reduced by a percentage (currently anticipated to be 1.00%) of the lesser of the value of the shares redeemed or the total cost of such shares (the "Portfolio B CDSC"). The Portfolio B CDSC also will apply to redemptions of shares of the Money Market Portfolio if such shares were acquired in exchange for shares of a Portfolio B Series subject to the Portfolio B CDSC.

9. Imposition of the Portfolio A CDSC or Portfolio B CDSC will not cause the sales load imposed on purchases of shares of any Portfolio A Series or Portfolio B Series to exceed the maximum sales load permitted under Article III, section 26(d) of the Rules of Fair Practice of the National Association of Securities Dealers, Inc. In addition, no CDSC will be imposed on the redemption of shares of the Portfolio A Series or Portfolio B Series purchased prior to the date an order is obtained.

10. No CDSC will be imposed on redemptions if the shares redeemed were acquired through reinvestment of income dividends or capital gain distributions, or if the amount redeemed was derived from increases in the value of the account above the amount of purchase payments, or if the shares redeemed were held for more than 12 months. In determining whether the CDSC will be payable with respect to any redemption, it will be assumed that shares not subject to the CDSC are redeemed first and that other shares then are redeemed in the order purchased.

11. Applicants may in the future decide to reduce the Portfolio A CDSC and Portfolio B CDSC percentages below 1.00%, or shorten the applicable holding period to less than 12 months. Applicants also may temporarily or permanently discontinue the Portfolio A CDSC or Portfolio B CDSC in the future. However, any future changes, variations, discontinuations or reinstatements of the Portfolio A CDSC or Portfolio B CDSC will be disclosed in each affected Portfolio A Series' or Portfolio B Series' prospectus, and any such change, variation, discontinuation or reinstatement will not affect the shares of any Portfolio A Series or Portfolio B Series that were issued prior to the disclosure thereof in such prospectus.

12. Applicants intend to waive the Portfolio A CDSC and Portfolio B CDSC on redemptions of shares (a) for distributions from qualified retirement plans and other employee benefit plans qualified under section 401(a) of the Internal Revenue Code of 1986, as amended (the "Code"); (b) for distributions from custodial accounts under section 403(b)(7) of the Code or individual retirement accounts ("IRAs") due to death, disability or attainment of age 59½; (c) for tax-free returns of excess contributions to IRAs; (d) for any partial or complete redemptions

following death or disability (as defined in section 72(m)(7) of the Code) of a shareholder from an account in which the deceased or disabled is named, provided the redemption is made within one year of death or initial determination of disability; and (e) pursuant to automatic withdrawals.

13. The Portfolio A CDSC and Portfolio B CDSC also will be waived for redemptions of shares by (a) current or retired directors, trustees, partners, officers and employees of the Trust, the Distributor, the Adviser and its general partner, certain family members of the above persons, and trusts or plans primarily for such persons; (b) investment partnerships managed by the Adviser and their current and former partners; (c) current or retired registered representatives or full-time employees and their spouses and minor children of dealers having selected dealers agreements with the Trust and plans for such persons; (d) trustees and other fiduciaries purchasing shares for retirement plans of organizations with retirement plan assets of $100 million or more; (e) insurance company separate accounts; and (f) participants in pension, profit-sharing or employee benefit plans that are sponsored by the Distributor and its affiliates.

14. The Distributor will provide a *pro rata* refund, out of its own assets, of any Portfolio A CDSC or Portfolio B CDSC paid in connection with a redemption of shares (by crediting such CDSC to such shareholder's account) if, within 90 days of such redemption, all or any portion of the redemption proceeds are reinvested in shares of the Portfolio A Series or Portfolio B Series, as the case may be. Any such reinvestment will be made without the imposition of a front-end sales load but will be subject to the same CDSC to which such amount was subject prior to the redemption; the CDSC time period will run from the original investment date but will be extended by the number of days between the redemption and reinvestment dates.

**Applicants' Legal Conclusion**

Applicants believe that the imposition of a CDSC in the manner and under the circumstances described above would be fair and in the best interests of those shareholders upon whom the CDSC would be imposed. Thus the granting of the requested relief would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Therefore, applicants request an order of the Commission pursuant to section 6(c) for an exemption from the provisions of sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the Act, and rule 22c–1 thereunder to the extent necessary to permit the proposed CDSC arrangements.

**Applicants' Condition**

Applicants agree that the order granting the requested relief may be subject to the following condition:

Applicants will comply with the provisions of proposed rule 6c–10 under the Act (Investment Company Act Release No. 16619 (Nov. 2, 1988)), as such rule is currently proposed and as it may be reproposed, adopted, or amended.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 93–5612 Filed 3–10–93; 8:45 am]

BILLING CODE 8010–01–M

## SMALL BUSINESS ADMINISTRATION

### Reporting and Recordkeeping Requirements Under OMB Review

**AGENCY:** Small Business Administration.

**ACTION:** Notice of reporting requirements submitted for review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

**DATES:** Comments should be submitted within 30 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

**COPIES:** Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

**FOR FURTHER INFORMATION CONTACT:**

*Agency Clearance Officer:* Cleo Verbillis, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205–6629.

*OMB Reviewer:* Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503

*Title:* Stockholders Confirmation

*SBA Form No.:* SBA Form 1405

*Frequency:* On Occasion

*Description of Respondents:* New Licensees

*Annual Responses:* 300

*Annual Burden:* 50

Dated: March 8, 1993.

