AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

4-30-93
Vol. 58 No. 82

federal register

Friday
April 30, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

4-30-93
Vol. 58 No. 82
Pages 26055-26224

federal register

Friday
April 30, 1993

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
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3. The important elements of typical Federal Register documents.
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: May 12 and June 15 at 9:00 am
WHERE: Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

PHILADELPHIA, PA

WHEN: May 25, at 1:00 pm
WHERE: William J. Green, Jr. Federal Building, Conference Room 6306–10, 600 Arch St. Philadelphia, PA
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-ASW-47; Amendment 39-8515; AD 93-05-11]

Airworthiness Directives; Schweizer Aircraft Corp. and Hughes Helicopters, Inc. Model 269A, 269A-1, 269B and 269C Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A helicopters with fuel injected engines, all Model 269A-1 and 269B helicopters, and certain Model 269C helicopters. This action requires an inspection of the engine-driven fuel pump drain tube assembly (tub assembly) for correct length, security of attachment, and clearance from the engine throttle control linkage. This amendment is prompted by an incident in which the engine throttle travel was restricted due to tub assembly interference. The actions specified in this AD are intended to prevent a restriction to the movement of the engine throttle control linkage that could result in a loss of control of engine power and a forced landing of the helicopter.

DATES: Effective May 25, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 25, 1993

Comments for inclusion in the Rules Docket must be received on or before June 14, 1993

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-ASW-47, 4400 Blue Mound Road, Fort Worth, Texas 76106.

The service information referenced in this AD may be obtained from: Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Bldg. 3B, room 158, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond Reinhardt, Aerospace Engineer, FAA, New York Aircraft Certification Office, Propulsion Branch, ANE-174, New England Region, 181 South Franklin Avenue, Valley Stream, New York 11581; telephone (516) 791-7421, fax (516) 791-9024.

SUPPLEMENTARY INFORMATION: Schweizer Aircraft Corporation (Schweizer) recently notified the FAA that an unsafe condition may exist on the Model 269A series helicopters with fuel injected engines; all Model 269A-1 and 269B helicopters; and Model 269C helicopters, with serial numbers (S/N) 0004 through 1480 and 1482 through 1486, equipped with an engine-driven fuel pump drain tube assembly (tube assembly), part number (P/N) 269A8326-95. Field reports indicate that it is possible for the tube assembly, which is not clamped or supported, to move out of position and contact and restrict movement of the throttle control linkage. One in-flight occurrence has been reported. This condition, if not corrected, could result in restriction of the throttle control linkage, which could result in a loss of control of engine power and a forced landing of the helicopter.

The FAA has reviewed and approved Schweizer Service Bulletin B-235.1, dated March 20, 1992, that describes procedures for a one-time inspection of the tube assembly for proper length, a daily check after initial inspection of the tube assembly, and instructions for installing a new longer tube assembly, P/N 269A8326-235, supported with a clamp, P/N MS21333-98, if the present tube length is less than 7.50 inches. It also provides instructions for tightening a loose unclamped tube assembly to ensure the tube assembly is not interfering with the throttle control linkage.

Since an unsafe condition has been identified that is likely to exist or develop on other Schweizer and Hughes Helicopters, Inc. Model 269 helicopters of the same type design, this AD is being issued to prevent a restriction to the movement of the engine throttle control linkage that could result in a loss of control of engine power and a forced landing of the helicopter. This AD requires inspection of all Model 269 series helicopters equipped with an unclamped tube assembly, P/N 269A8326-95, to ensure the tube assembly is the proper length and is not restricting operation of the engine throttle control linkage. The AD also requires replacement of the unclamped tube assembly with a longer clamped tube assembly within 6 months after the effective date of this AD The actions are required to be accomplished in accordance with the service bulletin described previously.

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 flight safety and, thus, was not preceded by notice and an opportunity for public 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 under the caption **ADDRESSES**. 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 final rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–ASW–47." 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 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. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 adding the following new airworthiness directive:

AD 93–05–11 Schweizer Aircraft Corporation and Hughes Helicopters, Inc.: Amendment 39–8515. Docket No. 92–ASW–47.

Applicability: Model 269A helicopters with fuel injected engines; all Model 269A–1 and 269B helicopters; and Model 269C helicopters, serial numbers (S/N) 0004 through 1480 and 1482 through 1486; equipped with an engine-driven fuel pump drain tube assembly (tube assembly), part number (P/N) 269A8326–95, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent a restriction to the movement of the engine throttle control linkage that could result in loss of control of engine power due to tube assembly interference, accomplish the following:

(a) Within 5 hours time in service after the effective date of this AD, perform a one-time inspection of the length of the tube assembly, P/N 269A8326–95, in accordance with Part I of Schweizer Aircraft Corporation (Schweizer) Service Bulletin B–235.1, dated March 20, 1992 (SSB). If the tube assemble length is less than 7.50 inches, before next flight, install tube assembly, P/N 269A8326–235, with a clamp, P/N MS21333–98, in accordance with Part III of the SSB.

(b) Within 5 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 25 hours time in service from the last check, check the tube assembly, P/N 269A8326–95, for security and clearance from the throttle linkage as follows:

(1) Move the throttle linkage from fully open to fully closed and verify that the tube assembly is not loose and does not interfere with movement of the throttle linkage.

(2) If the tube assembly interferes with movement of the throttle linkage, before next flight—

(i) Install tube assembly, P/N 269A8326–235, with a clamp, P/N MS21333–98, in accordance with Part III of the SSB; or

(ii) Secure tube assembly, P/N 269A8326–95, in accordance with Part II b of the SSB and conduct repetitive checks as prescribed by this paragraph.

(3) After the initial check, the repetitive check contained in this paragraph may be performed by the pilot and must be recorded in accordance with FAR 43.9.

(c) Within 6 months after the effective date of this AD, replace the tube assembly, P/N 269A8326–95, with an improved tube assembly, P/N 269A8326–235, and clamp, P/N MS21333–98, in accordance with Part III of the SSB.

(d) Installation of the improved tube assembly, P/N 269A8326–235, and clamp, P/N MS21333–98, constitutes terminating action for the requirements of this AD.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, New York Aircraft Certification Office.

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

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

(g) The inspections and modifications shall be done in accordance with Schweizer Service Bulletin B–235.1, dated March 20, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Bldg. 3B, room 158, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective May 25, 1993.

Issued in Fort Worth, Texas, on March 11, 1993.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 93–10117 Filed 4–29–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 92–ANE–56; Amendment 39–8487; AD 93–02–05]

Airworthiness Directives; Textron Lycoming Fuel Injected Reciprocating Opposed Piston Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Textron Lycoming fuel injected reciprocating opposed piston engines. This action requires inspection, and replacement, if necessary, of the fuel injector fuel lines. This amendment is prompted by reports of failures of fuel injector fuel lines that are missing support clamps. The actions

specified in this AD are intended to prevent failure of the fuel injector fuel lines allowing fuel to spray into the engine compartment, resulting in an engine fire.

DATES: Effective June 14, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 14, 1993.

Comments for inclusion in the Rules Docket must be received on or before June 29, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–ANE–56, 12 New England Executive Park, Burlington, Massachusetts 01803–5299.

The service information referenced in this AD may be obtained from Textron Lycoming, Reciprocating Engine Division, 652 Oliver Street, Williamsport, Pennsylvania 17701. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Nick Minniti, Aerospace Engineer, New York Aircraft Certification Office, ANE–170, FAA, New England Region, 181 South Franklin Street, Valley Stream, New York 11581; telephone 516–791–7421; fax 516–791–9024.

SUPPLEMENTARY INFORMATION: The FAA has received reports of two fatal accidents caused by the failure of fuel injector fuel lines that are routed between the fuel manifold and the injector nozzles on Textron Lycoming TIO–540–S1AD fuel injected reciprocating opposed piston engines.

Investigation of these accidents revealed that the failed fuel injector fuel lines did not have the required support clamps.

On June 5, 1992, the FAA issued priority letter AD 92–12–10, applicable only to Textron Lycoming Model TIO–540–S1AD engines, which requires inspection, and replacement, if necessary, of the fuel injector fuel lines. Since issuance of that priority letter, the FAA has determined that a similar fuel injector fuel line configuration exists on other Textron Lycoming fuel injected engines. Fuel injector fuel line failures, however, have occurred at a lower rate on these other engines. This condition, if not corrected, can result in failure of the fuel injector fuel lines allowing fuel to spray into the engine compartment, resulting in an engine fire.

The FAA has reviewed and approved the technical contents of Textron Lycoming Service Bulletin (SB) No. 342A, dated May 26, 1992, that describes procedures for inspection, and replacement, if necessary, of the fuel injector fuel lines.

Since an unsafe condition has been identified that is likely to exist or develop on other Textron Lycoming engines of the same type design, this AD is being issued to prevent failure of the fuel injector fuel lines allowing fuel to spray into the engine compartment, resulting in an engine fire. This AD requires inspection of the fuel injector fuel lines for missing or damaged clamps. This AD also requires replacement of fuel injector fuel lines that show evidence of visual damage or fuel leakage, or where the supporting clamp is missing or has a loose, worn, or missing support sleeve or cushion. The actions are required to be accomplished in accordance with the service bulletin described previously.

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.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public 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 under the caption **ADDRESSES**. 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 Number 92–ANE–56." 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 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. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 adding the following new airworthiness directive:

93-02-05 Textron Lycoming: Amendment 39-8487 Docket 92-ANE-56.

Applicability: Textron Lycoming reciprocating opposed piston engines incorporating fuel injection lines as listed in Textron Lycoming Service Bulletin No. (SB) 342A, dated May 29, 1992, except for Model TIO-540-S1AD engines. Affected engine models are installed on but not limited to Piper PA-24 Comanche, PA-30 and PA-39 Twin Comanche, PA-28 Arrow, and PA-23 Aztec; Beech 60 Duke and 23 Musketeer; Mooney M20; and Cessna 177 Cardinal aircraft.

Note: Engines with an "I" in the prefix of the model designation incorporate fuel injection.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the fuel injector fuel lines allowing fuel to spray into the engine compartment, resulting in an engine fire, accomplish the following:

(a) Within 25 hours time in service after the effective date of this AD, inspect the fuel injector fuel lines between the fuel manifold and the fuel injector nozzles in accordance with Textron Lycoming Service Bulletin No. 342A, dated May 26, 1992.

(b) Prior to further flight, replace any fuel injector fuel line that does not meet all the return to service conditions specified in Textron Lycoming SB No. 342A, dated May 26, 1992.

(c) Thereafter, at each annual inspection, at each 100-hour inspection, at each engine overhaul, and after any maintenance has been performed on the engine where the fuel injector fuel lines have been disconnected, moved, or loosened, reinspect the fuel injector fuel lines in accordance with Textron Lycoming SB No. 342A, dated May 26, 1992, and replace as necessary any fuel injector fuel line that does not meet all the return to service conditions specified in that SB.

(d) 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, New York Aircraft Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the New York Aircraft Certification Office.

(e) 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.

(f) The inspection, and replacement, if necessary of the fuel injector fuel lines shall be done in accordance with the following service document:

Document No.	Pages	Date
Textron Lycoming SB No. 342A. Total pages: 31	1-31	May 26, 1992.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Textron Lycoming Reciprocating Engine Division, 652 Oliver Street, Williamsport, Pennsylvania 17701. Copies may be inspected at the FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 14, 1993.

Issued in Burlington, Massachusetts, on February 24, 1993.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93-10114 Filed 4-29-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 92-NM-219-AD; Amdt. 39-8558; AD 93-08-11]

Airworthiness Directives; Dassault Aviation Model Mystere-Falcon 900 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dassault Aviation Model Mystere-Falcon 900 series airplanes, that requires modification of the upper part of frame 30 in the stiffener area between stringers 7 and 8. This amendment is prompted by the results of fatigue tests, which revealed cracking in the upper part of frame 30. The actions specified by this AD are intended to prevent fatigue cracking, which could lead to reduced structural integrity of the fuselage.

DATES: Effective June 1, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 1, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Falcon Jet Corporation, Customer Support Department, Teterboro Airport, Teterboro, New Jersey 07608. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Greg Holt, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2140; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Dassault Aviation Model Mystere-Falcon 900 series airplanes was published in the **Federal Register** on February 2, 1993 (58 FR 6742). That action proposed to require modification of the upper part of frame 30 in the stiffener area between stringers 7 and 8.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule. After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 7 airplanes of U.S. registry will be affected by this AD, that it will take approximately 29 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $11,165, or $1,595 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 adding the following new airworthiness directive:

93-08-11 Dassault Aviation: Amendment 39-8558. Docket 92-NM-219-AD.

Applicability: Model Mystere-Falcon 900 series airplanes; serial numbers 1 through 14, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the fuselage, accomplish the following:

(a) For airplanes having serial number 1: Prior to the accumulation of 3,750 total landings, or within 6 months after the effective date of this AD, whichever occurs later, modify the upper part of frame 30 in the stiffener area between stringers 7 and 8, in accordance with Dassault Aviation F900-93 Service Bulletin F900-53-14 and Appendix 1 to that service bulletin, both dated July 8, 1992.

(b) For airplanes having serial numbers 2 through 14, inclusive: Modify the upper part of frame 30 in the stiffener area between stringers 7 and 8, in accordance with Dassault Aviation F900-93 Service Bulletin F900-53-14 and Appendix 1 to that service bulletin, both dated July 8, 1992; and at the later of the times specified in paragraphs (b)(1) and (b)(2) of this AD.

(1) Prior to the accumulation of 3,750 total landings, or within 6 years since date of manufacture, whichever occurs first.

(2) Within 6 months after the effective date of this AD.

(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, ANM-113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

(e) The modification shall be done in accordance with Dassault Aviation F900-93 Service Bulletin F900-53-14 and Appendix 1 to that service bulletin, both dated July 8, 1992. (**Note:** Appendix 1 contains pages 101 through 109.) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Falcon Jet Corporation, Customer Support Department, Teterboro Airport, Teterboro, New Jersey 07608. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on June 1, 1993.

Issued in Renton, Washington, on April 20, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-10113 Filed 4-29-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 92-NM-178-AD; Amdt. 39-8539; AD 93-07-07]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that requires an inspection of the auxiliary power unit (APU) fuel supply tube assembly to determine minimum clearance between the tube and the adjacent airplane structure, and replacement of the assembly, if necessary. This amendment is prompted by a report that the currently installed APU fuel supply tube shroud is positioned such that it can come in contact with the airplane structure. The actions specified by this AD are intended to prevent chafing in the area of the shroud and subsequent leaking from the fuel line couplings and the shroud, which could result in a fire within the rear fuselage area.

DATES: Effective June 1, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 1, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Tim Dulin, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2141; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes was published in the **Federal Register** on October 21, 1992 (57 FR 48003). That action proposed to require an inspection of the auxiliary power unit (APU) fuel supply tube assembly to determine minimum clearance between the tube and the adjacent airplane structure, and replacement of the assembly, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the rule as proposed.

One commenter requests that the compliance time for replacement of the APU fuel supply tube assembly, as would be required by paragraph (a)(1) of the proposal, be revised from the proposed compliance time of prior to further flight. The commenter suggests the following schedule: replacement within three months, if the shroud is not chafed through, but is touching the structure; and replacement within six months, if the shroud is not touching structure, but is within 3 mm of the structure. The commenter states that such scheduling is consistent with Fokker Service Bulletin SBF100-28-022, Revision 1, dated June 22, 1992,

and would allow replacement to be accomplished at a scheduled maintenance hold independent of the initial inspection. The commenter contends that replacement of an undamaged APU fuel supply tube assembly, prior to further flight, would result in unnecessary grounding of an inspected, airworthy airplane.

The FAA concurs in part with the commenter's request. Although Revision 1 of the referenced Fokker service bulletin, as well as Issue 2 of the related Netherlands Airworthiness Directive (BLA) 92–015 (dated June 26, 1992), provided selective extensions to the compliance schedule identical to those suggested by the commenter, the revised compliance schedule was predicated on a reported lack of available replacement units at the time those documents were released. However, the FAA has recently been advised that an ample number of replacement units will be available for modification of the U.S. fleet within the proposed compliance period. Notwithstanding the fact that parts are available, the FAA concurs with the commenter that an APU fuel supply tube assembly that is not chafed or touching adjacent structure should not be required to be replaced prior to further flight. The FAA has determined that, for these conditions, an extension of the compliance time for replacing the APU fuel supply tube assembly will not adversely impact safety. Paragraph (a) of the final rule has been revised to allow such replacement within three months after the inspection, provided that the APU fuel supply tube assembly is not chafed or touching adjacent structure.

One commenter requests that the proposal be revised to allow rework of the adjacent web plate as an option to the proposed replacement of the APU fuel tube assembly. Rework would involve trimming the web and the existing doubler such that a minimum of 2 diameters edge distance to all surrounding fasteners is maintained and the specified minimum clearance between the APU fuel tube assembly and airplane structure is gained. The commenter contends that such rework would provide an equivalent level of safety, and would be less costly to accomplish. The FAA cannot concur with the commenter's request, since sufficient data have not been submitted to substantiate that rework of the adjacent web plate would not affect the structural integrity of the airplane. However, the FAA may approve such rework as an alternative method of compliance, under the provisions of paragraph (b) of the final rule, if sufficient justification is presented to the FAA.

One commenter requests that the economic analysis information in the preamble to the proposal be revised to indicate that 8 work hours per airplane are required to accomplish the proposed actions, in lieu of 1 work hour as cited in the proposal. The commenter contends that it would take approximately 8 work hours to accomplish the replacement of the APU fuel tube assembly. The FAA does not concur with the commenter's request. The economic impact information is an estimate of the cost of actions actually required by the rule; it typically does not include the costs of "on condition" actions, i.e., "replacement, if necessary." In this case, the inspection, which takes 1 work hour to accomplish, is the required action; replacement of the APU fuel supply tube assembly is an "on condition" action, which only would be required if clearance between the tube assembly and aircraft structure is less than the specified limits. Such replacement would be required, regardless of AD action, in order to correct an unsafe condition identified in an airplane and to ensure operation of that airplane in an airworthy condition, as required by the Federal Aviation Regulations.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 28 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required inspection, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,540, or $55 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 adding the following new airworthiness directive:

93–07–07 Fokker: Amendment 39–8539. Docket 92–NM–178–AD.

Applicability: Model F28 Mark 0100 series airplanes; serial numbers 11244 through 11339, inclusive, and 11341 through 11351, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fuel leakage in the rear fuselage, accomplish the following:

(a) Within 6 months after the effective date of this AD, conduct an inspection of the auxiliary power unit (APU) fuel supply tube assembly to determine minimum clearance between the tube assembly and the aircraft structure, in accordance with Fokker Service Bulletin SBF100–28–022, dated December 13, 1991.

(1) If the APU fuel supply tube assembly is chafed or if it touches the aircraft structure, prior to further flight, replace the APU fuel supply tube assembly with a new assembly, in accordance with the service bulletin.

(2) If the clearance is less than 3 mm at any point, but the APU fuel supply tube assembly is not chafed and does not touch the aircraft structure: Within 3 months after accomplishing the inspection, replace the APU fuel supply tube assembly with a new assembly, in accordance with the service bulletin.

(3) If the clearance is 3 mm or more at all points, no further action is necessary.

(b) 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, ANM-113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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) The inspection and replacement shall be done in accordance with Fokker Service Bulletin SBF100-28-022, dated December 13, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on June 1, 1993.

Issued in Renton, Washington, on April 12, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-10115 Filed 4-29-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 92-NM-171-AD; Amendment 39-8546; AD 93-07-14]

Airworthiness Directives; McDonnell Douglas Model DC-9-30, -40, and -50 Series Airplanes; and C-9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-30, -40, and -50 series airplanes; and C-9 (military) airplanes, that requires a one-time inspection of the main landing gear (MLG) wheel spacer retainer assemblies for correct hardness of the wheel spacer retainer assemblies and proper installation of the anti-rotation pin, and replacement of the wheel spacer retainer assembly, if necessary. This amendment is prompted by reports of failures of MLG wheel spacer retainer assemblies. The actions specified by this AD are intended to prevent MLG wheel assembly separation during wheel rotation.

DATES: Effective June 1, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 1, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-1771, Attention: Business Unit Manager, Technical Publications, C1-HDR (54-60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office (ACO), 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Gfrerer, Aerospace Engineer, Los Angeles Aircraft Certification Office, Mechanical/Environmental & Crashworthiness Section, ANM-131L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5338; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-9-30, -40, and -50 series airplanes; and C-9 (military) airplanes was published in the **Federal Register** on October 19, 1992 (57 FR 47580). That action proposed to require a one-time inspection of the main landing gear (MLG) wheel spacer retainer assemblies for correct hardness of the wheel spacer retainer assemblies and proper installation of the anti-rotation pin, and replacement of the wheel spacer retainer assembly, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Several commenters support the rule as proposed.

Several commenters request that paragraph (a) of the proposal be revised to require inspection of spare MLG wheel spacer retainer assemblies as well as inspection of those assemblies currently-installed on the affected airplanes. The commenters state that by not addressing spares, the proposed inspection will be a continuous action and not a "one-time inspection" as indicated by paragraph (a). Since the assemblies are a replaceable unit, operators will have to continually inspect the assembly to ensure compliance with this AD. The FAA does not concur with the commenters' request to require inspection of spares. Part 39 ("Airworthiness Directives") of the Federal Aviation Regulations specifies that AD's are rules applicable only to aircraft, aircraft engines, propellers, and appliances; Part 39 makes no specific provisions for "spares" or parts not installed on aircraft. Although the FAA cannot require, by AD action, that operators inspect spares, operators are free to do so voluntarily. Additionally, the intent of paragraph (b) of the proposal is to ensure that no assembly is installed on an airplane unless the assembly first has been inspected in accordance with this AD; this requirement, in effect, addresses spare parts that eventually may be installed on an airplane. In order to clarify this specific requirement, the FAA has revised paragraph (b) of the final rule to require that any wheel spacer retainer assembly (which currently may be stocked as a "spare") must have been permanently marked with the marking "S/B 32-228" prior to its installation on an airplane; such marking indicates that the assembly has successfully passed a hardness test.

One commenter requests that the proposed inspection of the MLG wheel spacer retainer assemblies be limited to those series airplanes listed in the effectivity listing of McDonnell Douglas Service Bulletin 32-228, Revision 1, dated October 6, 1989. The commenter notes that wheel spacer retainer assemblies installed on Model DC-9-10 and -30 series airplanes are physically different and are manufactured from steel; therefore, these assemblies are not subject to the addressed unsafe condition. The FAA concurs, but notes that the applicability statement of this AD action does reference the service bulletin for a listing of affected airplanes. Neither the service bulletin nor the AD refer to Model DC-9-10 series airplanes as susceptible to the addressed unsafe condition. As for the Model DC-9-30, the FAA has determined that, based on a review of the type certificated design data, certain of these airplanes are equipped with

MLG wheel spacer retainer assembly, part number 3925768–501, and that this part is not constructed of steel. Therefore, the FAA has determined that these Model DC–9–30 series airplanes are susceptible to the addressed unsafe condition. The effectivity listing of the service bulletin does include these Model DC–9–30 series airplanes and, therefore, this AD is applicable to them as well.

Two commenters note that the manufacturer uses inconsistent language in its service bulletin when referring to the wheel gear assembly. The commenters state that McDonnell Douglas Service Bulletin 32–228, Revision 1, dated October 6, 1989, is somewhat ambiguous because it alternatively refers to the subject part (part number 3925768–501) as a "spacer retainer assembly", "spacer", "retainer", or "retainer assembly." The commenters further state that this inconsistent terminology could cause confusion for operators because the axle nut installed on Model DC–9–30 series airplanes is also referred to as the retainer. The FAA acknowledges that the manufacturer's service bulletin refers to the subject part using a variety of terms. The FAA considers that the correct term for part number 3925768–501 is "wheel spacer retainer assembly." Therefore, in order to be clear and consistent, the FAA refers to this part throughout the final rule as "wheel spacer retainer assembly."

Several commenters request that paragraph (a)(1) of the proposal be revised to include specific part marking procedures. The commenters note that penetration-type marking of structural parts generally requires engineering evaluation in order to determine the marking location and the marking method; this will minimize detrimental "stress concentration" effects. The FAA concurs with the commenters' request to provide more specific part marking procedures. The FAA has determined that the proposed stamping procedure may cause potential stress concentration effects; however, the wheel spacer retainer assembly installed on Model DC–9 series airplanes is only minimally stressed in the area around the anti-rotation hole. The best area to permanently mark the wheel spacer retainer assembly would be on the outside diameter at least 2 inches from the anti-rotation hole. The FAA acknowledges acceptable alternative ways to permanently mark the wheel spacer retainer assembly, such as electro-chemical etch. Paragraph (a)(1) of the final rule has been revised to allow for an alternative method of marking and also to suggest a more precise location of the marking.

The FAA notes that throughout the notice, McDonnell Douglas Model C–9 (military) airplanes are incorrectly referred to as "series airplanes." On their type certification data sheet, these airplanes are designated only as "C–9 (military) airplanes;" there are no "series" of this model. Therefore, all references to the Model C–9 airplanes in the final rule have been changed to be congruent with the type certification data sheet.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 236 McDonnell Douglas Model DC–9–30, –40, and –50 series airplanes, and C–9 (military) airplanes, of the affected design in the worldwide fleet. The FAA estimates that 114 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6,270, or $55 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 adding the following new airworthiness directive:

93–07–14 McDonnell Douglas: Amendment 39–8546. Docket 92–NM–171–AD.

Applicability: Model DC–9–33F, –34, –34F, –41, and –51 series airplanes, and C–9 (military) airplanes; as listed in McDonnell Douglas DC–9 Service Bulletin 32–228, Revision 1, dated October 6, 1989; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent main landing gear wheel assembly separation during wheel rotation, accomplish the following:

(a) Within 2,000 landings or 18 months after the effective date of this AD, whichever occurs first: Conduct a one-time inspection of the main landing gear (MLG) wheel spacer retainer assemblies for correct hardness of the wheel spacer retainer assemblies and proper installation of the anti-rotation pin, in accordance with McDonnell Douglas DC–9 Service Bulletin 32–228, Revision 1, dated October 6, 1989.

(1) If hardness of the wheel spacer retainer assembly is within limits specified in the service bulletin, and the anti-rotation pin is properly installed, as described in the service bulletin, prior to further flight, permanently mark the wheel spacer retainer assembly with the marking "S/B 32–228."

Note: Operators may use any marking procedure that does not create significant stress concentration effects. Acceptable methods include stamping or electro-chemical etch. An appropriate area to mark is the outside diameter of the wheel spacer retainer assembly, at least 2 inches away from the anti-rotation pin.

(2) If hardness of the wheel spacer retainer assembly is not within limits specified in the service bulletin or the anti-rotation pin is not properly installed, as described in the service bulletin, prior to further flight, replace the wheel spacer retainer assembly, in accordance with McDonnell Douglas DC–9 Service Bulletin 32–228, Revision 1, dated October 6, 1989. After accomplishing this

replacement, permanently mark the wheel spacer retainer assembly with the marking "S/B 32-228."

(b) As of the effective date of this AD, only wheel spacer retainer assemblies marked "SB 32-228" may be installed on any airplane.

(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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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.

(e) The inspection and replacement shall be done in accordance with McDonnell Douglas DC-9 Service Bulletin 32-228, Revision 1, dated October 6, 1989. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-1771, Attention: Business Unit Manager, Technical Publications, C1-HDR (54-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office (ACO), 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on June 1, 1993.

Issued in Renton, Washington, on April 13, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-10116 Filed 4-29-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 92-NM-129-AD; Amendment 39-8541; AD 93-07-09]

Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes and KC-10A (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all McDonnell Douglas Model DC-10 series airplanes and KC-10A (military) airplanes, that requires inspections to detect fatigue cracking in the area of the fuselage station Y=595.000 pressure bulkhead and repair of cracked webs. This amendment is prompted by reports of cracking found in the web and tee cap of the fuselage station Y=595.000 pressure bulkhead [a portion of the fuselage structure identified as a Principal Structural Element (PSE)]. The actions specified by this AD are intended to prevent failure of the fuselage station Y=595.000 pressure bulkhead, which could reduce the structural integrity of the airplane.

DATES: Effective June 1, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 1, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office (ACO), 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM-121L, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5238; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-10 series airplanes was published in the **Federal Register** on August 27, 1992 (57 FR 38799). That action proposed to require inspections to detect fatigue cracking in the area of the pressure bulkhead at fuselage station Y=595.000, and repair of cracked webs.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Two commenters support the proposed rule.

The Air Transport Association (ATA) of America, on behalf of one of its members, requests that the FAA review the need to proceed with this AD rulemaking, since the McDonnell Douglas Report Number L26-012, "DC-10 Supplemental Inspection Document (SID)" AD [reference AD 92-02-08, Amendment 39-8144, (57 FR 3931, February 3, 1992)], already provides sufficient inspection and repair requirements for the fuselage station Y=595.000 pressure bulkhead. One member notes that, since implementation of the SID program, only two cracks and no corrosion has been detected in this principal structural element (PSE). The FAA does not concur. AD 92-02-08 requires inspection of the fuselage station Y=595.000 pressure bulkhead, designated as PSE numbers 53.10.037 and 53.10.038, only on a sampling basis. The inspections of this PSE, as required by AD 92-02-08, are conducted under the "fleet leader operator sampling (FLOS)" criteria, with a fatigue life threshold (N_{th}) of 34,849 landings. Upon finding of a fatigue crack in a FLOS PSE, inspection of the entire fleet is required to ensure that all cracking is detected. Therefore, inspection requirements beyond those mandated by AD 92-02-08 are required by this AD to ensure that fatigue cracking in this PSE is detected before it reaches a critical length. Six instances of cracking in the area of this PSE have occurred on airplanes having accumulated between 16,549 and 23,315 total landings. The FAA has determined that inspections of this area after the accumulation of 10,000 total landings will ensure that fatigue cracking is detected before it reaches a critical length.

In the event that a final rule is issued, ATA, on behalf of one of its members, requests clarification that this AD "supersedes" the SID program requirements of AD 92-02-08; and requests removal or modification of the SID program to reflect the provisions of this AD. The FAA concurs that clarification is necessary. This AD does not supersede AD 92-02-08. However, accomplishment of the inspection and repair requirements of this AD satisfy the requirements of AD 92-02-08 for PSE numbers 53.10.037 and 53.10.038. Since the FAA does not intend to have dual inspection and repair requirements, paragraph (b) has been added to the final rule to clarify that compliance with the inspection and repair requirements of this AD satisfy the inspection and repair requirements of AD 92-02-08 for this PSE.

ATA, on behalf of two of its members, also requests extension of the compliance time for the initial inspection from the proposed 6 months

to 24 months after the effective date of this AD, in the event a final rule is issued. Such an extension would preclude special scheduling at considerable expense. One member requests removal of the proposed 6 month compliance time altogether, since corrosion has not been found during any of the inspections; therefore, this is not a calendar related problem. Another member requests an increase in the compliance time for the initial inspection from the proposed 6 months to 18 months, in order to accomplish the first inspection during scheduled heavy maintenance visits, and avoid disruption of passenger flights. The FAA partially concurs. Upon consideration of the information provided by the commenters, the FAA acknowledges that the proposed compliance time for the initial inspection may place an undue burden on affected operators.

Additionally, since the phenomenon of crack initiation and growth in this area is cycle-dependent, rather than time-dependent, an inspection threshold based upon operating cycles is more appropriate than an inspection threshold based upon calendar time. The FAA has determined that a compliance time of 1,000 landings will allow the majority of affected operators sufficient time to schedule and accomplish the initial inspection during regularly scheduled maintenance. Based on the average utilization rate of these airplanes in the U.S. fleet, this compliance time of 1,000 landings will provide a slightly longer interval prior to initial compliance with the rule than would the previously proposed compliance time of 6 months; however, the FAA has determined this extended interval will have no significant adverse impact on safety. Paragraph (a) of the final rule has been revised accordingly.

One commenter implies that Model DC–10–30 and –40 series airplanes should be deleted from the applicability statement of the final rule, since cracks have not been reported on these airplanes. The FAA does not concur. Since the fuselage station Y=595.000 pressure bulkhead design on all Model DC–10 series airplanes is similar in design, all Model DC–10 series airplanes are susceptible to cracking in this area. Therefore, the FAA has determined that the applicability statement, as proposed, is appropriate.

Two commenters note that several U.S.-registered airplanes have already been inspected in accordance with McDonnell Douglas Alert Service Bulletin A53–158, dated May 29, 1992. One commenter notes that 16 of its airplanes have been inspected. The other commenter notes that 11 of its airplanes have been inspected. The FAA has taken this updated information into consideration and has revised the economic analysis information below, accordingly.

Since issuance of the proposal, the FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin A53–158, Revision 1, dated January 22, 1993, that describes procedures for inspections to detect fatigue cracking in the area of the fuselage station Y=595.000 pressure bulkhead and repair of cracked webs. This service bulletin is essentially identical to the original issue, but recommends a compliance time for the initial inspection of 1,000 landings, rather than 6 months, as was cited in the original issue. Paragraphs (a), (a)(1), and (a)(2) of the final rule have been revised to include the revised service bulletin as an additional source of service information.

The applicability statement of the final rule has been revised to clarify that the affected Model DC–10 series airplanes include all derivatives of the Model DC–10 series, including freighter and military configurations.

The economic impact information, below, has been revised to specify that the current number of affected U.S.-registered airplanes is 269. (The economic information in the preamble to the notice indicated that, at that time, the number of affected U.S.-registered airplanes was 231.) This information was provided recently to the FAA by the manufacturer, based on the most current data available.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 426 McDonnell Douglas Model DC–10 series airplanes and KC–10A (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 269 airplanes of U.S.-registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the inspection, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $59,180, or $220 per airplane.

The FAA has been advised that 27 U.S.-registered airplanes have been inspected in accordance with the requirements of this AD. Therefore, the future economic cost impact of this rule on U.S. operators is now only $53,240.

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.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 adding the following new airworthiness directive:

93–07–09 McDonnell Douglas: Amendment 39–8541. Docket 92–NM–129–AD.

Applicability: All Model DC–10–10, –10F, –15, –30, –30F, –40 and –40F series airplanes; and KC–10A (military) airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the fuselage station Y=595.000 pressure bulkhead, which could reduce the structural integrity of the airplane, accomplish the following:

(a) Unless accomplished within the last 4,350 landings prior to the effective date of this AD: Prior to the accumulation of 10,000 total landings, or within 1,000 landings after the effective date of this AD, whichever occurs later; conduct a visual and eddy current inspection of the fuselage station Y=595.000 pressure bulkhead web and conduct an eddy current inspection of the fuselage station Y=595.000 pressure bulkhead tee cap, PSE 53.10.037 (left side) and 53.10.038 (right side), in accordance with McDonnell Douglas Alert Service Bulletin A53–158, dated May 29, 1992, or Revision 1, dated January 22, 1993.

(1) If any crack is detected that is within the limits specified in either service bulletin, prior to further flight, repair the crack in accordance with that service bulletin. After repair, repeat the inspections at intervals not to exceed 4,350 landings, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) If any crack is detected that exceeds the limits specified in either service bulletin, prior to further flight, repair the crack in accordance with a method approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate.

(3) If no cracking is detected, repeat the inspections at intervals not to exceed 4,350 landings.

Note: The McDonnell Douglas service bulletins specified in this paragraph include references to inspection procedures contained in McDonnell Douglas Report No. L26–012, "DC–10 Supplemental Inspection Document (SID)," dated May 1990.

(b) Compliance with the inspection and repair requirements of paragraph (a) of this AD are considered to constitute compliance with the inspection, repair, and reporting requirements of paragraphs (b) and (c) of AD 92–02–08, Amendment 39–8144, for Principal Structural Element (PSE) numbers 53.10.037 and 53.10.038.

(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, Los Angeles ACO, 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, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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.

(e) The inspections and repairs shall be done in accordance with McDonnell Douglas Alert Service Bulletin A53–158, dated May 29, 1992; or McDonnell Douglas Alert Service Bulletin A53–158, Revision 1, dated January 22, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846–1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1–L5B. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles ACO, 3229 E. Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on June 1, 1993.

Issued in Renton, Washington, on April 12, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–10118 Filed 4–29–93; 8:45 am]

BILLING CODE 4910–13–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Parts 2200, 2201, 2203, 2205, and 2400

Change of Address and Phone Numbers

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Final rule.

SUMMARY: On May 3, 1993, the Occupational Safety and Health Review Commission is moving to new offices. This document revises references to the Commission's address and phone number throughout its various regulations and rules of procedure to reflect the agency's relocation.

EFFECTIVE DATE: These amendments will take effect on May 3, 1993. All documents, filings, and other correspondence to be filed with the Commission on or after that date should be sent to the Commission's new address.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel, (202) 634–4015 or, as of May 3, 1993, (202) 606–5410.

SUPPLEMENTARY INFORMATION: On May 3, 1993 the Review Commission will be moving to a new location. This document amends the Commissions rules of procedure and other regulations to reflect its new address. The Commission's new address will be: Occupational Safety and Health Review Commission, One Lafayette Centre, 1120 20th St., NW., 9th Floor, Washington, DC 20036–3419.

List of Subjects

29 CFR Part 2200

Administrative practice and procedure, Hearing and appeal procedures.

29 CFR Part 2201

Freedom of information, Records.

29 CFR Part 2203

Sunshine Act, Information, Public meetings.

29 CFR Part 2205

Blind, Civil rights, Deaf, Disabled, Discrimination against handicapped, Equal employment opportunity, Federal buildings and facilities, Handicapped, Nondiscrimination, Physically handicapped.

29 CFR Part 2400

Privacy, Records.

For the reasons set forth in the preamble, title 29, chapter XX, parts 2200, 2201, 2203, 2205, and 2400 are amended as set forth below:

PART 2200—RULES OF PROCEDURE

1. The authority for part 2200 continues to read in part as follows:

Authority: 29 U.S.C. 661(g).

2. Part 2200 is amended as follows:

§ 2200.7 [Amended]

In 29 CFR 2200.7(g) remove the words "1825 K Street NW., Washington, DC 20006–1246" and add, in their place, the words "One Lafayette Centre, 1120–20th Street, NW., Suite 980, Washington, DC 20036–3419".

§ 2200.8 [Amended]

In 29 CFR 2200.8(b) remove the words "1825 K Street, NW., Suite 401, Washington, DC 20006" and add, in their place, the words, "One Lafayette Centre, 1120–20th Street NW., Suite 980, Washington, DC 20036–3419".

§§ 2200.57, 2200.96, and 2200.106 [Amended]

In 29 CFR part 2200 remove the words: "1825 K Street NW., Washington, D.C. 20006" and add, in their place, the words "One Lafayette Centre, 1120–20th Street NW., 9th Floor, Washington, DC 20036–3419" in the following places:

(a) Section 2200.57(a);
(b) Section 2200.96; and
(c) Section 2200.106.

PART 2201—REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

1. The authority for part 2201 continues to read as follows:

Authority: 29 U.S.C. 661(g); 5 U.S.C. 552.

2. Part 2201 is amended as follows:

§ 2201.5 [Amended]

In 29 CFR 2201.5(a) remove the words "OSHRC, Public Information Specialist, 1825 K Street, NW., room 414, Washington, DC 20006–1246. Telephone 202–634–7943" and add, in their place, the words "OSHRC, Public Information Specialist, One Lafayette Centre, 1120–20th Street NW., room 900, Washington, DC 20036–3419. Telephone 202–606–5398."

PART 2203—REGULATIONS IMPLEMENTING THE GOVERNMENT IN SUNSHINE ACT

1. The authority for part 2203 continues to read as follows:

Authority: 29 U.S.C. 661(g); 5 U.S.C. 552b(d)(4); 5 U.S.C.b(3).

2. Part 2203 is amended as follows:

Section 2203.4 is amended by revising the first four sentences of paragraph (c) to read as follows:

§ 2203.4 Procedures applicable to regularly-scheduled meetings.

* * * * *

(c) *Announcements.* Regularly-scheduled meetings of the Commission will be held at 10 a.m. every Thursday, except for legal holidays, in the Hearing Room (Suite 965) of the Commission's national office at One Lafayette Centre, 1120–20th Street NW., Washington, DC 20036–3419. If a regularly-scheduled meeting is scheduled, public announcement of the time, date and place of the meeting will be made at the earliest practicable time by posting a notice in a prominent place at the Commission's national office. If a regularly-scheduled meeting is cancelled, a notice of cancellation will be posted in the same manner. Information about the subject of each regularly-scheduled meeting will be made available in the Office of the General Counsel, telephone number (202) 606–5410, at the earliest practicable time. * * *

* * * * *

§ 2203.7 [Amended]

In 29 CFR 2203.7(b) remove the words "Room 402–A, 1825 K Street, NW., Washington, DC 20006" and add, in their place, the words "Room 941, One Lafayette Centre, 1120–20th Street NW., Washington, DC 20036–3419".

PART 2205—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

1. The authority for part 2205 continues to read as follows:

Authority: 29 U.S.C. 794.

2. Part 2205 is amended as follows:

§ 2205.170 [Amended]

In 29 CFR 2205.170(c) remove the words "1825 K Street NW, Washington, DC 20006" and add, in their place, the words "One Lafayette Centre, 1120–20th Street NW., 9th Floor, Washington, DC 20036–3419".

PART 2400—REGULATIONS IMPLEMENTING THE PRIVACY ACT

1. The authority for part 2400 continues to read as follows:

Authority: 29 U.S.C. 552a(f); 5 U.S.C. 553.

2. Part 2400 is amended as follows:

§§ 2400.6, 2200.7 [Amended]

In 29 CFR part 2400 remove the words "1825 K Street NW., Washington, DC 20006" and add, in their place, the words "One Lafayette Centre, 1120–20th Street NW., 9th Floor, Washington, DC 20036–3419" in the following places:

(a) Section 2400.6(a)(1); and

(b) Section 2400.7(c)(1).

Dated: April 27, 1993.

Earl R. Ohman, Jr.,

General Counsel.

[FR Doc. 93–10208 Filed 4–29–93; 8:45 am]

BILLING CODE 7600–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

[CGD 91–032]

RIN 2115–AD79

Prince William Sound Automated Dependent Surveillance System; Equipment Carriage Requirement

AGENCY: Coast Guard, DOT.

ACTION: Final Rule: change of compliance date.

SUMMARY: On July 17, 1992, the Coast Guard published a final rule in the **Federal Register** (57 FR 31660). This final rule amended the Prince William Sound Vessel Traffic Service (VTS) regulations by incorporating the use of Automated Dependent Surveillance (ADS) using Differential Global Positioning System (DGPS). The regulation will require tank vessels of 20,000 DWT or more, transiting Prince William Sound (PWS), to carry operating Automated Dependent Surveillance Shipborne Equipment (ADSSE). The compliance date for this rule is August 1, 1993. As a result of delays in awarding the contract for the development and implementation of the ADS system, the Coast Guard has decided to delay this compliance date. The Coast Guard has determined that the ADS system will be completed and fully operational by mid 1994 and is amending the final rule to require compliance by July 1, 1994.

EFFECTIVE DATE: This regulation is effective April 30, 1993.

FOR FURTHER INFORMATION CONTACT: Irene Hoffman, Project Manager, Vessel Traffic Services Division. The telephone number is 202–267–6277.

SUPPLEMENTARY INFORMATION: Section 5004 of the Oil Pollution Act of 1990, (the Act), as codified in 33 U.S.C. 2374, directed the Coast Guard to acquire, install, and operate additional equipment, as necessary, to provide surveillance of tank vessels carrying oil from the Trans-Alaskan Pipeline through Prince William Sound.

While endeavoring to meet the requirements of the Act, the Coast Guard investigated various types of surveillance systems, including radar and dependent surveillance systems.

The Coast Guard determined an ADS system that uses DGPS will meet the Coast Guard's requirements without being cost prohibitive to the Government and the user. The shipboard portion of the system, the ADSSE, includes a 12 channel all-in-view DGPS receiver, a marine radiobeacon band receiver capable of receiving DGPS error correction messages, a VHF/FM transceiver using Digital Selective Calling (DSC), and a control unit.

The amended regulations will require tank vessels of 20,000 DWT or more to carry an operating ADSSE while transiting Prince William Sound.

Regulatory Evaluation

The small entities, collection of information, federalism and environmental considerations discussed in the final rule (57 FR 31660) are unaffected. This notice is merely delaying the compliance date and does not make any substantive changes.

List of Subjects in 33 CFR Part 161

Harbors, Incorporation by Reference, Navigation (water), Vessels, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 161 as follows:

PART 161—VESSEL TRAFFIC MANAGEMENT

1. The authority citation for part 161 continues to read as follows:

Authority: 33 U.S.C. 1231, 2734; 49 CFR 1 46.

§ 161.376 [Amended]

2. In § 161.376(a)(5) introductory text, remove the words "August 1, 1993" and add, in its place, the words "July 1, 1994".

Dated: April 26, 1993.

W. J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 93–10202 Filed 4–29–93; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL–4619–8]

Final Approval of Colorado's Petition To Relax the Federal Reid Vapor Pressure Volatility Standard for Colorado In 1992 and 1993

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action promulgates a revision of the federal Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 in the Denver-Boulder ozone nonattainment area.[1] This revision relaxes the RVP standard from 7.8 pounds per square inches (psi) to 9.0 psi until 1994. Federal Phase II volatility standards were promulgated by EPA on June 11, 1990 and revised on December 12, 1991, pursuant to section 211(h) of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (the Act). EPA's decision is in response to a petition by the State of Colorado and is based on evidence that the Denver-Boulder area does not need the 7.8 psi standard to maintain ozone attainment in the near term and that the 7.8 psi standard would impose significant costs on industry and consumers.

EFFECTIVE DATE: This regulation is effective June 1, 1993.

ADDRESSES: Materials relevant to this rulemaking have been placed in Docket A–92–08 by EPA. The docket is located at the Air Docket Section (LE–131), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC. 20460, in room M–1500 Waterside Mall and may be inspected from 8:30 a.m. to 12:00 p.m. and from 1:30 p.m. to 3:30 p.m. Monday through Friday. A reasonable Fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Michael L. Ball, Regional/State/Local Coordination Section, Field Operations and Support Division (6406J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Telephone: (202) 233–9005.

SUPPLEMENTARY INFORMATION:

I. Introduction

This final rule approves Colorado's request to change the federal Reid Vapor Pressure (RVP) standard of 7.8 psi to 9.0 psi in the Denver-Boulder ozone nonattainment area from June 1 to September 15 until 1994. The remainder of this notice is divided into three parts. Section II provides the background for this action. Section III describes today's action. Finally, Section IV summarizes public comments and EPA's responses.

II. Background

A. Previous EPA Rulemakings Concerning Summer Gasoline Volatility

On August 19, 1987, EPA proposed a two-phase national program to reduce summertime gasoline volatility.[2] The Agency published a Notice of Final Rulemaking on March 22, 1989 that promulgated Phase I of the program.[3] The Phase II volatility standards were finalized on June 11, 1990.[4] These volatility standards went into effect on May 1, 1992.

The final rule for the Phase I program established a federal volatility standard in Colorado of 10.5 psi for the month of May, and 9.5 for June through September 15. The Phase II rule required a further reduction in the volatility standard to 9.0 psi for May and 7.8 psi for June 1 through September 15 beginning in 1992. The Phase I and Phase II standards were applicable on a statewide basis.

On December 12, 1991[5] EPA finalized the Phase II summer ozone volatility standards to reflect the new section 211(h) requirements of the Act.[6] In that notice, the RVP standard was changed to 9.0 psi in all attainment areas. For areas that have been designated as nonattainment, the original Phase II standards published on June 11, 1990 remain in effect. For a more detailed discussion of previous EPA rulemakings concerning gasoline volatility, see the Notice of Proposed Rulemaking (NPRM) for this rulemaking.[7]

B. Colorado's Petition

On October 16, 1991, EPA received a petition from Governor Roy Romer of Colorado requesting that EPA amend the federal RVP standards for the Denver-Boulder ozone nonattainment area. The specific change requested was to relax the 7.8 psi standard for the Denver-Boulder nonattainment area to 9.0 psi for 1992 and 1993 only.

The State of Colorado's request resulted from a resolution from the Colorado Air Quality Control Commission (the Commission) recommending a relaxation of the federal RVP standard. The Commission's recommendation was based on information received at a public hearing held on August 15, 1991, and after consideration of the environmental and economic impact of the more restrictive federal standard. At the public hearing the Air Pollution Control Division (APCD) of the Colorado Department of Health testified that the Denver-Boulder nonattainment area had not violated the National Ambient Air Quality Standard (NAAQS) for ozone for the period from January 1, 1987 to December 31, 1989. APCD also stated that the available data for 1990 and 1991 indicated that there were no days in those years in which ozone levels exceeded the federal standard. Moreover, the APCD noted that gasoline volatility standard for the Denver-Boulder area from 1989–1991 was 9.5 psi, which was higher than the 9.0 psi standard APCD recommended. On that basis, the APCD concluded that the Denver-Boulder nonattainment area would likely be classified as a transitional area under Clean Air Act section 185(A)[8] and that the area would not require the 7.8 psi standard to maintain compliance with ozone NAAQS at least until 1994.[9] The public

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[1] The Denver-Boulder area was designated by EPA as a transitional nonattainment area in the Federal Register on November 6, 1991 (56 FR 56694, 56735).

[2] 52 FR 31274 (August 16, 1987).

[3] 54 FR 11868 (March 22, 1989).

[4] 54 FR 23658 (June 11, 1990).

[5] 56 FR 64704 (December 12, 1991).

[6] 56 FR 24242 (May 29, 1991).

[7] 57 FR 20234 (May 12, 1992).

[8] A transitional area is "an area designated as an ozone nonattainment area as of the date of enactment of the Clean Air Act Amendments of 1990 [that] has not violated the national primary ambient air quality standard for ozone for the 36-month period commencing on January 1, 1987, and ending on December 31, 1989."

[9] On November 6, 1991, EPA did in fact designate the Denver-Boulder nonattainment area to be a

Continued

hearing is discussed in detail in the NPRM.

The Commission's recommendation also stated that an ozone maintenance plan for the Denver-Boulder area was scheduled to be developed and submitted to EPA by June 1993 and that the projected cost of lowering the volatility standard in the Denver-Boulder area would be $5–10 million per year.

III. Description of Today's Action

On May 12, 1992, EPA proposed to approve the State of Colorado's petition to relax until 1994 the gasoline volatility standard for the Denver-Boulder nonattainment area.[10] EPA received three comments in response to this proposal. For the reasons discussed below, (and in greater detail in the NPRM), EPA today is approving the State of Colorado's petition.

EPA has reviewed the State of Colorado's petition and has found that the request to relax the federal volatility standard for the Denver-Boulder nonattainment area until 1994 from the current standard of 7.8 psi to 9.0 psi is justified based on the petition itself, the evidence submitted on behalf of Governor Romer, and EPA's own analysis of the costs of implementation of the 7.8 psi standard and the environmental need for the 7.8 psi standard. The petition and available evidence sufficiently demonstrate that retention of the 7.8 psi standard would impose significant costs on consumers and industry relative to a 9.0 psi standard,[11] and that the 7.8 psi standard is not necessary for emission control at this time in light of the current transitional status of the Denver-Boulder area. The relaxation is therefore justified under section 211(h) of the Act.[12]

The Denver-Boulder area's record of compliance with the ozone NAAQS[13] provides adequate assurance that the Denver-Boulder area will not need the 7.8 standard in the near term to comply with the current ozone standard. Further, Colorado has indicated that it intends to submit an ozone maintenance plan for the Denver-Boulder area by June 1993. Submittal of such a plan is required within twelve months after EPA determines that a transitional area attained the NAAQS by December 31, 1991. This maintenance plan would show how the ozone NAAQS will be maintained for ten years. Such a plan must be submitted for the area to be redesignated as being in attainment. The two year relaxation of the 7.8 psi standard provides Colorado with sufficient time for development of the maintenance plan.

EPA is imposing a 9.0 psi standard until 1994 to avoid burdening consumers and industry with costs that are unnecessary in light of current and past ozone monitoring data. In order to permanently change the Phase II volatility standard from 7.8 psi to 9.0 psi for 1994 and beyond, the Governor must formally petition EPA for such a change.

IV. Summary of Public Comments and EPA's Responses

A Notice of Proposed Rulemaking, "Proposed Approval of Colorado s Petition to Relax the Federal Reid Vapor Pressure Volatility Standard for Colorado in 1992 and 1993" was published in the **Federal Register** on May 12, 1992.[14] In this notice EPA proposed to relax it's volatility regulations from 7.8 psi to 9.0 psi for Colorado. Only three comments were submitted in response to this proposal.

One commenter has expressed concern that a relaxation in the RVP standard from 7.8 psi to 9.0 psi would be detrimental to the long term air quality of the Denver-Boulder nonattainment area. The commenter does not oppose the approval of Colorado's petition for 1992 and 1993 but is concerned about 1994 and beyond.

The commenter stated that 9.0 psi fuel at high altitude produces a combination of 144% more running loss and hot soak vapors than such fuel at sea level, and 34% more diurnal vapor than at sea level. Current vehicles are certified on 9.0 psi fuel at sea level. By operating vehicles on 9.0 psi fuel at high altitude, Colorado will lose some of the air quality benefits of the vehicle's evaporative emissions controls. According to the commenter, higher RVP standards beyond 1993 may jeopardize the ability of the Denver-Boulder area to maintain the ozone NAAQS.

EPA has given close consideration to the concerns raised regarding the performance of evaporative emission controls at high altitudes. Despite EPA's own concerns regarding the performance of vehicles at high altitudes, as well as a growing vehicle population, and the projected increase in vehicle miles travelled, EPA believes that, given the short-term nature of this rulemaking, the Denver-Boulder area's long-term achievement of the ozone NAAQS is not endangered by today's decision. EPA shares the commenter's concerns regarding a long-term relaxation of the 7.8 psi standard. Any petition from the State of Colorado for a permanent relaxation of the volatility standard beyond 1993 will have to address these concerns.

A second commenter believes that the proposed rulemaking was not properly certified under the Regulatory Flexibility Act (RFA) as having a positive economic impact. The commenter stated that the RFA requires that an analysis must be performed in cases where a regulation has been deemed as having a positive economic impact. The commenter stated that the agency must identify possible alternatives that would be even more beneficial to small businesses than what was intitially proposed. According to the commenter, an analysis is required in this case unless the beneficial impact is not significant or would not affect a substantial number of small business entities.

Today's rulemaking is limited to the Denver-Boulder area and does not impact a substantial amount of small business entities. The RFA requires a regulatory flexibility analysis for regulations that have a significant economic impact on a substantial number of small entities. EPA certifies that these regulations will not have a significant impact on a substantial number of small business entities. Therefore, a regulatory flexibility analysis is not required as part of this rulemaking. Today's rulemaking should

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"transitional area". 56 FR 56694 (November 6, 1991).

[10] 57 FR 23234. Also on May 12, 1992, EPA issued a temporary direct final rule relaxing the gasoline volatility standard in the Denver-Boulder area to 9.0 psi for the 1992 summer ozone season. 57 FR 20202 (May 12, 1992).

[11] EPA believes that it will cost refiners an additional $3,500,000 to $4,000,000 per year to reduce volatility from 9.0 psi to 7.8 psi gasoline for the Denver-Boulder area during the summer ozone season. The analysis underlying this estimate is set forth in a memorandum to the docket titled "Colorado Phase II Implementation: Industry Cost Analysis."

[12] Under section 211(h), EPA must set a national summertime gasoline volatility standard of 9.0 psi beginning in 1992. EPA must also establish more stringent volatility standards "in a nonattainment area as the Administrator finds necessary to generally achieve comparable evaporative emissions (on a per-vehicle basis) in nonattainment areas taking into consideration the enforceability of such standards, the need of an area for emission control and economic factors."

[13] EPA monitoring data indicate that the Denver-Boulder area has not violated the ozone NAAQS since 1984. Data for the 1990 and 1991 summer ozone seasons indicate that no violations occurred in 1990 or 1991. During this entire period, standards for gasoline volatility in the Denver-Boulder area were less stringent than the 9.0 psi standard that will go into effect as a result of this decision. From the data available to date no violations of the ozone NAAQS were measured during the 1992 ozone season with this lower volatility limit in place.

[14] 57 FR 20234 (May 12,1992).

have a positive economic benefit due to an estimated cost savings of one cent per gallon of gasoline when relaxing the volatility standard from 7.8 psi to 9.0 psi. EPA is not required to prepare a regulatory flexibility analysis for a regulation that does not have a significant economic impact.

The final commenter expressed concern that amendments to the Phase I or Phase II volatility standards which relaxed volatility standards might cause safety problems for automobiles. The commenter noted that based upon their safety investigations that they concluded that the RVP of gasoline increased approximately one psi for every 1,000 feet of increase in elevation. The commenter was concerned about a situation where gasoline purchased at lower elevations becomes extremely volatile when the vehicle is driven to higher elevations. The commenter stated that higher volatility fuels generate excessive vapor and might cause canister breakthrough and associated safety problems when using higher RVP fuels in the Denver area.

EPA has given close consideration to the safety concerns raised by the commenter. Prior to 1992, the Denver-Boulder nonattainment area Phase I volatility level was set at 9.5 psi. Implementation of a 9.0 psi standard in the Denver-Boulder nonattainment area represents a 0.5 psi decrease from the Phase I level. There is nothing in the record to indicate that there was a significant safety problem in the Denver-Boulder area resulting from the 9.5 psi standard. Also, there is nothing in the record that indicates there was a significant safety problem at the 9.0 psi standard for the 1992 control season. Under section 211(h) of the CAA, the national RVP standard for gasoline sold in attainment areas is set at 9.0 psi. As a result, attainment areas with geographic and meteorological conditions similar to the Denver-Boulder area are currently supplied with 9.0 psi gasoline. EPA believes that the reduction in volatility from 9.5 psi to 9.0 psi will enhance air quality and vehicle safety.

V. Environmental Impact

This rulemaking is not expected to have any adverse environmental effects. The Denver-Boulder six county nonattainment area has met the NAAQS since 1984. Air quality is expected to be further enhanced by a 9.0 psi standard which represents a 0.5 psi reduction in the Phase I levels.

VI. Economic Impact

The proposed relaxation of the 7 8 psi standard to 9 0 psi will result in a cost reduction in refining, and increase summertime gasoline supply levels. For each summer, this translates into approximately a 1.1 cent per gallon cost savings to consumers at the pump.

VII. Administrative Requirements

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (i.e., small businesses, small organizations and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant impact on a substantial number of small entities. In such circumstances, a regulatory flexibility analysis is not required.

Under section 605 of the Regulatory Flexibility Act, I certify that these regulations will not have a significant impact on a substantial number of small entities. As discussed previously, this rule is estimated to save approximately 1 cent per gallon of gasoline. Due to the nature of this relaxation of the regulatory standard, a regulatory flexibility analysis is not required.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. Major regulations have an annual effect on the economy in excess of $100 million, have a significant adverse impact on competition, investment, employment or innovation, or result in a major price increase. This action does not constitute a major rule according to the established criteria. In fact, as discussed above, this action will reduce the cost of compliance with Federal requirements in this area. Therefore, I have determined that this final rule does not constitute a "major" rule.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. No written comments were received from OMB.

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, EPA must obtain OMB clearance for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. This final rule does not create any new information requirements or contain any new information collection activities.

The statutory authority for this action is granted to EPA by sections 114, 211, and 301 of the Clean Air Act as amended (42 U.S.C. 7414, 7545, 7601(a), and 7607).

List of Subjects in 40 CFR Part 80

Administrative practice and procedure, Air pollution control, Environmental protection, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: April 26, 1993.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, part 80 of title 40 of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Secs. 114, 211, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7414, 7545, and 7601(a)).

2. Section 80.27 is amended by revising the entry for "Colorado" in the table in paragraph (a)(2) to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) * * *

APPLICABLE STANDARDS[1] 1992 and Subsequent Years

State	May	June	July	August	September
*	*	*		*	*
Colorado[2]	9 0	7.8	7.8	7.8	7.8
*	*	*		*	*

[1] Standards are expressed in pounds per square inch (psi)

[2] The standard for 1992 and 1993 in the Denver-Boulder nonattainment area will be 9 0 for June 1 through September 15.

[FR Doc. 93–10213 Filed 4–29–93, 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92–228; RM–8079, RM–8149]

Radio Broadcasting Services; Allouez and Sheboygan Falls, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 294C3 to Allouez, Wisconsin, in response to a petition filed by Michael R. Walton. The coordinates for Channel 294C3 are 44–30–50 and 88–02–57. There is a site restriction 7.2 kilometers (4.4 miles) north of the community. In response to a counterproposal filed by Julian Jetzer d/b/a Sheboygan Falls Broadcasting, we will allot Channel 293A to Sheboygan Falls, Wisconsin. The coordinates for Channel 293A are 43–42–44 and 87–42–50. There is a site restriction 7.9 kilometers (4.9 miles) east of the community. The counterproposal filed by Wheeler Broadcasting, Inc. and Midwest Dimensions, Inc. is dismissed. With this action, this proceeding is terminated.

DATES: Effective June 7, 1993. The window period for filing applications for Channel 294C3 at Allouez, Wisconsin, and Channel 293A at Sheboygan Falls, Wisconsin, will open on June 8, 1993, and close on July 8, 1993.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 92–228, adopted March 31, 1993, and released April 26, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Allouez, Channel 294C3 and by adding Sheboygan Falls, Channel 293A.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93–10112 Filed 4–29–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 24

[FHWA Docket No. 92–28]

RIN 2125–AD02

Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally Assisted Programs

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule amends several sections of 49 CFR part 24 which set forth governmentwide requirements for implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act), 42 U.S.C. 4601–4655. These amendments were the result of a review of part 24 that was aimed at reducing the burdens of government regulation. The FHWA, as lead agency for implementing the Uniform Act, is making several amendments that would assist small business and eliminate unnecessary regulation provisions. This rule will apply to the Uniform Act activities of 18 Federal agencies including the Department of Transportation.

EFFECTIVE DATE: June 1, 1993.

FOR FURTHER INFORMATION CONTACT: Marshall Schy, Chief, Policy Development Branch, Office of Right-of-Way, HRW–11, (202) 366–2035, or Reid Alsop, Office of Chief Counsel, HCC–31, (202) 366–1371. The address is Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except legal Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The governmentwide single rule (49 CFR part 24) implementing the Uniform Act was published in the Federal Register on March 2, 1989 (54 FR 8912). During the almost four years that this comprehensive regulation has been in effect, the FHWA, as the lead agency responsible for the development and issuance of this regulation with the active cooperation of the Department of Housing and Urban Development (HUD) and sixteen other Federal agencies, has become aware of the need to amend the regulation for purposes of clarification and simplification.

On January 28, 1992, the President issued a Memorandum For Certain Department and Agency Heads entitled "Reducing the Burden of Government Regulation" which called upon Departments and agencies to review their existing regulations in order to determine whether changes should be made to promote economic growth, create jobs, or eliminate unnecessary costs or other burdens on the economy.

While the monetary relocation assistance benefits provided in the regulation are primarily established by the Uniform Act, there is some administrative discretion, particularly with regard to determining moving and related expenses provided to businesses by section 202 of the Uniform Act (42 U.S.C. 4622).

The FHWA, as a result of its review of this regulation, has identified several amendments that it believes would enhance the relocation assistance benefits provided to displaced businesses, thus increasing their chances of a successful relocation, and would reduce the regulatory burden imposed on such businesses as well as on State and local governments implementing the regulation.

A notice of proposed rulemaking (NPRM) proposing these changes was published for comment on July 27, 1992 (57 FR 33164). The background of the amendments is discussed further in the NPRM.

As noted in the NPRM the FHWA anticipates cooperating with HUD and other Federal agencies to identify additional changes to this regulation which will be the subject of a future NPRM.

Amendments

Section 24.2(g)(2)(x) is amended to correct and clarify the application of the two statutes cited therein. Section 24.2(t), the definition of "small business," is amended to remove the requirement that there be at least one employee working at the site being acquired, a requirement which operated to deny eligibility for reestablishment costs to some businesses that would, otherwise have qualified for a reestablishment payment. Section 24.304 is amended by deleting several unnecessary restrictions upon payment of the reestablishment payment. Sections 24.602 and 24.603 of subpart G are amended to substitute an abbreviated process for obtaining a certification application and proceeding to certification approval, and to clarify related reporting requirements.

An additional technical amendment, not mentioned in the NPRM, is made to § 24.101(a) to reflect statutory

provisions (in 42 U.S.C. 4633(c)) added in part by the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240, 105 Stat. 1914), which exclude the Rural Electrification Administration and the Tennessee Valley Authority from the real property acquisition provisions in subpart B of part 24.

Cross References

Part 24 of title 49, CFR, constitutes the governmentwide regulation implementing the Uniform Act. The regulations of seventeen other Federal departments and agencies contain cross references to this part, and this amendment of part 24 would be directly applicable to the relocation assistance activities of these departments and agencies. Those departments and agencies, and the parts of the Code of Federal Regulations which contain cross references to this part, are listed below:

Department of Agriculture
7 CFR Part 21
Department of Commerce
15 CFR Part 11
Department of Defense
32 CFR Part 2509
Department of Education
34 CFR Part 15
Department of Energy
10 CFR Part 1039
Environmental Protection Agency
40 CFR Part 4
Federal Emergency Management Agency
44 CFR Part 25
General Services Administration
41 CFR Part 105–51
Department of Health and Human Services
45 CFR Part 15
Department of Housing and Urban Development
24 CFR Part 42
Department of the Interior
41 CFR Part 114–50
Department of Justice
41 CFR Part 128–16
Department of Labor
29 CFR Part 12
National Aeronautics and Space Administration
14 CFR Part 1208
Pennsylvania Avenue Development Corporation
36 CFR Part 904
Tennessee Valley Authority
18 CFR Part 1306
Department of Veterans' Affairs
38 CFR Part 25

Comments Received in Response to the NPRM

In response to the NPRM, the FHWA received a total of 5 comments, one from a Federal agency and four from State departments of transportation.

Section 24.2 Definitions

Section 24.2(g)(2)(x). No comments were received on the technical amendment of § 24.2(g)(2)(x).

Section 24.2(t). Small business. Two comments were fully supportive of the extension of entitlement for the reestablishment payment to certain small businesses that do not have at least one employee working at the site being acquired or displaced. One comment agreed with a limited extension of these benefits to such businesses, but did not believe it should include minor businesses such as vending machine operators or, possibly, landlords with small amounts of personal property.

Two commenters were concerned that either the amended definition of "small business" or the amended language of § 24.304, or both, would inequitably provide entitlement for a reestablishment payment to landlords whose "business is * * * operated at a displacement dwelling solely for the purpose of renting such dwelling to others" (23 CFR 24.306(2)(4)) and who, by statute and regulation, may not receive a fixed payment in lieu of moving expenses. The comments assumed that the Uniform Act and the implementing regulations deny such a person entitlement to both the reestablishment payment and the fixed payment. This is not correct. These are separate and distinct relocation benefits. While the Uniform Act clearly denies entitlement to a fixed payment to this type of business, it does not deny this type of business entitlement to a reestablishment payment. This type of business was only excluded from entitlement to a reestablishment payment in the regulation, as originally written, by virtue of the more narrow definition of small business, which required at least one employee to be working at the site. While the amended definition of "small business" may now include a business operated at the displacement dwelling solely for the purpose of renting the dwelling to others, this does not, automatically, meet all the criteria for entitlement. Such a business is entitled to a reestablishment payment if it meets the criteria to qualify for that payment, i.e., the expenses must be actually incurred and they must be reasonable and necessary as determined by the agency.

The FHWA does not consider that amending the definition of "small business" creates an inequity with respect to businesses of this type. In addition, the Department of Housing and Urban Development has supported making such businesses eligible for the reestablishment payment.

One additional comment from the Wisconsin Department of Transportation indicated that it considered the inclusion of certain owners of rental property within the definition of "small business" to be inequitable and, in addition, to conflict with its law. We have examined the relevant provisions of Wisconsin law and they appear to be virtually identical to comparable provisions of the Uniform Act. Accordingly, we assume any potential conflict exists in the State regulations, which could be revised to reflect the changes made by this rule. We encourage the Wisconsin DOT, or any other governmental body, to provide further comments if there is a serious compliance problem.

The new definition of "small business" should provide more assistance to small businesses that are displaced by Federal or federally-assisted projects and, we believe, better implements the objectives of the Uniform Act. The statute is clear that payments are available for "actual reasonable expenses necessary to reestablish a * * * small business * * *" The FHWA believes that sufficient control rests with the displacing agency in terms of its determination of the actual, reasonable, and necessary criteria to prevent abuse of this provision.

Section 24.304 Reestablishment expenses—nonresidential moves.

Two comments were fully in agreement with the removal of the dollar limitations placed on certain expenditures that are considered in determining the total reestablishment payment.

Section 24.602 Certification application. Only one comment, a favorable one, was received.

Section 24.603 Monitoring and corrective action. Only one comment, a favorable one, was received.

Rulemaking Analyses and Notices

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

The FHWA has determined that this document does not contain a major rule under Executive Order 12291, nor is it a significant rule under the policies and procedures of the Department of Transportation relating to regulations. The rulemaking would not affect the level of funding available in Federal or federally assisted programs covered by the Uniform Act, or otherwise have a significant economic impact on the nation's economy. Accordingly, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354), the

agency has evaluated the effects of this rule on small entities and hereby certifies that this action will not have a significant economic impact on a substantial number of small entities since it makes only relatively small changes to existing regulatory provisions.

Environmental Impacts

The FHWA has also analyzed this action for the purpose of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and has determined that this action would not have any effect on the human environment.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. This action, in effect, both clarifies and simplifies current regulatory requirements.

Paperwork Reduction Act

This rule is not subject to the Paperwork Reduction Act (44 U.S.C. 3501, et seq.), since it does not require the collection or retention of any new data.

Regulation Identification Number

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

List of Subjects in 49 CFR Part 24

Real property acquisition, Relocation assistance, Reporting and recordkeeping requirements, Transportation.

Issued on: April 20, 1993.

E. Dean Carlson,

Executive Director.

In accordance with the foregoing, part 24 of title 49, Code of Federal Regulations, is amended as set forth below.

PART 24—[AMENDED]

1. The authority citation for 49 CFR part 24 continues to read as follows:

Authority: 42 U.S.C. 4601 *et seq.*; 49 CFR 1.48(cc).

