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Briefings on How To Use the Federal Register
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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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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

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

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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 73

[Airspace Docket No. 92-AWP-17]

Amendment of Time of Designation for Restricted Area R-3101; HI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action reduces the time of designation for R-3101 PMRFAC FOUR, HI, from 0600-1800 local time daily; other times by NOTAM, to 0600-1800 local time, Monday-Friday; other times by NOTAM. This action releases the restricted area for public use on weekends.

EFFECTIVE DATE: 0901 UTC, July 22, 1993.

FOR FURTHER INFORMATION CONTACT: Diane Bodenhamer, Military Operations Program Office (ATM-420), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-3178.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to part 73 of the Federal Aviation Regulations reduces the time of designation for R-3101 PMRFAC FOUR, HI, from 0600-1800 local time daily; other times by NOTAM, to 0600-1800 local time, Monday-Friday; other times by NOTAM. This action releases the restricted area for public use on weekends. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public is not particularly interested. Section 73.31 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8A dated March 3, 1993.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This action does not alter the dimensions of restricted airspace, nor is the mission conducted within the airspace changed. It enhances the efficient management of airspace by increasing public availability. Accordingly, this action will have no effect on current air traffic procedures or on routing or altitude of civil aircraft operations in the area. The FAA, therefore, finds that there will be no significant impact on the environment as a result of this action.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510, 1522; E.O. 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 73.31 [Amended]

2. § 73.31 is amended as follows:

R-3101 PMRFAC FOUR, HI [Amended]

By removing "Time of designation. 0600 to 1800 local time daily; other times by NOTAM," and substituting the following: "Time of designation. 0600-1800 local time, Monday-Friday; other time by NOTAM."

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

Harold W. Becker,

Manager, Airspace Rules and Aeronautical Information Division.

[FR Doc. 93-10378 Filed 4-30-93; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 27248; Amdt. No. 1541]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 9260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applies to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air), Standard instrument approaches, Weather.

Issued in Washington, DC, on April 9, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective May 27, 1993*

Juneau, AK, Juneau Intl, LDA–1 RWY 8, Amdt. 10
Juneau, AK, Juneau Intl, NDB–1 RWY 8, Amdt. 10
Grand Canyon, AZ, Grand Canyon National Park, ILS/DME 1 RWY 3, Orig.
Phoenix, AZ, Phoenix-Deer Valley Muni, NDB RWY 25L, Amdt. 3
Scottsdale, AZ, Scottsdale, VOR–A, Amdt. 1
Scottsdale, AZ, Scottsdale, NDB–B, Amdt. 3
Bentonville, AR, Bentonville Muni/Louise M Thadden Field, VOR–A, Amdt. 10
Bentonville, AR, Bentonville Muni/Louise M Thadden Field, VOR/DME–B, Amdt. 3
Fayetteville, AR, Drake Field, VOR/DME–B, Amdt. 7, CANCELLED
Fayetteville, AR, Drake Field, VOT–A, Amdt. 24
Fayetteville, AR, Drake Field, LOC RWY 16, Amdt. 15
Fayetteville, AR, Drake Field, VOR/DME RWY 34, Orig.
Rogers, AR, Rogers Municipal-Carter Field, VOR RWY 1, Amdt. 12
Rogers, AR, Rogers Municipal-Carter Field, VOR/DME RWY 19, Amdt. 9
Rogers, AR, Rogers Municipal-Carter Field, ILS RWY 19, Amdt. 1
Grand Isle, LA, Grand Isle, VOR–A, Amdt. 8
Grand Isle, LA, Grand Isle, VOR/DME–C, Amdt. 7
Grand Isle, LA, Grand Isle, NDB–B, Amdt. 9
Houma, LA, Houma-Terrebonne, VOR RWY 12, Amdt. 4
Houma, LA, Houma-Terrebonne, VOR/DME RWY 30, Amdt. 11
Houma, LA, Houma-Terrebonne, NDB RWY 18, Amdt. 4
Houma, LA, Houma-Terrebonne, ILS RWY 18, Amdt. 3
Houma, LA, Houma-Terrebonne, VOR/DME RNAV RWY 36, Amdt. 4
Houma, LA, Houma-Terrebonne, COPTER VOR/DME 117, Amdt. 3
Port Sulphur, LA, Port Sulphur, VOR/DME-A, Amdt. 6
Port Sulphur, LA, Port Sulphur, VOR/DME-B, Amdt. 5
Slidell, LA, Slidell, VOR/DME RWY 18, Amdt. 3
Slidell, LA, Slidell, NDB RWY 18, Amdt. 1
Venice, LA, Tiger Pass, NDB–A, Amdt. 1

Kansas City, MO, Kansas City Downtown, VOR RWY 3, Amdt. 16
Teterboro, NJ, Teterboro, VOR/DME RNAV RWY 24, Orig.
Plattsburgh, NY, Clinton County, ILS RWY 1, Amdt. 2
Syracuse, NY, Syracuse Hancock Intl, VOR/DME or TACAN RWY 32, Amdt. 1
Ponca City, OK, Ponca City Muni, NDB RWY 17, Amdt. 3
Ponca City, OK, Ponca City Muni, NDB RWY 35, Amdt. 2
Aguadilla, PR, Rafael Hernandez, VOR RWY 8, Amdt. 4
Myrtle Beach, SC, Myrtle Beach Jetport, VOR/DME–A, Orig.
Myrtle Beach, SC, Myrtle Beach Jetport, ILS RWY 35, Orig.
Myrtle Beach, SC, Myrtle Beach Jetport, ILS RWY 17, Orig.
Myrtle Beach, SC, Myrtle Beach Jetport, RADAR–1, Orig.
Lufkin, TX, Angelina County, LOC RWY 7, Amdt. 1, CANCELLED
Lufkin, TX, Angelina County, ILS RWY 7, Orig.
Nacogdoches, TX, A.L. Mangham Jr. Regional, VOR/DME RWY 36, Orig., CANCELLED
Nacogdoches, TX, A.L. Mangham Jr. Regional, LOC RWY 36, Amdt. 1
Nacogdoches, TX, A.L. Mangham Jr. Regional, NDB RWY 36, Orig.
Wallops Island, VA, Wallops Flight Facility, VOR/DME or TACAN RWY 10, Amdt. 3

* * * *Effective April 29, 1993*

Shreveport, LA, Shreveport Regional, LOC RWY 5, Orig.

* * * *Effective April 1, 1993*

Hoquiam, WA, Bowerman, VOR/DME RWY 24, Amdt. 5

[FR Doc. 93–10368 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 27249; Amdt. No. 1542]

Standard Instrument Approach Procedures: Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscriptions

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviations Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The Provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled. The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

This amendment to part 97 contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs

are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC, on April 9, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
03/26/93	TN.	Memphis	Memphis Intl	FDC 3/1635	ILS Rwy 36R Amdt 8...
04/01/93	FL.	Cross City	Cross City	FDC 3/1699	VOR Rwy 31 Amdt 16A...
04/01/93	MA.	Nantucket	Nantucket Memorial	FDC 3/1785	ILS Rwy 24 Amdt 14...
04/01/93	MA.	Nantucket	Nantucket Memorial	FDC 3/1786	NDB Rwy 24 Amdt 10...
04/01/93	MA.	Nantucket	Nantucket Memorial	FDC 3/1793	VOR Rwy 24 Amdt 12...
04/01/93	MA.	Nantucket	Nantucket Memorial	FDC 3/1794	LOC BC Rwy 6 Amdt 7...
04/01/93	OH.	Wapakoneta	Wapakoneta/Neil Armstrong.	FDC 3/1792	LOC Rwy 26 Amdt 1...
04/01/93	SC.	Camden	Woodard Field	FDC 3/1797	NDB Rwy 24 Amdt 6A...
04/01/93	SC.	Camden	Woodard Field	FDC 3/1798	VOR DME–A Amdt 3...
04/01/93	SC.	North Myrtle Beach	Grand Strand	FDC 3/1761	ILS Rwy 23, Amdt 9A...
04/01/93	SC.	North Myrtle Beach	Grand Strand	FDC 3/1762	NDB Rwy 23, Amdt 10A...
04/01/93	TN.	Clarksville	Outlaw Field	FDC 3/1737	LOC Rwy 35 Amdt 5A...
04/01/93	TN.	Clarksville	Outlaw Field	FDC 3/1738	VOR Rwy 35 Amdt 15A...
04/01/93	TN.	Clarksville	Outlaw Field	FDC 3/1739	NDB Rwy 35 Amdt 5A...
0401/93	TN.	Savannah	Savannah-Hardin County.	FDC 3/1742	VOR/DME Rwy 18 Amdt 5A...
04/01/93	TX.	Mineola	Mineola Wisener Field	FDC 3/1718	VOR/DME–A Amdt 3...
04/01/93	MO.	Sikeston	Sikeston Memorial Muni.	FDC 3/1815	VOR Rwy 20 Amdt 2A...
04/04/93	IA.	Charles City	Charles City Muni	FDC 3/1865	NDB Rwy 30 Amdt 2A...
04/04/93	IA.	Charles City	Charles City Muni	FDC 3/1866	NDB Rwy 12 Orig-A...
04/04/93	IA.	Charles City	Charles City Muni	FDC 3/1867	LOC Rwy 12 Orig-A...
04/05/93	IA	Keokuk	Keokuk Muni	FDC 3/1870	NDB Rwy 14 Amdt 11...
04/05/93	IA.	Keokuk	Keokuk Muni	FDC 3/1871	NDB Rwy 26 Orig...
04/05/93	IA.	Monticello	Monticello Muni	FDC 3/1868	NDB–A Amdt 3...
04/05/93	IA.	Monticello	Monticello Muni	FDC 3/1869	VOR/DME RNAV Rwy 31 Amdt 1...
04/05/93	MA.	Worcester	Worcester Muni	FDC 3/1876	LOC Rwy 29, Orig...
04/06/93	MD.	Baltimore	Martin State	FDC 3/1882	ILS Rwy 32 Amdt 4. .
04/06/93	MD.	Baltimore	Martin State	FDC 3/1883	LOC Rwy 14 Orig...
04/06/93	MD.	Baltimore	Martin State	FDC 3/1884	VOR/DME or TACAN 1 Rwy 14 Amdt 4...
04/06/93	MD.	Baltimore	Martin State	FDC 3/1885	VOR/DME RNAV Rwy 14 Amdt 4...
04/06/93	MD.	Baltimore	Martin State	FDC 3/1886	NDB Rwy 14 Amdt 7...
04/06/93	MD.	Baltimore	Martin State	FDC 3/1887	NDB Rwy 32 Amdt 7...
04/07/93	IA.	Fairfield	Fairfield Muni	FDC 3/1944	VOR/DME RNAV Rwy 36 Amdt 1A...
04/07/93	IA.	Fairfield	Fairfield Muni	FDC 3/1958	NDB Rwy 36 Amdt 7A...
04/07/93	MN.	Cloquet	Cloquet Carlton County.	FDC 3/1935	NDB Rwy 35, Amdt 3A...
04/07/93	MN.	Cloquet	Cloquet Carlton County.	FDC 3/1937	VOR/DME–A, Amdt 5A...