**Cleo Verbillis,**

*Chief, Administrative Information Branch.*

[FR Doc. 93–5614 Filed 3–10–93; 8:45 am]

BILLING CODE 8025–01–M

**[Declaration of Disaster Loan Area #2629; Amendment #2]**

### California; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended, effective February 22, 1993, to include Alpine and Los Angeles Counties in the State of California as a disaster area as a result of damages caused by severe winter storms, mud and rock slides, and flooding which occurred January 5 through January 22, 1993.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Amador, Calaveras, and El Dorado in the State of California and Douglas County in the State of Nevada may be filed until the specified date at the aforementioned location.

All other information remains the same, i.e., the termination date for filing applications for physical damage is April 5, 1993 and November 3, 1993 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 26, 1993.

**Bernard Kulik,**

*Assistant Administrator for Disaster Assistance.*

[FR Doc. 92–5523 Filed 3–10–92; 8:45 am]

BILLING CODE 8025–01–M

**[Declaration of Disaster Loan Area #2586; Amendment #4]**

### Florida; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended to extend the deadline for filing applications for physical damage. The new deadline is March 21, 1993.

The termination date for filing applications for economic injury remains the close of business on May 24, 1993.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 25, 1993.

**Bernard Kulik,**

*Assistant Administrator for Disaster Assistance.*

[FR Doc. 93–5524 Filed 3–10–93; 8:45 am]

BILLING CODE 8025–01–M

**[Declaration of Economic Injury Disaster Loan Area #7871]**

## New York (And Contiguous Counties in New Jersey); Declaration of Disaster Loan Area

New York County (Borough of Manhattan) and the contiguous counties of Bronx, Kings, and Queens in the State of New York, and Bergen and Hudson Counties in New Jersey constitute an economic injury disaster area as a result of damages caused by an explosion at the World Trade Center which occurred on February 26, 1993. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on December 1, 1993 at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South, 3rd Fl., Niagara Falls, NY 14303, or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The economic injury number for the State of New Jersey is 7872.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: March 1, 1993

**Dayton J. Watkins,**

*Acting Administrator.*

[FR Doc. 93–5525 Filed 3–10–93; 8:45 am]

BILLING CODE 8025–01–M

## Buffalo District Advisory Council; Public Meeting

The U.S. Small Business Administration Buffalo District Advisory Council will hold a public meeting at 10 a.m. on Tuesday, April 20, 1993 at the Chase Lincoln First Bank, 1 Lincoln First Square, 20th floor conference room, Rochester, New York, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Franklin J. Sciortino, District Director, U.S. Small Business Administration, room 1311, 111 West Huron Street, Buffalo, New York 14202, (716) 846–4301.

Dated: March 4, 1993.

**Dorothy A. Overal,**

*Acting Assistant Administrator, Office of Advisory Councils.*

[FR Doc. 93–5526 Filed 3–10–93; 8:45 am]

BILLING CODE 8025–01–M

## Hartford District Advisory Council; Public Meeting

The U.S. Small Business Administration Hartford District Advisory Council will hold a public meeting at 8 a.m. on Wednesday, April 28, 1993 at 2 Science Park, 3rd Floor, New Haven, Connecticut, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Jo-Ann Van Vechten, Acting District Director, U.S. Small Business Administration, 330 Main Street, Hartford, Connecticut 06106, (203) 240–4670.

Dated: March 4, 1993.

**Dorothy A. Overal,**

*Acting Assistant Administrator, Office of Advisory Councils.*

[FR Doc. 93–5527 Filed 3–10–93; 8:45 am]

BILLING CODE 8025–01–M

## Privacy Act; System of Record

**AGENCY:** Small Business Administration.

**ACTION:** Notice of Amendment to System of Record.

**SUMMARY:** The Small Business Administration (SBA) is hereby amending its Privacy Act System of Record 155 regarding unofficial personnel files. This notice changes the name of System of Record 155 from "Unofficial Personnel Files" to "SBA Employee Activity Files" and clarifies its location.

**DATES:** This notice shall be effective March 11, 1993.

**FOR FURTHER INFORMATION CONTACT:** Beverly K. Linden, Chief, Freedom of Information/Privacy Act, Office of Hearings and Appeals, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416, (202) 653–6460.

**SUPPLEMENTARY INFORMATION:** On February 26, 1991, SBA published, in the **Federal Register**, a notice to provide for review and comment on a revision of the Agency's Systems of Records. 56 FR 8008. This revision eliminated some of the Systems, consolidated others, and developed three new Systems. SBA is publishing this notice to change the name of System of Record 155 from "Unofficial Personnel Files" to "SBA Employee Activity Files" and to clarify the location of such files, in order to distinguish between SBA's records and those under the jurisdiction of the Office of Personnel Management (OPM).

SBA is publishing this notice in accordance with the Privacy Act stipulation that all agencies publish their Systems in the **Federal Register** when there is a revision, change, or addition.

For the reasons set forth above, SBA is amending its System of Record 155 by revising the System name and System location to read as follows:

**SBA 155**

**SYSTEM NAME:**

SBA Employee Activity Files—SBA 155.

**SYSTEM LOCATION:**

Central Office, Regional, District, Branch and Program Officers. See appendix A for addresses.

* * * * *

Dated: March 2, 1993.