§ 24.2 [Amended]

2. In § 24.2, paragraphs (g)(2)(x) and (t) are revised to read as follows:

§ 24.2 Definitions.

* * * * *

(g) * * *

(2) * * *

(x) An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of the Interior under Public Law 93–477 or Public Law 93–303, except that such owner remains a displaced person for purposes of subpart D of this part; or

* * * * *

(t) *Small business.* A business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of § 24.304.

* * * * *

§ 24.101 [Amended]

3. In § 24.101 a new paragraph (a)(5) is added to read as follows:

§ 24.101 Applicability of acquisition requirements.

(a) * * *

(5) Acquisition for a program or project which is undertaken by, or receives Federal financial assistance from, the Tennessee Valley Authority or the Rural Electrification Administration.

* * * * *

§ 24.304 [Amended]

4. Section 24.304 is amended by revising the introductory text of the section, the introductory text of paragraph (a), paragraphs (a)(3), (a)(8), and (a)(10); by removing paragraph (a)(13); and by removing paragraph (b)(3), then redesignating paragraphs (b)(4) and (b)(5) as paragraphs (b)(3) and (b)(4), respectively.

§ 24.304 Reestablishment expenses—non-residential moves.

In addition to the payments available under § 24.303 of this subpart, a small business, as defined in § 24.2(t), farm or nonprofit organization is entitled to receive a payment, not to exceed $10,000, for expenses actually incurred in relocating and reestablishing such small business, farm or nonprofit organization at a replacement site.

(a) *Eligible expenses.* Reestablishment expenses must be reasonable and necessary, as determined by the Agency. They include, but are not limited to, the following:

* * * * *

(3) Construction and installation costs for exterior signing to advertise the business.

* * * * *

(8) Advertisement of replacement location.

* * * * *

(10) Estimated increased costs of operation during the first 2 years at the replacement site for such items as:

* * * * *

§ 24.602 [Amended]

5. Section 24.602 is revised to read as follows:

§ 24.602 Certification application.

An agency wishing to proceed on the basis of a certification may request an application for certification from the lead agency [Director, Office of Right-of-Way, HRW–1, Federal Highway Administration, 400 Seventh St. SW., Washington, DC 20590]. The completed application for certification must be approved by the governor of the State, or the governor's designee, and must be coordinated with the Federal funding agency, in accordance with application procedures.

§ 24.603 [Amended]

6. In § 24.603, paragraph (d) is revised to read as follows:

§ 24.603 Monitoring and corrective action.

* * * * *

(d) The lead agency may require periodic information or data from affected Federal or State agencies.

[FR Doc. 93–10084 Filed 4–29–93; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 921185–3021]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific cod by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the total 1993 Pacific halibut bycatch mortality allowance for the trawl Pacific cod fishery in the BSAI has been reached.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), April 28, 1993, through 12 midnight, A.l.t., December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, Fisheries Management Division, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The 1993 Pacific halibut bycatch mortality allowance for the trawl Pacific cod fishery, which is defined at § 675.21(b)(1)(iii)(E), is 1,000 metric tons (58 FR 14524, March 18, 1993).

The Director of the Alaska Region, NMFS, has determined, in accordance with § 675.21(c)(1)(iv), that the Pacific halibut bycatch mortality allowance for the trawl Pacific cod fishery has been reached. Therefore, NMFS is prohibiting directed fishing for Pacific cod by vessels using trawl gear in the BSAI from 12 noon, A.l.t., April 28, 1993, through 12 midnight, A.l.t., December 31, 1993.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under § 675.21 and complies with E.O. 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: April 27, 1993.

David S. Crestin,

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

[FR Doc. 93–10203 Filed 4–27–93; 2:21 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 82
Friday, April 30, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–179–AD]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Boeing Model 767 series airplanes, that currently requires functional checks of the leading edge slat shutoff valve, the trailing edge flap drive bypass valve, the leading edge slat long term shutoff control, and the leading edge inboard and outboard slat drive mechanical rigging. That action was prompted by a report of an uncommanded slat extension during cruise, and several instances of an inoperative trailing edge flap bypass valve motor. This action would require repetitive functional checks of the leading edge slat long term shutoff control and the leading edge inboard and outboard slat drive mechanical rigging; would require installation of a modification as terminating action for the functional checks; and would limit the applicability of the rule. The actions specified by the proposed AD are intended to prevent uncommanded deployment of the leading edge slats, which could result in structural damage to the wing and consequent degradation of flight control.

DATES: Comments must be received by June 25, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–179–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: David Herron, Aerospace Engineer, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2672; fax (206) 227–1181.

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–179–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–179–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

On December 1, 1989, the FAA issued AD 89–26–04, Amendment 39–6423 (54 FR 51195, December 13, 1989), applicable to all Model 767 series airplanes, to require repetitive functional checks of the leading edge slat shutoff valve, and the trailing edge flap drive bypass valve; a one-time functional check of the leading edge slat long term shutoff control, and the leading edge inboard and outboard slat drive mechanical rigging; and replacement of failed parts, if necessary. That action was prompted by a report of an uncommanded slat extension during cruise, and several instances of an inoperative trailing edge flap bypass valve motor. The requirements of that AD are intended to prevent uncommanded deployment of leading edge slats and to ensure trailing edge flap shutdown protection and trailing edge flap alternate mode availability.

Since the issuance of that AD, the FAA has determined, based on service history, that the leading edge slat long term shutoff control and the leading edge inboard and outboard slat drive mechanical rigging must be checked repetitively to ensure that the flap lever rotary variable differential transformer (RVDT) and outboard slat power drive unit (PDU) remain properly rigged. Such action is necessary to prevent the unsafe condition presented by uncommanded deployment of the leading edge slats.

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–27A0094, Revision 4, dated October 22, 1992, that describes procedures for functional checks of the leading edge slat shutoff valve, the trailing edge flap drive bypass valve, the leading edge slat long term shutoff control, and the leading edge inboard and outboard slat drive mechanical rigging. The service bulletin also limits the effectivity listing to include airplanes having line positions 001 through 402, inclusive.

Additionally, since the issuance of that AD, the FAA has approved design modifications that will prevent uncommanded leading edge slat

extension and will ensure trailing edge flap shutdown protection and trailing edge flap alternate mode availability. The FAA has approved the installation of these design modifications as terminating action for the requirements of AD 89–26–04. These design modifications include installation of (1) a pressure switch to monitor slat shutoff valve position; (2) a modified RVDT; (3) a modified flap/slat electrical unit (FSEU) to monitor this new equipment and initiate a maintenance level message, "SLAT ISLN VAL," if the slat shutoff valve does not operate properly; and (4) a modified bypass valve module with a hermetically sealed bypass valve motor. These design modifications have been incorporated in production on Model 767 series airplanes, line positions 403 and subsequent.

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–27–0096, dated April 23, 1992, which describes procedures for installation of a modified bypass valve module with a hermetically sealed bypass valve motor. The service bulletin limits the effectivity listing to include airplanes having line positions 001 through 402, inclusive.

The FAA has also reviewed and approved Boeing Alert Service Bulletin 767–27–0108, Revision 1, dated October 1, 1992, which describes procedures for installation of a pressure switch and replacement of a RVDT and the FSEU. The service bulletin also limits the effectivity listing to include airplanes having line positions 001 through 402, inclusive.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 89–26–04. It would continue to require repetitive functional checks of the leading edge slat shutoff valve and the trailing edge flap drive bypass valve, and the replacement of failed parts, if necessary. However, this proposed action also would require repetitive functional checks of the leading edge slat long term shutoff control, and of the leading edge inboard and outboard slat drive mechanical rigging. It also would limit the applicability of the rule to include only those airplanes having line positions 001 through 402, inclusive.

This proposed AD also would require installation of the design modifications described previously; such installation would constitute terminating action for the proposed repetitive functional checks.

There are approximately 402 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 143 airplanes of U.S. registry would be affected by this proposed AD. The FAA estimates that it would take approximately 12 work hours per airplane to accomplish the proposed functional checks, and an average of 60 work hours per airplane to accomplish the proposed terminating action. The average labor rate is $55 per work hour. Required parts would cost approximately $4,200 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,166,880, or $8,160 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 removing amendment 39–6423 (54 FR 51195, December 13, 1989), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 92–NM–179–AD. Supersedes AD 89–26–04, Amendment 39–6423.

Applicability: Model 767 series airplanes, line positions 001 through 402, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note 1: Paragraph (a) of this AD restates the requirement for repetitive functional checks contained in paragraph A. of AD 89–26–04. The first functional check required by this AD must be performed within the specified repetitive inspection interval after the last inspection performed in accordance with paragraph A. of AD 89–26–04.

Note 2: Paragraph (b) of this AD restates the requirements of paragraph B. of AD 89–26–04. As allowed by the phrase, "unless accomplished previously," if the requirements of paragraph B. of AD 89–26–04 have been accomplished previously, paragraph (b) of this AD does not require that they be repeated.

To prevent uncommanded deployment of the slats and to ensure trailing edge flap shutdown protection and trailing edge flap alternate mode availability, accomplish the following:

(a) Within the next 25 days after December 27, 1989 (the effective date of AD 89–26–04, amendment 39–6423), and thereafter at intervals not to exceed 400 hours time-in-service, conduct a functional check of the leading edge slat shutoff valve and the trailing edge flap drive bypass valve in accordance with Boeing Alert Service Bulletin 767–27A0094, dated September 28, 1989; or Revision 4, dated October 22, 1992.

(b) Within the next 25 days after December 27, 1989, conduct a functional check of the leading edge slat long term shutoff control and the leading edge inboard and outboard slat drive mechanical rigging in accordance with Boeing Alert Service Bulletin 767–27A0094, dated September 28, 1989.

(c) Within 4,000 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 4,000 hours time-in-service, conduct a functional check of the leading edge slat long term shutoff control and the leading edge inboard and outboard slat drive mechanical rigging, in accordance with Boeing Alert Service Bulletin 767–27A0094, Revision 4, dated October 22, 1992.

(d) If any failed parts are detected by the functional checks required by paragraphs (a), (b), or (c) of this AD, prior to further flight, replace the failed part in accordance with the Boeing 767 Maintenance Manual.

(e) Within 12,000 flight hours after the effective date of this AD, accomplish the requirements of paragraphs (e)(1) and (e)(2) of this AD. Accomplishment of these requirements constitutes terminating action for the repetitive functional checks required by paragraphs (a) and (c) of this AD.

(1) Install a pressure switch and replace the rotary variable differential transformer

(RVDT) and the flap/slat electrical unit (FSEU) in accordance with Boeing Alert Service Bulletin 767-27-0108, Revision 1, October 1, 1992.

(2) Replace the bypass valve motor in accordance with Boeing Alert Service Bulletin 767-27-0096, dated April 23, 1992.

(f) 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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(g) 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 April 26, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-10149 Filed 4-29-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 93-NM-32-AD]

Airworthiness Directives; Canadair Model CL-215-1A10 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 Canadair Model CL-215-1A10 series airplanes. This proposal would require modification of the right aileron and aileron tab. This proposal is prompted by an updated flutter analysis performed by the manufacturer, which revealed a potential flutter condition on certain Canadair Model CL-215-1A10 series airplanes. The actions specified by the proposed AD are intended to prevent potential flutter of the rudder-aileron interconnect tab, which could result in reduced controllability of the airplane.

DATES: Comments must be received by June 25, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-32-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 Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087 Station A, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Jeff Casale, Aerospace Engineer, Airframe Branch, ANE-172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; telephone (516) 791-6220; fax (516) 791-9024.

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 93-NM-32-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. 93-NM-32-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain Canadair Model CL-215-1A10 series airplanes. Transport Canada Aviation advises that an updated flutter analysis, performed by Canadair during the development of the Model CL-215-6B11 turboprop airplane, revealed that a potential flutter condition affecting the rudder-aileron interconnect tab could occur on certain Canadair Model CL-215-1A10 series airplanes. (The Model CL-215-6B11 is a Model CL-215-1A10 that has been converted from piston engine power to turbopropeller power.) This flutter analysis further revealed that, if the rudder-aileron interconnect mechanism fails, a flutter condition could occur at pressure altitudes above 10,000 feet. This condition, if not corrected, could result in reduced controllability of the airplane.

Canadair has issued Model CL-215-1A10 Alert Service Bulletin 215-A435, dated August 14, 1990, that describes procedures for installing weights to the aileron balance weight mounting channel and installing washers to the interconnect tab mass balance arms. This modification will maintain an aileron control surface mass balance within specified limits. Transport Canada Aviation classified this service bulletin as mandatory and issued Canadian Airworthiness Directive CF-90-11, dated June 26, 1990, in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada 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, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, 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 modification of the right aileron and aileron tab. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Currently, there are no Canadair Model CL-215-1A10 series airplanes on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 20 work hours to accomplish the required actions, at an average labor charge of $55 per work hour. Based on these figures, the total cost impact of this AD would be $1,100 per airplane.

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:

Canadair: Docket 93-NM-32-AD.

Applicability: Model CL-215-1A10 series airplanes; serial number 1001 to 1125, not equipped with powered ailerons; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent potential flutter of the rudder-aileron interconnect tab, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 12 months after the effective date of this AD, on the right wing install weights to the aileron balance weight mounting channel and washers to the interconnect tab mass balance arms, in accordance with Canadair Model CL-215-1A10 Alert Service Bulletin 215-A435, dated August 14, 1990.

(b) 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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(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.

Issued in Renton, Washington, on April 26, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-10150 Filed 4-29-93; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 656

RIN 1205-AA87

Labor Certification Process for the Permanent Employment of Aliens in the United States; Labor Market Information Pilot Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: This document reopens the period for filing comments regarding the proposed rule to implement the labor market information pilot program. This action is taken to permit additional comment from interested parties.

DATES: Comments shall be submitted by June 1, 1993.

ADDRESSES: Submit comments to: Carolyn M. Golding, Acting Assistant Secretary, Employment and Training Administration, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; Attention: United States Employment Service, Division of Foreign Labor Certifications, room N-4456.

FOR FURTHER INFORMATION CONTACT: Flora Richardson, Chief, Division of Foreign Labor Certifications, United States Employment Service. Telephone: (202) 219-5263 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 19, 1993 (58 FR 15242), the Department of Labor published a proposed rule to amend the labor certification process for the permanent employment of immigrant aliens under the Immigration and Nationality Act. See 8 U.S.C. 1182 (a)(5)(A). These amendments are necessary in order to implement the labor market information pilot program provided for in section 122(a) of the Immigration Act of 1990. Public Law 101-649, 104 Stat. 4978. Interested parties were requested to submit comments on or before April 19, 1993.

Because of the continuing interest in this proposal, the agency believes that it is desirable to reopen the comment period for all interested parties. Numerous commenters have requested such an extension including, but not limited to: The Subcommittee on Employment, Housing, and Aviation of the U.S. House of Representatives' Committee on Government Operations; the AFL-CIO; the American Chemical Society; the American Association of Engineering Societies; and the National Association of Computer Consultant Businesses.

Therefore, the comment period for the proposed rule, FR Doc. 93-6363, published at 58 FR 15242 (March 19, 1993), to amend 20 CFR part 656, is reopened for the period described above in **DATES.**

Signed at Washington, DC this 27th day of April, 1993.

Carolyn M. Golding,

Acting Assistant Secretary of Labor.

[FR Doc. 93-10200 Filed 4-29-93; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Arkansas Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Arkansas abandoned mine land reclamation plan (hereinafter, the "Arkansas plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Arkansas Surface Coal Mining and Reclamation Act of 1979 pertaining to the Arkansas plan as discussed in "SUPPLEMENTARY INFORMATION," II. Proposed Amendment. The amendment is intended to revise the Arkansas plan to be consistent with the corresponding Federal standards.

This document sets forth the times and locations that the Arkansas plan and proposed amendment to that plan are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4 p.m., c.d.t. June 1, 1993. If requested, a public hearing on the proposed amendment will be held on May 25, 1993. Requests to present oral testimony at the hearing must be received by 4 p.m., c.d.t. on May 17, 1993.

ADDRESSES: Written comments should be mailed or hand delivered to James H. Moncrief at the address listed below.

Copies of the Arkansas plan, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, suite 550, Tulsa, Oklahoma 74135–6548, Telephone: (918) 581–6430.

Arkansas Department of Pollution Control and Ecology, Surface Mining and Reclamation Division, P.O. Box 8913, Little Rock, Arkansas 72209–8913, Telephone: (501) 562–7444.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on Arkansas Plan
II. Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Arkansas Plan

On May 2, 1983, the Secretary of the Interior approved the Arkansas plan. General background information on the Arkansas plan, including the Secretary's findings, the disposition of comments, and the approval of the Arkansas plan can be found in the May 2, 1983, **Federal Register** (48 FR 19710). Subsequent actions concerning Arkansas' plan and plan amendments can be found at 30 CFR 904.20.

II. Proposed Amendment

By letter dated March 31, 1993 (Administrative Record No. AAML–02), Arkansas submitted a proposed amendment to its plan pursuant to SMCRA. Arkansas, at its own initiative, submitted the proposed amendment to make its statute consistent with section 404 of SMCRA as amended by the Abandoned Mined Land Reclamation Act of 1990 (Pub. L. 101–508 title VI, subtitle A, Nov. 5, 1990, effective Oct. 1, 1991). Arkansas proposes to amend section 6 of the Arkansas Surface Coal Mining and Reclamation Act of 1979 relating to the eligibility of project sites for abandoned mined land fund expenditures. The amendment revises the definition of "lands eligible" thereby providing funds for reclamation of certain mine sites where the mining occurred after August 3, 1977. These sites would include (1) those sites affected between August 4, 1977 and November 21, 1980 (interim program sites), for which available funds were insufficient for adequate reclamation, and (2) sites affected between August 4, 1977 and March 5, 1993, where bond forfeiture funds were insufficient for adequate reclamation. Previously, Arkansas's plan provided funds only for reclamation of sites that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there was no continuing reclamation responsibility under State or Federal law.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Arkansas plan.

1. Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4 p.m., c.d.t. on May 17, 1993. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

3. Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under "FOR FURTHER INFORMATION CONTACT." All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under "ADDRESSES." A written summary of each meeting will be made a part of the administrative record.

IV. Procedural Determinations

1. Executive Order 12291

On March 30, 1992, the Office of Management and Budget (OMB) granted OSM an exception from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or disapproval of State abandoned mine land reclamation plans and revisions thereof. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and promulgated by a specific State, not by OSM. Decisions on proposed State abandoned mine land reclamation plans and revisions thereof submitted by a State are based on a determination of whether the submittal meets the requirements of title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 904

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 23, 1993.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

[FR Doc. 93–10145 Filed 4–29–93; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 950

Wyoming Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening and extension of comment period and opportunity for public hearing.

SUMMARY: OSM is announcing the receipt of additional information pertaining to a previously proposed amendment to the Wyoming permanent regulatory program (hereinafter, the "Wyoming program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment would establish shrub density standards and working definitions applicable to all lands.

This document sets forth the times and locations that the Wyoming program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4 p.m., m.d.t. June 1, 1993. If requested, a public hearing on the proposed amendment will be held on May 25, 1993. Requests to present oral testimony at the hearing must be received by 4 p.m., m.d.t. on May 17, 1993.

ADDRESSES: Written comments should be mailed or hand delivered to Guy V. Padgett at the address listed below.

Copies of the Wyoming program, the proposed amendment, the additional information, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Casper Field Office.

Guy V. Padgett, Director; Casper Field Office; Office of Surface Mining Reclamation and Enforcement; 100 East B Street, room 2128; Casper, Wyoming 82601–1918. Telephone: (307) 261–5776.

Dennis Hemmer, Director; Wyoming Department of Environmental Quality; Herschler Building; 122 West 25th Street; Cheyenne, Wyoming 82002. Telephone: (307) 777–7756.

FOR FURTHER INFORMATION CONTACT: Guy V. Padgett, Director, Telephone: (307) 261–5776.

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program

On November 26, 1980, the Secretary of the Interior conditionally approved the Wyoming program. General background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Wyoming program can be found in the November 26, 1980 **Federal Register** (45 FR 78637). Subsequent actions concerning Wyoming's program and program amendments can be found at 30 CFR 950.12, 950.15, and 950.16.

II. Proposed Amendment

By letter dated January 6, 1993, (Administrative Record No. WY–21–1) Wyoming submitted the shrub density rules as a proposed amendment to its permanent program pursuant to SMCRA. The Wyoming proposed amendment is a State response designed to establish a shrub density standard applicable to all lands (excluding cropland and pastureland) used jointly by livestock and wildlife. The changes to the regulatory rule package are also reflected in changes made to Appendix A, Vegetation Sampling Methods and Reclamation Success Standards for Surface Coal Mining Operations.

OSM published a notice in the March 22, 1993 **Federal Register** (58 FR 15318) announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment. The public comment period ended April 21, 1993. During the public comment period Wyoming submitted additional

information regarding this amendment. Wyoming submitted additional information on April 13, 1993, regarding shrub density legislation, Enrolled Act No. 86 (Senate File No. 39) (Administrative Record No. WY-21-21). The proposed legislation amends W.S. 35-11-103(e) by creating new paragraphs (xxviii) through (xxx); modifying the paragraph at W.S. 35-11-402(b); and creating a new subsection (c) at W.S. 35-11-402.

The proposed W.S. 35-11-103(e) would define at (xxviii) "agricultural Lands" to mean cropland, pastureland, hayland or grazingland; (xxix) "criteria habitat" to mean only that fish and wildlife habitat designated as critical by the United States Secretary of the Interior or Secretary of Commerce, for the survival and recovery of listed threatened and endangered species; (xxx) "important habitat" or "crucial habitat" to mean that fish and wildlife habitat, exclusive of agricultural lands, which in limited availability, increases the species diversity of a localized area and fulfills one (1) or more of the essential living requirements of important wildlife species.

Currently W.S. 35-11-402(b) provides for the establishment of standards for consultation and approval by state wildlife agencies regarding surface mining lands to be reclaimed for fish and wildlife habitat and that fish and wildlife habitat is defined in W.S. 35-11-103(e)(xxvi) and does not include grazingland as defined in W.S. 35-11-103(e)(xxvii). The proposed modification would additionally require that in establishing reclamation standards pursuant to this section and applicable federal law or regulation the council shall apply the definitions of W.S. 35-11-103(e) (xxvi) through (xxx).

The proposed W.S. 35-11-402(c) would require that for the reclamation of grazingland, operators shall be required to reestablish shrubs on ten percent (10%) of the affected surface at a density of one (1) shrub per nine (9) square meters, or to a pre-mining density, whichever is less. The shrubs used for reestablishment shall be those native to the general area, and shall include those found pre-mining, but the pre-mining dominant shrub need not be the dominant shrub in the post-mining reclamation.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed Wyoming program amendment to provide the public an opportunity to reconsider the adequacy of the amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Wyoming program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commentor's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4 p.m., m.d.t. May 17, 1993. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed under "FOR FURTHER INFORMATION CONTACT." All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under "ADDRESSES." A written summary of each meeting will be made a part of the administrative record.

List of Subjects in 30 CFR Part 950

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 23, 1993.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

[FR Doc. 93-10144 Filed 4-29-93; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900-AFO2

Schedule for Rating Disabilities; Hemic and Lymphatic Systems

AGENCY: Department of Veterans Affairs.

ACTION: Proposed Rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its rating schedule regarding evaluation of hemic and lymphatic conditions. This amendment is necessary in order to comply with a General Accounting Office (GAO) study, which recommended that medical criteria in the rating schedule be reviewed and updated. The intended effect is to update the portion of the Schedule for Rating Disabilities pertaining to the hemic and lymphatic systems to ensure that it uses current medical terminology and unambiguous criteria for evaluating these disabilities and reflects recent medical advances.

DATES: Comments must be received on or before June 1, 1993. Comments will be available for public inspection until June 9, 1993. This change is proposed to be effective 30 days after the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this change to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until June 9, 1993.

FOR FURTHER INFORMATION CONTACT: John L. Roberts, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: In response to the advance notice of

proposed rulemaking published in the Federal Register on May 2, 1991, we received a number of comments and suggestions from VA medical doctors, VA Rating Specialists and other concerned individuals. We have also received a report from a consulting firm contracted to suggest revisions to this portion of the Rating Schedule.

The comments included suggestions that we delete several diagnostic codes, include diagnostic codes for additional conditions, and change evaluation criteria for a number of conditions. We have considered all of these suggestions and implemented several as explained in the following proposal.

When medical terminology in the rating schedule is outdated, it is difficult for rating specialists to accurately compare medical evidence to the proper evaluation criteria. For that reason, we propose to update the medical terms which identify diseases of the hemic and lymphatic systems so that the schedule uses the same terms used in current medical practice. Primary polycythemia (diagnostic code 7704) will be changed to polycythemia vera, purpura hemorrhagica (7705) will be changed to thrombocytopenia, primary, idiopathic or immune, and lymphogranulomatosis (7709) to Hodgkin's disease.

The disabilities currently under codes 7701, secondary anemia, and 7713, secondary adenitis, are commonly accepted as symptoms of other, more specific diseases, according to medical advice we have received. In accordance with the basic premise of the rating schedule that disabilities due to injuries or diseases are to be rated, not symptoms or findings, we propose to delete these two conditions from the schedule.

We propose to amend diagnostic code 7700 to include hypochromic-microcytic and megaloblastic forms of anemia, such as iron-deficiency or pernicious anemias, to indicate that the criteria under that code apply to more conditions than the currently specified pernicious anemia. Evaluation criteria under diagnostic code 7700 currently are divided into four levels of 100, 70, 60, and 30 percent according to subjective indicators such as "rapidly progressive," "severe impairment of health," and "definite departures from normal blood count." We propose to substitute objective evaluation criteria based primarily on specific hemoglobin counts, which can be measured through standard laboratory tests. We will retain evaluation levels of 100, 70, and 30 percent, but we propose to eliminate the 60 percent level since the differences in hemoglobin levels between 70 and 60 percent would be so slight as to be meaningless for rating purposes. A 0 percent evaluation will be assigned for hemoglobin counts of 10 grams per milliliter or above since people with these concentrations are typically free of disabling symptoms.

The deficiency anemias described under diagnostic code 7700 are usually reversible with proper management. In contrast, aplastic anemias are a diverse group of potentially severe bone marrow disorders. We propose to add a new diagnostic code, 7716, for aplastic anemia which will be rated according to frequency of transfusions and occurrence of infections. A 100 percent evaluation will be assigned when a veteran is admitted for marrow transplant as treatment for this disease; this evaluation will continue indefinitely, but with a mandatory VA examination six months after hospital discharge. The results of this examination will be reviewed by a rating board and, if a reduction in evaluation is warranted, it would be implemented under 38 CFR 3.105(e). This method ensures that no evaluation is reduced without current medical evidence, offers veterans prior notice of any proposed action and provides an opportunity to present evidence showing that the action should not be taken.

The code for acute agranulocytosis (7702) is currently followed by an instruction to rate according to criteria under diagnostic code 7700 (anemia). The clinical manifestations of this disease more closely resemble the criteria describing transfusions and infections proposed under aplastic anemia (7716). For this reason, we propose to include under diagnostic code 7702 the same criteria as for aplastic anemia.

Although leukemia (7703) is currently rated as 100 percent disabling when treatment such as radiation or transfusion is required, there is no provision for a period of convalescence following such treatment. In order to be consistent with rules regarding the rating of other malignancies in the schedule, we propose to continue the total evaluation indefinitely but to examine the veteran six months after treatment is discontinued. If the results of this or any subsequent examination warrant a reduction in evaluation, the reduction would be implemented under the provisions of 38 CFR 3.105(e).

When treatment other than radiation or transfusion is required, the instruction under the code for leukemia currently directs that the disease be rated as anemia under diagnostic code 7700. We propose that leukemia be rated either under diagnostic code 7700, or as aplastic anemia (7716), whichever results in the greater benefit. This makes a broader range of evaluations available which in turn will allow for more accurate assignment of percentages according to the facts of each case.

The code for what is currently called primary polycythemia and what we propose to call polycythemia vera (7704) is currently followed by an instruction to rate as pernicious anemia. Polycythemia is the presence of increased numbers of red blood cells and is not comparable to pernicious anemia. Polycythemia is treated with phlebotomy or medications, and possible complications include stroke or thrombotic disease. For this reason, we propose to establish separate rating criteria for polycythemia with evaluations of 40 percent while treatment is required, and 0 percent when the disease is stable without need for treatment. An instruction to rate any complications of the disease will be included.

The current evaluation criteria under diagnostic code 7705 for what is currently called purpura hemorrhagica and what we propose to call thrombocytopenia are based upon the frequency and severity of attacks. These criteria are subjective and inconsistently interpreted. We propose to substitute objective criteria based primarily on blood platelet count, which is quantifiable through standard laboratory techniques. As under diagnostic code 7700, disability levels of 100, 70, 60, and 30 percent are currently provided for diagnostic code 7705. We propose to eliminate the 60 percent level because it is clinically indistinguishable from the 70 percent level for rating purposes. In addition to levels of 100, 70, and 30 percent, a 0 percent level will be established for stable platelet counts of 100,000 or above if there is no bleeding. Under these circumstances the condition is not disabling to any significant degree.

A 30 percent evaluation is currently assigned under diagnostic code 7706 for a splenectomy. Although the spleen is a component in the body's defense against infection, its loss does not result in a significant impairment of earning capacity. The medical advice that we received indicates that the administration of antibiotics effectively compensates for any increased susceptibility to infection. Accordingly, we propose that removal of the spleen be rated as 10 percent disabling instead of 30 percent.

The instruction under diagnostic code 7707 currently directs that a healed injury of the spleen be rated "as

peritoneal adhesions." While peritoneal adhesions may result from an injury to the spleen, other complications are possible, and we propose to amend the note accordingly.

The evaluation criteria following the diagnostic code for Hodgkin's disease (7709) currently provide percentage levels of 100, 60, and 30 percent. We propose to remove these criteria and instead assign a 100 percent evaluation during the period of active disease or treatment, a change which is consistent with criteria for most other malignancies listed in the schedule. The 100 percent evaluation currently provides a total evaluation for one year of convalescence following the end of treatment for Hodgkin's disease. This provision is applied at the time of rating by assigning a one year total evaluation with a prospective reduction. A decision to reduce an evaluation should be based on medical findings rather than a regulatory assumption that there will be an improvement. We therefore propose to continue the total evaluation indefinitely after treatment is discontinued, but to examine the veteran six months later. Any reduction would be effected under 38 CFR 3.105(e) in the same manner as proposed for diagnostic code 7703 (leukemia) and 7716 (aplastic anemia). We intend to retain that portion of the Note instructing to rate on residuals.

The code for non-Hodgkin's lymphoma (7715) is currently followed by an instruction to rate as Hodgkin's disease (7709). For the convenience of those using the schedule, we propose to simply repeat the criteria instead of directing the rater to another code.

Active or inactive tuberculous adenitis is currently classified under three diagnostic codes: 7710, cervical adenitis; 7711, axillary adenitis; and 7712, inguinal adenitis. Since these conditions have become relatively uncommon, we propose to consolidate all forms of tuberculous adenitis under a single diagnostic code, 7710, and to continue rating the condition under the provisions of §§ 4.88b or 4.89, whichever is applicable, deleting the redundant reference to evaluating the disease 100 percent disabling while active.

The words "pronounced," "severe," "moderately severe," and "mild" now precede the evaluation criteria for compensable evaluations under diagnostic code 7714, Sickle cell anemia. These descriptions do not materially help to explain or clarify the specific evaluation criteria they precede. For that reason, we propose to delete these labels. Other editorial changes are included which are intended to clarify the rating criteria and represent no substantive amendment.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual impact on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance numbers are 64.104 and 64.109.

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: April 8, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 4, subpart B, is proposed to be amended as set forth below:

PART 4—SCHEDULE FOR RATING DISABILITIES

Subpart B—Disability Ratings

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

Authority: 72 Stat. 1125, 38 U.S.C. 1155.

2. Section 4.117 is revised to read as follows:

§ 4.117 Schedule of ratings—hemic and lymphatic systems.

	Rating
7700 Anemia, hypochromic-microcytic and megaloblastic, such as iron-deficiency and pernicious anemia:	
Hemoglobin less than 5 gm/100ml, progressive, no remissions	100
Hemoglobin 5–7 gm/100ml, chronic	70
Hemoglobin 8–9 gm/100ml	30
Hemoglobin 10 gm/100ml or more	0
7702 Agranulocytosis, acute:	
Requiring bone marrow transplant, or; requiring transfusion of platelets or red cells at least once every six weeks, or; infections recurring at least once every six weeks	100
Requiring transfusion of platelets or red cells at least once every 3 months, or; infections recurring at least once every 3 months	50
Requiring no transfusion of platelets or red cells, and no recurring infections	0
Note: The 100 percent rating for bone marrow transplant shall be assigned as of the date of hospital admission and shall continue with a mandatory VA examination six months following hospital discharge. Any change in evaluation shall be subject to the provisions of § 3.105(e) of this chapter.	
7703 Leukemia:	
Requiring intensive treatment such as periodic irradiation or transfusion	100
Otherwise rate as anemia (code 7700) or aplastic anemia (code 7716), whichever would result in the greater benefit.	
Note: Following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure, the rating of 100 percent shall continue with a mandatory VA examination at the expiration of six months. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter.	
7704 Polycythemia vera:	
Requiring treatment, phlebotomy or medication	40
Stable, not requiring treatment	0

	Rating
Note: Rate complications such as stroke or thrombotic disease, if present.	
7705 Thrombocytopenia, primary, idiopathic or immune:	
Platelet count of less than 20,000, requiring treatment with medication and transfusions	100
Platelet count between 20,000 and 70,000, not requiring treatment, without bleeding	70
Stable platelet count between 70,000 and 100,000, without bleeding	30
Stable platelet count of 100,000 or more, without bleeding	0
7706 Splenectomy	10
7707 Spleen, injury of, healed.	
Rate for any residuals.	
7709 Hodgkin's disease:	
With active disease or during a treatment phase	100
Note: Following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure, the rating of 100 percent shall continue with a mandatory VA examination at the expiration of six months. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter. If there has been no local recurrence or invasion of other organs, the rating will be made on residuals.	
7710 Adenitis, tuberculous, active or inactive.	
Rate under §§ 4.88b or 4.89, whichever is appropriate.	
7714 Sickle cell anemia:	
With repeated painful crises, occurring in skin, joints, bones or any major organs caused by hemolysis and sickling of red blood cells, with anemia, thrombosis and infarction, with symptoms precluding even light manual labor	100
With painful crises several times a year or with symptoms precluding other than light manual labor	60
Following repeated hemolytic sickling crises with continuing impairment of health	30
Asymptomatic, established case in remission, but with identifiable organ impairment	10
Note: Sickle cell trait alone, without a history of directly attributable pathological findings, is not a ratable disability. Cases of symptomatic sickle cell trait will be forwarded to the Director, Compensation and Pension Service, for consideration under § 3.321(b)(1) of this chapter.	
7715 Non-Hodgkin's lymphoma:	
With active disease or during a treatment phase	100
Note: Following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure, the rating of 100 percent shall continue with a mandatory VA examination at the expiration of six months. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter. If there has been no local recurrence or invasion of other organs, the rating will be made on residuals.	
7716 Aplastic anemia:	
Requiring bone marrow transplant, or; requiring transfusion of platelets or red cells at least once every six weeks, or; infections recurring at least once every six weeks	100
Requiring transfusion of platelets or red cells at least once every 3 months, or; infections recurring at least once every 3 months	50
Requiring no transfusion of platelets or red cells, and no recurring infections	0
Note: The 100 percent rating for bone marrow transplant shall be assigned as of the date of hospital admission and shall continue with a mandatory VA examination six months following hospital discharge. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter.	

[FR Doc. 93-10131 Filed 4-29-93; 8:45 am]
BILLING CODE 8320-01-M

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38 CFR Part 4

RIN 2900-AE95

Schedule for Rating Disabilities; Systemic Conditions

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its rating schedule regarding evaluation of systemic conditions. This amendment is necessary in order to comply with a General Accounting Office (GAO) study, which recommended that medical criteria in the rating schedule be reviewed and updated. The intended effect is to update the systemic conditions portion of the Schedule for Rating Disabilities to ensure that it uses current medical terminology and unambiguous criteria for evaluating these disabilities.

DATES: Comments must be received on or before June 29, 1993. Comments will be available for public inspection until July 9, 1993. This change is proposed to be effective 30 days after the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this change to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until July 9, 1993.

FOR FURTHER INFORMATION CONTACT: John L. Roberts, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: In response to the advance notice of proposed rulemaking published in the **Federal Register** on January 25, 1991, we received a number of comments and suggestions from private and VA medical doctors, VA Rating Specialists and other concerned individuals. We have also received a report from a consulting firm contracted to suggest revisions to this portion of the Rating Schedule.

The comments included suggestions that we rename this section of the Schedule, delete several diagnostic codes, include diagnostic codes for additional conditions, and change evaluation criteria for a number of conditions. We have considered all of these suggestions and implemented several as explained in the following proposal.

One finding of the GAO study was that the current schedule contains ambiguous rating criteria. We determined that a number of grammatical changes would be helpful in eliminating ambiguity and ensuring that the schedule presents the rating criteria for listed disabilities as precisely as possible. We are thus proposing editorial changes, primarily in syntax and punctuation, throughout this portion of the schedule. These changes, which will not be addressed individually, are intended to clarify the rating criteria and represent no substantive amendment.

This portion of the Rating Schedule is currently entitled "Systemic Conditions" and it includes diagnostic codes for infectious diseases and immune disorders as well as nutritional deficiencies. The title "systemic conditions," however, does not adequately depict the range of conditions which this section addresses. We propose to amend this title to read "Infectious Diseases, Immune Disorders and Nutritional Deficiencies." The title of § 4.88a will be changed in the same manner.

We propose to change the terminology describing several of the conditions in this section for clarity and in order to reflect current medical terminology. Lymphatic filariasis is the accepted term for filariasis and we propose to use it for the heading of diagnostic code 6305. The term "visceral leishmaniasis" is the medically preferred term for "kala-azar" and we propose to use it as the heading for diagnostic code 6301. Similarly, "Bartonellosis" is the medically preferred term for "Oroya fever," and we propose to use it as the heading for diagnostic code 6306. We propose to expand diagnostic code 6310 to include other treponemal infections as well as syphilis to reduce reliance on the practice of rating by analogy. Use of the term "military", under code 6311, is a typographical error. We will correct this to read "miliary tuberculosis." We propose to delete the phrase "Malta or undulant fever" from the code for brucellosis (6316) since these formerly common names are outdated and no longer used.

Many of the infectious diseases listed in this section are evaluated as 100 percent disabling during episodes of active infection, and some have instructions to rate thereafter according to chronic residuals. General instructions to rate either as active disease or residuals are included after these codes but are inconsistently worded. We propose to word all of these instructions in the same manner: "Thereafter rate residuals such as * * * under the appropriate system," with examples of common residuals inserted in the space. This will provide the rater consistency in instructions and a basic guideline for evaluating residuals; however, it is not to imply that these are the only possible residuals. Diagnostic code 6310 (syphilis) currently directs that only the "tertiary complications" of syphilitic infections be rated. Since disabling residuals of syphilis and other treponemal infections can occur at any stage, we propose removal of the word "tertiary" to permit the rating of all complications. The provision for rating residuals under an appropriate alternate system has also been added to diagnostic codes 6301, 6305 and 6307.

Under diagnostic codes 6300 (Asiatic cholera), 6306 (Bartonellosis, currently termed Oroya fever), and 6317 (scrub typhus), a 100 percent evaluation is currently provided for six months of convalescence after active infection has resolved. The medical advice that we received indicates that when treated in a straightforward manner, the active phase of the diseases resolves quickly and need for convalescence is typically much less than six months. We are thus proposing a three-month period of convalescence instead of six.

Immediately following diagnostic code 6300 (Asiatic cholera), the schedule lists hemoglobinuric fever as a complication of malaria. We propose to delete this reference since it is not related to cholera but was carried forward from earlier editions of the rating schedule in which some symptoms of diseases were listed without diagnostic codes. It is not a separate disease entity and does not warrant assignment of a diagnostic code.

A 100 percent evaluation is currently provided for one year of convalescence after active infection has resolved for diagnostic codes 6301 (visceral leishmaniasis) and 6302 (leprosy). The medical advice that we have received shows that current treatment regimens for these diseases, in the form of antibacterial chemotherapy, are very effective and significant periods of convalescence are seldom if ever necessary. We therefore propose to remove the provisions for convalescence following the active phases of these diseases altogether.

The Note which follows diagnostic code 6302 currently states that the rating criteria apply to active contagious leprosy requiring institutional care, and that noncontagious cases will be rated under such schedules as "The Skin." Since all forms of leprosy are totally disabling during their active phase, we propose to delete this Note and instead rate active leprosy as 100 percent disabling regardless of its contagious potential.

Although the majority of the infectious diseases listed in this portion of the schedule are evaluated as 100 percent disabling while active, five are rated according to criteria requiring certain signs or symptoms: 6304 (malaria), 6305 (filariasis), 6309 (rheumatic fever), 6316 [brucellosis), and 6318 (melioidosis). Since active infection generally results in total disability, it is not necessary for the schedule to require specific signs and symptoms, and we propose to delete them in favor of an instruction to rate these conditions as 100 percent disabling while they are active. For the sake of consistency, the instruction under diagnostic code 6308 (relapsing fever) to rate as 100 percent disabling "as active febrile disease" will be amended to state simply "As active disease." The term "febrile" is redundant in describing the disease.

Section 4.88, which currently prefaces this portion of the rating schedule, describes the criteria for acceptable diagnosis of malaria and subsequent relapses. The first and second Notes following diagnostic code 6304 (malaria) also describe acceptable evidence of active malaria, and regulate application of the evaluation criteria under this code. These notes will be replaced by a single NOTE allowing service connection for malaria when service is in an endemic area and diagnosis is based on a clinical description of malarial symptoms. Compensable evaluations for relapses, however, will require confirmation of malaria parasites by blood smear. Laboratory identification is now widely available and well-accepted procedure in the diagnosis of malarial episodes.

We propose to add two diagnostic codes to the classification of infectious diseases: diagnostic codes 6319 for Lyme disease, and 6320 for Parasitic diseases not otherwise specified. Lyme disease has been clearly identified as a distinct disease entity, with sufficient occurrence in the veteran population to warrant a separate diagnostic code. Assigning a code for other parasitic diseases not otherwise specified provides a category for diseases which would otherwise require confusing or ambiguous analogous ratings. We propose to provide a 100 percent evaluation while these diseases are active, with instructions to rate any residuals which may result.

We propose minor changes in the nutritional disorders currently listed as avitaminosis (6313), beriberi (6314), and pellagra (6315). Rather than helping to explain or clarify the specific

evaluations, the terms "pronounced," "severe," "moderately severe," "moderate," and "mild" which precede each evaluation level in the current criteria for beriberi and pellegra inject an element of ambiguity not otherwise present. For this reason, we propose to delete them. Other minor wording changes have been made for clarity without substantive amendments. Under the current rating schedule, avitaminosis (diagnostic code 6313) instructs the rating specialist to rate as pellagra, according to severity. For the convenience of those using the schedule, we propose to duplicate the rating criteria under diagnostic code 6313 rather than forcing users to refer to another code (6315) to find them.

We propose to eliminate the 10% evaluation for moderate residuals under beriberi (code 6314) and replace it with the instruction to rate any residuals under the appropriate diagnostic code. This will provide the rater latitude in evaluating all residuals without limiting the evaluation to the 10% level, in the absence of clinical symptoms of the actual disease. This instruction is commonly used in the schedule for this reason. We propose to add an example of ordinary activity to the evaluation criteria for the 30 percent level, to help clarify the difference between the 30 percent and the 60 percent evaluations.

The criteria for systemic lupus erythematosus (diagnostic code 6350) in the current schedule provide for percentage evaluations of 100, 80, 60, 30, and 10 percent. The intermediate range of evaluations depends on criteria which produce impaired health described as "severe" for 80 percent, "moderately severe" for 60 percent, and "moderate" for 30 percent. A 30 percent evaluation is also allowed if exacerbations lasting a week or more occur two or three times a year. For the 10 percent level, exacerbations of a shorter duration once or twice a year, or symptomatology during the past two years, are required.

Systemic lupus typically requires protracted treatment and is more disabling than the current criteria suggest. The 60 percent and 80 percent levels of the disability described in the schedule are clinically indistinguishable, and they are, in fact, severe enough to warrant a 100 percent evaluation. Similarly, the criteria for the 30 percent evaluation more nearly approximate a 60 percent disability. We propose to expand the 100 percent evaluation to include the criteria currently required for the 60 and 80 percent levels. An evaluation for 100 percent will thus be assigned for any frequent exacerbations producing severe impairment of health. Similarly, two or three exacerbations per year of a week or more will qualify for a 60 percent evaluation instead of 30 percent. The 10 percent level will remain unchanged.

The Note which currently follows diagnostic code 6350 instructs that residuals of the disease such as joint, renal, and pleural involvement are to be separately rated. We propose to add drug reactions and neurological complications, because these are frequent residuals of the disease.

We propose no substantive change in the criteria for diagnostic code 6351, HIV-related illness, as amended on March 24, 1992 (see 57 FR 10134). No change is proposed in §§ 4.88b or 4.89, which provide for evaluations of nonpulmonary tuberculosis.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this amendment is non-major for the following reasons:

(1) It will not have an annual impact on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance numbers are 64.104 and 64.109.

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: April 8, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 4, subpart B, is proposed to be amended as set forth below:

PART 4—SCHEDULE FOR RATING DISABILITIES

Subpart B—Disability Ratings

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

Authority: 72 Stat. 1125; 38 U.S.C. 1155.

2. The undesignated center heading appearing before § 4.88 is revised to read as follows:

Infectious Diseases, Immune Disorders and Nutritional Deficiencies

§ 4.88 [Removed]

3. Section 4.88 is removed.

4. Section 4.88a is revised to read as follows:

§ 4.88a Schedule of ratings—infectious diseases, immune disorders and nutritional deficiencies.

	Rating
6300 Cholera, Asiatic:	
As active disease, and for 3 months convalescence	100
Thereafter rate residuals such as renal necrosis under the appropriate system	
6301 Visceral Leishmaniasis:	
As active disease	100
Thereafter rate residuals such as liver damage or lymphadenopathy under the appropriate system	
6302 Leprosy (Hansen's Disease):	
As active disease	100
Thereafter rate residuals such as skin lesions or peripheral neuropathy under the appropriate system	
6304 Malaria:	
As active disease	100

	Rating
Note: The diagnosis of malaria depends on the identification of the malarial parasites in blood smears. If the veteran served in an endemic area and presents signs and symptoms compatible with malaria, the diagnosis may be based on clinical grounds alone. If no malarial parasites can be demonstrated in blood smears in patients upon recurrent attacks, the diagnosis of active disease cannot be supported. Relapses must be confirmed by the presence of malarial parasites in blood smears	
Thereafter rate residuals such as liver or spleen damage under the appropriate system	
6305 Lymphatic Filariasis:	
As active disease	100
Thereafter rate residuals such as epididymitis or lymphangitis under the appropriate system.	
6306 Bartonellosis:	
As active disease, and for 3 months convalescence	100
Thereafter rate residuals such as skin lesions under the appropriate system	
6307 Plague:	
As active disease	100
Thereafter rate residuals such as lymphadenopathy under the appropriate system	
6308 Relapsing Fever:	
As active disease	100
Thereafter rate residuals such as liver or spleen damage or central nervous system involvement under the appropriate system	
6309 Rheumatic fever:	
As active disease	100
Thereafter rate residuals such as heart damage under the appropriate system	
6310 Syphilis, and other treponemal infections:	
Rate the complications of nervous system, vascular system, eyes or ears	
6311 Tuberculosis, miliary:	
As active disease	100
Inactive: See §§ 4.88b and 4.89	
6313 Avitaminosis:	
Marked mental changes, moist dermatitis, inability to retain adequate nourishment, exhaustion, and cachexia	100
With the symptoms listed below, plus mental symptoms and impaired bodily vigor	60
Stomatitis, persistent diarrhea, and symmetrical dermatitis	40
Stomatitis, or achlorhydria, or recurring diarrhea	20
Digestive disturbances, loss of appetite and weight, slight diarrhea, headache, and vertigo	10
6314 Beriberi:	
History of limited nourishment, edema, weakness, cardiac enlargement or murmurs, peripheral neuropathy or other manifestations not responding to therapy	100
With some of the symptoms listed above precluding other than strictly sedentary activity	60
With some of the symptoms listed above precluding other than ordinary activity such as climbing stairs or walking at a normal pace	30
Rate any residuals under the appropriate diagnostic code	
6315 Pellagra:	
Marked mental changes, moist dermatitis, inability to retain adequate nourishment, exhaustion, and cachexia	100
With the symptoms listed below, plus mental symptoms and impaired bodily vigor	60
Stomatitis, persistent diarrhea, and symmetrical dermatitis	40
Stomatitis, or achlorhydria, or recurring diarrhea	20
Digestive disturbances, loss of appetite and weight, slight diarrhea, headache, and vertigo	10
6316 Brucellosis:	
As active disease	100
Thereafter rate residuals such as liver or spleen damage or meningitis under the appropriate system.	
6317 Typhus, scrub:	
As active disease, and for 3 months convalescence	100
Thereafter rate residuals such as spleen damage or skin conditions under the appropriate system	
6318 Melioidosis:	
As active disease	100
Thereafter rate residuals such as arthritis, lung lesions or meningitis under the appropriate system	
6319 Lyme Disease:	
As active disease	100
Thereafter rate residuals such as arthritis under the appropriate system	
6320 Parasitic diseases otherwise not specified:	
As active disease.	
Thereafter rate residuals such as spleen or liver damage under the appropriate system	
6350 Lupus erythematosus, systemic (disseminated):	
Not to be combined with ratings under diagnostic code 7809	
Acute, with frequent exacerbations, producing severe impairment of health	100
Exacerbations lasting a week or more, 2 or 3 times per year	60
Exacerbations once or twice a year or symptomatic during the past two years	10
Note: Rate residuals such as adverse drug reactions, joint, renal, pleural or neurological complications under the appropriate system, not to be combined with ratings under code 6350. Assign the higher evaluation	
6351 HIV-Related Illness:	
AIDS with recurrent opportunistic infections or with secondary diseases afflicting multiple body systems; HIV-related illness with debility and progressive weight loss, without remission, or few or brief remissions	100
Refractory constitutional symptoms, diarrhea, and pathological weight loss; or minimum rating following development of AIDS-related opportunistic infection or neoplasm	60
Recurrent constitutional symptoms, intermittent diarrhea, and on approved medication(s), or; minimum rating with T4 cell count less than 200, or Hairy Cell Leukoplakia, or Oral Candidiasis	30

	Rating
Following development of definite medical symptoms, T4 cell count of 200 or more and less than 500, and on approved medication(s), or; with evidence of depression or memory loss with employment limitations	10
Asymptomatic, following initial diagnosis of HIV infection, with or without lymphadenopathy or decreased T4 cell count	0
Note (1): The term "approved medication(s)" includes medications prescribed as part of a research protocol at an accredited medical institution	
Note (2): Psychiatric or central nervous manifestations, opportunistic infections, and neoplasms may be rated separately under appropriate codes if higher overall evaluation results, but not in combination with percentages otherwise assignable above	

[FR Doc. 93-10132 Filed 4-29-93; 8:45 am]

BILLING CODE 8230-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 93-55; FCC 93-134]

Metric Conversion of Tariff Publications and Supporting Information

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to amend the rules regarding the filing of tariffs and supporting documentation to incorporate metric units of measurement. The amendment advances the goal of the Metric Conversion Act and acknowledges the increased use of metric units of measurement. The amendment will aid in bringing the United States telecommunications industry into conformance with the International System of units that is increasingly becoming the preferred system of weights and measures in this country, as well as abroad.

DATES: Comments shall be filed on or before May 26, 1993; Reply comments shall be filed no later than June 10, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Carol Canteen, Tariff Division, Common Carrier Bureau, (202) 632-6312.

SUPPLEMENTARY INFORMATION: On April 8, 1993, the Commission released a Notice of Proposed Rulemaking, proposing to amend the rules to establish the metric system of measurement as the preferred system of weights and measures for the United States trade and commerce. In keeping with the recommendations and procedures outlined in the Metric Handbook for Federal Officials developed by the Interagency Committee, the Commission's proposed amendment offers the industry three options. The first option would require a carrier to provide in the general rules section of a tariff publication, a table for converting non-metric units and corresponding rates to metric units. The second option would allow the carrier to state in the applicable rate section of the tariff publication and in supporting information, the metric unit and corresponding rate in parenthesis beside the non-metric unit and rate. The third option would require a carrier to provide in its tariff a conversion table for converting non-metric units and corresponding rates into metric units and rates.

The Commission recognizes that any conversion to metric measure would impose some burden on carriers and their customers. The Commission believes that it would be consistent with the national metric policy that it places such burdens on carriers and customers. The proposal to let carriers select from among three options how they will meet this obligation, should go far toward minimizing such burdens. The Commission proposes to allow carriers a period of two years to make the necessary conversions as they routinely file tariff revisions. The Commission proposed amending part 61 of the rules by adding § 61.37, Use of Metric Measurement, as set forth below.

The following collection of information contained in this proposed rule has been submitted to 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 Services, 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857-3800. 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: Proposed § 61.37—Use of Metric Measurement

OMB Number: None.

Action: New Collection.

Respondents: Businesses or other for Profit, including small businesses.

Frequency of Response: On Occasion and Other.

Estimated Annual Burden: 1500 respondents; 106 hours per response (average); 159,000 hours total annual burden.

Needs and Uses: 47 CFR 61 is designed to ensure that all tariffs filed by common carriers are formally sound, well organized, and provide sufficient information to determine the justness and reasonableness as required by the Communications Act, of the rates, terms and conditions in tariffs. The Notice of Proposed Rulemaking solicits public comment to amend 47 CFR 61 regarding the filing of tariffs and supporting documentation to incorporate metric units of measurement. The proposed amendment advances the goal of the Metric Conversion Act.

List of Subject in CFR Part 61

Communications common carriers; Reporting and recordkeeping requirements; Telegraph; and Telephone

Amendment to the Code of Federal Regulations

Part 61 of title 47 of the Code of Federal Regulations is proposed to be amended as follows:

Part 61—TARIFFS

1. The authority citation for Part 61 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply Sec. 203, 48 Stat. 1070; 47 U.S.C. 203.

2. Section 61.37 is added to read as follows:

§ 61.37 Use of metric measurement.

All general rules, regulations, exceptions, conditions, and rates contained in a tariff publication and in supporting information that are measurement sensitive must employ one of the following options relating to the use of metric measurement. A

carrier may employ only one option throughout all tariff publications and supporting information filed by that carrier. A carrier may choose to provide a conversion table for converting non-metric units and corresponding rates to metric units and rates in the general rules section of a tariff publication. A carrier may choose to state in the applicable rate section of the tariff publication and in supporting information, the metric unit and corresponding rate in parenthesis simultaneously with the non-metric unit and rate. A carrier may choose to provide a conversion table for converting the non-metric units and corresponding rates contained in a tariff publication and in supporting information filed with the Commission to metric units and rates. The resulting metric unit and corresponding rate must be shown in the tariff publication and in the supporting information filed with the Commission.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93-10162 Filed 4-29-93; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 93-112, RM-8210]

Radio Broadcasting Services; Buckeye, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mobley Broadcasting, Inc., licensee of Station KMJK (FM), Channel 295A, Buckeye, Arizona, seeking the substitution of Channel 295C2 for Channel 295A and modification of its license accordingly to specify operation on the higher powered channel. Coordinates for this proposal are 33-21-03 and 112-52-41. Mexican concurrence will be requested for this allotment.

Petitioner'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 295C2 at Buckeye, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

DATES: Comments must be filed on or before June 14, 1993, and reply comments on or before June 29, 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: Philip L. Malet, Esq., Steptoe & Johnson, 1330 Connecticut Avenue, NW., 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. 93-112, adopted April 5, 1993, and released April 26, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93-10107 Filed 4-29-93; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 93-111, RM 8204]

Radio Broadcasting Services; Reedsport, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Colleen E. and Rodney B. Fafara seeking the substitution of Channel 258C3 for Channel 258A at Reedsport, Oregon, and the modification of Station KRBZ's construction permit to specify operation on the higher class channel. Channel 258C3 can be allotted to Reedsport in compliance with the Commissions' minimum distance separation requirements with a site restriction of 2.5 kilometers (1.6 miles south to accomodate petitioners' desired transmitter site, at coordinates North Latitude 43-40-40 and West Longitude 124-06-36. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of the channel at Reedsport or require the petitioners to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before June 14, 1993, and reply comments on or before June 29, 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: Colleen E. and Rodney B. Fafara, 825 E. Evelyn Avenue #532, Σθννυωαλε, Ψαλιφορνια 94086 (Πετιτιονερσ).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93-111, adopted April 5, 1993, and released April 26, 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, International Transcript Services, 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. 93-10108 Filed 4-29-93; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 93-104, RM-8209]

Radio Broadcasting Services; Greenwood, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Team Broadcasting Co., Inc., proposing the substitution of Channel 282C2 for Channel 282C3 at Greenwood, Mississippi, and modification of the construction permit for Station WGNL (FM). The coordinates for Channel 282C2 are 33-28-50 and 90-09-35. We shall propose to modify the construction permit for Channel 282C3 in accordance with § 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before June 14, 1993, and reply comments on or before June 29, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel as follows: Mark N. Lipp, Mullin, Rhyne, Emmons and Topel, P.C., 1000 Connecticut Avenue, suite 500, Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 93-104 adopted April 1, 1993, and released April 26, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20036, (202) 857-3800.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93-10109 Filed 4-29-93; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 93-103, RM-8206]

Radio Broadcasting Services; Minetto, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Francis G. Toce seeking the allotment of Channel 293A to Minetto, New York, as the community's first local aural transmission service. Channel 293A can be allotted to Minetto in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.6 kilometers (1.6 miles) northwest to avoid a short-spacing to Station WPCX, Channel 295B, Auburn, New York, at coordinates North Latitude 43-25-18 and West Longitude 76-28-54. The proposed Minetto allotment is short-spaced to unoccupied and unapplied-for Channel 293A at Brockville, Ontario, Canada. However, we believe that no prohibited interference will result from the allotment since the protected contour of a Brockville station and the interference contour of the Minetto station will not overlap. Concurrence by the Canadian government, as a specially negotiated allotment, has been requested since Minetto is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before June 14, 1993, and reply comments on or before June 29, 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: James L. Oyster, Esq., Rt. 1, Box 203A, Castleton, Virginia 22716 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93-103, adopted April 1, 1993, and released April 26, 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, International Transcription Services, 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. 93-10110 Filed 4-29-93; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 93-101, RM-8201]

Radio Broadcasting Services; Pelham, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Mitchell County Television requesting the allotment of Channel 222A to Pelham,

Georgia, as that community's first local FM service. The proposed coordinates are North Latitude 31–06–07 and West Longitude 84–08–44.

DATES: Comments must be filed on or before June 14, 1993, and reply comments on or before June 29, 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: Jerry E. White, Managing Partner, Mitchell County Television, Route 3, Box 514, Pelham, Georgia 31779 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–101, adopted March 30, 1993, and released April 26, 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, 1919 M Street, NW., room 246, or 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. 93–10111 Filed 4–29–93; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 930362–3062]

Pelagic Fisheries of the Western Pacific Region

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to remove Federal regulations governing foreign longline fishing for pelagic species, other than tuna, in the exclusive economic zone (EEZ) off the Commonwealth of the Northern Mariana Islands (CNMI) and the west coast of the U.S. mainland. Foreign fishing in these areas is governed by the Preliminary Fishery Management Plan for Pacific Billfish, Oceanic Sharks, Wahoo, and Mahimahi (PMP). The Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP), which manages all domestic and most foreign fishing for pelagic species off the coasts of Hawaii and U.S. territories of the western Pacific, has largely replaced the PMP. Withdrawing the PMP and its implementing rules will reduce the complexity caused by having two separate management approaches for foreign fishing.

DATES: Written comments must be received by June 14, 1993.

ADDRESSES: Comments on the proposed withdrawal of the PMP and the proposed rule to delete its implementing regulations should be addressed to Dr. Gary C. Matlock, Acting Regional Director, Southwest Region, NMFS, 501 W. Ocean Blvd., suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, NMFS, at (310) 980–4036; or Alvin Z. Katekaru, NMFS, at (808) 955–8831.

SUPPLEMENTARY INFORMATION: The PMP was implemented on April 1, 1980 (45 FR 14581), to allow and manage otherwise prohibited foreign longline fishing for pelagic species within the EEZ of the Pacific Ocean, excluding the EEZ off Alaska. Alaska is well beyond the range of these pelagic species. At that time, there was some interest in foreign longline fishing for billfish in the EEZ. Subsequently, the WPFMC prepared an FMP for the same species to manage both foreign and domestic fishing within the EEZ of the western Pacific Ocean, except for those portions of the EEZ off the CNMI and the west coast of the U.S. mainland (52 FR 5984, February 27, 1987). Since the CNMI had chosen not to participate as a member of the WPFMC, the FMP did not include conservation and management measures applicable to the EEZ around the CNMI in the management area of the FMP. The Pacific Fishery Management Council (PFMC) decided not to prepare a plan for the west coast because the State of California regulations were considered sufficient for managing pelagic species fisheries off the west coast. Therefore, the PMP now only covers foreign longline fishing for pelagic species within the EEZ off the CNMI and the west coast of the U.S. mainland. However, there has been no foreign fishing in either of these two areas since the PMP was implemented.

In the geographic area each presently covers, the PMP and FMP take different approaches to managing foreign fishing. The PMP regulations restrict the amount of billfish and other fish that may be retained in each area, establish zones in which retention of billfish and other species is prohibited, and require that vessel operators release any prohibited species without bringing them on board the vessel. The PMP does not include tuna in the management unit. It also prohibits foreign fishing within 12 nautical miles of the baseline from which the territorial sea is measured. There is a non-retention zone between 12 and 100 nautical miles off the west coast of the U.S. mainland and between 12 and 50 nautical miles off the coast of the CNMI. Billfish and associated species may be retained by permitted foreign fishing vessels beyond these distances. The FMP does not limit the catch by foreign vessels so long as the regulations are followed, while the PMP defines total allowable level of foreign fishing and the amount of reserve for each species for each area.

Since implementation of the Magnuson Fishery Conservation and Management Act (Magnuson Act), foreign longliners have not fished for pelagic species within the EEZ of the Pacific Ocean. Apparently, the expense of taking an observer and meeting the other requirements is not justified when measured against the uncertainty of the potential harvest. Opportunities to harvest these highly migratory species extend well beyond the EEZ.

If foreign fishermen decide to seek access to pelagic species in either the EEZ of the CNMI or the west coast of the U.S. mainland, those requests could be dealt with appropriately by the PFMC or the WPFMC.

Because the Magnuson Act prohibits foreign fishing in the absence of a PMP

or FMP, removing the PMP prevents foreign longline fishing for pelagic species in the EEZ off the CNMI and the west coast of the U.S. mainland; however, no foreign fishing has occurred and none is likely. Since the management unit species can be harvested beyond the EEZ and potential foreign fishing can still occur in the areas of the EEZ managed by the FMP, removing the PMP will not affect total catch and effort on the stocks. Therefore, there are no anticipated biological, economic, or social impacts.

The PMP is unnecessary. The regulations governing foreign fishing, which coexist with the FMP regulations in § 611.81, create needless complexity. In view of the above, the PMP and its implementing rules are proposed to be withdrawn. This proposed rule would amend 50 CFR 611.81 by removing paragraphs that implemented the PMP, i.e., paragraphs (i), (j)(1), and (k); if these paragraphs are deleted, several other paragraphs in § 611.81 need to be redesignated, or revised to correct cross-references.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that the PMP and its implementing regulations are not necessary for the conservation and management of the pelagic fisheries in the EEZ of the CNMI and the west coast of the U.S. mainland. Withdrawing the PMP and issuing this proposed rule to remove its implementing regulations are consistent with the Magnuson Act and other applicable law.

The Assistant Administrator has determined that this proposed rule is categorically excluded from the requirements to prepare an environmental impact statement (EIS) or environmental assessment (EA) under paragraph 6.02c. (3)(f) of NOAA Administrative Order 215–1. This action would affect total catch and effort on management unit species.

This proposed rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The rule would have no impacts on domestic or foreign fishing vessels, as no foreign longlining has been conducted, or is expected in the future under the PMP.

The Assistant Administrator has determined that this rule is consistent to the maximum extent practicable with the approved coastal zone management programs of the Commonwealth of the Northern Mariana Islands, and the States of California, Oregon, and Washington. Letters have been sent to the Commonwealth and the States requesting their review and comment.

The General Counsel for the Department of Commerce has certified to the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. This rule removes Federal regulations governing foreign longlining fishing for pelagic species, other than tuna, in the EEZ off the CNMI and the west coast of the U.S. mainland. Since there has been no foreign fishing in these areas since the regulations went into effect in 1980, there should be no economic impact.

This proposed rule contains no collection-of-information requirement subject to the Paperwork Reduction Act.

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

List of Subjects in 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Dated : April 26, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 611 is proposed to be amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. In § 611.81, the definition of "non-retention zone" in paragraph (b) is revised; paragraphs (i) and (k) are removed and paragraph (j) is redesignated paragraph (i); redesignated paragraph (i)(1) is removed and redesignated paragraphs (i)(2) through (i)(9) are redesignated paragraphs (i)(1) through (i)(8), respectively; redesignated paragraphs (i) heading, (i)(3)(i), (i)(3)(ii), (i)(3)(iv) first sentence, (i)(5) introductory text, (i)(6)(i) first sentence, and (i)(6)(ii) first sentence are revised; and in newly redesignated paragraphs (i)(1), (i)(2), and (i)(7), the words "FMP Management Area Group" are removed and the words "FMP Management Area" are added in their place to read as follows:

§ 611.81 Pacific pelagic species fishery.

* * * * *

(b) * * *

* * * * *

Non-retention zone means that area of the EEZ in which all billfish, oceanic sharks, wahoo, and mahimahi caught by longline gear from an FFV must be returned to the sea in accordance with the requirements of paragraph (i)(3) of this section.

* * * * *

(i) *Other management measures*—

* * * * *

(3) * * *

(i) There is no limit to the amount of Pacific pelagic management unit species that may be caught by the operator of an FFV in the retention zones described in Table 1 of paragraph (i)(1) of this section.

(ii) No operator of an FFV may fish with longline gear to catch and retain Pacific billfish, oceanic sharks, mahimahi, or wahoo within the non-retention zone set out in Table 1 of paragraph (i)(1) of this section.

* * * * *

(iv) No operator of an FFV may fish for Pacific pelagic management unit species in the closed areas set out in Table 1 of paragraph (i)(1) of this section. * * *

* * * * *

(5) *Factors considered.* Factors that will be considered by the Regional Director in making any determination described in paragraph (i)(4) of this section will include the following:

* * * * *

(6) * * *

(i) The Secretary will publish a notice of any proposed determination described in paragraph (i)(4) of this section in the **Federal Register** for public comment, unless the Secretary finds good cause that such notice and public review are impracticable or contrary to the public interest. * * *

(ii) If the Secretary determines, for good cause, that a determination described in paragraph (i)(4) of this section must be issued without affording a prior opportunity for public comment, public comments on the notice will be received by the Secretary for a period of 15 days after the effective day of the notice. * * *

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[FR Doc. 93–10184 Filed 4–29–93; 8:45 am]

BILLING CODE 3510–22–M

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50 CFR Part 651

Northeast Multispecies Fishery: Public Hearings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public hearings on Amendment 5 to the Northeast

Multispecies Fishery Management Plan and request for comments.

SUMMARY: The New England Fishery Management Council (Council) announces that it will hold public hearings to receive comments on Amendment 5 to the Northeast Multispecies Fishery Management Plan (FMP). The Council also seeks information to assess the potential effects of a program to eliminate overfishing on stocks of cod, haddock and yellowtail flounder that would reduce fishing effort by 50 percent, and on alternative measures to reduce the take of harbor porpoise in the Gulf of Maine sink gillnet fishery. Scoping sessions will be held in conjunction with the public hearings. This notice is to alert the interested public of the hearings and to provide for public participation in compliance with environmental documentation requirements.

DATES: Written comments should be submitted on or before May 28, 1993. See **SUPPLEMENTARY INFORMATION** for times and dates of the public hearings; testimony may be presented at any of the hearings.

ADDRESSES: Written comments should be sent to Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906. Copies of the public hearing draft of Amendment 5 and the Draft Supplemental Environmental Impact Statement (DSEIS) may be obtained from this address. Clearly mark the outside of the envelope "Request for Amendment 5 public hearing document." See **SUPPLEMENTARY INFORMATION** for locations of public hearings.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, (617)–231–0422.

SUPPLEMENTARY INFORMATION: The scoping process for Amendment 5 was formally started on April 29, 1992 (57 FR 18132), and initial public hearings were held between April 30 and May 14, 1992. Public comments were received and reviewed by the Council. Frequent scoping meetings were held over the course of the intervening year, and adjustments were made to the initial proposals.

Background and Purpose of the Amendment

The Council proposes to amend the FMP because all of the principal stocks comprising the fishery are overexploited. Abundance levels, catch rates and total landings for many of these stocks have been steadily declining and are at all-time low levels. The current management system regulates the size of fish caught, through mesh size and minimum fish size, and provides temporary protection for concentrations of juvenile or spawning fish, through seasonally closed areas, but does not regulate the total effort exerted on the fishery. Without direct controls on the rate at which fish are caught, occasional large year classes of a particular stock are almost fully caught within a year or two of becoming susceptible to the gear. In addition, a significant portion of each year class must be discarded because the fish are caught before they reach the minimum legal size.

The Council's management policy, adopted in 1983, identified two main considerations: Minimum regulatory intervention, and preventing a failure in recruitment (incoming year classes) by maintaining certain minimum stock conditions. In 1988, the Council's Technical Monitoring Group (TMG), established by the FMP, evaluated the effectiveness of the FMP and recommended improvements. The TMG concluded that the FMP was making only limited progress towards its objectives, and that the overall management system, including the FMP, did not meet many of the resource maintenance and rebuilding needs.