NFDC TRANSMITTAL LETTER—Continued

Effective	State	City	Airport	FDC No.	SIAP
04/07/93	MN.	Cloquet	Cloquet Carlton County.	FDC 3/1939	NDB Rwy 17, Amdt 3A...
04/07/93	TX.	Dallas-Fort Worth	Dallas-Fort Worth Intl	FDC 3/1934	ILS Rwy 17L Amdt 5...

[FR Doc. 93–10369 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Contract Market Emergency Actions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has implemented the statutory directive set forth in section 213 of the Futures Trading Practices Act of 1992 ("Futures Trading Act") by amending regulation 1.41 to establish new procedures for a contract market emergency action. Under the amendments, a contract market must make every effort practicable to notify the Commission of its intention to implement, modify, or terminate an emergency rule. The contract market also must supplement its notice with information on the emergency action and conditions. Within ten days of receipt from a contract market of all of the required information, the Commission will permit the rule to remain in effect, unless it finds that the contract market's emergency action is arbitrary, capricious, or an abuse of discretion; lacking a reasonable basis in fact; or taken in bad faith. If the Commission determines that the contract market's emergency action does not meet this standard and finds that suspension of the rule is not contrary to the public interest and the purposes of section 5a(a)(12) of the Commodity Exchange Act, then the Commission will, in its discretion and upon such terms and conditions as it deems appropriate, suspend the effect of the rule pending review under 5a(a)(12)(A) or otherwise.

EFFECTIVE DATE: July 2, 1993.

FOR FURTHER INFORMATION CONTACT: Shauna L. Turnbull, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

On February 4, 1993, the Commission published for public comment in the **Federal Register** proposed amendments to Regulation 1.41.[1] In accordance with the requirements imposed by section 213 of the Futures Trading Act, the proposed regulation established new temporary emergency rule procedures.

II. Comments Received

The Commission received letters from five commenters, all of which were futures exchanges. Although the commenters recognized the importance of regulating emergency actions, they requested clarification, deletion, and alteration of aspects of the proposed amendments.

The Commission has carefully reviewed the comments received and, as a result, has issued final amendments that modify and clarify the proposed amendments to Regulation 1.41. Comments addressing specific provisions of the regulation and explanations of the Commission's revisions are discussed below.

III. Amendments to Regulation 1.41

The final amendments implement the statutory directive by providing additional guidance on the definition of the term "emergency;" defining the term "affiliated firm;" requiring, to the extent practicable, prior notice of an emergency action and a complete explanation of the emergency; requiring the submission of additional information on an emergency to the Commission; establishing a standard of review and procedures for a Commission determination on an emergency action; specifying new types of permissible emergency actions; and modifying procedures for taking a physical emergency action.

A. Definition of "Emergency"

1. The Proposed Rule

Proposed amendments to Regulation 1.41(a) included modifications to the definition of the term "emergency." Under existing regulations 1.41(a)(4) (i) and (ii), the term "emergency" is defined as "[a]ny occurrence or circumstance specifically defined as an 'emergency' by the rules of a contract market which have been submitted to the Commission" and "[a]ny other occurrence or circumstance which, in the opinion of the governing board of the contract market, requires immediate action and threatens or may threaten" the market. The current regulation also includes a nonexclusive list of possible occurrences and circumstances which may be deemed emergencies.

Under the proposed amendments, the Commission deleted the provision which permits a contract market to define the term "emergency" as any occurrence or circumstance noted in rules of the contract market. Instead, a contract market had to ensure that its rules were consistent with a modified version of the definition of "emergency." Under this modified provision, a contract market governing board could determine that an emergency existed when, in its opinion, occurrences or circumstances listed in the regulation required immediate action and threatened or could threaten the markets.

The listed occurrences or circumstances included a general provision designed to address "[a]ny other unusual, unforeseeable and adverse circumstance with respect to which it is not practicable for the contract market to submit, in a timely fashion, a rule to the Commission for prior review." In the proposed definition, the term "not practicable" was substituted for the term "impracticable" because courts have interpreted the word "impracticable" as meaning "inconvenient."[2]

2. Comments Received

In light of the recent bombing of the World Trade Center, the Coffee, Sugar & Cocoa Exchange, Inc. ("CSCE") commented that the list of specific occurrences and circumstances that may be considered emergencies should be expanded to add "malfunctions of plumbing, heating, ventilation and/or air conditioning systems, and other circumstances rendering trading

[1] 58 FR 7056 (February 4, 1993).

[2] *Jenson* v. *Continental Financial Corp.*, 404 F. Supp. 806, 809 (D. Minn. 1975); *Fifth Mooring Condominium, Inc.* v. *Shere*, 81 F.R.D. 712, 716 (S.D. Fla. 1978).

facilities not reasonably capable of being occupied."

In addition, the CSCE and New York Mercantile Exchange ("Nymex") stated that the modified definition of "emergency" might not cover all emergencies that arose in the future. The New York Mercantile Exchange ("Nymex") expressed concern that the proposed definition would not address such emergencies as loss of the external quotation system, failure of a significant number of computerized trading terminals, and widespread failure of a computer network. One futures exchange, the Chicago Mercantile Exchange ("CME"), wrote in support of the proposed definition. The CME believed that the Commission's proposed definition of "emergency" addressed the Commission's goal of requiring greater consistency among contract markets in a reasonable manner.

The Chicago Board of Trade ("CBT") and MidAmerica Exchange ("MidAm")[3] also stated that substitution of the phrase "not practicable" for the word "impracticable" could alter the standard imposed on exchanges for providing prior notice to the Commission of an emergency action. In contrast, the CME commented that it had no objection to this proposed change.

3. Regulation 1.41(a)(4)

Based on review of these comments, the Commission has added an explicit reference to malfunctions of trading facilities to the list of circumstances that qualify as an emergency. The Commission notes that existing Regulation 1.41(a)(v) was broad enough to have permitted emergency action relating to the World Trade Center bombing. Under that provision, a contract market may deem to be an emergency "[a]ny circumstances which may have a severe, adverse affect upon the physical functions of a contract market including, for example, fire or other casualty, bomb threats, substantial inclement weather, power failures, communication breakdowns, and transportation breakdowns." The proposed amendments added to this provision "computer system breakdowns" and "screen-based trading system breakdowns."

For purposes of clarifying the provision, however, the Commission will add the clause "malfunctions of plumbing, heating, ventilation and air conditioning systems" to the examples of possible circumstances which may have a "severe, adverse effect upon the physical functions of a contract market." The Commission has determined not to add the reference to "other circumstances rendering trading facilities not reasonably capable of being occupied" because the existing provision is broad enough to address these circumstances and is not limited by a reasonableness standard.

The Commission also believes that the proposed definition in Regulation 1.41(a)(4) would provide sufficient flexibility to address future emergencies and, therefore, is making this definition final. Although the Commission recognizes that it is changing a nonexclusive list of emergencies to an exclusive list and deleting the provision that permits a contract market to develop its own definition of "emergency," the regulation also includes a general clause that encompasses all "unusual, unforeseeable and adverse circumstances." The Commission believes that this clause, together with the more specific clauses, are broad enough to address the circumstances noted by Nymex, as well as any other emergency circumstances. By reducing the complete discretion available to a contract market under existing provisions, the Commission intends only to prevent the submission of emergency actions that more properly should be submitted under non-emergency rule provisions.

The Commission also has made final the proposed substitution of the term "not practicable" for "impracticable." Thus, the Commission intends to clarify that a contract market must not declare an emergency merely because it is inconvenient to submit a rule for prior review. By substituting these terms, the Commission has not altered the standard governing prior notice of an emergency action by a contract market. The prior notice standard, which is contained in Regulation 1.41(f)(2)(i), does not contain the word "impracticable."

B. Definition of "Affiliated Firm"

1. The Proposed Rule

As part of the proposed regulation, the Commission requested documentation no later than five days after notice of an emergency action of customer and proprietary market positions held by a governing board member's affiliated firm. The term "affiliated firm" was defined as "any firm in which the person is a general partner, officer, director, employee, or owner of more than ten percent of the equity interest." Existing emergency regulations do not include a comparable term and definition.

2. Comments Received

The CME and Nymex stated that the proposed definition of "affiliated firm" was overly broad. Specifically, the CME objected to an employee floor broker having the same disclosure requirements as a sole owner of a firm. Nymex stated that inclusion of international offices in the definition of "affiliated firm" would make it burdensome to comply with the five-day submission requirement. International offices have differences in office hours as a result of time zones, presenting difficulties in communication and collection of information. Nymex suggested that the term "affiliated firm" should be limited to domestic offices.

3. Regulation 1.41(a)(8)

The Commission has considered these comments and has determined to modify related provisions of the proposed regulation but also to make the proposed definition of "affiliated firm" final with one change. The term "principal" has been added to the definition to clarify the scope of the regulation.

One purpose of obtaining position information from governing board members is to provide a basis for the Commission's determination on whether a governing board member acted in bad faith or was subject to a conflict of interest. Since it is possible for an employee to be influenced in his voting by his employer's market positions and for a governing board member to be influenced by market positions held at an international office, the Commission is unable to make its determination without this information.

Information about a governing board member's position may be readily available to the contract market through contact with clearing firms. The Commission understands, however, that the contract markets will need to obtain account numbers from its governing board members to conduct a review or permit review of governing board members' positions. If a contract market chooses not to obtain account numbers from its governing board members, then it must develop other methods for obtaining this information. As discussed more fully below, an authorized member or contract market official will have to review governing board members' position information, in any event, under section 217 of the Futures Trading Act on conflicts of interest.

Because it may be difficult for a contract market to collect the required position information, however, the

[3] The CBT and MidAm are affiliated futures exchanges, and they submitted identical comment letters under different signatures.

Commission may permit a limited extension of time in certain cases, beyond the five days, for providing the Commission with documentation of the position information, where there is significant need for an extension. In addition, the Commission will require information only on net positions in certain contract months of governing board members who attended an emergency action meeting. These provisions will be discussed below.

C. Notice

1. The Proposed Rule

Under current regulation 1.41(f)(2) a contract market must notify the Commission of the adoption, modification and termination of a temporary emergency rule by the fastest available means of communication. A written copy of an emergency rule and a complete explanation of the emergency and action taken to address the emergency also must be submitted to the Commission.

Section 213 of the Futures Trading Act provides that the Commission must issue regulations to specify that a contract market may make an emergency rule effective without prior Commission approval "if the contract market makes every effort practicable to notify the Commission of such emergency rule, along with a complete explanation of the emergency involved, prior to making the emergency rule effective. If the contract market does not provide the Commission with such notification and explanation before making the emergency rule effective, the contract market shall provide the Commission with such notification and explanation at the earliest possible date."