**Dayton J. Watkins,**

*Acting Administrator.*

[FR Doc. 93–5528 Filed 3–10–93; 8:45 am]

BILLING CODE 8025–01

## DEPARTMENT OF STATE

### Office of Defense Trade Controls

**[Public Notice 1774]**

## Statutory Debarment Under the International Traffic in Arms Regulations; Japan Aviation Electronics Industry, Ltd.

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that Japan Aviation Electronics Industry, Ltd. (JAE) has been statutorily debarred pursuant to § 127.6(c) of the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130).

**EFFECTIVE DATE:** February 20, 1993.

**FOR FURTHER INFORMATION CONTACT:** Clyde G. Bryant Jr., Chief, Compliance Analysis Division, Office of Defense Trade Controls, Department of State (703–875–6650).

**SUPPLEMENTARY INFORMATION:** Section 38(g)(4)(A) of the Arms Export Control Act (AECA) prohibits the issuance of export licenses to a person, or any party to the export, who has been convicted of violating certain U.S. criminal statutes, including the AECA. The term "person" means a natural person as well

as a corporation, business association, partnership, society, trust, or any other entity, organization, or group, including governmental entities. The term "party to the export" means the president, the chief executive officer, and other senior officers of the license applicant; the freight forwarders or designated exporting agent of the license applicant; and any consignee or end user of any item to be exported. The statute permits certain limited exceptions to this prohibition to be made on a case-by-case basis.

Section 127.6 of the ITAR authorizes the Assistant Secretary of State for Politico-Military Affairs to prohibit certain persons convicted of violating or conspiracy to violate the AECA from participating directly or indirectly in the export of defense articles or in the furnishing of defense services.

Such a prohibition is referred to as a statutory debarment, which may be imposed on the basis of judicial proceedings that resulted in a conviction for violating, or of conspiring to violate, the AECA. See 22 CFR 127.6(c).

Pursuant to a Consent Agreement, between Japan Aviation Electronics Industry, Ltd. (JAE) and the Department of State, and an Order signed by the Assistant Secretary of State for Politico-Military Affairs, the period for debarment for JAE will be three years with two years suspended starting from the date of conviction which was March 11, 1992. Licensing privileges may be reinstated at the request of the debarred person following the necessary interagency consultations, after a thorough review of the circumstances surrounding the conviction and a finding that appropriate steps have been taken to mitigate any law enforcement concerns, as required by section 38(g)(4) of the AECA.

Statutory debarment is based upon a conviction of guilt by a United States court, 22 CFR 127.6. Thus, the administrative procedures of part 128 of the ITAR do not apply in these cases.

During the period of statutory debarment the Department of State will not consider applications for licenses or requests for approvals that involve any person or any party to the export who has been convicted of violating the AECA or of conspiring to violate the AECA.

The Assistant Secretary for Politico-Military Affairs has debarred JAE as a result of JAE's March 11, 1992, conviction of violating the AECA in the U.S. District Court for the District of Columbia, pursuant to section 38(g)(4)(A) of the AECA and § 127.6 of the ITAR.

This notice involves a foreign affairs function of the United States encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedure Act. Because the exercising of this foreign affairs function is discretionary, it is excluded from review under the Administrative Procedure Act.

Dated: March 1, 1993.

**William B. Robinson,**

*Director, Office of Defense Trade Controls, Department of State.*

[FR Doc. 93–5605 Filed 3–10–93; 8:45 am]

BILLING CODE 4710–25–M

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**[Public Notice 1772]**

## Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea Working Group on Fire Protection; Meeting

The U.S. Safety of Life at Sea (SOLAS) Working Group on Fire Protection will conduct an open meeting on March 31, 1993 at 10 a.m. in room 4315 at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington DC 20593. The purpose of this meeting will be to prepare for discussions anticipated to take place at the 38th Session of the International Maritime Organization's Sub-Committee on Fire Protection, scheduled for June 29, 1993.

The meeting will focus on the fire safety of commercial vessels. Specific discussion areas include: Smoke and toxicity, round robin tests for devices to prevent the passage of flame, revision of resolution A.472, heat radiation through windows and glass partitions, automatic sprinkler systems and fixed water spraying systems, dynamically supported craft, criteria for minimum fire loads, analyses of fire casualty records, guidelines for performance and testing criteria and surveys of foam concentrates, phasing out of halons, interpretations to SOLAS 74, requirements for dangerous solid bulk cargo, escape route sizing on passenger vessels, role of the human element in maritime casualties, interim fire protection requirements for open-top container ships, smoke control and ventilation, inert gas de-aeration of ballast tanks and double hull spaces, carriage of dangerous goods on the vehicle decks of passenger ships, fire safety aspects of composite materials used on board ships, and low-location lighting.

Members of the public may attend up to the seating capacity of the room. For further information regarding the meeting of the SOLAS Working Group on Fire Protection contact Mr. Jack Booth at (202) 267–2997.

Dated: March 1, 1993.

**Bruce Carter,**

*Executive Secretary, Shipping Coordinating Committee.*

[FR Doc. 93–5606 Filed 3–10–93; 8:45 am]

BILLING CODE 4710–07–M

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# DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## Motorcyle Helmet Standard Compliance Test Demonstration for Interested Members of the Public

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of demonstration for interested members of the public of tests conducted to determine whether motorcyle helmets comply with Federal motor vehicle safety standards.

**SUMMARY:** This notice announces a demonstration that will be held for interested members of the public of tests that are conducted to determine whether motorcycle helmets comply with performance requirements specified in Federal Motor Safety Standard No. 218, Motorcycle Helmets. The purpose of the demonstration is to provide information to interested members of the public on the equipment and procedures that are used to conduct Standard No. 218 compliance tests.