According to the definitions of overfishing adopted by the Council and approved by the Secretary of Commerce (Secretary), the stocks of cod, haddock and yellowtail flounder are severely overfished, and are being fished at a rate more than twice that which will enable the stocks to maintain themselves over the long term. According to Federal guidelines, if a stock is overfished, the Council must establish a program and schedule to eliminate that condition and rebuild the stock over a period of time specified by the Council and acceptable to the Secretary.

The technical description of overfishing and of the status of stocks relative to that definition are contained in the DSEIS for Amendment 5. In simpler terms, the annual removal rate from individual groundfish stocks that would allow them to maintain themselves over the long term ranges from about one-quarter to one-half of the population (depending on the stock). According to the most recent assessments, fishing currently removes from one-half to three-quarters of each stock annually, and in some cases, at a rate more than twice the stock can sustain over the long term. Consequently, the Council intends to reduce overall fishing mortality rates by 50 percent.

In addition, NMFS, under the authority of the Marine Mammal Protection Act, has asked the Council to develop measures to reduce the take of harbor porpoise in the sink gillnet fishery and incorporate them into this amendment.

Amendment Objectives

The Council has adopted the following objectives for Amendment 5:

1. To eliminate overfishing on cod and yellowtail flounder in 5 years and on haddock in 10 years.
2. To rebuild the haddock spawning stock biomass, in addition to reducing the rate at which haddock are fished, by preventing an increase in the fishing effort directed at haddock.
3. To improve and enhance enforcement and administration of management measures.
4. To protect concentrations of fish below the minimum legal size from capture and excessive discard mortality.
5. To reduce the annual take of harbor porpoise in the sink gillnet fishery by the end of year 4 after implementation to 2 percent of the population, based on the best available estimates of abundance and bycatch.

Specific Measures Proposed

A. Moratorium

In order to qualify under the moratorium, a vessel would have to have been permitted as of February 21, 1991, or renewed a permit in 1991, and have a history of landing any multispecies fish. Vessels under construction or under contract for construction as of the control date could also qualify. The Council published notice of the control data in the Federal Register on May 17, 1991 (56 FR 22846).

There are proposed exceptions to the moratorium, and the owner of any vessel that does not automatically qualify for a permit would have the right to an appeal. The two exceptions to the moratorium under the preferred alternative would enable any vessel either to obtain a "maximum possession limit" permit, which would allow the vessel to retain up to a fixed amount of large-mesh groundfish species, currently proposed to be 500 pounds (227 kg), or to obtain a "hook-gear-only" permit, which would enable any vessel to fish for groundfish (no weight limit), provided that vessel fished for groundfish exclusively with fewer than 4,500 hooks set per day.

The Council is also taking to public hearings alternatives to the proposed moratorium. One alternative would

enable the Council to allow a controlled number of new permits on an annual basis after reviewing the effort-reduction program. Under one of the effort-reduction alternatives, which uses quotas, mesh size increases and monthly blocks out of the fishery, there is a no-moratorium alternative.

B. Fishing Effort Reductions

The Council is considering three effort-reduction alternatives: (1) All vessels (with exceptions) declaring time out of groundfishing and taking layover days while fishing for groundfish (the Council's preferred alternative); (2) choice of either a fleet-wide allocation or individual allocation of days at sea based on vessel history of fishing for groundfish; or (3) a system of aggregated quotas (combined landings of 10 large-mesh species), mesh size increases and monthly blocks out of groundfishing with the region divided into three quota allocation areas. The Council also proposes an exemption from effort-reduction requirements for boats under 30 feet (9.1 m) and hook-gear-only boats. Additionally, any vessel at any time may possess up to 500 pounds (227 kg) of groundfish, even though the vessel has no effort allocation. Further explanation of the alternatives follows.

Alternative 1: Under this preferred alternative, every qualifying vessel would be required to declare time out of groundfishing in blocks of no less than 20 days, including one block during the period March through May. The amount of time required off groundfishing would be increased incrementally over time. While fishing for groundfish, vessels would be required to layover at the dock 1 day for every 2 (24-hour) days at sea, except that no layover would be required for 1-day trips. The effort-reduction requirements for vessels engaged in pair trawling would be applied at a ratio of four-to-one in comparison to single-trawl vessels.

During the first 2 years, all groundfishing vessels would be required to declare 80 days out of the fishery, in addition to taking the layover days. In year 3, vessels would be required to declare 128 days out. In the fourth year, vessels would be required to declare 165 days out of groundfishing. In that year, the Council would consider making adjustments to any future reduction schedules based on the success of the program during the first 3 years and the status of the stocks relative to the amendment objectives. During the fifth year, vessels would be required to declare 200 days out of groundfishing.

Alternative 2: Under the second proposed alternative, vessels would have the option to take either the fleet-wide allocation of time out of groundfish described above, or individual allocations of days at sea based on historical performance as defined in the NMFS weighout file or as can be demonstrated with logbooks or other records.

Under the individuals allocation option, there would be no layover day requirement, but each vessel would still be required to declare 20 days out of groundfishing during the March through May period. The annual allocation of days at sea would be based on reductions of 10 percent per year from the initial baseline. Vessels fishing under an individual allocation would have to carry an electronic vessel tracking device.

Under this alternative, a vessel would have the opportunity to switch between the individual allocation group and the fleet-wide allocation group one time before the end of year 2, provided the switch is made at the end of the permit period (year).

The individual allocation would be based on the average number of groundfishing days that appear in the NMFS weighout files during 1988–1990, with the year of fewest days fished, and all years in which there is no record of fishing, removed from the calculation. A vessel would be able to appeal that allocation, and to continue fishing under the fleet-wide allocation pending the outcome of the appeal.

Alternative 3: This alternative would use three principal measures, which could be adjusted periodically in order to meet the amendment objectives: Aggregated quarterly quotas, mesh size increases, and assigned monthly blocks of time out of groundfishing. The Northeast Region would be divided into three areas: Gulf of Maine, Georges Bank, and Southern New England and south.

The time out of groundfishing would be allocated as follows. All vessels would be assigned random months out of the fishery during which vessels would be prohibited from retaining more than 500 pounds (227 kg) of groundfish. During the first 2 years, each vessel would be assigned 2 months out of the fishery, based on the last digit of the vessel permit. A vessel would not be assigned 2 consecutive months out, or more than 1 month per year that is the first month in a quarter.

Further time out of the fishery would result when the quota is reached and would apply to all vessels fishing in the area, regardless of the months that are assigned, as needed, in the third and fifth years of the plan.

C. Mesh Size Increase

Minimum legal mesh size for fishing for groundfish would be increased to 6 inches (15.2 cm), square or diamond, to be applied (phased-in) throughout the range of groundfish. Vessels would be required either to carry only legal mesh on board, or possibly to obtain a special permit to carry properly stowed small mesh while groundfishing.

D. Gillnet Vessels

An interim program is proposed for gillnet vessels to reduce both fishing effort and harbor porpoise bycatch, using blocks of time when all gear is out of the water, beginning with 4 days each month, and increasing incrementally to 16 days each month in year 5. There is also a mechanism to change or replace the interim proposal with a more effective or more acceptable management system as quickly as possible.

E. Mandatory Data Collection

Amendment 5 includes mandatory reporting systems for the collection of landings data and for monitoring effort. These include electronic vessel tracking systems (VTS) and a magnetic-strip card ("mag-card") call-in program.

F. Pair Trawling

The Council is considering measures either to control pair trawling for groundfish with a pro-rated effort control system, or to prohibit it.

G. Minimum Fish Sizes

Minimum fish sizes would be set appropriate to the increased mesh size, and to reduce discards (except for winter flounder, which would be set at 12 inches (30.5 cm), consistent with state regulations).

H. Juvenile Fish Protection

There are proposed measures to protect concentrations of juvenile cod on Stellwagen Bank and Jeffreys Ledge (required use of square mesh at certain times) and juvenile yellowtail in the vicinity of Nantucket Lightship (a closure to protect occasional large year classes).

I. Haddock Protection and Rebuilding

To protect and rebuild haddock stocks, Amendment 5 includes an expansion of Area II (by 20′ longitude to the west and 15′ latitude to the south), extension of the season (to January through June), and a suspension (for mobile gear) of the Area I closure. There is also a proposed possession limit of 2,500 pounds (1,134 kg) of haddock, or 5,000 pounds (2,268 kg) under effort reduction Alternative 3.

J. Inshore Night Fishing Ban

The Council seeks public comment on a prohibition on night fishing with mobile gear within 12 miles of shore (a non-preferred alternative).

K. Permits

Amendment 5 would require permits for all vessel operators and all dealers. A permit sanction could be the penalty for a violation of the regulations.

L. Overfishing Definitions

In accordance with Federal guidelines, the Council also is proposing measurable definitions of overfishing for those stocks in the plan for which overfishing has not yet been defined: Red hake, white hake, ocean pout, windowpane flounder, and pollock.

Public Comments Invited

Following these hearings, the Council will review all comments and prepare the final amendment. When the Council submits the amendment to the Secretary, the public will be notified and have further opportunity to comment. The Council encourages all interested members of the public to provide comments, questions and suggestions on the measures proposed in Amendment 5 as summarized in this summary document. Further detail on the background of Amendment 5, discussion and comparison of alternatives, and projected economic and environmental impacts are provided in the DSEIS, which is also available (see ADDRESSES).

Public Hearing Schedule

The public hearings will be held as follows:

1. May 3, 1993, 1 p.m.—Dutch Inn, Great Island Road, Galilee, RI (401) 789–9341.

2. May 4, 1993, 1 p.m.—The Frank Jones Center, 400 Route 1 Bypass, Portsmouth, NH (603) 433–2345.

3. May 5, 1993, 1 p.m.— Seaport Inn, 110 Middle Street, Fairhaven, MA (508) 997–1281.

4. May 6, 1993, 7 p.m.— Holiday Inn (Downtown), 88 Spring Street, Portland, ME (207) 775–2311.

5. May 7, 1993, 1 p.m.— Holiday Inn, U.S. Routes 1 & 3, Ellsworth, ME (207) 667–9341.

6. May 14, 1993, 7 p.m.— Sadler Function Hall, 30 Sadler Street Extension, Gloucester, MA (508) 281–8655.

7. May 19, 1993, 7 p.m.— Holiday Inn, 290 Highway 37 East, Toms River, NJ (908) 244–4000.

8. May 20, 1993, 7:30 p.m.— Holiday Inn, Exit 72–L.I. Expressway and Route 25, Riverhead, NY (516) 369–2222.

9. May 21, 1993, 2 p.m.— Sheraton Tara Hyannis, West End Circle, Hyannis, MA (508) 775–7775.

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

Dated: April 26, 1993.

David S. Crestin,

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

[FR Doc. 93–10143 Filed 4–29–93; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 82
Friday, April 30, 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

Animal and Plant Health Inspection Service

[Docket No. 93-049-1]

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

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

ADDRESSES: Copies of the environmental assessments and findings of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are encouraged to call ahead on (202) 690-2817 to facilitate entry into the reading room.

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

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

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

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

Permit No.	Permittee	Date issued	Organisms	Field test location
92-359-01	Monsanto Agricultural Company.	03-26-93	Soybean plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Alabama, Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, Ohio, South Dakota.
92-365-04, renewal of permit 91-317-01, issued on 01-22-92, renewal of permit 90-332-02, issued on 03-12-91.	Dekalb Plant Genetics, Incorporated.	04-01-93	Corn plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Hawaii.
93-053-06, renewal of permit 91-077-01, issued on 06-18-91.	Harris Moran Seed Company.	04-01-93	Cantaloupe plants genetically engineered to express resistance to cucumber mosaic virus.	California.
93-011-02, renewal of permit 91-347-03, issued on 04-14-92.	Monsanto Agricultural Company.	04-05-93	Cotton plants genetically engineered to express a delta-endotoxin from *Bacillus thuringiensis* susp. *kurstaki* for resistance to lepidopteran insects.	North Carolina.

Permit No.	Permittee	Date issued	Organisms	Field test location
93–011–03, renewal of permit 92–037–02, issued on 06–03–92.	Monsanto Agricultural Company.	04–05–93	Soybean plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	North Carolina.
93–077–04, renewal of permit 92–212–01, issued on 11–16–92.	Pioneer Hi-Bred International, Incorporated.	04–05–93	Corn plants genetically engineered to be male sterile and to express a marker gene for tolerance to the phosphinothricin class of herbicides.	Hawaii.
93–012–03	Monsanto Agricultural Company.	04–06–93	Cotton plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Texas.

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

Done in Washington, DC, this 26th day of April 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93–10198 Filed 4–29–93; 8:45 am]

BILLING CODE 3410–34–P

Forest Service

Middle Fork Ecosystem Management Project, Flathead National Forest, Hungry Horse Range District, Flathead County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The USDA, Forest Service, will prepare an Environmental Impact Statement (EIS) to analyze and disclose the environmental impacts of a proposal to sustain the natural diverse characteristics of ecosystems in the Middle Fork watershed upstream from West Glacier. This area, to be more approximate, lies between Glacier National Park and the Great Bear Wilderness Area, on the Hungry Horse Ranger District, Flathead County, Montana. Part of the proposed project activities are within the Bear-Marshall-Scapegoat-Swan (#1485) Roadless Area. To help sustain these ecosystems, prescribed burns in natural openings and harvesting of timber with some new road construction would be included in the proposal.

This EIS will tier to the Flathead National Forest Land and Resource Management Plan (LRMP) and EIS of January, 1986, which provide overall guidance in achieving the desired future condition for the area. To help achieve the purpose of sustaining natural ecosystems, the following has been identified as needs: to manage for the loss of vigor and increased mortality from a number of insect and disease organisms; to contribute to the short term supply of timber; to provide for conservation of biological diversity by maintaining or enhancing long term landscape linkages; to provide for wildlife habitat diversity and security; and to improve fish habitat.

Extensive scoping had been done for this project during the initial stages of analysis and during the development of alternatives over the past thirteen months. It has now been determined that an EIS will be prepared for this project. The Forest Service is seeking information and comments from Federal, State, and local agencies and other individuals or organizations who may now be interested in or affected by the proposed actions. This input will be used in preparing the Draft EIS. This process will include:

1. Identification of potential issues.
2. Identification of major issues to be analyzed in depth.
3. Elimination of minor issues or those which have been covered by a relevant previous environmental analysis.
4. Identification of additional reasonable alternatives.
5. Identification of potential environmental effects of the proposed action and the alternatives (i.e. direct, indirect, and cumulative effects).
6. Determination of potential cooperating agencies and task assignments.

The agency invites written comments and suggestions on the issues and management opportunities in the area being analyzed.

DATES: Comments concerning the scope of the analysis should be received on or before June 14, 1993.

ADDRESSES: Submit written comments and suggestions on the proposed management activities or a request to be placed on the project mailing list to Allen L. Christophersen, District Ranger, Hungry Horse Ranger District, P.O. Box 340, Hungry Horse, MT 59919.

FOR FURTHER INFORMATION CONTACT: Heidi Trechsel, Middle Fork Interdisciplinary Team Leader, or Allen L. Christophersen District Ranger, at (406) 387–5243.

SUPPLEMENTARY INFORMATION: Management activities under consideration would occur in an area encompassing approximately 22,430 acres of National Forest lands in the Dickey Cr., Paola Cr., Pinnacle Cr., Tunnel Cr., and Disbrow Cr. drainages of the Middle Fork Geographic Unit, located on the Hungry Horse Ranger District, as delineated in the Flathead LRMP. This area lies south of the Middle Fork of the Flathead River, west of the Continental Divide and north of the Great Bear Wilderness.

Wildlife habitat would be improved on 146 acres in the Dickey Cr. drainage, 100 acres in the Paola Cr. drainage, and 136 acres in the Tunnel Cr. drainage. This part of the proposal would involve forage enhancement through prescribed burning of natural openings.

Fish habitat would be improved in the Dickey, Paola, and Tunnel Creek drainages by removing barriers, improving bank and over-pool cover, and developing more clean gravel for spawning.

Harvest of timber and reforestation activities would occur on up to 500 acres in the project area. The areas for treatment are composed of even-aged lodgepole stands and mixed species stands. Management activities may include construction of approximately 1.3 miles of permanent road, and

restoration of approximately 3.9 miles of existing roads. The proposed timber harvest would take place in up to 22 units, varying in size from 4 to 40 acres. Seventeen of the units would be harvested with a seed tree with reserves silvicultural system (retention of up to 10 trees per acre). Two of the units would be harvested with a shelterwood with reserves silvicultural system (retention of up to 20 trees per acre). The remaining units would be harvested with a selection silvicultural system. Thirteen of the units would be harvested using a helicopter logging system and the remaining nine units would be harvested using a ground based logging system. Half of the units would be prescribed burned following logging to treat the heavy slash accumulations and prepare the site for reforestation. The remaining units would be mechanically scarified.

The LRMP for the Flathead National Forest provides the overall guidance for management activities in the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. The proposal was designed to meet the Forest Plan standards and guidelines and ecosystem management goals.

Areas of proposed harvest and road construction for the Middle Fork project are within Management Area (MA) 15, 16, and 7. LRMP plan direction states that Management Area 15 consists of lands where timber management with roads is economical and feasible. The management goal is to manage those lands suitable for timber production for the long-term growth and production of commercially valuable wood products as well as provide for soil and water protection, wildlife habitat, and roaded recreation opportunities.

Management Area 7 includes forested lands in areas of high scenic value. One of the primary goals consists of maintaining a pleasing, natural-appearing landscape in which management activities are not dominant. All resources will be managed with a partial retention visual quality objective.

Management Area 16 includes lands where timber management is feasible through the use of aerial logging systems. Roadless logging methods will be used, unless site specific analysis determines that a roaded system is economically and environmentally prudent.

Management Area 2A/2B consists of unroaded lands that offer a variety of dispersed recreation opportunities. Dispersed recreation opportunities will meet a Recreation Opportunity Spectrum classification of semi-primitive non-motorized for MA 2A and semi-primitive motorized for MA 2B. These management areas will provide wildlife and fish habitat, including security from human disturbance.

The Forest Service will consider a range of alternatives. The proposed action and the alternatives all respond in part to the purpose and need by addressing to varying degrees biodiversity, wildlife diversity and security, forest health and other needs. The analysis will also consider the "no action" alternative, in which none of the proposed activities would be implemented. As a result of the scoping and analysis that has taken place to date, alternatives to the proposed action would include;

(1) An alternative that focuses more on the conservation of biological diversity by maintaining or enhancing long term landscape linkages between the Bob Marshall Wilderness Complex and Glacier National Park. Wildlife burns would occur on 479 acres and timber harvest on 613 acres with some access provided by the construction of 0.3 miles of road and restoration of 3.9 miles of existing road. Fishery improvement work would be the same as in the proposed action.

(2) An alternative that would allow no harvesting or prescribed burning in inventoried roadless lands. 54 acres would be harvested from existing roads, with no new road construction or road restoration. Fishery improvement work would be the same as in the proposed action.

(3) An alternative that would include no harvesting of old growth. Wildlife burns would occur on 382 acres and timber harvest on 422 acres with some access provided by the construction of 1.3 miles of road and restoration of 3.9 miles of existing road. Fishery improvement work would be the same as in the proposed action.

Alternative analysis has examined various levels and locations of timber harvest and road construction to provide emphasis on differing mixes of timber and non-timber resource values.

The Forest Service has analyzed and will document the direct, indirect, and cumulative environmental effects of the alternatives. As appropriate, the EIS will disclose the site specific features that reduce or eliminate potential environmental impacts. Past, present, and projected activities on both private and National Forest lands will be considered. The EIS will disclose the analysis of site-specific mitigation measures and their effectiveness.

Public participation has been emphasized at several points of the analysis. People have visited Forest Service officials at various times during the analysis. Several open houses were provided in and adjacent to the project area during the initial scoping process. In addition, the public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision.

The Fish and Wildlife Service, Department of the Interior, has been and will be informally consulted throughout the analysis. To meet the requirements of the Endangered Species Act, the Fish and Wildlife Service will review the EIS and biological evaluation and if necessary, render a formal Biological Opinion of the effects on the Threatened and Endangered Species including grizzly bear, gray wolf, and bald eagle.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in late June 1993. At that time the EPA will publish a notice of availability of the draft EIS in the **Federal Register.** The public comment period on the draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register.**

The Forest Service believes it is important to give reviewers notice at this early stage because of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. [*Vermont Yankee Nuclear Power Corp.* versus *NRDC, 435 U.S. 519, 553 (1978)*]. Also, environmental objections that could be raised at the draft environmental impact stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. [*Wisconsin Heritage, Inc.* versus *Harris*], 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when the agency can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in

the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points).

The preliminary issues from initial scoping within the agency and public comments are listed below.

Effects to Threatened and Endangered Species.

Effects to snags due to potential high fuel loadings.

Management activities may affect cover/forage ratio and distribution.

Insect and disease organisms have effects upon stands, ecosystems, and area's relationship to fire.

Effects on short and long term timber supply.

Effects of site preparation activities on shrub component and subsequent regeneration.

Effects of even-age management on wildlife, visuals, and other resources.

Effects to riparian values, sensitive plants, Pacific yew, air quality, roadless, recreation use, visuals, water yield and quality, soil productivity, slope stability, bull trout and other fish, and old growth habitat.

Noxious weeds.

Effects of potential risk of escape from prescribed burn.

Effects of road use restrictions on recreation use and values.

Effects to economic efficiency.

Following this comment period, the comments received will be analyzed, considered and responded to by the Forest Service in the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by September 1993. The District Ranger for the Hungry Horse Ranger District, Flathead National Forest is the responsible official for the preparation of this EIS and will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies. The decision and rationale for the decision will be documented in a Record of Decision. That decision will be subject to appeal under applicable Forest Service regulations.

Dated: April 15, 1993.

Allen L. Christophersen,

District Ranger, Hungry Horse Ranger District, Flathead National Forest.

[FR Doc. 93-9434 Filed 4-29-93; 8:45 am]

BILLING CODE 3410-11-M

Advisory Council Meeting; Allegheny Wild and Scenic River, Allegheny National Forest, PA

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: A joint meeting of the Southern and Northern Advisory Councils for the Allegheny Wild and Scenic River will be held at 6:30 p.m., Wednesday, May 12, 1993, in the meeting room of St. John's Catholic Church, Tidioute, PA.

A videotape made by Council Member Lew Weingard will be shown of a trip down the Allegheny River on a replica 19th century packet boat which discusses the historical importance of the river.

Other topics include:

(1) Discussing common goals and objectives for the Northern and Southern Councils, (2) Beginning development of recommended management guidelines, and (3) discussing June river clean-up efforts.

The meeting is open to the public. A sign language interpreter will be provided if requested by May 3, 1993.

FOR FURTHER INFORMATION CONTACT: Lionel Lemery, Wild and Scenic River Coordinator, Allegheny National Forest, 222 Liberty Street, Warren, Pennsylvania 16365, 814/723-5150 or 814/726-2710 (TTY).

Dated: April 19, 1993.

Lionel A. Lemery,

Wild and Scenic River Coordinator.

[FR Doc. 93-10178 Filed 4-29-93; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Argyle Lake Watershed, McDonough County, IL

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Soil Conservation Service Regulations (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Argyle Lake Watershed, McDonough County, Illinois.

FOR FURTHER INFORMATION CONTACT: Charles Whitmore, State Conservationist, Soil Conservation Service, 1902 Fox Drive, Champaign, IL 61820, 217/398-5267.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicated that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Charles Whitmore, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project purpose is to improve water quality by trapping sediment, chemicals, and nutrients. The elements included in this plan are:

1. Two upland sediment basins, one 37' high and one 40' high
2. Two 4' high in-lake wetlands (rock weirs across upper reaches)
3. Required land treatment

The notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state and local agencies and interested parties. A limited number of copies of the FONSI are available for filling single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Charles Whitmore.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation for state and local officials.)

Charles Whitmore,

State Conservationist.

[FR Doc. 93-10103 Filed 4-29-93; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

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

Agency: Bureau of Economic Analysis (BEA).

Title: Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies with Foreign Persons.

Agency Form Number: BE-48.

OMB Approval Number: 0608-0016.

Type of Request: Revision.

Burden: 1,600 hours.

Number of Respondents: 400.

Avg Hours Per Response: 4 hours.

Needs and Uses: This survey obtains data on transactions between U.S. insurance companies and foreign persons. The information gathered is needed to support U.S. trade policy initiatives, including trade negotiations, and to compile the U.S. balance of payments and the national income and product accounts.

Affected Public: U.S. insurance companies, brokers, or groups engaging in reinsurance or other insurance transactions with foreign persons.

Frequency: Annual.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Paul Bugg, (202) 395–7340, room 3228, New Executive Office Building, Washington, DC 20503.

Agency: Bureau of Economic Analysis (BEA).

Title: Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons.

Agency Form Number: BE–47.

OMB Approval Number: 0608–0015.

Type of Request: Revision.

Burden: 675 hours.

Number of Respondents: 135.

Avg Hours Per Response: 5 hours.

Needs and Uses: This survey obtains data on U.S. sales to unaffiliated foreign persons of construction, engineering, architectural, and mining services. The information is needed to support U.S. trade policy initiatives, including trade negotiations, and to compile the U.S. balance of payments and the national income and product accounts.

Affected Public: U.S. businesses or other for–profit institutions providing construction, engineering, architectural, and mining services to unaffiliated foreign persons.

Frequency: Annual.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Paul Bugg, (202) 395–7340, room 3228, New Executive Office Building, Washington, DC 20503.

Agency: Bureau of Economic Analysis (BEA).

Title: Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons.

Agency Form Number: BE–93.

OMB Approval Number: 0608–0017.

Type of Request: Revision.

Burden: 2,080 hours.

Number of Respondents: 520.

Avg Hours Per Response: 4 hours.

Needs and Uses: This survey obtains data on royalties, license fees, and other receipts and payments for intangible rights between U.S. and unaffiliated foreign persons. The information is needed to support U.S. trade policy initiatives, including trade negotiations, and to compile the U.S. balance of payments and the national income and product accounts.

Affected Public: U.S. businesses or other for–profit institutions receiving royalties and license fees from, or paying royalties and license fees to, unaffiliated foreign persons.

Frequency: Annual.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Paul Bugg, (202) 395–7340, room 3228, New Executive Office Building, Washington, DC 20503.

Agency: National Institute of Standards and Technology (NIST).

Title: National Voluntary Laboratory Accreditation Program (NVLAP) Information Collection System.

Agency Form Number: NIST–1144.

OMB Approval Number: 0693–0003.

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

Burden: 3,600 recordkeeping/reporting hours.

Number of Respondents: 1,200.

Avg Hours Per Response: 2 hours for reporting/1 hour for recordkeeping.

Needs and Uses: Information is required of laboratories applying for accreditation under NVLAP. The information is used in conjunction with on-site assessments to determine if a laboratory is eligible for accreditation.

Affected Public: State or local governments, businesses or other for–profit institutions, federal agencies, non–profit institutions and small businesses or organizations.

Frequency: On occasion, annually, recordkeeping.

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

OMB Desk Officer: Maya A. Bernstein, (202) 395–3785, room 3235, New Executive Office Building, Washington, DC 20503

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

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer listed above.

Dated: April 26, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–10220 Filed 4–29–93; 8:45 am]

BILLING CODE 3510–CW–F

Bureau of Export Administration

Regulations and Procedures Technical Advisory Committee; Partially Closed Meeting

A meeting of the Regulations and Procedures Technical Advisory Committee will be held May 19, 1993, at 9:30 a.m., in the Herbert C. Hoover Building, room 1617M(2), 14th Street and Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis on implementation of the Export Administration Regulations (EARS), and provides for continuing review to update the EARS as needed.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Status report on working group projects:
   - Nonproliferation control regimes
   - Reconciliation of regimes
   - Regulations review.
4. Presentation by Jim Dearlove, Senior Intelligence Officer for the Defense Intelligence Agency, on DOD view of future technology transfer controls.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meetings date to the following address: Ms. Lee Ann Carpenter, TAC Unit/OAS/EA/BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 18, 1993, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof,

dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6020, U.S. Department of Commerce, Washington, DC. For further information, call Lee Ann Carpenter at (202) 482–2583.

Dated: April 26, 1993.

Lee Ann Carpenter,

Acting Director, Technical Advisory Committee Unit.

[FR Doc. 93–10125 Filed 4–29–93; 8:45 am]

BILLING CODE 3510–DT–M

Transportation and Related Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Transportation and Related Equipment Technical Advisory Committee will be held May 20, 1993, 9:30 a.m., in the Herbert C. Hoover Building, room 1617M(2), 14th Street & Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to transportation and related equipment or technology.

Agenda: General Session

1. Opening Remarks by the Chairman or Commerce Representative.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Discussion of recent revisions to the Export Administration Regulations.
5. Discussion of upcoming COCOM List Review.
6. Discussion of recent Missile Technology Control Regime Guidelines and Annex changes.

Executive Session

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the below listed address: Ms. Lee Ann Carpenter, TAC Unit/OAS/EA/BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 18, 1993, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6020, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call 202–482–1583.

Dated: April 26, 1993.

Lee Ann Carpenter,

Acting Director, Technical Advisory Committee Unit.

[FR Doc. 93–10124 Filed 4–29–93; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–475–703]

Granular Polytetrafluoroethylene Resin From Italy; Final Affirmative Determination of Circumvention of Antidumping Duty Order

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

ACTION: Notice of final affirmative determination of circumvention of antidumping duty order.

SUMMARY: On September 18, 1992, the Department of Commerce published a preliminary affirmative determination of circumvention of the antidumping duty order on granular polytetrafluoroethylene (PTFE) resin from Italy. The inquiry into the possible circumvention of this order covers one Italian manufacturer/exporter of the subject merchandise, and a related party in the United States (respondents). This inquiry covers the period July 1, 1990, through October 31, 1991.

We afforded interested parties an opportunity to comment on the preliminary affirmative determination of circumvention. We also requested certain additional factual information from respondents after the issuance of our preliminary determination. Based on our analysis of the factual information submitted, the comments received on our preliminary determination, and the arguments presented at the public hearing on the preliminary determination, we have determined that respondents are circumventing this order.

As a result, we have determined that PTFE wet raw polymer, the imported product subject to this inquiry, falls within the scope of the antidumping duty order on granular PTFE resin from Italy.

EFFECTIVE DATE: April 30, 1993.

FOR FURTHER INFORMATION CONTACT: David S. Levy, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On September 18, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 43218) a preliminary affirmative determination of circumvention of the antidumping duty order on granular PTFE resin from Italy and a consequent finding that the imported product subject to the inquiry, PTFE wet raw polymer, fell within the scope of this order. Pursuant to this determination, the Department instructed the U.S. Customs Service (Customs) to suspend liquidation of, and require cash deposits on, all entries of the imported product, PTFE wet raw polymer. In accordance with section 781(e) of the Tariff Act of 1930, as amended (the Tariff Act), the Department also notified the International Trade Commission (ITC) of its preliminary determination that the imported product fell within the scope of the order. In response, the ITC notified the Department that consultations between the Department and the ITC regarding the Department's preliminary determination were unnecessary.

The Department has now completed this inquiry in accordance with section 781(a) of the Tariff Act.

Scope of the Antidumping Duty Order

The antidumping duty order covers granular PTFE resins, filled or unfilled. The order explicitly excludes PTFE dispersions in water and PTFE fine powders. During the period covered by the anti-circumvention inquiry, such merchandise was classified under item number 3904.61.90 of the Harmonized Tariff Schedule (HTS). We are providing this HTS number for convenience and customs purposes only. The written description of scope remains dispositive.

Scope of the Anti-circumvention Inquiry

This anti-circumvention inquiry covers one Italian company, Montefluos, S.p.A. (Montefluos), and a related company in the United States, Ausimont, U.S.A. (Ausimont). The product subject to this anti-circumvention inquiry is PTFE wet raw polymer manufactured in, and exported from, Italy. PTFE wet raw polymer is the intermediate product from which Ausimont produces granular PTFE resin in the United States. Our period of inquiry was July 1, 1990, through October 31, 1991. However, our examination of qualitative factors and of the pattern of imports of the finished and intermediate products subject to this inquiry is based, in part, on data and events from outside this period.

Nature of the Anti-circumvention Inquiry

As set forth in our preliminary determination, we examined whether (1) granular PTFE resin sold in the United States is of the same class or kind of merchandise as that covered by the antidumping duty order on granular PTFE resin from Italy, (2) granular PTFE resin sold in the United States was completed or assembled from material imported from Italy, and (3) the difference between the value of granular PTFE resin and the value of PTFE wet raw polymer manufactured in and imported from Italy was small, as required by section 781(a)(1) of the Tariff Act. In reaching a conclusion as to whether the difference in value was small, we analyzed the nature of respondents' production processes, the extent of their U.S. production facilities, and their level of U.S. investment. Further, in determining whether to include the imported parts or components within the scope of the order, we analyzed the pattern of trade, the relationship between the respondents, and the volume of imports of PTFE wet raw polymer, pursuant to section 781(a)(2) of the Tariff Act. (See Granular Polytetrafluoroethylene Resin from Italy; Preliminary Affirmative Determination of Circumvention of Antidumping Duty Order, 57 FR 43218, 43219 (1992) (PTFE Preliminary).)

I. Statutory Criteria

Class or Kind and U.S. Assembly From Imported Components

Neither petitioner nor respondents challenged our preliminary determinations that the granular PTFE resin produced in the United States was of the same class or kind of merchandise as that imported from Italy, and that the subject granular PTFE resin was processed in the United States from PTFE wet raw polymer imported from Italy, the country to which the antidumping duty order applies. Therefore, we reaffirm our preliminary determinations regarding these two criteria.

Difference in Value

In our preliminary difference in value analysis, we used our customary method in attempting to calculate the value of granular PTFE resin and the value of PTFE wet raw polymer for the purpose of determining the difference in value between them. In calculating the value of PTFE wet raw polymer, we first calculated profit or loss in the United States by deducting (1) processing costs and general expenses incurred in the United States and (2) the relevant costs and expenses incurred in the home market from the U.S. selling price of the granular PTFE resin produced in the United States. We then allocated a portion of the resulting loss and a portion of respondents' U.S. general expenses to the cost of production of PTFE wet raw polymer to calculate its estimated value. Finally, we deducted the estimated value of PTFE wet raw polymer from the value of granular PTFE resin and divided the result by the value of granular PTFE resin to calculate a ranged difference in value of 38 to 55 percent. (*Id.*)

However, we determined that the result of the calculation significantly overstated the actual difference in value because respondents incurred losses during the period of inquiry that were due, at least in part, to the fact that respondents' newly-established U.S. production facility did not operate at full capacity during the inquiry period. We also noted that the calculated difference in value decreased significantly if we did not allocate respondents' losses to the cost of production of PTFE wet raw polymer. As a result, we concluded that 38 to 55 percent did not provide a realistic measure of the true difference in value between PTFE wet raw polymer and granular PTFE resin. (*Id.*)

In our preliminary determination, we also analyzed the nature of respondents' U.S. production process, the extent of their U.S. production facilities, and the level of their U.S. investment. Based on the descriptions of the various stages of the production of granular PTFE resin, and on the fact that respondents did not add any materials to or fundamentally alter the nature of PTFE wet raw polymer through processing in the United States, we determined that respondents' U.S. production process was not complex relative to the production process for PTFE wet raw polymer. We also determined that we lacked sufficient evidence regarding the extent of respondents' U.S. facility and the level of their U.S. investment to conclude that respondents had established substantial production facilities in the United States. (*Id.*) Based on these conclusions, and on our conclusion that the calculated difference in value did not provide a realistic measure of the difference between the value of PTFE wet raw polymer and granular PTFE resin, we preliminarily determined that the difference in value between granular PTFE resin and PTFE wet raw polymer was small. (*Id.*)

Subsequent to our preliminary determination, we requested that respondents provide us with data on the costs of finishing operations in Italy, detailed descriptions of the production processes for PTFE wet raw polymer and granular PTFE resin that respondents employ in Italy, and data on investment, employment, and output at respondents' current and former U.S. facilities as well as their Italian facility. We requested this information in order to conduct a more detailed analysis of the extent of respondents' U.S. production facility and the level of respondents' investment in this facility, and to provide a basis for further evaluation of our conclusions regarding the results of our preliminary difference in value calculation. Our analysis of this additional factual information is set forth below.

Final Calculation of Difference in Value: Respondents provided us with descriptions of their post-treatment process, which produces granular PTFE resin from PTFE wet raw polymer, in both Italy and the United States. Based on our analysis of these descriptions, we conclude that the production processes employed by respondents in the United

States and Italy are substantially similar. Further, our evaluation of production capacity and capacity utilization data reveals that the Italian facility is an established operation whose level of capacity utilization was not affected by the same factors that affected capacity utilization at respondents' U.S. facility. Finally, we found that a comparison of per-unit costs for post-treatment in the United States with those incurred at respondents' Italian facility, which operated under more typical conditions during the inquiry period, provided further evidence that respondents' U.S. losses were due, at least in part, to the fact that their U.S. facility did not operate at full capacity during the period of inquiry. For these reasons, we reaffirm our preliminary conclusion that the difference in value calculated in our preliminary analysis did not provide a reliable measure of the difference between the value of granular PTFE resin and PTFE wet raw polymer. Moreover, we have determined that data on the costs that respondents incurred for post-treatment of PTFE wet raw polymer in Italy provide a reasonable basis for assessing the contribution of the post-treatment process to the total value of granular PTFE resin under more typical conditions. (See Affirmative Final Determination of Circumvention of Antidumping Duty Order on Granular PTFE Resin from Italy—Final Difference in Value Analysis, Memorandum for the File from Case Analyst, April 20, 1993 (Final Analysis Memo))

Having established that we could rely on data regarding respondents' post-treatment costs in Italy as an appropriate surrogate for their post-treatment costs in the United States, we used these data to calculate the difference between the value of granular PTFE resin and the value of PTFE wet raw polymer. As in our preliminary determination, we computed the absolute difference in value by deducting the value of PTFE wet raw polymer from the value of granular PTFE resin. We then calculated the percentage difference in value by dividing the absolute difference in value by the value of granular PTFE resin.

Value of Completed Merchandise

As in our preliminary determination, we used respondents' weighted-average, monthly, ex-factory U.S. selling price of granular PTFE resin on a grade-specific basis to represent the value of granular PTFE resin. Where applicable, we deducted U.S. inland freight from the reported selling prices to derive the ex-factory price of the granular PTFE resin.

Value of Imported Material

In calculating the value of PTFE wet raw polymer for this final determination, we substituted data on respondents' Italian post-treatment costs for those on their U.S. post-treatment costs. Thus, we calculated profit or loss by deducting (1) the general expenses incurred in the United States and (2) the total manufacturing cost in Italy for granular PTFE resin and any relevant expenses incurred in Italy from the U.S. selling price of the granular PTFE resin. We then allocated a portion of the resulting profit or loss and a portion of respondents' U.S. general expenses to the cost of production of PTFE wet raw polymer to calculate its estimated value. Finally, we deducted the estimated value of PTFE wet raw polymer from the value of granular PTFE resin and divided the result by the value of granular PTFE resin to calculate a difference in value of 10 to 20 percent (because the actual figure is business proprietary information, the stated percentages are approximated within plus or minus ten percentage points of the calculated figure).

Nature of Processing

As we stated in our preliminary determination, we believe that the production of tetrafluoroethylene (TFE) monomer and the suspension polymerization of this monomer into PTFE wet raw polymer are complicated processes, and that these processes impart the basic physical characteristics that distinguish granular PTFE resin from other forms of PTFE resin. (See PTFE Preliminary at 43220.) An analysis of respondents' descriptions of their monomer production and suspension polymerization processes indicate they conform to the descriptions that we used in our preliminary determination. (See Final Analysis Memo.) Further, our comparison of respondents' U.S. and Italian post-treatment processes supports our preliminary conclusion that post-treatment processes are not complex relative to the processes required to produce PTFE wet raw polymer, and do not fundamentally alter the nature of the product. (*Id.*) As a result, we reaffirm our preliminary determination that, within the context of the overall production process for granular PTFE resin, the processes that respondents currently perform in the United States are relatively simple.

Extent of Production Facilities

Respondents indicated in their submissions subsequent to the preliminary determination that the U.S. production facility that they closed in 1988 was an integrated facility that performed all processes required to produce granular PTFE resin. After closing this facility, respondents then supplied their U.S. customers with imported granular PTFE resin that was also produced in an integrated facility. However, the U.S. production facility that we examined during this inquiry performs only the final, post-treatment stages of the production process. Because respondents are currently performing in the United States only a fraction of the production steps that they previously performed in the United States, and currently perform in Italy, we conclude that respondents' current U.S. production facility is not extensive relative to their other granular PTFE resin production facilities.

Level of Investment

We evaluated the level of respondents' investment in the United States within the context of the level of investment required for an integrated facility for the production of granular PTFE resin. The data from respondents' Italian facility clearly establish that the plant and equipment required for the production of granular PTFE resin represent only a fraction of the equipment required for the production of TFE monomer and the suspension polymerization of this monomer. Respondents' estimates of the investment required to construct monomer production and polymerization facilities in the United States demonstrate a similar relationship. Accordingly, we determine that, in comparison to the investment required to establish an integrated production facility for granular PTFE resin, respondents' investment in the United States is relatively minor.

In previous anti-circumvention inquiries, we determined that the difference between the value of imported parts and components and the value of finished products was not "small" because (1) respondents performed a variety of complex processing steps and added numerous materials to the imported components that fundamentally altered their nature, (2) the extent of respondents' U.S. facilities was similar to that of their home market facilities, and (3) respondents made a significant investment in U.S. production facilities comparable in scale to production facilities in the home market. (PTFE Preliminary at 43220.) However, in this case, we find that the processing performed in the United States is not complex, that respondents' U.S. facilities are not extensive, and that respondents' U.S. investment is

relatively minor. Therefore, we determine that respondents' U.S. operations are mere finishing operations that constitute only a "slight change[s] in methods of production or shipment." (S. Rep. No. 71, 100th Cong., 1st Sess. at 101 (June 12, 1987)("Senate Report").) Based on this conclusion, we determine that the ranged difference in value of 10 to 20 percent is "small."

II. Factors

We did not request additional information regarding the pattern of trade, the relationship between the parties, and the volume of imports of PTFE wet raw polymer subsequent to our preliminary determination. Based on our analysis of the comments received on our conclusions regarding these factors, we reaffirm our preliminary determinations that (1) the data on the pattern of trade indicates a shift from sales in the United States of granular PTFE resin imported from Italy toward sales of granular PTFE resin processed in the United States from PTFE wet raw polymer imported from Italy, (2) respondents are related parties, and (3) imports of PTFE wet raw polymer increased subsequent to the issuance of the antidumping duty order.

Analysis of Comments Received

We invited interested parties to comment on our preliminary affirmative determination. We received comments from the respondents, from E. I. Du Pont de Nemours & Company (Du Pont), the petitioner in this inquiry, and from ICI Americas, Inc., a domestic producer of granular PTFE resin. We received rebuttals from respondents and petitioner. On December 18, 1992, we, held a public hearing.

Comment 1: Respondents state that the statute requires the Department to calculate the difference between the value of imported parts and components and the value of finished products in anti-circumvention inquiries. According to respondents, the Department failed to calculate the difference between the value of granular PTFE resin and the value of PTFE wet raw polymer in its preliminary determination. Rather, respondents assert that the Department appears to have rendered its preliminary determination that the difference between the respective values of the two products was "small" based on an analysis of qualitative factors alone, without actually having established the value of PTFE wet raw polymer, the value of granular PTFE resin, or the quantitative difference between their values.

Respondents argue that the terminology used in the statute indicates that Congress intended that the Department conduct a quantitative analysis of the difference between the value of an imported article and the value of the finished product produced in the United States from the imported article. Respondents assert that the term "value" has been given a clear quantitative meaning throughout the trade laws and the Department's application of those laws, and that the Department has consistently assigned numeric values to such terms as "small" and "insignificant" in administering other portions of the Tariff Act. Thus, respondents conclude that the Department must calculate the specific difference in value in this inquiry.

Petitioner states that the statute neither defines the term "small," nor requires that the Department reach a conclusion regarding the difference between the values of imported parts and finished products based on a fixed method of analysis or the calculation of a specific number. According to petitioner, the legislative history of section 781(a) of the Tariff Act indicates that Congress deliberately refrained from incorporating such definitions and instructions into the statute in order to provide the Department with broad discretion and maximum flexibility in conducting its analysis of the difference between the value of imported parts or components and the value of the finished product. Therefore, petitioner concludes that the Department's preliminary determination was in accordance with the statute.

Department's Position: We agree with petitioner that we are not required to use a fixed method of analysis or to calculate a specific number in rendering determinations pursuant to section 781(a)(1)(C) of the Tariff Act. In recognizing that different cases would present different factual situations, Congress drafted the statute and the accompanying legislative history with the intention of affording the Department a reasonable degree of flexibility in reaching conclusions pursuant to section 781(a)(1)(C) of the Tariff Act. Specifically, Congress stated in the legislative history that:

> New sections [781(a) and 781(b)] of the 1930 Act apply when the difference between the merchandise sold, or imported into, the United States and its parts and components is small * * * While these subsections grant the Commerce Department substantial discretion in * * * invoking these measures, so as to allow it the flexibility to apply the provisions in an appropriate manner, the Committee expects the Commerce Department to use this authority to the fullest extent possible to combat diversion and circumvention of the antidumping and countervailing duty laws.

(see Senate Report at 100.) When our customary methods yield unreliable results, we believe that we have the discretion to employ alternative methods in reaching conclusions pursuant to section 781(a)(1)(C) of the Tariff Act.

We encountered such a situation in this inquiry. As explained in our preliminary determination, the available data did not yield a reliable measure of the difference between the value of PTFE wet raw polymer and the value of granular PTFE resin. Therefore, we placed greater emphasis on the nature of respondents' U.S. processing, the extent of their U.S. production facilities, and the level of their U.S. investment in reaching our preliminary conclusion that the difference between PTFE wet raw polymer and granular PTFE resin was "small." (See PTFE Preliminary at 43219–43221.)

Although we were able to render our preliminary determination in the absence of a reliable quantitative measure of the difference between the value of PTFE wet raw polymer and granular PTFE resin, we believe nonetheless that it is useful to attempt to calculate a reliable quantitative measure of the difference in value because such a quantitative measure provides a tangible expression of the production process that is the subject of our analysis. Therefore, whenever possible, we will attempt to obtain a reliable quantitative measure or estimate of the value of the imported parts or components and the value of the finished product for the purpose of establishing the difference between those values.

For the final determination, as set forth in the "Difference in Value" section of this notice, we concluded that the data on respondents' Italian post-treatment costs could reasonably be used to perform a quantitative assessment of the difference between the value of PTFE wet raw polymer and granular PTFE resin. Therefore, we have incorporated the results of this quantitative assessment in our final analysis.

Comment 2: Respondents contend that the Department failed to provide an objective standard by which it reached its preliminary conclusion that respondents' losses on their U.S. granular PTFE operations were of sufficient magnitude to render the customary calculation of the difference in value unreliable. In this context, respondents contend that their U.S. facility operated during the period of inquiry at levels consistent with an industry in recession. Thus, in the absence of an objective basis for its

conclusion regarding the level of respondents' capacity utilization and operating losses at their U.S. facility, and in light of the overall condition of the PTFE industry, respondents assert that the Department's preliminary conclusions about the operating performance of their U.S. facility are not supported by substantial evidence. Furthermore, respondents' claim that there is no suggestion in any previous anti-circumvention inquiry that the magnitude of profits or losses affects the manner in which the Department accounts for them in its calculations. Accordingly, respondents argue that the Department cannot disregard the 38 to 55 percent figure that it calculated in its preliminary analysis.

Petitioner argues that the results of respondents' U.S. operations, and the ratio of respondents' investment in their U.S. facility to the facility's output, illustrate that respondents' U.S. operations defy economic rationality. In this context, petitioner rejects respondents' contention that their U.S. facility operated in a manner consistent with an industry in recession. According to petitioner, its own data indicate that respondents' economic performance was not consistent with that of the U.S. industry during the period of inquiry. Thus, petitioner states that the Department was correct in determining that respondents' economic performance rendered the customary method of calculating the difference in value unreliable in this case.

Department's Position: We disagree with respondents. Because this is the first anti-circumvention inquiry in which we have encountered losses of the type and magnitude at issue, we have not had to evaluate the effect of respondents' profit or loss on our analysis in previous inquiries. As set forth below in response to Comment 3, we believe that we must consider the causes and the extent of a respondent's losses in reaching conclusions regarding the difference in value in an anti-circumvention inquiry. Otherwise, losses resulting from factors unrelated to the nature of the production process that is the subject of an anti-circumvention inquiry would distort our quantitative analysis by artificially inflating the calculated difference between the value of imported parts or components and the value of a finished product. This would prevent an accurate measure of the extent to which a production process contributes to the difference in value and the extent to which a process represents a change in a respondent's method of production or shipment. In this context, it would be illogical to assume that Congress intended that the outcome of anti-circumvention inquiries should be determined by factors that are unrelated to the nature of the production process being evaluated. Therefore, it is both necessary and appropriate for us to determine the effect that such factors may have on our difference in value analysis and, when such factors distort our analysis, to use a method that more accurately reflects the nature of the production process that is the subject of the inquiry.

Given that we had not previously encountered losses of the type and magnitude incurred by respondents in this inquiry, we had no established practice for determining whether these losses rendered the results of our customary calculation method unreliable as a measure of the difference in value. Nonetheless, the record in this inquiry demonstrates that we had a reasonable basis for our preliminary determination that respondents' losses distorted the results of our customary difference in value calculation.

As we stated in our preliminary determination, we evaluated the 38 to 55 percent figure within the context of the respondents' U.S. production operation. Based on our analysis of the available information, we preliminarily concluded that the production of granular PTFE resin from PTFE wet raw polymer was relatively simple in comparison to the production of TFE monomer and the suspension polymerization of TFE monomer into PTFE wet raw polymer. Because this conclusion was inconsistent with the 38 to 55 percent figure that we calculated, we concluded that the calculation was distorted in such a way as to provide an artificially inflated measure of the difference between the value of PTFE wet raw polymer and granular PTFE resin. (See PTFE Preliminary at 43219–21.)

In evaluating the data that we used for our preliminary determination, we found that respondents incurred losses during the period of inquiry. Because of the extent of those losses, we believed that it was appropriate to attempt to isolate the effect of those losses on our results by performing a calculation in which we did not allocate them to the cost of production of the imported product. Based on the magnitude of the difference between the result of this calculation and the 38 to 55 percent figure, we concluded that respondents' losses had a significant impact on our calculation. (*Id.*)

Having established the magnitude of respondents' losses, we evaluated the factors underlying respondents' operating performance during the period of inquiry. Based on our analysis of the types of costs that respondents incurred at their U.S. facility, we concluded that respondents' losses could reasonably be attributed, at least in part, to the fact that their U.S. facility did not operate at full capacity during the period of inquiry. In turn, we recognized that the level of capacity utilization was influenced by the fact that we were examining a new facility that had recently commenced operations. As a result, we concluded that the 38 to 55 percent figure was distorted, and, therefore, did not provide a reasonable measure of the difference between the value of PTFE wet raw polymer and granular PTFE resin. (*Id.*)

The information regarding respondents' Italian facility that we obtained after the preliminary determination further supports our conclusion regarding the lack of reliability of our 38 to 55 percent calculation. As explained in the "Difference in Value" section of this notice, we found that the production processes employed by respondents in the United States and Italy are substantially similar. Additionally, the Italian facility is an established operation whose level of capacity utilization was not affected by the same factors that temporarily affected capacity utilization at respondents' U.S. facility. Finally, a comparison of data taken from respondents' Italian facility with those taken from respondents' U.S. facility indicates that, during the period of inquiry, the post-treatment costs incurred in Italy comprised a significantly smaller percentage of the total cost of manufacturing granular PTFE resin than did the U.S. post-treatment costs, which we determined to be distorted.

For these reasons, we believe that the information pertaining to respondents' Italian operations further justifies our decision to place greater emphasis on qualitative factors in preliminarily determining that the difference in value was "small." Therefore, we reject respondents' arguments that we failed to provide a basis for our conclusions regarding the operating performance of their U.S. facility and the lack of reliability of the difference in value calculated using manufacturing cost data from that facility. Moreover, based on our analysis of the information pertaining to respondents' Italian facility, we believe that the costs that respondents incurred for post-treatment of PTFE wet raw polymer in Italy provide a reasonable basis for a quantitative assessment of the contribution of this process to the total

value of granular PTFE resin under more typical conditions, and that the results of our revised difference in value calculation using these data provide a reasonable measure of the difference in value between granular PTFE resin and PTFE wet raw polymer.

Comment 3: Respondents argue that the Department's rejection of the 38 to 55 percent difference in value that it calculated in the preliminary determination represents an arbitrary departure from established practice in both anti-circumvention inquiries and in Exporter's Sales Price (ESP) calculations involving further manufacturing in the United States. Respondents contend that the Department has consistently equated the methods used to calculate the difference in value in anti-circumvention inquiries and the adjustment to ESP for further manufacturing in the United States. Citing Final Results of Antidumping Duty Administrative Review; Color Picture Tubes from Japan, 55 FR 37915 (1990), respondents assert that the Department has rejected attempts to distinguish ESP calculations involving further manufacturing from difference in value calculations in anti-circumvention inquiries. Therefore, respondents conclude that the Department cannot reject the 38 to 55 percent difference in value that it calculated in its preliminary analysis using this method.

Petitioner argues that the Department's method of adjusting ESP for expenses incurred for further manufacturing in the United States in the calculation of dumping margins is not relevant to an anti-circumvention inquiry. According to petitioner, the calculation of dumping margins does not shed light on the depth of U.S. production operations, which is a primary concern of an anti-circumvention inquiry. Therefore, petitioner contends that the Department's method of calculating dumping margins is not binding upon the Department in its calculation of the difference between the value of imported parts or components and the value of the finished product in an anti-circumvention inquiry.

Department's Position: We agree with petitioner. Contrary to respondents' assertions, in Final Results of Antidumping Duty Administrative Review; Color Picture Tubes from Japan, 55 FR 37915 (1990), the Department did not reject a distinction between ESP calculations and calculations performed in anti-circumvention inquiries; rather, the Department simply rejected respondent's argument regarding certain deductions from ESP. Based on our analysis of the relevant portions of the statute and the legislative history, we conclude that the statutory provisions of section 772 of the Tariff Act that govern the calculation of ESP serve a fundamentally different purpose from the statutory provisions of section 781(a), which govern the conduct of anti-circumvention inquiries. Therefore, as we stated in Color Picture Tubes From Canada, Japan, the Republic of Korea & Singapore; Negative Final Determinations of Circumvention of Antidumping Duty Orders (56 FR 9667, 9671 (1991) (CPTs Final)), we believe that the statutory provisions concerning ESP and the methods used in the calculation of ESP are not relevant to this inquiry.

The primary purpose of an anti-circumvention inquiry conducted pursuant to section 781(a) of the Tariff Act is to prevent foreign companies from selling subject merchandise in the United States free of antidumping duties by performing minor assembly or finishing of this merchandise in the United States from parts or components imported from the country to which an antidumping duty order applies. In contrast, the purpose of a calculation of ESP pursuant to sections 772(d) and 772(e) of the Tariff Act is to obtain the "United States Price" (USP) of the subject merchandise that can be compared to the foreign market value of such or similar merchandise for the purpose of determining whether a foreign company is selling the subject merchandise at less than fair value in the United States.

In order to achieve the purposes of these two portions of the statute, we must consider different factors in administering each. On the one hand, in order to effect the fundamental purpose of section 781(a), we must assess the extent to which the parts or components imported from the country to which an antidumping duty order applies comprise the content of the subject merchandise assembled or completed in the United States. (See, *e.g.*, H.R. 3, H.R. Rep. No. 40, Pt. 1, 100th Cong., 1st Sess. (1987).) We must also assess the depth and nature of assembly or production in order to determine the extent to which it contributes to the difference between the value of the imported parts or components and the value of the finished product and, for example, whether it represents a "slight change[] in [respondents'] methods of production or shipment." (Senate Report at 101.)

Section 781(a)(1)(C) expresses these considerations (as does section 781(b)(1)(C) governing circumvention through third-country assembly) by requiring the Department to conclude that the difference between the value of the imported parts or components and the value of the finished product is "small" as a necessary condition for a finding of circumvention. Thus, in conducting anti-circumvention inquiries, we attempt to measure the value of the imported parts or components and the value of the finished product. We use these values not only to assess the extent to which a finished product is comprised of parts or components from the country to which an antidumping duty order applies, but also as an expression of the depth and complexity of the process required to produce the finished product from the parts or components.

In order to reach meaningful conclusions regarding these factors, we must have reliable, objective measures of the value of the imported parts or components and of the value of the finished product that are not distorted by extraneous factors or temporary phenomena. (See CPTs Final at 9671.) This is especially true in such cases as this. Here, the intermediate product is the sole material input used in the production of the finished product; thus, any difference between the value of the intermediate product and the value of the finished product will be the result of the processing of the intermediate product into the finished product.

Whenever possible, we prefer to measure value using market prices. (Brass Sheet and Strip From Canada; Affirmative Preliminary Determination of Circumvention of Antidumping Duty Order, 58 FR 6615, 6617 (1992).) To the extent that we must estimate the value of the imported parts or components in the absence of market prices, we typically do so using data on total manufacturing costs and market prices for the product finished in the United States. However, in doing so we must use manufacturing cost data that are not anomalous and that provide a reasonably accurate reflection of the market price of the finished product. Otherwise, we will not obtain a meaningful estimate of either the value of the imported parts or components, or the difference between the value of those parts or components and the value of a finished product.

In this anti-circumvention inquiry, because we did not have market prices for the intermediate product, we attempted to estimate the value of imported parts or components, as described in the "Difference in Value" section of this notice. However, unlike previous anti-circumvention inquiries, we found that respondents in this inquiry sold the finished product

processed in the United States at a loss. Therefore, as explained in our preliminary determination and in response to Comment 2 above, we determined that the actual manufacturing cost data, which included cost data from respondents' U.S. facility, did not provide a reasonably accurate reflection of the price of the product processed in the United States from imported material. Because of the distorted relationship between cost and price in this case, we determined that any estimation of the value of the imported product based on a profit or loss calculated using the actual U.S. manufacturing costs would be unreliable. Therefore, we did not use the manufacturing cost data from respondents' U.S. facility in attempting to estimate the value of the PTFE wet raw polymer.

In contrast, the statute does not require that we consider such factors as the depth of production or assembly in establishing USP for the purpose of calculating dumping margins. Section 731 of the Tariff Act establishes that merchandise is sold in the United States at less than "fair" value if the foreign market value (FMV) of the merchandise exceeds the USP of such or similar merchandise. In order to determine whether respondents are selling merchandise in the United States at prices below FMV, the Department must have the most accurate measure possible of a respondent's current pricing practices in the United States as well as in the foreign market. In this context, the fundamental purpose of section 772 of the Tariff Act is to ensure that the calculation of USP provides the most probative measure possible of a respondent's pricing practices in the United States.

Section 772(c) of the Tariff Act establishes that when sales made to the first unrelated party occur after the importation of the merchandise into the United States, they are to be considered ESP sales, and that the Department is to use the price at which merchandise is sold to the first unrelated party as the basis for ESP. Having established that a particular U.S. sale is to be considered an ESP transaction, section 772(e) of the Tariff Act instructs the Department to make certain downward adjustments to the selling price, including an adjustment for any further processing performed on the imported merchandise after its importation but prior to its sale as a finished product in the United States. The purpose of these adjustments is to permit an estimation of the foreign port price of merchandise that has been further processed in the United States, based on the U.S. selling price of the finished product. See *Brother Industries, Ltd.* v. *United States*, 3 CIT 125, 140–41 (1982), *aff'd sub nom., Smith-Corona Group* v. *United States*, 713 F.2d 1568 (Fed. Cir. 1983), *cert. denied*, 465 U.S. 1022 (1984).

In making adjustments for further manufacturing pursuant to section 772(e)(3) of the Tariff Act, the Department deducts manufacturing expenses incurred in the United States, and a portion of the profit or loss incurred on the U.S. sale of the finished product, from the selling price of the finished product. In order to calculate the profit or loss on specific U.S. sales, the Department deducts all manufacturing costs and general expenses associated with the sale in question from the selling price of the merchandise subject to that sale. The Department then allocates a portion of the profit or loss on the sale of the finished product to the further processing operation in the United States and deducts that portion from the selling price of the finished product, thereby ascribing the remaining profit or loss to the estimated foreign port price of the merchandise prior to processing.

Because the Department is attempting to obtain the most accurate measure possible of a respondent's pricing practices at a given point in time, we have interpreted the statute as requiring the use of actual expenses and actual profits or losses in making adjustments to ESP pursuant to section 772(e)(3) of the Tariff Act. In this context, we believe that adjusting the U.S. selling price of the finished product for actual U.S. manufacturing costs incurred and the relevant portion of U.S. profit or loss realized on the specific sale in question provides the most accurate estimate of what the foreign port price of the merchandise would be at that point in time. Using anything other than actual U.S. manufacturing costs and expenses would obscure the relationship that the respondent had established between the U.S. selling price and the costs and expenses associated with that sale and, therefore, would yield an estimate of the foreign port price of merchandise destined for further processing in the United States that would not be reflective of the respondent's current pricing practices for sales to consumers in the United States. Because the Department is concerned with the accurate measurement of a respondent's pricing practices for sales to the United States in calculating ESP, the Department does not attempt to determine whether the results of ESP calculations involving further manufacturing provide the type of "objective" measures of value required for an anti-circumvention analysis.

For the foregoing reasons, we believe that we must use actual U.S. expenses in calculating adjustments to ESP pursuant to section 772(e)(3) of the Tariff Act; any alternative method would, by obscuring a respondent's actual pricing practices, frustrate the fundamental purpose of section 772 of the Tariff Act. However, because the purpose of this section of the Tariff Act differs from that of section 781(a), we believe that we are not similarly constrained in any quantitative analysis of the difference in value that we perform in anti-circumvention inquiries; had we relied on the actual manufacturing cost data from respondents' U.S. facility in this case, we would have obtained an unreliable measure of the difference in value that would have frustrated the intent of Congress in enacting section 781(a) of the Tariff Act. Therefore, we reject respondents' arguments that we must rely on the 38 to 55 percent figure calculated using a method identical to that used for ESP transactions involving further manufacturing for purposes of this final determination.

Comment 4: Respondents argue that the Department improperly recalculated the difference between the value of PTFE wet raw polymer and the value of granular PTFE resin using a skewed and insupportable method in which it allocated general expenses incurred in the United States to the imported article, but failed to similarly allocate losses. According to respondents, the allocation of profits and losses is necessary because the statute mandates a comparison of values; in this context, failure to allocate losses would result in an inappropriate comparison of values to costs. Respondents further contend that the Department's decision not to allocate losses in this inquiry conflicts directly with the Department's established practice in previous anti-circumvention inquiries.

According to petitioner, the statute focuses on the value added to imported parts or components through processing in the United States. Thus, petitioner asserts that it is appropriate to allocate any profits earned by a respondent on its U.S. operations, because such operations have added value to the imported products. However, petitioner contends that when a respondent incurs losses on its U.S. operations, the Department should not allocate those losses because the respondent has not added any value to the imported product in such situations. Under these circumstances, an allocation of losses would lower artificially the calculated

value of the imported product. Therefore, petitioner asserts that the Department properly determined not to allocate respondents' losses in this instance. Petitioner further asserts that, in not allocating losses, the Department did not depart from its practice in previous anti-circumvention cases because, in those cases, respondents realized profits on their U.S. operations.

Department's Position: Contrary to respondents' claim, we did not state that the result of our hypothetical calculation without the allocation of losses represented an accurate measure of the difference between PTFE wet raw polymer and granular PTFE resin in our preliminary determination. (*See PTFE Preliminary* at 43219–20.) Rather, we used the result of our hypothetical calculation solely as a means of establishing a context within which to reach a conclusion regarding the 38 to 55 percent figure that we calculated in our preliminary analysis. (*Id.*)

Furthermore, we reject petitioner's argument that it is appropriate not to allocate losses in this case. As described in the "Difference in Value" section of this notice, we conducted a quantitative analysis of respondents' Italian data using our customary calculation method, which requires the allocation of a portion of a respondent's operating results to the imported product. In this context, we believe that, just as a portion of the profits earned through the sale of a finished product may be attributed to its constituent parts or components, so too may a portion of any loss that a respondent incurs on the sale of that product. Further, as we have stated in previous anti-circumvention inquiries, we believe that, to the extent that we attempt to quantify the difference in value using the method employed in this case, we must allocate both profit or loss in order to avoid making an inappropriate comparison of value to cost. (See Certain Internal-Combustion, Industrial Forklift Trucks from Japan; Negative Final Determination of Circumvention of Antidumping Duty Order 55 FR 6028, 6029 (1990) (Forklifts Final).) Therefore, we have allocated both profits and losses to the cost of production of PTFE wet raw polymer for purposes of estimating its value for this final determination.

Comment 5: Petitioner argues that data on the cost of post-treatment operations at respondents' plant in Italy corroborate the Department's finding that the 38 to 55 percent difference in value calculated in the preliminary analysis in this case is significantly overstated. According to petitioner, the difference in value calculated by deducting the manufacturing cost of PTFE wet raw polymer from the total costs incurred to manufacture granular PTFE resin in Italy is virtually identical to the difference in value that the Department calculated when it did not allocate respondents' U.S. losses to the base value of the imported PTFE wet raw polymer. Based on these calculations, petitioner asserts that, on an industry-wide basis, the costs of finishing PTFE wet raw polymer into granular PTFE resin are relatively minor, and that the Department properly determined that the difference in value between the finished product and the imported merchandise is small in this case.

Department's Position: We agree with petitioner. *See* our response to Comment 2.

Comment 6: Respondents argue that the Department cannot compare their U.S. facility to any other facility. Citing Portable Electric Typewriters from Japan; Negative Final Determination of Circumvention of Antidumping Duty Order (56 FR 58031, 58037, November 15, 1991)(*PETs Final*), *aff'd, Smith-Corona Corp.* v. *United States,* Slip Op. 93–11 (CIT January 27, 1993), respondents assert that the Department has rejected a comparative analysis of various companies involved in the manufacture of the product at issue. Respondents further assert that a comparison of their U.S. operations with their Italian operations is inappropriate, because the Italian facility produces a full range of products with a different cost structure and different economies of scale.

Petitioner responds that respondents' objections are misplaced. According to petitioner, the Department, in previous anti-circumvention inquiries, declined to compare respondents' operations to those of petitioners. However, in this instance, petitioners state that the Department would be comparing facilities operated by the same company. As a result, petitioner contends that a comparative analysis is appropriate in this case.

Department's Position: We agree with petitioner. In previous anti-circumvention inquiries, we have declined to compare respondents' operations with those of petitioners, because we determined that respondents' facilities need not be comparable to those of petitioner in order for them to be more than mere completion or assembly operations. (See Forklifts Final at 6029; PETs Final at 58036–37.) However, we have not established in previous anti-circumvention cases that a comparison of facilities operated by the same company or related companies is, on its face, inappropriate.

Although we acknowledge that differences between production facilities may, in certain instances, render a comparison of facilities operated by the same company or related companies invalid, we find that comparison of respondents' U.S. and Italian facilities is meaningful in this case. After comparing respondents' descriptions of their post-treatment processes in Italy and the United States, we determine that the processes used in each plant are sufficiently similar to warrant comparison of the two facilities. (See Questionnaire Response, October 19, 1992, at 12–14 and Exhibit 2.) Further, while we recognize that respondents produce other products in addition to granular PTFE resin at their Italian facility, we have focused our analysis only on those portions of respondents' Italian operations related to the production of granular PTFE resin. Therefore, we believe that a comparison of respondents' U.S. and Italian facilities is appropriate in this case for purposes of evaluating the nature and operating performance of respondents' U.S. operations.

Comment 7: Petitioner argues that the difference in value that the Department calculated is overstated, because the Department erroneously included certain U.S. costs in its analysis. According to petitioner, respondents sell a variety of grades of granular PTFE resin that are produced within a continuum of processing, including fine-cut granular PTFE resin and presintered granular PTFE resins that require further processing. Petitioner asserts that, because of the relative location of these types of granular PTFE resin on the continuum of processing, only those costs associated with producing fine-cut granular PTFE resin should be included in the Department's analysis. Petitioner also asserts that the Department should exclude packing costs incurred in the United States from its analysis, because packing is not a processing activity that adds value to the imported product.

Respondents state that petitioner's arguments conflict with the plain meaning of the statute and with Department precedent. According to respondents, the statute requires the Department to compare the value of "such" merchandise sold in the United States with the value of the imported product. Therefore, in calculating the difference in value for sales of presintered resin in the United States, respondents argue that the Department is required to use that product and its associated costs in its calculation of the

difference in value. Respondents further argue that the Department has consistently used the packed ex-factory price of the finished product in its difference in value calculation, and has never deducted U.S. packing costs from the value of the finished product. Thus, respondents argue that there is no basis in this case for the Department to deduct U.S. packing costs from the value of the granular PTFE resin.

Department's Position: We agree with respondents. In calculating the difference in value in this inquiry, we used monthly, weighted-average prices for each grade of granular PTFE resin to represent the value of the finished product in the United States. Because we used product-specific prices in our calculation of the difference in value, we believe that it is appropriate to use all costs associated with those specific products in the calculations. Accordingly, we included the costs associated with producing presintered resin in our calculations of the difference in value for presintered resin. We also note that the prices that we used in our calculations were packed, ex-factory prices. Because packing is built into the ex-factory price of the finished product, we did not exclude costs associated with packing from our analysis.

Comment 8: Respondents argue that construction of the statute prohibits the Department from using qualitative factors in determining whether the calculated difference in value is "small" in anti-circumvention inquiries. Thus, respondents assert that the Department's reliance on qualitative analysis in rendering its preliminary determination that the difference in value was "small" was contrary to law.

According to respondents, the Department's authority to use qualitative factors in making a determination of circumvention stems exclusively from section 781(a)(2) of the Tariff Act. However, respondents contend that section 781(a)(2) of the Tariff Act permits the use of qualitative factors to determine whether an affirmative determination of circumvention is warranted only if and after the Department has determined that the three threshold conditions set forth in section 781(a)(1) of the Tariff Act are present. Thus, respondents assert that the Department must determine, *inter alia*, that the calculated difference between the value of the imported parts and components and the value of the finished product completed and sold in the United States is "small" before it can analyze any qualitative factors.