In accordance with this statutory provision, the proposed regulation amended regulation 1.41(f)(2) to provide that "[a] contract market must make every effort practicable to provide notice to the Commission that it intends to implement, modify or terminate a temporary emergency rule prior to implementing, modifying or terminating the rule. If it is not practicable for the contract market to notify the Commission prior to taking the emergency action, the contract market shall provide the Commission with notice of the implementation, modification, or termination of any emergency rule at the earliest possible time." In addition, under the proposed regulation, notice had to include:

(1) "[T]o the extent practicable, a complete explanation of the contract market action intended or taken to meet the emergency and a description of the nature of the emergency;"

(2) "[I]n any instance where a contract market does not provide prior notice of an emergency action, an explanation of why it was not practicable for a contract market to provide such notice; and"

(3) "[A]n explanation of why it was not practicable for the contract market to submit the temporary emergency rule to the Commission for prior review." The Commission also proposed, under regulation 1.41(f)(2)(ii), that a contract market should submit at the time of notification "[a]ny available written documentation of the nature of the emergency conditions and the intended or actual emergency action."

2. Comments Received

Two contract markets, the CME and Nymex, commented that prior notification of a temporary emergency rule would be difficult to provide to the Commission. The CME stated that it was concerned about the requirement that a contract market must attempt to notify the Commission and provide a copy of an emergency rule prior to implementation of that rule. It commented that such prior notification would not be possible since CME staff could not predict the action of the governing board members prior to the emergency rule meeting. Nymex noted that prior notice of an emergency often is not possible due to the inherent nature of the emergency, and such notice could jeopardize the stability of the market, given the sensitivity of the information relating to an emergency.

For purposes of protecting sensitive information, Nymex suggested that the Commission should make emergency rule information subject to a confidentiality provision. In addition, Nymex commented that the Commission should make the prior notice requirement less burdensome by stating that a contract market need only "make reasonable efforts under the circumstances" to provide timely notice to the Commission.

The CSCE requested clarification on the procedure for providing notice. It stated in its comment letter that the Commission should clarify whether initial notice may be given orally and by telephone. It also suggested that the Commission should specify the telephone numbers to call, including back-up numbers in case the main number for the appropriate Division is busy. In addition, the CSCE suggested that the Commission should provide one or more numbers with voice mail or some other recording device to receive messages if the individuals authorized to receive notice are not available and should specify telephone numbers for the receipt of facsimile transmissions.

The CSCE further commented that documentation requested in proposed regulation 1.41(f)(2)(ii) should not have to be provided at the time of notification and that this request could be addressed by a subsection of the proposed regulation that required submission of documentation no later than five days after notice of the emergency. Specifically, proposed regulation 1.41(f)(3)(iii) stated that a contract market should submit to the Commission "[w]ritten documentation, not previously provided, of the emergency conditions and the emergency action, including documentation of the reasons for the specific emergency action taken."

In addition, the CME stated in its comment letter that section 213 of the Futures Trading Act does not require a contract market to explain why, in appropriate cases, it was not practicable to provide prior notice to the Commission of an emergency action. The CME, therefore, proposed that the Commission delete this provision.

3. Regulation 1.41(f)(2)

After review and consideration of the futures exchanges' comments, the Commission has determined to make proposed regulation 1.41(f)(2) final. To clarify, these emergency rule provisions implement section 213 of the Futures Trading Act by requiring that a contract market must make every effort practicable to provide certain information to the Commission that is available to a contract market. In response to the CME's comment that it will be virtually impossible to provide prior notice, the Commission recognizes that contract market staff cannot predict the outcome of a governing board meeting. Where the contract market does not know the precise action that its governing board will select, the contract market can notify the Commission of the emergency circumstances and of the intended meeting of its governing board to discuss the emergency.

In response to Nymex's comments, the Commission understands that, even when a contract market makes every effort practicable to provide prior notice of an emergency action to the Commission, it may not be able to succeed in giving such notice because of the time constraints inherent in emergencies. Thus, a contract market is not required to provide the Commission with prior notice. It need only make every effort practicable to do so. In a situation where the time pressure associated with the emergency prevents a contract market from giving prior

notice, the contract market will be able to provide notice at the earliest possible time. This standard for making "every effort practicable" to provide prior notice is required by section 213 of the statute. Because it does not require a contract market to specify the exact action to be taken, it should not interfere with the contract market's ability to take timely emergency actions.

The Commission also recognizes that notification of an intended emergency action can involve the disclosure of highly sensitive market information. As noted in the **Federal Register** release on the proposed emergency rule amendments, position information is not generally publicly available. The Commission will be particularly sensitive to the treatment of such information and to the nature of any emergency action not then public in any report on an emergency action. The Commission also notes that section 9(d) of the Commodity Exchange Act generally makes it a felony for any Commissioner, employee, or agent of the Commission who acquires non-public information which may affect the price of any commodity to trade on that information or to impart the information with the intention of assisting another person to participate in any futures transaction.

The CSCE requested clarification of certain procedural aspects of the notice provision. As required by regulation 1.41(f)(2)(i), a contract market will have to provide notice by the fastest means available and must use its best efforts to ensure that the notice is actually received by an authorized person. The Commission has not specified the form of communication that may be used for providing notice because it recognizes that this form may vary with the emergency circumstances; however, the Commission believes that notice by telephone often will be the fastest means available to provide the requested personal notice. Notice by facsimile also may prove to be the fastest means available under certain circumstances, but the contract market must use its best efforts to ensure that the facsimile is actually received by an authorized person. In addition, notice by voice mail or other recording device may satisfy the requirement that a contract market must provide notice by the fastest means available; however, as with facsimiles, a contract market must use its best efforts to ensure that the recorded notice is actually received by an authorized person.

In response to the CSCE's request for appropriate telephone and facsimile numbers, the Commission has determined to circulate an advisory to all contract markets with information on appropriate persons to contact and their telephone and facsimile numbers. This advisory will be updated as needed.

The CSCE and CME also requested clarification of the regulation 1.41(f)(2)(ii) requirement that a contract market must provide the Commission with any available documentation of the nature of the emergency conditions and the intended or actual emergency action at the time of notification. The Commission has not specified the types of documentation that can be submitted because this information will vary with the emergency circumstances. In the **Federal Register** release on the proposed rule, the Commission noted that it particularly would be interested in receiving a draft of a temporary emergency rule, or of any recommended actions, if available, prior to action on the rule by the governing board. The Commission recognizes that a contract market frequently will not have a draft rule prepared before an emergency rule meeting because of time constraints. As stated in the regulations, a contract market need only provide such information if it is available at the time of notice.

In addition to a copy of a draft emergency rule, examples of other documentation that a contract market may have access to at the time of notification include statements showing the financial condition of a firm, price data on activity in the underlying cash market, and legal documents showing a court order that affects a futures contract. Providing this information to the Commission at the time of notification will facilitate Commission review of the emergency action. If this documentation is not available at the time of notice, then, under regulation 1.41(f)(3)(iii), the contract market will have to submit pertinent documents with its supplemental information, no later than five days after notice. The regulation 1.41(f)(3) requirement does not duplicate the 1.41(f)(2) request for documentation because it requires the submission of documentation that a contract market has not previously submitted to the Commission.

As noted by the CME, the notice procedure also requires a contract market to explain to the Commission, in appropriate cases, why it was not practicable for the contract market to provide prior notice to the Commission of an emergency action. This requirement is intended to assist the Commission in addressing its own obligation to report to Congress within 10 days or in explaining why that timeframe is impracticable and in assessing the contract market's compliance with the Act.

Regulation 1.41 will continue to apply to clearing organizations, as well as to futures exchanges. Thus, these procedures apply to the implementation, modification, or termination[4] of a temporary emergency rule by a clearing house.

D. Supplementary Information Requirement

1. Proposed Regulation

As proposed, regulation 1.41(f)(3) required a contract market that had given notice of an emergency action to submit supplementary information on the emergency as soon as possible after providing notice, but in no event more than five days after that time. The proposed supplementary information included:

(1) A written copy of the temporary emergency rule;

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

(3) Written documentation, not previously provided, of the emergency;

(4) A copy of the minutes of the emergency rule meeting, containing specified information, including the time that the contract market notified members of the emergency rule meeting, a summary of all discussions, and a summary of any disclosure made by a person on his or her positions in any subject contract market:

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

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

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

2. Comments Received

Three contract markets submitted specific comments about aspects of the submission requirements. First, Nymex requested clarification of the difference between the requirements in regulations 1.41(f)(3) (ii) and (iii) that a contract market must submit a written explanation of the emergency action and

[4] To further clarify, a contract market must notify the Commission only when it takes emergency action to terminate an emergency rule. It need not notify the Commission when its emergency rule expires.

written documentation of the emergency condition and action.

Nymex also stated that the position information requirement should be limited by requiring information only from a member of the governing board who voted on or participated in consideration of the emergency action. It also believed that the position information requirement only should apply to positions of which the governing board member had actual knowledge at the time that the contract market took the subject emergency action. In addition, Nymex noted its understanding that the proposed rules did not require a contract market to verify the disclosure made by the governing board member or to collect position information independent from the disclosure made by the governing board member. The futures exchange suggested that the Commission incorporate a position disclosure and recusal policy in the final regulation. In other areas related to the position information requirement, Nymex commented that it would be difficult to assemble the position information in five days. In addition, the futures exchange requested that the Commission cross reference section 8 of the Commodity Exchange Act, on the confidentiality of position information, in the emergency rule amendments.

Second, the CME indicated that it may not be able to provide the precise time that it notified a governing board member of an emergency rule meeting in any minutes. The exchange stated that the member may be notified by a third party, such as the member's secretary, and not by contract market staff. The CME also stated that the position information requirement should not apply to governing board members who are not invited to the emergency rule meeting. Under CME procedures, its staff reviews position information on all governing board members prior to a governing board meeting on an emergency rule, then invites only those members to the meeting who are eligible to attend the meeting under their conflict of interest policies. Since certain members would not have any information about the emergency rule meeting, the CME believed that the position information requirement should not include these people. The CME also requested clarification on whether the Commission sought position information either on net or all customer positions and either for a limited number of contract months or all contract months in the affected contract.

Third, the CSCE commented that a contract market should not have to submit minutes of the events of its governing board meetings to the Commission because the minutes could expose the contract market to litigation and could have a chilling effect on deliberations. Like Nymex, the CSCE stated that the position information requirement should apply only to a position held by a member of the governing board who voted on or participated in the consideration of the emergency action, rather than to all members of the governing board. The CSCE also believed that a contract market should not have to submit precise position information to the Commission, but rather should only have to submit information on whether a governing board member held de minimus, small, medium, or large positions in the affected contract. This comment corresponds to the CSCE's own conflicts procedures, under which its governing board determines at the beginning of a meeting on an emergency rule what position sizes will satisfy the de minimus, small, medium, or large position categories. The CSCE then requires governing board members to disclose, to the best of their knowledge, the category that describes their positions.