**DATES AND TIMES:** The demonstration will be held on Monday, April 5, 1993. It will be conducted from 9 to 11 a.m. for the first six people whose reservations are confirmed by NHTSA. Additional demonstrations will be conducted at two hour intervals until 4:30 p.m. on the same day, as necessary, if more than six people make reservations with the agency.

**PLACE:** Southwest Research Institute, Engineering and Materials Sciences Building (Building No. 128), 6220 Culebra Road, San Antonio, Texas 78238.

**TO MAKE RESERVATIONS AND RECEIVE FURTHER INFORMATION CONTACT:** James Gilkey, Office of Vehicle Safety Compliance, NHTSA (202–366–5298).

**DEADLINE FOR MAKING RESERVATIONS:** 3:45 p.m. on Wednesday, March 31, 1993.

**SUPPLEMENTARY INFORMATION:** These tests will be conducted for demonstration purposes alone, and not to establish whether any particular motorcyle helmet complies with the standard. Data generated during the

course of the demonstration will therefore not be recorded. Video cameras will not be permitted on the premises where the demonstration is to be conducted. The use of still photography is subject to approval by the Project Engineer conducting the demonstration tests.

No security clearance is required for attending the demonstration. However, owing to space limitations at the facility where the demonstration is to be conducted, no more than six people may observe a demonstration at any one time. Demonstrations may consequently be conducted in shifts if more than six people express an interest in attending. Attendance will be limited to those who have made reservations in advance with NHTSA, and will be granted on a first come, first served basis. NHTSA reserves the right to limit the total attendance.

**Authority:** 15 U.S.C. 1412(a); and delegations of authority at 49 CFR 1.50 and 501.8.

Dated: March 8, 1993.

**William A. Boehly,**

*Associate Administrator for Law Enforcement.*

[FR Doc. 93–5646 Filed 3–10–93 8:45 am]

BILLING CODE 4910–59–M

## Research and Special Programs Administration

### International Standards on the Transport of Dangerous Goods by Air; Public Meeting

**AGENCY:** Research and Special Programs Administration (RSPA), Department of Transportation.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice is to advise persons that RSPA will conduct a public meeting to exchange views on proposals submitted to the Working Group meeting of the International Civil Aviation Organization's (ICAO) Dangerous Goods Panel (DGP) to be held in Cairo, Egypt on April 19–23, 1993.

**DATES:** April 6, 1993 at 9:30 a.m.

**ADDRESSES:** Department of Transportation, Nassif Building, Room 8334, 400 Seventh Street SW., Washington, DC 20590–0001.

**FOR FURTHER INFORMATION CONTACT:** Frits Wybenga, (202) 366–0656, International Standards Coordinator for Hazardous Materials Safety, RSPA, Department of Transportation, Washington, DC 20590–0001.

**SUPPLEMENTARY INFORMATION:** This meeting will be held in preparation for the ICAO Dangerous Goods Panel Working Group meeting. The primary purpose of the Working Group meeting will be to discuss proposed amendments to the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air (the Technical Instructions). The Working Group will consider possible amendments to resolve problems encountered with the use of the Technical Instructions, and future amendments to the Technical Instructions on the basis of revisions to the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations). The public is invited to attend without prior notification.

**Documents**

Documents submitted to the working group of the ICAO DGP may be reviewed between the hours of 8:30 and 5 in RSPA's Dockets Unit located in room 8419 of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Copies of documents may be obtained from RSPA for a nominal fee. A listing of these documents is available on the Hazardous Materials Information Exchange (HMIX), RSPA's computer bulletin board. Documents may be ordered by filling out an online request form on the HMIX or by contacting RSPA's Dockets Unit (202–366–4453). For more information on the use of the HMIX system, contact the HMIX information center; 1–800–PLANFOR (782–6367); in Illinois, 1–800–367–9592; Monday through Friday, 8:30 a.m. to 5 p.m. Central time.

After the meeting, a summary of the public meeting will also be available from the Hazardous Materials Advisory Council (HMAC), suite 250, 1110 Vermont Ave., NW., Washington, DC 20005; telephone number (202) 728–1460.

Issued in Washington, DC, on March 8, 1993.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 93–5642 Filed 3–10–93; 8:45 am]

BILLING CODE 4910–60–M

## DEPARTMENT OF THE TREASURY

### Departmental Offices; Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to Section 10 of Public Law 92–463, that a meeting will be held at the Federal Reserve Bank of New York on March 15, 1993, of the following debt management advisory committee:

Public Securities Association Treasury Borrowing Advisory Committee

The agenda for the Public Securities Association Treasury Borrowing Advisory Committee meeting provides for a working session on March 15. A written report will be submitted to the Secretary of the Treasury following the meeting.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Public Law 92–463, and vested in me by Treasury Department Order 101–05, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(9)(A) of title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Public Law 92–463.

Although the Treasury's final decisions may not reflect the recommendations provided in reports of an advisory committee, the nature and content of the discussion and recommendations are such that their premature disclosure would lead to significant speculation in the securities market. Thus, the meeting falls within the exemption covered by section 552b(c)(9)(A) of title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of title 5 of the United States Code.

Dated: March 4, 1993.