Citing the PETs Final, respondents assert that the Department has rejected petitioners' claims that qualitative factors should influence a determination regarding the difference in value. Respondents also cite the CPTs Final, in which the Department specifically refused to analyze such factors as the level of investment and the nature of the production process because the three threshold criteria set forth in section 781(a)(1) of the Tariff Act were dispositive of whether circumvention was occurring. Thus, respondents contend that the Department has consistently acknowledged that the statute requires a determination that the difference in value is "small" before the Department can consider other factors in rendering a determination in an anti-circumvention inquiry.

Petitioner rejects respondents' because neither the statute nor the legislative history defines "small," or provides specific instructions regarding the manner in which the Department is to reach conclusions regarding the magnitude of the difference in value in anti-circumvention inquiries. According to petitioner, Congress deliberately declined to provide more specific guidance in the statute because Congress, having recognized that the facts of circumvention vary from case to case, intended to provide the Department with the flexibility to adapt its analysis to the specific circumstances of a given case. In the absence of specific instructions from Congress regarding the methods to be used in reaching determinations pursuant to section 781(a)(1)(C) of the Tariff Act, petitioner argues that the Department's use of qualitative analysis in its determination regarding the difference in value does not constitute the use of extrinsic evidence, and, therefore, was within the Department's discretionary authority.

Petitioner further argues that the Department's use of qualitative analysis in this case was consistent with its analysis of qualitative factors in previous anti-circumvention cases. Petitioner states that the Department did not use the three qualitative factors specifically enumerated in the statute in making its determination that the difference in value is small. Rather, the Department relied on other factors relating directly to the difference in value that it also had analyzed in previous anti-circumvention inquiries.

Department's Position: We agree with petitioner. We reject respondents' assertion that the statute compels us to perform an exclusively quantitative analysis of the difference between the value of imported parts or components and finished products on the basis that it prohibits consideration of qualitative factors in determining whether the threshold conditions set forth in section 781(a)(1) of the Tariff Act have been met.

In this regard, the absence of specific guidance in the language of section 781(a)(1), coupled with the expressions of Congressional intent in the legislative history of the anti-circumvention provisions, afford the Department substantial discretion in determining whether the difference between the value of imported parts or components and the value of a finished product. Because the statute does not define "small" or provide guidance regarding the manner in which we are to make this determination, we have the authority to use qualitative factors in rendering a determination regarding the difference in value.

Similarly, although we agree with respondents that any conclusion regarding a difference in value calculation cannot be based upon the three factors specifically enumerated in section 781(a)(2) of the Tariff Act, we disagree with their assertion that the authority to consider qualitative factors in anti-circumvention inquiries stems exclusively from section 781(a)(2). (See PETs Final at 58033–34.) In this regard, our statement in Portable Electric Typewriters from Japan; Negative Preliminary Determination of Circumvention of Antidumping Duty Order (56 FR 46594 (1991) (PETs Preliminary)) was unduly narrow in concluding that "the legislative history of section 781(a)(2) of the Act indicates that other [qualitative] factors may properly be considered before rendering an anti-circumvention determination." (See PETs Preliminary at 46595.) In fact, a review of the legislative history accompanying section 781(a) (as well as section 781(b)) clearly demonstrates that Congress did not limit the consideration of qualitative factors to section 781(a)(2). To the contrary, the report of the Senate Finance Committee speaks very broadly when it states that:

> New sections [781(a) and 781(b)] of the 1930 Act apply when the difference between the merchandise sold, or imported into, the United States and its parts and components is small. The Committee has not attempted to develop a precise meaning for the term "small" as used in these sections, principally in recognition that different cases present different factual situations. The Committee does not, however, intend that the term "small" be interpreted as insignificant. While these subsections grant the Commerce Department substantial discretion in interpreting these terms, and invoking these measures, so as to allow it the flexibility to apply the provisions in an appropriate

manner, the Committee expects the Commerce Department to use this authority to the fullest extent possible to combat diversion and circumvention of the antidumping and countervailing duty laws. Senate Report at 100.

While this legislative pronouncement does not expressly state that qualitative factors may be relied upon in determining whether the difference in value is "small," Congress plainly did not intend to limit the Department's discretion to consider them if necessary. Because Congress intended that we reach conclusions regarding the difference in value on a case-by-case basis, we believe that we may examine qualitative factors in order to adapt our analysis to the circumstances of individual cases.

Furthermore, we note that respondents' references to our previous refusals to use qualitative factors in our analysis of the difference in value are misplaced. For example, our refusal to analyze qualitative factors in the PETs Final related specifically to the use of the three factors specifically enumerated in section 781(a)(2) of the statute. (See PETs Final at 58033–34.) However, we did not rely on these factors in rendering our preliminary determination regarding the difference in value in this inquiry. As we stated in the preliminary determination, we based our conclusion regarding the "difference in value" on a qualitative analysis of the nature of the processing that respondents perform in the United States, the extent of respondents' U.S. facilities, and the level of respondents' investment in the United States. (See PTFE Preliminary at 43220.) As we further stated in our preliminary determination, this analysis is consistent with our analysis in previous anti-circumvention inquiries. (*Id.*)

Similarly, the situation described in the CPTs Final and cited by respondents is distinguishable from the present proceeding. In the first instance, because the Department determined that the threshold requirement regarding the class or kind of merchandise was not satisfied, no analysis of any qualitative factors was necessary. (See CPTs Final at 9669–70.) Nonetheless, the Department did render a determination that the difference in value was not "small" in that case. In reaching this conclusion, we stated that:

> The difference in value for all respondents ranged from 55 to 70 percent * * *. These differences in value indicate that for all respondents, *the non-CPT value of the CTV exceeds the value of the picture tube itself. Given the facts of this case,* we cannot consider these differences in value to be "small."

CPTs Final at 9668–69 (emphasis supplied). Thus, in the CPTs Final, the Department reached its conclusion regarding the difference in value based on the fact that, for all respondents, the value of the non-subject merchandise exceeded the value of the subject merchandise incorporated into the finished product. Under the circumstances present in the CPTs Final, the Department was able to reach its conclusion regarding the difference in value without analyzing the additional qualitative factors. The Court of International Trade (CIT) agreed, finding "substantial evidence on the record in support of that determination." *Int'l Assoc. of Machinists & Aerospace Workers* v. *United States*, 797 F. Supp. 1012 (CIT 1992).

Thus, contrary to respondents' assertions, neither the Department nor the CIT indicated that the determination in the CPTs Final precluded the Department from using qualitative analysis in reaching conclusions regarding a calculation of the difference in value in anti-circumvention inquiries. Given that our precedent has not established that we cannot resort to qualitative analysis in reaching conclusions regarding the difference in value, that the statute and the legislative history confer substantial discretion upon the Department, and the fact the we must adapt our analysis to the facts of specific cases, we reject respondents' arguments against our use of qualitative analysis in reaching a conclusion regarding the difference in value.

Comment 9: Respondents argue that the difference in value that the Department calculated in its preliminary determination is not small. Respondents suggest that the Department should attempt to develop a numerical standard for determining whether a particular quantification of the difference in value between imported components and articles finished in the United States is small. Respondents state that the calculated difference in value for this inquiry is comparable to, and, in certain instances, greater than, the calculated differences in value that the Department determined were not small in previous anti-circumvention inquiries. Respondents also state that this difference in value exceeds the 30 percent figure that petitioner acknowledged would be "not small" in requesting this anti-circumvention inquiry.

Department's Position: We disagree with respondents. The legislative history of section 781(a) clearly establishes that Congress intended the Department to make determinations regarding circumvention on a case-by-case basis in recognition that the facts of individual cases and the nature of specific industries vary widely. (See Senate Report at 100; CPTs Final at 9668–69.) Thus, we believe that any attempt to establish a uniform numerical standard would be contrary to the intent of Congress.

Furthermore, we have consistently stated in previous anti-circumvention inquiries that any determination regarding the difference in value would not necessarily be controlling for determinations to be rendered in future anti-circumvention inquiries. (See PETs Final at 58040.) Therefore, although both petitioner and respondents turned to previous anti-circumvention determinations in attempting to define the term "small," we have not rendered our determination regarding the calculated difference in value in this inquiry on the basis of our determinations regarding the difference in value in other anti-circumvention inquiries. Rather, we have determined that the difference in value, ranged between 10 and 20 percent, is "small" for the reasons articulated in the "Difference in Value" section of this notice.

Comment 10: Respondents argue that the Department's analysis of the nature of the processing performed at respondents' U.S. facility is flawed. Respondents contend that the Department neglected respondents' description of their U.S. production process. According to respondents, the Department based its analysis on descriptions provided by the International Trade Commission and the Kirk-Othmer Encyclopedia of Chemical Technology. Because the descriptions of the production process contained in these sources differ significantly from the descriptions that respondents provided, respondents assert that the Department's analysis is not supported by the record evidence.

Petitioner rejects respondents' assertions that the Department ignored respondents' descriptions of their U.S. production process in making the preliminary determination. According to petitioner, the Department's use of these sources in its preliminary determination was appropriate, given the business proprietary nature of respondents' descriptions of their U.S. production process. Additionally, petitioner notes that the Department, in its preliminary determination, made reference only to the general similarity between respondents' operations and those described in the public source materials; the Department did not state

that these sources described the exact nature of respondents' U.S. operations. Petitioner also states that there is no evidence that the Department used the public source materials as a substitute for respondents' own descriptions of their U.S. production process.

Department's Position: We agree with petitioner. Because respondents designated their descriptions of their production processes as business proprietary, we could not use these descriptions in our notice of preliminary determination. Therefore, as we stated in our preliminary determination notice, we used publicly available information to provide a general description of the nature of post-treatment operations in relation to the overall, integrated process for the production of granular PTFE resin. We did not proffer these descriptions as a substitute for information that respondents submitted during the course of this inquiry. (See PTFE Preliminary at 43220.)

Moreover, as noted by petitioner, we requested information regarding respondents' production processes both before and after the issuance of our preliminary determination. We relied on this information in assessing the nature of respondents' monomer production and polymerization operations, and in comparing respondents' post-treatment operations in the United States and Italy. (See, e.g., Department's Position in response to Comment 6 above.) Therefore, we believe that our analysis of respondents' production processes is supported by substantial evidence in the record.

Comment 11: Respondents contend that an examination of their descriptions of the production process reveal that the processing that they perform in the United States is substantial. According to respondents, the operations performed at their U.S. facility require sophisticated and complex machinery in order to maintain strict environmental and process controls on the production process. Moreover, respondents note that the International Trade Commission report cited by the Department in its preliminary determination recognized the significance of post-treatment operations, and described such operations as being a key component of the price of granular PTFE resin. Respondents further contend that, given the nature of their U.S. operations, their failure to add any materials to the imported article is irrelevant. Because there is virtually no market for PTFE wet raw polymer, respondents claim that they must substantially transform the PTFE wet raw polymer in order to produce a saleable product.

Petitioner asserts that respondents' U.S. facility performs minimal finishing operations that add no new materials to the imported merchandise and do not alter the basic chemical composition of the product. In this context, petitioner asserts that a respondent may accomplish the production of a saleable product through such insignificant operations as the attachment of an electric cord to an imported appliance.

Petitioner further asserts that respondents' U.S. operations are insignificant within the context of the overall production process for granular PTFE resin. According to petitioner, the production of TFE monomer and the suspension polymerization of this monomer into PTFE wet raw polymer are complex, capital-intensive operations. Additionally, petitioner notes that these steps require investment in equipment and procedures for handling hazardous and explosive materials. In this context, petitioner argues that the steps required to finish PTFE wet raw polymer are insignificant, and, therefore, that the Department properly determined that respondents' post-treatment operations were not complex.

Department's Position: We agree with petitioner. We acknowledge that the production of granular PTFE resin from PTFE wet raw polymer may require sophisticated machinery to maintain the process and environmental controls required to produce a saleable product. However, the production of a saleable product, in and of itself, is not dispositive of the depth and complexity of a process that produces a saleable product from components or intermediate products. Although respondents correctly noted that there is virtually no market for PTFE wet raw polymer, this does not relate to the complexity of respondents' production process.

Furthermore, in order to evaluate the extent to which respondents' current U.S. operations represent a change in their method of production or shipment, we must develop a context within which to examine the depth and complexity of respondents' U.S. operations. Given that respondents, between 1988 and 1991, supplied their U.S. customers exclusively with imported granular PTFE resin produced in an integrated facility in Italy, and continued to do so in part during the period of inquiry, we believe that it is appropriate to analyze the complexity of respondents' current U.S. operations within the context of the overall production process for granular PTFE resin performed at an integrated production facility. Based on such an analysis, we believe that respondents' U.S. operations, which currently consist only of the post-treatment of PTFE wet raw polymer, are relatively minor.

We believe that the production of TFE monomer and the suspension polymerization of this monomer into PTFE wet raw polymer are complicated processes, and that these processes impart the basic physical characteristics that distinguish granular PTFE resin from other forms of PTFE resin. (See PTFE Preliminary at 43220.) Respondents' descriptions of their monomer production and suspension polymerization processes do not differ significantly from those that we cited in our preliminary determination. (Compare Questionnaire Response, October 19, 1992, at 10–11 with PTFE Preliminary at 43220.) As a result, we reaffirm our preliminary determination that, within the context of the overall production process for granular PTFE resin, the processes that respondents currently perform in the United States are the type that Congress intended to address in enacting the anti-circumvention statute.

Comment 12: Respondents argue that the record in this inquiry demonstrates that their U.S. production facilities are extensive, and that the level of their investment in these facilities is significant. In addition, respondents state that they have made significant additional investments in their current U.S. production facility since its initial construction, and have expanded the range of products produced at this facility. As a result, respondents contend that their failure to build an integrated facility for the production of granular PTFE resin should not be dispositive of circumvention.

Respondents further assert that their level of investment is comparable to that of respondents in the Department's anti-circumvention inquiry on portable electric typewriters from Japan, in which the Department rendered a negative final determination. Respondents add that the value of their current U.S. investment exceeds that for the comparable production stages at their previous U.S. facility and at their Italian facility, and permits them to produce a wider range of products than was the case at their previous U.S. facility.

Petitioner asserts that changes in the scale of respondents' current U.S. facilities since their commencement of operations is not the appropriate benchmark in anti-circumvention cases. Petitioner further argues that respondents' current U.S. facility, which

performs only post-treatment operations, represents a major reduction in their U.S. operations in comparison with their previous U.S. facility, which was an integrated facility that performed all phases of the production of granular PTFE resin. Similarly, petitioner notes that respondents' Italian facility is a fully integrated facility, and that the value of the plant and equipment related to the production of granular PTFE resin in Italy substantially exceeds the value of the plant and equipment at respondents' current U.S. facility.

Petitioner further argues that respondents' estimates of the cost of constructing an integrated facility for the production of granular PTFE resin support a determination that the level of their current investment is relatively minor. According to petitioner, the investment required to construct the facilities required for production of TFE monomer and the suspension polymerization of this monomer vastly exceeds the level of investment in respondents' current U.S. facility, even if respondents' subsequent additions are considered.

Department's Position: We agree with petitioner. For reasons similar to those contained in our response to Comment 6, a comparative analysis of respondents' current U.S. facility with other facilities operated by respondents is both meaningful and appropriate. In addition, we believe that a comparative analysis provides the best means of evaluating the extent to which a respondent's operations represent a change in its method of production or shipment. (See Senate Report at 101.) Therefore, a comparison of respondents' current U.S. facility with their other integrated facilities is appropriate in order to evaluate the extent of respondents' U.S. production and the level of their U.S. investment.

In this context, the data from respondents' Italian facility clearly establish that the plant and equipment required for the production of granular PTFE resin represent only a fraction of the equipment required for the production of TFE monomer and the suspension polymerization of this monomer. Respondents' estimates of the investment required to construct monomer production and polymerization facilities in the United States demonstrate a similar relationship. Accordingly, we determine that, in comparison to the investment required to establish an integrated production facility for granular PTFE resin, respondents' investment in the United States is relatively minor and, therefore, consistent with a finding of circumvention.

Comment 13: Respondents contend that the Department's analysis of the pattern of trade and level of imports is inaccurate in several respects. First, respondents contend that the Department overstated the rate of increase of imports of PTFE wet raw polymer by basing its determination on a comparison of a four-month period in 1990 with a ten-month period in 1991. According to respondents, adjustment of the data on a monthly basis reduces significantly the rate of increase of imports of PTFE wet raw polymer. Second, respondents state that the level of imports of granular PTFE resin from Italy decreased before respondents sold any granular PTFE resin produced at respondents' current U.S. production facility. As a result, respondents further contend that the Department erroneously ascribed the reduction in imports of the finished product to the operations of respondents' current U.S. production facility. Finally, respondents argue that the Department failed to note that some of the PTFE wet raw polymer imported from Italy is used in the production of non-subject merchandise, and, therefore, overstated the amount of PTFE wet raw polymer that respondents imported for the manufacture of granular PTFE resin.

Department's Position: We disagree with respondents. We recognize that imports of granular PTFE resin began to decline before respondents commenced sales of granular PTFE resin produced in the United States, and that the rate of increase of imports of PTFE wet raw polymer is reduced if the data are adjusted on a monthly basis. However, the pattern of trade still indicates a shift away from U.S. sales of imported granular PTFE resin toward U.S. sales of granular PTFE resin processed in the United States from imported PTFE wet raw polymer since the issuance of the antidumping duty order. Further, although we acknowledge that respondents used some of the imported PTFE wet raw polymer to produce a product outside the scope of the antidumping duty order, we note that production of this product is not the primary purpose of PTFE wet raw polymer. During the period of inquiry, respondents imported another intermediate product for use in the production of the non-subject merchandise in question and, therefore, used only a small amount of PTFE wet raw polymer in the production of the non-subject merchandise.

Despite their objections, respondents do not dispute our basic conclusions regarding the pattern of trade and level of imports of the finished and intermediate products. Because the facts cited by respondents do not alter our basic determination that, since the issuance of the antidumping duty order on granular PTFE resin, the pattern of trade indicates a shift away from sales of imported granular PTFE resin to sales of domestically-produced granular PTFE resin, and that imports of PTFE wet raw polymer have increased while imports of the finished product have declined, we reaffirm our preliminary determination that the pattern of trade and increase in imports of PTFE wet raw polymer are consistent with a finding of circumvention.

Comment 14: Respondents argue that the pattern of trade, the increase in imports of PTFE wet raw polymer, and the nature of their U.S. investment do not warrant an affirmative determination of circumvention. According to respondents, the legislative history of section 781(a) refers to "circumvention schemes" that were specifically "designed to evade" antidumping duty orders. This indicates that Congress was concerned with producers who, in response to an antidumping duty order, modified their production process to permit the sale of the subject merchandise in the United States without the imposition of antidumping duties. Thus, respondents argue that the Department can find circumvention only if it determines that respondents intentionally substituted the importation of parts and components not subject to an antidumping duty order for imports of the finished subject merchandise.

In this instance, respondents claim that the pattern of trade and level of imports are consistent with respondents' business decisions to close their previous integrated U.S. production facility and import granular PTFE resin into the United States until the opening of their current U.S. production facility for granular PTFE resin. Thus, respondents assert that these factors are not indicative of circumvention because the pattern of trade and level of imports in this case would have been the same absent the antidumping petition and subsequent order on granular PTFE resin from Italy.

Respondents further argue that because they planned to build their U.S. facility before the filing of Du Pont's antidumping petition in November 1987, they could not have been acting in response to the antidumping investigation. Moreover, respondents assert that they had numerous legitimate business reasons for constructing a post-treatment facility. Accordingly, respondents argue that they did not construct their current U.S. facility for the purpose of evading the antidumping

duty order on granular PTFE resin from Italy. Petitioner responds that, in anti-circumvention inquiries, the Department is not required to ascertain the intent of respondents in evaluating a particular pattern of trade, level of imports, or production facility. Petitioner further argues that pre-existing plans cannot preclude the Department from rendering affirmative determinations of circumvention, and that, in the CPTs Final, the Department specifically declined to consider respondents' arguments regarding pre-existing business plans.

Department's Position: We agree with petitioner. Section 781(a) of the Tariff Act, as well as other sections concerning circumvention, do not require the Department to determine that a respondent in an anti-circumvention inquiry deliberately acted to circumvent an order. Congress's apparent concern about counteracting "schemes" intended to circumvent the effectiveness of U.S. unfair trade remedies does not mean that it was only concerned about so-called deliberate schemes, or that it expected that the laws should be enforced only against those parties who could be proved to be engaged in such schemes. Just as a demonstration of intent is not a prerequisite to a determination of dumping, neither is it a prerequisite to a finding of circumvention. Further, given the difficulty of determining such intent, respondents' interpretation of the statute and the legislative history would not only place an unreasonable burden on the Department, but would effectively eviscerate the anti-circumvention provisions of the Tariff Act.

Therefore, in rendering this final determination, we have not attempted to assess the reasons why respondents shifted their pattern of trade or constructed their current U.S. production facility. Rather, in accordance with the statute and the legislative history, we have attempted to evaluate the depth and complexity of respondents' current U.S. processing facility, and the extent to which the pattern of trade and level of imports of PTFE wet raw polymer have changed since the issuance of the antidumping duty order. As stated in the "Difference in Value" section of this notice, we have determined that these factors are consistent with an affirmative determination of circumvention.

Final Affirmative Determination of Circumvention

We determine that respondents Montefluos and Ausimont are circumventing the antidumping duty order on granular PTFE resin from Italy. The merchandise produced in the United States, granular PTFE resin, is of the same class or kind of merchandise as that subject to the order, and is completed from an intermediate product imported from Italy, the country to which the order applies. Further, based on our analysis of information in the record and the comments received on our preliminary determination, we determine that the difference in value between the imported and finished products is small. We also determine that the pattern of trade, increase in imports of the intermediate product, and relationship between the parties subject to this inquiry are consistent with an affirmative determination of circumvention. We note that our analysis of the difference in value and resulting determination of "small" in this case are not necessarily synonymous with such determinations that the Department will formulate in future anti-circumvention inquiries since Congress has directed us to make determinations regarding the difference in value on a case-by-case basis.

Based on this final affirmative determination of circumvention, we have determined that PTFE wet raw polymer falls within the scope of the antidumping duty order on granular PTFE resin from Italy. We will inform Customs of this decision, and will instruct it to continue to suspend liquidation of, and require cash deposits, at the applicable rate, on all entries of PTFE wet raw polymer manufactured in Italy.

Interested parties may request disclosure within five days of the date of publication of this notice.

This final affirmative determination of circumvention is in accordance with section 781(a) of the Tariff Act (19 U.S.C. 1677j(a)) and 19 CFR 353.29(e).

Dated: April 20, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–10222 Filed 4–29–93; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–822]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers From the People's Republic of China

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

EFFECTIVE DATE: April 30, 1993.

FOR FURTHER INFORMATION CONTACT: Bill Crow, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0116.

PRELIMINARY DETERMINATION: We preliminarily determine that certain helical spring lock washers are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margin is shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on September 28, 1992, (57 FR 45765, October 5, 1992), the following events have occurred:

On October 14, 1992, and November 3, 1992, the Department sent facsimiles to the American Embassy in Beijing, China, requesting information on the value and quantity of sales to the United States by Chinese companies for the period April 1, 1992 to September 30, 1992.

On November 10, 1992, we received a response from the American Embassy in China, listing the names and addresses of several potential respondents. On October 6, 1992, Hangzhou Spring Washer Plant (Hangzhou) and the American Association of Fastener Importers (AAFI) sent a joint letter of appearance as interested parties in this proceeding.

On October 16, 1992, the Department sent petitioner and Hangzhou letters which solicited publicly available published information (PI) to be used to value the factors of production in the investigation. On October 23, 1992, the International Trade Commission (ITC) notified us of its preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of helical spring lock washers that are allegedly sold at less than fair value in the United States. Petitioner submitted information it considered PI on December 14, 1992. Hangzhou submitted data it considered PI on December 15, 1992.

On December 30, 1992, the Department sent Hangzhou the antidumping questionnaire. We also served questionnaires on the Embassy of the People's Republic of China (PRC), and on the Ministry of Foreign Economic Relations & Trade (MOFERT). On January 7, 1993, the Department sent Hangzhou and the PRC embassy supplementary questionnaires to determine whether critical circumstances exist.

On January 13, 1993, Hangzhou submitted its response to section A of the questionnaire. No PRC government body replied to our questionnaire. On January 14, 1993, Hangzhou submitted the full translation of the Regulations Regarding State Enterprises, promulgated by the State Council of the People's Republic of China. Petitioner submitted additional information for consideration as PI on January 19, 1993, for data covering Indian labor. On January 22, 1993, the Department sent Hangzhou a section A deficiency questionnaire.

On January 26, 1993, the Department postponed the preliminary determination because the issues involved in this investigation were found to be extraordinarily complicated. On January 27, 1993, Hangzhou requested a one week extension for responding to sections C and D of the Department's questionnaire. This request was granted. On January 28, 1993, the Department extended the deadline for submission of PI until February 5, 1993. On February 5, 1993, Hangzhou submitted its response to the section A deficiency questionnaire. On February 5, 1993, Hangzhou submitted its response to sections C and D. On February 22, 1993, petitioner commented on Hangzhou's February 5, 1993, submissions.

On March 2, 1993, the Department sent Hangzhou the first section C and D deficiency questionnaire. On March 16, 1993, Hangzhou submitted its response to the first section C and D deficiency questionnaire. On March 30, 1993, the Department sent Hangzhou a second section C and D deficiency questionnaire. On March 30, petitioner submitted comments on Hangzhou's March 16, 1993, submission. On April 6, 1993, Hangzhou submitted its response to the second section C and D deficiency questionnaire.

On April 19, 1993, Hangzhou submitted more legible copies of previously submitted sales documentation and noted revisions it had submitted in its April 6, 1993, computer disks, but had failed to fully discuss in the narrative accompanying the disks. Hangzhou also raised an objection to what it perceived as double-counting in petitioner's cost estimate for steel wire rods in calculating margins in the petition. On April 8, 1993, petitioner responded that Hanghzou incorrectly interpreted the petition estimate for converting green wire rod into processed wire, and that no double-counting was involved.

Scope of Investigation

For purposes of this investigation, certain helical spring lock washers (HSLWs) are circular washers of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non heat-treated, plated or non-plated, with ends that are off-line. HSLWs are designed to: (1) Function as a spring to compensate for developed looseness between the component parts of a fastened assembly; (2) distribute the load over a larger area for screw or bolts; and (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other metals, such as copper. The lock washers subject to this investigation are currently classifiable under subheading 7318.21.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Period of Investigation

The period of investigation (POI) is from April 1, 1992, through September 30, 1992.

Market-Oriented Industry Status

In its December 7, 1992, submission and in subsequent filings with the Department, Hangzhou has argued that the Department should consider the Chinese lock washer industry as a market-oriented industry (MOI). Petitioner has objected to classifying the lock washer industry of the PRC as market-oriented. As outlined in the Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Order: Chrome-Plated Lug Nuts from the People's Republic of China 57 FR 15052 (April 24, 1992), the Department considers three criteria in establishing whether an industry in a non-market economy should be classified as market-oriented: (1) For merchandise under investigation, there must be virtually no government involvement in setting prices or amounts to be produced (*e.g.*, state-required production or allocation of production of the merchandise, whether for export or domestic consumption in the non-market economy, would be an almost insuperable barrier to finding a market-oriented industry); (2) the industry producing the merchandise under investigation should be characterized by private or collective ownership (there may be state-owned enterprises in the industry but substantial state ownership would weigh heavily against finding a market-oriented industry); and (3) market-determined prices must be paid for all significant inputs, whether material or non-material (*e.g.*, labor and overhead), and for an all but insignificant proportion of all the inputs accounting for the total value of the merchandise under investigation. For example, an input price will not be considered market-determined if the producers of the merchandise under investigation pay a state-set price for the input or if the input is supplied to the producers at government direction. Moreover, if there is any state-required production in the industry producing the input, the share of state-required production must be insignificant.

As recorded in a January 19, 1993, memorandum from David Binder to Richard Moreland, the Department has determined that the Chinese lock washer industry does not have MOI status. As regards the first criterion, the record is not sufficient to determine the degree and nature of control exercised in the lock washer industry by the central and regional government bodies of the PRC. As regards criterion two, the December 7, 1992, PRC embassy submission indicated that a significant portion of total PRC production comes from state-owned factories, a factor indicating "substantial state ownership." As regards criterion three, the PRC submissions neither stated nor documented that market-determined prices are paid for all significant inputs.

Separate Rates

In its December 7, 1992, submission and in subsequent filings with the Department, Hangzhou has argued that a separate, company-specific rate should be calculated in this investigation. In order to determine whether a company-specific dumping margin should be calculated in this investigation, we asked respondent to provide information on company ownership and relationships, sources of inputs, manufacturing processes, distribution channels, involvement of trading companies, controls on external trade, profit retention, and other facets of its production and sale of the subject merchandise. As stated in the Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China (56 FR 20588, May 6, 1991) (Sparklers), we will issue separate rates if a respondent can demonstrate both a *de jure* and *de facto* absence of central control. Evidence supporting, though not requiring, a finding of *de jure* absence of central control would include: (1) An absence of restrictive stipulations associated with an individual exporter's business and

export licenses; and (2) any legislative enactments devolving central control of export trading companies. Evidence supporting a finding of *de facto* absence of central control with respect to exports would include: (1) Whether each exporter sets its own export prices independently of the government and other exporters; and (2) whether each exporter can keep the proceeds from its sales.

Petitioner has argued that Hangzhou does not qualify for a separate rate because Hangzhou has not adequately explained its relationship to the People's Congress and to the state-owned trading companies through which it makes a significant number of sales to the United States.

Based on a review of Hangzhou's submissions regarding its relationships with PRC government and trade entities, we believe that there is sufficient evidence of *de facto* and *de jure* control by the People's Congress to cause us to question Hangzhou's assertions regarding the complete independence of its business operations. Moreover, as petitioner has pointed out, the PRC government apparently has some degree of control over state trading companies. This further calls into question the independence of Hangzhou. In evaluating Hangzhou's claim to have satisfied the separate rates test from Sparklers, these above concerns cause us to reject Hangzhou's claim for purposes of the preliminary determination, as recorded in our April 19, 1993, memorandum from Richard Moreland to Joseph Spetrini.

Best Information Available

The PRC government did not supply the consolidated questionnaire response requested for all producers/exporters other than Hangzhou. Further, Hangzhou has not demonstrated that it qualifies for a separate rate. Therefore, we are using best information available (BIA) to calculate the margin for all exporters from the PRC. As BIA, we are using the highest single margin calculated in the petition, a margin of 128.63 percent.

Fair Value Comparisons

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

United States Price

We based USP on the information contained in the petition. Petitioner based U.S. price (USP) on observed price quotes of helical spring lock washers by producers of the subject merchandise from the PRC. Petitioner made deductions from USP for U.S. duty and freight charges.

Foreign Market Value

We based FMV on the methodology contained in the petition. Petitioner contends that the FMV of PRC-produced imports subject to this investigation must be determined in accordance with section 773(c) of the Act, which concerns non-market economy (NME) countries. The PRC is presumed to be an NME within the meaning of section 771(18)(C) of the Act, and the Department has treated it as such in previous investigations (see, Final Determination of Sales at Less Than Fair Value: Sulfanilic Acid from the PRC, 57 FR 29705 (July 6, 1992)).

In accordance with section 773(c) of the Act, FMV in NME cases is based on NME producers' factors of production (valued in a market economy country). Petitioner calculated FMV on the basis of the valuation of the factors of production. In valuing the factors of production, petitioner used India as a surrogate country. In our initiation, we accepted India as having a comparable economy and being a significant producer of comparable merchandise, pursuant to section 773(c)(4) of the Act.

In accordance with the hierarchy for preferred input values as set forth in the notice of Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China (PRC), 57 FR 21058 (May 18, 1992) (Comment 4), petitioner first used Indian published, publicly available information to value the factors of production before resorting to unclassified information contained in U.S. government cables or to its own costs of production.

Petitioner obtained and valued the factors of production in the PRC as follows: For carbon steel, petitioner used pricing in U.S. dollars contained in a published report. Petitioner used the cost in the United States for processing rod into finished wire. For labor, petitioner estimated the costs based on cable information from a U.S. consulate in India. For depreciation, petitioner estimated costs of its own equipment using the value of such equipment available in the United States, Taiwan, and Japan. For energy, petitioner valued the factor using its own costs. Petitioner used comparable equipment and valued electricity costs using cable information from a U.S. consulate in India and natural gas prices from published information. For tooling, petitioner used its own actual costs. For selling, general, and administrative expenses (SG&A), petitioner used the statutory minimum of ten percent of the cost of manufacture. For profit, petitioner used the statutory minimum of eight percent of the cost of manufacture plus SG&A expenses. For packing, petitioner estimated the cost as a percentage of the cost of production based on its own experience.

Petitioner calculated margins for both plain and plated carbon steel lock washers. Petitioner obtained and valued the plating factors of production using its own chemical costs, adjusted for one percent waste. For plating labor, petitioner estimated the costs based on cable information from a U.S. consulate in India. For plating equipment depreciation, petitioner estimated costs of its own equipment using the value of such equipment available in the United States. For plating energy, petitioner used its own cost per pound. For plating SG&A, petitioner used the statutory minimum of ten percent of the cost of manufacture. For plating profit, petitioner used the statutory minimum of eight percent of the cost of manufacture plus SG&A expenses.

The range of dumping margins of HSLWs from the PRC based on a comparison of USP to CV alleged by petitioner is 92.30 percent to 128.63 percent. For purposes of this preliminary determination, we are applying the highest margin of 128.63 percent as BIA.

Verification

As provided in section 776(b) of the Act, we will verify the information used in reaching our final determination.

Critical Circumstances

Petitioner alleges that "critical circumstances" exist with respect to imports of the subject merchandise from the PRC. Section 733(e)(1) of the Act provides that the Department will preliminarily determine that critical circumstances exist if we determine that there is a reasonable basis to believe or suspect that:

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

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

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

Under 19 CFR 353.16(f), we normally consider the following factors in determining whether imports have been massive over a short period of time: (1) the volume and value of the imports; (2) seasonal trends (if applicable); and (3) the share of domestic consumption accounted for by imports.

In determining knowledge of dumping, we normally consider margins of 15 percent or more sufficient to impute knowledge of dumping under section 733(e)(1)(A)(ii) for exporters sales price sales, and margins of 25 percent or more for purchase price sales. (See, e.g., Final Determination of Sales at Less Than Fair Value; Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from Italy, 52 FR 24198, June 29, 1987). Since the preliminary margin for HSLWs from the PRC is above 25 percent, we determine in accordance with section 733(e)(1)(A)(ii) of the Act that there is a reasonable basis to believe or suspect that knowledge of dumping existed for HSLWs from the PRC.

Because the Department did not receive responses to its questionnaire from the PRC government on behalf of all producers other than Hangzhou, and since we are not calculating separate rates for purposes of the preliminary determination, we have relied upon BIA for determining whether there have been massive imports of HSLWs from the PRC. As BIA we are making the adverse assumption that imports were massive over a relatively short period of time in accordance with section 733(e)(1)(B) of the Act. Therefore, we find that there is a reasonable basis to believe or suspect that imports of HSLWs from the PRC have been massive over a relatively short period of time. Based on our analysis, we determine that there is a reasonable basis to believe or suspect that critical circumstances exist for imports of HSLWs from the PRC.

Suspension of Liquidation

In accordance with sections 733(d)(1) and 733(c)(2) of the Act, we are directing the Customs Service to suspend liquidation of all entries of certain helical spring lock washers from the PRC that are entered, or withdrawn from warehouse, for consumption on or after the date 90 days prior to the publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to 128.63 percent on all entries of certain HSLWs from the PRC. This suspension of liquidation will remain in effect until further notice. The estimated dumping margins are as follows:

Manufacturer/producer/exporter	Margin percentage
All PRC Manufacturers, Producers and Exporters	128.63

ITC Notification

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

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than June 16, 1993, and rebuttal briefs, no later than June 23, 1993. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on June 29, 1993, at 9:30 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

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

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

Dated: April 26, 1993.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–10221 Filed 4–29–93; 8:45 am]

BILLING CODE 3510–DS–P

[C–122–404]

Live Swine From Canada; Amendment to Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of amendment to final results of countervailing duty administrative review.

SUMMARY: On July 20, 1992, in accordance with the Binational Panel's May 19, 1992 remand, the Department of Commerce ("the Department") submitted its final results of redetermination to the Panel for the fourth administrative review covering the period April 1, 1988 through March 31, 1989. Following a challenge, the Panel remanded the final results of redetermination to the Department and directed the Department to readdress several issues and findings. On November 19, 1992, the Department submitted a second final results of redetermination to the Panel. The Panel affirmed this redetermination on December 21, 1992. Following the United States' challenge of the Panel's decision before an Extraordinary Challenge Committee, the Committee upheld the Panel's order affirming the November 19, 1992 redetermination. Pursuant to this conclusive decision, we are therefore amending, for purposes of this review, the countervailing duty rate on live swine from Canada.

EFFECTIVE DATE: April 30, 1993.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On June 21, 1991 (56 FR 28531), the Department published the final results of its fourth administrative review of the countervailing duty order on Live Swine from Canada covering the period April 1, 1988 through March 31, 1989. These results were challenged by the Government of Canada and other Canadian parties before a Binational Panel pursuant to Article 1904 of the U.S.-Canada Free Trade Agreement (FTA) and 19 U.S.C. 1516a(g) (1988). The Panel issued its decision on May 19, 1992, and therein remanded certain issues to the Department for reconsideration. Live Swine from Canada, USA–91–1904–03. Pursuant to this remand order, on July 20, 1992, the

Department submitted to the Panel its final results of redetermination. In its redetermination, the Department provided further argumentation for its determination that Canada's National Tripartite Stabilization Scheme for hogs (Tripartite) and Quebec's Farm Income Stabilization Insurance program (FISI) were de facto specific in accordance with 19 U.S.C. 1677(5). The Department also requested a second remand to reopen the record in order to include two Canadian documents which supported the Department's estimate of the universe of agricultural commodities produced in Canada, in accordance with the Panel's previous order. The Government of Canada and other Canadian parties challenged the Department's basis for its specificity determination on remand and the Department's request to reopen the record.

On October 30, 1992, the Panel held that the Department was to (1) determine Tripartite and FISI to be non-specific and therefore "not countervailable" and (2) grant "weanlings" a separate, product-based countervailing duty rate. Live Swine from Canada, USA–91–1904 (October 30, 1992). The Panel also denied the Department's request to reopen the administrative record. The Department complied with the Panel's instructions on November 19, 1992, and on December 21, 1992, the Panel issued an order affirming the second determination on remand.

On January 21, 1993, pursuant to Article 1904.13 and Annex 1904.13 of the FTA, the United States filed a request for an Extraordinary Challenge Committee to review the decision of the Binational Panel with respect to the de facto specificity determination. The United States argued that the Panel had failed to apply the appropriate standard of review under U.S. countervailing duty law in determining that the Department had not applied "the appropriate test" to determine specificity.

On April 8, 1993, the Extraordinary Challenge Committee held that the alleged errors by the Panel did not meet the test for a successful extraordinary challenge as set forth in article 1904.13. Live Swine from Canada, ECC–93–1904–01 USA (April 8, 1993). Although the Committee indicated that "the Panel may have erred" with respect to its substantive decision regarding whether the Department's approach to specificity was in accordance with U.S. law, the Committee found that it could not say, based upon that record, "that the Panel did not conscientiously apply the appropriate standard of review."

Accordingly, the Committee dismissed the United States' request for an extraordinary challenge and affirmed the Panel's order affirming the Department's second redetermination, dated December 21, 1992.

Based upon the Panel's order affirming the determination on remand and in accordance with the Extraordinary Challenge Committee's conclusive decision affirming that order, for purposes of this review period only, the Department has removed both the Tripartite and FISI benefits paid to producers of live swine in Canada and Quebec from the calculation of the subsidy rate. In addition, in conformance with the Panel's order, the Department has calculated a separate rate for weanlings.

The subsidy rates contained herein are those determined by the Department in its November 19, 1992 second redetermination. They are: CAN$ 0.0040 per pound for slaughter sows and boars; CAN$ 0.0005 per pound for weanlings; and CAN$ 0.0051 per pound for all other live swine.

Amended Final Results of Review

The Department will instruct the Customs Service to assess countervailing duties of CAN$ 0.0040 per pound for slaughter sows and boars; CAN$ 0.0005 per pound for weanlings; and CAN$ 0.0051 per pound for all other live swine, exported on or after April 1, 1988, and on or before March 31, 1989.

The Customs Service will continue to collect a cash deposit of estimated countervailing duties of CAN$ 0.0049 per pound for slaughter sows and boars and CAN$ 0.0932 for all other live swine. These rates were established in the final results of the fifth countervailing duty administrative review of this order (April 1, 1989 through March 31, 1990) (56 FR 59565; October 7, 1991).

This amended notice of final results is published in accordance with 19 U.S.C. 1675(a)(1), 19 U.S.C. 1516a(g)(5)(B), 19 CFR 355.22 (1992) and 19 CFR 356.8(e).

Dated: April 19, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–10121 Filed 4–29–93; 8:45 am]

BILLING CODE 3510–DS–P

[Docket No. 930360–3060]

Trade Fair Certification Program: Support for Privately Organized International Trade Fairs

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of revisions to the Trade Fair Certification Program: Support for privately organized international trade fairs.

SUMMARY: This notice sets forth the revised objectives, procedures, and application review criteria associated with the U.S. Department of Commerce's Trade Fair Certification Program, which recognizes and endorses selected, privately organized, U.S. participation in foreign trade fairs.

The revised program criteria contained in this notice include the following principal additions, changes, and clarifications to the current program:

- A $1,500 non-refundable contribution is required upon Certification.
- Fairs occurring in cities or locales where the U.S. Department of Commerce (Commerce) has no U.S. and Foreign Commercial Service (US&FCS) office, or where the US&FCS representative responsible for the industry theme of such a fair is based off-site, may incur additional expense for the applicant.
- First-time fairs are not eligible for Certification.
- Applicants applying for Certification of an existing trade fair must have experience in recruiting U.S. exhibitors for that show or another show with the same industry theme.
- Applications for Certification must include satisfactory documentation, in English, of the commitment of necessary exhibit space by the owner or lessor of the facility in which the fair will be held. Documentation should consist of: (1) A lease or letter from the owner or lessor stating that the applicant holds the necessary exhibition space, or a letter demonstrating an offer of specific exhibition space by the owner or lessor of the facility; and (2) a letter indicating the applicant's acceptance of the terms.
- Applications must be received no later than 270 days prior to the commencement of the fair for which Certification is sought, but no earlier than the conclusion of the prior event.
- Only applications submitted by U.S. persons or entities will be considered. For this purpose, the U.S. subsidiary, branch or agent of a foreign firm is considered a U.S. person or entity. Applications for fairs in which

the designated organizer's U.S.-based office or agent does not lease space directly must be submitted by the foreign fair organizer and co-signed by the U.S.-based agent or recruiter.

• Certified fair organizers must provide a list of recruited U.S. participants to the Commerce project officer and to the appropriate U.S. and Foreign Commercial Service office 30 days prior to the event.

• All products to be exhibited by recruited U.S. participants must (1) be manufactured or produced in the United States, or (2) if manufactured or produced outside of the United States, be marketed under the name of a U.S. firm and have U.S. content representing at least fifty-one percent of the value of the finished good or service.

DATES: These revised administrative procedures are effective on the date of publication in the **Federal Register.**

ADDRESSES: Trade Fair Certification Program, room 2116, Export Promotion Services, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Paul Bucher, Manager, Trade Fair Certification, U.S. Department of Commerce, room 2116, 14th and Constitution Avenue, NW., Washington, DC 20230. Tel: (202) 482–2525 Fax: (202) 482–0115 (for communication purposes only; facsimile applications will not be accepted).

SUPPLEMENTARY INFORMATION:

Trade Fair Certification Program Background

This **Federal Register** notice replaces, in full, the **Federal Register** notices of August 4, 1987, 52 FR 28934–28936, and May 12, 1983, 48 FR 21520–21522.

Per the Mutual Educational and Cultural Exchange Act of 1961 (MECEA) (22 U.S.C. 2455(f)), Commerce established the Trade Fair Certification Program in 1983 to encourage qualified private sector organizers to recruit U.S. exhibitors for overseas trade fairs. The revised program set forth in this notice provides the private sector with greater opportunities to work with Commerce in support of their participation in overseas trade fairs.

In lieu of Commerce, private sector organizers assume the responsibilities of organizing Certified Trade Fairs, or U.S. participation in them. Certification assures Commerce recognition and support of the efforts of private sector trade fair organizers, as well as trade associations and other export promotion organizations, to recruit U.S. exporters for specific overseas fairs recognized by the Department as good export opportunities.

Certification provides a means for the exporter to verify that a particular trade fair will be a good promotional medium. Prospective U.S. exhibitors at Certified Trade Fairs know that Commerce personnel will be available to assist them and to counsel them about export matters that may arise before, during and after the show. Certification thus indirectly serves the U.S. manufacturer or service provider seeking export opportunities.

The private sector organizer usually takes the initiative to request Certification of a fair; however, on occasion, Commerce may identify a fair as a potential candidate for Certification. In those instances where there is no known private sector entity in the United States recruiting for the fair, Commerce will notify organizers of fairs that have been Certified during the preceding two years about such opportunities and place a similar notice in the **Federal Register.**

With the exception of catalog exhibitions, Commerce will not Certify a fair for which it is also recruiting or intends to recruit exhibitors.

Certification is for one fair only; organizers of fairs that have been Certified previously, must, nevertheless, apply for Certification of the currently anticipated event in order to permit Commerce to evaluate current market conditions.

Commerce does not provide any financial assistance to organizers or to exhibitors at Certified Trade Fairs. The Certified organizer contributes $1,500 to assist in defraying Commerce expenses incurred in supporting the organizer and the fair. Commerce may provide additional services, for which the applicable post's Senior Commercial Officer will determine, subject to review by US&FCS in Washington, any additional contribution required of the organizer.

Certification indicates that Commerce has found the applicable fair to be a good market opportunity warranting participation by U.S. exporters. Certification indicates that the fair and the organizer have met basic criteria and that the organizer is qualified to perform in a manner supportive of Commerce's objectives. However, Certification does not constitute a guarantee of the fair's success or of the organizer's performance.

Commerce limits Certification to those fairs that, in its judgment, most clearly meet its program objectives and selection criteria. A decision not to Certify a fair does not mean that the event should not be considered as a promotional tool by U.S. firms.

Trade Fair Criteria for Awarding Certification

Subject to Commerce's budgetary and resource constraints, Certification will be granted to those fairs which, in the judgment of Commerce, most clearly and best meet the following criteria:

(a) The fair must be a good market opportunity for the featured industry or industries.

In applying this criterion, Commerce will consider such factors as:

(i) Whether the fair's industry theme is included on Commerce's Best Prospect or Best Market list. Information about the Best Prospect and Best Market lists is available from the Trade Fair Certification staff, Commerce District Offices and US&FCS sections overseas;

(ii) The degree to which the fair provides promise of foreign market exposure for the latest technology or techniques in an industry or in a commercially recognized category of goods or services;

(iii) Whether the fair provides a unique opportunity for export promotion within a particular market;

(iv) The appropriateness of the fair for a minimum of 10 U.S. industry participants, ideally located in an identifiable U.S. pavilion within the show; and

(v) Whether such participants are likely to exhibit goods or services representing U.S. industry in the particular field involved.

(b) The fair must have good potential for export promotion.

In applying this criterion, Commerce will consider:

(i) Whether the industry or target market of the fair promises to attract foreign customers for U.S. goods or services; and

(ii) The "marketability" of the overall industry goods or services likely to be exhibited, i.e., the sales potential in the market area and the suitability of the goods or services as identified in the application for Certification.

(c) The fair must be one for which recognition and support would be consistent with Commerce's overall export promotion program and its priorities for allocation of its resources and name association.

In applying this criterion, Commerce will consider such factors as:

(i) Whether the fair is a first-time event. First time fairs are not eligible for Certification. A first-time fair is a distinctly separate and uniquely titled trade show that has not been held before in the applicable country. The term "first-time event" does not refer to a

show different in name only from a previous identical fair. A fair developed as a "breakout" show from an existing fair will be considered a first-time fair;

(ii) Whether an existing fair has occurred in the applicable country prior to the submission of an application for Certification. Applications for a fair that occurs in different countries on a rotating basis under the same title will be considered provided the fair has occurred in the relevant country during the preceding five years;

(iii) Whether Commerce is recruiting or intends to recruit exhibitors for the fair. With the exception of catalog exhibitions, Commerce will not Certify a fair for which it also is recruiting or intends to recruit exhibitors; and

(iv) The theme, timing and location of the fair; previous exhibitors' assessment of the fair; the past experience of the organizer with the event; the post's familiarity with the fair (and, if applicable, the post's recommendation in its end-of-show report for the previous event); and whether Commerce's support would contribute to the enhancement of the participants' export potential.

Application Procedures

(a) Applications must be received no later than 270 days prior to the first day of the fair, and no earlier than the conclusion of the prior occurrence of the event.

(b) Only a U.S. person may apply for Certification. For purposes of this paragraph, "U.S. person" means a U.S. citizen, an entity (such as a corporation, partnership, association or other entity) created under the laws of the United States or of any state, and the U.S. branch or agent of a foreign person. Applications for fairs in which the designated organizer's U.S.-based office or agent does not lease space directly must be submitted by the foreign fair organizer and co-signed by the U.S.-based agent or recruiter.

(c) Applications that are received within 30 days of the receipt of the first application with respect to a fair will be considered concurrently with the first application. Applications received more than 30 days after receipt of the first application will be considered, in order of receipt, but only if no prior application has been accepted for Certification.

(d) Applications for all fairs must include satisfactory documentation, in English, of the commitment of necessary exhibit space by the owner or lessor of the facility in which the fair will be held. Documentation should consist of: (1) A lease or letter *from* the owner or lessor stating that the applicant holds the necessary exhibition space, or a letter demonstrating an offer of specific exhibition space by the owner or lessor of the facility; and (2) a letter indicating the applicant's acceptance of the terms.

(e) Applications will be deemed received only if they are complete, i.e., all questions on the application [Form ITA 4100P] are addressed and documentation of lease arrangements, as provided in paragraph (d) above, is included. The collection of this information has been approved by the Office of Management and Budget, OMB Control Number 0625–0130. Applications deemed incomplete will be returned to the applicant. The 30-day period referred to in paragraph (c) will commence when Commerce first deems an application complete and received.

(f) Application form ITA–4100P can be obtained by contacting the Manager for Trade Fair Certification listed in this notice.

Applicant Criteria for Certification

The applicant must demonstrate or provide:

(a) Financial capability and personnel resources sufficient to plan and implement a successful fair and organize a U.S. pavilion or exhibitor group, including, but not limited to, having a U.S. office or appropriate U.S. representative for recruitment of participants and the capability to provide exhibition and sundry trade services to exhibitors;

(b) Experience in trade fair management and evidence of successful recruitment of U.S. exhibitors for that show or another show with the same industry theme;

(c) A high-level management commitment to develop and execute the trade fair and/or organization of the U.S. pavilion or group of U.S. exhibitors;

(d) Documentation showing a firm agreement committing both the applicant and the owner or lessor of exhibit space at the fair per paragraph (d) in the preceding section;

(e) A commitment to recruit at least 10 U.S. companies to participate in the fair;

(f) The ability and commitment to provide a comprehensive show and/or U.S. pavilion or exhibitor group management and marketing effort, including the ability to identify, and seek participation by, infrequent exporters and small- and medium-sized companies; and

(g) The ability and commitment to satisfy U.S. exhibitors' needs by arranging or providing exhibition services, including, but not limited to, booth design and construction, transportation of display, cleaning services and market promotion.

Specific responsibilities of the Certified show organizer/recruiter:

(a) Make a $1,500 non-refundable contribution to Commerce within 30 days of notice that the fair has been Certified.

(b) Designate an individual on the organizer's staff to work on all aspects of the show with Commerce personnel assigned to coordinate activities for the exhibition.

(c) Provide the following exhibition services:

(i) Display space comparable with industry standards for trade events;

(ii) Forwarding and exhibit set-up services including, but not limited to, unloading participants' equipment at the exhibition site, delivery to the participants' booths, unpacking, placement in display area, storing packing crates, repacking and loading for onward shipment, customs clearance, and any other services required to assure the prompt and orderly receipt and dispatch of materials in and out of the exhibition site;

(iii) Installation of a display system, chairs, tables, standard company identification and standard agent identification signs;

(iv) Normal utilities and hook-up services; and

(v) Assistance in hiring interpreters, clerical personnel or booth attendants required by participants. All fees to be charged to participants for standard and supplementary services must be stated in the organizer's application and be within a reasonable range of such charges in the market as can be verified by Commerce's post in-country.

(d) Undertake, as appropriate, a comprehensive promotional campaign, such as in-country pre-show press conferences and meetings to reach importers, distributors, agents, buyers and end-users.

(e) If required by the Senior Commercial Officer, provide at no cost to the post, space and/or furnished booth for use as a Business Information Office (BIO). If a U.S. pavilion is utilized, the BIO should be co-located with the exhibitors in the U.S. pavilion.

(f) In keeping with Commerce's mandate, show evidence of efforts to target infrequent exporters (new-to-market firms) and small and medium-sized firms in its recruitment efforts.

(g) If the fair is located at a site where there is no US&FCS Section or where the US&FCS representative responsible for the show's industry theme is based off-site, pay per diem and travel-related expenses, subject to Commerce

guidelines and the post's utilization of its allocation of the Certification fee.

(h) Subject to Departmental guidelines, pay per diem and travel-related expenses for U.S. Department of Commerce employee(s) whom the organizer has requested to attend the fair.

(i) Provide a list of recruited U.S. participants to the Commerce project officer and to the appropriate US&FCS office 30-days prior to commencement of the fair.

(j) Ensure that recruited U.S. participants' exhibited products:

(1) Are manufactured or produced in the United States; or

(2) if manufactured or produced outside of the United States, are marketed under the name of a U.S. firm and have U.S. content representing at least 51 percent of the value of the finished good or service.

(k) Prominently display the Trade Fair Certification logo on event promotional materials, on all exhibition booth fascia, and throughout the U.S. pavilion, if one is organized.

(l) Provide an after show report (Form 4103–P supplied by Commerce) to the Senior Commercial Officer at post and to the Commerce project officer within 14 days of the show's closing. This report will be incorporated into an overall report completed by the post for use in evaluating: The fair; the effectiveness of support provided by Commerce; and the organizer's performance.

Commerce reserves the right to "decertify" a fair at any time after Certification is granted if, in the opinion of Commerce, the organizer has not or is not likely to fulfill its obligations as established by the Certification criteria. In such an event, the organizer shall remain solely responsible for its obligations to the recruited U.S. participants. Commerce may withdraw all assistance and support, including the right of the organizer to use the Trade Fair Certification logo.

Department of Commerce Services and Responsibilities

The support provided for Certified Trade Fairs will generally be identical, but minor variances may exist, depending on the specific needs of the organizer and of Commerce.

For Certified Trade Fairs, Commerce will:

(a) Provide the successful applicant with a certificate designating the fair as being Certified by the U.S. Department of Commerce;

(b) Authorize the use of Commerce's "Trade Fair Certification" logo and other Commerce-approved references that indicate the U.S. Government recognizes and supports the fair, pursuant to and in accordance with such terms and conditions, including the US&FCS Logotype Style Manual, as Commerce might prescribe;

(i) The Trade Fair Certification Program of the U.S. Department of Commerce is the principal program used to support private sector-recruitment and organization of overseas trade fairs. Use of the Trade Fair Certification logo for Certified Trade Fairs is conditioned on it being the dominant logo to promote the fair to U.S. exhibitors;

(ii) If other U.S. Government or non-government logos are used, they must appear in smaller versions and not be co-mingled with the Trade Fair Certification logo;

(iii) All promotional material using the Trade Fair Certification logo should be sent to the project officer for file-keeping purposes. Advance review of the materials is not required, unless the show organizer has questions about proper use of the logo; and

(iv) Failure to abide by the regulations regarding proper use of the Trade Fair Certification logo may result in the fair being de-certified. A copy of the proper guidelines for using the Trade Fair Certification logo is supplied to the organizer upon Certification.

(c) Provide a designated project officer to assist the organizer;

(d) Make a general announcement to appropriate Commerce units (District Offices, US&FCS overseas, etc.) that Commerce supports the show and the U.S. organizer's recruitment efforts;

(e) Place an ongoing announcement about the fair in Commerce's biweekly export promotion magazine Business America, the Export Promotion Calendar, and relevant ITA newsletters up to the date of the event;

(f) Provide a suggested news release designating the show as a Certified Trade Fair for the organizer to use in its recruitment campaign;

(g) Provide the organizer, upon request, with relevant existing international marketing reports;

(h) To the extent resources allow, coordinate with other Commerce units in obtaining relevant mailing lists or mailing labels in support of the organizer's recruitment and promotional activities related to the specific Certified Trade Fair, to be provided on a one-time basis only;

(i) Encourage potential exhibitors, through Commerce's normal course of counseling or through contacts with business and trade associations, to consider participation in the Certified Trade Fair and refer inquiries to the show organizer; and

(j) Upon request and to the extent available, arrange counseling for exhibitors by District Office Trade Specialists, International Economic Policy country desk officers and Trade Development industry officers.

The US&FCS Section Abroad will:

(a) Furnish the organizer with a list of key local government entities, associations, distributors, agents, and other relevant information;

(b) Promote the fair locally by including an announcement of the event in its commercial newsletter or equivalent;

(c) Upon request by the post and subject to the availability of resources, provide staff at a Business Information Office to counsel U.S. exhibitors, facilitate contacts between exhibitors and visitors, and promote the services of the individual post. The BIO cannot be used for any other purpose, unless agreed to by the post and the US&FCS Export Promotion Services (EPS) office; and

(d) Upon request by the organizer and subject to the availability of resources, provide additional services, including, but not limited to the following: An exhibitor briefing; reception; promotional mailing; ribbon-cutting ceremony; and press conference.

The costs of these additional services, over and above the post's allocation of the Certification fee, shall be assumed by the organizer. Such costs will be determined by the Senior Commercial Officer, subject to review by EPS and US&FCS management.

Dated: April 21, 1993.

Ann H. Watts

Director, Cooperative Events Division, Export Promotion Services, U.S. and Foreign Commercial Service, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 93–10126 Filed 4–29–93; 8:45 am]

BILLING CODE 3510–FP–U

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Docket No. 921225–3038

RIN 0625–AA06

Allocation of Duty-Exemptions for Calendar Year 1993 Among Watch Producers Located in the Virgin Islands

AGENCY: Import Administration, International Trade Administration, Department of Commerce; and Office of the Secretary, Department of the Interior.

ACTION: Notice.

SUMMARY: This action allocates 1993 duty-exemptions for watch producers located in the Virgin Islands pursuant to Public Law 97–446.

FOR FURTHER INFORMATION CONTACT: Faye Robinson, (202) 482–1660.

SUPPLEMENTARY INFORMATION: Pursuant to Public Law 97–446, the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of duty exemptions among watch assembly firms in the U.S. insular possessions and the Northern Mariana Islands. In accordance with § 303.3(a) of the regulations (15 CFR part 303), this action establishes the total quantity of duty-free insular watches and watch movements for 1993 at 5,580,000 units and divides this amount among the three insular possessions of the United States and the Northern Mariana Islands.

Of this amount, 4,080,000 units may be allocated to Virgin Islands producers, 500,000 to Guam producers, 500,000 to American Samoa producers and 500,000 to Northern Mariana Islands producers (58 FR 21347).

The criteria for the calculation of the 1993 duty-exemption allocations among insular producers are set forth in § 303.14 of the regulations.

The Departments have verified the data submitted on application form ITA–334P by producers in the territories and inspected the current operations of all producers in accordance with § 303.5 of the regulations.

The verification established that in calendar year 1992 the Virgin Islands watch assembly firms shipped 2,113,216 watches and watch movements into the customs territory of the United States under Public Law 97–446. The dollar amount of creditable corporate income taxes paid by Virgin Islands producers during calendar year 1992 plus the creditable wages paid by the industry during calendar year 1992 to residents of the territory totalled $5,001,851.

There are no producers in American Samoa or the Northern Mariana Islands. The only producer in Guam ceased assembly operations during 1992. Publication of the Guam data would disclose competitively sensitive information.

The calendar year 1993 Virgin Islands annual allocations set forth below are based on the data verified by the Departments in the Virgin Islands. The allocations reflect adjustments made in data supplied on the producers' annual application forms (ITA Form–334P) as a result of the Departments' verification; and reallocation of duty-exemptions which have been voluntarily relinquished by some producers pursuant to § 303.6(b)(2) of the regulations.

The duty-exemption allocations for calendar year 1993 in the Virgin Islands are as follows:

Name of firm	Annual allocation
Belair Quartz, Inc	500,000
Hampden Watch Co., Inc	300,000
Progress Watch Co., Inc	400,000
Unitime Industries, Inc	500,000
Tropex, Inc	500,000
Timex V.I., Inc	791,200

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Ruth G. Van Cleve,

Acting Assistant Secretary for Territorial and International Affairs.

[FR Doc. 93–10123 Filed 4–29–93; 8:45 am]

BILLING CODES 3510–DS–M 4310–93–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the United Arab Emirates

April 26, 1993.

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

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

EFFECTIVE DATE: May 4, 1993.

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

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

The current limits for certain categories are being reduced for carryforward used during 1992.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23 1992). Also see 57 FR 53887, published on November 13, 1992.

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

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 26, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 6, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the United Arab Emirates and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on May 4, 1993, you are directed to amend the directive dated November 6, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the United Arab Emirates:

Category	Adjusted twelve-month limit [1]
340/640	273,934 dozen.
341/641	226,293 dozen.
347/348	326,447 dozen of which not more than 164,122 dozen shall be in Categories 347–T/348–T [2].

[1] The limits have not been adjusted to account for any imports exported after December 31, 1992.

[2] Category 347–T: only HTS numbers 6103.19.2015, 6103.19.4020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.3010, 6112.11.0050, 6113.00.0038, 6203.19.1020, 6203.19.4020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.3020, 6210.40.2035, 6211.20.1520, 6211.20.3010 and 6211.32.0040; Category 348–T: only HTS numbers 6104.12.0030, 6104.19.2030, 6104.22.0040, 6104.29.2034, 6104.62.2010, 6104.62.2025, 6104.69.3022, 6112.11.0060, 6113.00.0042, 6117.90.0042, 6204.12.0030, 6204.19.3030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.3010, 6204.69.9010, 6210.50.2035, 6211.20.1550, 6211.20.6010, 6211.42.0030 and 6217.90.0050.

The Committee for the Implementation of Textile Agreements has determined that

these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-10172 Filed 4-29-93; 8:45 am]

BILLING CODE 3510-DR-F

Denial of Participation in the Special Access and Special Regime Programs

April 26, 1993.

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

ACTION: Issuing a directive to the Commissioner of Customs denying the right to participate in the Special Access and Special Regime Programs.

EFFECTIVE DATE: May 1, 1993.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

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

The Committee for the Implementation of Textile Agreements (CITA) has determined that the I. Appel Corporation is in violation of the requirements set forth for participation in the Special Access and Special Regime Programs.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs, effective on May 1, 1993, to deny the I. Appel Corporation the right to participate in the Special Access and Special Regime Programs, for a period of three months, from May 1, 1993 through July 31, 1993.

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; and 54 FR 50425, published on December 6, 1989.

Requirements for participation in the Special Regime Program are available in **Federal Register** notices 53 FR 15724, published on May 3, 1988; 53 FR 32421, published on August 25, 1988; 53 FR 49346, published on December 7, 1988; and 54 FR 50425, published on December 6, 1989.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 26, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: The purpose of this directive is to notify you that the Committee for the Implementation of Textile Agreements has determined that the I. Appel Corporation is in violation of the requirements for participation in the Special Access and Special Regime Programs.

Effective on May 1, 1993, you are directed to prohibit the I. Appel Corporation from further participation in the Special Access and Special Regime Programs, for a period of three months, from May 1, 1993 through July 31, 1993. Goods accompanied by Form ITA-370P which are presented to U.S. Customs for entry under the Special Access and Special Regime Programs will no longer be accepted. In addition, for the period May 1, 1993 through July 31, 1993, you are directed not to sign ITA-370P forms for export of U.S.-formed and cut fabric for the I. Appel Corporation.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-10171 Filed 4-29-93; 8:45 am]

BILLING CODE 3510-DR-F

Establishment of an Export Visa Arrangement for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Lesotho

April 23, 1993.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing export visa requirements.

EFFECTIVE DATE: May 15, 1993.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212.

SUPPLEMENTARY INFORMATION:

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

On December 9, 1992, the Governments of the United States and the Kingdom of Lesotho agreed to establish an export visa arrangement for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Lesotho and exported from Lesotho on and after May 15, 1993.

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

Interested persons are advised to take all necessary steps to ensure that textile products that are entered into the United States for consumption, or withdrawn from warehouse for consumption, will meet the visa requirements set forth in the letter published below to the Commissioner of Customs.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 23, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on December 9, 1992; pursuant to the Export Visa Arrangement of December 9, 1992 between the Governments of the United States and the Kingdom of Lesotho; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on May 15, 1993, entry into the Customs territory of the United States (i.e., the 50 states, the District of Columbia and the Commonwealth of Puerto Rico) for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200-239, 300-369, 400-469, 600-670 and 800-899, including merged (338/339/638/639 and 347/348/647/648) and part categories, produced or manufactured in Lesotho and exported from Lesotho on and after May 15, 1993, for which the Government of the Kingdom of Lesotho has not issued an appropriate export visa fully described below. Should additional categories, merged categories or part categories be added to the bilateral agreement, the entire category(s) or part category(s) shall be included in the coverage of this arrangement on an agreed effective date.

A visa must accompany each commercial shipment of the aforementioned textile products. A circular stamped marking in blue ink will appear on the front of the original commercial invoice. The original visa shall

not be stamped on duplicate copies of the invoice. The original invoice with the original visa stamp will be required to enter the shipment into the United States. Duplicates of the invoice and/or visa may not be used for this purpose.

Each visa stamp shall include the following information:

1. The visa number. The visa number shall be in the standard nine digit letter format, beginning with one numerical digit for the last digit of the year of export, followed by the two character alpha country code specified by the International Organization for Standardization (ISO) (the code for Lesotho is "LS"), and a six digit numerical serial number identifying the shipment; e.g., 3LS123456.

2. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

3. The signature and printed name of the issuing official.

4. The correct category(s), merged category(s), part category(s), quantity(s) and unit(s) of quantity in the shipment as set forth in the U.S. Department of Commerce Correlation and the U.S. Harmonized Tariff Schedules (HTS) (e.g., "Cat. 343–210 DOZ").

Quantities must be stated in whole numbers. Decimals or fractions will not be accepted. Merged category quota merchandise may be accompanied by either the appropriate merged category visa or the correct category visa corresponding to the actual shipment (e.g., Categories 347/348 may be visaed as 347/348 or if the shipment consists solely of 347 merchandise, the shipment may be visaed as "Cat. 347," but not as "Cat. 348"). If, however, a merged quota category such as 340/640 has a quota sublimit on Category 340, then there must be a "Cat. 340" visa for the shipment if it includes Category 340.

U.S. Customs shall not permit entry if the shipment does not have a visa, or if the visa number, date of issuance, signature, printed name of the signer, category, quantity or units of quantity are missing, incorrect or illegible, or have been crossed out or altered in any way. If the quantity indicated on the visa is less than that of the shipment, entry shall not be permitted. If the quantity indicated on the visa is more than that of the shipment, entry shall be permitted and only the amount entered shall be charged to any applicable quota.

The complete name and address of a company actually involved in the manufacturing process of the textile product covered by the visa shall be provided on the textile visa document.

If the visa is not acceptable then a new visa must be obtained from the Government of the Kingdom of Lesotho, or a visa waiver may be issued by the U.S. Department of Commerce at the request of the Government of the Kingdom of Lesotho, and presented to the U.S. Customs Service before any portion of the shipment will be released. The waiver, if used, only waives the requirement to present a visa with the shipment. It does not waive the quota requirement.

If import quotas are in force, U.S. Customs Service shall charge only the actual quantity in the shipment to the correct category limit. If a shipment from Lesotho has been allowed entry into the commerce of the United States with either an incorrect visa or no visa, and redelivery is requested but cannot be made, U.S. Customs shall charge the shipment to the correct category limit whether or not a replacement visa or visa waiver is provided.

Merchandise imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments valued at U.S.$250 or less, do not require a visa for entry and shall not be charged to agreement levels.

A facsimile of the visa stamp and a list of officials authorized to issue export visas are enclosed with this letter (Annex A).

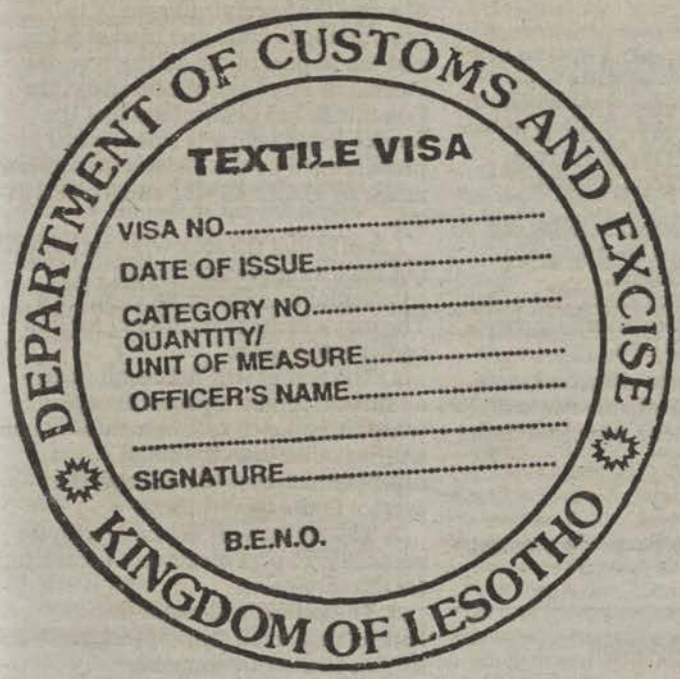
The actions taken concerning the Government of the Kingdom of Lesotho with respect to imports of textiles and textile products in the foregoing categories have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1). This letter will be published in the **Federal Register**.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

ANNEX A



Names of officers authorised to sign on the VISA stamp.