3. Regulation 1.41(f)(3)

The Commission has determined to modify and clarify aspects of the submission requirements in response to these comments. First, the Commission intends to merge the modified requirements in proposed regulation 1.41(f)(3)(ii), which required a written explanation of the emergency action, with the requirements of 1.41(f)(3)(iv), which required submission of minutes of the governing board meeting. The consolidated provision will require the submission of a complete written explanation of the emergency action that includes:

(1) The names of all persons who were members of the governing board at the time of the meeting;

(2) The names of all persons who attended the meeting in person or who were otherwise present by electronic means;

(3) The name of any person who recused himself from the meeting;

(4) The reason for recusal;

(5) The time that recusal occurred;

(6) The approximate time that notice of the meeting was given to the governing board members;

(7) The times that the meeting began and ended;

(8) The name of any person who was directed to abstain from deliberating or voting at the meeting;

(9) A summary of any matter voted on that related to the emergency;

(10) A summary of substantive reasons given at the meeting in support of and in opposition to any matter voted on that related to the emergency;

(11) An itemized list of how each governing board member voted; and

(12) A summary of any disclosure made by a person that related to the person's market positions in any subject contract market, including disclosure of positions held in personal accounts, controlled accounts, any other accounts in which a person held an interest, and customer and proprietary accounts at a person's affiliated firm.

The consolidation of these requirements will address Nymex's request for clarification of the difference between the regulation 1.41(b)(3) (ii) and (iii) requirements for a complete written explanation of the emergency and documentation of the emergency.[5] The written explanation includes the above items, while documentation of the emergency conditions and emergency action includes information in support of the emergency action that is not included in the written explanation. As noted above in the examples of documentation that may be submitted by a contract market at the time of notice, documentation may include, among other things, evidence of a firm's financial condition, cash market prices, and relevant court decisions.

Modifying these provisions also will address the CSCE's comment that submission of formal minutes on a governing board meeting could have a chilling effect on deliberations. The Commission has narrowed the requirement in the proposed regulation that a contract market had to provide "a summary of all discussions" to require only a summary of substantive reasons in support of and in opposition to any matter voted on that related to the emergency. The Commission also deleted the term "minutes" from the regulation.[6] Thus, a contract market need only submit a written explanation of the governing board meeting. The Commission's intention in limiting the proposed regulation is to encourage free

[5] The Commission also has clarified regulation 1.41(f) by changing the request for "written" documentation to a request for all documentation, regardless of whether it is in the written form.

[6] Deletion of the term "minutes" from this regulation does not obviate a contract market's responsibility to maintain minutes for all of its meetings. *See* regulation 8.18.

discussion of an emergency action at a governing board meeting.

By modifying the proposed regulatory provisions, the Commission also has addressed the CME's comment regarding its inability to provide the precise time that it notifies a governing board member of the meeting. The Commission has changed the proposed regulation to require only the approximate time of notification of the meeting. This time may be based on the time that the contract market notified the third party of the meeting, since notice to the third party should occur earlier than the actual time of notification. A contract market, however, should strive to provide as precise a time of notification as possible, since an earlier time could result in unnecessary investigations into a member's trading activity. The Commission has required this information for purposes of determining whether activity in the relevant market reflected any knowledge of a pending emergency meeting. Such activity would violate the Commodity Exchange Act and Commission regulation 1.59 and could be evidence of bad faith.

The Commission also has narrowed the proposed regulation 1.41(f)(3)(v), which required documentation of governing board member's positions. The final regulation states that a contract market must provide documentation of gross positions held in any personal account, controlled account, other account in which the governing board member has an interest, and proprietary accounts at an affiliated firm, as well as documentation of net positions held in any customer accounts at an affiliated firm, by a governing board member who attended the meeting for the contract months that the contract market reasonably expects to be affected by the emergency action. The contract market must explain its reasons in writing for selecting less than all contract months in the subject contract market most affected by the emergency action. Thus, a contract market only will have to provide documentation of net, rather than gross, customer positions. In addition, a contract market will have to provide position documentation only for the contract months that are affected by the emergency action. For purposes of providing this position documentation, the Commission also may grant a limited extension of the five-day submission period.

Modifications to this provision address comments from Nymex, the CSCE, and the CME. In response to the contract markets' comments that the Commission should require position information only from a governing board member who participated in the emergency rule meeting, the Commission has determined to limit the submission requirement to members who attended the meeting. In this way, the Commission will reduce the burden on a contract market to retrieve information and will receive relevant position information from all members who heard deliberations on the emergency action, including members who attended the meeting but did not actively participate in it.

The revised provisions also incorporates the CME's comments that customer position information should include documentation of net, rather than gross, positions and all position information should include documentation only of the contract months affected by the action. When neeting customer futures and option positions, a contract market should express option positions in terms of futures equivalents.

The Commission recognizes that net positions, and even gross positions in certain cases, may not provide an accurate indication in every case of whether a member has potentially benefitted as a result of an emergency action. For example, a large grain corporation may be more likely to be influenced by its cash market positions than its gross or net futures market positions in a vote on an emergency action. In addition, the Commission recognizes that positions held by firms related to a governing board member's affiliated firm, such as a wholly-owned subsidiary, could influence a governing board member's vote. Because such information may not be necessary to assess every emergency action, the Commission has determined to request relevant cash market, gross customer, and related firm position information on a case-by-case basis, under regulation 1.41(f)(3)(vii). This regulatory provision permits the Commission to request such other information as the Commission may require. One example of an emergency action where the Commission reviewed cash market positions was the short silver emergency of 1979 and 1980.[7] The Commission also has determined to require, under regulation 1.41(f)(3)(vi), that a governing board member who voted on an emergency action must represent whether or not he had actual knowledge of any of his affiliated firm's individual customer positions. If the governing board member did have actual knowledge, gross customer position information could be required from that member.

A contract market also will have to provide specific position information and will not be able to submit only general indications of whether a position is de minimus, small, medium, or large. The Commission has requested position information for purposes of determining whether the governing board acted in bad faith.[8] In making this determination, the Commission needs to review specific position information for any indication that a governing board member may have been influenced in his voting by his relevant market positions. Examples of acceptable documentation of position information are account statements and monthly summaries of futures and option positions.

The Commission also will permit limited extensions of time in certain circumstances for submitting position information, in response to Nymex's comment that it will be burdensome to provide this information in the five-day time period. In addition, as noted in the preamble to the proposed rule, position information is subject to the confidentiality provisions of section 8 of the Commodity Exchange Act. The Commission believes that it is unnecessary to cross reference this section in the emergency regulations.

Many of the comments regarding position information related to establishing standards for conflicts of interest. The Commission notes that section 217 of the Futures Trading Act directly addresses voting by interested members. Thus, the Commission intends to establish guidelines governing conflicts of interest in regulations promulgated under section 217 and not in these emergency regulations. The Commission also notes that section 217 directs a contract market to adopt rules and procedures that require, at a minimum, that an authorized member or contract market official must review the positions of the members of its governing board prior to deliberations. A contract market, therefore, will have to collect position information independent from the governing board member's knowledge and disclosure of his positions under section 217.[9]

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[7] The Silver Market of 1979/1980: Actions of the Chicago Board of Trade and the Commodity Exchange, Inc., Investigative Report of the Division of Trading and Markets.

[8] Additional guidance in this area will be provided by the forthcoming proposed rules under section 217 of the Futures Trading Act, which prohibits voting by interested members.

[9] The Commission further notes that a governing board member who receives notice of an emergency rule meeting but does not attend the meeting will be subject to regulation 1.59 and section 214 of the Futures Trading Act.

In addition, the Commission wishes to note the difference between regulation 1.41(f)(3)(ii), which requires a contract market to provide the Commission with a summary of any disclosure made by a member of the governing board regarding positions, and 1.41(f)(v), which requires a contract market to submit documentation of positions to the Commission. For regulation 1.41(f)(2)(ii), the contract market must provide information only on disclosures made by governing board members. For regulation 1.41(f)(v), the contract market must provide documentation, such as account statements, of governing board members' positions.

E. Standard of Review

1. Proposed Regulation

Proposed regulation 1.41(f)(4) provided that the Commission would make a determination either to permit a temporary emergency rule to remain in effect or to suspend the effect of a rule pending review under section 5a(a)(12)(A) or otherwise. The determination would be made generally within 10 days of the receipt from a contract market of notice and all supplementary information. Proposed regulation 1.41(f)(5) further provided that the Commission would make a determination to permit the temporary emergency rule to remain in effect, consistent with paragraph (f)(1), unless, based on the information available to the Commission at the time, it found that the contract market's emergency action was arbitrary, capricious, or an abuse of discretion; lacking a reasonable basis in fact; or taken in bad faith by the contract market or its officials. If the Commission determined that the contract market's emergency action failed to meet this standard, then the Commission could, in its discretion and upon such terms and conditions as it deemed appropriate, suspend the effect of the rule if it found that suspension was not contrary to the public interest and the purposes of section 5a(a)(12) of the Commodity Exchange Act.

2. Comments Received

The CBT requested clarification or deletion of the phrase "or otherwise" in the regulation. As stated in the proposed rule, the Commission may suspend the effect of a temporary emergency rule "pending review either under the procedures of section 5a(a)(12)(A) or otherwise." The CSCE also commented on the standard of review, stating that the Commission should establish a standard whereby participation by interested members in board decisions would not constitute "bad faith."

3. Regulation 1.41(f)(4)

The standard of review in this regulation is based on section 213 of the Futures Trading Act and Commission Interpretative Letter No. 79–2. The "or otherwise" language noted by the CBT is required by section 213. This language is intended to provide the Commission with the flexibility to take appropriate action when it has determined to suspend the effect of a temporary emergency rule. An example of one action that may be taken under this "or otherwise" provision is a Commission emergency action under section 8a(9) of the Commodity Exchange Act. For purposes of clarifying this section, the Commission has added regulation 1.41(f)(9) to the final rules, which states that "[n]othing in this regulation prevents the Commission from taking emergency action under section 8a(9) of the Act." Another action that may be taken under this "or otherwise" provision is a Commission enforcement action. Thus, regulation 1.41(f)(9) also states that nothing in this section prevents the Commission from taking any enforcement action under sections 6(c), 6(d), 6b, or 6c of the Act.

In response to the CSCE's request for guidance on the definition of "bad faith," the Commission believes that it is not appropriate to make generalizations about the "bad faith" standard. Numerous courts and the Commission have applied the standard in reviewing actions by contract market governing boards.[10] As indicated by these decisions, a bad faith determination must be based on the facts of each case. A contract market may refer to these cases and Commission determinations for guidance in this area.

The Commission also has determined to clarify proposed regulations 1.41(f)(4) and (5) by consolidating the provisions. Consolidation of these provisions is intended to emphasize that there is only one standard of review. Under this standard, the Commission will permit a contract market's temporary emergency rule to remain in effect unless the emergency action is arbitrary, capricious, or an abuse of discretion; lacking a reasonable basis in fact; or taken in bad faith by the contract market or its officials. The Commission will consider a rule that has met this standard as one that is consistent with the policies and purposes of the Act.

Where an emergency is of such scope and complexity that the Commission cannot make a final judgment as to whether a contract market satisfied this standard at the time of its initial review, the Commission will submit a report to Congress and the contract market indicating that, based on the information reviewed, the Commission has no reason to believe that the action is arbitrary, capricious, or an abuse of discretion; lacking a reasonable basis in fact; or taken in bad faith, but that further review of the action is necessary. An example of an emergency action that required extensive review is the 1979-to-1980 short silver emergency.[11] During the pendency of the Commission's review of an emergency action, the contract market's emergency rule may remain in effect, subject to the time limits on emergency actions imposed by regulation 1.41(f)(1) and to any superseding emergency action taken by the Commission under section 8a(9). The Commission will submit a final report to Congress and the contract market upon completion of its review of the emergency action.