**Deborah J. Danker,**

*Acting Assistant Secretary, (Domestic Finance).*

[FR Doc. 93–5537 Filed 3–10–93; 8:45 am]

BILLING CODE 4810–25–M

## Internal Revenue Service

[Delegation Order No. 241]

### Delegation of Authority

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Delegation of authority.

**SUMMARY:** Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Order 150–10, authority has been delegated to the Assistant Commissioner (Employee Plans and Exempt Organizations) to administer the Voluntary Compliance Resolution Program described in Rev. Proc. 92–89. This authority may be redelegated to the Director, Employee Plans Technical and Actuarial Division, and may be further redelegated. The authority to approve compliance statements under Rev. Proc. 92–89 may be redelegated to reviewers, grade GS–12 and above.

The text of the delegation order appears below.

**EFFECTIVE DATE:** February 25, 1993.

**FOR FURTHER INFORMATION CONTACT:** John H. Turner, E:EP:P:1, room 6702, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone (202) 622–7146 (not a toll-free call).

*Order No.* 241.

*Effective date:* February 25, 1993.

### Voluntary Compliance Resolution Program

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Order 150–10, there is hereby delegated to the Assistant Commissioner (Employer Plans and Exempt Organizations) the authority to administer the Voluntary Compliance Resolution Program (VCR Program) described in Revenue Procedure 92–89, 1992–46 I.R.B. 27.

2. The authority described in Section 1 may be redelegated to the Director, Employee Plans Technical and Actuarial Division, and may be further redelegated to the Assistant Director, Employee Plans Technical and Actuarial Division, and to the Chief, Voluntary Compliance Resolution Staff, Employee Plans Technical and Actuarial Division. The authority to approve compliance statements under Rev. Proc. 92–89 may be further redelegated to reviewers, grade GS–12 and above.

Dated: February 25, 1993.

Approved:

**David G. Blattner,**

*Chief Operations Officer.*

[FR Doc. 93–5522 Filed 3–10–93; 8:45 am]

BILLING CODE 4830–01–M

## UNITED STATES INFORMATION AGENCY

### Fulbright Teacher Exchange—Cooperative Agreement for Administrative Services

**AGENCY:** United States Information Agency.

**ACTION:** Notice—request for proposals.

**SUMMARY:** The United States Information Agency (USIA) seeks applications from non-profit organizations with at least four years of experience in successfully administering international exchange programs to provide administrative and program services for the 1993–1994 Fulbright Teacher Exchange Program. Activities include: Receipt and logging of applications (approximately 1,200); technical screening for eligibility; assignment of applicants to peer interview sites; preparation of candidate dossiers for Agency review; proposing up to 450 preliminary educator matches to foreign counterparts; processing approximately 240 selected candidates; updating informational literature; developing new country information (presently, there are exchanges with 35 countries); analyzing grantee reports; maintaining contact with 240 exchange educators, academic deans, and school administrators; conducting outreach activities to publicize the program; and disbursing stipends to teachers, including withholding and reporting to the IRS. Subject to USIA review, the cooperative agreement will be renewed annually for three years to enable the cooperating organization to begin and complete an entire program cycle.

**DATES:** Deadline for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC, time on May 7, 1993. Faxed documents will not be accepted, nor will documents postmarked on May 7, but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline. The cooperative agreement should begin October 15, 1993.

**ADDRESSES:** The original and 10 copies of the completed application, including required forms, must be submitted by the deadline to: U.S. Information Agency, REF: Fulbright Teacher Exchange, Administrative Services, Grant Management Staff, E/XE, room 336, 301 4th Street, SW., Washington, DC 20547.

**FOR FURTHER INFORMATION CONTACT:** Interested United States organizations/institutions should contact Ilo-Mai Harding at the U.S. Information Agency, 301 4th Street, SW., Teacher Exchange Branch, (E/ASX), room 353, Washington, DC 20547, telephone, (202) 619–4556, fax, (202) 401–1433 to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

*Overview*—The Fulbright Teacher Exchange Program provides opportunities for approximately 240 U.S. educators at the secondary, post-secondary, and in Canada and the United Kingdom, at the elementary level, to exchange teaching positions with foreign counterpart teachers from 35 countries for one academic year. The success of the current program—and low dropout rate—is largely due to the administrative services provided by the cooperating organization that includes screening and matching of applicants.

### Guidelines

The cooperating organization will perform administrative and program functions for the Fulbright Teacher Exchange Program. The cooperating organization will have the responsibility for:

A. Observing and complying with the policies of the United States Information Agency (USIA) and the J. William Fulbright Foreign Scholarship Board (BFS) in the administration of this cooperative agreement;

B. Providing data, as requested by USIA, concerning the Fulbright Teacher Exchange Program;

C. Submitting quarterly budget and program reports and an annual report with recommendations for project improvements.

*Proposed Budget*—All organizations must submit a comprehensive line item budget for which specific details are available in the application packet.

### Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. In addition, all eligible proposals will be reviewed by the budget and contracts offices. Proposals may also be reviewed by the Agency's

Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

**Review Criteria**

Technically eligible applications will be competitively reviewed according to the following criteria:

1. *Quality of program idea:* Proposals should exhibit originality, substance, and relevance to the USIA mission of promoting mutual understanding between the U.S. and other countries.

2. *Program planning:* Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. *Ability to achieve program objectives:* Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals.

5. *Institution's Track Record/Ability:* In the proposal, applicant institution should demonstrate a track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). Applicant institution should also demonstrate ability to perform the services that are outlined in the work statement. The Agency will consider the past performance of prior grantees and the demonstrated potential of new applicants.