1. L.T. SEBETA .....

2. A.M. MARANYANE .....

3. A.M. MAJORO .....

4. P.M. MASEHLELA .....

5. A.K. MASHEA .....

[FR Doc. 93-10146 Filed 4-29-93; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: June 1, 1993.

ADDRESSES: Committee for Purchase from People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On February 26, March 5 and 12, 1993, the Committee for Purchase from People Who Are Blind or Severely Disabled published notices (58 FR 11590, 12580 and 13586) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Napkin, Table, Paper
8540–00–285–7001
8540–01–056–2897

Services

Janitorial/Custodial, Buildings 2103, 2151, 2157, 2159, 2170, 2178, 2180, 2182, 2188, 2206, 2208, 2209, 2301, 2303, 2303T, 865, 2104, 2131, 2133, 2135, 2137, 2150, 2172, 2174, 2176, 2205, 2207, 2430, 2435, Fort Campbell, Kentucky

Janitorial/Custodial, Federal Building and U.S. Post Office, 104 West Magnolia, Bellingham, Washington

Janitorial/Grounds Maintenance, East Totten Trail Recreation Area, Lake Sakakawea, Riverdale, North Dakota

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–10204 Filed 4–29–93; 8:45 am]

BILLING CODE 6820–33–P

Procurement List; Addition

AGENCY: Committee for Purchase from People who are Blind or Severely Disabled.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to the Procurement List a service to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: June 1, 1993.

ADDRESSES: Committee for Purchase from People who are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On March 5, 1993, the Committee for Purchase from People who are Blind or Severely Disabled published notice (58 FR 12580) of the proposed addition to the Procurement List.

During the development phase of this addition to the Procurement List, the Committee received comments from the current contractor for this service. The contractor indicated that addition to the Procurement List of this service and another janitorial service which the same contractor was performing for the Government would severely impact its sales and cause a hardship for the contractor.

To lessen the impact of its action on the contractor, the Committee has discontinued processing the proposed addition of the other service to the Procurement List.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to provide the service, fair market price, and the impact of the addition on the current or most recent contractor, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will not have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List:

Janitorial/Custodial, Federal Complex, 1500 E. Bannister Road and 9240 Troost, Kansas City, Missouri.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman.

Executive Director.

[FR Doc. 93–10205 Filed 4–29–93; 8:45 am]

BILLING CODE 6820–33–P

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 1, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe adverse impact on the current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities and services to the Procurement List for production by the nonprofit agency listed:

Commodities

Side Rack, Vehicle
2510-00-571-6968
Nonprofit Agency: Northwest Alabama Easter Seal Children's Clinic-Rehabilitation Center, Muscle Shoals, Alabama

Gasket and Preformed Packing Set
5330-00-884-4807
Nonprofit Agency: Charleston Vocational Rehabilitation Center, Charleston Heights, South Carolina

Carrier Wheel Assembly
5340-01-000-8752
Nonprofit Agency: Beaufort Vocational Rehabilitation Center, Beaufort, South Carolina

Pad, Executive Message Recording
7510-01-357-6829
7510-01-357-6830
Nonprofit Agency: Arkansas Lighthouse for the Blind, Little Rock, Arkansas

Pad, Comfort, Helmet, Ground Troops and Parachutists
8470-01-364-7074
Nonprofit Agency: South Texas Lighthouse for the Blind, Corpus Christi, Texas

Services

Grounds Maintenance, Bureau of Reclamation, New Melones Lake Visitors Center, 6850 Studhorse Flat Road, Sonora, California
Nonprofit Agency: Tuolumne/Calaveras Association for Handicapped, Inc., Standard, California

Janitorial/Custodial, Fort Ritchie, Maryland
Nonprofit Agency: Hagerstown Goodwill Industries, Inc. Hagerstown, Maryland

Repair of Shoe Lasts, Defense Personnel Support Center, Philadelphia, Pennsylvania
(50% of the Government requirement)
Nonprofit Agency: Cleveland Skilled Industries, Cleveland, Ohio at its facility in Elyria, Ohio

Beverly L. Milkman,
Executive Director.

[FR Doc. 93-10206 Filed 4-29-93; 8:45 am]
BILLING CODE 6820-33-P

COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

Hearing

AGENCY: United States Commission on Improving the Effectiveness of the United Nations.

ACTION: Notice of public hearing.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended [5 U.S.C. app. II, (1982)], the U.S. Commission on Improving the Effectiveness of the United Nations gives notice of a public hearing. The purpose of this hearing is to obtain information on the subject of United Nations reform and U.S. policy toward the United Nations, and to conduct other Commission business. The hearing will be open to the public.

DATES: Friday, May 14, 1993, 9:30 a.m. to 5 p.m.

ADDRESSES: The hearing will be held at the Council on Foreign Relations, 58 E. 68th Street, New York, NY.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Leary, Administrative Officer, 1825 Connecticut Avenue, Suite 1011, Washington, DC 20009; telephone: (202) 673-5012; telefax: (202) 673-5007.

SUPPLEMENTARY INFORMATION: Space and facilities for accommodating the public are limited. Persons interested in attending the hearing are asked to call the U.S. Commission on Improving the Effectiveness of the United Nations by May 12 to reserve a space. Any member of the public may file a written testimony with Kathleen O'Leary, Administrative Officer, at the hearing.

The U.S. Commission on Improving the Effectiveness of the United Nations was established by Public Law 100-204, 101 Stat. 1934 (22 USC 287 note). The Commission is charged with preparing and submitting to the President and Congress a report containing a detailed statement of its findings, conclusions and recommendations regarding reform of the United Nations system and the role of the United States in the United Nations system. The Commission is bipartisan and is privately funded.

Dated: April 28, 1993.

Gregory Wierzynski,
Executive Director.

[FR Doc. 93-10346 Filed 4-29-93; 8:45 am]
BILLING CODE 6820-BB-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 93-C0007]

NEWCO INC., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of a Settlement Agreement under the Consumer Product Safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e)-(h). Published below is a provisionally-accepted Settlement Agreement with Newco Inc., a corporation.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by May 17, 1993.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the

Comment 93–C0007, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Ronald G. Yelenik, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0626.

SUPPLEMENTARY INFORMATION: See attached Appendix A—Settlement Agreement and Order.

Dated: April 26, 1993.

Sheldon D. Butts,

Deputy Secretary.

Appendix A—Settlement Agreement and Order

In the Matter of Newco Inc., a corporation. CPSC Docket No. 93–C0007.

1. This Settlement Agreement and Order, entered into between Newco Inc., a corporation (hereinafter, "Newco"), and the staff of the Consumer Product Safety Commission (hereinafter, "staff"), is a compromise resolution of the matter described herein, without a hearing or determination of issues of law and fact.

I. The Parties

2. Newco is a corporation organized and existing under the laws of the State of Wisconsin with its principal corporate offices located in Janesville, Wisconsin.

3. The "Staff" is the staff of the Consumer Product Safety Commission (hereinafter, "Commission"), an independent federal regulatory agency established by Congress pursuant to section 4 of the Consumer Product Safety Act (hereinafter, "CPSA"), 15 U.S.C. 2053.

II. Jurisdiction

4. Newco manufactured certain Swing-N-Slide belted swing seats with "V" brackets, identified further in paragraphs 6 and 7 below (hereinafter, "swing seats"), (a) for sale to a consumer for use in or around a permanent or temporary household or residence, or (b) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence. These swing seats are "consumer products" within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

5. Newco manufactured and sold these swing seats at major home supply and building material centers throughout the United States. Newco, therefore, is a "manufacturer" of a "consumer product" which is "distributed in commerce," as those terms are defined in sections 3(a)(1), (4) and (11) of the CPSA, 15 U.S.C. §§ 2052(a)(1), (4) and (11).

III. The Product

6. Newco manufactured approximately 500,000 swing seats between 1986 and 1992.

7. The swing seats were sold separately and also with the Scout and the Pioneer models of Newco swing set kits.

IV. Staff Allegations Concerning the Swing Seats and of a Failure by NEWCO to Comply With the Reporting Requirements of Section 15(b) of the CPSA

8. The swing seats are defective in that the "V" shaped bracket which connects the swing seat to the swing chain is difficult for a consumer to close completely. Failure to completely close the "V" bracket during installation may and has resulted in serious lacerations to children.

9. On June 20, 1990, Newco received its first report of a "V" bracket incident concerning an eight year old girl who was injured when the subject bracket became imbedded two inches inside her leg.

10. Newco learned of another "V" bracket occurrence on July 2, 1990, in which a young boy was injured and required 26 stitches when he caught his leg in an uncrimped bracket.

11. Newco received notice of two additional "V" bracket injuries on July 16 and July 27, 1990.

12. On September 10, 1990, and in December, 1990, Newco became aware of a fifth and sixth "V" bracket incident. These occurrences involved a young boy who required eight stitches to close a laceration in his scrotum, and another young male who necessitated emergency room surgery to remove a "V" bracket from his testicles.

13. On February 12, 1991, Newco began production of a newly designed "V" bracket. The new bracket was designed to prevent hook-end lacerations even if the bracket is not completely closed. The general public was neither notified of the redesign, nor the reason for this action.

14. Newco learned of a seventh "V" bracket incident on June 6, 1991.

15. Newco had received sufficient information by September 10, 1990, to reasonably support the conclusion that the swing seats described in paragraphs 6 and 7 above, contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury or death. Nonetheless, the company failed to report such information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b). Section 15(b) requires a manufacturer of consumer products who obtains information that reasonably supports the conclusion that its product contains a defect which could create a substantial product hazard, or creates an unreasonable risk of serious injury or death, to immediately inform the Commission of the defect, or of such risk.

V. Response of NEWCO

16. NEWCO denies that its swing seats contain a defect which creates or which could create a substantial product hazard within the meaning of section 15(a) of the CPSA, 15 U.S.C. 2064(a), or creates an unreasonable risk of serious injury or death, and further denies an obligation to report information to the Commission under section 15(b) of the CPSA, 15 U.S.C. 2064(b), with respect to these swing seats.

VI. Agreement of the Parties

17. Newco and the staff agree that the Commission has jurisdiction in this matter for purposes of entry and enforcement of this Settlement Agreement and Order.

18. Newco agrees to pay the Commission a civil penalty in the amount of one hundred fifteen thousand dollars ($115,000), payable within twenty (20) days after service of the Final Order of the Commission accepting this Settlement Agreement. This payment is made in settlement of allegations by the staff that Newco violated the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b), with regard to the swing seats manufactured and sold by Newco.

19. For purposes of section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had issued.

20. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and shall be published in the **Federal Register** in accordance with the procedure set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Settlement Agreement and Order will be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

21. Upon final acceptance of this Settlement Agreement and Order by the Commission, Newco knowingly, voluntarily and completely waives any rights it may have (1) to an

administrative or judicial hearing with respect to the Commission's claim for a civil penalty, (2) to judicial review or other challenge or contest of the validity of the Commission's action with regard to its claim for a civil penalty, (3) to a determination by the Commission as to whether a violation of Section 15(b) of the CPSA, 15 U.S.C. 2064(b), has occurred, and (4) to a statement of findings of fact and conclusions of law with regard to the Commission's claim for a civil penalty.

22. Newco agrees to inform the Commission if it learns of any additional swing seat incidents or any other relevant information affecting the safety of these swing seats.

23. The parties further agree that the incorporated Order be issued under the CPSA, 15 U.S.C. 2051 *et seq.*, and that a violation of the Order will subject Newco to appropriate legal action.

24. No agreement, understanding, representation, or interpretation not contained in this Settlement Agreement and Order may be used to vary or to contradict its terms.

Newco Inc.

Dated: January 14, 1993.

Tom Baer,

President, Newco Inc.

THE CONSUMER PRODUCT SAFETY COMMISSION

David Schmeltzer,

Associate Executive Director, Office of Compliance and Enforcement.

Eric L. Stone,

Acting Director, Division of Administrative Litigation, Office of Compliance and Enforcement.

Dated: January 18, 1993.

Ronald G. Yelenik,

Trial Attorney, Division of Administrative Litigation, Office of Compliance and Enforcement.

Order

In the Matter of Newco Inc., a corporation. CPSC Docket No. 93–C0007.

Upon consideration of the Settlement entered into between respondent Newco Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Newco Inc.; and it appearing the Settlement Agreement is in the public interest, it is

Ordered, that the Settlement Agreement be and hereby is accepted, as indicated below; and it is

Further ordered, That upon final acceptance of the Settlement Agreement, Newco Inc. shall pay to the order of the Consumer Product Safety Commission a civil penalty in the amount of one hundred fifteen thousand dollars ($115,000), within twenty (20) days after receipt of the Final Order and Decision in this matter.

Provisionally accepted and Provisional Order issued on the 26th day of April, 1993.

By Order of the Commission.

Sheldon D. Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 93–10223 Filed 4–29–93; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD Government-Industry Technical Data Committee

AGENCY: Office of the Under Secretary of Defense (Acquisition).

ACTION: Notice.

SUMMARY: Pursuant to section 807 of Public Law 102–120, the National Defense Authorization Act for Fiscal Years 1992 and 1993, a Government-Industry Technical Data Committee has been formed. The committee will make recommendations to the Secretary of Defense for the final regulations required by subsection (a) of 10 U.S.C. 2320, "Rights in Technical Data."

The next committee meetings are scheduled for May 19 and 20, 1993, from 9:30 a.m. to 4 p.m. at 400 Army-Navy Drive, suite 120, Arlington, Virginia. These meetings will be open to the public. For more information, please contact the Committee Executive Secretary, Angelena Moy at (703) 693–5639.

Dated: April 27, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–10159 Filed 4–29–93; 8:45 am]

BILLING CODE 5000–04–M

Scientific Advisory Group on Effects (SAGE) Meeting

SUMMARY: The Scientific Advisory Group on Effects announces a closed session meeting.

DATES: The meeting will be held at 0830, Monday thru Wednesday, 24–26 May 1993.

ADDRESSES: Tyndall Air Force Base, Panama City, Florida 32403.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Marcellino, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310 (telephone (703) 325–2813).

SUPPLEMENTARY INFORMATION: The mission of the SAGE is to provide the Director, Defense Nuclear Agency with technical advice on matters related to nuclear weapons effects. The group reviews and evaluates long-range plans for the development and improvement of nuclear weapons effects data and the adequacy of current DNA RDT&E programs.

In accordance with 5 U.S.C. app 2 section 10(d) (Supp. 1993), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1977) and that, accordingly, this meeting will be closed to the public.

Dated: April 27, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–10160 Filed 4–29–93; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before June 1, 1993.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Cary Green, (202) 708–5174. Individuals who are hearing impaired may call the Federal Dual Party Relay Service 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.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early

opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: April 26, 1993.

Cary Green,

Director, Information Resources Management Service.

Office of Vocational and Adult Education

Type of Review: New
Title: Applications for Noncompeting Continuation Grants for the Cooperative Demonstration Program (Corrections) and the Adult Education for the Homeless Program
Frequency: Annually
Affected Public: State or local governments; Small businesses or organizations
Reporting Burden:
Responses: 39
Burden Hours: 1,755
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: The Cooperative Demonstration Program (Correctional Education) provides improved access to quality vocational education programs for incarcerated individuals. Adult Education for the Homeless provides literacy training for adult homeless individuals. Data is used to make awards for non-competing continuation grants.

Office of Postsecondary Education

Type of Review: Emergency
Title: Federal Pell Grant Program—Information Collection—State Report on Postsecondary Education Assistance Provided to Incarcerated Students
Abstract: Federal Grants, Federal Student Financial Aid Programs section 401(b)(8) of the Higher Education Act of 1965, as amended requires that incarcerated students shall only be awarded a Federal Pell Grant in a state if the grants are used to supplement and not supplant the level of postsecondary education assistance provided by that state to incarcerated individuals in fiscal year 1988. The Annual State Report on Postsecondary Education Assistance Provided to Incarcerated Students will be used to collect this information.
Additional Information: In order to implement the statutory change to the Federal Pell Grant Program, it is necessary to receive emergency approval from the Office of Management and Budget by April 30, 1993.
Frequency: Annually
Affected Public: Individuals or households; State or local governments; Businesses or other for-profit; and Non-profit institutions
Reporting Burden:
Responses: 57
Burden Hours: 2,280
Recordkeeping Burden:
Recordkeepers: 57
Burden Hours: 57

[FR Doc. 93–10140 Filed 4–29–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Arms Control and Nonproliferation Policy; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Korea Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried our under the above-mentioned agreement involves a joint determination that safeguards may be effectively applied to the Post-Irradiation Examination Facility of the Korea Advanced Energy Research Institute and the approval of the United States to the alteration in form or content of irradiated fuel elements from the KORI–1, 2, 3 and 4, the Yonggwang 1 and 2, and the Ulchin 1 and 2 reactors. The aforementioned determination will be made, and the approval of the United States for the post-irradiation examination of irradiated fuel elements from the above-mentioned reactors granted following publication of this notice, for the period ending December 31, 1996.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it had been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC on April 26, 1993.

Edward T. Fei,

Acting Director, Office of Nonproliferation Policy.

[FR Doc. 93–10218 Filed 4–29–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Arms Control and Nonproliferation Policy; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Finland concerning Civil Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval for the following retransfer: RTD/FI(EU)–2 for the transfer from Belgium to Finland of 11 milligrams of uranium–233, 1.05 milligrams of plutonium–242, and 10.07 milligrams of plutonium–244 for use as standard reference material for mass spectrometer measurements.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC on April 26, 1993.

Edward T. Fei,

Acting Director, Office of Nonproliferation Policy.

[FR Doc. 93-10219 Filed 4-29-93; 8:45 am]

BILLING CODE 6450-01-M

San Francisco Operations Office; Inviting Applications for Collaborative Research and Development Projects To Advance High Performance Parallel Processor Computing

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting applications.

SUMMARY: The San Francisco Operations Office, U. S. Department of Energy, hereby announces its interest in receiving Applications for projects that will advance the technology for High Performance Parallel Processor (HPPP) computers. These computers harness the power of multiple processors operating in parallel and include but are not limited to, scalable and/or massively parallel systems. Total combined DOE funding for these projects is expected to range from approximately $25 million to $30 million, to be obligated over a period of up to three years. Cost sharing among proposed project participants is expected.

DATES: In order to receive the application forms required and to keep interested parties advised concerning this solicitation, a Notice of Intent to Submit Applications (Att. 1) from potential applicants mailed to the address shown on the form is requested by May 12, 1993. A pre-Application conference will be held on May 26, 1993 at the Oakland Convention Center, room 201, Broadway at 10th Street, Oakland, CA 94607. The purpose of the conference will be to expand upon and clarify information included in this solicitation. Written questions are requested by May 17, 1993 so that answers may be prepared and delivered at the pre-Application conference. Minutes of the conference along with any amendments to this notice will be provided by mail to parties which have apprised DOE of interest. Applications must be received on or before 3 p.m. on July 16, 1993.

ADDRESSES: Mail the original and five copies of the Application which must be received on or before 3 p.m., July 16, 1993, to: U.S. Department of Energy, San Francisco Operations Office, Oakland Federal Building, 1301 Clay Street, 7th floor, room 700N, Oakland, CA 94612-5208. Reference: Solicitation No. DE-SA03-93DP400010.

FOR FURTHER INFORMATION CONTACT: The Department of Energy, San Francisco Operations Office, 1301 Clay Street, Oakland, CA 94612-5208, Joan Macrusky, Contracting Officer, Telephone: (510) 637-1894.

SUPPLEMENTARY INFORMATION: Today's notice is Inviting Applications for Collaborative Research and Development Projects to Advance High Performance Parallel Processor Computing (These projects will be funded by Financial Assistance (governed by 10 CFR part 600) and/or Cooperative Research and Development Agreements (governed by the Stevenson-Wydler Technology Innovation Act of 1980 (as amended).)

CFDA No.: 81.511

Note to Applicants

This notice contains information and instructions needed to apply for a cooperative agreement under this competition. This Application package includes the important dates, estimated funding, and the Notice of Intent (Att. 1) form necessary to receive the application form to apply for an award(s) under this program. The estimates of the funding level in this notice do not bind the DOE to make awards in any of the categories, or to any specific number of awards or funding level.

Applicable Regulations—10 CFR part 600—Financial Assistance Rules, subparts A, C, and E, modified as applicable.

Many segments of U.S. industry are facing strong competition from foreign companies in both the domestic and world markets. These industrial segments range from manufacturing to service industries. One means of increasing the U.S. industrial competitiveness is to develop high performance computers and applications to decrease design and production costs and to provide enhanced services. High performance computers also offer the potential to allow U.S. industry to become more responsive to environmental concerns. High performance computer simulation models will allow industry to understand and minimize adverse environmental impacts of design decisions.

DOE and many industry observers recognize that high performance computing is entering a critical stage. Supercomputer designers are facing increased challenges in developing systems with significantly greater performance. Many computer vendors are turning to HPPP computers as a means to achieve increased performance. HPPP computer designers and manufacturers face significant challenges in the areas of hardware, operating systems and compilers. In most cases, the HPPP systems also require the development of applications software designed for these types of computers. As part of its technology transfer mission, DOE is interested in Applications that will serve to address the issues of HPPP computer development and will enhance U.S. competitiveness by developing applications for these types of computers.

DOE recognizes that a range of potential users exists. These include the high-end users working on grand-challenge-scale applications (e.g. vector supercomputer users) to middle range users (e.g. main-frame users) to lower-end users (e.g. workstations). DOE is interested in soliciting Applications to address any or all parts of the range of potential beneficiaries of HPPP computing. The technologies that may address these problems include, but are not limited to, massively parallel systems, multi-processor systems and workstation distributed processing.

In order to illustrate the range of potential users, DOE has identified two examples of objectives that Applications may address. These objectives are intended as examples of issues facing U.S. industry. Potential Applicants are encouraged to suggest alternative objectives and are invited to address one or both of the example objectives. If appropriate, Applicants may either submit one or several Applications to address multiple objectives.

Example Objective A (High-end users): To evolve rapidly the base of U.S. industrial and defense supercomputing to exploit the technical promise of HPPP computing in pursuing grand-challenge-scale applications (these applications may span computational science from atmospheric chemistry, to molecular dynamics, to structural mechanics to plasma etching.)

Example Objective B (Middle to lower-end users): To exploit the technical promise of HPPP computing to develop software environment and applications in a timely and cost effective manner benefiting a broad range of U.S. industries, including those that have not traditionally used high-end supercomputers.

This solicitation will be substantially funded by the Department of Energy's Defense Program (DP) technology transfer activities. Accordingly, the dual use potential of the technology will be a consideration. Dual use is considered to be the ability of the technology transfer activities to support both industrial and DOE weapons laboratories advanced technologies needs. In many cases, the development

of new software environments, enhanced applications or the opportunity for DOE laboratory scientists to maintain competency meets the DOE requirements for dual use. Because of the dual use aspect of this solicitation, applicants are required to form a teaming relationship with one or more of the DP National Laboratories listed below. Contacts at the DP National Laboratories are as follows:

Lawrence Livermore	Eugene Brooks	(510) 423–7341
Los Alamos	Charles Slocumb.	(505) 667–6164
Martin Marrietta Energy System (Y–12)	Ed Oliver	(615) 576–4666
Sandia	Sudip Dosanjh	(505) 845–7018

DOE anticipates the potential of awarding Financial Assistance Cooperative Agreements. This funding mechanism requires substantial involvement of DOE in the project to be funded. Teaming with DP National Laboratories will generally meet this requirement. Applicants may also team with other HPPP suppliers, other DOE National Laboratories, or other federal laboratories.

Potential Applicants are also encouraged, but are not required, to form teaming relationships with industrial users. A major goal of this project is to move HPPP computing out of research and development and into practical Applications to enhance U.S. competitiveness. One means of doing this is to work on HPPP software environments that directly support solutions to the problems of U.S. industry and the Department of Energy Defense Program National Laboratories.

DOE is soliciting Applications that will have a significant impact on both developers and users of HPPP computers. While the measures of success for research and development projects are difficult to establish, certain measures are necessary to allow proper evaluation of Applications. Applications submitted in response to this solicitation should include suggested measures of success and a description of the Application's potential to advance these measures of success. The suggested measures of success should also be measurable during the life of the project. Examples of these measures of success may include:

Example Measure A: The increase in the number and speed of applications running on a HPPP system during and at the end of the project.

Example Measure B: The performance increase of the HPPP systems (as measured by standard benchmarks) during and at the end of the project.

Example Measure C: The market effect of the project (i.e. the number of products or services introduced or enhanced as a result of HPPP computing as supported by the project.)

Further information on the format of Applications, funding arrangements and evaluation criteria are found in the following sections of this Notice.

(a) Eligible Applicants

The purpose of this solicitation is to generate Applications for projects that will provide important benefits to computer vendors and industrial users and that will ultimately enhance U.S. industrial competitiveness. For this reason, the following limits will be placed on Applications submitted under this solicitation.

Location of Projects

Applicants must identify the proposed principle location of the projects which must be within the 50 States of the United States. Information provided must include the state, county, and municipality (if applicable) in which the project will be located.

U.S. Economic Benefit

Applicants must show that the results of projects funded by the Department of Energy will have significant U.S. economic benefit. One means of doing this is to show that substantial manufacturing of the technology will take place in the United States.

Export Restriction

Applicants must understand that materials resulting from the performance of projects resulting from this solicitation may be subject to export control laws and any other similar restrictions and the Applicant will be responsible for compliance with such laws.

(b) Evaluation Process

(1) General

Applications will be evaluated by an Application Evaluation Board (AEB) which will follow the procedures of the Source Evaluation Board (SEB) Handbook, modified to meet the requirements of this Solicitation Announcement, and applicable DOE Financial Assistance policies and procedures.

The following evaluation criteria will be used to evaluate Applications. DOE may fund one or more or none of the projects proposed in response to this solicitation. These criteria have been established so that Applicants are able to identify the relevant issues in moving U.S. industry to HPPP computing and then propose work to address those issues.

(2) Evaluation Criteria

Criterion 1

Adequacy and relevance of the objectives chosen to enhance U.S. industrial competitiveness by advancing HPPP technology and providing applications software. Weight: 10%

Criterion 2

Adequacy and relevance of the technical issues identified in the Application and the ability of the proposed scope of work to address those issues. This includes the overall technical feasibility of the proposed project to further the state of the art in HPPP computing. Weight: 15%

Criterion 3

Significance of the HPPP applications issues identified in the Application and the feasibility of the Applicant's approach to address those issues. Weight: 15%

Criterion 4

Adequacy and relevance of the chosen measures of success and the ability of the Application to achieve significant gains in the chosen measures of success in a timely fashion. Weight: 10%

Criterion 5

The dual use benefit to DOE Defense Programs of the technology to be developed. Weight: 15%

Criterion 6

The capabilities, related experience, facilities, or techniques which are considered to be integral factors for achieving the objectives of the project. This includes the qualifications, capabilities, experience and availability of the proposed key personnel. Weight: 20%

Criterion 7

The realism of the proposed budget and project and financial plans for management of the activities. This includes the adequacy of proposed arrangements among all participants, and the ability of the applicant to provide the necessary financial support. Weight: 15%

(3) Program Policy Factors and Evaluation

Program policy factors are those factors which, while not appropriate indicators of a project's individual merit (e.g., technical excellence, Applicant's ability, cost, etc.) are relevant and essential to the process of choosing which of the Applications received will, taken together, best achieve the DOE program objectives.

After the Applications have been evaluated and ranked, the DOE Source Selection Official (SSO) will select, for negotiation leading to award, all or any part of those Applications which provide the maximum opportunity of advancing program objectives within the funds available. In making this selection, the SSO will consider the following Program Policy Factors:

1. Projects that affect the broadest range of potential HPPP users.

2. The ability to leverage DOE assistance funds to create optimum economic impact.

(4) Funding and Duration

The Department of Energy anticipates total combined funding for projects ranging from approximately $25 million to $30 million obligated over a three year period. Funding mechanisms for these projects can take several forms. These include:

1. Financial Assistance Cooperative Agreements—This mechanism allows DOE to provide funds directly to project participants. Cost sharing among participants will be expected. A Cooperative Agreement may also include the contribution of resources by the National Laboratories (financed by DOE) to the project.

2. Cooperative Research and Development Agreements (CRADA's)—This mechanism is executed between DOE National Laboratories and industry. The DOE funds cannot be provided directly to industry, but the contribution of laboratory resources (financed by DOE) is allowed. In general, 50% cost sharing is required and funds provided by industry to the laboratory are allowed.

3. Other Mechanisms—These include Work for Others, where industry provides funding to DOE National Laboratories for work to be performed.

DOE will consider Applications structured on any one or a combination of the above funding mechanisms. Applicants should discuss funding mechanisms alternatives with their National Laboratory teaming partners. The following are requirements for the funding structure of the Applications.

1. DOE will provide funds for Financial Assistance Cooperative Agreement, and/or CRADA's, and/or other mechanisms equal to one half or less of the total project funding.

2. The remaining funding for the project will come from the HPPP supplier(s) and industrial users (if any). (The HPPP supplier(s) will be expected to provide a greater amount of funding than the industrial users.)

3. Funds provided directed by DOE to any project participant cannot be used as the matching in-kind contribution by the participant.

(Note: Mechanisms 2 and 3 listed here are not financial assistance mechanisms and are not governed by 10 CFR part 600 (Financial Assistance Rules))

For purposes of this solicitation, the terms in-kind contribution, cost sharing, and cost participation are interchangeable. Cost participation may be in various forms or combinations which include but are not limited to cash outlays, use of facilities needed for the project, personal property or services, cost matching, foregone fee or other in-kind participation.

Instructions for Submission of Applications

(a) Applicant shall—

(1) Mail the original and five copies of the Application which must be received on or before 3 p.m. July 16, 1993, to: Mailed To: U.S. Department of Energy, San Francisco Operations Office, Oakland Federal Building, 1301 Clay Street, 7th floor, Room 700N, Oakland, CA 94612–5208. Reference: Solicitation No. DE-SA03–93DP400010.

Notice to DOE Mail Room: Do Not Open; This is an Application Under the above identified Solicitation.

(2) Hand-carried Applications should be delivered directly to Mail and Records, Oakland Federal Building, 1301 Clay Street, 7th floor, Room 700N, Oakland, CA and shall be marked as shown above.

(b) Any Application received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and it—

(1) Was sent by registered or certified mail not later than the fifth calendar day before the date specified for receipt of bids (e.g. an Application submitted in response to a solicitation requiring receipt of Applications by the 20th of the month must have been mailed by the 15th); or

(2) Was sent by mail or, if authorized by the solicitation, was sent by telegram or via facsimile, and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; or

(3) Was sent by U.S. Postal Service Express Mail Next Day Service—Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of Applications. The term "working days" excludes weekends and U.S. Federal holidays.

(4) Is the only Application received.

(c) Any amendment or withdrawal of an Application is subject to the same conditions as in paragraph (a) of this provision.

(d) The only acceptable evidence to establish the date of mailing of a late Application, modification, or withdrawal sent either by registered or certified mail is the U.S. or Canadian Postal Service postmark both on the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service. Both postmarks must show a legible date or the Application, modification, or withdrawal shall be processed as if mailed late. "Postmark" means a printed, stamped, or otherwise place impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. or Canadian Postal Service on the date of mailing. Therefore, Applicants should request the postal clerk to place a legible hand cancellation bull's-eye postmark on both the receipt and the envelope or wrapper.

(e) The only acceptable evidence to establish the time of receipt at the government installation is the time/date stamp of that installation on the bid wrapper or other documentary evidence of receipt maintained by the installation.

(f) DOE shall not consider and shall return any Application that does not meet the requirements of the preceding paragraphs.

(g) If necessary, DOE may extend an established Application deadline by publishing a timely notice of the extension in the same manner as the solicitation was publicized. The extension of time shall apply to all Applicants.

Application Forms and Instructions

The appendix to this Application is divided into three parts. These parts are organized in the same manner that the submitted Application should be organized. These parts are as follows:

Part I: Application for Federal Assistance Standard Form 424 (Rev. 4–88) and instructions.

Part II: A budget with supporting justification, (Use budget formats duplicated in the DOE Uniform Reporting System for Federal Assistance.) This solicitation is subject to the Source Evaluation Process. Due to the potential dollar value involved, DOE may require that Applicants, other than governmental entities, submit budget information in a different format and in enough detail to enable evaluation under the SEB process.

Part III: Application Narrative (Proposed scope of work).

Before preparing the Application Narrative, the Applicant should carefully read the description of the program, the information regarding the priorities, and the evaluation criteria to be used to evaluate Applications.

The narrative should encompass each function or activity for which funds are being requested and should—

1. Begin with an Abstract; that is, a summary of the proposed project;

2. Describe the proposed project in light of each of the evaluation criteria in the order in which the criteria are listed in this Application notice. The following is a sample outline.

- Objective(s) addressed by the Application
- Technology to be developed/enhanced by the Application

—Existing technical issues
—Proposed work on those issues
—Potential effect on stated objectives

- Software applications to be developed/enhanced

—Existing issues
—Proposed work on those issues
—Potential effect on stated objectives

- Measures of Success

—Suggested measures of success (quantify if possible)
—How the Application will perform against suggested measures of success (quantify if possible)

- Capabilities, key personnel, facilities, and/or techniques
- Teaming arrangement(s) (if any)

—National Laboratories
—U.S. Industrial users
—Potential effect on stated objectives

- Financial Plan
- Management Plan; and

3. Include any other pertinent information that might assist the Selection Official in reviewing the Application.

4. Be limited to no more that 100 double spaced, typed pages (on one side only).

5. Include a curriculum vitae of key personnel, and a budget, as well as the Assurances forms included in this package.

Additional Materials

Assurances

Certification Regarding Lobbying; Debarment, Suspension, Assurance of Compliance and Other Responsibility Matters; and Drug-Free Workplace Requirements

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion; Lower-Tier Covered Transactions

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL-A)

An Applicant may submit information on a photostatic copy of the Application and budget forms, the assurances, and the certifications. However, the Application form, the assurances, and the certifications must each have an original signature. No Cooperative Agreement may be awarded unless a completed Application form has been received.

Authority: Stevenson-Wydler Technology Innovation Act of 1980 (as amended) (15 U.S.C. 3710 (a)); Section 3132 (b) of Public Law 101–189; Chapter 18 of title 35, U.S.C., commonly referred to as the Bayh-Dole Act (35 U.S.C. 200 et seq.); Section 152 of the Atomic Energy Act of 1954 (as amended) (42 U.S.C. 200 et seq.); Section 9 of the Federal Non-nuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908; Executive Order 12591 of April 10, 1987, Public Law 102–486, the Energy Policy Act of 1992, Public Law 95–91 the Department of Energy Organization Act and the Federal Grant and Cooperative Agreement Act of 1977.

Appendix

Application Forms and Instructions

Applicants are advised to submit the attached notice of intent to receive the application forms refernced in this section.

Issued in Oakland, CA April 22, 1993.

Joan Macrusky, Chief

ER/DP/EM Branch.

BILLING CODE 6450–01–M

Attachment 1

NOTICE OF INTENTION TO SUBMIT APPLICATION

WE _____ DO INTEND TO SUBMIT AN APPLICATION

WE _____ DO NOT INTEND TO SUBMIT AN APPLICATION FOR THE FOLLOWING REASONS:

_____

_____

_____

_____

_____

NAME AND ADDRESS OF FIRM OR ORGANIZATION (INCLUDE ZIP CODE):

_____

_____

_____

_____

_____

AUTHORIZED SIGNATURE: _____

TYPED OR PRINTED NAME AND TITLE: _____

_____

DATE: _____

NOTE: UNLESS OTHERWISE STATED IN THE SOLICITATION, NO OTHER SOLICITATION MATERIAL SHOULD BE RETURNED IF YOU DO NOT INTEND TO SUBMIT AN APPLICATION

MAIL TO:

U. S. DEPARTMENT OF ENERGY
SAN FRANCISCO OPERATIONS OFFICE
1333 BROADWAY
OAKLAND, CA 94612
ATTN: MARIA C. HERNANDEZ

[FR Doc. 93-10217 Filed 4-29-93; 8:45 am]
BILLING CODE 6450-01-C

Federal Energy Regulatory Commission

[Project No. 6349-004 California]

Golden West Power; Surrender of Exemption

April 26, 1993.

Take notice that Golden West Power, exemptee for the unconstructed Mill Creek Power Project No. 6349 located on Mill Creek in Tehama County, California, has requested that its exemption from licensing be vacated. The exemption was issued on April 11, 1984. The exemptee states that restrictions imposed by the U.S. Fish and Wildlife Service and the California Department of Fish and Game are too prohibitive to allow economical construction and profitable operation of the project.

The exemption for Project No. 6349 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell,

Secretary.

[FR Doc. 93-10128 Filed 4-29-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER93-554-000, et al.]

Southern California Edison Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

April 22, 1993.

Take notice that the following filings have been made with the Commission:

1. Southern California Edison Company

[Docket No. ER93-554-000]

Take notice that on April 9, 1993, Southern California Edison Company (Edison) tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 246.10.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Pepperell Power Associates Limited Partnership

[Docket No. ER93-323-000]

Take notice that on April 16, 1993, Pepperell Power Associates Limited Partnership (Pepperell) tendered for filing an amendment to its original filing in the above-referenced docket. The amendment provides a formula cap for the rates chargeable under Rate Schedule FERC No. 1.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Pacific Gas and Electric Company

[Docket No. ER93-569-000]

Take notice that on April 15, 1993, Pacific Gas and Electric Company (PG&E) tendered for filing as a rate schedule change without a rate increase, a request for termination of an Agreement Between Pacific Gas and Electric Company and Western Area Power Administration (Western) for Interim Transmission Service, dated January 2, 1991 (Agreement). The Agreement, Rate Schedule FERC No. 133, was accepted by the Commission for filing on February 1, 1991 in FERC Docket No. ER91-198-000.

The Agreement provides for transmission and other specified services (energy losses, Replacement Energy, and administration service) to be provided to Western during a period when the Central Valley Project Upgrade Segment (CVP Upgrade Segment) of Western's transmission system was to be removed from service for reconstruction and conversion as part of the 500 kV AC California-Oregon Transmission Project (COTP).

Since the reconstruction and conversion of Western's CVP Upgrade Segment line is now completed and Western no longer requires the services provided under the Agreement, PG&E requests Rate Schedule FERC No. 133 be terminated accordingly.

Copies of this filing were served upon Western, Transmission Agency of Northern California (project manager of the COTP), and the California Public Utilities Commission.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Northeast Utilities Service Company

[Docket No. ER93-417-000]

Take notice that on April 19, 1993, Northeast Utilities Service Company (NUSCO), on behalf of Public Service Company of New Hampshire (PSNH), tendered for filing supplemental information regarding the sale to Fitchburg Gas and Electric Company (FG&E) of System Capacity and Energy.

NUSCO states that the supplemental information was filed in response to a request from the Commission.

NUSCO states that copies of this information have been mailed or delivered to each of the parties.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Interstate Power Company

[Docket No. ER93-574-000]

Take notice that on April 19, 1993, Interstate Power Company (IPW) tendered for filing Amendment 1 to the Transmission Utilization Agreement between Cooperative Power Association and Company. This amendment revises the transmission loss factors.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Florida Power Corporation

[Docket No. ER93-443-000]

Take notice that Florida Power Corporation (Florida Power), on April 19, 1993 tendered for filing an Amendment to its March 11, 1993 filing in this docket (1) to clarify that Florida Power does not serve any other customers other than Kissimmee Utility Authority (KUA) through the transmission 69 kV line connecting KUA's airport and Florida Power's Lake Bryan substation, (2) to clarify that the transmission line is the only interconnection that Florida Power has with KUA, and (3) to submit a map of the Florida Power's transmission facilities in and around the Kissimmee area.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this document.

7. Southern California Edison Company

[Docket No. ER93-576-000]

Take notice that on April 20, 1993, Southern California Edison Company (Edison) tendered for filing, as an initial rate schedule, the following agreement, executed on February 19, 1993, by the respective parties:

Winter Power Sale Agreement between Southern California Edison Company (Edison) and PacifiCorp

The Agreement provides the terms and conditions whereby Edison shall make available and PacifiCorp shall purchase a minimum of 222 MW and a maximum of 422 MW of Contract Capacity and Associated Energy during each Delivery Season.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. PacifiCorp

[Docket No. ER93-577-000]

Take notice that on April 20, 1993, PacifiCorp tendered for filing, in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, a Power Purchase Agreement plus amendments between Sunnyside Cogeneration Associates and PacifiCorp.

Copies of this filing have been supplied to Sunnyside Cogeneration Associates, the Public Utility Commission of Oregon and the Utah Public Service Commission.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. PSI Energy, Inc.

[Docket No. ER93-351-000]

Take notice that on April 8, 1993, PSI Energy, Inc. (PSI) tendered for filing a supplemental filing in the above-referenced docket. On April 15, 1993, PSI submitted revisions to its April 8, filing in this docket.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Niagara Mohawk Power Corporation

[Docket No. ER93-565-000]

Take notice that on April 14, 1993, Niagara Mohawk Power Corporation (Niagara) tender for filing a Notice of Cancellation of Contract No. 154 with Boston Edison Company.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Niagara Mohawk Power Corporation

[Docket No. ER93-566-000]

Take notice that on April 14, 1993, Niagara Mohawk Power Corporation (Niagara) tendered for filing a Notice of Cancellation of Contract No. 155 with Vermont Public Power Supply Authority.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Niagara Mohawk Power Corporation

[Docket No. ER93-553-000]

Take notice that on April 9, 1993, Niagara Mohawk Power Corporation (Niagara) tendered for filing its Initial Rate Schedule Supplements—Marcy-South Facilities Agreement with the Power Authority of the State of New York.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Consolidated Edison Company of New York, Inc.

[Docket No. ER93-568-000]

Take notice that on April 12, 1993, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing an Interconnection Agreement among Con Edison, KIAC Partners and the Port Authority of NY and NJ—Interconnection Between JFK Congeneration Project and Jamaica 138-kV Substation.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. The Detroit Edison Company

[Docket No. ER93-91-001]

Take notice that on April 15, 1993, The Detroit Edison Company (Detroit Edison) submitted to the Commission its letter of acceptance of the Commission's March 16, 1993 order along with a revised rate sheet to comply with the modifications imposed by the order. Detroit Edison states that the filing was served on all parties to the proceeding, jurisdictional customers, and the Michigan Public Service Commission.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

15. Cambria CoGen Company

[Docket No. QF87-93-005]

On April 20, 1993, Cambria CoGen Company tendered for filing a supplement to its filing in this docket.

The supplement pertains to the ownership structure and technical aspects of its small power production facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: May 13, 1993, in accordance with Standard Paragraph E at the end of this document.

16. Delmarva Power & Light Company

[Docket No. ER93-564-000]

Take notice that on April 14, 1993, Delmarva Power & Light Company (DPL) tendered for filing as an initial rate under Section 205 of the Federal Power Act and part 35 of the regulations issued thereunder, an Agreement between DPL and Orange and Rockland Utilities, Inc. (O&R) dated March 26, 1993.

DPL states that the Agreement sets forth the terms and conditions for the sale of short-term energy which it expects to have available for sale from time to time and the purchase of which will be economically advantageous to O&R. DPL requests that the Commission waive its standard notice period and allow this Agreement to become effective on May 10, 1993.

DPL states that a copy of this filing has been sent to O&R and will be furnished to the New Jersey Board of Regulatory Commissioners, the New York Public Utility Commission, the Delaware Public Service Commission, the Maryland Public Service Commission, and the Virginia State Corporation Commission.

Comment date: May 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

17. Public Service Company of New Mexico

[Docket No. ER93-549-000]

Take notice that on April 7, 1993, Public Service Company of New Mexico tendered for filing San Juan Project Agreements Between Tucson Electric Power Company and Public Service Company of New Mexico and Related Agreements.

Comment date: May 7, 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. 93-10127 Filed 4-29-93; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4625]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before June 1, 1993.

For further information, or to obtain a copy of this ICR, contact Sandy Farmer at EPA (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: TSCA Inspection Related Forms (EPA ICR No.: 0163.05 OMB No.: 2070–0007). This is a request for extension of the expiration date of a currently approved collection.

Abstract: To verify compliance with the Toxic Substances Control Act (TSCA), section 11 authorizes EPA to inspect establishments used to manufacture, process, or store chemicals. Manufacturers, processors and storers of chemicals, are notified of upcoming EPA inspections and are requested to read certain forms which are the subject of this collection request.

In the past, the Agency has used four (4) forms to notify owners of facilities, or their representatives, of the scope of an inspection. Two of the forms, "TSCA Notice of Inspection" and "TSCA Inspection Confidentiality Notice," are not true collections of information and, therefore, are not subject to the Paperwork Reduction Act (PRA). The Agency is removing these two forms from the ICR.

Two forms remain subject to the PRA. The first is "Receipt for Samples and Documents," which is completed by the EPA inspector during, or at the conclusion of, an inspection. This form constitutes the official record of all information belonging to the firm obtained by EPA through an official inspection. It also serves as the official record of data submission for the purpose of making claims of TSCA Confidential Business Information (CBI). The second form is "Declaration of Confidential Business Information". This form serves as the mechanism by which the owner, or representative in charge of a facility, may designate documents and samples taken during an inspection that are entitled to confidential treatment. The form is optional and the company may choose other written mechanisms for making CBI claims. The Agency uses these forms to ensure that inspections are conducted legally.

Burden Statement: The estimated public reporting burden for this collection of information is 45 minutes per response per respondent annually. This estimate includes the time to review instructions, and complete and review the collection of information.

Respondents: Chemical manufacturers, processors, and storers.

Estimated No. of Respondents: 3,900.

Estimated No. of Responses Per Respondent: 2.

Estimated Total Annual Burden on Respondents: 4,992 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW., Washington, DC 20460,

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Dated: April 23, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–10215 Filed 4–29–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4625–2]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before June 1, 1993.

For further information, or to obtain a copy of this ICR, contact Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: Suspended and Cancelled Pesticide Products: Claim for Indemnification (EPA ICR No: 1241.05; OMB No: 2070–0071) This is a request for extension of the expiration date of a currently approved collection.

Abstract: In compliance with section 15 of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), the EPA is required to indemnify owners for the value of their suspended and cancelled pesticide products. To accomplish this, sellers (e.g., manufacturers, dealers and distributors) and end users (e.g., farmers, householders) must submit their claim to the EPA. The submission includes owner and product identifiers, documentation of product cost, location and ownership, and, where appropriate, documentation of power of attorney and assignment of claim by original owner. The respondents are required to keep records of their claim(s). Based on this information the Agency determines the eligibility of the owner, or the authority of the respondent, to file the claim as well as the eligibility of the product. In addition, the EPA establishes the amount of indemnification and ensures nonduplication of claims.

Burden Statement: The public burden for this collection of information is estimated to average 2 hours per response for reporting and 30 minutes for recordkeeping annually. This estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information.

Respondents: Pesticide sellers and users.

Estimated No. of Respondents: 100.

Estimated No. of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 250 hours.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW., Washington, DC 20460,

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Dated: April 23, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–10214 Filed 4–29–93; 8:45 am]

BILLING CODE 6560–50–M

[ER-FRL-4620-1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 12, 1993 through April 16, 1993 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 9, 1993 (58 FR 18392).

Draft EISs

ERP No. D-AFS-K65144-CA Rating EC2, 1992 Cleveland Watershed/Fire Recovery Project, Eldorado National Forest, South Fork American River, Eldorado, Alpine and Amador Counties, CA.

Summary: EPA expressed environmental concerns and requested that the FEIS describe the affected environment in greater detail and evaluate an alternative that harvests less timber on less acreage, to minimize impacts to water quality and other natural resources.

ERP No. D-COE-K35035-CA Rating EO2, San Gabriel Canyon Sediment Management Plan, Dredging and Disposal of Sediments, COE Section 404 Permit, Special Use Permit and Right-of-Entry Issuance, Angeles National Forest, San Gabriel River, Los Angeles, CA.

Summary: EPA expressed environmental objections due to the sediment management plan's potential for significant environmental degradation. EPA was especially concerned with the scope of the alternatives analysis that focuses on sediment removal options without upstream sediment management; the potential significant adverse impacts to riparian habitat, aquatic biota and air quality; insufficient analysis of the potential impacts of the alternatives; and the minimal discussion of mitigation measures. EPA recommended that the plan be corrected by project modification or other feasible alternatives

ERP No. D-UAF-D11021-PA Rating LO, Institute for Advanced Science and Technology (IAST) Site Selection and Construction, Funding, University of Pennsylvania, Philadelphia, PA.

Summary: EPA expressed a lack of objections to the project. However, EPA suggested that the FEIS include traffic data on existing and proposed levels of service.

Final EISs

ERP No. F-BLM-K65132-CA South Coast Planning Area, Land and Resource Management Plan, Implementation, California Desert District, San Diego, Riverside, San Bernardino, Los Angeles, and Orange Counties, CA.

Summary: EPA still expressed concerns regarding the disclosure of water quality and soil resources impacts. EPA requested that the Record of Decision include specific commitment to ensure the protection of surface water, groundwater soils and other natural resources.

ERP No. F-TVA-E99014-00 Tennessee River Chip Mill Barge Terminals, Construction and Operation, Issuance of Barge Terminal Permit, Section 10 and 404 Permits, several Counties, AL and TN.

Summary: EPA concurred with the preferred alternative selected by TVA and notes the additional information provided in the FEIS.

ERP No. F-USN-G11007-TX Chase Field Naval Air Station Disposal and Reuse, Implementation, Permits and Approval, City of Beeville, Bee County, TX.

Summary: Review of the Final EIS was not deemed necessary. No formal letter was sent to the preparing agency.

ERP No. FS-COE-L91008-00 1992 Columbia/Snake Rivers Salmon Flow Measures, Updated Information concerning Water Management Activities, Implementation, WA, ID and OR.

Summary: EPA expressed concerns about the lack of a comprehensive water quality monitoring program. EPA requested the development of a comprehensive interagency approach to monitoring.

Dated: April 27, 1993.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 10211 Filed 4-29-93; 8:45 am]

BILLING CODE 6560-50-U

[ER-FRL-4598-9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5076 or (202) 260-5075.

Weekly Receipts of Environmental Impact Statements Filed April 19, 1993 Through April 23, 1993 Pursuant to 40 CFR 1506.9.

EIS No. 930134, FINAL EIS, AFS, UT, Coyote Hollow Timber Sale, Implementation, Dixie National Forest, Escalante Ranger District, Garfield County, UT, Due: June 1, 1993, Contact: Kevin R. Schulkoski (801) 826-5400.

EIS No. 930135, FINAL EIS, AFS, WY, Thunder Basin National Grassland Oil and Gas Exploration and Development, Land Availability and Authorization for Leasing and Lease Offerings, Medicine Bow National Forest, Campbell, Crook, Weston, Converse and Niobrara Counties, WY Due: June 1, 1993, Contact: Terry B. Dilts (301) 745-8971.

EIS No. 930136, DRAFT EIS, AFS, ID, Mid-Skull/Upper Bear Timber Sales, Timber Harvest, Road Construction and Reconstruction, Clearwater National Forest, North Fork Ranger District, Skull Creek, Clearwater County, ID, Due: June 14, 1993, Contact: Jennefer L. Sundberg (208) 476-3775.

EIS No. 930137, DRAFT EIS, AFS, NM, Sipapu Ski Area Expansion, Master Development Plan Approval and Special Use Permit Issuance, Carson National Forest, Camino Real Ranger District, Taos County, NM, Due: June 21, 1993, Contact: Richard Speigle (505) 587-2255.

EIS No. 930138, FINAL EIS, COE, HI, Ewa Beach Marina Project, Construction and Development, Marina Protection, Department of Army Permit Application and U.S. CGD Bridge Permit, Ewa Beach, Island of Oahu, Honolulu County, HI, Due: June 1, 1993, Contact: Michael T. Lee (808) 438-9258.

EIS No. 930139, FINAL EIS, SFW, ND, Lake Ilo Dam and Reservoir Modification Project, Elimination of Existing Dam Safety Deficiencies and Section 404 Permit Issuance, Lake Ilo National Wildlife Refuge, Spring Creek, Dunn County, ND, Due: June 1, 1993, Contact: Adam Misztal (303) 236-8676.

EIS No. 930140, DRAFT EIS, AFS, NM, La Manga Timber Sales, Implementation, Carson National Forest, EL Rito Ranger District, Rio Arriba County, NM, Due: June 21, 1993, Contact: Graciela Terrazas (505) 581-4554.

EIS No. 930141, DRAFT SUPPLEMENT, USA, TT, Kwajalein Atoll Ongoing and Strategic Defense Initiative Activities, Test Range Facility Construction and Support Services, Republic of the Marshall Islands, Due: June 14, 1993, Contact: Kenneth R. Sims (205) 955-5075.

Amended Notices

EIS No. 930044, DRAFT EIS, AFS, WA, OR, Umatilla and Malheur National

Forests, Oil and Gas Exploration and Development, Lease Offerings, Several Counties, WA and OR, Due: May 12, 1993, Contact: Russell Betts (503) 276–3811. Published FR–02–26–93—Review period extended.

Dated: April 27, 1993.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 93–10210 Filed 4–29–93; 8:45 am]

BILLING CODE 6560–50–U

[OPP–00356; FRL–4587–2]

State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committees on Enforcement Certification and Reregistration Classification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committees on Enforcement Certification and Registration Classification will hold a 3–day meeting, beginning on May 17, 1993, and ending on May 19, 1993. This notice announces the location and times for the meeting and sets forth tentative agenda topics.

DATES: The SFIREG Working Committee on Enforcement Certification will meet on Monday, May 17, 1993, from 8:30 a.m. to 5 p.m. The SFIREG Working Committee on Registration Classification will meet on Wednesday, May 19, 1993, from 8:30 a.m. to approximately 5 p.m. On Tuesday, May 18, 1993, the two SFIREG Working Committees will meet together in joint session for the entire day starting at 8:30 a.m. and adjourning at approximately 5 p.m.

ADDRESSES: The meetings will be held at: Sheraton Old Town Hotel, 800 Rio Grande Boulevard, NW., Albuquerque, NM 87104, (505) 843–6300.

FOR FURTHER INFORMATION CONTACT: By mail: Shirley M. Howard, Office of Pesticide Programs (H7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1109, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–7371.

SUPPLEMENTARY INFORMATION: The tentative agenda of the SFIREG Working Committee on Enforcement Certification includes the following:

1. Discussion of Lawn Care Guidelines vs. AAPCO Model Regulations.
2. Update on Recordkeeping for Private Applicators.
3. Status of the AAPCO-SFIREG Drift Taskforce.
4. Status of Issue Paper entitled "Indoor Use of Structural Pesticides."
5. Discussion of Criteria for Use Enforcement Actions.
6. Update on Laboratory Issues.
7. Priorities for Laboratory Equipment Fund.
8. Status Reports on Agency's Policies and Regulations.
9. Discussion of Designing PREP Compliance Management Program for 1994.
10. New Committee Appointments.
11. Other topics as appropriate.

The Agenda for the joint session of the SFIREG Working Committees on Enforcement Certification and Registration Classification will include:

1. Discussion of Implementation Plan for Worker Protection Standards.
2. Discussion of Issues Associated with Using MSDS as Labeling.
3. Update on Plantback Enforcement Issue Paper: Review of Language.
4. Status of Issues Associated with Ephemeral Stream Definition in Atrazine Risk Reduction Measures Document.
5. Other topics as appropriate.

The agenda for the SFIREG Working Committee on Registration Classification includes the following:

1. Subcommittee Report on AAPCO/SFIREG 24(c) Survey.
2. Update on Label Coding Project.
3. Update on EPA's Reduced Risk Pesticide Policy.
4. Discussion of the Impact of GLP and QA Requirements on Minor Use Registrations.
5. Update on Delaney Clause Court Ruling as it Applies to Section 18.
6. Other topics as appropriate.

Dated: April 26, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 93–10216 Filed 4–29–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1980, Public Law 96–511. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 632–6934.

Federal Communications Commission

OMB Control No.: 3060–0318

Title: Notification of Status of Facilities, FCC Form 489

Expiration Date: 02/28/96

Description: FCC Form 489 is a multi-purpose form used by common carriers subject to 47 CFR part 22 to notify the Commission of completion of construction, of minor modifications and to request an extension of time to complete constructions. FCC Form 489 is used by Commission personnel to verify compliance with construction requirements and to update the database. FCC Form 489 is being updated to display the 02/28/96 expiration date. A Public Notice will be issued to announce the availability of the updated edition of the FCC Form 489 and the deadline for filing the current 1991 edition of the form.

OMB Control No.: 3060–0319

Title: Application for Assignment or Transfer of Control, FCC Form 490

Expiration Date: 02/28/96

Description: FCC Form 490 is filed to solicit Commission approval to assign or transfer control of radio stations licensed under 47 CFR part 22. The information is used by Commission personnel to determine whether the proposed sale of a common carrier station and the qualifications of the new carrier are in compliance with the requirements of FCC rules and regulations. FCC Form 490 is being updated to display the 02/28/96 expiration date. A Public Notice will be issued to announce the availability of the updated edition of the FCC Form 490 and the deadline for filing the current 1991 edition of the form.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–10161 Filed 4–29–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3,

Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Costa Cruise Lines N.V., Costa Crociere S.p.A. and Interocean Italia S.r. L., World Trade Center, 80 SW 8th Street, Miami, Florida 33130–3097.

Vessel: COSTA ROMANTICA

Dated: April 26, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–10136 Filed 4–29–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL TRADE COMMISSION

[Dkt. 9254]

Alliant Techsystems Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Minnesota-based defense systems contractor that provides ammunition, for a 10-year period, to obtain Commission approval before: acquiring the assets or stock of any company engaged in systems contracting for certain tank or lightweight ammunition; or selling or transferring Alliant's stock or assets to a company engaged in systems contracting for certain types of ammunition. In addition, the order requires the respondent to terminate its proposed acquisition of certain Olin Corporation assets.

DATES: Complaint issued December 7, 1992. Order issued March 16, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Laura Wilkinson, FTC/S–2308, Washington, DC 20580. (202) 326–2830.

SUPPLEMENTARY INFORMATION: On Wednesday, January 6, 1993, there was published in the **Federal Register**, 58 FR 554, a proposed consent agreement with analysis In the Matter of Alliant Techsystems Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 93–10192 Filed 4–29–93; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

[Dkt. C–3419]

CC Pollen Co., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Phoenix-based firm, and its owners, from making false claims about the effect consumption of their bee pollen products has in regard to allergies, aging, impotence, sexual dysfunction, weight loss and antibiotic treatment, and requires that they have scientific evidence to support any other health-benefit claims they make about any food or other product for human consumption, in the future. In addition, the respondents are prohibited from producing or distributing any advertisement that is represented to be something other than a paid ad, and are required to prominently disclose in all future infomercials they create that the programs are paid ads. Finally, the respondents are required to pay $200,000 as disgorgement of profits.

DATES: Complaint and Order issued March 16, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Brinley Williams, Cleveland Regional Office, Federal Trade Commission, 668 Euclid Avenue, Suite 520–A, Cleveland, OH 44114, (216) 522–4210.

SUPPLEMENTARY INFORMATION: On Wednesday, January 6, 1993, there was published in the **Federal Register**, 58 FR 557, a proposed consent agreement with analysis In the Matter of CC Pollen Company, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Donald S. Clark,

Secretary.

[FR Doc. 93–10194 Filed 4–29–93; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

[Dkt. C–3421]

Dollar Rent-A-Car Systems, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a California-based car-rental firm to disclose, in different communications media, applicable airport surcharges, fuel charges, charges based on a driver's age, geographic limitations on unlimited mileage representations, and other charges related to a contemplated car rental that are mandatory or that cannot reasonably be avoided by consumers.

DATES: Complaint and Order issued March 29, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Ronald Waldman, New York Regional Office, Federal Trade Commission, 150 William Street, Suite 1300, New York, NY 10038. (212) 264–1242.

SUPPLEMENTARY INFORMATION: On Tuesday, August 25, 1992, there was published in the **Federal Register**, 57 FR 38509, a proposed consent agreement with analysis In the Matter of Dollar Rent-A-Car Systems, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 93–10196 Filed 4–29–93; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3418]

S.C. Johnson & Son, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Wisconsin-based manufacturer of home care products to divest its assets used in the production, manufacture and sale of continuous action and aerosol air freshener products and furniture care products, in order to acquire certain assets of the Drackett Company, a subsidiary of Bristol-Myers Squibb Company. In addition, for a 10-year period, Johnson must obtain Commission approval before acquiring any interest in any air freshener or furniture care product manufacturer or distributor.

DATES: Complaint and Order issued March 16, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Steven Newborn, FTC/S–2308, Washington, DC 20580. (202) 326–2682.

SUPPLEMENTARY INFORMATION: On Wednesday, January 6, 1993, there was published in the **Federal Register**, 58 FR 562, a proposed consent agreement with analysis In the Matter of S.C. Johnson & Son, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 93–10193 Filed 4–29–93; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3420]

Value Rent-A-Car, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Florida car-rental firm to disclose, in different communications media, applicable airport surcharges, charges based on a driver's age, geographic limitations on unlimited mileage representations, and other charges related to a contemplated car rental that are mandatory or that cannot reasonably be avoided by consumers.

DATES: Complaint and Order issued March 29, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Ronald Waldman, New York Regional Office, Federal Trade Commission, 150 William Street, Suite 1300, New York, NY 10038. (212) 264–1242.

SUPPLEMENTARY INFORMATION: On Tuesday, August 25, 1992, there was published in the **Federal Register**, 57 FR 38512, a proposed consent agreement with analysis In the Matter of Value Rent-A-Car, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45))

Donald S. Clark,

Secretary.

[FR Doc. 93–10195 Filed 4–29–93; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

National Institute for Occupational Safety and Health

[Program Announcement Number 314]

Research, Prevention Education, and Clinical Services in Occupational Safety and Health Clinics; Notice of Availability of Funds for Fiscal Year 1993

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1993 funds for a cooperative agreement for research, prevention education, surveillance, and clinical services in occupational safety and health clinics.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (For ordering a copy of Healthy People 2000 see the section Where To Obtain Additional Information.)

Authority

This program is authorized under section 20(a) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 669(a)].

Eligible Applicant

Eligible applicants include non-profit and for-profit organizations. Thus, universities, colleges, research institutions, hospitals, other public and private organizations, state and local health departments or their bona fide agents or instrumentalities, and small minority and/or women-owned businesses are eligible for this cooperative agreement.

Availability of Funds

Approximately $100,000 is available in FY 1993 to fund one cooperative agreement. The award is expected to begin on or before July 31, 1993, for a

12-month budget period within a project period between three to five years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Purpose

The purpose of this cooperative agreement is to enhance the network of clinical facilities which provide prevention education, conduct provider-based surveillance, upgrade knowledge and awareness of therapy, treatment, or remediation of occupational safety and health problems, serve as a referral resource, and provide community-based worker education.

Objectives aimed at achieving this overall purpose are to:

1. Enhance training of health professionals in prevention of work-related diseases and injuries within an established clinical setting.

2. Enhance knowledge and skills of health professionals in activities relating to occupational health surveillance and statistics so that they may better identify and evaluate sentinel health events.

3. Expand the variety of field experiences for health professionals at the community and state level, such as investigating outbreaks of known or suspected occupational diseases.

4. Create a referral resource through the network of clinicians.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the activities under A., below, and CDC shall be responsible for conducting activities under B., below:

A. Recipient Activities

1. Increase clinic communication with a goal of establishing a network between the clinics across the fifty states and the American Territories and possessions.

2. Develop, publish, and continually update clinic directory indicating personnel, resources and practice, and listing individual clinics.

3. Provide technical assistance to clinicians through visits or presentations at grand rounds, residency programs, medical conferences and other venues. Make available slide talks, teaching modules and other materials focused on patient education and disease prevention from a lending library maintained for that purpose.

4. Organize and present clinically-focused conferences, symposia or workshops for regional or national conferences. These will focus on issues of local or topical concern such as lead poisoning, repetitive motion disorders and occupational asthma.

5. Refine and expand participation in the collection of clinical database containing demographic information, current and most relevant occupations, industries, exposures, and the diagnoses of suspected or confirmed diseases related to occupational or environmental factors.

6. Provide reliable sources to which the NIOSH 800-Hotline can refer workers or employers with specific questions relating to occupational health or a need for clinical services.

7. Provide information dissemination and technical assistance to employers and employees and educate physicians and other occupational safety and health professionals regarding the Americans with Disabilities Act.

B. CDC/NIOSH Activities

1. Collaborate in strengthening a network of communication between clinics and expanding coverage through outreach programs, including technical support for regional conferences.

2. Collaborate in refining and expanding the clinical database program.

3. Collaborate in defining and providing technical assistance to improve standards of occupational health care, including technical support to establish and maintain quality assurance policies that will provide a national standard for occupational medicine.

4. Establish and provide a core information package for dissemination through clinics.

Evaluation Criteria

The application will be reviewed and evaluated according to the following criteria:

1. Responsiveness to the objectives of the cooperative agreement including: (a) Applicant's understanding of the objectives of the proposed cooperative agreement and, (b) the relevance of the proposal to the objectives. (20%)

2. Ability to provide the staff, knowledge, and other resources required to perform the applicant's responsibilities in this project, and describe the approach to be used in carrying out those responsibilities. (20%)

3. Steps proposed in planning and implementing this project, and the respective responsibilities of the applicant for carrying out those steps. (20%)

4. Schedule proposed for accomplishing the activities to be carried out in this project, and a method for evaluating the accomplishments. (20%)

5. The qualification and time allocation of the professional staff to be assigned to this project and the facilities, equipment and other resources available for performance of this project. (20%)

6. The budget will be evaluated to the extent that it is reasonable, clearly justified, and consistent with the intended use of funds. (Not Scored)

Executive Order 12372 Review

The application is not subject to review by Executive Order 12372, Intergovernmental Review of Federal Programs.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number (CFDA)

The Catalog of Federal Domestic Assistance Number for this program is 93.283.

Other Requirements

Projects that involve the collection of information from 10 or more individuals and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 must be submitted to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Mailstop E–13, Atlanta, Georgia 30305, on or before June 30, 1993.

1. Deadline

Applications shall be considered as meeting the deadline if they are:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Late Applications

Applications which do not meet the criteria in 1.(a) or 1.(b) above are

considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

To receive additional written information call (404) 332–4561. You will be asked to leave your name, address, and phone number and will need to refer to Announcement Number 314. You will receive a complete program description, information on application procedures and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Oppie Byrd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305, (404) 842–6546. Programmatic technical assistance may be obtained from John E. Parker, National Institute for Occupational Safety and Health, Division of Respiratory Disease Studies, 944 Chestnut Ridge Road, Mailstop 122, Morgantown, West Virginia 26505, (304) 291–4301.

Please refer to Announcement Number 314 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone: (202) 783–3238.

Dated: April 23, 1993.

Richard A. Lemen,

Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–10154 Filed 4–29–93; 8:45 am]

BILLING CODE 4160–19–P

Workshops on Community Epidemiologic Studies Near the Former Feed Materials Processing Center (FMPC) in Fernald, OH; Public Meetings

The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC), announces the following meetings.

Name: Workshops on Community Epidemiologic Studies Near the Former FMPC in Fernald, Ohio.

Date: May 19, 1993.

Time: 1 p.m.–5 p.m.

Place: Sheraton Springdale Hotel, 11911 Sheraton Lane, Cincinnati, Ohio 45246.

Date: May 19, 1993.

Time: 7:30 p.m.-10 p.m.

Place: Crosby Elementary School, 8382 New Haven Road, Harrison, Ohio 45030.

Date: May 20, 1993.

Time: 8 a.m.-12 noon.

Place: Sheraton Springdale Hotel, 1191 Sheraton Lane, Cincinnati Ohio 45246.

Status: Open to the public for observation and comment, limited only by space available. Seating space for 50 individuals will be available at each meeting.

Purpose: Under a Memorandum of Understanding with the Department of Energy (DOE), the Department of Health and Human Services has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. The FMPC located in Fernald, Ohio, operated under contract for DOE from 1951 until production was suspended in 1988. The plant produced uranium metal products for use as feed materials for reactors located at other DOE sites. During operations radioactive material migrated off the plant site. The goal of an analytic epidemiologic study would be to determine the potential health effects to community residents from exposure to radioactive material released to the environment from the plant.

Matters to be Discussed: An invited group of epidemiologists, statisticians, public health professionals, physicians, and members of the community will discuss steps for assessing appropriate analytic epidemiologic studies at the former FMPC. The discussions will focus on evaluation of various study designs, determination of methods for power calculations, utilization of dose estimates, and involvement of the community in the study process. Invited participants will provide CDC with their individual advice and comments. Information provided by the participants will be used by CDC in planning the epidemiologic research projects for the community near the former FMPC.

At the conclusion of the meetings, all attendees will have an opportunity to provide oral and/or written comments for the record.

For a period of 15 days following the meetings, through June 4, 1993, the official record of the meetings will remain open in order that additional material or comments may be submitted to be made part of the record of the meetings.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Kathy George, M.P.H., Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE., (F–35), Atlanta, Georgia, 30341–3724, telephone 404/488–7040.

Dated: April 26, 1993.

Elvin Hilyer,

Associated Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–10152 Filed 4–29–93; 8:45 am]

BILLING CODE 4160–18–M

CDC Advisory Committee on the Prevention of HIV Infection; change of meeting dates

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 58 FR 19823—dated April 16, 1993.

SUMMARY: Notice is given that the meeting for the CDC ACPHI Subcommittee on Preventing Risk Behaviors Among School Students has been rescheduled. The meeting times, location, and purpose announced in the original notice remain unchanged.

ORIGINAL TIME AND DATES: 8:30 a.m.–5 p.m., May 3–4, 1993.

NEW DATES: June 13–14, 1993.

FOR MORE INFORMATION CONTACT: Connie Granoff, Committee Assistant, Office of the Associate Director for HIV/AIDS, CDC, 1600 Clifton Road, NE, Mailstop E–40, Atlanta, Georgia 30333, telephone 404/639–2918.