F. Permissible Emergency Actions

1. Proposed Regulation

Proposed regulation 1.41(f)(8) amended existing law by adding new examples to the list of possible emergency actions. These new examples expanded the non-exhaustive list in the current provision by including such actions as altering delivery terms or conditions, modifying price limits and circuit breakers, and suspending a contract market prohibition against dual trading.

2. Comments Received

The CBT commented that the Commission should specify in the dual trading provision that a contract market may suspend the effect of a prohibition against dual trading "implemented pursuant to section 101 of the Futures Trading Act and regulations adopted by the Commission." It also stated that the Commission should specify in the dual trading rule that a contract market may

[10] See, *e.g.*, *Sam Wong & Son, Inc.* v. *Nymex*, 735 F.2d 653, 677 (2d Cir. 1984); *Miller* v. *New York Produce Exchange*, 550 F.2d 762, 766 (2d Cir.) *cert. denied*, 434 U.S. 823 (1977); *Lagorio* v. *CBT*, 529 F.2d 1290, 1291–92 (7th Cir.), *cert. denied*, 426 U.S. 950 (1976); *Daniel* v. *CBT*, 164 F.2d 815 (7th Cir. 1947); *P.J. Taggares Co.* v. *Nymex*, 476 F.Supp. 72, 76–77 (S.D.N.Y. 1979); *Compania de Salvadorena de Cafe* v. *CFTC and CSCE, Inc.* 446 F. Supp. 687, 691 (S.D.N.Y. 1978); *In the Matter of CME* [1977–1980 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 20,436 (CFTC DKT. No. 75–9) (1977) *aff'd* (CFTC 1981).

[11] See The Silver Market of 1979/1980: Actions of the Chicago Board of Trade and the Commodity Exchange, Inc., Investigative Report of the Division of Trading and Markets.

take emergency action regarding its dual trading rule.

For purposes of clarification, the CSCE commented that the Commission should explicitly refer to option contracts in this provision. Existing law and the proposed rule state that a governing board may take emergency action that affects "contracts." Neither provision specifically refers to "option contracts."

3. Regulation 1.41(f)(7)

Based on review of these comments, the Commission has made the proposed regulation final as written. To clarify, however, the dual trading reference was added to the provision that refers to modifying or suspending a contract market's own rules. As will be noted in the forthcoming **Federal Register** release on dual trading regulations, the addition of this reference to a contract market's dual trading rule is intended to emphasize that a contract market may take emergency action by modifying or suspending dual trading rules that are promulgated pursuant to section 101 of the Futures Trading Act.

In response to CSCE's request for clarification, the term "contracts" in this provision encompasses both futures and option contracts. The Commission recognizes that the term "commodity options" is used in conjunction with the term "contracts" in other provisions to indicate futures and option contracts.[12] Thus, the Commission has amended regulations 1.41 (a) and (f) to use only the term "contracts" to include both futures and option contracts. These amendments are not intended to alter the meaning of any other regulation. Thus, a governing board may take emergency action that affects option, as well as futures, contracts.

G. Contract Market Rules

1. Proposed Regulation and Comment Received

The proposed regulation required a contract market to maintain in effect rules that are consistent with this section. The CME wrote that a contract market should not have to submit rules that were consistent with this regulation since this submission would merely repeat the Commission's regulation.

2. Regulation 1.41(f)(8)

Certain contract markets currently have rules in effect which are inconsistent with this section. The purpose of the proposed rule was to ensure that these contract markets did not maintain in effect rules that were inconsistent with these amendments. The Commission, therefore, is amending regulation 1.41(f)(8) to clarify that a contract market need only submit its deletion of inconsistent rules and need not submit new rules that duplicate the amendments. The Commission does not contemplate that all contract markets will have to delete portions of their emergency rules; however, certain contract markets will have to do so. For example, several futures exchanges define the term "emergency" as any occurrence or circumstance deemed by its governing board to be an emergency. With the new, more specific definition of "emergency," these contract markets will have to delete these definitions to remain consistent with the amendments.

H. Physical Emergencies

1. Proposed Regulation and Comments Received

Existing and proposed regulation 1.41(g) govern physical emergencies that do not involve the implementation, modification, or termination of a temporary emergency rule by a contract market governing board. Under proposed amendments to this regulation, the Commission added a requirement that a contract market must notify the Commission as soon as possible after implementing, modifying, or terminating a physical emergency action. No comments were received on this proposal; however, the CSCE requested a modification to the existing and proposed regulations. In response to the recent bombing of the World Trade Center, the futures exchange noted that the mandatory five-day time limit on physical emergencies that are declared by a designated official in regulation 1.41(g) should be changed to permit an extended suspension of trading. Although the New York contract markets did not have to suspend trading completely for more than five days following this emergency, they were forced to shorten trading days for a longer time period.

2. Regulation 1.41(g)

As circumstances have indicated, situations could arise where it was necessary for a contract market to suspend trading for more than five days. Thus, the Commission has amended regulation 1.41(g) to provide that a designated official of a contract market may suspend trading for more than five days when the contract market has submitted and the Commission has granted a written request for an extension of time, for good cause shown. The Commission also has made final the proposed amendments to regulation 1.41(g).

IV. Conclusion

The final amendments to regulation 1.41 implement the statutory directive in section 213 of the Futures Trading Act.

These amendments require a contract market to notify the Commission prior to implementation, modification, or termination of a contract market temporary emergency rule. They also articulate procedures that will be followed by the Commission in its review of a contract market temporary emergency rule. The regulations should provide guidance to a contract market in any determination to take emergency action.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA") 5 U.S.C. 601 *et seq.*, requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The proposed amendments to regulation 1.41 affect contract markets. The Commission previously has established that contract markets are not "small entities" for purposes of the RFA, and that the Commission, therefore, need not consider the effect of the proposed amendments on contract markets. 47 FR 18618, 18619 (April 30, 1982). Therefore, the Acting Chairman hereby certifies, pursuant to 5 U.S.C. 605(b), that the action taken herein will not have a significant economic impact on a substantial number of small entities.

VI. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 ("PRA"), 44 U.S.C. 3501 *et seq.*, imposes certain requirements on federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission previously submitted this rule in proposed form and its associated information collection requirements to the Office of Management and Budget ("OMB"). The OMB approved the collection of information associated with this rule on January 27, 1993 and assigned OMB control number 3038–0022 to the rule. The burden associated with the entire collection, including these final amendments, is as follows:

Average burden hours per response: 612.26

Number of respondents: 4281

Frequency of response: on occasion

The burden associated with the proposed amendments is as follows:

Average burden hours per response: 2.0

[12] *See, e.g.*, Regulation 1.41(a)(4)(iii).

Number of respondents: 239
Frequency of response: on occasion

Copies of the OMB approved information collection package associated with this rule may be obtained from Gary Waxman, Office of Management and Budget, Room 3220 NEOB, Washington, DC 20503, (202) 395–7340.

List of Subjects in 17 CFR Part 1

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

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and, in particular, section 5a(a) (12) and 8a(5) thereof, 7 U.S.C. 7a(a) (12) and 12a(5), the Commission has amended part 1 of title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

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

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

§ 1.41 Contract market rules; submission of rules to the Commission, exemption of certain rules.

(a) * * *

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

(i) Any manipulative activity or attempted manipulative activity;

(ii) Any actual, attempted, or threatened corner, squeeze, congestion, or undue concentration of positions;

(iii) Any circumstances which may materially affect the performance of contracts traded on the contract market, including failure of the payment system;

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

(v) Any circumstances which may have a severe, adverse effect upon the physical functions of a contract market including, for example, fire or other casualty; bomb threats; substantial inclement weather; power failures; communications breakdowns; computer system breakdowns; screen-based trading system breakdowns; malfunctions of plumbing, heating, ventilation and air conditioning systems; and transportation breakdowns.

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

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

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

* * * * *

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

* * * * *

(f) * * *

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

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

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

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

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

(3) On or before the fifth day after the day that a contract market provides notice under paragraph (f)(2), except as described in paragraph (f)(4), the contract market shall supplement its notice by submitting the following information to the Commission at its Washington, DC headquarters:

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

(ii) A complete written explanation of the emergency action, which explanation must include a complete description of any matter voted on that related to the emergency; a summary of the substantive reasons in support of and in opposition to any matter voted on that related to the emergency given at a meeting in which the members implemented, modified, or terminated a temporary emergency rule; the names of all persons who were members of the governing board at the time of the meeting; the names of all persons who attended the meeting in person or who were otherwise present by electronic means; the name of any person who rescued himself from the meeting, the reason for recusal, and the time that the recusal occurred; the approximate time that notice of the meeting was given to each governing board member and the times that the meeting began and ended; the name of any person who was

directed to abstain from deliberating or voting at the meeting; an itemized list of how each governing board member voted; and a summary of any disclosure made by a person of his or her positions in any subject contract market, including disclosure of positions held in any personal account, controlled account, other account in which a person has an interest, and customer and proprietary accounts at a person's affiliated firm;

(iii) Any documentation, not previously provided, relating to the emergency conditions and the emergency action, including documentation regarding the reasons for the specific emergency action taken;

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

(v) Documentation of the gross positions held in any personal account, controlled account, other account in which the governing board member has an interest, and proprietary accounts at an affiliated firm, as well as documentation of the net customer positions held at an affiliated firm, by a governing board member who attended the meeting for the contract months that the contract market reasonably expects could be affected by the emergency action, provided that the contract market explains its reasons in writing for selecting less than all contract months in the subject contract market;

(vi) A representation from each governing board member who voted on an emergency action as to whether or not he had actual knowledge of individual customer positions at his affiliated firm at the time of the vote; and

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

(4)(i) Within 10 days of the receipt from a contract market of all of the information required by paragraphs (2) and (3), or as soon as practicable thereafter, the Commission will make a determination to permit the temporary emergency rule to remain in effect, consistent with paragraph (1), unless it finds that the contract market's emergency action is:

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

(B) Lacking a reasonable basis in fact; or

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

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

(5) The Commission will submit a report on its determination pursuant to paragraph (4) and the basis for this determination to:

(i) The affected contract market;

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

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

If the report is submitted more than 10 days after the Commission receives all of the information required under paragraphs (2) and (3) from a contract market, the report will include an explanation of why submission within 10 days from receipt of notification and explanation was not practicable.

(6) A determination by the Commission to suspend the effect of a rule under subparagraph (4)(ii) of this regulation will be subject to judicial review on the same basis as an emergency determination under section 8a(9) of the Act.

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

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

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

(iii) Altering delivery terms or conditions;

(iv) Modifying price limits;

(v) Modifying circuit breakers;

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

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

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

(ix) Suspending trading; and

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

(8) A contract market shall not maintain in effect rules that are inconsistent with this regulation.