6. *Evaluation Plan:* Proposals should provide a plan for program evaluation by the grantee institution.

7. *Cost effectiveness:* The overhead and administrative components of the cooperative agreement, as well as salaries and honoraria, should be kept as low as possible. All expenditures should be necessary and appropriate.

8. *Cost-sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

**Notice**

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final awards cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

**Notification**

All applicants will be notified of the results of the review process on or about July 23, 1993. The awarded cooperative agreement will be subject to periodic reporting and evaluation requirements.

Dated: March 5, 1993.

**Barry Fulton,**

*Associate Director, Bureau of Educational and Cultural Affairs.*

[FR Doc. 93–5615 Filed 3–10–93; 8:45 am]

BILLING CODE 8230–01–M

# Sunshine Act Meetings

Federal Register
Vol. 58, No. 46
Thursday, March 11, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## U.S. COMMISSION ON CIVIL RIGHTS

**DATE AND TIME:** Tuesday, March 9, 1993.

**PLACE:** U.S. Commission on Civil Rights, 624 Ninth Street, NW., Rm. 530, Washington, DC 20415.

**STATUS:** Open to the Public.

*March 9, 1993*

1. Discussion of U.S. Commission on Civil Rights' FY 1994 Budget. A vote will be taken at the beginning of the meeting to discuss the budget in an executive meeting. A vote to close the meeting will be taken pursuant to the Government in the Sunshine Act at 5 U.S.C. § 552b(c)(9)(B) and Commission regulations at 45 C.F.R. § 702.53(9). The reason why this meeting might be closed is because the disclosure of budgetary information may be likely to significantly frustrate implementation of proposed agency action.

A copy of the portions of the transcript that are open to the public will be available at least five (5) working days after the scheduled date of the meeting at the Office of General Counsel at (202) 376–8351.

**CONTACT PERSON FOR FURTHER INFORMATION:** Barbara Brooks, Press and Communications (202) 376–8312.

Dated: March 8, 1993.

**Emma Monroig,**

*Solicitor.*

[FR Doc. 93–5681 Filed 3–8–93; 4:29 pm]

BILLING CODE 6335–01–M

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

**TIME AND DATE:** 2:15 p.m., Wednesday, March 17, 1993.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 8, 1993.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 93–5781 Filed 3–9–93; 3:29 pm]

BILLING CODE 6210–01–M

## SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 15, 1993.

A closed meeting will be held on Tuesday, March 16, 1993, at 2:30 p.m. An open meeting will be held on Thursday, March 18, 1993, at 10:00 a.m., in Room 1C30.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 16, 1993, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.
Settlement of injunctive actions.
Institution of injunctive actions.

The subject matter of the open meeting scheduled for Thursday, March 18, 1993, at 10:00 a.m., will be:

1. Consideration of whether to propose for public comment amendments to rule 482 under the Securities Act. The proposed amendments to rule 482 would permit certain advertisements that take the form of off-the-page prospectuses for mutual fund shares to include order form for purchasing shares if the off-the page prospectuses contain specified disclosure. Additionally, the Commission is considering proposing for public comment new Form 482(g), which would be used as a cover sheet for certain filings required to be made under the proposed amendments, and amendments to Form N–1A, which would delete the instructions for summary prospectuses for mutual funds. For further information, please contact Robert G. Bagnall at (202) 272–2048

2. Consideration of whether to adopt amendments to Form N–1A, the registration form used by open-end management investment companies under the Investment Company Act of 1940 and the Securities Act of 1933, and related rules and forms. The amendments would require a mutual fund to include in its prospectus or, alternatively, its annual report to shareholders: (1) a discussion of those factors, strategies, and techniques that materially affected its performance during its most recently completed fiscal year and (2) a line graph comparing its performance to that of an appropriate securities market index. The amendments would also require a registrant to identify its portfolio manager and would revise the per share table contained in the prospectus. Conforming technical amendments would be made to Form N–14, the registration form used by investment companies to register under the 1933 Act securities to be issued in mergers and other forms of business combination and to Rule 34b–1 under the 1940 act. For further information, please contact Martha Platt at (202) 272–2838.

3. Consideration of proposed Rule 15b7–1 under the Securities and Exchange Act of 1934. The release would propose for comment a rule that would prohibit registered broker-dealers from effecting any securities transaction unless the associated person effecting such transaction is in compliance with the qualification requirements established under the rules of any self-regulatory organization of which the broker-dealer is a member or to which it is subject. For further information, please contact Andrew S. Margolin at (202) 504–2418.

4. Consideration of whether to issue an order approving a proposed rule change by the National Association of Securities Dealers ("NASD") (SR–NASD–92–45) that establishes a pricing system for certain high yield fixed income securities—the Fixed Income Pricing System. For further information, please contact Jill Ostergaard at (202) 504–2932.

5. Consideration of whether to adopt, on a temporary basis, a new exception to Rule 10b–6 and new Rule 10b–6A(T) under the Securities Exchange Act of 1934, which would permit "passive market making" during distributions of certain NASDAQ securities. The new provisions would allow "passive market making" during the two business day "cooling-off" period of Rule 10b–6, that is, the period when Rule 10b–6

otherwise would prohibit such transactions. In general, a passive market maker's bids would be limited by the level of bids of market makers that are not participating in the distribution. Conforming amendments also would be adopted to Rules 502(d) and 508 of Regulation S–K and S–B under the Securities Act of 1933. For further information, please contact Liz Pucciarelli Hensley or Susan H. Schleisner at (202) 272–2848.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kaye Williams (202) 272–2400.