DATED: April 27, 1993.

Robert L. Foster,

Assistant Director, Office of Program Support Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–10294 Filed 4–29–93; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 93E–0087]

Determination of Regulatory Review Period for Purposes of Patent Extension; AMBIEN®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for AMBIEN® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Karin L. Bolte, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product AMBIEN®. AMBIEN® (zolpidem tartrate) is indicated for the short-term treatment of insomnia. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for AMBIEN® (U.S. Patent No. 4,382,938) from Synthelabo, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated March 11, 1993, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of AMBIEN® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for AMBIEN® is 2,713 days. Of this time, 1,296 days occurred during the testing phase of the regulatory review period, while 1,417 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective*: July 15, 1985. The applicant claims November 15, 1984, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND was placed on clinical hold on December 10, 1984, and was removed from clinical hold on July 15, 1985. Therefore, the IND effective date is July 15, 1985.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act*: January 30, 1989. The applicant claims January 26, 1989, as the date the new drug application (NDA) for AMBIEN® (NDA 19–908) was initially submitted. However, FDA records indicate that NDA 19–908 was initially submitted on January 30, 1989.

3. *The date the application was approved*: December 16, 1992. FDA has verified the applicant's claim that NDA 19–908 was approved on December 16, 1992.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 5 years of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 29, 1993, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 27, 1993, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 16, 1993.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 93–10173 Filed 4–29–93; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration Advisory Council

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the month of June 1993.

Name: Advisory Commission on Childhood Vaccines.

Date and Time: June 7, 1993, 9 a.m.–5 p.m.; June 8, 1993, 8:30 a.m.–12 p.m.

Place: Conference Rooms G&H, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The meeting is open to the public.

Purpose: The Commission: (1) advises the Secretary on the implementation of the Program, (2) on its own initiative or as the result of the filing of a petition, recommends changes in the Vaccine Injury Table, (3) advises the Secretary in implementing the Secretary's responsibilities under section 2127 regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions, (4) surveys Federal, State, and local programs and activities relating to the gathering of information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b), and advises the Secretary on means to obtain, compile, publish, and use credible data related to the frequency and severity of adverse reactions associated with childhood vaccines, and (5) recommends to the Director of the National Vaccine Program research related to vaccine injuries which should be conducted to carry out the National Vaccine Injury Compensation Program.

Agenda: The first day of the meeting will consist of simultaneous meetings of the Commission's Working Subcommittees. The full commission will meet commencing at 9 a.m. until 2:45 p.m. and from 8:30 a.m. to 12 p.m. on Tuesday, June 8. Agenda items will include, but not be limited to, routine Program reports, reports from the National Vaccine Program and the National Vaccine Advisory Committee (NVAC), reports from the ACCV Subcommittees.

Name: Scientific Review Subcommittee of the Advisory Commission on Childhood Vaccines.

Date and Time: June 7, 1993, 3 p.m.–5 p.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The meeting is open to the public.

Purpose: This Subcommittee will review statistics from all sources (the Compensation System, Vaccine Adverse Events Reporting System (VAERS), the U.S. Claims Court, etc.) that can give any reason for any alterations (additions, subtractions, or revisions) in the Vaccine Injury Table. The Subcommittee will consider any applications for inclusion of additional vaccines and associated events to the table and make recommendations on these to the Commission. All recommendations by the Subcommittee will be considered by the full Commission and, if accepted, will be forwarded to the Secretary. This Subcommittee will also be the first line of study for all outside studies and literature reports with subjects affecting the Vaccine Injury Table.

Agenda: This Subcommittee will receive updates on VAERS and on the IOM Section 313 study.

Name: Financial Review Subcommittee of the Advisory Commission on Childhood Vaccines.

Date and Time: June 7, 1993, 3 p.m.–5 p.m.

Place: Conference Room H, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The meeting is open to the public.

Purpose: The Subcommittee reviews quarterly with the administrative staff, the financing of the Vaccine Injury Compensation Trust Fund, the output of funds resulting from each vaccine and each adverse event, and the relationship of each vaccine and each adverse event to the rate of depletion of the Trust Fund. If these studies justify any increase or any decrease of surtax for each vaccine, these recommendations can be made to the full commission and if accepted, can be forwarded to the Secretary.

Agenda: The Subcommittee will discuss and review the status of funding and spending on pre-1988 awards and the status of the Trust Fund.

Public comment will be permitted at the respective subcommittee meetings on June 7 before they adjourn in the evening; before noon and at the end of the full Commission meeting on June 7; and also before noon of the second day on June 8. Oral presentations will be limited to 5 minutes per public speaker. Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to Mr. Matthew Barry, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, room 702, 6001 Montrose Road, Rockville, Maryland 20852, Telephone (301) 443–6593.

Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. The Division of Vaccine Injury Compensation will notify each presenter by mail or telephone of their assigned presentation time. Persons who do not file an advance request for presentation, but desire to make an oral statement, may sign up in Conference Rooms G & H before 10 a.m. June 7 and 8. These persons will be allocated time as time permits.

Anyone requiring information regarding the subject Commission should contact Mr. Matthew Barry, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, room 7–02, 6001 Montrose Road, Rockville, Maryland 20852, Telephone (301) 443–6593.

Agenda items are subject to change as priorities dictate.

Dated: April 26, 1993.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 93–10101 Filed 4–29–93; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

National Heart, Lung, and Blood Institute Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: NHLBI SEP for the Re-review of a Institutional National Research Service Award (NRSA)—Telephone Conference Call.

Dates of Meeting: May 10, 1993

Time of Meeting: 2 p.m.

Place of Meeting: Westwood Building, room 550 (Telephone Conference Call).

Agenda: To review and evaluate grant applications.

Contact Person: Dr. Kathryn W. Ballard, 5333 Westbard Avenue, room 550, Bethesda, Maryland 20892, (301) 594–7450.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 23, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–10141 Filed 4–29–93; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, April 23, 1993.

(Call PHS Reports Clearance Officer on 202–690–7100 for copies of package)

1. Medwatch: FDA's Medical Product Reporting Program—New—This new form will be used for reporting adverse events and product problems with medications, devices, and other products (such as dietary supplements) that are regulated by the Food and Drug Administration. It replaces existing approved forms. *Respondents:* Businesses or other for-profit, non-profit institutions, small businesses or organizations; *Number of Respondents:* 67,140; *Number of Responses Per Respondent:* 4; *Average Burden per Response:* 1 hour; *Estimated Annual Burden:* 257,182 hours.

OMB Desk Officer: Shannah Koss.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address: Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: April 26, 1993.

James Scanlon,

Division of Data Policy, Office of Health Planning and Evaluation.

[FR Doc. 93–10167 Filed 4–29–93; 8:45 am]

BILLING CODE 4160–17–M

Social Security Administration

Statement of Organization, Functions and Delegation of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services covers the Social Security

Administration. Chapter S7 covers the Deputy Commissioner for Human Resources. Notice is hereby given that subchapter S7C, the Office of Labor-Management Relations, is being amended to reflect the realignment of division functions in the Division of Labor and Employee Relations Operations (S7CA) and in the Division of Labor and Employee Relations Policy (S7CB). The changes are as follows:

Section S7C.20 The Office of Labor-Management Relations—(Functions):

D. The Division of Labor and Employee Relations Operations (S7CA).

Delete:

3. In its entirety.

Renumber:

"4" and "5" to "3" and "4."

E. The Division of Labor and Employee Relations Policy (S7CB).

Add:

6. Develops, implements and evaluates SSA programs involving disciplinary and adverse actions, performance-based actions, grievances, appeals and serious misconduct cases. Provides advisory services to management and prepares documentation for headquarters' managers pertaining to such cases. Provides consultation to SSA management on nonbargaining unit grievances.

Dated: April 21, 1993.

Ruth A. Pierce,

Deputy Commissioner for Human Resources.

[FR Doc. 93-10181 Filed 4-29-93; 8:45 am]

BILLING CODE 4190-29-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-93-1917; FR-3350-N-29]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing-and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* versus *Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: GSA: Leslie Carrington, Federal Property Resources Services, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 208-0619; Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW., room 10319, Washington, DC 20590; (202) 366-4246; U.S. Air Force: Bob Menke, USAF, Bolling AFB, SAF-MIIR, Washington, DC 20332-5000; (202) 767-6235; Dept. of Veterans Affairs: Michael Reynolds, Management Analyst, Dept. of Veterans Affairs, room 414 Lafayette Bldg., 811 Vermont Ave. NW., Washington, DC 20420; (202) 233-5026; Dept. of Energy: Tom Knox, Realty Specialist, AD223.1, 1000 Independence Ave. SW., Washington, DC 20585; (202) 586-1191; (These are not toll-free numbers).

Dated: April 23, 1993.

Don I. Patch,

Acting Deputy Assistant Secretary for Grant Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 04/30/93

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. 19, VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 979220006
Status: Underutilized
Comment: Portion of a 5320 sq ft. 4-story structure.

Arkansas

10 Houses
Hot Springs National Park
Hot Springs Co: Garland AR 71902–
Location: Linn St., Bower, McKinley, Grand, Conway Terrace, Akin, Old Crabtree Cemetery Rd., and Avenue Street
Landholding Agency: GSA
Property Number: 549310012
Status: Excess
Comment: 454 to 3334 sq. ft., 1 and 2 story residences, need major rehab, off-site use only
GSA Number: 7–I–AR–0415–Z.

California

Bldg. 20—VA Medical Center
Wilshire & Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979210003
Status: Unutilized
Comment: 8758 gross sq. ft., one story wooden, requires complete restoration meeting standards of national preservation laws and guidelines.

Bldg. 13, VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979220001
Status: Underutilized
Comment: portion of 66,165 sq. ft. bldg., needs major rehab, no util., pres. of asbestos, in historic district, potential to be hazardous due to storage of radioactive material nearby.

Bldg. 156, VAMC
Wilshire & Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: Va
Property Number: 979230015
Status: Underutilized
Comment: portion of 39,454 sq. ft. bldg., presence of asbestos, needs rehab, seismic reinforcement deficiencies, in his. district, potentially hazardous due to nearby radioactive material.

Colorado

Former AF Finance Center
3800 York Street
Denver Co: Denver CO 80205–
Landholding Agency: GSA
Property Number: 549310011
Status: Excess
Comment: 293,932 sq. ft., 1-story timber frame with masonry exterior, fair condition, most recent use—storage, office, rehab
GSA Number: 7–GR–CO–468–D.

Indiana

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230007
Status: Underutilized
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house, access restrictions.

Pennsylvania

Bldg. 25—VA Medical Center
Delafield Road
Pittsburgh Co: Allegheny PA 15215–
Landholding Agency: VA
Property Number: 979210001
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab.

Tennessee

Bldg. 16, VAMC Mountain Home
Johnson Co: Washington TN 37604–
Landholding Agency: VA
Property Number: 979220007
Status: Unutilized
Comment: 3215 sq. ft., 3-story wood frame residence, needs repair, subject to historic preservation requirements.

Washington

Cochran Residence
2108 NE 54th Street
Vancouver Co: Clark WA 98663–
Landholding Agency: Energy
Property Number: 419310001
Status: Unutilized
Comment: 1472 sq. ft., 1½ story wood frame residence, presence of asbestos, off-site use only.

Avery Residence
2012 NE 54th Street
Vancouver Co: Clark WA 98663–
Landholding Agency: Energy
Property Number: 419310002
Status: Unutilized
Comment: 1354 sq. ft., 1½ story wood frame residence, presence of asbestos, scheduled to be vacated 4/93, off-site use only.

Elliott Residence
2020 NE 54th Street
Vancouver Co: Clark WA 98663–
Landholding Agency: Energy
Property Number: 419310003
Status: Unutilized
Comment: 1056 sq. ft., 1 story wood frame residence, off-site use only.

Stone Residence
5801 NE 17th Avenue
Vancouver Co: Clark WA 98665–
Landholding Agency: Energy
Property Number: 419320004
Status: Excess
Comment: 1248 sq. ft., 1 story residence, double wide mobile home, off-site removal only.

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 979010056
Status: Underutilized
Comment: 2200 sq ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Wyoming

Glendale Microwave Bldg.
Section 1
Cody Co: Park WY 82414–
Landholding Agency: Energy
Property Number: 419220001
Status: Excess
Comment: 223 sq. ft., metal frame, communication equipment bldg., limited utilities, off-site removal only.

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 979010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 979240001
Status: Underutilized
Comment: 4 acres; landslide area.

Florida

Outlying Field Kings
NW Corner of SR 267A & SR 186
Co: Escambia FL 32534–
Landholding Agency: GSA
Property Number: 549310013
Status: Excess
Comment: 160 acres, easement restrictions, small portion environmentally protected
GSA Number: 4–GR(1)–FL–737.

0.25 acre
Hickory Lane
Holiday Co: Pasco FL
Landholding Agency: GSA
Property Number: 549310014
Status: Excess
Comment: 0.25 acre, small triangular tract of land with 48 sq. ft. tin bldg., possible access restrictions
GSA Number: 4–G–FL–968.

Louisiana

Land—8.27 acres
VA Medical Center
2501 Shreveport Highway
Alexandria Co: Rapides LA 71301–
Landholding Agency: VA
Property Number: 979010009
Status: Unutilized
Comment: 8.27 acres, heavily wood with natural drainage ravine across property, most recent use—recreation/buffer area.

Maryland

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052–
Landholding Agency: VA
Property Number: 979010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

New Mexico

Western Perimeter Tract

Los Alamos Co: Los Alamos NM
Landholding Agency: GSA
Property Number: 549310010
Status: Surplus
Comment: 194 acres, potential utilities, open area, no roadways through property.
GSA Number: 7–B–NM–504–G, 7–GR(1)–NM–504–L.

Texas

Parts of Tracts
B–143, B–144, B–146, B–148, B–179
Downstream of Lewisville Dam embankment
Lewisville Co: Denton TX 75067–
Location: Along State Hwy 121
Landholding Agency: GSA
Property Number: 319140015
Status: Underutilized
Comment: 101.78 acres in 3 parcels, most recent use—wildlife and low density recreation
GSA Number: 7–D–TX–0510K.

Land

Olin E. Teaque Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

VA. Medical Center
4800 Memorial Drive
Waco Co: McLennan TX 76711–
Landholding Agency: VA
Property Number: 979010081
Status: Underutilized
Comment: 2.3 acres, negotiating lease w/ Owens-Illinois Glass Plant, most recent use—parking lot.

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe, WI 54660–
Landholding Agency: VA
Property Number: 979010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Suitable/Unavailable Properties

Buildings (by State)

California

Bldg. 116
VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979110009
Status: Underutilized
Comment: 60309 sq. ft., 3 story brick frame, seismic reinforcement defics., underutil. port of bldg. used intermitly., needs rehab, poss. asbestos in pipes/floor tiles, site access lim.

Bldg. 263
VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979110010
Status: Unutilized
Comment: 1600 sq. ft., 1 story wood frame w/ stucco exterior, needs rehab, poss. asbestos on pipes/floor tiles, site access limitations, no operating utilities.

Florida

Bldg. 24, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230008
Status: Underutilized
Comment: portion of 6150 sq. ft., 3 story concrete frame bldg., needs rehab, presence of asbestos, listed on Natl Register of Historic Places, access restrictions.

Bldg. 36, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230009
Status: Underutilized
Comment: portion of 15,984 sq. ft., 1 story concrete frame bldg., needs rehab, presence of asbestos, listed on Natl Register of Historic Places, access restrictions.

Bldg. 37, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230010
Status: Underutilized
Comment: Third floor of a concrete frame bldg. (13,900 sq. ft.), presence of asbestos, listed on Natl Register of Historic Places, access restrictions.

Indiana

Bldg. 24, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230005
Status: Underutilized
Comment: portion of 4135 sq. ft. 2-story wood structure, needs major rehab, no sanitary or heating facilities, presence of asbestos, access restrictions.

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230006
Status: Underutilized
Comment: 310 sq. ft., 1 story stone structure, needs major rehab, no sanitary or heating facilities, access restrictions.

Minnesota

Bldg. 43
VA Medical Center
Minneapolis Co: Hennepin MN 55441–7
Location: 54th Street and 48th Avenue S.
Landholding Agency: VA
Property Number: 979010032
Status: Underutilized
Comment: 26000 sq. ft., 8 story brick/steel frame, asbestos present on pipe insulation, most recent use—office/storage.

Bldg. 227
Va Medical Center
Fort Snelling
St. Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010033
Status: Unutilized
Comment: 850 sq. ft., 2 story wood frame and brick residence, utilities disconnected.

New York

Bldg. 5
V.A. Medical Center
Redfield Parkway
Batavia Co: Genesse NY 14020–
Landholding Agency: VA
Property Number: 979030001
Status: Underutilized
Comment: Portion of 16800 sq. ft., 3 story, brick and masonry bldgs., needs minor repairs.

Bldg. 144, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210004
Status: Unutilized
Comment: 5215 sq. ft., 2 story wood frame residence, needs rehab, potential utilities.

Bldg. 143, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210005
Status: Unutilized
Comment: 5215 sq. ft., 2 story wood frame residence, needs rehab, potential utilities.

Bldgs. 142/146, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210006
Status: Unutilized
Comment: 5215 sq. ft., 2 story wood frame residence with 380 sq. ft. attached garage, needs rehab, potential utilities.

Pennsylvania

Bldg. 3—VA Medical Center
University Drive C
Pittsburgh Co: Allegheny PA 15240–
Landholding Agency: VA
Property Number: 979210002
Status: Unutilized
Comment: Approx. 2765 sq. ft., two story brick residence, needs rehab.

Bldg. 2, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230011
Status: Underutilized
Comment: portion of 16,360 sq. ft. 3-story structure, most recent use—storage.

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230012
Status: Underutilized
Comment: portion of bldg. (3850 and 4360 sq. ft.), most recent use—storage.

Bldg. 27, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230013
Status: Underutilized
Comment: Second floor of bldg. (3,410 sq. ft.).

Bldg. 103, VAMC
1700 South Lincoln Avenue

Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230014
Status: Underutilized
Comment: portion of 1215 sq. ft. 2-story stone farm house, needs repair.

Wyoming

Bldg. 13
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110001
Status: Unutilized
Comment: 3613 sq. ft., 3 story wood frame masonry veneered, potential utilities, possible asbestos, needs rehab.

Bldg. 79
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110003
Status: Unutilized
Comment: 45 sq. ft., 1 story brick and tile frame, limited utilities, most recent use—reservoir house, use for storage purposes.

Land (by State)

California

Dixon Relay Station
7514 Radio Road
Dixon Co: Solano CA 95620–9653
Landholding Agency: GSA
Property Number: 549320002
Status: Excess
Comment: 787.53 acres with 7 bldgs., most recent use—transmitter site.
GSA Number: 9–2–CA–1162B.

Land
VA Medical Center
Wilshire and Sawtelle Boulevards
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979010077
Status: Underutilized
Comment: Approx. 30 acres of 80 acre tract, 7 acre portion contaminated, portions may be environmentally protected.

Florida

Buffer Zone, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230016
Status: Underutilized
Comment: Approx. 20 acres, storm water retention area.

Compound, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230017
Status: Underutilized
Comment: Approx. 7 acres, storage compound, partially wooded.

Illinois

VA Medical Center
3001 Green Bay Road
North Chicago Co: Lake IL 60064–
Landholding Agency: VA
Property Number: 979010082
Status: Underutilized
Comment: 2.5 acres, currently being used as a construction staging area for the next 6–8 years, potential utilities.

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 979010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities.

Minnesota

Bldg. 43 Land Site
VA Medical Center
54th Street & 48th Avenue South
Minneapolis Co: Hennep n MN 55417–
Landholding Agency: VA
Property Number: 979010005
Status: Underutilized
Comment: 8.9 acres, most recent use—parking, potential utilities.

Bldg. 227–229 Land
VA Medical Center
Fort Snelling
St Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010006
Status: Underutilized
Comment: 2.0 acres, potential utilities, buildings occupied, residence/garage.

VA Medical Center
Near 5629 Minnehaha Avenue
Minneapolis Co: Hennepin MN 55417–
Location: Land (Site of Building 15, 16, 21, 48, 64, T10)
Landholding Agency: VA
Property Number: 979010024
Status: Underutilized
Comment: 12.1 acres, most recent use—parking, potential utilities.

Land—12 acres
VAMC
Near 5629 Minnehaha Avenue
Minneapolis Co: Hennepin MN 55417–
Landholding Agency: VA
Property Number: 979010031
Status: Unutilized
Comment: 12 acres, possible asbestos, leased to Department of Natural Resources as a park walking trail.

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 979010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased.

Pennsylvania

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 979010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 979010080
Status: Unutilized
Comment: 52.42 acres, heavily wooded. property includes dump area and numerous site storm drain outfalls

Suitable/To Be Excessed

Buildings (by State)

Arizona

Control Bldg.
U.S. 666
Cochise Co: Cochise AZ 85606–
Landholding Agency: Energy
Property Number: 419320005
Status: Excess
Comment: 800 sq. ft., masonry frame, no utilities, presence of PCB's & asbestos, most recent use—control bldg for electrical substation.

Warehouse & Service Bldg.
University Road
Mesa Co: Maricopa AZ 85201–
Landholding Agency: Energy
Property Number: 419320007
Status: Excess
Comment: 368 & 600 sq. ft., 1 story steel & masonry frame, no utilities, presence of PCB's & asbestos, most recent use-storage/service for electrical substation.

North Dakota

Bldg. 1
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310066
Status: Excess
Comment: 10,859 sq. ft., 1-story concrete, needs extensive repairs, presence of asbestos.

Bldg. 2
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310067
Status: Excess
Comment: 1543 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 4
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310068
Status: Excess
Comment: 1759 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 5
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310069
Status: Excess
Comment: 368 sq. ft., 1–story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 7
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310070
Status: Excess
Comment: 694 sq. ft., 1–story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 8
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310071
Status: Excess
Comment: 867 sq. ft., 1-story concrete, needs extensive repairs, presence of asbestos.

Bldg. 10
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310072
Status: Excess
Comment: 112 sq. ft., 1-story concrete, needs extensive repairs, presence of asbestos.

Bldg. 11
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310073
Status: Excess
Comment: 96 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 12
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310074
Status: Excess
Comment: 2198 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 13
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310075
Status: Excess
Comment: 2118 sq. ft., 1-story concrete block, needs extensive repairs, presence of absestos.

Bldg. 14
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310076
Status: Excess
Comment: 3462 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 15
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310077
Status: Excess
Comment: 4182 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 16
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310078
Status: Excess
Comment: 3772 sq. ft., 2-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 17
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310079
Status: Excess
Comment: 2925 sq. ft., 1-story concrete, needs extensive repairs, presence of asbestos.

Bldg. 18
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310080
Status: Excess
Comment: 5806 sq. ft., 2-story concrete, needs extensive repairs, presence of asbestos.

Bldg. 19
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310081
Status: Excess
Comment: 5806 sq. ft., 2-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 20
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310082
Status: Excess
Comment: 1882 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 21
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310083
Status: Excess
Comment: 192 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 22
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310084
Status: Excess
Comment: 1571 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 23
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310085
Status: Excess
Comment: 1212 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 24
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310086
Status: Excess
Comment: 2758 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 26
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310087
Status: Excess
Comment: 302 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 27
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310088
Status: Excess
Comment: 64 sq. ft., 1-story metal, needs extensive repairs, presence of asbestos.

Bldg. 28
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310089
Status: Excess
Comment: 4967 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 30
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310090
Status: Excess
Comment: 4795 sq. ft., 1-story concrete, needs extensive repairs, presence of asbestos.

Bldg. 31
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310091
Status: Excess
Comment: 1800 sq. ft., 1-story pre-fab metal, needs extensive repairs, presence of asbestos.

Bldg. 32
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310092
Status: Excess

Comment: 6615 sq. ft., 1-story pre-fab metal, needs extensive repairs, presence of asbestos.

Bldg. 35
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310093
Status: Excess
Comment: 14520 sq. ft., 5-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 36
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310094
Status: Excess
Comment: 949 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 37
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310095
Status: Excess
Comment: 288 sq. ft., pre-fab metal, needs extensive repairs, presence of asbestos.

Bldg. 38
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310096
Status: Excess
Comment: 5687 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 40
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310097
Status: Excess
Comment: 576 sq. ft., 1-story metal, needs extensive repairs, presence of asbestos.

Bldg. 52
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310098
Status: Excess
Comment: 160 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 55
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310099
Status: Excess
Comment: 1003 sq. ft., 1-story metal, needs extensive repairs, presence of asbestos.

Bldg. 56
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310100
Status: Excess
Comment: 448 sq. ft., 1-story steel, needs extensive repairs, presence of asbestos.

Bldg. 57
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310101
Status: Excess
Comment: 3854 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 98
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310102
Status: Excess
Comment: 62 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 100
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310103
Status: Excess
Comment: 768 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 912
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310104
Status: Excess
Comment: 960 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 300
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310105
Status: Excess
Comment: 2730 sq. ft., 1-story concrete, needs extensive repairs, presence of asbestos.

Bldgs. 41–49, 51, 61, 62
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310106
Status: Excess
Comment: 36–40 sq. ft., wood frame, no utilities, needs extensive repairs, presence of asbestos, most recent use—fire hose storage.

LAND (by State)

Minnesota

Land around Bldg. 240–249, 253
VA Medical Center
Fort Snelling
St. Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010007
Status: Unutilized
Comment: 3.76 acres, potential utilities.

Unsuitable Properties

Buildings (by State)

Alaska

Housing Ketchikan (Naushon UPH)
3615 Baranof Avenue
Ketchikan Co: Ketchikan AK 99801–
Landholding Agency: DOT
Property Number: 879320005
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Indiana

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230001
Status: Underutilized
Reason: Other
Comment: Extensive deterioration.

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230002
Status: Underutilized
Reason: Other
Comment: Extensive deterioration.

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230003
Status: Underutilized
Reason: Other
Comment: Extensive deterioration.

Louisiana

Transmitter Hut #1
U.S. Coast Guard Communication.s Station.
Belle Chasse Co: Orleans Parish LA 70037–
Landholding Agency: DOT
Property Number: 879320006
Status: Unutilized
Reason: Secured area.

North Carolina

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 979010008
Status: Underutilized
Reason: Other
Comment: Friable asbestos.

North Dakota

Bldg. 50
Fortuna Air Force Station.
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310107
Status: Excess
Reason: Other
Comment: Garbage incinerator.

Tennessee

Bldg. 60, VAMC Mountain Home
Johnson Co: Washington TN 37604–
Landholding Agency: VA

Property Number: 979220005
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Texas

Bldg. 24
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010050
Status: Unutilized
Reason: Other
Comment: Friable asbestos.

Bldg. 25
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010051
Status: Unutilized
Reason: Other
Comment: Friable asbestos.

Bldg. 26
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010052
Status: Unutilized
Reason: Other
Comment: Friable asbestos.

Wyoming

Bldg. 95
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110004
Status: Unutilized
Reason: Other
Comment: Sewage digester for disposal plant.

Bldg. 96
Medical Center
N.W. of town at end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110005
Status: Unutilized
Reason: Other
Comment: Pump house for sewage disposal plant.

Structure 99
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110006
Status: Unutilized
Reason: Other
Comment: Mechanical screen for sewage disposal plant.

Structure 100
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110007
Status: Unutilized
Reason: Other
Comment: Dosing tank for sewage disposal plant.

Structure 101
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110008
Status: Unutilized
Reason: Other
Comment: Chlorination chamber for sewage disposal plant.

Land (by State)

California

DVA Medical Center
4951 Arroyo Road
Livermore Co: Alameda, CA 94550–
Landholding Agency: VA
Property Number: 979010023
Status: Unutilized
Reason: Other
Comment: 750,000 gallon water reservoir.

Florida

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas, FL 33504–
Landholding Agency: VA
Property Number: 979230004
Status: Underutilized
Reason: Other
Comment: Inaccessible.

Louisiana

Land—3.4 acres
VA Medical Center
2501 Shreveport Highway
Alexandria Co: Rapides, LA 71301–
Landholding Agency: VA
Property Number: 979010010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Minnesota

VAMC
VA Medical Center
4801 8th Street No.
St. Cloud Co: Sterns, MN 56303–
Landholding Agency: VA
Property Number: 979010049
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

New York

Tract 1
VA Medical Center
Bath Co: Steuben, NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010011
Status: Unutilized
Reason: Secured area.

Tract 2
VA Medical Center
Bath Co: Steuben, NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010012
Status: Underutilized
Reason: Secured area.

Tract 3
VA Medical Center
Bath Co: Steuben, NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010013
Status: Underutilized
Reason: Secured area.

Tract 4
VA Medical Center
Bath Co: Steuben, NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010014
Status: Unutilized
Reason: Secured area.

[FR Doc. 93–9935 Filed 4–29–93; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–030–93–4350–09]

Closure of Public Lands; Red Cloud Peak Area of Critical Environmental Concern, Hinsdale County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure.

SUMMARY: Notice is hereby given in accordance with 43 CFR 8365.1–5(C), 8365.1–6, and 8365.1–5(A)(1) that the following described public lands within the Redcloud Peak Area of Critical Environmental Concern (ACEC) in Hinsdale County, Colorado, are closed to the collecting, possessing, killing, or transporting of butterflies or any part of their life cycle.

New Mexico Principal Meridian

T. 43 N., R. 5 W.,
Secs. 20 to 23, inclusive,
Secs. 26 to 29, inclusive,
Secs. 32 to 35, inclusive.

The BLM may approve scientific research by qualified persons, which could include limited collecting, if this research is deemed important and is compatible with the preservation of the species.

EFFECTIVE DATE: July 1, 1993.

ADDRESSES: For further information, contact Barry Tollefson, Bureau of Land Management (BLM), Gunnison Resource Area Office, 216 North Colorado, Gunnison, Colorado 81230; (303) 641–0471.

SUPPLEMENTARY INFORMATION: The Uncompahgre fritillary butterfly was listed as a federally endangered species on June 24, 1991 (56 FR 28712). This butterfly has the smallest known total range of any North American butterfly species. Its habitat is limited to two verified sites and two possible sites in the San Juan Mountains and southern Sawatch Range in Gunnison, Hinsdale, and Chaffee counties in southwestern

Colorado. The only known remaining major colony is the Redcloud Peak population discovered in 1982 on public lands administered by the Bureau of Land Management. Despite numerous attempts to locate other major populations, none have been identified.

Because this species is one of the few new North American butterfly species identified in the last half century, it is attractive to collectors. Overcollection is considered to be the greatest human-caused threat to the species. Although the Uncompahgre fritillary butterfly is protected under the Endangered Species Act, this closure would help prevent individuals from attempting to collect the Uncompahgre fritillary butterfly under the pretense of collecting other butterflies that are found in the area.

Penalties

Violations of supplementary rules authorized by 43 CFR title 43, chapter II, part 8360, subpart 8365.1–6 are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Alan L. Kesterke,

District Manager.

[FR Doc. 93–10176 Filed 4–29–93; 8:45 am]

BILLING CODE 4310–JB–M

Bureau Of Land Management

[NV–930–4210–05; N–56920]

Realty Action; Clark County, NV; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Corrected notice of realty action, N–56920.

The Notice of Realty Action published in the **Federal Register** on April 1, 1993, (58 FR page 17279; FR Doc 93–7557), is hereby corrected as follows:

A. Under **SUMMARY**, second line, delete "Las Vegas", and insert "Henderson".

B. Under the paragraph "and will be subject to:", 1., beginning fourth line, delete "Clark County/the City of Las Vegas", insert "City of Henderson".

All other terms and conditions of the Notice continue to apply.

Dated: April 22, 1993.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 93–10104 Filed 4–29–93; 8:45 am]

BILLING CODE 4310–HC–M

Bureau of Land Management

[UT–080–4140–03–OSHL; UTU–71207]

Realty Action; Lands/Surface Facilities Available for Competitive Lease, White River Oil Shale Tracts Ua and Ub

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of realty action; lands/surface facilities available for competitive lease (White River Oil Shale Tracts Ua and Ub).

SUMMARY: Notice is hereby given that the following described public lands, located in Uintah County, Utah have been found suitable for competitive lease pursuant to section 302 of the Federal Land Policy and Management Act of October 21, 1976 and 43 CFR part 2920:

T. 10 S., R. 24 E., SLM, Utah,
Sec 12, S½, S½N½;
Secs. 13 and 14, All;
Secs. 19, E½;
Secs. 20–24, All;
Secs. 25, W½W½;
Secs. 26–29, All;
Secs. 30, E½;
Secs. 33, N½;
Secs. 34, N½.
T. 10 S., R. 25 E.,
Secs. 18 and 19, All.

All or part of the above described 10,240 acres, including the existing facilities and surface improvements located on the White River prototype oil shale tracts Ua and Ub will be made available through competitive lease to qualified bidders. All proposals will be considered provided the proposed use does not preclude or interfere with the future development of the oil shale Leasing of the site is in conformance with the Book Cliffs Resource Management Plan; additional uses, facilities, or surface disturbing activities will require further NEPA review prior to approval.

Issuance of a lease to the successful bidder will be subject to the following terms and conditions:

(1) The lessee will be required to post a bond in an amount to be determined by the authorized officer and based on the proposed use of the tract. In no event shall the required bond amount be set less than $100,000.

(2) The lessee will be required to assume the costs for the operation and maintenance of the facilities including but not limited to:

(a) Site security.

(b) Electrical power contracted from Moon Lake Electric Association for the entire facility, including the underground mine workings, headframe, and hoist building to be reserved by the United States.

(c) Maintenance and/or repair of the facilities under lease.

(3) The lessee will be required to pay annual rental in an amount equal to or greater than fair market value as determined by appraisal and established by subsequent bid.

(4) The lessee will be required to prepare a site-specific plan of development/operation detailing the type of proposed land use, facility upgrades required, *et cetera*. The plan will be subject to BLM review for conformance with NEPA. The cost of plan development and subsequent NEPA analysis of which would be borne by the lessee.

(5) The oil shale stockpiles will be made available to the lessee at a negotiated sales price. Only those amounts identified in the lessee's plan of development and approved by the authorized officer may be utilized in connection with the lease.

(6) Rights to the mine shaft, underground workings, and related facilities and the oil shale resources will be reserved by the Bureau of Land Management. The lease conveys no preference right to the lessee to obtain a subsequent mineral lease allowing for the development of the oil shale resources.

(7) The lease will be issued for an initial five-year period. Renewal of the lease at the end of five years will be at the discretion of the authorized officer and dependent upon the prevailing interest to develop the oil shale resources under a mineral lease.

(8) Any additional terms deemed necessary by the authorized officer through the environmental analysis process specific to the applicant's proposed use and plan of operation. Applications from qualified bidders will be accepted by the Vernal District Office, 170 South 500 East, Vernal, Utah 84078 for a period of thirty days from publication of this notice in the **Federal Register**. All applications must refer to the **Federal Register** Notice and serial number UTU–71207. All bids submitted must be equal to or greater than the fair market value set at $50/acre or fraction thereof plus an additional $500 for utilization of the facilities.

Each application must include a plan of operation/development which contains sufficient detail to allow the authorized officer to evaluate the feasibility of the proposed land use, the environmental impacts, possible threats to public health and safety, the public/other benefits from the land use, and the approximate cost of the proposed land use. The plan of operation must clearly identify the proposed use and associated activities, a description of all

facilities for which authorization is sought, and any additional facilities or improvements necessary for the intended use and the applicant's proposal for providing site security. Applicants may be required to submit additional information to the authorized officer.

The successful bidder will be required to reimburse the United States for the administrative and other costs incurred by the United States in processing the application. These costs, determined in accordance with 43 CFR 2920.6, will include preparation of the necessary documents required by the National Environment Policy Act and monitoring of the construction, continued operation, and termination/rehabilitation of the facilities authorized under lease.

All bids will be evaluated on the basis of the public benefit to be provided, the financial and technical capability of the bidder to undertake the project, and the bid amount including any offers to contribute funds to the BLM to assist in maintaining the integrity of the mine estimated to be about $25,000/year.

For a period of 30 days from the date of publication of this notice, interested parties may submit comments to the Vernal District Manager, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Bureau.

SUPPLEMENTARY INFORMATION: Additional information concerning this action can be obtained from the Vernal District Office by contacting Joy Wehking, Realty Specialist (801) 789-1362.

Dated: April 21, 1993.

Howard Cleavinger,

Acting Vernal District Manager.

[FR Doc. 93-10177 Filed 4-29-93; 8:45 am]

BILLING CODE 4310-DQ-M

[NV-050-03-4333-04; 43 CFR 8364.1]

Red Rock Canyon National Conservation Area; Restriction Order for the Solicitation of Funds

April 20, 1993.

AGENCY: Bureau of Land Management, DOT.

ACTION: Restriction Order for the Solicitation of Funds within the Red Rock Canyon National Conservation Area, Bureau of Land Management, Las Vegas District, Nevada.

SUMMARY: This Restriction Order is being issued for the purposes of public health and safety. The Red Rock Canyon National Conservation Area (RRCNCA) Visitor Center entrance area sidewalks were designed for the singular purpose of providing pedestrian access to the building. The area was not designed with space in mind for soliciting activities, naturalist talks, kiosks or displays.

EFFECTIVE DATE: April 30, 1993.

FOR FURTHER INFORMATION CONTACT: Dave Wolf, Red Rock Canyon National Conservation Area Manager, Bureau of Land Management, Las Vegas District Office, P.O. Box 26569, Las Vegas, Nevada 89126. Telephone: 702-647-5000.

SUPPLEMENTARY INFORMATION: Beginning in early 1992, soliciting by a non-profit organization began at the RRCNCA Visitor Center and continues as of April 1993. The solicitor sets up his/her table on the sidewalk which all visitors must use to access the Visitor Center doors. At least one visitor injury has been attributed to a visitor's attention being drawn to the solicitor and as a result tripping over the landscaping rocks.

A second organization began soliciting funds in early 1993 at the same Visitor Center location. This had the effect of blocking the access to the building and creating an increased safety hazard.

The designated area has been selected because it is the closest area to the Visitor Center entrance which is not in the path of visitors entering the building.

This order does not apply to the distributing of leaflets or literature by individuals who are not associated with a soliciting organization and not using a booth or table. Nor does this order apply to organizations operating under a Recreation Use Permit or Use Authorization for activities such as walk-a-thons, bike rally's or foot races where the entrance fee or donation is paid on-site the day of the event

In accordance with 43 CFR 8364.1 the following restrictions on the solicitation of funds in the Red Rock Canyon National Conservation Area, Clark County, Nevada are adopted.

1. All persons and organizations soliciting funds must be recognized and/or permitted as non-profit organizations according to applicable State of Nevada and/or Clark County, Nevada ordinances, regulations and requirements.

2. Soliciting for funds is allowed at the Red Rock Canyon NCA Visitor Center subject to the following stipulations.

Soliciting activities must take place within an area designated by the NCA Manager. The designated area is described as a six (6) foot by twenty (20) foot area located on the left side of the Visitor Center entrance directly in front of the flagpole. The designated area will be marked on the sidewalk with painted corners and lines. Solicitors may not leave the designated area to approach visitors or set up tables or displays outside of the designated area.

Organizations soliciting funds must provide a sign indicating the name of the organization conducting the solicitation. Sign letters should be 2" or greater in size.

The remaining area within ¼ mile of the Visitor Center, including the parking lot and all associated trails and facilities, is closed to the solicitation of funds.

3. The Scenic Drive including all pull offs and parking areas, the Red Spring Day Use Area and the "Dedication Site" are closed to the soliciting of funds.

4. This restriction order shall remain in force until such time as the authorized officer determines it should be modified or rescinded.

5. Violations of this order are subject to a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months (43 CFR 8360.0-7).

Billy R. Templeton,

State Director, Nevada.

[FR Doc. 93-10105 Filed 4-29-93; 8:45 am]

BILLING CODE 4310-HC-M

[OR-943-4210-06; GP3-205; OR-48631]

Proposed Withdrawal and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 258.42 acres of non-Federal lands in Jackson County, which will be acquired through exchange, for protection of the Mariposa Botanical Area and the Lower Table Rock Parking/Staging Area. This notice closes the lands for up to 2 years from surface entry and mining. The lands would be opened to mineral leasing.

DATES: Comments and requests for a public meeting must be received by July 29, 1993.

ADDRESSES: Comments and meeting requests should be sent to the Oregon State Director, BLM, P.O. Box 2965, Portland, Oregon 97208-2965.

FOR FURTHER INFORMATION CONTACT: Donna Kauffman, BLM, Oregon State Office, 503–280–7162.

SUPPLEMENTARY INFORMATION: On April 5, 1993, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described lands, which will be acquired by the United States, from settlement, sale, location, or entry under the public land laws, including the United States mining laws (30 U.S.C. Ch. 2), subject to valid existing rights:

Williamette Meridian

Tract A, Mariposa Botanical Area

T. 41 S., R. 2 E.,

Sec. 8, those portions of the W½NE¼, NW¼, and N½SW¼ lying westerly of Interstate 5 and excepting lands now owned by the State of Oregon as more particularly identified and described in the official records of the Bureau of Land Management, Oregon State Office.

The area described contains approximately 220.77 acres in Jackson County.

Tract B, Lower Table Rock Parking/Staging Area

T. 36 S., R. 2 W.,

Sec. 4, that portion of the NE¼SW¼ described as follows:

Commencing at ¾-inch iron pipe monumenting the West quarter corner of Sec. 4, T. 36 S., R. 2 W., Thence on a radial line towards the center of a 50.00-foot radius cul-de-sac S. 87°21′03″ E., 883.26 feet to a ⅝-inch iron pin located on the arc of said 50.00-foot radius curve; Thence in a Southeasterly counter-clockwise direction along said 50.00-foot radius curve to the left (the long chord to which bears N. 85°33′22″ E., 99.24 feet) an arc length of 169.46 feet to a ⅝-inch iron pin; Thence East 277.01 feet to a ⅝-inch iron pin; Thence along the arc of an 80.00-foot radius curve to the right (the long chord to which bears S. 80°54′09″ E., 25.30 feet) an arc length of 25.41 feet to a ⅝-inch iron pin being a point of reverse curve; Thence along the arc of a 120.00-foot radius curve to the left (the long chord to which bears S. 80°50′04″ E., 37.67 feet) an arc length of 37.82 feet to a ⅝-inch iron pin; Thence S. 89°51′50″ E., 35.00 feet to a ⅝-inch iron pin for the point of beginning; Thence continue S. 89°51′50″ E., 1,165.88 feet to a ⅝-inch iron pin; Thence S. 00°21′45″ E., 65.00 feet to a ⅝-inch iron pin; Thence S. 89°51′50″ E., 100.00 feet to a ⅝-inch iron pin; Thence N. 00°21′45″ W., 64.00 feet to a ⅝-inch iron pin witness monument; Thence continue N. 00°21′45″ W., 1.00 foot; Thence S. 89°51′50″ E., 2.00 feet to a point located on the North-South centerline of said Sec. 4; Thence S. 00°21′45″ E., along said North-South centerline 1,282.37 feet to a brass cap monumenting the Southeast corner of the N½SW¼ of said Sec. 4; Thence N. 89°49′49″ W., along the South boundary of said North half 1,283.37 feet to a point that bears S. 00°28′30″ E., from a ⅝-inch iron pin witness monument; Thence leaving said South boundary N. 00°28′30″ W., 10.00 feet, more or less, to said ⅝-inch iron pin witness monument; Thence continue N. 00°28′30″ W., 1,271.64 feet to the point of beginning. Excepting therefrom the following: Commencing at a ¾-inch iron pipe monumenting the West quarter corner of Sec. 4, T. 36 S., R. 2 W., Thence on a radial line towards the center of a 50.00-foot radius cul-de-sac S. 87°21′03″ E., 883.26 feet to a ⅝-inch iron pin located on the arc of said 50.00-foot radius curve; Thence in a Southeasterly, counter-clockwise direction, along said 50.00-foot radius curve to the left (the long chord to which bears N. 85°33′22″ E., 99.24 feet), an arc length of 169.46 feet to a ⅝-inch iron pin; Thence East 277.01 feet to a ⅝-inch iron pin; Thence along the arc of an 80.00-foot radius curve to the right (the long chord to which bears S. 80°54′09″ E., 25.30 feet) an arc length of 25.41 feet to a ⅝-inch iron pin being a point of reverse curve; Thence along the arc of a 120.00-foot radius curve to the left (the long chord to which bears S. 80°50′04″ E., 37.67 feet) an arc length of 37.82 feet to a ⅝-inch iron pin; Thence S. 89°51′50″ E., 35.00 feet to a ⅝-inch iron pin; Thence continue S. 89°51′50″ E., 1,165.88 feet to a ⅝-inch iron pin and the true point of beginning; Thence S. 00°21′45″ E., 65.00 feet to a ⅝-inch pin; Thence S. 89°51′50″ E., 100.00 feet to a ⅝-inch iron pin; Thence N. 00°21′45″ W., 64.00 feet to a ⅝-inch iron pin witness monument; Thence continue N. 00°21′45″ W., 1.00 foot; Thence S. 89°51′50″ E., 20.00 feet to a point located on the North-South centerline of said Sec. 4; Thence S. 00°21′45″ E., 75.00 feet; Thence West 521.3 feet; Thence N. 00°21′45″ W., 75.0 feet, more or less, to a point on the South line of Cornerstone Lane (a dedicated way) as shown on Minor Land Partition filed August 8, 1988, in volume 8, Page 59, Minor Land Partition Records of Jackson County, Oregon, Thence S. 89°51′50″ E., along said South line, 401.3 feet, more or less, to the true point of beginning.

The area described contains approximately 36.89 acres in Jackson County.

Commencing at ¾-inch pipe monumenting the West quarter corner of Sec. 4 in T. 36 S., R. 2 W., Thence on a radial line towards the center of a 50.00-foot radius cul-de-sac S. 87°21′03″ E., 883.26 feet to a ⅝-inch iron pin located on the arc of said 50.00-foot radius curve; Thence in a Southeasterly, counter-clockwise direction, along said 50.00-foot radius curve to the left (the long chord to which bears N. 85°33′22″ E., 99.24 feet), an arc length of 169.46 feet to a ⅝-inch iron pin; Thence East 277.01 feet to a ⅝-inch iron pin; Thence along the arc of an 80.00-foot radius curve to the right (the long chord to which bears S. 80°54′09″ E., 25.30 feet) an arc length of 25.41 feet to a ⅝-inch iron pin being a point of reverse curve; Thence along the arc of a 120.00-foot radius curve to the left (the long chord to which bears S. 80°50′04″ E., 37.67 feet) an arc length of 37.82 feet to a ⅝-inch iron pin; Thence S. 89°51′50″ E., 35.00 feet to a ⅝-inch iron pin; Thence continue S. 89°51′50″ E., 1,165.88 feet to a ⅝-inch iron pin and the true point of beginning; Thence S. 00°21′45″ E., 65.00 feet to a ⅝-inch iron pin; Thence S. 89°51′50″ E., 100.00 feet to a ⅝-inch iron pin; Thence N. 00°21′45″ W., 64.00 feet to a ⅝-inch iron pin witness monument; Thence continue N. 00°21′45″ W., 1.00 foot; Thence S. 89°51′50″ E., 20.00 feet to a point located on the North-South centerline of said Sec. 4; Thence S. 00°21′45″ E., 75.0 feet; Thence West 521.3 feet; Thence N. 00°21′45″ W., 75.0 feet, more or less, to a point on the South line of Cornerstone Lane (a dedicated way) as shown on Minor Land Partition filed August 8, 1988, in Volume 8, Page 59, of Minor Land Partition Records of Jackson County, Oregon; Thence S. 89°51′50″ E., along said South line, 401.3 feet, more or less, to the true point of beginning.

The area described contains approximately 0.76 acre in Jackson County. The areas described aggregate approximately 258.42 acres in Jackson County.

The purpose of the proposed withdrawal is to protect the special botanical area and developed recreational site.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director at the address indicated above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the State Director at the address indicated above within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. No temporary land uses would be permitted by the authorized officer during the period of temporary segregation because any of these uses would interfere with the management of the parcels for the purposes for which they are being acquired.

Dated: April 21, 1993.

Champ C. Vaughan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 93–10180 Filed 4–29–93; 8:45 am]

BILLING CODE 4310–33–M

Bureau of Mines

Meeting of the Committee on Mining and Mineral Resources Research

The Advisory Committee on Mining and Mineral Resources Research will meet from 8 a.m. to 5 p.m. (or completion of business) on Thursday, June 10, 1993, in the Randolph Room, Faculty House, Columbia University, New York City, New York. The proposed agenda is:

1. Welcome and introductions.
2. Approval of the minutes of the meeting of July 16, 1992.
3. Review of congressional actions affecting the Mineral Institute Program.
4. Review of funding applications and approval of grant awards.
5. Administrative plan for the next grant award cycle.
6. Presentation of the organization, administration, and activities of the Mine Land Reclamation Center.
7. Review of the activities of the State of New York Mining and Mineral Resources Research Institute.
8. Review of audit results on grants issued to the Universities of Mississippi and Hawaii.
9. Consideration of the application of the University of Hawaii to be designated a Mineral Institute.
10. Discussion of the next Update to the National Plan.
11. New Business.

This meeting is open to the public. Written statements concerning agenda subjects are welcome and should be sent to the Office of Mineral Institutes, Bureau of Mines, Mail Stop 1020, 810 Seventh Street, NW., Washington, DC 20241, telephone 202–501–9295, Internet mininsts@gwuvm.gwu.edu, no later than 4 p.m., Tuesday, June 8, 1993.

Dated: April 26, 1993.

Herman Enzer,

Acting Director.

[FR Doc. 93–10137 Filed 4–29–93; 8:45 am]

BILLING CODE 4310–53–M

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Availability of a Draft Recovery Plan for the Chisos Mountain Hedgehog Cactus for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the Chisos Mountain hedgehog cactus (*Echinocereus chisoensis* var. *chisoensis*) which the Service listed as a threatened species on September 30, 1988 (53 FR 38543). This plant has a very limited distribution in Brewster County, Texas, and may possibly extend into Mexico. All known plants occur on Federal lands. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before June 29, 1993 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 611 E. Sixth Street, room 407, Austin, Texas 78701; Telephone (512) 482–5436. Written comments and materials regarding the plan should be addressed to the State Administrator at the above address. Comments and materials received will be available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Kathryn Kennedy, Fish and Wildlife Service Botanist; telephone (512) 482–5436, or at the above address.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened plant or animal to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe site-specific management actions considered necessary for conservation and survival of the species, establish objective, measurable criteria for the recovery levels for downlisting or delisting species, and estimate time and cost for implementing recovery measures needed.

The Endangered Species Act of 1973(Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Chisos Mountain hedgehog cactus is a threatened species that grows on alluvia flats in Chihuahuan Desert scrub vegetation. All known populations occur on Federal lands. The Chisos Mountain hedgehog cactus is threatened because of illegal collecting activities. Development and maintenance activities on Federal lands could also have a damaging impact. It is possible that past land management practices and changing climatic conditions have caused habitat degradation and loss of habitat and plants. The small population that remains may have low viability and reduced recruitment.

The objective of a recovery plan is to restore the species to the point that its continued existence is no longer threatened and it can be delisted. Delisting criteria are given in the draft recovery plan. Recovery efforts outlined in the recovery plan include site protection, habitat management, public education and information. Other recovery efforts set forth in the plan include establishing a conservation seed bank and cultivated population, conducting research on the biological and ecological requirements of the species, searching for additional populations, examining the feasibility of reintroduction to habitats within the species historic range, and providing protection from harm as provided by the Endangered Species Act.

The Chisos Mountain hedgehog cactus recovery plan has undergone technical review. The plan will be finalized and approved following incorporation of comments and materials received during this comment period.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The Authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: April 26, 1993.

John G. Rogers,

Regional Director.

[FR Doc. 93–10151 Filed 4–29–93; 8:45 am]

BILLING CODE 4310–55–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-646-649 (Preliminary)]

Steel Wire Rod From Brazil, Canada, Japan, and Trinidad and Tobago

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of preliminary antidumping investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigations Nos. 731-TA-646-649 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil, Canada, Japan, and Trinidad and Tobago of certain steel wire rod,[1] provided for in subheadings 7213.31.30, 7213.31.60, 7213.39.00, 7213.41.30, 7213.41.60, 7213.49.00, 7213.50.00, 7227.20.00, and 7227.90.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. The Commission must complete preliminary antidumping investigations in 45 days, or in this case by June 7, 1993.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: April 23, 1993.

FOR FURTHER INFORMATION CONTACT: Brad Hudgens (202-205-3189), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to a petition filed on April 23, 1993, by Connecticut Steel Corp., Wallingford, CT; North Star Steel Texas, Inc., Beaumont, TX; Keystone Steel & Wire Corp., Peoria, IL; Raritan River Steel Company, Perth Amboy, NJ (except for the investigation concerning Brazil); and Georgetown Steel Corp., Georgetown, SC.

Participation in the Investigations and Public Service List

Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven (7) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these preliminary investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made not later than seven (7) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on May 14, 1993, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Brad Hudgens (202-205-3189) not later than May 11, 1993, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before May 19, 1993, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three (3) days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.12 of the Commission's rules.

Issued: April 26, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93-10155 Filed 4-29-93; 8:45 am]

BILLING CODE 7020-02-P

[1] For purposes of these investigations, steel wire rod is defined as hot-rolled, semifinished steel mill products produced on a rod mill from carbon steel or certain alloy steel, of solid circular cross section, between 3.8 mm (0.20 inch) and 19.0 mm (0.75 inch) in diameter, in irregularly wound coils, and intended for the production of wire and wire products. Steel wire rod of free-machining steel is excluded; i.e., any steel product which contains by weight any of the following elements is not subject to these investigations:

—0.03 percent or more of lead,
—0.05 percent or more of bismuth,
—0.08 percent or more of sulfur,
—more than 0.4 percent of phosphorus,
—more than 0.05 percent of selenium, and/or
—more than 0.01 percent of tellurium.

INTERSTATE COMMERCE COMMISSION

Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

A. 1. Parent corporation and address of principal office: Flynn Ready-Mix Concrete Co., East 12th Street Extension, Dubuque, IA 52001.

2. Wholly owned subsidiaries which will participate in the operations and State(s) of incorporation:

(i) Aggregate Materials Co.—Iowa Corporation
(ii) Century Concrete Co.—Iowa Corporation
(iii) Green Valley Ready-Mix, Inc.—Wisconsin Corporation

B. 1. Parent Corporation: Herman Miller, Inc., 855 East Main Avenue, P.O. Box 302, Zeeland, MI 49464–0302.

2. Wholly-owned subsidiaries:
Miltech/IMT, Incorporated in Michigan
Meridian, Inc., Incorporated in Michigan
Milcare, Inc., Incorporated in Michigan
Phoenix Designs, Inc., Incorporated in Michigan
Powder Coat Technologies, Incorporated in Michigan

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 93–10188 Filed 4–29–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 Sub-No. 342X]

Burlington Northern Railroad Company—Abandonment; Exemption—In Snohomish County, WA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment by Burlington Northern Railroad Company of its 26.66-mile line of railroad between milepost 8.19, at Arlington, and milepost 34.86, at Darrington, in Snohomish County, WA, subject to environmental, public use, interim trail use/rail banking, and standard employee protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 30, 1993. Formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2)[1] must be filed by May 10, 1993. Petitions to stay must be filed by May 17, 1993. Petitions to reopen must be filed by May 25, 1993. Requests for public use conditions must be filed by May 20, 1993.

ADDRESSES: Send pleadings, referring to Docket No. AB–6 (Sub-No. 342X) to:

(1) Office of the Secretary, Case Control Branch Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representative: Sarah J. Whitley, 3800 Continental Plaza, 777 Main Street, Ft. Worth, TX 76102.

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: April 22, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 93–10190 Filed 4–29–93; 8:45 am]

BILLING CODE 7035–01–P

[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[Docket No. AB–6 Sub-No. 345X]

Burlington Northern Railroad Company—Abandonment; Exemption—In Pacific and Lewis Counties, WA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 10903–04 the abandonment by Burlington Northern Railroad Company of a 56.35-mile rail line between milepost 0.00, at Chehalis, and milepost 56.35, at South Bend, in Pacific and Lewis Counties, WA, subject to environmental, interim trail use/rail banking, and standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on May 30, 1993. Formal expressions of intent to file an offer of financial assistance[1] under 49 CFR 1152.27(c)(2) must be filed by May 10, 1993, petitions to stay must be filed by May 17, 1993, and petitions for reconsideration must be filed by May 25, 1993. Requests for public use conditions must be filed by May 20, 1993.

ADDRESSES: Send pleadings referring to Docket No. AB–6 (Sub–No. 345X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representative: Sarah J. Whitley, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102

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: April 23, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 93–10191 Filed 4–29–93; 8:45 am]

BILLING CODE 7035–01–P

[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[Finance Docket Nos. 28905 (Sub-No. 22); 29430 (Sub-No. 20)]

CSX Corp., Control, Chessie System, Inc. and Seaboard Coastline Industries, Inc.; Norfolk Southern Corp., Control, Norfolk and Western Railway Co. and Southern Railway Co. (Arbitration Review)

AGENCY: Interstate Commerce Commission.

ACTION: Request for comments; extension of comment due date.

SUMMARY: By decision served March 31, 1993 (58 FR 16848, March 31, 1993), the Commission granted an extension of the reply comment due date to May 3, 1993. By motion filed April 22, 1993, the Brotherhood Railway Carmen Division of the Transportation Communications International Union, AFL–CIO (Carmen) requests an extension to June 2, 1993, for all parties to file reply comments in this proceeding. Carmen seeks this extension due to scheduling conflicts with other cases. Counsel states it has contacted CSX Transportation, Inc., the Norfolk and Western and Norfolk Southern Railway Companies, the Railway Labor Executives' Association, and American Train Dispatchers' Association and no party has objected to the extension request. The request is reasonable and will be granted.

DATES: Replies are due on June 2, 1993.

ADDRESSES: Send pleadings referring to Finance Docket Nos. 28905 (Sub-No. 22) and 29430 (Sub-No. 20) to: Office of the Secretary, Case Control Branch,

Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660 (TDD for the hearing impaired: (202) 927–5721).

Decided: April 26, 1993.

By the Commission, Sidney L. Strickland, Jr., Secretary.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–10189 Filed 4–29–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32279]

Norfolk and Western Railway Co.—Petition for Declaratory Order—Lease of Line in Cook and Will Counties, IL to Commuter Rail Division of the Regional Transportation Authority of Northeast Illinois; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction to notice of institution of proceeding and request for comments.

SUMMARY: On April 21, 1993, at 58 FR 21475, the Commission published a notice of institution of proceeding and request for comments. The purpose of this notice is to insert nine words that were inadvertently omitted from that notice.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927–5610 (TDD for hearing impaired: (202) 927–5721).

SUPPLEMENTARY INFORMATION: In paragraph 2 of "**SUPPLEMENTARY INFORMATION,**" the first two sentences should read: NW states that, since 1979, it has been providing commuter rail service on the Joint Line for METRA under a Purchase of Service Agreement. Over the years, the suburbs southwest of Chicago, where the Joint Line runs, have grown and commuter service has expanded.

Decided: April 27, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–10187 Filed 4–29–93; 8:45 am]

BILLING CODE 7035–01–M

Motor Passenger Carrier or Water Carrier Finance Applications Under 49 U.S.C. 11343–11344

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties of, or acquire control of motor passenger carriers or water carriers under 49 U.S.C. 11343–11344. The applications are governed by 49 CFR part 1182, as revised in Pur., Merger & Cont.—Motor Passenger & Water Carriers, 5 I.C.C.2d 786 (1989). The findings for these applications are set forth at 49 CFR 1182.18. Persons wishing to oppose an application must follow the rules under 49 CFR part 1182, subpart B. If no one timely opposes the application, this publication automatically will become the final action of the Commission.

MC–F–20317, filed March 29, 1993. John G. Van Der Aa, Terry L. Van Der Aa, and Vancom, Inc.,—Continuance in Control—Vancom-Michigan, Inc., Vancom-Ohio, Inc., Vancom Transportation-Missouri, Inc., ATC/Vancom of Illinois, Inc., d/b/a Huskie Lines, and ATC/Vancom, Inc. Applicants' representative: Arnold L. Burke, 180 N. LaSalle Street, suite 2025, Chicago, IL 60601. Applicants John G. Van Der Aa and Terry L. Van Der Aa, both non-carrier individuals, and Vancom, Inc. (Vancom), a common carrier authorized to transport passengers under MC–163845, seek approval to continue to control Vancom-Michigan, Inc. (MC–256505); Vancom-Ohio, Inc. (MC–257630); Vancom Transportation-Missouri, Inc. (MC–259771); ATC/Vancom of Illinois, Inc., d/b/a Huskie Lines (MC–258853); and ATC/Vancom, Inc. (MC–260911) who have pending initial applications to transport passengers in charter and special operations between points in the United States (except Alaska and Hawaii). The business address of all of the above is One River Place, South Holland, IL 60473.

Messrs Van Der Aa and Vancom also control Indiana Bus Service, Inc., (MC–141600); American Transit Corp., d/b/a Huskie Line (MC–168387); American Transit Corp., d/b/a Valley Coach (MC–205760); Vancom-Illinois, Inc., (MC–167816); Royal American Charter Lines, Inc., (MC–165919); and Vancom-Connecticut, Inc., (MC–219430). These various control relationships previously were exempted by the Commission in Docket Nos. MC–F–14359 and 20086.

Decided: April 27, 1993.

By the Commission, the Motor Carrier Board.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–10353 Filed 4–28–93; 1:06 pm]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Bell Communications Research, Inc.

Notice is hereby given that, on March 8, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Bell Communications Research, Inc. ("Bellcore") filed a written notification on behalf of Bellcore and American Telephone and Telegraph Company ("AT&T") simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the 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 are Bellcore, Livingston, NJ; and AT&T, Basking Ridge, NJ. Bellcore and AT&T entered into an agreement effective as of December 3, 1992 to engage in cooperative research directed to exploring technologies for interface issues involving video dialtone services, to better understand the application of such technologies for exchange and exchange access services, including prototype fabrication for experimental demonstration of such technologies.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–10179 Filed 4–29–93; 8:45 am]

BILLING CODE 4410–01–M

Foreign Claims Settlement Commission

Claims Against Iran

AGENCY: Foreign Claims Settlement Commission of the United States, Department of Justice.

ACTION: Notice.

SUMMARY: The persons listed in the information section of this notice have claims pending against the Islamic Republic of Iran which are before the Foreign Claims Settlement Commission (FCSC) for adjudication. The claims are among a total of approximately 3,100 claims of under $250,000 which were settled under an agreement between the United States and Iran which took effect on June 22, 1990. However, these claimants have failed to inform the FCSC of their current addresses, and despite its efforts, the FCSC has been unable to locate or contact these

claimants. The purpose of this notice is to publicize the names, claim numbers, and last known addresses of these claimants, and to inform them that unless they furnish their current addresses to the FCSC by September 1, 1993 their claims will be dismissed from further consideration.

DATES: The deadline for providing an updated address is September 1, 1993.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission of the United States, 601 D Street, NW., room 10430, Washington, DC 20579, (202) 208–7730 or FAX (202) 208–2816.

SUPPLEMENTARY INFORMATION: The Foreign Claims Settlement Commission of the United States (FCSC) hereby gives notice that it has been unable to locate the following named claimants, whose last known addresses and claim numbers also appear below, who have claims pending before the FCSC for property and financial losses alleged to have been caused by the Government of Iran. These claims are among the approximately 3,100 claims of under $250,000 each which were settled en bloc under an agreement between the United States and the Government of Iran which took effect on June 22, 1990. *Settlement Agreement in Claims of Less than $250,000, Case No. 86 and Case No. B38*, Award No. 483 (1990). The FCSC has been given authority to adjudicate the claims under Title V of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Pub. L. 99–93, approved August 16, 1985, 99 Stat. 437 (50 U.S.C. 1701 note)).

Further, the FCSC hereby gives notice to each of these claimants that it will dismiss their claims from further consideration, regardless of their potential validity, unless it receives notification of the claimant's current address on or before the deadline of September 1, 1993.

Dated at Washington, DC, on April 26, 1993.

James H. Grossman,
Chairman.