(9) Nothing in this section prevents the Commission from taking emergency action under section 8a(9) of the Act or from taking any enforcement action under section 6(c), 6(d), 6b, or 6c of the Act.

(g) *Physical emergencies.* In the event the physical functions of a contract market are, or are threatened to be, severely and adversely affected by a "physical emergency," such as fire or other casualty, bomb threats, substantial inclement weather, power failures, communications breakdowns, computer system breakdowns, screen-based trading system breakdowns or transportation breakdowns, a contract market official, duly authorized to take such action for and on behalf of the contract market with respect to such a "physical emergency" pursuant to a rule of the contract market that has been approved by the Commission or has become effective pursuant to section 5a(a)(12) of the Act and these regulations, may take any action authorized by such rule necessary or appropriate to deal with the emergency, including, but not limited to, suspending trading on the contract market. Suspension of trading in the contract market by such a designated official shall not continue in effect for more than five (5) days, except where the contract market has submitted in writing and the Commission has granted, for good cause shown, a request for an extension of time. A request for an extension of time must be given to the Director of the Division of Trading and Markets or any employee of the Commission, as may be designated by the Director for such purpose. If so authorized by such a rule of the contract market, the designated official may also order restoration of trading on the contract market, or removal of other restrictions imposed by the official as permitted by this paragraph (g), in the absence of action by the governing board of the contract market, upon a determination by such official that the "physical emergency" has sufficiently abated to permit the physical functions of the contract market to continue in an orderly manner. A contract market must notify the Director of the Division of Trading and Markets or any employee of the Commission, as may be designated by the Director for such purpose, of the implementation, modification or termination of a physical emergency

action as soon as possible after taking the action.

* * * * *

3. Section 1.41c is added to read as follows:

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

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

Issued in Washington, DC, April 26, 1993, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–10182 Filed 4–30–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AF13

Dependents' Education; Verification of Pursuit and Continued Enrollment

AGENCY: Department of Veterans Affairs.

ACTION: Delay of effective date.

SUMMARY: This document contains a delay of the effective date for final regulations which were published Tuesday, June 9, 1992. The regulations provided new rules for release of payments of dependents' educational assistance.

EFFECTIVE DATE: Effective May 3, 1993, the effective date for regulations published at 57 FR 24366 is delayed to August 1, 1999.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202–233–2092.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published in the **Federal Register**, amendments to § 21.4138 and § 21.4204 require that an eligible person enrolled in a course leading to a standard college degree must verify monthly that he or she is still pursuing a program of education before VA (Department of Veterans Affairs) will pay that month's dependents' educational assistance. An amendment to § 21.4135 provided for discontinuance dates in the event the eligible person discontinued training. These were predicated upon implementation of a new verification processing system.

These regulations were published with a future effective date of August 1, 1993. At the time the final regulations appeared in the **Federal Register**, VA planned on having the new system in place by August 1, 1993. However, due to limited resources, the department has found that it will be unable to begin the new verification system by that date. Accordingly, these final regulations will not become effective until August 1, 1999.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

For the reasons set forth in the preamble, the effective date for the regulations at 57 FR 24366, affecting §§ 21.4135, 21.4138, and 21.4204, is delayed to August 1, 1999.

Approved: April 20, 1993.

Michael B. Berger,

Director, Records Management Service.

[FR Doc. 93–9740 Filed 4–30–93; 8:45 am]

BILLING CODE 8320–01–M

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38 CFR Part 21

RIN 2900–AF77

Veterans Education; Implementation of the Veterans' Educational Assistance Amendment of 1991

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: The Veterans' Educational Assistance Amendment of 1991 contains several provisions which affect the payment of benefits to those receiving educational assistance under the programs VA (Department of Veterans Affairs) administers. These provisions include restoring lost entitlement to reservists called to active duty and certain individuals on active duty during the Persian Gulf War, and an improvement in payments to these individuals. This final regulation will inform the public of the way in which VA will implement these provisions of law with respect to Dependents' Educational Assistance and the Montgomery GI Bill—Active Duty. Regulations designed to implement these provisions of law with respect to the other education programs VA administers will be proposed at a later date.

EFFECTIVE DATE: These amendments, like the provisions of law they implement are retroactively effective on Oct. 10, 1991; except the amendments to §§ 21.4135, 21.4136, 21.4137, 21.7135 and 21.7139, like the provisions of law they implement, are retroactively effective on Aug. 1, 1990.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–2092.

SUPPLEMENTARY INFORMATION: Many persons receiving benefits under the Montgomery GI Bill—Active Duty are servicemembers on active duty, while many others are veterans serving as members of the Selected Reserve. Moreover, some individuals receiving benefits under the Dependents' Educational Assistance program are also Reserve members. Consequently, many of these benefit recipients are among those reservists called to active duty during the Persian Gulf War or were among those on active duty whose assignments or responsibilities changed due to the war. In many instances these individuals had to discontinue their training in the middle of a term or other enrollment period. Under the law then in effect, these individuals would have lost the entitlement used in pursuit of those discontinued courses unless their educational institutions discovered a method whereby the individuals could receive a grade for those courses. This could have adversely affected the ability of these individuals to complete their programs of education. Furthermore, in order to pay these individuals to the date they discontinued training, VA would have to determine in the individual case whether mitigating circumstances existed for these discontinuances.

The Veterans' Education Assistance Amendments of 1991 was enacted in order to prevent eligible individuals from suffering these setbacks while serving the country during the Persian Gulf War. This Act contains several provisions which improve the educational assistance benefits for those who serve on duty during the Persian

Gulf War. These include restoring lost entitlement to those who were called to active duty in the middle of an enrollment and to some of those on active duty during the Persian Gulf War, and providing for payment to the date these individuals withdrew from their courses without requiring VA to make mitigating circumstance determinations. These regulations implement such provisions of law for those receiving benefits under the Dependents' Educational Assistance and the Montgomery GI Bill—Active Duty program.

The Department of Veterans Affairs has determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects 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.

VA finds for good cause that publishing these regulations for prior public comment is unnecessary and would serve no good purpose since these changes simply implement statutory requirements. Therefore, notice of proposed rulemaking will not be published for these regulations.

Since a notice of proposed rulemaking will not be published for these amended regulations, these changes do not fall within the definition of a rule in the Regulatory Flexibility Act. Nevertheless, these amended regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The amended regulations directly affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Department of Veterans Affairs finds that good cause exists for making the amendments to §§ 21.4135, 21.4137, 21.7135 and 21.7139, like the provisions of law they implement, retroactively effective on Aug. 1, 1990. The Department of Veterans Affairs finds that good cause exists for making the amendments to the remainder of the regulations retroactively effective on Oct. 10, 1991.

It is necessary to implement these provisions of law as soon as possible. These provisions are intended to achieve a benefit for the individual. The maximum benefits intended in the legislation will be achieved through prompt implementation. Hence, a delayed effective date would be contrary to statutory design, would complicate administration of these provisions of law; and might result in the denial of a benefit to someone who is entitled to it.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final rule are 64.117 and 64.124.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: February 11, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble 38 CFR part 21, subparts C, D and K are amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

1. The authority citation for part 21, subpart C is revised to read as follows:

Authority: 38 U.S.C. 3500–3566.

2. In § 21.3045 paragraphs (b)(2) introductory text, (b)(4)(ii) and (c) introductory text are revised; paragraphs (d), (e), (f), (g), (h), (i) and (j) are redesignated as paragraphs (e), (f), (g), (h), (i), (j) and (k), respectively; a new paragraph (d) and its authority citation are added; newly designated paragraphs (e) introductory text and (e)(1) introductory text are revised; and the authority citation for paragraph (b)(4) is revised to read as follows:

§ 21.3045 Entitlement charges.

* * * * *

(b) * * *

(2) When an eligible spouse or surviving spouse is pursuing a course leading to a secondary school diploma or an equivalency certificate as described in § 21.4235 of this part, the following circumstances will always result in VA's making a charge against his or her entitlement unless the provisions of paragraph (d) of this section would exempt the spouse or surviving spouse from receiving an entitlement charge.

* * * * *

(4) * * *

(ii) VA will make a charge against the entitlement of an eligible person for pursuit in excess of the pursuit described in paragraph (b)(4)(i) unless the provisions of paragraph (d) of this section would exempt the eligible person from receiving an entitlement charge.

(Authority: 38 U.S.C. 3511(a), 3533(a); Pub. L. 100–689, Pub. L. 102–127 (Oct. 10, 1991))

(c) *Other courses for which entitlement will be charged.* Except when the requirements of paragraph (d) of this section are met, VA will make a charge against the period of entitlement—

* * * * *

(d) *Exemption from entitlement charge.* (1) VA will not make a charge against the entitlement of an eligible person for the pursuit of any course or courses when VA finds that the eligible person—

(i) Had to discontinue pursuit of the course or courses as the result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10, U.S. Code; and

(ii) Failed to receive credit or training time toward completion of the eligible person's approved educational, professional or vocational objective as a result of having to discontinue, as described in paragraph (d)(1)(i) of this section, his or her course pursuit.

(2) The period for which VA will not make a charge against entitlement shall not exceed the portion of the period of enrollment in the course or courses for which the eligible person failed to receive credit or with respect to which the eligible person lost training time.

(Authority: 38 U.S.C. 3511(a); Pub. L. 102–127 (Oct. 10, 1991))

(e) *Determining entitlement charge.* The provisions of this paragraph apply to all courses except those courses for which VA is not making a charge against the eligible person's entitlement, apprenticeship or other on-job training, correspondence courses, and courses offered solely through independent study.

(1) After making any adjustments required by paragraph (e)(3) of this section, VA will make a charge against entitlement—

* * * * *

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

3. The authority citation for part 21, subpart D continues to read as follows:

Authority: 38 U.S.C. 501(a).

4. In § 21.4135 paragraphs (e) heading and (e)(1) introductory text, (s)(2)(ii) and (s)(3) introductory text are revised to read as follows:

§ 21.4135 Discontinuance dates.

* * * * *

(e) *Course discontinued; course interrupted; course terminated; course not satisfactorily completed or withdrawn from §§ 21.4136(k) and 21.4137.* (1) If the individual withdraws from all courses; receives all nonpunitive grades; there are no mitigating circumstances as provided in § 21.4136(k) or § 21.4137(h); and the withdrawal did not occur because the individual was ordered to active duty, VA will terminate the individual's educational assistance allowance effective the later of the following:

* * * * *

(s) *Reduction in rate of pursuit of course (§ 21.4270).*

* * * * *

(2) * * *

(ii) There are mitigating circumstances, or the individual receives a punitive grade for the portion of the course from which he or she withdrew, or the withdrawal occurred because the individual was ordered to active duty.

(3) If the individual reduces training by withdrawing from a part of a course and the withdrawal does not occur because the individual was ordered to active duty; there are not mitigating circumstances; and the individual receives a nonpunitive grade for that portion of the course from which he or she withdrew, VA will reduce the individual's educational assistance allowance effective the later of the following:

* * * * *

5. In § 21.4136 paragraph (k)(1) and paragraph (k)(2)(vii) are revised and an authority citation for paragraph (k)(1) is added to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

* * * * *

(k) *Mitigating circumstances.* (1) VA will not pay benefits to a veteran for a course from which the veteran withdraws or receives a nonpunitive grade which is not used in computing requirements for graduation unless the provisions of this paragraph (k)(1) are met.