Dated: March 8, 1993.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 93–5763 Filed 3–9–93; 2:20 pm]

BILLING CODE 8010–01–M

federal register

Thursday
March 11, 1993

Part II

# Department of Education

34 CFR Part 300

Assistance to States for the Education of Children with Disabilities; Rule

## DEPARTMENT OF EDUCATION

**34 CFR Part 300**

**RIN 1820–AA89**

### Assistance to States for the Education of Children With Disabilities Program

**AGENCY:** Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations for the Assistance to States for the Education of Children with Disabilities Program to add the Office of Management and Budget (OMB) control numbers for certain sections of the regulations. These sections contain information collection requirements. The Secretary takes this action to inform the public that these requirements have been approved by OMB.

**EFFECTIVE DATE:** These regulations are effective March 11, 1993.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lucille Sleger, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Building, room 3615, Washington, DC 20202–2720. Telephone: (202) 205–8104. Deaf and hearing impaired individuals may call (202) 205–9090 for TDD services.

**SUPPLEMENTARY INFORMATION:** On September 29, 1992, at 57 FR 44794–44852, final regulations were published in the **Federal Register** revising part 300. The effective date of certain sections of the regulations was delayed until information collection requirements contained in those sections were approved by OMB under the Paperwork Reduction Act of 1980, as amended. OMB has now approved the information collection requirements.

### Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined, under 5 U.S.C. 553(b)(B), that proposed rulemaking is unnecessary and contrary to the public interest.

### List of Subjects in 34 CFR Part 300

Administrative practice and procedures, Education, Education of individuals with disabilities, Grant programs—education, Privacy, Private schools, Reporting and record keeping requirements.

Dated: March 5, 1993.

**Richard W. Riley,**

*Secretary of Education.*

(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

The Secretary amends title 34 of the Code of Federal Regulations by amending part 300 as follows:

## PART 300—ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES PROGRAM

1. The authority citation for part 300 continues to read as follows:

**Authority:** 20 U.S.C. 1411–1420, unless otherwise noted.

**§§ 300.110; 300.121–300.123; 300.125–300.134; 300.136; 300.138–300.141; 300.144; 300.146; 300.148; 300.149; 300.152; 300.153; 300.341; 300.343; 300.345; 300.346; 300.349; 300.380–300.383; 300.402; 300.482; 300.483; 300.505; 300.510; 300.512; 300.532; 300.533; 300.543; 300.561–300.563; 300.565; 300.569; 300.571; 300.572; 300.574; 300.575; 300.589; 300.600; and 300.653 [Amended]**

2. Sections 300.110; 330.121–300.123; 300.125–300.134; 300.136; 300.138–300.141; 300.144; 300.146; 300.148; 300.149; 300.152; 300.153; 300.341; 300.343; 300.345; 300.346; 300.349; 300.380–300.383; 300.402; 300.482; 300.483; 300.505; 300.510; 300.512; 300.532; 300.533; 300.543; 300.561–300.563; 300.565; 300.569; 300.571; 300.572; 300.574; 300.575; 300.589; 300.600; and 300.653 are amended by adding at the end of those sections "Approved by the Office of Management and Budget under control number 1820–0030."

**§§ 300.180; 300.192; 300.220; 300.222–300.227; 300.231; 300.235; 300.238; 300.240; 300.280; 300.281; and 300.284 [Amended]**

3. Sections 300.180; 300.192; 300.220; 300.222–300.227; 300.231; 300.235; 300.238; 300.240; 300.280; 300.281; and 300.284 are amended by adding at the end of those sections "Approved by the Office of Management and Budget under control number 1820–0600."

**§§ 300.660–300.662 [Amended]**

4. Sections 300.660–300.662 are amended by adding at the end of those sections "Approved by the Office of Management and Budget under control number 1820–0599."

**§§ 300.750; 300.751; and 300.754 [Amended]**

5. Sections 300.750; 300.751; and 300.754 are amended by adding at the end of those sections "Approved by the Office of Management and Budget under control number 1820–0043."

[FR Doc. 93–5553 Filed 3–10–93; 8:45 am]