Name and last known address	Bad addresses claim No. IR–
A. Peltz & Sons, 1373 Broad Street, Clifton, NJ 07013	1951
A.R. Wood Manufacturing Co., P.O. Box 218, Luverne, MN 56156	1156
Abex Corporation, J. Borton, 530 Fifth Avenue, New York, NY 10036	0608
Abram, Clarke H., 820 E. Cady, #202A, Everett, WA 98203	0929
Alderson Laboratories International, E.J. Semerjian, P.O. Box 1271, Stamford, CT 06904	2348
Allen, Ulysses, 25116 Sleepyhollow Terrace, El Toro, CA 92630	1510
Allen, George, 309 B Harper, Palmetto, GA 30268	2390
American Union Transport Limited, One Harding Road, Red Bank, NJ 07701	0821
AMF, Incorporated, J. Clyde, P.O. Box 4455, Stamford, CT 06907	2632
Anderson, Shelia L., c/o Aramco, P.O. 30, Vdhaillyah, Dhahran, Saudi Arabia	0968
Anderson, Juanita M., 429 Green Tree Circle, Columbia, SC 29203	3012
Andriella, Elizabeth, 2613 W. 24th Terrace, Lawrence, KS 66044	0548
Andriella, Steven, 2613 W. 24th Terrace, Lawrence, KS 66044	0548
Anglo American Aviation Co., 10929 Vanowen Street, North Hollywood, CA 91605	1474
Arthur Tickle Engineering Works, Inc., P. Averill, 26 Delevan Street, Brooklyn, NY 11231	0368
Autodynmics, Inc., R. Kinkade, 1115 Green Grove Road, Neptune, NJ 07753	1373
Avey, William M., 1386 South Hale Avenue, Escondido, CA 92025	3021
Aviquipo, Inc., 165 Chubb Avenue, Lyndhurst, NJ 07021	1885
Bacon, Thomas E., 401 Simmons, #18, Euless, TX 76040	3174
Bagdadipour, Iraj, P.O. Box 2177, Canoga Park, CA 91306	1734
Baker, Herbert D., 12241 Arrowhead, Stanton, CA 90680	0894
Balta, Deniz J., c/o MDS, APO, New York 09616	2966
Balta, Randi L., c/o MDS, APO, New York 09616	2966
Barfield, Harold O., USAF RAO 3rd CSG/CDR, APO, SF 96274	2947
Barnett, Dondan D., HBH Company, Box R, NFS–R & D–Jubail, APO, New York 09616	2810
Bates, Larry, 3929 Overland, Suite 856, Boise, ID 83705	2019
Beers, Ardis, 2724 Las Posas, Camarillo, CA 93010	1446
Beers, Raymond James, 2517 Yucca Drive, Camarillo, CA 93010	1447
Beiser, Michael W., P.O. Box 30044, Suite 217, Reno, NV 89550	2359
Benson, Robert V., 24500 Russel Road, #37, Kent, WA 98031	2008
Berry, Kellie A.W., 12509 Central Road, Apple Valley, CA 92307	2935
Berry, Jr., Richard A., 12509 Central Road, Apple Valley, CA 92307	2934
Bethea, Leroy H., 1222 Park Western Drive, #1, San Pedro, CA 90732	3062
Bex, Joseph W., 360 College Avenue, #9, Palo Alto, CA 94301	1267
Black, Robert Howard, 48–288 Disney Drive, Indio, CA 92201	1778
Blake, Shanroy L., 8149 Delridge Way, S.W., Seattle, WA 98106	1148
Bonner, Weldon R., Dallah-Avco (Logistics), P.O. Box 430, Jeddah, Saudi Arabia	2831
Booth, Floyd Richard, 245 N.W. 7th Avenue, Homestead, FL 33030	2873
Boudreaux, Robert J., 1960 Loma Nista, Riverside, CA 92507	2880
Bradley, Raymon, 13407 Mike Drive, Tampa, FL 33617	2366
Brennan, John J., 16822 SW 107th Place, Miami, FL 33157	1145
Briggs, Janet, 340 Highland Avenue, #1, Santa Cruz, CA 95060	0823
Brower, Rickey G., 106 August Drive, Lafayette, LA 70506	2293
Brown, Allen, 123 W. 111th Street, New York, NY 10026	2329
Broyles, David Lee, Northrop Corp. Box 239, APO New York, NY 09616	1900
Brunner, George F., 5810 Lake Bluff, San Antonio, TX 78222	2035
Brunner, Showkat S., 5810 Lake Bluff, San Antonio, TX 78222	2035
Burke, Michael F., 532 Hampton, Toledo, OH 43609	2047
Butler, David W., 7037 Dalview Drive, N. Richand Hills, TX 76180	1962

Name and last known address	Bad addresses claim No. IR–
C & T Commodities of America, Inc., 295 Madison Avenue, New York, NY 10017	1780
Campbell, Roberta, 63900 Scenic Drive, Bend, OR 97701–8903	1359
Campbell, Jr., Lannis E., 1301 Granada Avenue, Long Beach, CA 90804	2829
Caplinger, Wesley A., 1047 S. Madison, Pasadena, CA 91106	0680
Carey, Charlie J., Jusmathal, Box 3174, APO San Francisco, 96346	2325
Carpenter, Richard D., 408 St. Dunston Court, Tallahassee, FL 32312	1763
Carr, William E., 657 S. Main Street, Shrewsbury, PA 17361	1419
Carroll, Sue E.G., 757 Ledyard Place, Montgomery, AL 36109	0411
Carroll, Jr., Ralph H., 434 Truman Street, Arlington, TX 76010	2170
Carter, M.A., c/o D. Woosley, P.O. Box 1431, Duncan, OK 73536	1619
Carter, Royce P., 2006 Duncan Perry Road, Grand Prairie, TX 75050	3129
Cartwright, George C., 612 Reveille Road, Fort Worth, TX 76108	1982
Carver, Jeffrey, 5829 Trigg Drive, Ft. Worth, TX 76114	1361
Cary, Don W., 111 Woodlawn, Dollard Des Ormeaux, Quebec, Canada H9A124	1204
Castiglione, Joseph N., 1101B Avalon Drive, El Paso, TX 79925	2819
Castillo, William, c/o A. Castillo, 211 Liberty St., #4, San Fransco, CA 90720	1643
Chambers, John, 6224 Skylark Lane, Watauga, TX 76148	1930
Childs, Robert S., Schwarzer Weg 4, 6100 Darmstadt, West Germany	0061
Childs, Louisa, 2507 S. 286th Street, #308C, Federal Way, WA 98003	2875
Childs, Gary A., 2507 S. 286th Street, #308C, Federal Way, WA 98003	2876
Ciriretti, Rubino A., 440 Carlisle Street, Gettysburg, PA 17325	1652
Clayton, Pikool, P.O. Box H, APO New York, NY 09697	2854
Coen, James L., 10530 56th Avenue, N.E., Marysville, WA 98270	1002
Coleman, Larry G., 11624 Sagamore Drive, Yukon, OK 73099	2017
Coleman, James O., 2460 Sweetwood Drive, Fort Worth, TX 76131	2040
Colina, Tomas Antonio, 5902 S.W. 137th Avenue, Miami, FL 33183	2864
Conley, Nathaniel, 3836 North U.S. 1, Cocoa, FL 32926	2168
Connell, Richard F., 3825 LaJara, Long Beach, CA 90805	3019
Conner, Richard T., 365 A West School Street, Dugway, UT 84022	2064
Connolly, Mark D., P.O. Box 4165, Wilmington, NC 28406	0288
Cook, Ennis E., 351 E. Bradley, Space 52, El Cajon, CA 92021	2989
Coonrod, Gary R., Route 1, Box 50, Hollywood, CA 20636	0920
Cooper, Jason B., Bellevue Pk, Suite 101, 812 100th Ave., Bellevue, WA 98004	1302
Cooper, Thomas W., 1666 W. Iowa, Costa Mesa, CA 92626	2337
Cooper Vision, Inc., 1902 McGaw Avenue, Irvine, CA 92714	2594
Corey, Jon M., Battelle-Pacific NW Laboratories, Richland, WA 99352	2217
Cornett, Robert E., 114 23rd Street, #C, San Pedro, CA 90731	2917
Coyne, Timothy M., P.O. Box 9672, Ft. Wayne, IN 46899	3136
Cragard Industrial Corp., 321 W. 130th Street, Los Angeles, CA 90061	2541
Crass, Robert L., PSC Box 253, APO, NY 09254	0631
Crawford, Craig, P.O. Box 106, Maury, NC 28554	1798
Cristadoro, Kim A., 12607 116th Place, N.E., Kirland, WA 98034	0733
Crump, Preston, 915 27th Street, Kenner, LA 70063	2178
Cryomedics Int'l. Sales Co., Inc., 500 Bostwick Avenue, Bridgeport, CT 06605	1144
Daftarian, Arezu, 606 Willowgreen Drive, Houston, TX 77024	0601
Daniels, Kenneth R., P.O. Box R, APO New York, 09697	1770
Darque, Herbert A., 79 Monarch Avenue, West Babylon, NY 11704	2242
Daugherty, Olen D., 3825 La Jara Street, Long Beach, CA 90805	2859
Davis, Laurene D., 4024 Kenwood Drive, Spring Valley, CA 92077	2059
DeJban, Saeed, American Embassy, Box M, APO New York, 09794	2210
Dekle, Thomas A., P.O. Box 1073, Destin, FL 32541	1349
DeLoach, Arthur F., 272 Midwick Avenue, Milpitas, CA 95035	2327
Delta International, Inc., P.O. Box 36255, 7400 Harwin Drive, Houston, TX 77036	1139
Denny, Paul R., 38744 9th Street, E., Palmdale, CA 93550	3088
Dickerson, Anthony C., P.O. Box 223, Lawai, HI	2520
Dickerson, Jerry L., 2924 South 256, Kent, WA 98031	1003
Dolstein, David L., 608 Murray Road, Lee's Summit, MO 64063	2156
Dominguez, Romeo E., 70 Harlan Avenue, #107, San Leandro, CA 94577	2539
Downs, Leo T., 10844 Tonibar Street, Norwalk, CA 90650	0655
Duck, John W., c/o D. Woosley, P.O. Box 1431, Duncan, OK 73536	1690
Dunbar, Robert J., Echo Bay resort, Overton, NV 89040	1726
Earle, Delbert L., 401 Lake Avenue West, Kirkland, WA 98033	0800
Eckels, Shirley, 309 Greenwich Avenue, #307–C, Warwick, RI 02886	1174
Edwards, Robert J., 13425 Southwest Berthold, Beaverton, OR 97005	2089
Emergy Management Corp., 5800 Musgrove Street, Philadelphia, PA 19144	0481
Erenberg, William B. 83 NW., 11th Street, #1, Homestead, FL	2828
Erickson, Glen A., 11672 Floyd Childs Court, El Paso, TX 79936	2155
Eriksen, Donald, 166 Hendrickson Avenue, North Merrick, NY 11566	2025
Ertec Western, 3777 Long Beach Blvd., Long Beach, CA 90807	1501
Evans, Raymond Earl, Route 1, Box 123B, Schell City, MO 64783	2666
Exploration Logging, Inc., D.A. Long, P.O. Box 214676, Sacramento, CA 95821	2413

Name and last known address	Bad addresses claim No. IR-
Faberge Incorporated, S. Frederick, 1345 Avenue of the Americas, New York, NY 10019	1280
Farahani, Perry, c/o G. Driscoll, P.O. Box 1406, Campbell, CA 95009	1592
Faust, Lamar R., 1327 East Rosewood Street, Coltan, CA 92324	2879
Fernandez, Jr., Fernando, c/o McDonnell Douglass Service, APO, New York 09017	3046
Flight Products International, Inc., C. Butcher, 13259 Sherman Way, North Hollywood, CA 91605	0048
Flow-Quip, Inc., 5902 Sovereign Drive, Houston, TX 77036	2881
Forte, Samuel George, 5919 McDuff Drive, Dayton, OH 45426	3102
Fox, Joseph A., 2441 W. 205H Street, #105, Torrance, CA 90501–1463	0432
Francis, Raleigh S., P.O. Box 754, Newark, TX 76071	3176
Frary, Darrell V., 2293 Olive Avenue, Fremont, CA 94539	1846
Frazier, Gary R., P.O. Box 504 Andrews, NC 28901	2018
French, James L., 24 Colonial Drive, Prospect, Ct 06712	2427
Friberg, Christy J., c/o J.A. Friberg, 16 Gladstone Street, Squantum, MA 02109	1312
Friske, Elmer W., 225 Bush Street, San Francisco, CA 94104	0740
Fuehrer, John H., 3027 204th Street, SW., Lynwood, WA 98036	0786
Galitski, Frank, 4005 Montague Drive, Amarillo, TX 79109	2250
Gallaher, Carl F., 2442 Myrtle Avenue, Las Vegas, NV 89102	0444
Gardner, Robert A., 10840 E. Apache Trail, #50, Apache Junction, AZ 85217	0726
Gibbons, Rose Marie, 2850 Ranch House Road, West Palm Beach, FL 33406	2176
Gibbons, Willard R., 2850 Ranch House Road, West Palm Beach, FL 33406	2175
Gilchrist, John D., 9335 Schuoye Drive, Tipp City, OH 45371	3096
Girard, William G., 220 Holmes Blvd., Gretna, LA 70053	1963
Glass, Philip H., Route 2, Box 382, Bay Saint Louis, MS 39520	2171
Glenn, Austin W., 12416 211th Avenue East, Sumner, WA 98390	1956
Goodwin, Marianne, 28739 Timberlane Drive, Agoura, CA 91301	1107
Goold, John F., P.O. Box 976, Renton, WA 98055	0278
Gordon, Wilton, 7306 Calumet, Amarillo, TX 79121	2113
Grabski, John Roy, P.O. Box 59, Taif, Saudi Arabia	3037
Graham, Herman B., 606 Crane Drive, Euless, TX 76039	3178
Grey, Edward J., 3516 Range Line, #18, The Arches, Joplin, MO 64801	2949
Guy, Douglas B., P.O. Box 945, Doylestown, PA 18901	0223
Haddock, Jessie R., 313 East Madison Avenue, Cape Canaveral, FL 32920	1168
Hamilton, Ernest, 340 Highland Avenue, #1, Santa Cruz, CA 95060	0823
Hammerle, Curtis E., 1306 San Saba North, Grand Prairie, TX 75051	1456
Hanks, E.H., Transcona, Raemoir Road, Banchory, Scotland AB3 3ER	1367
Hardy, Humphrey, 3624 Winner Drive, Las Vegas, NV 89120	2841
Harig, Richard E., P.O. Box 976, Renton, WA 98055	0682
Harris, Peter, 716 Tinkerbell Road, Chapel Hill, NC 27514	1255
Harris, Robert A., 214 Morgan Lane, Enterprise, AL 36330	2057
Hauch, Steven J., 516 E. Brasted Place, Waukesha, WI 53186	2993
Hayes, Herman G., PSC Box 9118, APO New York, 09012	1167
Heisig, Doris A., P.O. Box 1949, Main Post Office, Al Khobar, Saudi Arabia	2511
Heisig, Meyer N., P.O. Box 1949, Main Post Office, Al Khobar, Saudi Arabia	2511
Henry, Gregory, 780 Elm Street, San Jose, CA 95126	1901
Highley, Susan C., 211 Bloomingfield Drive, Brandon, FL 33511	1254
Hightower, Larry, 7055 Almond Avenue, Orangevale, CA 95662	0345
Hlywa, Nicholas George, 1656 Biarritz Drive, Miami Beach, FL 33111	0363
Hodge, Phillip E., Laiag Saudi Admin., APO New York, NY 09038	2449
Hoffmann, Norman E.	2230
Hoover, Richard J., 3161 Ala Ilima, #606, Honolulu, HI 96818	1567
Howard, Kelly, 5218 Prairie Creek Drive, Flower Mount, TX 75028	1931
Hughes, Stephen R., 697 Mary Street, Redding, CA 96001	2813
Huntington, III, Arthur L., 3941 Gannett, #2, Casper, WY 82609	3069
Hurley, Mourness, 18631 Warren Avenue, Tustin, CA 92680	2882
Iglesias, Pedro L.G., 3126 Salta Street, Santa Ana, CA 92704	3148
Int'l Customs Service, Inc., 175–11 148th Avenue, Jamaica, NY 11434	0469
Interroyal Hospital Supply Corp., S. Sica, Esq., Interroyal Corp., One Park Avenue, New York, NY 10016	2627
Isaacks, Carl R., Route 7, Box 300, McKinney, TX 75069	1914
Ivy, John F., 3726 Harris, Corpus Christi, TX 78411	3112
Jackson, Frederick H., 386 Cecilia Way, Tiburon, CA 94920	2922
Janeczko, Lorraine L., 66 South Main Street, Middleport, NY 14105	3194
Javan, S. Nooshin, 1605 Treboy Avenue, Richmond, VA 23226	3137
Jay, Richard B., KANB–NFS, HBH Jabail, APO New York, New York 09616	2681
Jennings, Ross Dickenson, Aramco, Box 267, Abqaiq Dhahran, Saudi Arabia	1750
Jennings, Linda, ARAMCO, Abqaig, Dhahran, Saudi Arabia	1751
Johnson, Patrick C., 639 Rollins, #1, Burlingame, CA 94010	2421
Johnson, Michael E., c/o PT/RMI–DURI, 541 Orchard Rd., #1602 Liat Towers, Singapore 0923	2786
Jones, Kenneth Robert, P.O. Box R–1558, APO New York, 09616	1777
Just, Richard, 399 West 1500 South, Provo, UT 84601	3020
Kardos, Joseph M., 40 Old Boston Post Road, Old Saybrook, CT 06475	0715
Kardos, Jeanne F., 40 Old Boston Post Road, Old Saybrook, CT 06475	0715

Name and last known address	Bad addresses claim No. IR–
Keijser, Hans, 4858 North Rio Hondo Avenue, Temple City, CA 91780	1663
Keller, Murray, 2950 S. Decatur, #F–4, Las Vegas, NV 89102	0699
Kelton, Charles R., HBH Company Box R, NFS Supply, APO New York, 09616	2722
Kennco Supply, Inc., J. M. Wyar, 2431 East 167th Street, Hammond, IN 46323	1262
Kennedy, Wanda Judy, 7121 Lancashire Drive, N. Richland Hills, TX 76180	2805
Kennedy, Thomas M., 110 Pine Lake Drive, Milton, FL	2848
Kiester Int'l. Petroleum Operations, 10575 Katy Freeway, Ste. 202, Houston, TX 77024	2275
Kilcrease, James W., 2460 74th Avenue, S.E., #8, Mercier Island, WA 98040	1335
King, Willis, Box 206, Northrop, APO New York, NY 09697	2892
King-Wilkinson, Inc., 5718 Westheimer, Suite 2000, Houston, TX 77057	2408
Kirk, Wiggo, F.C., USAF/RAO 3rd CSG/CDR, APO, SF 96274	2946
Kirschner, Andrew M., P.O. Box 14227, San Luis Obispo, CA 93406–4227	3128
Knight, Edward Cruz, 126 C Moss Avenue, Oakland, CA 94611	1188
Knight, Jr., Columbus, 1400 W. Adams Street, Enterprise, AL 36330	0690
Knox, William R., Route 8, Air Acres Way, Woodstock, GA 30188	1908
Knox, Robert Walton, Saudi Arabian Airlines, P.O. Box 167, Jeddah, Saudi Arabia	1893
Kratz, Preston G., HBH Company, Material Dept., APO, New York 09697	2357
Kuchinski, Lynn M., Schwarzer Weg 4, 6100 Darmstadt, West Germany,	0075
Kuehne & Nagel, Inc., N. Yuret, 2420 East Oakton Street, Arlington Heights, IL 60005	3067
Kunkel, Barney, 739 S. Armour, Wichita, KS 67207	1971
Labels Unlimited, Inc., C. MacDonald, 4111 Lindberg Drive, Addison, TX 75244	1401
Latavitz, Edward, 1127 Pittsfield Lane, Venture, CA 93001	2302
Leblanc, Allen, 612 East Elaine Street, Abbeville, LA 70510–3527	2283
Leesona Corporation, H. Nelson, Credit Analyst, Warwick, RI 02887	1182
Lemco Engineers, Inc., D. Young, 777 Craig Road, St. Louis, MO 63141	0533
Lesnak, William John, P.O. Box 1949, Al Khobar, Saudi Arabia,	2231
Liberty, James D., 11625 West Parkway, Detroit, MI 48239	2996
Lingefelt, Barbara J., 555 Giruado Drive, San Jose, CA 95111	3003
Liston, John D., P.O. Box 15281, Boise, ID 83715	2107
Lowery, Lonnie, HBH Co. Box R, SSSRC, APO New York, NY 09616	0256
Lukens, Lois, 1344 Pagewood Avenue, Odessa, TX 79761	0743
Luning, Alfred, 5429 Parker Henderson, Ft. Worth, TX 76119	2891
Lupton, George E., 1003 Westminister Lane, Mansfield, TX 76063	2029
Mancill, Marvin S., 313 Stratford Drive, Hurst, TX 76054	2393
Manners, Robert L., 108 Willow Place North, Broomfield, CO 80020	3050
Manners, Livia, 108 Willow Place North, Broomfield, CO 80020	2999
Marcott, Jacqueline Rae, 5039 N. 57th Avenue, #238, Glendale, AZ 85301	0749
Marine Tabacco Co., 48–43 32nd Place, Long Island City, NY 11101	0629
Marr, Kenneth R., Bvelenweg 9, 8820 Wadenswil, Switzerland,	0340
Marshall, John T., 10111 Bissonnett, #155, Houston, TX 77036	2262
Martin, August E., Route 6, Box 225F, Palestine, TX 75801	2105
Martin, Anelka, c/o M. Martirossian, Burton Oaks Drive, Grapevine, TX 76051	2665
Matthews, Ronald R., 3815 Winona Avenue, San Diego, CA 92105	3045
Maupin, Fred H., 630 Lisbon, Rio Rancho, NM 87124	1870
Maurer, Alice M., 410 W. Polk, Colorado Spring, CO 80907	2888
McBride, DAvid H., 53 Aldworth Street, Jamaica Plain, MA 02130	3139
McColl, Richard T., 6761 Jasper, Alta Loma, CA 91701	0097
McColl, Kathlyn, 6761 Jasper, Alta Loma, CA 91701	0097
McComb, Larry J., 4871 Castle Lance, San Antonio, TX 78218	2480
McDade, Calvin, 30001 Pheasant Run Road, Box 170, Norman, OK 73069	2467
McDougal, Lowell J., P.O. Box 1374, Oak Ridge, TN 37831	0165
McGahagan, Thomas Aruthur, 340–B Hackett Blvd., Albany, NY	0737
McGahagan, Joanne Aboud, 340–B Hackett Blvd., Albany, NY	0736
McGraw, John M., 3236 Strevel Way, Sacramento, CA 95825	2201
McLaughlin, Kevin L., 18504 Hwy. 9, Snohomish, WA 98290	1926
McNeill, Bruce D., 328 Clarksley Road, Manitou Springs, CO 80829	2751
Meighan, Thomas F., 2007 Curtis Avenue, Redondo Beach, CA 90278	1681
Metcalf, Robert E., 14431 S.E. 194th Street, Renton, WA 98055	2587
Miller, Richard, 1113 South 2nd Street, Hamilton, MT 59840	2890
Mininsohn, Irven, HHB 3/71 ADA, APO New York, 09154	1119
Mitchell, Chester F., 6156 Elva Place, Woodland Hills, CA 91367–1232	1672
Montgomery, George K., 5578 S. Mosley Court, Wichita, KS 67216	2727
Montoya, Florentino F., P.O. Box 1958, APO, NY 09860	2331
Moore, Jr., Eugene F., 16215 Spinnaker, Crosby, TX 77532	1702
Moreland, James H., 5512 Midway Road, Ft. Worth, TX 76117	3179
Morgan, Michael B., 4011 Bayou Grove Drive, Seabrook, TX 77586	2972
Moulton, William Francis, c/o McDonnell Douglas Avenue, Box R–24, APO, New York 09616	3041
Mulford, Gerard M., 839 Teresi Court, San Jose, CA 95117	0946
Mullens, Joe R., Box R, Northrop 874, APO New York, 09858	2505
Mullet, Nicholas J., Hosking Exploration Helicopters, PO 351, Bountiful, UT 84010	251-
Mulvany, Michael W., 433 Arlington Drive, Lake Charles, LA 70605	2026

Name and last known address	Bad addresses claim No. IR–
Myers, Charles E., 730 Martin Street, Roseville, CA 95678	1793
Myers, Debora Pandis, 5309 Oregon Trail, Amarillo, TX 79109	2843
Nationwide Industrial Co., 238–19 Braddock Avenue, Belle Roe, BT6 11426	1023
Nelson, Robert K., 1229 Falster Road, Alexander, VA 22308	0834
Neptune Microfloc, Inc., P.O. Box 612, Corvallis, OR 97330	0348
Newstead, James R., 7708 Briarridge Court, Ft. Worth, TX 76180	0293
Norman, Kenneth E., Mobile Oil Indonesia, P.O. Box 25, Republic Singapore, 9122	1679
Nourani, Zeba, c/o Shammas, 1620 S. Ocean Blvd., #33J, Pompano Beach, FL 33062	2228
NRM Corporation, 180 South Avenue, Tallmadge, OH 44278	0859
Nury, F.S., 5891 East Clubview Drive, Fresno, CA 93727	2849
O'Brien, Patrick J., 3939 Kenwood Drive, Spring Valley, NJ 92077	2339
O'Neill, Matthew Leo, 1016 Adams Avenue, #3D, Salisbury, MD 21801	2874
Ogles, Jerry L., 107 Weeks Drive, Enterprise, AL 36330	2051
Olivas, Hien Thi, 3032 South Tower Road, Tucson, AZ 85713	2814
Olsen, Barry E., 7003 E. Amarillo Blvd., Lot 45, Amarillo, TX 79107	2190
Oriole, Thomas J., 10777 Rose Avenue, #22, West Los Angeles, CA 90034	2928
Ormsbee, Harold J., 7302 Diamond Ridge, Corpus Christi, TX 78413	2108
Pangilinan-White, Nilda G., 1671 Ontario Drive, #2, Sunnyvale, CA 94087	2836
Parra, Jr., George E., 2400 James Avenue, Yuma, AZ 85365	2212
Parrish, Walter M., 3724 Wayland, Fort Worth, TX 76133	1952
Patterson, Robert M., Route No. 2, Wilburn Drive, Powder Springs, GA 30073	1993
Pavlock, August T., 113 Nashua Road, Windham NH 03087	2148
Penrod, Loretta A., 101 W. Washington Street, Montpelier, OH 43543	2866
Penrod, Denver L., 121 East Baubice, Pioneer, OH 43554	2868
Pinner, Carol V., 715 Northwest 96 Terrace, Gainesville, FL 32601	2095
Piper, Patti L., 150 S. Washington, #302, Denver, CO 80209	0695
Plattel, Jr., Walter R., 2940 Millspark Drive, Ranch Cordova, CA 95670	2808
Plt Engineering, Inc., P.O. Box 22029, Houston, TX 77027	2512
Pope, Donald McLain, 28739 Timberlane Drive, Agoura, CA 91301	1106
Poplin, Jerry V., c/o Louise Poplin, 3729 Glenmont Drive, Bedford, TX 76021	1922
Powell, Robert L., 89 Shafer Drive, #5, Fairbanks, FL 99701	2525
Priest, Alan I., 5400 Orange Avenue, Suite 110, Cypress, CA 90630	1206
Provost, Thomas, 8545 Langdon Avenue, Sepulveda, CA 91343	1160
Pugh, Walter Jr., 2815 W. Atlanta Place, Broken Arrow, OK 74012–0927	1973
Rahbar, Randy L., 1510 H Street, N.W., Washington, DC 20005	2378
Rahimiau, Bonnie, 5535 Michele Court, Gilroy, CA 95020	1031
Rainbolt, Wendell O., 2415 Madera Circle, #15, Port Huename, CA 93041	3001
Rakestraw, Leland D., HBH Company, APO New York, NY 09697	2564
Rappatone, Albert J., 1230 28th Street, N.W., Washington, DC 20007	1903
Rauh, Donald M., Pineview, 103 Ashley Rd., Walton-on-Thames, Surrey England	1910
Reed, Harry, 475 Joann Circle, Greenville, MS 38701	0120
Republic Sales Co., S. Rifkin, 2021 S. Wabash, Chicago, IL 60616	3134
Revere Copper & Brass, Inc., F. Hart, 605 Third Avenue, New York, NY 10158	3115
Rezek, Lacy, P.O. Box 129, Dhahran Airport, Saudi Arabia,	2944
Rezek, Donald, P.O. Box 129, Dhahran Airport, Saudi Arabia,	2945
Rhemann, John F., Northrop, Box R351, APO, New York 09017	2959
Riseling, William, 2791 McBride Lane, #124, Santa Rosa, CA 95401	1703
Rivers, Harold H., PSC 583 Box R, APO New York, 09697	2005
Robinson, Jr., Edgar T., 202 Chamberland Court, Arlington, TX 76014	1881
Roemer, David L., Gensplit Finance Corp., P.O. Box 1086, Sheboygan, WI 53081	0149
Roselle, Michael, 4603 Center Avenue, Norco, CA 91760	1502
Rowland, William E., 7005 Crestmont, Oklahoma City, OK 73132	2007
Roy, Gladys M., 1146 S. Turo Avenue, Inglewood, CA 90301	0160
Russell, Donald M., Route 4, Box 433–89, Lexington Park, MD 20653	1374
Russo, Frank L., P.O. Box 21, Pelham, AL 35124	2521
Sandifer, Jerry K., 6909 None Oak Road, Austin, TX 78749	1287
Sanel, Linda, 6611 245th Street, West, Farmington, MN 55024	2680
Sarkisian, ARA, Hughes Aircraft Int'l Service Co., 1160 Bruxelles, Belgium	1249
Sassani, Abul, 7037 Strathmore Street, #4, Chevy Chase, MD 20814	3066
Schlapfer, William, 2 Route De Gourdon, 06620 Bar Sur Loup, France	1830
Schlotzhauer, Dale C., 4217 15th Street, NW., Puyallup, WA 98371	0377
Scruggs, Jere H., Route 3, Box 145, Gulfport, MS 37503	1909
Shabahangi, Mehdi, 99 Lyford Drive, #39, Tiburon, CA 94920	2784
Shammas, Nabil, 1620 S. Ocean Blvd., #3J, Pompano Beach, FL 33062	1693
Shawbell, Lewis R, 810 Jefferson Avenue, Chula Vista, CA 92011	2188
Showrai, Atiyek D., Golestan Farm, 2800 Ontiveros Road, Santa Ynez, CA 93460	3031
Simax Stationery Company, Inc., E. Saunders, 320 E. 45th Street, New York, NY 10017	2735
Simmons, James C., P.O. Box 407, Morrisville, NC 27560	2033
Simmons, Billie C., P.O. Box 407, Morrisville, NC 27560	2033
Sisemore, Robert D., 2242 Galahad Road, San Diego, CA 92123	0829
Skinner, Charles G.M., 1455 Babcock Road, Colorado Springs, CO 80915	1936

Name and last known address	Bad addresses claim No. IR–
Slade, Richard, P.O. Box 25984, Oklahoma City, OK 73125	2907
Smith, Stephen R., 2008 N. 68th Place, Scottsdale, AZ 85257	2167
Smith, Mark R., 6748 East Road, Jacksonville, FL	2352
Smith, Jerry L., 3905 Northeast 33rd, Amarillo, TX 79107	2044
Sokoff, Thomas D., 1928 Eagle Lake Court, Martinez, CA 94553	2484
Sotelo, William H., 1380 Christi Drive, Vista, CA 92083	0250
Speight, Jr., Haywood, 3206 S. Mann Avenue, Tucson, AZ 85730	0201
Sprinkle, James E., 473 Second Avenue, Yuma, AZ 85364	2800
Standridge, Vernon D., 11843 Eucalyptus Avenue, #H, Hawthorne, CA 90250	0378
Stephens, Michele Y., Route 1, Box 182, B2, St. Martinsville, LA 70582	3095
Stephens, Donald G., Route 1, Box 182, #B2, St. Martinsville, LA 70582	3094
Strickland, William G., 29001 Catherwood Court, Agoura Hills, CA 91301	1375
Styles, Ken, 520 Del Monte Avenue, Capitols, CA 95010	1183
Tatton, Michael C., 1815 Deercrossing, Flagstaff, AZ 86001	2459
Taylor, Abraham E., c/o ARAMCO, P.O. Box 767, Abquiq Vie Dhahran, Saudi Arabia	1821
Terrel, Richard S., 234 Euclid Avenue, Long Beach, CA 90803	2251
Thomas, Philip G., Squibb Middle East & Africa, P.O. Box 3334, Athens, Greece	2270
Thomas, Carol Boyce, P.O. Box 1738, Ogden, UT 84402–1738	1058
Thomason, Mark, P.O. Box 1876, Provo, UT 84601	2517
Thomason, Zhana, P.O. Box 1876, Provo, UT 84601	2517
Toon, Jr., Hilary Eston, Robinhood Park, James Canyon, Mayhill, NM 88339	1978
Triangle Trucking Co., 320 North Point Road, Baltimore, MD 21224	0211
Trupe, Allen F., c/o General Delivery, APO, New York 09616	2938
Turcza, Mary Anne, 2908 Ridgewood Drive, Hurst, TX 76053	0696
V.A.F. Electronic Design Company, 21–65D N. Central Road, Ft. Lee, NJ 07024	3181
Vann, James Emmet, Box 59, Augusta International, Taif, Saudi Arabia	1706
Vaughn, David B., 2816 Phipps Avenue, Willow Grove, PA 19090	2546
Vaughn, Sally G., 2816 Phipps Avenue, Willow Grove, PA 19090	2547
Villarreal, Hector L., P.O. Box 167, cc 905, Jeddah, Saudi Arabia	1701
Vogel, Norman D., 3105 B-West 11th, Amarillo, TX 79102	2249
Wagner, Robert H., 10326 West Thomas Road, Tolleson, AZ 85353	2995
Wagoner, Raymond W., 2822 S.W. Thistle, Seattle, WA 98101	1293
Wallace, Jesse Gale, 8018 Terrace Road, Minneapolis, MN 55432	1724
Weber, Adolfo L., 1737 N. Sycamore Avenue, Hollywood, CA 90028	0994
Weber, Frances, Daycroft, Rock Ridge, Greenwich, CT 06830	1414
Webster, Eugene, 11520 S. Prairie Avenue, Hawthorne, CA 90250	2638
Weed, Jr., Willie H., 821 Sussex Place, Vandalia, OH 45377	3103
Weeks, Bruce, 2319 North 45th, Suite 217, Seattle, WA 98103	1483
Welliver, Richard Allen, 825 West 4250 South, Riverdale, UT 84405	1850
West Coast of India & Pakistan, C. Fischer, 19 Rector Street, Room 1203, New York, NY 10006	0781
Whisenhunt, John C., 5232 overridge Drive, Arlington, TX 76017	2303
Wilder, James D., 2300 Edenborn Avenue, Metaire, LA 70001	2060
Williams, Gene, 212 Village Lane, Lafayette, LA 70506	2298
Williams, Wilbur W., 3030 E. Broadway Road, #212, Mesa, AZ 85204	1988
Williams, Gene Charles, 900 Panela Drive, Kinston, NC 28501	2818
Williamson, William Glen, Box R (C–13), APO New York, 09697	2817
Williamson, Charles Robert, 750 Lincoln Road, #75, Yuba City, CA 95991	2861
Williamson, Beatrice P., 750 Lincoln Road, #75, Yuba City, CA 95991	2860
Williamson, Debra L., 3378 South 5th East, #4, Salt Lake City, UT 84106	2855
Wilson, Daniel L., 2004 Hunnington Drive, Conroe, TX 77303	2264
Wire, Howard Russell, P.O. Box 13178, Oakland, CA 94611	3008
Wirta, Harvey C., 430 Bay Street, N.E. St. Petersburg, FL 33701	2100
Woodson, Clyde Jerome, 9035 Cedros Avenue, #6, Panorama City, CA 91402	2827
Woolf, William, c/o Aramco, P.O. Box 9324, Dhahran, Saudi Arabia	2889
Wright, Melvin C., 614 Douglas Avenue, Rockville, MD 20850	2508
Yates, A. Albert, Route 1, Box 570, Sarepta, LA 71071	2160
Young, Laverne M., P.O. Box 8422, Salt Lake City, UT 84108	1876
Young, Louis P., 8309 Woodhurst, Berkley, MO 63134	2030
Young, Edward J., 13926 Via Rimini, San Diego, CA 92129	3013
Zajac, James E., 350 Central Avenue, #114, Alameda, CA 94501	3105
Zalewski, Janice, 309 Chartres Street, New Orleans, LA 70130	2794

James H. Grossman,
Chairman.
[FR Doc. 93–10175 Filed 4–29–93; 8:45 am]
BILLING CODE 4410–01–M

Immigration and Naturalization Service

RIN 1115–AD39

[INS No. 1601–92]

Guidelines on Producing Master Exhibits for Asylum Applications

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice provides information: On how to obtain guidelines on submitting Master Exhibits to the Resource Information Center for use in asylum applications; on what Master Exhibits are currently available; and on how to obtain them from submitting organizations.

FOR FURTHER INFORMATION CONTACT: John D. Evans, Director, or Lorraine Eide, Resource Information Officer; Resource Information Center, Office of International Affairs; Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Attn: ULLICO, T536 Attn: ULLICO, Third Floor; Telephone (202) 633–1040, Telefax (202) 633–1320.

EFFECTIVE DATE: April 30, 1993.

SUPPLEMENTARY INFORMATION: Responding to the suggestion of many nongovernmental and legal assistance agencies, the Immigration and Naturalization Service (INS) Resource Information Center is now soliciting submissions of "Master Exhibits" in support of asylum applications. Master Exhibits are compilations of documents (including articles from international and regional news media, human rights reports, academic articles, and maps) concerning the status of one specific "population at risk" in one particular country, such as Guatemalan Kanjobal Indians, Salvadoran trade unionists, Jews in Georgia, Iranian Baha'is, Chinese pro-democracy activists, etc. Master Exhibits may also address legal issues related to asylum applications, such as the issue of statelessness and Palestinians, or the legal concept of firm resettlement. Master Exhibits are used as one means by which credible information on a given group deemed "at risk" is presented to Asylum and Immigration Officers to support individual applications for asylum.

Organizations Interested in Submitting Master Exhibits

Any private voluntary organization, law firm, or other group or individual willing and able to meet obligations outlined in Master Exhibit guidelines is eligible to submit Master Exhibits. Obligations include preparing information in stipulated format, and either providing copies of the Master Exhibits to the general public as requested, or making arrangements with another group or agency for such distribution. The Resource Information Center strongly suggests that interested persons and/or groups call before starting work on a Master Exhibit to ensure the efforts of another organization are not duplicated, and that format and submission procedures are clear.

Each Master Exhibit must follow specific guideline requirements which include submission of a Table of Contents which clearly identifies the source of each document in the Master Exhibit, and a brief annotated summary of each article contained in the Master Exhibit which explains why the article is relevant for an application for asylum. To obtain more specific guidance on format and submission procedures, please request a copy of the Master Exhibit Guidelines from the Resource Information Center (telephone number and address above).

Obtaining Master Exhibits

The following list of Master Exhibits is now available to Asylum Officers. The list includes the address of the organization which submitted or is distributing each Master Exhibit. A list of new Master Exhibits and the addresses from which to order them will be published quarterly in the **Federal Register**. The Resource Information Center only distributes Master Exhibits to INS Asylum Officers and other INS personnel. Copies of Master Exhibits are not currently available to the public for review at the INS Asylum Offices. Members of the public interested in obtaining Master Exhibits must contact the individual organization which prepared or is distributing the document. A fee to cover postage and handling may be charged by that organization.

Master Exhibits Now Available

El Salvador: Documentation on Post Peace Accord: March–May 1992, [ME/SLV/92.001], August 1992. Produced and distributed by: University of San Francisco Refugee/Human Rights Clinic, Kendrick Hall, 2130 Fulton Street, San Francisco, CA 94117.

Guatemala: Death Squads/Security Forces: MLN (National Liberation Movement, [ME/GTM/93.003], October 1992. Produced and distributed by: Documentation Exchange (formerly Central America Resource Center), P.O. Box 2327, Austin, TX 78768.

Guatemala: Departure/Safe Haven, [ME/GTM/93.002], October 1992. Produced and distributed by: Documentation Exchange (formerly Central America Resource Center), P.O. Box 2327, Austin, TX 78768.

Guatemala: Forced Recruitment/Army, [ME/GTM/92.003], August 1992. Produced and distributed by: Documentation Exchange (formerly Central America Resource Center), P.O. Box 2327, Austin, TX 78768.

Guatemala: Forced Recruitment/Civil Patrols, [ME/GTM/92.002], August 1992. Produced and distributed by: Documentation Exchange (formerly Central America Resource Center), P.O. Box 2327, Austin, TX 78768.

Guatemala: Persecution of Indigenous People, including: Kanjobales and model villages, [ME/GTM/92.001], August 1992. Produced and distributed by: Documentation Exchange (formerly Central America Resource Center), P.O. Box 2327, Austin, TX 78768.

Guatemala: Persecution of Popular Movements: Students and Teachers, [ME/GTM/92.004], August 1992. Produced and distributed by: Documentation Exchange (formerly Central America Resource Center), P.O. Box 2327, Austin, TX 78768.

Guatemala: Sexual Violence Against Women, [ME/GTM/93.001], October 1992. Produced and distributed by: Documentation Exchange (formerly Central America Resource Center), P.O. Box 2327, Austin, TX 78768.

Haiti, [ME/HTI/92.001], August 1992. Produced and distributed by: the Catholic Legal Immigration Network, Inc. (CLINIC), 3211 4th Street, NE., Washington, DC 20017.

Haiti, [ME/HTI/93.001], December 1992. Produced and distributed by: the Catholic Legal Immigration Network, Inc. (CLINIC), 3211 4th Street, NE., Washington, DC 20017.

Peru: A Decade of Violence: [ME/PER/93.001], October 1992, Produced by Jorge Gonzales Lara, and Patrick Young of CARECEN. Distributed by: Documentation Exchange (formerly Central America Resource Center), P.O. Box 2327, Austin , TX 78768.

Syria: Persecution of Syrian Jews: [ME/SYR/93.001], November 1992, Produced and distributed by: HIAS 333 Seventh Avenue, New York, NY 10001–5004.

Using Master Exhibits to support asylum applications: Each Master

Exhibit will provide publicly available information, analyses, or comment. All sources will be cited. Updates to a Master Exhibit may be made from time to time. A Master Exhibit, however, will not be, and will not purport to be, either exhaustive with regard to the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. It will be for the Asylum Officer adjudicating a particular case to determine what evidentiary weight to give to the information in any Master Exhibit.

The inclusion of a Master Exhibit in the Service collection of Master Exhibits will not constitute an endorsement of the information in the Master Exhibit. The views expressed in any Master Exhibit, therefore, will not necessarily represent statements of policy of the United States Government, nor will a Master Exhibit submitted by an entity other than an agency of the United States Government reflect foreign policy concerns of the United States Government.

Attorneys, legal assistants, community-based organizations, and asylum applicants who wish to use Master Exhibits in support of an asylum application should refer to the Master Exhibit by title, document number, and data (for instance: Master Exhibit Series: Guatemala: Persecution of Indigenous People, including: Kanjobales and model villages, [ME/GTM/92.001], August 1992). Applicants are strongly encouraged to be as specific as possible by identifying those particular documents in the Master Exhibit which are most relevant to the applicant's personal situation. Applicants may also want to point out particularly important pages or paragraphs within a document in the Master Exhibit to support their application for asylum. These should be referred to by item number, citation, and page number (for instance: Item II., Brook Larmer, "Guatemala's Indians Become the Battlefield," The Christian Science Monitor, 4 September 1990 (as reported in the Information Services on Latin America [ISLA], Oakland, California, #998)., pp. 4–5 [see especially page 4, paragraphs 10 through 12]).

Applicants who refer to a Master Exhibit in their applications are not required to submit copies of it to the Asylum Office. However, the asylum applicant may include photocopies of the cover page, annotated Table of Contents, or important documents, and may highlight or otherwise identify important paragraphs or sentences within the Table of Contents or documents if the asylum applicant prefers to do so.

Dated: April 12, 1993.

Chris Sale,

Acting Commissioner, Immigration and Naturalization Service.

[FR Doc. 93–10157 Filed 4–29–93; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Coal Miners, Inc.

[Docket No. M–93–49–C]

Coal Miners, Inc., Rt 2, Box 130, Equality, Illinois 62934 has filed a petition to modify the application of 30 CFR 75.360(b)(6) (preshift examination) to its Eagle Valley Mine (I.D. No. 11–02846) located in Gallatin County, Illinois. The petitioner proposes to test for methane and oxygen deficiency during the preshift examination at each main split of air to each working section and examine at least one entry of the intake air course once a week. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

2. Consolidation Coal Company

[Docket No. M–93–50–C]

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Blacksville No. 2 Mine (I.D. No. 46–01968) located in Monongalia County, West Virginia. Due to deteriorating roof conditions, certain areas of the return air course cannot be safely traveled. The petitioner proposes to establish evaluation check points to monitor the quantity and quality of air entering and leaving the affected area. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

3. U.S. Steel Mining Company, Inc.

[Docket No. M–93–51–C]

U.S. Steel Mining Company, Inc., has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Gary No. 50 Mine (I.D. No. 46–01816) located in Wyoming County, West Virginia. The petitioner proposes to plug and mine through oil and gas wells. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

4. Manalapan Mining Company, Inc.

[Docket No. M–93–52–C]

Manalapan Mining Company, Inc., Rt 1, Box 374, Evarts, Kentucky 40828 has filed a petition to modify the application of 30 CFR 75.364(b)(2) to its Mine No. 1 (I.D. No. 15–05423) located in Harlan County, Kentucky. Due to deteriorating roof conditions, certain areas of the return air course cannot be safely traveled. The petitioner proposes to travel the return air course to the fall area, travel in the adjacent belt entry until reaching the next door and then return to the return air course, by passing the fall area. The petitioner states that traveling the fall area would result in a diminution of safety.

5. Gridner Mining Company

[Docket No. M–93–53–C]

Gridner Mining Company, P.O. Box 1328, Barbourville, Kentucky 40906–7328 has filed a petition to modify the application of 30 CFR 75.342 (methane monitors) to its No. 2 Mine (I.D. No. 15–17288) located in Knox County, Kentucky. The petitioner proposes to use hand-held continuous-duty methane and oxygen indicators instead of machine mounted methane monitors on permissible three-wheel tractors with drag bottom buckets.

6. Trapper Mining, Inc.

[Docket No. M–93–54–C]

Trapper Mining, Inc., P.O. Box 187, Craig, Colorado 81626 has filed a petition to modify the application of 30 CFR 77.1304(a) (blasting agents; special provisions) to its Trapper Mine (I.D. No. 05–02838) located in Moffat County, Colorado. The petitioner requests that certain provisions in items 3, 4(a)(c) and (e), 6, 14, 17(b), 18(b), 20, and 21 in MSHA's December 9, 1991, Decision and Order, docket number M–91–13–C be amended. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

7. Windsor Coal Company

[Docket No. M–93–55–C]

Windsor Coal Company, P.O. Box 39, West Liberty, West Virginia 26074 has filed a petition to modify the application of 30 CFR 75.364(a) (weekly examination) to its Windsor Mine (I.D. No. 46–01286) located in Brooke County, West Virginia. Due to deteriorating roof conditions, certain

areas of the return air course cannot be safety traveled. The petitioner proposes to establish evaluation check points to monitor the quantity and quality of air entering and leaving the affected area. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

8. Tanglewood Energy, Inc.

[Docket No. M-93-56-C]

Tanglewood Energy, Inc., P.O. Box 129, Summersville, West Virginia 26651-0129 has filed a petition to modify the application of 30 CFR 75.380(d)(4) (escapeways; bituminous and lignite mines) to its Tanglewood No. 2 Mine (I.D. No. 46-06329) located in Mineral County, West Virginia. The petitioner proposes to maintain a wide clearance of less than 6 feet between crosscuts No. 8 and No. 9 adjacent to two cribs, between crosscuts No. 10 and No. 11 adjacent to one crib, and between crosscuts No. 11 and No. 12 adjacent to one crib and timber. The petitioner states that it would be hazardous to attempt to relocate the cribs.

9. Usibelli Coal Mine, Inc.

[Docket No. M-93-57-C]

Usibelli Coal Mine, Inc., P.O. Box 1000, Healy, Alaska 99743 has filed a petition to modify the application of 30 CFR 75.1605(k) (loading and haulage equipment; installations) to its Usibelli Mine (I.D. No. 50-00030) located in Yukon River County, Alaska. Due to climatic weather conditions and permafrost which causes hazardous conditions to roadways and vehicular traffic, the petitioner requests permission to use certain safety precautions as an alternative to berms and guardrails on haulage roads. The petitioner asserts that the proposed rule would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 1, 1993. Copies of these petitions are available for inspection at that address.

Dated: April 22, 1993.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 93-10199 Filed 4-29-93; 8:45 am]

BILLING CODE 4510-43-M

Employment and Training Administration

[TA-W-27,290 Dallas, TX and TA-W-27,291 Midland, TX]

Enserch Exploration, Inc., A/K/A EP Operating Co.; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 17, 1993, applicable to the workers of the subject firm.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The investigation findings show that Enserch Exploration, Inc., is a managing general partner of EP Operating Limited Partnership and a wholly owned subsidiary of Enserch Corporation.

Also, the findings show that the claimants' wages were paid under a predecessor unemployment insurance (UI) account number bearing the name: EP Operating Company. In September, 1992 EP Operating Company became the EP Operating Company, LTD., and in October 1992 it became EP Operating Limited Partnership.

Accordingly, the Department is amending the certification to properly reflect the correct UI tax status for the above certified worker group.

The amended notice applicable to TA-W-27,290 and TA-W-27,291 is hereby issued as follows:

All workers of Enserch Exploration, Inc., also known as EP Operating Company, Dallas, Texas who became totally or partially separated from employment on or after May 12, 1991 and all workers of Enserch Exploration, Inc., also known as EP Operating Company, Midland, Texas who became totally or partially separated from employment on or after May 15, 1991 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 22nd day of April 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-10201 Filed 4-29-93; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any

modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Delaware
DE93-2(Feb. 19, 1993)
New York
NY93-3(Feb. 19, 1993)
NY93-7(Feb. 19, 1993)
NY93-18(Feb. 19, 1993)
Pennsylvania
PA93-2(Feb. 19, 1993)
PA93-4(Feb. 19, 1993)
PA93-16(Feb. 19, 1993)
PA93-20(Feb. 19, 1993)
PA93-22(Feb. 19, 1993)

Volume II

Iowa
IA93-5(Feb. 19, 1993)
IA93-16(Feb. 19, 1993)
Indiana
IN93-2(Feb. 19, 1993)
IN93-5(Feb. 19, 1993)
Kansas
KS93-6(Feb. 19, 1993)
KS93-7(Feb. 19, 1993)
KS93-8(Feb. 19, 1993)
KS93-9(Feb. 19, 1993)
KS93-10(Feb. 19, 1993)
KS93-11(Feb. 19, 1993)
KS93-12(Feb. 19, 1993)
KS93-13(Feb. 19, 1993)
KS93-15(Feb. 19, 1993)
KS93-18(Feb. 19, 1993)
KS93-19(Feb. 19, 1993)
Michigan
MI93-1(Feb. 19, 1993)
MI93-4(Feb. 19, 1993)
MI93-17(Feb. 19, 1993)
Missouri
MO93-7(Feb. 19, 1993)
New Mexico
NM93-1(Feb. 19, 1993)
Texas
TX93-20(Feb. 19, 1993)
TX93-24(Feb. 19, 1993)
TX93-25(Feb. 19, 1993)
TX93-69(Feb. 19, 1993)

Volume III

Alaska
AK93-1(Feb. 19, 1993)

General Wage Determination Publication

General Wage Determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 23rd Day of April 1993.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 93-9557 Filed 4-29-93; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93-033]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NAC, Aeronautics Advisory Committee Task Force on General Aviation Transportation.

DATES: May 17, 1993, 8:30 a.m. to 5:30 p.m.; and May 18, 1993, 8:30 a.m. to 4:30 p.m.

ADDRESSES: Wichita State University, National Institute for Aviation Research, Dwane Wallace Conference Room, 1845 Fairmount Drive, Wichita, KS 67260-0093.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce J. Holmes, National Aeronautics and Space Administration, Langley Research Center, Hampton, VA 804/864-6048.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—General Aviation Competitiveness
—University and Non-NASA Related Research
—Technology Development Process and Facilities
—Aeronautical Systems
—Propulsion, Noise, Emissions
—Structures and Materials
—Aerodynamics
—General Aviation Research Plan
—Facilities: New Capabilities and Upgrade Plans
—Facilities Tour

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: 26 April 1993.

Danalee Green,

Chief, Management Controls Office.

[FR Doc. 93-10148 Filed 4-29-93; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) a request for clearance of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted by June 1, 1993.

ADDRESSES: Send comments to Mr. Steve Semenuk, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (2050395–7316). In addition, copies of such comments may be sent to Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5401).

FOR FURTHER INFORMATION CONTACT:

Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5401).

SUPPLEMENTARY INFORMATION: The Endowment requests the review of a revision of a currently approved collection of information. This entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: FY 95 Literature Program Application Guidelines.

Frequency of Collection: One time.

Respondents: Individual artists, nonprofit organizations, and state and local arts agencies.

Use: Guideline instructions and applications elicit relevant information from individual artists and arts organizations that apply for funding in the Literature Program. This information is necessary for the accurate, fair and thorough consideration of competing proposal in the review process.

Estimated Number of Respondents: 2,720.

Average Burden Hours Per Response: 19.84.

Total Estimated Burden: 54,225.

Judith E. O'Brien,

Management Analyst, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 93–10185 Filed 4–29–93; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings; Expansion Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Rural Arts Initiative Section) to the National Council on the Arts will be held on May 18, 1993 from 9 a.m.–5:30 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9 a.m.–9:30 a.m. and 4:30 p.m.–5:30 p.m. for introductory remarks and policy discussion.

The remaining portion of this meeting from 9:30 a.m.–4:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, this session will be closed to the public pursuant to subsection (c) (4), (6), and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–10186 Filed 4–29–93; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

Boston Edison Co; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the approval of a procedure for on site relocation of 79,000 cubic feet of sand, silt, and rough stone containing very low levels of radioactivity at the Pilgrim Nuclear Power Station (PNPS), pursuant to 10 CFR 20.302(a), as requested by the Boston Edison Company (the licensee). PNPS is located in Plymouth, Massachusetts.

Environmental Assessment

Identification of Proposed Action

The proposed action would approve the on site relocation of controlled backfill grading soil placed at its present site during original plant construction.

The Need for the Proposed Action

The location where the material has been stored since original plant construction is planned for a parking lot to support the influx of employees when the new engineering building is completed and for additional contractor parking during maintenance outages. The licensee will relocate the material outside the fenced area to a location within the licensee's controlled area.

Environmental Impacts of the Proposed Action

The Commission has evaluated the environmental impact of the proposed action and has determined that the proposed procedures for the relocation of the construction soil at Pilgrim Nuclear Power Station will minimize the risk of unexpected exposure. The licensee proposal was evaluated against the staff guidelines for on site disposal and found to be acceptable. The potential exposure pathways to members of the general public from the radionuclides in the soil is determined to be less than lmrem/year. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed soil relocation.

With regard to potential nonradiological impacts, the proposed approval would not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that their is no significant nonradiological environmental impacts

associated with the proposed soil relocation.

Alternative to the Proposed Action

Since the Commission has concluded that the environmental effects of the proposed action are not significant, any alternative with equal or greater environmental impact need not be evaluated.

The principal alternative would be to deny the requested approval. This would not reduce the environmental impact attributable to this facility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the pilgrim Nuclear Power Station, dated May 1972

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this action, see the request for approval dated January 15, 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 Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Dated at Rockville, Maryland, this 26th day of April 1993.

For the Nuclear Regulatory Commission.

Charles L. Miller,

Acting Assistant Director for Region I Reactors, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–10169 Filed 4–29–93; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Joint Meeting of the Subcommittees on Thermal Hydraulic Phenomena and Core Performance; Meeting

The ACRS Subcommittees on Thermal Hydraulic Phenomena and Core Performance will hold a joint meeting on May 12, 1993, in room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss information deemed proprietary to the General Electric Company pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows: *Wednesday, May 12, 1993—8:30 a.m. until the conclusion of business.*

The Subcommittees will continue their review of the issues pertaining to BWR core power stability. Also, they will discuss the status of issues associated with BWR vessel water level instrumentation. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairmen; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff and its contractors, BWR Owners Group and its contractors, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Paul Boehnert (telephone 301/492–8558) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: April 22, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93–10164 Filed 4–29–93; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on May 12, 1993, room P–422, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that will be closed to discuss the qualifications of candidates nominated for appointment to the ACRS. This session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6). The purpose of this meeting will be to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

The agenda for the subject meeting shall be as follows: *Wednesday, May 12, 1993—3 p.m. until 5:30 p.m.*

The Subcommittee will discuss proposed ACRS activities, practices and procedures for conduct of Committee business, and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Dr. John T. Larkins (telephone 301/492–4516) between 7:30 a.m. and 4:15 p.m., EDT. Persons planning to attend this meeting are urged to contact the above named

individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: April 22, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93-10165 Filed 4-29-93; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Probabilistic Risk Assessment; Meeting

The ACRS Subcommittee on Probabilistic Risk Assessment will hold a meeting on May 11, 1993, in room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: Tuesday, May 11, 1993—8:30 a.m. Until the Conclusion of Business.

The Subcommittee will discuss the report of the PRA Working Group that summarizes activities of this Group and provides guidance for the staff regarding the application of PRA. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, the nuclear industry, its respective consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Dean Houston (telephone 301/492-9521) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: April 21, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93-10166 Filed 4-29-93; 8:45 am]

BILLING CODE 7590-01-M

Boston Edison Co; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

[Docket No. 50-293]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-35, issued to Boston Edison Company (the licensee) for operation of the Pilgrim Nuclear Power Station, located in Plymouth County, Massachusetts.

The proposed amendment would increase the allowed fuel assembly storage cells from 2320 to 3859, and change the maximum loads allowed to travel over the spent fuel assemblies from 1000 lbs. to 2000 lbs., and change the limiting characteristics of assemblies to be stored in the spent fuel from a maximum $K_{infinity} \leq 1.35$ to a maximum $K_{infinity} \leq 1.32$ and a maximum lattice average Uranium enrichment of ≤4.6% by weight.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The analyses performed by HOLTEC demonstrate the acceptability of the proposed Spent Fuel Storage expansion from a variety of perspectives. The analyses demonstrate K_{eff} will remain within acceptable limits even if an abnormal event, such as a fuel assembly misloading or assembly drop, should occur. It also has been demonstrated the spent fuel pool cooling system will continue to provide acceptable cooling of the stored assemblies, and there is sufficient time to take appropriate corrective action should all cooling be inadvertently lost. The racks are designed to seismic Class I requirements. An assembly inadvertently dropped on the racks would not prohibit the racks from performing their design function. The radiological consequences of a fuel handling accident remains within previously-established limits.

Movement of fuel assemblies and racks necessary for rack installation will be performed in accordance with our commitments to NUREG 0612, entitled: "Control of Heavy Loads at Nuclear Power Plants." Thus, the probability of an accident involving assembly damage will not be significantly increased. Based on these considerations, the probability or consequences of a previously evaluated accident is not significantly increased by installation activities.

To support the above conclusion, BECo has considered the following potential scenarios:

- A spent fuel assembly drop in the spent fuel pool.
- A loss of spent fuel pool cooling system flow.
- A seismic event.
- [An installation] * * * accident.

As detailed in Section 4 of HOLTEC Report HI-92925, BECo evaluated the consequences of a spent fuel assembly drop in the spent fuel pool and found the criticality acceptance criterion, $K_{eff} \leq 0.95$, is not violated. Also, there is no significant change in the radiological consequences of a fuel assembly drop from the previous analyses since the calculated doses are well within 10 CFR Part 100 guidelines. Analysis shows that dropping a spent fuel assembly on the racks will not prohibit the racks from performing their safety function. Thus, the consequences of this type of accident are not significantly changed from the previously evaluated spent fuel assembly drops.

Certain racks in the pool will be equipped with overhead storage platforms. These platforms are flat plate structures. They serve to store miscellaneous items and protect the fuel assemblies stored underneath from damage. Dropping the platform from a height of 4 inches above the rack (a possible situation if the platform is ever moved in the pool) was analyzed. It was determined that dropping spent fuel from 4" above the racks

is a more severe event than a 4" drop of the platform with an assumed dry weight of 2000 lbs. Therefore, the fuel drop scenarios bound the platform drop condition.

During refueling activities, when the heat load in the pool is greatest, an intertie is available between the fuel pool cooling system and either loop of the Residual Heat Removal (RHR) system. The RHR pump and heat exchanger configuration provides greater cooling capacity for full core off-loads and as a backup to the normal fuel pool cooling system. This system will function during a loss of offsite power by utilizing emergency diesel generator AC power. The analysis in Section 5 of HOLTEC Report HI–92925 determined cooling capacities and maximum temperatures as well as the time-to-boil without cooling. The calculations show that if cooling is lost at the instant when the pool water reaches its maximum value during a full core off-load, there is a minimum of 6.4 hours before bulk boiling can occur.

During reactor power operation, the normal fuel pool cooling system is used with either of the two pumps and heat exchangers capable of maintaining the fuel pool well below boiling. In the event of a loss of offsite power, a temporary AC power interconnection is used to operate one or both pumps. Due to lower spent fuel pool heat loads during plant operation, more than 16 hours are available before bulk boiling can occur. Thus, the consequences of this event type are not significantly increased from previously-evaluated loss of cooling system flow events.

The consequences of a seismic event have been evaluated. The additional new racks will meet design and fabrication requirements of applicable NRC Regulatory Guides and industry standards. Seismic analyses on the new and existing racks were performed using both single rack 3–D (opposed phase motion) and Whole Pool Multi-Rack (WPMR) models. The results of these analyses indicate a large margin of kinematic and stress safety. The kinematic margin against rack-to-rack impact is at least 1⅞ inches or rack-to-wall impact is at least 2⁷⁄₁₆ inches for all racks in the pool. Likewise, the maximum rack primary stresses under the Safe Shutdown Earthquake (SSE) condition are less than 50% of the allowable ASME Code value. Finally, the maximum bending moments and through-thickness shear in the supporting pool structure under factored load conditions are less than 80% of the respective allowables. The new free-standing racks are designed, as are the existing free-standing racks, so that the integrity of the racks and the pool structure is maintained during and after a seismic event. Thus, the consequences of a seismic event are not increased from previously evaluated events.

The consequences of [an installation] * * * accident have been considered. A heavy load will not be carried in the spent fuel pool area until all fuel in the pool has decayed for a minimum of three months. Per NUREG 0612 this provides sufficient time for the decay of gaseous radionuclides in the fuel (gap activity) such that an assumed accidental release of gasses from damage to all stored fuel assemblies results in a potential offsite dose less than 10CFR100 limits. In addition, there is no equipment essential to the safe shutdown of the reactor or employed to mitigate the consequences of an accident beneath, adjacent to, or otherwise within the area of influence of any loads to be handled during this expansion modification. Therefore, the consequences of [an installation] * * * accident are not significantly increased from previously evaluated events.

NUREG–0554, entitled: "Single-Failure-Proof Cranes for Nuclear Power Plants", provides guidance for the design, fabrication, installation and testing of new cranes that are of a high reliability design. NUREG–0612, Appendix C, entitled: "Modification of Existing Cranes", provides guidelines on the implementation of NUREG–0554 at operating plants. An evaluation of storage rack movements to be performed by the PNPS Reactor Building crane demonstrated the probability of a drop of a storage rack is extremely small. The Reactor Building crane has a rated capacity of 100 tons and incorporates a design safety factor of five. The maximum weight of any existing or replacement storage rack and its associated handling tool is 15 tons. Therefore, there is an ample safety factor margin for movements of the storage racks by the Reactor Building crane.

Therefore, it is concluded that the proposed amendment supporting the addition of spent fuel racks in the spent fuel pool does not involve a significant increase in the probability or consequences of any 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.

No unproven technology is involved either in the installation process or in the analytical techniques necessary to justify the planned fuel storage expansion. The basic technology for fuel pool expansion has been developed and demonstrated in over 80 applications for fuel pool capacity increases previously approved by the NRC.

HOLTEC has evaluated the proposed modification in accordance with the guidance of an NRC position paper entitled: "OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications," with appropriate NRC Regulatory Guides, with NRC Standard Review Plans, and with industry codes and standards. In addition, BECo has reviewed several previous NRC Safety Evaluation Reports for rack installation applications similar to this proposed modification.

Based upon the foregoing, the proposed rack installation does not create the possibility of a new or different of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in a margin of safety.

The HOLTEC report demonstrates the acceptability of adding new racks from a variety of perspectives including criticality, thermal-hydraulic, radiological, seismic and structural considerations. The results of these analyses provide the basis for our conclusion that the changes do not involve a significant reduction in a margin of safety.

The established acceptance criterion for criticality is that the effective neutron multiplication factor in spent fuel pools shall be less than or equal to 0.95, including all uncertainties, under all conditions. This margin of safety has been adhered to in the criticality analysis methods in developing the new rack design.

The methods used in the criticality analysis conform to the applicable portions of the appropriate NRC guidance and industry codes, standards, and specifications. In meeting the acceptance criteria for criticality in the spent fuel pool such that K_{eff} is always less than or equal to 0.95, including uncertainties at a 95%/95% probability/confidence level, the proposed amendment does not involve a significant reduction in the margin of safety for nuclear criticality.

It is recognized that a one-to-one correspondence between the $K_{-INFINITY}$ of a bundle in the standard core geometry and the K_{eff} in the fuel [rack] does not exist. The effect of higher fuel enrichments on the neutron energy spectrum is to reduce the $K_{-INFINITY}$ [in the spent fuel rack]. In order to provide a complete specification of fuel that can be stored in the PNPS pool, the criteria for both $K_{-INFINITY}$ and fuel enrichment needs to be prescribed. Calculations have been performed to demonstrate that all fuel assemblies of up to 4.9% wt planar-average U–235 enrichment with a $K_{-INFINITY}$ of 1.32 or less can be stored in the PNPS spent fuel pool with K_{eff} less than or equal to 0.95.

Conservative methods were used to calculate the maximum fuel temperature and the increase in temperature of the water in the spent fuel pool. The thermal-hydraulic evaluation used methods previously employed for evaluations of the present spent fuel racks to demonstrate the temperature margins of safety are maintained. The proposed modification will increase the heat load in the spent fuel pool. The evaluation shows the existing spent fuel cooling system will maintain the bulk pool water temperature at or below 142°F during refueling.

The evaluation also shows that maximum local water temperatures along the hottest fuel assembly are below the nucleate boiling condition value. Thus, there is no significant reduction in the margin of safety caused by thermal-hydraulic or spent fuel cooling concerns.

The main safety function of the spent fuel pool and racks is to maintain the spent fuel assemblies in a safe configuration through all normal or abnormal loadings. Abnormal loadings that have been considered are the effect of an earthquake, the drop of a spent fuel assembly, or the drop of any other heavy object. The mechanical, material, and structural design of the new spent fuel racks is in accordance with NRC guidance. The rack materials used are compatible with the spent fuel pool and the spent fuel assemblies. The structural considerations of the new racks and existing racks address margins of safety to preclude tilting, deflection or movement, thereby ensuring the racks do not impact each other during postulated seismic events. In addition the spent fuel assemblies

remain intact and no criticality concerns exist. Thus, the margin of safety is not significantly reduced by the proposed rack additions.

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.

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.

Written comments may be submitted by mail to the Rules Review and 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 June 1, 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 Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360. 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 rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 Walter R. Butler: 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 W. S. Stowe, Esquire, Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199, 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).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41670, October 15, 1985) to 10 CFR 2.1101 *et seq.* Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within 10 days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR part 2, subpart G, and § 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer may grant an untimely request or oral argument only upon showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in adjudicatory hearing. If no party to the proceedings requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G, apply.

For further details with respect to this action, see the application for amendment dated February 11, 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 Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Dated at Rockville, Maryland, this 23rd day of April 1993.

For the Nuclear Regulatory Commission.

Ronald B. Eaton, Sr.,

Project Manager, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–10170 Filed 4–29–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–298]

Cooper Nuclear Station; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–46, issued to the Nebraska Public Power District (the licensee), for operation of the Cooper Nuclear Station (CNS), located in Nemaha County, Nebraska.

The proposed amendment would remove Section 3/4.5.H, "Engineered Safeguards Compartments Cooling," and the associated Bases section from the CNS Technical Specifications (TS). These requirements are redundant to the definition of OPERABILITY in the CNS TS, which requires that all necessary attendant instrumentation, controls, normal and emergency electrical power sources, cooling or seal water, lubrication or other auxiliary equipment that are required for a safety-related system to perform its safety function are also capable of performing their related support function(s). Therefore, removal of TS 3/4.5.H will not adversely affect the assurance of Emergency Core Cooling System pump operability, and will make the CNS TS consistent with the Boiling Water Reactor (BWR) Standard Technical Specifications in this regard.

During the performance of the licensee's ongoing Design Basis Reconstitution Program, the licensee determined that under certain accident conditions (a pipe break postulated to occur in the Core Spray System discharge line, combined with a loss of off-site power and with a failure of one Emergency Diesel Generator), there could be fewer than the required number of low-pressure Emergency Core Cooling System (ECCS) pumps available to respond to the accident than was assumed in the CNS accident analysis. This scenario would occur, in part, as a result of the loss of the Engineered Safeguards Compartment Coolers that are powered by the Emergency Diesel Generator that is assumed to fail.

Although the licensee is currently making a plant design change to ensure the operability of the residual heat removal (RHR) pumps without the RHR pump area coolers, the CNS TS still require these coolers to be "in service," hence, OPERABLE; otherwise the associated pumps, in this case the RHR pumps, must be declared INOPERABLE. However, the plant design change will allow the RHR pumps to perform their safety function and thus be OPERABLE without the coolers being in service. Thus, without approval of this proposed change, the required number of ECCS pumps needed for ASME Class I pressure testing and for plant operation would not be available and plant startup could not occur.

The licensee has stated that the proposed TS change is needed prior to Class I ASME pressure testing and reactor startup following the current refueling outage, currently scheduled for May 10, 1993. Thus, the Commission must act quickly and time does not permit the publication of a **Federal Register** notice allowing 30 days for prior public comment.

As stated above, the need for the proposed TS change was found during the course of the licensee's ongoing

Design Basis Reconstitution effort. This situation was identified and reported to the NRC under 10 CFR 50.72 on March 26, 1993, and thus could not have been submitted in a more timely manner so as to avoid an exigent TS change.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Evaluation

The proposed Technical Specification changes associated with removal of the Limiting Conditions for Operation and Surveillance Requirements for the Engineered Safeguards Compartments Cooling do not constitute a significant increase in the probability or consequences of an accident previously evaluated. These area coolers provide cooling for the Emergency Core Cooling System (ECCS) pumps, and were originally provided in the CNS plant design to ensure that the ECCS pump areas were maintained below a specified temperature to ensure operability of the ECCS pumps. The District is currently performing a design change to improve the natural air circulation characteristics in the RHR pump areas which will eliminate the need for these coolers to assure RHR pump operability.

The removal of the Technical Specifications associated with the ECCS pump unit coolers will not impact the determination of operability for those pumps which will still require the coolers to assure operability, namely the Core Spray System pumps, and the HPCI [high-pressure coolant injection] and RCIC [reactor core isolation coolant] pumps. These specifications were included in the original version of the Technical Specifications when CNS was licensed. Since that time, the definition of OPERABILITY in the CNS Technical Specifications was revised with Amendment No. 99 to include the following requirements:

* * * all attendant instrumentation, controls, normal and emergency electrical power sources * * * cooling or seal water, lubrication or other auxiliary equipment that are required for the system, subsystem, train, component or device to perform its function(s) are also capable of performing their related support function(s).

Therefore, the presence of dedicated Technical Specifications for the ECCS pump area coolers are not required and are redundant to the existing Technical Specification requirements for the ECCS, given the above definition of OPERABILITY. For those areas which will still require the area coolers to assure pump operability (Core Spray, HPCI, and RCIC areas), the definition of OPERABILITY will provide the necessary controls, and appropriate actions will be taken in accordance with their individual Technical Specifications should their area coolers become inoperable for any reason.

Based on the above discussion, the requirement for adequate equipment cooling will still be maintained within the CNS Technical Specifications to ensure operability of the ECCS. The design change being performed will ensure that an adequate number of RHR pumps will remain available to respond to the postulated Core Spray System line break accident. Further, the ECCS pump area coolers will continue to be surveillance tested and maintained through plant procedural controls. Therefore, this change will not result in a significant increase in the consequences of an accident previously evaluated. The physical plant changes being made to correct this situation consists of removing the RHR pump compartment hatches, replacing the hatches with grating, and providing curbing around the hatch opening to eliminate flooding concerns. These changes do not impact plant piping, instrumentation and controls, or other components. Review and evaluation under the District's design change process has determined that the design changes associated with this amendment request will not result in a significant increase in the probability of an accident previously evaluated.

2. Does the proposed change create the possibility for a new or different kind of accident from any accident previously evaluated?

Evaluation

This proposed change will only remove requirements from the CNS Technical Specifications which are redundant to other controls already provided for within the CNS Technical Specifications. These controls are provided in Section 1.0.N of the Definitions portion of the CNS Technical Specifications, which require that all attendant support systems or components necessary for a given system or component to perform its function are also capable of performing their related support functions. Therefore, this change to the CNS Technical Specifications will only remove a redundant requirement. In addition, plant procedural controls will ensure that the ECCS area coolers will continue to be adequately surveillance tested and maintained.

The plant change associated with this proposed Technical Specification change consists of removal of the RHR compartment equipment hatches to provide for improved natural circulation cooling. No changes to plant piping or instrumentation and controls are associated with this design change. These changes have been evaluated under the District's design change process which has determined that these physical modifications will not create the possibility for a new or different kind of accident from those previously evaluated.

3. Does the proposed change create a significant reduction in the margin of safety?

Evaluation

The proposed Technical Specifications changes will not create a significant reduction in the margin of safety. Section 3.5.H and 4.5.H, and their associated Bases section are redundant to the controls provided in the CNS Technical Specifications Definitions section for the determination of operability. Therefore, their removal from the CNS Technical Specifications will not create a reduction in equipment availability and will not create a significant reduction in the margin of safety. The physical plant changes associated with this proposed Technical Specifications change will remove an ECCS pump operability concern, and will therefore, not create a significant reduction in the margin of safety.

Additional Basis for No Significant Hazards Determination

The definition of OPERABILITY in the CNS Technical Specifications is consistent with the corresponding definition of OPERABILITY provided in the BWR/4 Standard Technical Specifications (NUREG-1433). This document was the result of extensive development and review by both the NRC Staff and the industry. These Standard Technical Specifications do not contain dedicated requirements for secondary plant support systems, including ECCS pump area coolers. This support function is accounted for within the definition of OPERABILITY as given within the Standard Technical Specifications. This proposed change would move CNS more in line with the Standard Technical Specifications in this respect.

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 15 days of the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-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 15-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. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and 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 filling of requests for hearing and petitions for leave to intervene is discussed below.

By June 1, 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 Guilding, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305. 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 or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 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 rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. It a hearing is requested, 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.

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 Pellet, Acting Director, Project Directorate 4–1, U.S. Nuclear Regulatory Commission, Washington, DC 20555: 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 Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68602–00499, 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 April 23, 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 Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Dated at Rockville, Maryland, this 27th day of April 1993.

For the Nuclear Regulatory Commission.

Harry Rood,

Senior Project Manager, Project Directorate IV-1, Division of Reactor Projects-III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 93-10168 Filed 4-29-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275-OLA-2, 50-323-OLA-2, ASLBP No. 92-669-03-OLA-2, Construction Period Recovery]

Atomic Safety and Licensing Board

April 23, 1993.

Prehearing Conference

In the Matter of Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), Facility Operating Licenses No. DPR-80 and DPR-82. Before Administrative Judges: Charles Bechhoefer, Chairman, Dr. Jerry R. Kline, Frederick J. Shon.