(i) The veteran withdraws because he or she is ordered to active duty; or

(ii) All of the following criteria are met:

(A) There are mitigating circumstances;

(B) The veteran submits a description of the circumstances in writing to VA either within one year from the date VA notifies the veteran that he or she must submit the mitigating circumstances or at a later date if the veteran is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the description of the mitigating circumstances; and

(C) The veteran submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA.

(Authority: 38 U.S.C. 3680(a); Pub. L. 102–127 (Aug. 1, 1990))

(2) * * *

(vii) Unanticipated active duty for training,

* * * * *

6. In § 21.4137 paragraph (h)(1) and paragraph (h)(2)(vii) are revised and an authority citation for paragraph (h)(1) is added to read as follows:

§ 21.4137 Rates; educational assistance allowance—38 U.S.C. Chapter 35.

* * * * *

(h) *Mitigating circumstances.* (1) VA will not pay benefits to any eligible person for a course from which the eligible person withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation unless the provisions of this paragraph are met.

(i) The eligible person withdraws because he or she is ordered to active duty; or

(ii) All of the following criteria are met:

(A) There are mitigating circumstances;

(B) The eligible person submits a description of the circumstances in writing to VA either within one year from the date VA notifies the eligible person that he or she must submit the mitigating circumstances or at a later date if the eligible person is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the description of the mitigating circumstances; and

(C) The eligible person submits evidence supporting the existence of mitigating circumstances within one year of the date that evidence is requested by VA.

(Authority: 38 U.S.C. 3680(a); Pub. L. 102–127 (August 1, 1990)

(2) * * *

(vii) Unanticipated active duty for training,

* * * * *

Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)

7. The authority citation for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. chapter 30, Public Law 98–525; 38 U.S.C. 501(a).

8. In § 21.7020 paragraph (b)(19)(i)(G) is revised and paragraph (b)(41) and its authority citation are added to read as follows:

§ 21.7020 Definitions.

* * * * *

(b) *Other definitions.*

* * * * *

(19) *Mitigating circumstances.* (i)

* * *

* * * * *

(G) Unanticipated active duty for training,

* * * * *

(41) *Persian Gulf War.* The term "Persian Gulf War" means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

(Authority: 38 U.S.C. 101(33); Pub. L. 102–25)

9. In § 21.7072 paragraph (f) and its authority citation are revised to read as follows:

§ 21.7072 Entitlement to basic educational assistance.

* * * * *

(f) *Limitation on entitlement.* Except as provided in § 21.7076(e) and § 21.7135(s) of this part no one is entitled to more than 36 months of full-time basic educational assistance (or its equivalent in part-time educational assistance).

(Authority: 38 U.S.C. 3013(c), 3013(f); Pub. L. 98–525, Pub. L. 102–127 (Oct. 10, 1991))

10. In § 21.7076 introductory text is added to paragraph (b); paragraph (e) and its authority citation are added to read as follows:

§ 21.7076 Entitlement charges.

* * * * *

(b) *Determining entitlement charge.* This paragraph states how VA generally will determine the charge against the entitlement of a servicemember or veteran who is receiving educational assistance. However, when the circumstances described in paragraph (e) apply to a servicemember or veteran, VA will use that paragraph to determine

an entitlement charge instead of this paragraph.

* * * * *

(e) *No entitlement charge for some individuals.* When the criteria described in this paragraph are met, VA will make no charges against entitlement as described in paragraph (b) of this section.

(1) VA will make no charge against an individual's entitlement when the individual—

(i) Either—

(A) While not serving on active duty, had to discontinue pursuit of a course or courses as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10, U.S. Code; or

(B) While serving on active duty, had to discontinue pursuit of a course or courses as a result of being ordered, in connection with the Persian Gulf War, to a new duty location or assignment or to perform an increased amount of work.

(ii) Failed to receive credit or lost training time toward completion of the individual's approved educational, professional or vocational objective as a result of having to discontinue his or her course pursuit.

(2) The period for which receipt of educational assistance allowance is not charged against the entitlement of an individual described in paragraph (e)(1) of this section shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time.

(Authority: 38 U.S.C. 3013(f); Pub. L. 102–127 (Oct. 10, 1991))

11. In § 21.7135 introductory text is added for paragraph (f); paragraphs (e)(1), (e)(2) introductory text, (f)(1) and (f)(2) are revised and authority citations are added for paragraphs (e)(1) and (f)(2) to read as follows:

§ 21.7135 Discontinuance dates.

* * * * *

(e) *Course discontinued; course interrupted; course terminated; course not satisfactorily completed or withdrawn from.* (1) If the veteran or servicemember, for reasons other than being called or ordered to active duty, withdraws from all courses or receives all nonpunitive grades, and in either case there are no mitigating circumstances, VA will terminate or reduce educational assistance effective the first date of the term in which the withdrawal occurs or the first date of the term for which nonpunitive grades are assigned.

(Authority: 38 U.S.C. 3680(a); Pub. L. 102–127 (Aug. 1, 1990))

(2) If the veteran or servicemember withdraws from all courses with mitigating circumstances or withdraws from all courses such that a punitive grade is or will be assigned for those courses or the veteran withdraws from all courses because he or she is ordered to active duty, VA will terminate educational assistance for—

* * * * *

(f) *Reduction in the rate of pursuit of the course.* If the veteran or servicemember reduces the rate of training by withdrawing from part of a course, but continues training in part of the course, the provisions of this paragraph apply.

(1) If the reduction in the rate of training occurs other than on the first date of the term, VA will reduce the veteran's or servicemember's educational assistance at the end of the month or the end of the term in which the withdrawal occurs, whichever is earlier, either when—

(i) A nonpunitive grade is assigned for the part of the course from which he or she withdraws; and

(A) The veteran or servicemember withdraws because he or she is ordered to active duty; or

(B) The withdrawal occurs with mitigating circumstances; or

(ii) A punitive grade is assigned for the part of the course from which the reservist withdraws.

(2) VA will reduce educational assistance effective the first date of the enrollment in which the reduction occurs when—

(i) The reduction occurs on the first date of the term; or

(ii) The veteran or servicemember—

(A) Receives a nonpunitive grade for the part of the course from which he or she withdraws; and

(B) Withdraws without mitigating circumstances; and

(C) Does not withdraw because he or she is ordered to active duty.

(Authority: 38 U.S.C. 3680(a); Pub. L. 102–127 (Aug. 1, 1990))

* * * * *

12. In § 21.7139, paragraph (b) and its authority citation are revised to read as follows:

§ 21.7139 Conditions which result in reduced rates.

* * * * *

(b) *Withdrawals and nonpunitive grades.* Withdrawal from a course or receipt of a nonpunitive grade affects payments to a veteran or servicemember. VA will not pay benefits to a veteran or servicemember for pursuit of a course from which the veteran or servicemember withdraws or receives a nonpunitive grade which is not used in computing requirements for graduation unless the provisions of this paragraph are met.

(1) The veteran withdraws because he or she is ordered to active duty; or

(2) Both of the following exist:

(i) There are mitigating circumstances; and

(ii) The veteran or servicemember submits a description of the circumstances in writing to VA either within one year from the date VA notifies the veteran or servicemember that he or she must submit the mitigating circumstances, or at a later date if the veteran or servicemember is able to show good cause why the one-year time limit should be extended to the date on which he or she submitted the description of the mitigating circumstances.

(Authority: 38 U.S.C. 3034, 3680(a); Pub. L. 98–525, Pub. L. 102–127 (Aug. 1, 1990)

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[FR Doc. 93–10134 Filed 4–30–93; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–4625–4]

Vermont; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Any State which seeks to administer and enforce a hazardous waste program pursuant to section 3006(b) of RCRA, may develop, and, after notice and opportunity for public hearing, submit to the Administrator of EPA, or his or her designee, an application for authorization of such program. A state's application for authorization must be consistent with 40 CFR part 271. EPA will approve a state hazardous waste program which is equivalent to, and no less stringent than the federal requirements for those provisions for which a state seeks authorization. Upon authorization, a state is authorized to carry out its authorized program in lieu of the Federal program.

The State of Vermont has applied for final authorization for revisions to its base RCRA hazardous waste program, and for final authorization for Non-HSWA requirements prior to Non-HSWA Cluster I, Non-HSWA Clusters I–V, HSWA Cluster I, and Toxicity Characteristic Leaching Procedure (TCLP) for HSWA Cluster II. The United States Environmental Protection Agency (EPA) has reviewed Vermont's application and has made a decision, subject to public review and comment, that Vermont's hazardous waste program revision application satisfies all the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Vermont's hazardous waste program revisions. Vermont's application for program revision is available for public review and comment.

DATES: Final authorization for Vermont shall be effective July 2, 1993, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Vermont's program revision application must be received by the close of business June 2, 1993.

ADDRESSES: Copies of Vermont's program revision application are available at the following addresses for inspection and copying: Agency of Natural Resources, Department of Environmental Conservation, State of Vermont, 103 S. Main Street, West Office Building, Waterbury, Vermont 05671–0404, Phone (802) 244–8702. Business Hours: 7:45 A.M. to 4:30 P.M. U.S. EPA Region I Library, One Congress Street, 11th Floor, Boston Massachusetts, 02203, Phone: (617) 565–3300. Business Hours: 8:30 A.M. to 4:30 P.M. Written comments should be sent to Geri Mannion at the address below.

FOR FURTHER INFORMATION CONTACT: Geri Mannion, U.S. EPA, Region I, HPR–CAN1, J.F.K. Federal Building, Boston, Massachusetts, 02203–2211, Phone: (617) 573–9657.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authorities are modified, or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124 and 270.

B. Vermont

Vermont initially received final authorization on January 7, 1985. See: 50 FR 775, January 31, 1985. Subsequent statutory changes and significant revisions to the Vermont Hazardous Waste Management Regulations resulted in Vermont's submission of a program revision application for these changes. On June 20, 1990, Vermont submitted a draft program revision authorization application for RCRA base program revisions and Non-HSWA Requirements Prior to Non-HSWA Cluster I, Non-HWSA Cluster I–III, and HSWA Cluster I. On October 30, 1990 and March 8, 1992, Vermont submitted a draft program revision authorization application which included Non-HSWA Clusters IV and V, in addition to RCRA base program revisions. On October 16, 1992, Vermont submitted, pursuant to 40 CFR part 271, a final application for authorization of revisions to its base RCRA program, and for final authorization for Non-HSWA Requirements Prior to Non-HSWA Cluster I, Non-HSWA Cluster I–V, HSWA Cluster I, and Toxicity Characteristic Leaching Procedure (TCLP) for HSWA Cluster II. EPA has reviewed Vermont's application, and has made an immediate final decision that Vermont's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization to Vermont for the program modifications contained in its program revision application, subject to further review based on adverse public comments. The public may submit written comments on EPA's immediate final decision up to June 2, 1993. Copies of Vermont's application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Vermont's program revision shall become effective in sixty (60) days unless adverse comments pertaining to the State's program revisions are received during the comment period. If adverse comments are received, EPA will publish either (1) a withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Some portions of Vermont's revised program are broader in scope than the federal program, and thus are not federally enforceable. For example, Vermont Hazardous Waste Management Regulations (HWMR) regulate as hazardous wastes from Non-specific sources the Vermont listed wastes contained at HWMR section 7–210. Vermont listed wastes are not part of the federal program. Further, while section 7–216 describes the procedures for delisting a hazardous waste, Vermont does not seek authorization to delist federally listed wastes. Section 7–216(3) provides that any delisting of a hazardous waste which is listed as hazardous under 40 CFR part 261 shall be done by EPA. Vermont's authority to delist is restricted to those wastes regulated only in Vermont.