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Vol. 58, No. 46

Thursday, March 11, 1993

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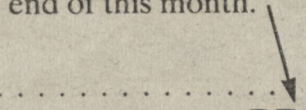
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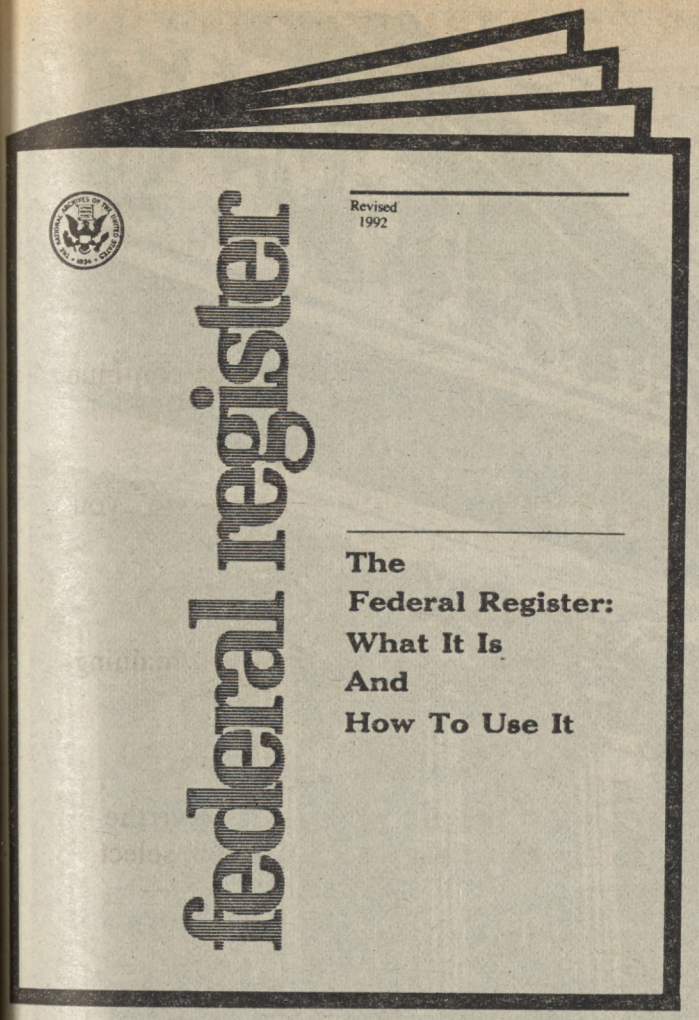
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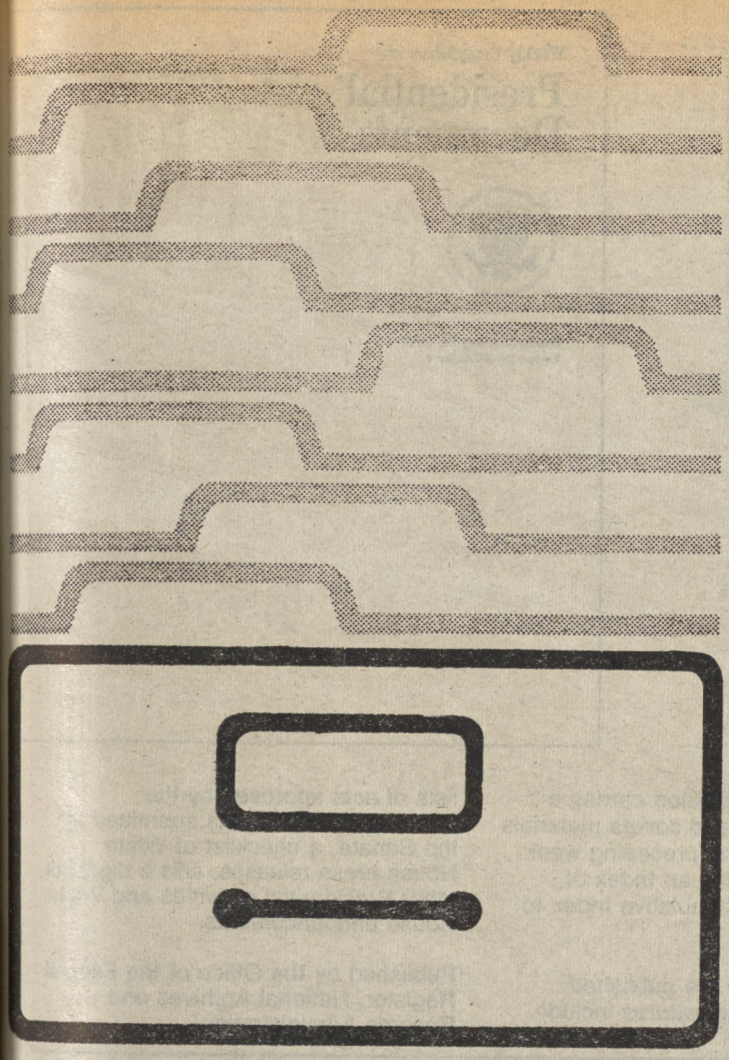
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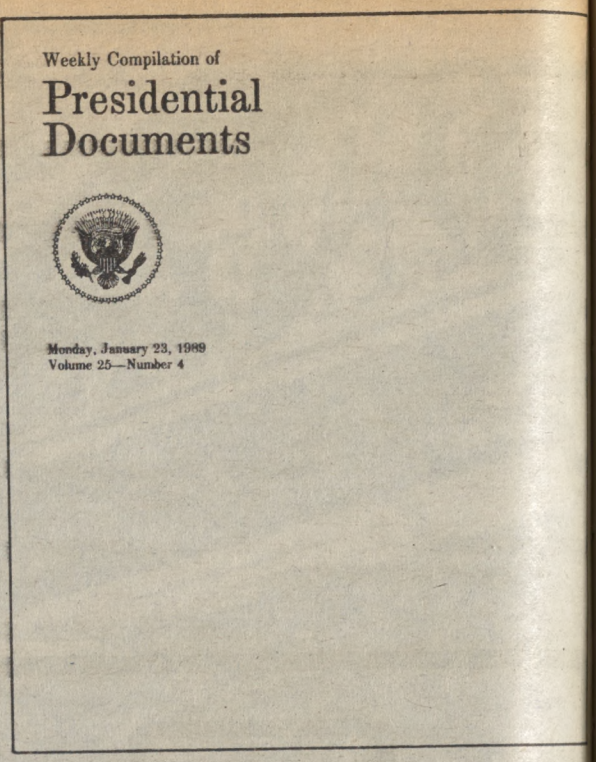
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