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Board's Memorandum (Questions for Parties), dated April 16, 1993, a prehearing conference in this proceeding involving the proposed extensions of the operating licenses for the Diablo Canyon Nuclear Power Plant, Units 1 and 2, to recover or recapture the period of construction of the reactors, will commence at 2 p.m. on Tuesday, May 11, 1993, at the Main Conference Room of the Commission's Region V office, 1450 Maria Lane, Walnut Creek, California 94596-5368. The conference will continue, to the extent necessary, on Wednesday, May 12, 1993, beginning at 9 a.m., at the same location.

The conference is being held to consider three late-filed contentions filed by the San Luis Obispo Mothers for Peace, an intervenor in the proceeding. Also to be considered are various outstanding discovery matters, schedules for forthcoming filings, and such other matters as may aid in the orderly disposition of the proceeding.

Members of the public are invited to attend this conference, although the Licensing Board will not hear oral limited appearance statements. (Parking at the Region V office is available; parking passes must be obtained from the NRC receptionist.)

Documents relating to this application are on file at the Local Public Document Room, located at the California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407, as well as at the Commission's Public Document Room, the Gelman Building, 2120 L St., NW., Washington, DC 20037.

Dated: April 23, 1993.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 93-10163 Filed 4-29-93; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-19432; 811-3396]

Bison Money Market Fund; Application for Deregistration

April 23, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Bison Money Market Fund.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N-8F was filed on March 31, 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 May 18, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, Bellevue Corporate Center, 103 Bellevue Parkway, Wilmington, Delaware 19809.

FOR FURTHER INFORMATION CONTACT: James J. Dwyer, Staff Attorney, at (202) 504-2920, or Elizabeth G. Osterman, Branch Chief, at (202) 272-3016 (Office of Investment Company Regulation, Division of Investment Management).

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 an Indiana business trust and is an open-end diversified management company. On February 3, 1982, applicant filed a notification of registration on Form N-8A. On February 5, 1982, applicant filed a registration statement on Form N-1 under the Securities Act of 1933 and section 8(b) of the Act. The registration statement was declared effective on June 14, 1982, and applicant's initial public offering commenced on or about that date.

2. On October 15, 1992, the parent of Bison's subadviser merged with and into a wholly-owned subsidiary of the parent of the investment adviser of The Woodward Funds ("Woodward"), a Massachusetts business trust. This merger resulted in applicant and Woodward becoming affiliated persons of each other, pursuant to section 2(a)(3)(C).

3. At a meeting held on October 20, 1992, applicant's board of trustees approved an agreement and plan of reorganization (the "Plan"). Under the Plan, applicant would transfer all of the assets of its Money Market and Tax-Exempt Money Market Portfolios, and all of the assets and liabilities of its Treasury Money Market Portfolio, to corresponding investment portfolios of Woodward. In reviewing the proposal, applicant's board considered the potential impact of the reorganization on shareholders, including, among other things, the elimination of duplicative costs, the improvement of operational efficiencies, the reduction of certain fixed costs, and the performance of each of the funds. The boards of applicant and Woodward, including their non-interested members, determined that the proposed reorganization would be in the best interests of the shareholders of applicant and Woodward, respectively, and that the interests of existing shareholders of applicant and Woodward, respectively, would not be diluted as a result of such reorganization.

4. On November 30, 1992, applicant sent a combined proxy statement and prospectus to its shareholders in connection with the proposed transfer and reorganization. Applicant's shareholders approved the transfer on December 31, 1992.

5. On January 1, 1993, pursuant to the Plan, applicant transferred all of the assets of each of its portfolios, and the liabilities of its Treasury Money Market Portfolio, to the corresponding Woodward series. On that date, pursuant to the Plan, applicant's portfolios made liquidating distributions to their shareholders of Woodward shares so that shareholders received that number of Woodward shares with an aggregate net asset value equal to the aggregate net asset value of their shares of applicant's portfolios.

6. Pursuant to the Plan, NBD Bank, N.A., which provides investment advisory services to Woodward, assumed the liabilities for all fees and expenses in connection with the reorganization.

7. At the time of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs. Applicant plans to surrender its authority to do business in Indiana by taking the actions required by Indiana law.

For the SEC, by the Division of Investment Management, under delegated authority

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-10130 Filed 4-29-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25798]

Filings Under the Public Utility Holding Company Act of 1935 ("Act"); Correction

April 16, 1993.

Correction

In FR Document No. 93-9477 beginning on page 21758 for Friday, April 23, 1993, the release number was incorrectly stated as 35-25797. The correct release number is 35-25798.

Dated: April 26, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-10120 Filed 4-29-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25804; International Release No. 538]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

April 23, 1993.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 17, 1993 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

UtiliCorp United Inc. (31-902)

UtiliCorp United Inc. ("UtiliCorp"), 911 Main Street, Suite 3000, Kansas City, Missouri 64105, a Delaware public-utility holding company claiming exemption from registration under rule 10 of the Act, has filed an application requesting an order under section 3(b) and rules 10 and 11 thereunder in connection with its proposed indirect acquisition of an interest in WEL Energy Group Limited ("WEL"), a New Zealand electric utility company.

UtiliCorp is a publicly traded corporation which engages primarily, through divisions, in the sale and distribution of gas and electricity to retail and wholesale customers in nine states and in British Columbia. UtiliCorp is a public-utility holding company by reason of its ownership of West Kootenay Power and Light Company, Limited, a Canadian public-utility company.[1] As of December 31, 1992, UtiliCorp had operating revenues of $1,298,900,000 and assets of more than $2,522,800,000.

UtiliCorp proposes to acquire indirectly an ownership interest in WEL for $20,732,037.[2] WEL is engaged in the retail distribution and sale of electricity to approximately 60,000 customers in the Waikato region of New Zealand. WEL is currently owned by Waikato Electricity Authority ("Waikato"), a New Zealand regional governmental authority. As part of a proposed privatization program, Waikato has entered into a Subscription Agreement dated December 22, 1992, as amended and restated ("Subscription Agreement") with UtiliCorp and WEL, pursuant to which UtiliCorp will acquire, initially, 33.33% of the issued and outstanding share capital ("WEL Interest") of WEL.[3]

UtiliCorp proposes to effect the acquisition of the WEL Interest through one or more special purpose subsidiaries pursuant to one of two possible acquisition structures.[4] Under the first structure, UtiliCorp would form a single special purpose Delaware subsidiary that would be deemed a resident of New Zealand under New Zealand law ("D-NZ Sub") to acquire the WEL Interest. Under the alternative structure, UtiliCorp would form a Delaware subsidiary ("Delaware Sub") which would, in turn, form a special purpose New Zealand wholly owned subsidiary ("New Zealand Sub") to acquire the WEL Interest. D-NZ Sub and New Zealand Sub are each referred to herein as "UtiliCorp Sub." UtiliCorp Sub and, if applicable, Delaware Sub, will maintain separate books of account from UtiliCorp and will commit to provide access to such books and records to each state commission with retail rate jurisdiction, to the extent not already required under state law.

As of the time of the acquisition of the WEL Interests, D-NZ Sub, under the first structure, or Delaware Sub, under the second structure, will be a wholly owned subsidiary of UtiliCorp.

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[1] See UtiliCorp United Inc., Holding Co. Act Release No. 24204 (Sept. 24, 1986). UtiliCorp claims exemption under rule 10 from its obligations under the Act as a holding company.

[2] Based upon an exchange rate as of March 29, 1993 of 1.8751 New Zealand dollars for 1 United States dollar.

[3] UtiliCorp will also have the right under the Subscription Agreement to acquire up to an additional 15.67% of the share capital of WEL on the open market, for a total of 49% of such shares. New Zealand law currently would prohibit ownership of more than 49% of the ordinary shares of stock of WEL by UtiliCorp.

[4] UtiliCorp states that the selection of the acquisition structure depends upon the advice of corporate and tax counsel.

Thereafter, UtiliCorp may seek one or more non-affiliate investors to acquire an equity interest of up to 25% in D-NZ Sub, under the first structure, or in Delaware Sub, under the second structure. Prior to the closing of the transactions, UtiliCorp will assign its rights to acquire the WEL Interest under the Subscription Agreement to UtiliCorp Sub.

It is anticipated that UtiliCorp Sub will have one full-time management-level employee resident in New Zealand.

As a result of the proposed transactions, WEL will be a public-utility subsidiary company of UtiliCorp within the meaning of section 2(a)(8) of the Act. UtiliCorp requests an unqualified order under section 3(b) of the Act exempting WEL from all provisions of the Act. UtiliCorp states that WEL may engage in the sale of certain goods and services within the United States, but will not engage in the generation, transmission or distribution of electric energy for sale within the United States.

The application states that, if an unqualified exemption under section 3(b) is granted, UtiliCorp and its subsidiary companies which are parent entities of WEL will rely upon rule 10(a)(1) to provide an exemption insofar as each is a holding company; and UtiliCorp and its subsidiary companies will rely upon rule 11(b)(1) to provide an exemption from the approval requirements of sections 9(a)(2) and 10 to which they would otherwise be subject.

UtiliCorp has received orders approving the acquisition of the WEL Interest from the Public Service Commission of the State of Missouri, the Utilities Board of the State of Iowa and the Public Service Commission of the State of West Virginia. In addition, the Public Utilities Commission of the State of Colorado and the Kansas Corporation Commission have each certified to this Commission that such commission has the authority and resources to protect the ratepayers of UtiliCorp subject to its jurisdiction and that it intends to exercise that authority. UtiliCorp has requested similar certifications from the public utility commissions of the States of Minnesota and Michigan.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-10129 Filed 4-29-93; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Interest Rate; Quarterly Determinations

AGENCY: Small Business Administration.

ACTION: Notice of interest rate.

SUMMARY: Pursuant to 13 CFR 108.503-8(b)(4), the maximum legal interest rate for a commercial loan which funds any portion of the cost of a project (see 13 CFR 108.504-4) shall be the greater of 6% over the New York prime rate or the limitation established by the constitution or laws of a given State. For a fixed rate loan, the initial rate shall be the legal rate for the term of the loan.

Charles R. Hertzberg,

Assistant Administrator for Financial Assistance.

[FR Doc. 93-10156 Filed 4-29-93; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 93-10; Notice 2]

Determination That Nonconforming 1988 Mercedes-Benz 500SE Passenger Cars Are Eligible for Importation

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

ACTION: Notice of determination by NHTSA that nonconforming 1988 Mercedes-Benz 500SE passenger cars are eligible for importation.

SUMMARY: This notice announces the determination by NHTSA that 1988 Mercedes-Benz 500SE passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the 1988 Mercedes-Benz 300SE), and they are capable of being readily modified to conform to the standards.

DATES: The determination is effective as of the date of its publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards must be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register.**

ICI International Inc. of Orlando, Florida (Registered Importer R-90-003) petitioned NHTSA to determine whether 1988 Mercedes-Benz 500SE passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on March 3, 1993 (58 FR 12310) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has determined to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final determination must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP 35 is the vehicle eligibility number assigned to vehicles admissible under this notice of final determination.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby determines that a 1988 Mercedes-Benz 500SE (Model ID 126.036) is substantially similar to a 1988 Mercedes-Benz 300SE (Model ID 126.024) originally

manufactured for importation into and sale in the United States and certified under section 114 of the National Traffic and Motor Vehicle Safety Act, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 21, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93–10139 Filed 4–29–93; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 93–26; Notice 1]

Receipt of Petition for Determination That Nonconforming 1993 BMW 750IL Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for determination that nonconforming 1993 BMW 750IL passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1993 BMW 750IL that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

DATES: The closing date for comments on the petition is June 1, 1993.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the Federal Register.

Liphardt & Associates Inc. of Ronkonkoma, New York (Registered Importer R–90–004) has petitioned NHTSA to determine whether 1993 BMW 750IL passenger cars that were originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States. The vehicle which Liphardt believes is substantially similar is the 1993 BMW 750IL manufactured for importation into and sale in the United States and certified by its manufacturer, Bayerische Motoren-Werke A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner states that it has carefully compared the non-U.S.-certified version of the 750IL to its U.S.-certified counterpart, and found the two vehicles to be substantially similar with respect to most applicable Federal motor vehicle safety standards.

Liphardt submitted information with its petition intended to demonstrate that the non-U.S.-certified version of the 1993 model 750IL, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S.-certified counterpart, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the non-U.S.-certified 1993 model 750IL is identical to the U.S.-certified version of that vehicle with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence* * * *., 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 111 *Rearview Mirrors*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 118 *Power-Operated Window, Partition, and Roof Panel Systems*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and front sidemarkers; (b) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 114 *Theft Protection:* Installation of a warning buzzer in the steering lock electrical circuit.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 208 *Occupant Crash Protection:* Installation of a seat belt warning buzzer. The petitioner states that the non-U.S. certified version of the 1993 model 750Il is equipped with a driver side air bag assembly identical to that found in its U.S.-certified counterpart, except for the fact that a horn symbol has not been molded into the air bag housing cover. The petitioner proposes to permanently affix such a

symbol to the air bag housing cover. Additionally, the petitioner states that a knee bolster and mounting hardware must be installed in the non-U.S. certified 1993 model 750IL to conform with this standard in the same manner as its U.S.-certified counterpart.

Standard No. 214 *Side Door Strength:* Installation of reinforcing beams.

Additionally, the petitioner states that the bumpers on the non-U.S.-certified 1993 model 750IL must be fitted with U.S.-approved impact absorbers to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: June 1, 1993.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 23, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93–10138 Filed 4–29–93; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: April 26, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0138

Form Number: None

Type of Review: Extension

Title: Permit to Transfer Containers to a Container Station

Description: In order for a container station operator to receive a permit to transfer a container or containers to a container station, he/she must furnish a list of names, addresses, etc., of the persons employed by him/her upon demand of the district director.

Respondents: Businesses or other for-profit

Estimated Number of Respondents: 300

Estimated Burden Hours Per Respondent: 20 minutes

Frequency of Response: On occasion

Estimated Total Reporting Burden: 400

Clearance Officer: Ralph Meyer, (202) 927–1552, U.S. Customs Service, Paperwork Management Branch, Room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–10207 Filed 4–29–93; 8:45 am]

BILLING CODE 4820–02–M

[Treasury Order Number 102–15]

Delegation of Authority To Invoke National Security Emergency Preparedness Treatment for Telecommunications Services

Dated: April 22 1993.

By virtue of the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b); Executive Order 12472, dated April 3, 1984; 47 CFR Part 64, Appendix A; and National Communications Systems (NCS) Directive 3-1 dated July 5, 1990, it is hereby ordered that:

1. The Deputy Assistant Secretary (Information Systems) and the Director, Office of Telecommunications Management, are each delegated authority to invoke National Security Emergency Preparedness treatment for the priority provisioning of telecommunications services from the Manager, NCS, and from concerned service vendors, on behalf of the Department or any of its bureaus; and

2. Upon issuance of this Order, and thereafter whenever required pursuant to NCS directives, the Assistant Secretary (Management) shall prepare, for execution by the appropriate official, the necessary correspondence notifying NCS of the individuals authorized to invoke National Security Emergency Preparedness treatment.

Lloyd Bentsen,

Secretary of the Treasury.

[FR Doc. 93–10135 Filed 4–29–93; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF AGRICULTURE

Rural Telephone Bank Meetings

AGENCY: Rural Telephone Bank, USDA.

ACTION: Privatization Committee meeting.

TIME AND DATE: 10 a.m., Thursday, May 6, 1993.

PLACE: Room 5066-South Building, Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE DISCUSSED: General discussion involving privatization planning.

ACTION: Prepayment Committee meeting.

TIME AND DATE: 11 a.m., Thursday, May 6, 1993.

PLACE: Room 5066-South Building, Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE DISCUSSED: General issues regarding RTB's prepayment premium policy.

ACTION: Staff Briefing for the Board of Directors.

TIME AND DATE: 2 p.m., Thursday, May 6, 1993.

PLACE: Room 5066-South Building, Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE DISCUSSED: The staff briefing will consist of matters relating to proposed program budget and the new equity account.

ACTION: Regular Meeting of the Board of Directors.

TIME AND DATE: 9 a.m., Friday, May 7, 1993.

PLACE: Lafayette Room, Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on

the agenda for the Board of Directors meeting:

1. Call to Order.

2. Approval of Minutes of March 24, 1993, Board meeting.

3. Report on loans approved in the second quarter of FY 1993.

4. Review of second quarter, FY 1993, financial statements.

5. Report of ad hoc committee on privatization of the RTB.

6. Report of ad hoc committee on prepayments.

7. Review of proposed rule to increase the TIER requirement for RTB loans.

8. Date of future meetings.

9. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Matthew P. Link, Assistant Secretary, Rural Telephone Bank (202) 720–0530.

Dated: April 26, 1993.

James B. Huff, Sr.,

Governor, Rural Telephone Bank.

[FR Doc 93–10197 Filed 4–29–93; 8:45 am]

BILLING CODE 3410–15–F

Sunshine Act Meetings

Federal Register
Vol. 58, No. 82
Friday, April 30, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, May 5, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS:

Open to the Public

Public Hearing—FY 95 Priorities

The Commission will hold a public hearing on the agenda and priorities for fiscal year 1995.

FY 95 Priorities

The staff will brief the Commission on recommendations concerning the priorities for fiscal year 1995.

For a recorded message containing the latest agenda information, call: (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504–0800.

Date: April 27, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93–10403 Filed 4–28–93; 3:26 pm]

BILLING CODE 6355–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, May 6, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS:

Open to the Public

Mid-Year Review

The staff will brief the Commission on fiscal year 1993 mid-year review issues.

For a recorded message containing the latest agenda information, call: (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504–0800.

Date: April 27, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93–10404 Filed 4–28–93; 3:26 pm]

BILLING CODE 6355–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, May 11, 1993, 2:00 P.M. (Eastern Time).

PLACE: Conference Room on the Ninth Floor of the EEOC Office Building, 1801 "L" Street, NW., Washington, DC 20507.

STATUS: Part of the Meeting will be open to the public and part of the Meeting will be closed.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes
2. Reports to the Commission
   a. Human Resource Management Services
   b. Office of Program Operations
   c. Office of Management—Technical Assistance Training Institute (TATI)
3. Proposal to Cancel the EEO–6 Reporting Requirements

Closed Session

1. Litigation Authorization: General Counsel Recommendations

Note: Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 663–7100 (voice) and (202) 663–4077 (TTD) at any time for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

Date: April 27, 1993.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 93–10290 Filed 4–28–93; 8:48 am]

BILLING CODE 6750–06–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:29 a.m. on Tuesday, April 27, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Application for Federal Deposit Insurance: First Financial Bank, Atlanta, Georgia, a proposed new bank to be located at 3 Corporate Square, Suite 700, Atlanta, Georgia.

Matters relating to the probable failure of certain insured banks.

Matters relating to the Corporation's corporate and supervisory activities.

Recommendation regarding the liquidation of a depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum re: American Diversified Savings Bank, Costa Mesa, California, Case No. 000–00015–93–BOD.

Matters relating to an assistance agreement with an insured bank.

In calling the meeting, the Board determined, on motion of Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), seconded by Director Eugene A. Ludwig (Comptroller of the Currency), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: April 27, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–10337 Filed 4–28–93; 3:30 pm]

BILLING CODE 6714–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 10:30 a.m., Wednesday, May 5, 1993, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 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: April 28, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–10299 Filed 4–28–93; 10:27 am]

BILLING CODE 6210–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, May 5, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Publication for comment of proposed rule to expand the definition of financial institution in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 regarding netting contracts.
2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: April 28, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–10300 filed 4–28–93; 10:27am]

BILLING CODE 6210–01–M

NATIONAL WOMEN'S BUSINESS COUNCIL

Notice of Meeting

In accordance with the Women's Business Ownership Act, Public Law 100–533 as amended, the National Women's Business Council announces a forthcoming Council Meeting. The focus of the meeting will be to discuss administrative matters, as well as, planning of future Council meetings and hearings for the remainder of the year.

DATES: May 10, 1993, 10:00 am to 12:00 noon.

ADDRESS: Longworth House Office Building, Room 1310A.

STATUS: Open to the public.

NOTICE: Pursuant to 41 CFR 101–6.1015(b)(2), this Notice is being published less than 15 days prior to the meeting date because of scheduling difficulties and the appointment of new members to the National Women's Business Council by the new Administration.

FOR FURTHER INFORMATION CONTACT: Meredithe Napper, Executive Director or Deborah Darrell, Legislative Analyst, National Women's Business Council, 409 3rd Street, SW., Suite 7425, Washington, DC 20024, (202) 205–3850.

Meredithe Napper,

Executive Director, National Women's Business Council.

[FR Doc. 93–10411 Filed 4–28–93; 3:04 pm]

BILLING CODE 6820–AB–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following open meeting during the week of May 3, 1993.

An open meeting will be held on Tuesday, May 4, 1993, at 2:30 p.m., in Room 6059.

The subject matter of the open meeting scheduled for Tuesday, May 4, 1993, at 2:30 p.m., will be:

1. Consideration of whether to issue a concept release that seeks comment on the appropriate net capital treatment of various over-the-counter ("OTC") derivative instruments, including OTC options, forwards, futures, and swaps. For further information, please contact Michael A. Macchiaroli at (202) 272–2904.
2. Consideration of whether to propose for comment new exceptions to Rules 10b–6, 10b–7, and 10b–8 under the Securities Exchange Act of 1934 in connection with distributions of Rule 144A eligible foreign securities, if such securities are offered or sold in the United States solely to "qualified institutional buyers" in transactions exempt from registration pursuant to Section 4(2) of or Rule 144A or Regulation D under the Securities Act of 1933. For further information, please contact Diane Mage Roberts at (202) 504–2938.

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: Steve Luparello at (202) 272–2100.

Dated: April 27, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10276 Filed 4–27–93; 4:40 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 58, No.82
Friday, April 30, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Office of Environmental Restoration and Waste Management

Publication of Schedule for Submitting Plans for Treating Mixed Waste Generated or Stored at Each Site as Required by the Federal Facility Compliance Act of 1992

Correction

In notice document 93–8042 beginning on page 17875 in the issue of Tuesday, April 6, 1993, make the following corrections:

1. On page 17876, in the table, in the third column, under the heading "Facility", in the entry for Charleston Naval Shipyard, insert "1".

2. On the same page, in the same column, under the same heading, in the entry for Savannah River Site, delete "1".

3. On the same page, in the same column, under the same heading, in the entry for Norfolk Naval Shipyard, insert "1".

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 435

[MB–001–FC]
RIN 0938–AA58

Medicaid Program; Eligibility and Coverage Requirements

Correction

In rule document 93–880 beginning on page 4908 in the issue of Tuesday, January 19, 1993, make the following corrections:

1. On page 4927, in the first column, amendatory instruction 7. was omitted just before § 435.201, it should read as follows:

7. Section 435.201 is revised to read as follows:

2. On page 4932, in the second column, the heading above amendatory instruction 39. should read "§ 435.733 [Amended]".

BILLING CODE 1505–01–D

OFFICE OF NATIONAL DRUG CONTROL POLICY

21 CFR Part 1403

Uniform Administrative Requirements for Grants and Cooperative Agreements

Correction

In rule document 92–27962 beginning on page 55091 in the issue of Tuesday, November 24, 1992, make the following correction:

Appendix A to part 1403 [Corrected]

On page 55110, in the first column, in Appendix A to part 1403, in paragraph 13b., in lines three and four, remove "b. The three parts of the audit report may be found".

BILLING CODE 1505–01–D

federal register

Friday
April 30, 1993

Part II

Department of the Interior

Minerals Management Service

Outer Continental Shelf Operations: Proposed 1995 Lease Sales; Call for Information, Nominations and Intent To Prepare an Environmental Impact Statement; Notice

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
Gulf of Mexico OCS Region

Proposed 1995 Lease Sales

Call for Information and Nominations
and
Notice of Intent to Prepare an Environmental Impact Statement

CALL FOR INFORMATION AND NOMINATIONS
(Responses Due in 45 Days)

Purpose of Call

The purpose of the Call is to gather information for Outer Continental Shelf (OCS) Lease Sale 152 in the Central Gulf of Mexico (CGOM) Planning Area, tentatively scheduled for March 1995, and OCS Lease Sale 155 in the Western Gulf of Mexico (WGOM) Planning Area, tentatively scheduled for August 1995.

Information and nominations on gas and oil leasing, exploration, and development and production within the Central and Western Gulf of Mexico Planning Areas are sought from all interested parties. This early planning and consultation step is part of the Area Evaluation and Decision Process and is important for ensuring that all interests and concerns are communicated to the Department of the Interior for future decisions in the leasing process pursuant to the OCS Lands Act, as amended (OCSLAA) (43 U.S.C. 1331-1356 (1988)), and regulations at 30 CFR Part 256. This Call does not indicate a preliminary decision to lease in the area described below. Final delineation of the area for possible leasing will be made at a later date and in compliance with applicable laws including all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as amended, and the OCSLAA. Established departmental procedures will be employed.

Description of Area

The general area of this Call covers the entire central and western portions of the Gulf of Mexico between approximately 88 degrees W. longitude on the east and approximately 97 degrees W. longitude on the west and extends from the Federal-State boundaries seaward to the provisional maritime boundary between the United States and Mexico. The entire Call area is offshore the States of Texas, Louisiana, Mississippi, and Alabama. This area is divided into two planning areas.

The CGOM Planning Area is bounded on the east by approximately 88 degrees W. longitude. Its western boundary begins at the offshore boundary between Texas and Louisiana and proceeds southeasterly to approximately 28 degrees N. latitude, thence east to approximately 92 degrees W. longitude, thence south to the provisional maritime boundary with Mexico which constitutes the southern boundary of the area. The northern part of the area is bounded by the Federal-State boundary offshore Louisiana, Mississippi, and Alabama. The area available for nominations and comments consists of about 47.8 million acres.

The WGOM Planning Area is bounded on the west and north by the Federal-State boundary and on the east by the CGOM Planning Area. The area extends south to the provisional maritime boundary with Mexico. The area is offshore Texas and, in deeper water, offshore Louisiana. The area available for nominations and comments consists of about 35.9 million acres.

A standard Call for Information Map depicting each planning area on a block-by-block basis is available without charge from:

Minerals Management Service
Public Information Unit
1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123-2394
Telephone: (504) 736-2519

Areas Deferred from this Call (Western Gulf)

High Island Area, East Addition, South Extension, (Flower Gardens), Block A-375 and Block A-398 (WGOM).

Area Under Ongoing Discussions with the Navy (Western Gulf)

The Corpus Christi Naval Operations Area has been deferred from leasing in Western Gulf Sales 135 and 141 in accordance with a 1990 agreement with the Navy. The area has also been deferred from leasing in Sales 143 and 150 in accordance with a 1992 agreement with the Navy. (The precise block listing involved has varied slightly.) This Naval Operations Area is not being deferred from this Call. The Minerals Management Service (MMS) will institute a review of the area to take into account possible changes in nearby gas and oil discovery and development patterns and will continue discussions with the Navy and industry representatives regarding future activities.

BILLING CODE 4310-MR-M

Instructions on Call

Indications of interest and comments must be received no later than 45 days following publication of this document in the Federal Register in envelopes labeled "Nominations for Proposed 1995 Lease Sales in the Gulf of Mexico" or "Comments on the Call for Information and Nominations for Proposed 1995 Lease Sales in the Gulf of Mexico." The standard Call for Information Map and indications of interest and/or comments must be submitted to the Regional Supervisor, Leasing and Environment, Gulf of Mexico OCS Region, at the address stated above.

The standard Call for Information Map delineates the Call area all of which has been identified by the MMS as having potential for the discovery of accumulations of gas and oil. Respondents are requested to indicate interest in and comment on any or all of the Federal acreage within the boundaries of the Call area that they wish to have considered for inclusion in proposed Sale 152 in the CGOM and proposed Sale 155 in the WGOM.

Although individual indications of interest are considered to be privileged and proprietary information, the names of persons or entities indicating interest or submitting comments will be of public record. Those indicating such interest are requested to do so on the standard Call for Information Map by outlining the areas of interest along block lines.

Respondents should rank areas in which they have expressed interest according to priority of their interest (e.g., priority 1 (high), 2 (medium), or 3 (low)). Respondents are encouraged to be specific in indicating blocks by priority, as blanket nominations on large areas are not useful in the analysis of industry interest. Areas where interest has been indicated but on which respondents have not indicated priorities will be considered priority 3 (low).

Respondents may also submit a detailed list of blocks nominated (by Official Protraction Diagram and Leasing Map designations) to ensure correct interpretation of their nominations. Specific questions may be directed to the Chief, Leasing Activities Section at (504) 736-2761. Official Protraction Diagrams and Leasing Maps can be purchased from the Public Information Unit referred to above.

Comments are sought from all interested parties about particular geological, environmental, biological, archaeological, and socioeconomic conditions or conflicts, or other information which might bear upon the potential leasing and development of particular areas. Comments are also sought on possible conflicts between future OCS gas and oil activities that may result from the proposed sales and State Coastal Management Programs (CMP's).

If possible, these comments should identify specific CMP policies of concern, the nature of the conflict foreseen, and steps that the MMS could take to avoid or mitigate the potential conflict. Comments may either be in terms of broad areas or restricted to particular blocks of concern. Those submitting comments are requested to list block numbers or outline the subject area on the standard Call for Information Map.

Use of Information from Call

Information submitted in response to this Call will be used for several purposes. First, responses will be used to help delineate the areas of potential for gas and oil development upon which an Environmental Impact Statement (EIS) will be prepared. Second, comments on possible environmental effects and potential use conflicts will be used in the analysis of environmental conditions in and near the Call area. This information will be used to make a preliminary determination of the potential advantages and disadvantages of gas and oil exploration and development to the region and the Nation. A third purpose of this Call is to use the comments collected to initiate the scoping process for the EIS and develop a proposed action and alternatives to the proposed action. Fourth, comments may be used in developing lease terms and conditions to ensure safe offshore operations. Fifth, comments may be used to point out potential conflicts between offshore gas and oil activities and a State CMP.

Existing Information

Preceding this Call in the sale planning process was an Information Base Review (IBR). The purpose of an IBR is to evaluate the status of pertinent information and the information acquisition efforts. This IBR constituted an assessment of the quality and adequacy of the information available which has been found sufficient for the decision to proceed with the Call.

An extensive environmental studies program has been underway in this area since 1973. The emphasis, including continuing studies, has been on environmental characterization of biologically sensitive habitats, physical oceanography, ocean-circulation modeling, and ecological effects of gas and oil activities. A complete listing of available study reports, and information for ordering copies, can be obtained from the Public Information Unit referenced above. The reports may also be ordered, for a fee, from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, or telephone (703) 487-4650. In addition, a program status report for continuing studies in this area can be obtained from the Chief, Environmental Studies Section, Gulf of Mexico OCS Region (see address under "Description of Area"), or telephone (504) 736-2896.

Summary Reports and Indices and technical and geological reports are available for review at the MMS, Gulf of Mexico OCS Region. Copies of the Gulf of Mexico OCS Regional Summary Reports may be obtained from the OCS Information Program, Office of Offshore Information and Publications, Minerals Management Service, at 381 Elden Street, Herndon, Virginia 22070.

Tentative Schedule

The following is a list of tentative milestone dates preceding CGOM Sale 152 and WGOM Sale 155:

	CGOM Sale 152	WGOM Sale 155
Comments due on the Call	June 1993	June 1993
Notice Of Intent Comments Due (Scoping)	June 1993	June 1993
Area Identification	July 1993	July 1993
Draft EIS published	April 1994	April 1994
Proposed Notice Issued	April 1994	April 1994
Public Hearings held on Draft EIS	June 1994	June 1994
Governors' Comments Due on Proposed Notice	July 1994	July 1994
Final EIS published	December 1994	December 1994
CZM Consistency Determination	December 1994	April 1995
Final Notice of Sale published	February 1995	July 1995
Sale Date	March 1995	August 1995

NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT
(Comments Due in 45 Days)

Purpose of Notice of Intent (NOI)

Pursuant to the regulations (40 CFR 1501.7) implementing the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the MMS is announcing its intent to prepare an EIS on the gas and oil leasing proposals known as Sale 152 in the CGOM, and Sale 155 in the WGOM, off the States of Texas, Louisiana, Mississippi, and Alabama. The NOI also serves to announce the scoping process that will be followed for this EIS. Throughout the scoping process, Federal Agencies and State and local governments and other interested parties have the opportunity to aid the MMS in determining the significant issues and alternatives to be analyzed in the EIS.

The EIS analysis will focus on the potential environmental effects of leasing, exploration, and development of the blocks included in the areas defined in the Area Identification procedure as the proposed areas of the Federal actions. Alternatives to the proposal which may be considered for each sale are to delay the sale, cancel the sale, or modify the sale.

Instructions on NOI to Prepare an EIS

Federal Agencies and State and local governments and other interested parties are requested to send their written comments on the scope of the EIS, significant issues which should be addressed, and alternatives that should be considered to the Regional Supervisor, Leasing and Environment, Gulf of Mexico OCS Region, at the address stated under "Description of Area." Comments should be enclosed in an envelope labeled "Comments on the NOI to Prepare an EIS on the proposed 1995 Lease Sales in the Gulf of Mexico." Comments are due no later than 45 days from publication of this Notice. Scoping meetings will be held in appropriate locations to obtain additional comments and information regarding the scope of the EIS.

Acting Director, Minerals Management Service
Thomas Gernhofer

Approved:

Assistant Secretary - Land and Minerals Management
Michael Dombeck

Date

[FR Doc. 93-10147 Filed 4-29-93; 8:45 am]
BILLING CODE 4310-MR-C

federal register

Friday
April 30, 1993

Part III

Department of Education

Training in Early Childhood Education and Violence Counseling; Notice Inviting Applications for New Awards for Fiscal Year 1993

DEPARTMENT OF EDUCATION

[CFDA NO.: 84.266]

Training in Early Childhood Education and Violence Counseling; Notice Inviting Application for New Awards for Fiscal Year (FY) 1993

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 1993.

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: To enable institutions of higher education to establish innovative programs to recruit and train students for careers in early childhood development or violence counseling.

Eligible Applicants: Institutions of higher education.

Deadline For Transmittal Of Applications: June 14, 1993.

Deadline For Intergovernmental Review: August 13, 1993.

Available Funds: $4,960,000.

Range Of Awards: $500,000 to $1,000,000.

Estimated Average Size Of Awards: $750,000.

Estimated Number Of Awards: 7.

Note: The Department is not bound by any estimates in this notice.

Project Period: 3–5 years.

Applicable Regulations:

Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR Part 75 (Direct Grant Programs).

(3) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR Part 82 (New Restrictions on Lobbying).

(6) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR Part 86 (Drug-Free Schools and Campuses).

Description of Program: Section 596 of the Higher Education Amendments of 1992 (Pub. L. 102–325) authorizes grants to institutions of higher education (IHEs) to enable them to establish innovative programs to recruit and train students for careers in one or both of the following (1) early childhood development and care, or preschool programs; or (2) counseling to young children from birth to 6 years of age who have been affected by violence and to adults who work with these children.

Applications: A grant may be made only to an IHE that submits an application to the Secretary. The application must—

(1) Describe the activities and services for which assistance is sought;

(2) Contain a comprehensive plan for the recruitment, retention, and training of students for careers in early childhood development or violence counseling;

(3) Demonstrate that the institution has the capacity to implement the plan; and

(4) Provide assurances that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

The comprehensive plan must include a description of—

(1) Specific strategies for reaching students at secondary schools, community colleges, undergraduate institutions, or other agencies and institutions from which students are to be drawn for participation in the program, including any partnerships with the institutions;

(2) Specific strategies for retaining students in the program, such as summer sessions, internships, mentoring, or other activities;

(3) Methods that will be used to ensure that students trained pursuant to the plan will find employment in early childhood education, development and care, or violence counseling;

(4) The goals, objectives, and timelines to be used in assessing the success of the plan and of the activities assisted under the grant award;

(5) The curriculum and training leading to the degree or credential that prepares students for the careers described in the plan;

(6) The special plans, if any, to ensure that students trained pursuant to the plan will be prepared for serving in economically disadvantaged areas; and

(7) Sources of financial aid to ensure that the training program is available to all qualified students.

Priority: Under 34 CFR Part 105(c)(3) and section 596(d) of the authorizing statute, the Secretary will fund under this competition only applications from institutions that—(1) prepare students for work in economically disadvantaged areas; (2) plan to focus their recruitment, retention, and training efforts on disadvantaged students; and (3) have demonstrated effectiveness in providing the type of training for which the institution seeks assistance.

Selection Criteria:

(a) (1) The Secretary uses the following selection criteria to evaluate applications for grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

The regulations in 34 CFR 75.210 (a) and (c) provide that the Secretary may award up to 100 points for the selection criteria including distribution of an additional 15 points among the criteria in 34 CFR 75.210(b). For this competition, the Secretary distributes the additional 15 points as follows: 5 points to selection criterion 34 CFR 75.210(b)(2) (Extent of need for the project) for a possible total of 25 points; 5 points to selection criterion 34 CFR 75.210(b)(3) (Plan of operation) for a possible total of 20 points); 5 points to selection criterion 34 CFR 75.210(b)(6) for a possible total of 10 points).

(b) *The criteria*—(1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purpose of section 596 of the Higher Education Amendments of 1992, including consideration of—

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of the authorizing statute.

(2) *Extent of need for the project.* (25 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in the authorizing statute including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective; and

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition.

(4) *Quality of key personnel.* (7 points)

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(4)(i)(A) and (B) will commit to the project; and

(D) How the applicant, as part of the nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(4)(i)(A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable. (Cross-reference: See 34 CFR 75.590 Evaluation by the grantee.)

(7) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs: This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of contact, see the list published in the **Federal Register** on September 21, 1992 (57 FR 43525 and 43526).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372, U.S. Department of Education, Room 4161, 400 Maryland Avenue SW., Washington, D.C. 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS. INSTRUCTIONS FOR TRANSMITTAL OF APPLICATIONS:

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA 84.266), Washington, DC 20202–4725 or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, D.C. time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA 84.266), Room 3633, Regional Office Building #3, 7th and D Streets SW., Washington, DC 20202.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms: The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

PART II: Budget Information—Non-Construction Programs (Standard Form 424A) and instructions.

PART III: Application Narrative.

Additional Materials:

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered

Transactions (ED 80–0014, 9/90) and instructions. (NOTE: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Alexander, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 2025), Washington, DC 20202–6132. Telephone: (202) 401–1692. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–977–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: Pub. L. 102–325, Higher Education Amendments of 1992, section 596.

Dated: April 23, 1993.

Mary Jean LeTendre,

Acting Assistant Secretary for Elementary and Secondary Education.

BILLING CODE 4000–01–M

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction / Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify)

_____

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 2 6 6

TITLE Training in Early Childhood Education and Violence Counseling

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT.

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16-19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:

23. Remarks

SF 424A (4-88) Page 2
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INSTRUCTIONS FOR THE SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A,B,C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A,B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j – Show the amount of indirect cost.

Line 6k – Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

INSTRUCTIONS FOR THE SF-424A *(continued)*

Line 7 – Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8-11 – Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) – Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) – Enter the contribution to be made by the applicant.

Column (c) – Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) – Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) – Enter totals of Columns (b), (c), and (d).

Line 12 — Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 – Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 – Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 – Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16 - 19 – Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 – Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 – Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 – Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 – Provide any other explanations or comments deemed necessary.

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Instructions for Part III Application Narrative

Before preparing the Application Narrative an applicant should read carefully the description of the program, the information regarding priorities, and the selection criteria the Secretary uses to evaluate applications.

The narrative should encompass each function or activity for which funds are being requested and should—

1. Begin with an Abstract; that is, a summary of the proposed project;

2. Describe the proposed project in light of each of the selection criteria in the order in which the criteria are listed in this application; and

3. Include any other pertinent information that might assist the Secretary in reviewing the application.

The Secretary strongly requests the applicant to limit the Application Narrative to no more than 20 double-spaced, typed (on one side only), although the Secretary will consider applications of greater length. The Department has found that successful applications for similar programs generally meet this page limit.

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information.

Public reporting burden for this collection of information is estimated to average six hours per response, including the time for reviewing and instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project, OMB 1810–0562, Washington, DC 20503.

(Information collection approved under OMB control number 1810–0562. Expiration date: 4/94.)

BILLING CODE 4000–01–M

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about–

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will–

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 —

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013, 6/90 (Replaces ED 80-0008, 12/89; ED Form GCS-008, (REV. 12/88); ED 80-0010, 5/90; and ED 80-0011, 5/90 which are obsolete)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0346-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known:*
Congressional District, *if known:*

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
Congressional District, *if known:*

6. Federal Department/Agency:

7. Federal Program Name/Description:
CFDA Number, *if applicable:* _____

8. Federal Action Number, *if known:*

9. Award Amount, *if known:*
$

10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI):*

b. Individuals Performing Services *(including address if different from No. 10a) (last name, first name, MI):*

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply):*
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply):*
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply):*
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

Federal Use Only:

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Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 mintues per response, including 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 this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

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IMPORTANT NOTICE TO PROSPECTIVE PARTICIPANTS IN USDE CONTRACT AND GRANT PROGRAMS

GRANTS

Applicants for grants from the U.S. Department of Education (USDE) have to compete for limited funds.

Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste.

For these reasons, USDE must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that -

Failure to meet a deadline will mean that an applicant will be rejected without any consideration whatever.

The rules, including the deadline, for applying for each grant are published, individually, in the Federal Register. A one-year subscription to the Register may be obtained by sending $340.00 to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20202-9371. (Send check or money order only, no cash or stamps.)

The instructions in the Federal Register must be followed exactly. Do not accept any other advise you may receive. No USDE employee is authorized to extend any deadline published in the Register.

Questions regarding submission of applications may be addressed to:

U.S. Department of Education
Application Control Center
Washington, D.C. 20202-4725

CONTRACTS

Competitive procurement actions undertaken by the USDE are governed by the Federal Procurement Regulations and implementing ED Procurement Regulations.

Generally, prospective competitive procurement actions are synopsized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement and where to apply for copies of the Request for Proposals (RFP).

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the RFP. Questions regarding the submission of offers should be addressed to the Contracting Specialist identified on the face page of the RFP.

Offers are judged in competition with others, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or the RFP. No USDE employee is authorized to consider a proposal which is non-responsive to the RFP.

A subscription to the CBD is available for $208.00 per year via second class mailing or $261.00 per year via first class mailing. Information included in the Federal Acquisition Regulations is contained in Title 48, Code of Federal Regulations, Chapter 1 ($49.00). The forgoing publication may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402-9371

In an effort to be certain this important information is widely disseminated, this notice is being included in all USDE mail to the public. You may, therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

ED FORM 3348, 6/86 REPLACES ED FORM 3348, 3/84 WHICH IS OBSOLETE

[FR Doc. 93–10183 Filed 4–29–93; 8:45 am]
BILLING CODE 4000–01–C

federal register

Friday
April 30, 1993

Part IV

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing

24 CFR Part 200

Use of Materials Bulletins Used in the HUD Building Product Standards and Certification Program; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-93-1630; FR-3210-P02]

RIN 2502-AF62

Use of Materials Bulletins Used in the HUD Building Product Standards and Certification Program

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would adopt, in accordance with 5 U.S.C. 552, the Administrative Procedure Act, the following Use of Materials Bulletins (UMs): 39b-Aluminum Fenestration Products; 44d-Carpet; 59b-Wood Fenestration Products; 71a-Polystyrene Foam Insulation Board; 72a-Carpet Cushion; 82a-Sealed Insulating Glass Units; 85a Poly (vinyl chloride) (PVC) Fenestration Products; 89-Steel Insulated Door Systems; and 100-Solar Water Heating Systems. This document also references related national voluntary consensus standards.

In accordance with 24 CFR 200.935, these Use of Materials Bulletins would also provide a labeling and third party certification procedure to assure that the building products used in HUD programs meet the appropriate national voluntary consensus standards. The proposed rule would also supplement the HUD Building Product Standards and Certification Program by requiring that additional information be included on the label, tag, or mark that each manufacturer would affix to a certified product. It would also specify the frequency with which products must be tested in order to be acceptable to HUD.

DATES: Comments must be received by June 29, 1993.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of the General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500. Facsimile (FAX) are not acceptable.

Communication should refer to the above docket number and title, and should identify the particular UM Bulletin to which the comment pertains. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Mailing address: Leslie Breden, Manufactured Housing and Construction Standards Division, Mailroom B133, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-8000; Office location: 490 East L'Enfant Plaza, suite 3214, Washington, DC 20410; telephone, voice: (202) 755-7440; (TDD) (202) 708-4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Pursuant to HUD's Building Product Standards and Certification Program, which is authorized by section 521 of the National Housing Act, 12 U.S.C. 1735e, the Department issues Use of Materials Bulletins (UMs). The Ums are issued to provide HUD standards that establish minimum acceptable qualities for certain materials and products to be used in properties subject to mortgages insured by the Department. A UM is also used as a means of promulgating a labeling and certification program, to assure that the product used meets the appropriate standard.

The Department has evaluated technical standards for Use of Materials Bulletins 39b-Aluminum Fenestration Products; 44d-Carpet; 59b-Wood Fenestration Products; 71a-Polystyrene Foam Insulation Board; 72a-Carpet Cushion; 82a-Sealed Insulating Glass Units; 85a Poly (vinyl chloride) (PVC) Fenestration Products; 89-Steel Insulated Door Systems; and 100-Solar Water Heating Systems, and plans to adopt these standards by incorporating them by reference into the UMs. The UMs adoption would also augment the labeling requirements of 24 CFR 200.935(d)(6).

The text of the UMs is not being produced in the proposed rule, because the substance is embodied in new sections of 24 CFR part 200 set forth below. However, copies of the UMs are available for public inspection during regular business hours in the Standards and Products Branch, 490 East L'Enfant Plaza, suite 3214, Washington, DC 20410, and in the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(c), of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

Executive Order 12291

This proposed rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order, on Federal Regulations issued by the President on February 17, 1981. An analysis of the proposed rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies; and (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Secretary in approving this proposed rule for publication, certifies in accordance with 5 U.S.C. 605(b), the Regulatory Flexibility Act, that this proposed rule would not have a significant economic impact on a substantial number of small entities. These UMs would adopt standards that are nationally recognized throughout the affected industry, and their adoption will not create a burden on manufacturers, which are currently meeting the standards.

Semiannual Agenda

This proposed rule was listed as item 1395 in the Department's Semiannual Agenda of Regulations published on November 3, 1992 (57 FR 51392, 51412) under Executive Order 12291 and the Regulatory Flexibility Act.

Family Impact

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this proposed rule does not have potential significant impact on family formation, maintenance, and general well-being; therefore, it is not subject to review under this order.

Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule would not have federalism implications and thus, are not subject to review under the order. The standards incorporated in this proposed rule were developed in the private sector and are expected to be used generally by the

industry nationwide. This proposed rule will not interfere with or preempt State or local government functions.

List of Subjects in 24 CFR Part 200

Administrative practices and procedures, Claims, Equal employment opportunity, Fair housing, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

Accordingly, 24 CFR part 200 would be amended to read as follows:

PART 200—INTRODUCTION

1. The authority citation for 24 CFR part 200 would continue to read as follows:

Authority: 12 U.S.C. 1701–1715z–18; 42 U.S.C. 3535(d).

2. Section 200.938 would be revised to read as follows:

§ 200.938 Supplementary specific requirements under the HUD building product standards and certification program for aluminum fenestration products.

(a) *Applicable standards.* All aluminum fenestration products shall be designed, manufactured, and tested in compliance with the following American National Standards Institute standards:

ANSI/AAMA 101–88—Specification for Aluminum Prime Windows and Sliding Patio Doors
ANSI/AAMA 1102.7–90—Specification for Aluminum Storm Doors
ANSI/AAMA 1002.10–83—Specification for Aluminum Storm Windows and Sliding Glass Doors
ANSI/AAMA 1600–90—Specification for Skylights

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the Administrator to the manufacturer. Each aluminum fenestration product shall be marked as conforming to UM 39b. The label shall be located on each aluminum fenestration product so that it is available for inspection. The label shall include the manufacturer's name and plant location.

(c) *Periodic tests and quality assurance inspections.* Under the procedure set forth in 24 CFR 200.935(d)(8) concerning periodic tests and quality assurance inspections, the frequency of testing for product shall be described in the specific building product certification program. In the case of aluminum fenestration products, testing and inspection shall be conducted as follows:

(1) At least once every four years, the administrator shall visit the manufacturer's facility to select a sample, of the maximum size commercially available, for testing in a laboratory approved by the administrator.

(2) The administrator also shall review the quality assurance procedures twice a year to assure that they are being followed by the manufacturer.

3. Section 200.939 would be revised to read as follows:

§ 200.939 Supplementary specific requirements under the HUD building product standards and certification program for wood fenestration products.

(a) *Applicable standards.* All wood fenestration products shall be designed, manufactured, and tested in compliance with the following American National Standards Institute standards:

ANSI/NWWDA IS 2–87—Wood Windows
ANSI/NWWDA IS 3–88—Wood Sliding Doors

(b) *Labeling.* Under the procedures set forth in § 200.935(d)(6) concerning labeling of a product, the Administrator's validation mark and the manufacturer's certification of compliance with the applicable standards is required to be on the certification label issued by the Administrator to the manufacturer. Each wood fenestration product shall be marked as conforming to UM 59b. The label shall be located on each wood fenestration product so that it is available for inspection. The label shall include the manufacturer's name and plant location.

(c) *Periodic tests and quality assurance inspections.* Under the procedures set forth in § 200.935(d)(8) concerning periodic tests and quality assurance inspections, the frequency of testing for a product shall be described in the specific building product certification program. In case of wood fenestration products, testing and inspection shall be conducted as follows:

(1) At least once every four years, the administrator shall visit the manufacturer's facility to select a sample, of the maximum size commercially available, for testing in a laboratory, approved by the administrator.

(2) The administrator also shall review the quality assurance procedures twice a year to assure that they are being followed by the manufacturer.

4. A new § 200.945 would be added to read as follows:

§ 200.945 Supplementary specific requirements under the HUD building product standards and certification program for carpet.

(a) *Applicable standards.* All carpet shall be designed, manufactured, and tested in compliance with the following standards:

(1) ASTM D418–89—Methods of Testing Woven and Tufted Pile Floor Coverings
(2) ASTM D1335–90—Test method for Tuft Bind of Pile Floor Covering
(3) ASTM D2646–89—Test Method for Testing Backing Fabrics
(4) ASTM D3936–91—Test Method for Delamination Strength of Secondary Backing of Pile Floor Coverings
(5) AATCC 24–85—Test for Resistance of Textiles to Insects
(6) AATCC 16e–90—Test for Colorfastness to Light
(7) AATCC 8–86—Test for Crocking
(8) ASTM D3676–91—Test Method for Weight per Unit Area of Woven Fabric
(9) ASTM D3574–91—Method of Testing Flexible Cellular Materials
(10) ASTM D297–90—Method for Testing Rubber Products

(b) *Labeling.* Under the procedures set forth in § 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with UM 44d are required to be on the certification label issued by the Administrator to the manufacturer. The label shall be placed on each carpet every six feet not less than one foot from the edge.

(c) *Periodic tests and quality assurance inspection.* Under the procedure set forth in § 200.935(d)(8), testing and inspection shall be conducted as follows:

(1) Every six (6) months, three (3) samples and 1 annual field sample of carpet shall be submitted to the Administrator for testing in laboratory accredited by the National Voluntary Laboratory Accreditation Program of the U.S. Department of Commerce.

(2) The administrator also shall rview the quality assurance procedures every six months to assure that they are being followed by the manufacturer.

5. A new § 200.946 would be added, to read as follows:

§ 200.946 Building product standards and certification program for polystyrene foam insulation board.

(a) *Applicable standards.* All polystyrene foam insulation board shall be designed, manufactured, and tested in compliance with the American Society for Testing and Materials (ASTM) standard C–578–87, "Preformed Cellular Polystyrene Thermal Insulation."

(b) *Labeling.* Under the procedures set forth in § 200.935(d)(6) concerning labeling of a product, the administrator's certification of compliance with the applicable standards, and the type of board are required to be on the certification label issued by the administrator to the manufacturer.

(c) *Periodic tests and quality assurance inspection.* Under the procedure set forth in § 200.935(d)(8), testing and inspection shall be conducted as follows:

(1) At least every six months, the administrator shall visit the manufacturer's facility to select a sample of each certified polystyrene foam insulation board for testing by a laboratory approved by the administrator.

(2) The administrator also shall review the quality assurance procedures every six months to assure that they are being followed by the manufacturer.

6. A new § 200.947 would be added to read as follows:

§ 200.947 Building product standards and certification program for carpet cushion.

(a) *Applicable standards.* All carpet cushion shall be designed, manufactured, and tested in compliance with standards in UM–72a.

(b) *Labeling.* Under the procedures set forth in § 200.935(d)(6) concerning labeling of a product, the administrator's validation mark, the manufacturer's certification of compliance with the applicable standards, and the type and class all are required to be on the certification label issued by the administrator to the manufacturer.

(c) *Periodic tests and quality assurance inspection.* Under the procedure set forth in § 200.935(d)(8), testing and inspection shall be conducted as follows:

(1) At least every six months, the administrator shall visit the manufacturer's facility to select a sample of each certified carpet cushion for testing by a laboratory approved by the administrator.

(2) The administrator also shall review the quality assurance procedures every six months to assure that they are being followed by the manufacturer.

7. Section 200.940 would be revised to read as follows:

§ 200.940 Supplementary specific requirements under the HUD building product standards and certification program for sealed insulating glass units.

(a) *Applicable standards.* All sealed insulating glass units shall be designed, manufactured, and tested in compliance with the following American Society for Testing & Materials standards:

ASTM E–774–88—Specification for Sealed Insulating Glass Units

(b) *Labeling.* Under the procedures set forth in § 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards, are issued by the administrator to the manufacturer. Each sealed insulating glass unit shall be marked as conforming to UM 82a. The label shall be located on each sealed insulating unit so that it is available for inspection. The label shall include the manufacturer's name and plant location.

(c) *Periodic tests and quality assurance inspections.* Under the procedures set forth in § 200.935(d)(8) concerning periodic tests and quality assurance inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of sealed insulating glass units, testing and inspection shall be conducted as follows:

(1) At least once a year, the administrator shall visit the manufacturer's facility to select a sample, of the maximum size commercially available, for testing in a laboratory approved by the administrator.

(2) The administrator shall also review the quality assurance procedures twice a year to assure that they are being followed by the manufacturer.

8. Section 200.941 would be revised to read as follows:

§ 200.941 Supplementary specific requirements under the HUD building products standards and certification program for poly (vinyl chloride) PVC fenestration products.

(a) *Applicable standards.* All PVC plastic fenestration products shall be designed, manufactured, and tested in compliance with the following American National Standards Institute standard or American Society for Testing and Materials standard:

ANSI/AAMA 101V–90—Specifications for PVC Prime Windows & Sliding Patio Doors (white only)

or

ASTM D 4099–89—Specification for PVC Prime Windows

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. Each PVC fenestration product shall be marked as conforming to UM 85a. The label shall be located on each PVC fenestration product so that it is available for inspection. The label shall include the manufacturer's name and plant location.

(c) *Periodic tests and quality assurance inspections.* Under the procedures set forth in § 200.935(d)(8) concerning periodic tests and quality assurance inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of PVC fenestration products, testing and inspection shall be conducted as follows:

(1) At least once every four years, the administrator shall visit the manufacturer's facility to select a sample, of the maximum size commercially available, for testing in a laboratory approved by the administrator.

(2) The administrator also shall review the quality assurance procedures twice a year to assure that they are being followed by the manufacturer.

9. A new § 200.948 would be added to read as follows:

§ 200.948 Building product standards and certification program for exterior insulated steel door systems.

(a) *Applicable standards.* All Exterior Insulated Steel Door Systems shall be designed, manufactured, and tested in compliance with the following standards:

(1) ASTM A591–89—"Specification for Steel Sheet, Cold-Rolled Electrolytic Zinc Coated" Class B (minimum thickness, 0.022")

(2) ISDSI–100–90—"Dimensional Standard for Insulated Steel Door Systems"

(3) ISDSI–101–90—"Air Infiltration Performance Standard for Insulated Steel Door Systems"

(4) ISDSI–102–90—"Installation Standard for Insulated Steel Door Systems"

(5) ISDSI–104–90— "Water Penetration Performance Standard for Insulated Steel Door Systems"

(6) ISDSI–105–90—"Mechanical Performance Standard for Insulated Steel Door Systems"

(7) ISDSI–106–90—"Test Procedure and Acceptance Criteria for Prime Painted Steel Surfaces for Steel Doors and Frames"

(8) ISDSI–107–90—"Thermal Performance Standard for Insulated Steel Systems and Weatherstrip Frame Assemblies"

(9) ASTM F476–91—"Standard Test Method for Security of Swinging Door Assemblies" (Section 18 Door Impact Test)

Labeling. Under the procedures set forth in § 200.935(d)(6) concerning labeling of a product, the administrator's certification of compliance with the applicable standards is required to be on the certification label issued by the administrator to the manufacturer.

(c) *Periodic tests and quality assurance inspection.* Under the procedure set forth in § 200.935(d)(8), testing and inspection shall be conducted as follows:

(1) At least every four years, the administrator shall visit the manufacturer's facility to select a sample of each certified exterior insulated steel door system for testing by an approved laboratory in accordance with the applicable standard.

(2) The administrator also shall review the quality assurance procedures every year to assure that they are being followed by the manufacturer.

10. A new § 200.949 would be added to read as follows:

§ 200.949 Building product standards and certification program for solar water heating system.

(a) *Applicable standards.* All solar water heating systems shall be designed, manufactured, and tested in compliance with Solar Rating and Certification Corporation (SRCC) Standards OG–300–89, "Operating Guidelines and Minimum Standards for Certifying Solar Water Heating System" (except for the program administration section).

(b) *Labeling.* Under the procedures set forth in § 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. Each solar water heating system shall be marked as conforming to UM 100. The label shall include the manufacturer's name and plant location.

(c) *Periodic tests and quality assurance inspection.* Under the procedure set forth in § 200.935(d)(8) of testing and inspection shall be conducted as follows:

(1) The Administrator shall visit the manufacturer's factory every two years to assume that the initially accepted quality assurance procedures are being followed at least every four years, the administrator shall test the collector in a laboratory approved by the Administrator.

(i) At least every four years, the administrator shall visit the manufacturer's facility to select a sample of each certified solar water heating system for testing by a laboratory approved by the administrator.

(ii) The administrator shall also review the quality assurance procedures every two years to assure that they are being followed by the manufacturer.

(d) *Warranty.* The manufacturer shall provide, at no cost, a full five-year warranty against defects in material or workmanship, on the absorber plate, cooling passages, and the collector (excluding any glass), running from the date of installation of the solar water heating system. The warranty also shall include the full costs of field inspection, parts, and labor required to remedy the defects, and will include the cost of replacement at the site if required. This warranty is not required to cover defects resulting from exposure to harmful materials, fire, flood, lightning, hurricane, tornado, hailstorms, earthquakes, or other acts of God, vandalism, explosions, harmful chemicals or other fluids, fumes or vapors. This exclusion will apply to the operation of the collector under excessive pressures or excessive flow rates, misuse, abuse, negligence, accidents, alterations, falling objects or other causes beyond the control of the manufacturer. Following the initial five years, the manufacturer shall provide a limited no-cost five-year warranty for collector parts on a prorata allowance basis.

Dated: April 19, 1993.

James E. Schoenberger,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 93–10209 Filed 4–29–93; 8:45 am]

BILLING CODE 4210–27–M

federal register

Friday
April 30, 1993

Part V

The President

Proclamation 6550—Jewish Heritage Week, 1993

Proclamation 6551—National Crime Victims' Rights Week, 1993

Proclamation 6552—Death of Cesar Chavez

Federal Register
Vol. 58, No. 82
Friday, April 30, 1993

Presidential Documents

Title 3—

The President

Proclamation 6550 of April 28, 1993

Jewish Heritage Week, 1993

By the President of the United States

A Proclamation

The essence of America's greatness has always been the diversity of its people. From the times of native settlement through the immigration of people from hundreds of other countries, the United States has gained immeasurably from the strengths of the peoples who have come to our shores. The Jewish community is an important part of this legacy.

Jewish citizens have contributed their knowledge and skills to every field of endeavor, including education, business, industry, science, and the arts. Their names are permanently etched in America's history books, and the Jewish community's rich heritage and culture pervade all aspects of American society.

Throughout the years, immigrating to America meant educational and economic opportunity, as well as freedom from oppression, for the Jewish people. For people who suffered under the yoke of dictators and ethnic hatred, America's democracy offered a chance for political involvement and religious liberty.

By wagon and train, by horseback and all other means of conveyance, the Jewish people have traveled across the vast expanse of America to create prosperous and rewarding lives for themselves. In the process, they have improved the social, political, and economic fabric of our Nation. To celebrate these contributions and recognize the people, traditions, and culture of the Jewish faith, the Congress, by Senate Joint Resolution 30, has designated the week of April 25, 1993, through May 2, 1993, as "Jewish Heritage Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of April 25, 1993, through May 2, 1993, as Jewish Heritage Week. I call upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93–10441
Filed 4–28–93; 5:02 pm]
Billing code 3195–01–P

Editorial note: For the President's remarks at a reception honoring the opening of the United States Holocaust Memeorial Museum and at its dedication, see pages 635 and 644 of issue 16 of the *Weekly Compilation of Presidential Documents.*

Presidential Documents

Proclamation 6551 of April 28, 1993

National Crime Victims' Rights Week, 1993

By the President of the United States of America

A Proclamation

Every day, thousands of men, women, and children are murdered, raped, robbed, beaten, or abused. They are the innocent victims of crime in the streets, towns, and homes of America.

Fortunately, crime victims in this country are not left alone to try to recover from the physical, emotional, and financial distress of victimization. Thousands of dedicated Americans are working tirelessly at the Federal, State, and local levels to provide comfort and financial assistance and to advocate for fair treatment. These advocates help the innocent victims of crime to recover from the trauma of victimization and to navigate the often emotionally difficult criminal justice process. "National Crime Victims' Rights Week" provides a special opportunity for us to demonstrate our appreciation to these selfless advocates and to renew our commitment to the needs and rights of crime victims.

Much has been accomplished during the past two decades to institutionalize victims' rights in this country. Bills of rights have been enacted at the Federal level and by 49 State governments to codify certain essential protections for victims. All 50 States now have crime victim compensation programs. Federal assistance under the Victims of Crime Act continues to supplement State crime victim compensation programs, support programs that provide direct assistance to crime victims, establish assistance for Native Americans who have been victimized, and provide training to increase the sensitivity of criminal justice practitioners to the special needs of crime victims.

While these gains are significant, there is still much that must be done to combat the crime trends that further threaten our communities. We must continue to work together to prevent crime and to protect ourselves, our families, and our fellow Americans from violence. We must work to provide opportunity where despair reigns. We must work together to ensure that hardened criminals who prey upon the innocent receive punishment commensurate with the harm—physical, emotional, and financial—that they have inflicted. And we must continue to work together to ensure that the innocent victims of crime receive the services they need and fair treatment by our Nation's criminal justice system.

The Congress, by Senate Joint Resolution 62, has designated the week of April 25 through May 1, 1993, as National Crime Victims' Rights Week and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of April 25 through May 1, 1993, as National Crime Victims' Rights Week. I urge all Americans to join in honoring those who work in behalf of crime victims and their families and to commit themselves to working together with their neighbors for safer streets, safer schools, and brighter tomorrows for all our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93-10442
Filed 4-28-93; 5:03 pm]
Billing code 3195-01-P

Presidential Documents

Proclamation 6552 of April 28, 1993

Death of Cesar Chavez

By the President of the United States of America

A Proclamation

Cesar Chavez came from the humble yet proud beginnings of a migrant worker to lead those same workers in a movement that irreversibly shaped our Nation and brought justice and dignity to thousands. After the Depression forced young Cesar and his family from their ranch, he began working in the fields at an early age. His family traveled throughout California following the seasonal work, and he attended nearly 70 schools before dropping out to help support his family. Although his formal education ended after the seventh grade, Cesar learned much from the courageous example of his parents. Often among the first to resist exploitation and to stand up to injustice, they instilled in Cesar a profound respect for the intrinsic value of each human person, and a fervent desire to protect that value. Inspired by the teachings of a Catholic priest and by the writings of Ghandi and other great civil leaders, Cesar rose to become one of the great labor leaders of our time.

The United Farm Workers, the union he founded and led for almost three decades, became a symbol of empowerment and pride for many workers. Cesar's innate understanding of the problems facing migrant workers allowed him to organize thousands of farm workers across the Nation. With natural leadership and unflagging determination, he achieved real progress where others had failed.

His insistence on nonviolent tactics stood in stark contrast to the bitterness and brutality that were used in resistance. The strength of his vision and the power of his leadership enabled him to take his struggle directly to the American people. He focused our Nation's attention on the economic and social plight of migrant farm workers and, in the process, taught us how injustice anywhere affects us everywhere.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, in tribute to the memory of Cesar Chavez, do hereby call upon the citizens of this great Nation to reflect on and honor the life of this distinguished leader, veteran, and American.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93-10474
Filed 4-29-93; 11:41 am]
Billing code 3195-01-P

Editorial note: For the President's statement on the death of Cesar Chavez, see page 663 of the *Weekly Compilation of Presidential Documents.*

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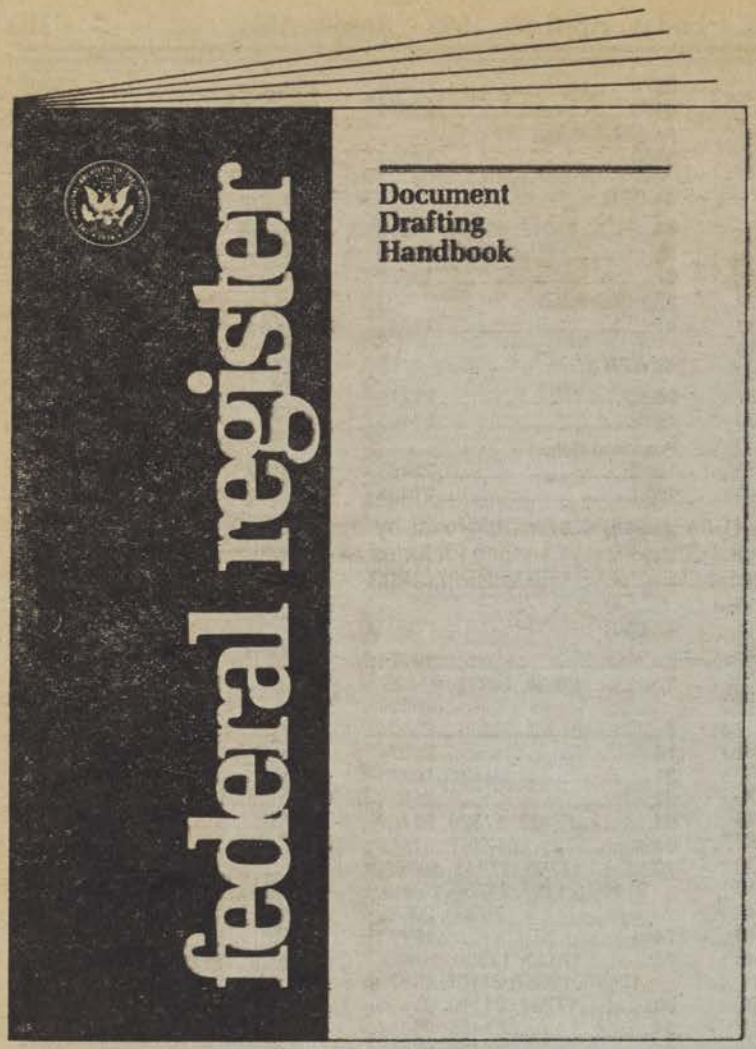

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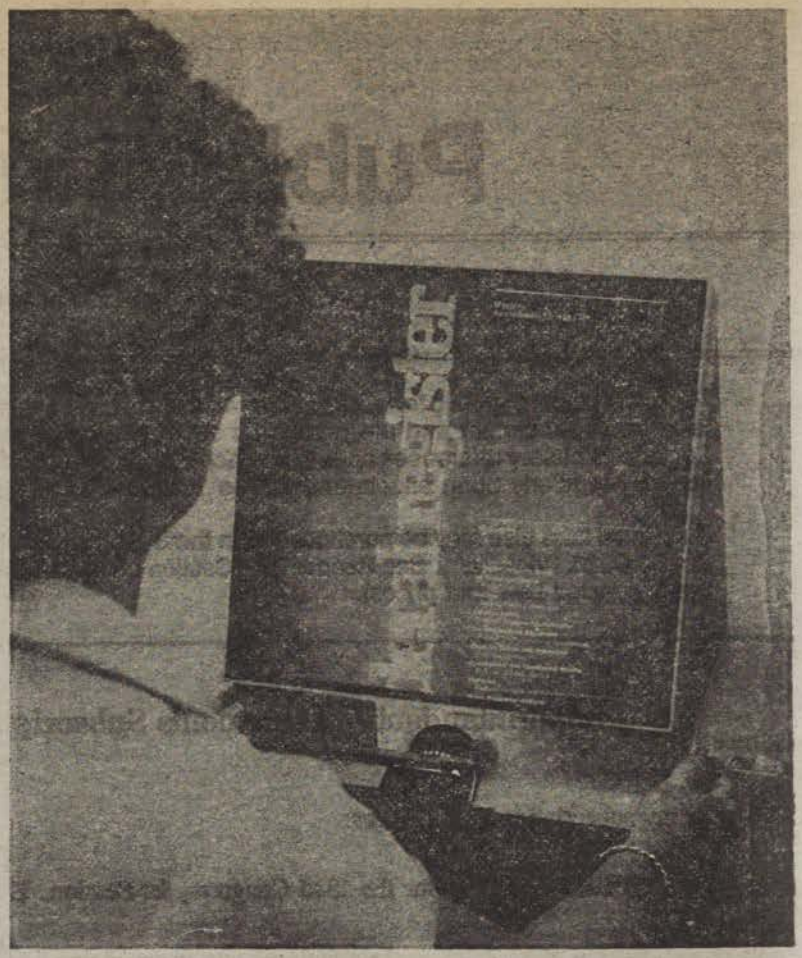

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