The specific RCRA program revisions for which the State of Vermont is authorized today are listed in the Table below. The following abbreviations are used in the Table: APA=Vermont Administrative Procedure Act; CFR=Code of Federal Regulations; MOA=Memorandum of Agreement between EPA and the State of Vermont; V.S.A.=Vermont Statutes Annotated; UCC=Uniform Certifications Conditions

Federal requirement	State authority
I. Base RCRA Program Requirements	
Identification and Listing:	
Definition of solid waste, 40 CFR 261.2	7–103, 7–203, 7–504, 7–611.
Definition of hazardous waste, 40 CFR 261.3	7–202, 7–203, 7–216, 7–504.
Exclusions, 40 CFR 261.4	7–103, 7–203, 10 V.S.A. § 6602(4).
Special requirements for hazardous waste generated by small quantity generators, 40 CFR 261.5.	7–203(11)(b), 7–303.
Special requirements for hazardous waste which is used, re-used, recycled or reclaimed, 40 CFR 261.6.	7–601, 7–603, 7–605, 7–606, 7–612, 7–614.
Residues of hazardous waste in empty containers, 40 CFR 261.7	7–202(1)(h),7–203(10).
Waste Lists:	
General, 40 CFR 261.30	7–202, 7–203, 7–204, 7–205, 7–206, 7–207, 7–209, 7–210, 7–211, 7–213, 7–214, 7–216.
Hazardous waste from non-specific sources, 40 CFR 261.31	7–210.
Hazardous waste from specific sources, 40 CFR 261.32	7–211.
Discarded commercial chemical products, off-specification species, container residues, spill residues thereof, 40 CFR 261.33.	7–213, 7–214, 7–209(3), 7–303(1), Appendices III & IV.
Characteristics:	
Characteristic of Ignitability, 40 CFR 261.21	7–204, 7–218.
Characteristic of corrosivity, 40 CFR 261.22	7–205(1) and (2), 7–218.
Characteristic of reactivity, 40 CFR 261.23	7–206(1) and (2).
Characteristic of toxicity, 40 CFR 261.24	7–207(1) and (2).
Generator Requirements	
General:	
Purpose, scope, and applicability, 40 CFR 262.10	7–302(1) and (2), 7–303, 7–304, 7–305, 7–308, 7–803, 7–804, 10 V.S.A. § 6610a and 6612.
Hazardous waste determination, 40 CFR 262.11	7–202, 7–304.
EPA Identification numbers, 40 CFR 262.12	7–109, 7–305, 7–306(1).
The Manifest:	
General requirements, 40 CFR 262.20	7–702(1).
Required Information, 40 CFR 262.21	7–702(1).
Number of copies, 40 CFR 262.22	7–202(1), Vermont Manifest.
Use of manifest, 40 CFR 262.23	7–701(2), 7–702(1), 7–804 (2) and (5).
Pre-transport requirements:	
Packaging, 40 CFR 262.30	7–307(1).
Labeling, 40 CFR 262.31	7–307(2).
Marking, 40 CFR 262.32	7–307(3).
Placarding, 40 CFR 262.33	7–307(4).
Accumulation time, 40 CFR 262.34	7–308, 7–309, 7–503(1).
Recordkeeping and reporting recordkeeping, 40 CFR 262.40	7–702(1)(e), 7–804.
Biennial reporting, 40 CFR 262.41	7–802(1).
Exception reporting, 40 CFR 262.42	7–707(1) and (2).
Additional reporting, 40 CFR 262.43	7–803.
Special conditions:	
International shipments, 40 CFR 262.50	7–701.
Farmers, 40 CFR 262.51	7–103, 7–303(2).
Transporter Requirements	
General:	
Scope, 40 CFR 263.10	7–401, 7–402(1), 7–403(1).
EPA identification number, 40 CFR 263.11	7–405(3).
Transfer facility requirements, 40 CFR 263.12	7–403(2).
Compliance with manifest system and recordkeeping manifest system, 40 CFR 263.20	7–404(4), 7–703.
Compliance with manifest, 40 CFR 263.21	7–703(1).
Recordkeeping, 40 CFR 263.22	7–804.
Hazardous waste discharges immediate action, 40 CFR 263.30	7–105.
Discharge Clean-up, 40 CFR 263.31	7–105(1)(b).
Facility Requirements	
General:	
Applicability, 40 CFR 264.1	7–303, 7–308, 7–403, 7–501, 7–504, 7–503(1).
General facility standards identification number, 40 CFR 264.11	7–502.
Notices, 40 CFR 264.12	7–502.
General waste analysis, 40 CFR 264.13	7–502.
Security, 40 CFR 264.14	7–502.
General inspection requirements, 40 CFR 264.15	7–502.
Personnel training, 40 CFR 264.16	7–502.
General requirements for ignitable, reactive, or incompatible wastes location standards, 40 CFR 264.17.	7–502.
Location standards, 40 CFR 264.18	7–502.

Federal requirement	State authority
Preparedness and Prevention:	
Design and operation of facility, 40 CFR 31	7–502.
Required equipment, 40 CFR 264.32	7–502.
Testing and maintenance of equipment, 40 CFR 264.33	7–502.
Access to communications or alarm system, 40 CFR 264.34	7–502.
Required aisle space, 40 CFR 264.35	7–502.
Arrangements with local authorities, 40 CFR 264.37	7–502.
Contingency plan and emergency procedures:	
Purpose and implementation of contingency plan, 40 CFR 264.51	7–502.
Content of contingency plan, 40 CFR 264.52	7–502.
Copies of contingency plan, 40 CFR 264.53	7–502.
Amendment of contingency plan, 40 CFR 264.54	7–502.
Emergency coordinator, 40 CFR 264.55	7–502.
Emergency procedures, 40 CFR 264.56	7–502.
Manifest system recordkeeping and reporting:	
Applicability, 40 CFR 264.70	7–502.
Use of manifest system, 40 CFR 264.71	7–502.
Manifest discrepancies, 40 CFR 264.72	7–502.
Operating record, 40 CFR 264.73	7–502.
Availability, retention, disposition of records, 40 CFR 264.74	7–502.
Biennial report, 40 CFR 264.75	7–502.
Un-manifested waste report, 40 CFR 264.76	7–502.
Addition reports, 40 CFR 264.77	7–502.
Groundwater protection:	
Applicability, 40 CFR 264.90	7–502.
Required programs, 40 CFR 264.91	7–502.
Groundwater protection standards, 40 CFR 264.92	7–502.
Hazardous constituents, 40 CFR 264.93	7–502.
Concentration limits, 40 CFR 264.94	7–502.
Point of compliance, 40 CFR 264.95	7–502.
Compliance period, 40 CFR 264.96	7–502.
General groundwater monitoring requirements, 40 CFR 264.97	7–502.
Detection monitoring program, 40 CFR 264.98	7–502.
Compliance monitoring program, 40 CFR 264.99	7–502.
Corrective action program, 40 CFR 264.100	7–502.
Closure and post-closure:	
Applicability, 40 CFR 264.110	7–502.
Closure performance standards, 40 CFR 264.111	7–502.
Closure plan; amendment of plan, 40 CFR 264.112	7–502.
Closure; time allowed for closure, 40 CFR 264.113	7–502.
Disposal or decontamination of equipment, 40 CFR 264.114	7–502.
Certification of closure, 40 CFR 264.115	7–502.
Post-closure care and use of property, 40 CFR 264.117	7–502.
Post-closure plan; amendment of plan, 40 CFR 264.118	7–502.
Notice to local land authority, 40 CFR 264.119	7–502.
Notice in deed to property, 40 CFR 264.120	7–502.
Financial requirements:	
Applicability, 40 CFR 264.140	7–502.
Definitions, 40 CFR 264.141	7–502.
Cost estimate for closure, 40 CFR 264.142	7–502.
Financial assurance for closure, 40 CFR 264.143	7–502.
Cost estimate for post-closure care, 40 CFR 264.144	7–502.
Financial assurance for post-closure care, 40 CFR 264.145	7–502.
Use of a mechanism for financial assurance of both closure and post-closure care, 40 CFR 264.146.	7–502.
Liability requirements, 40 CFR 264.147	7–502.
Incapacity of owners/operators, guarantors, of financial institutions, 40 CFR 264.148	7–502.
Wording of instruments, 40 CFR 264.151	7–502.
Applicability, 40 CFR 264.170	7–502.
Condition of containers, 40 CFR 264.171	7–502.
Compatibility of waste with containers, 40 CFR 264.172	7–502.
Management of containers, 40 CFR 264.173	7–502.
Inspections, 40 CFR 264.174	7–502.
Containment, 40 CFR 264.175	7–502.
Special requirements for ignitable or reactive waste, 40 CFR 264.176	7–502.
Special requirements for incompatible waste, 40 CFR 264.177	7–502.
Closure, 40 CFR 264.178	7–502.
Tanks:	
Applicability, 40 CFR 264.190	7–502.
Design of tanks, 40 CFR 264.191	7–502.
General operating requirements, 40 CFR 264.192	7–502.
Inspections, 40 CFR 264.194	7–502.
Closure, 40 CFR 264.197	7–502.
Special requirements for ignitable or reactive wastes, 40 CFR 264.198	7–502.

Federal requirement	State authority
Special requirement for incompatible wastes, 40 CFR 264.199	7–502.
Surface impoundments:	
Applicability, 40 CFR 264.220	7–502.
Design and operating requirements, 40 CFR 264.221	7–502.
Double-lined surface impoundments; exemption from subpart F ground-water protection requirements, 40 CFR 264.222.	7–502.
Monitoring and inspection, 40 CFR 264.226	7–502.
Emergency repairs; contingency plans, 40 CFR 264.227	7–502.
Closure and post-closure care, 40 CFR 264.228	7–502.
Special requirement for ignitable or reactive waste, 40 CFR 264.229	7–502.
Special requirements for incompatible waste, 40 CFR 264.230	7–502.
Waste piles:	
Applicability, 40 CFR 264.250	7–502.
Design and operating requirements, 40 CFR 264.251	7–502.
Double-lined piles: Exemption from subpart F ground-water protection requirement, 40 CFR 264.252.	7–502.
Inspection of liners: Exemption from subpart F ground-water protection requirements, 40 CFR 264.253.	7–502.
Monitoring and inspection, 40 CFR 264.254	7–502.
Special requirements for ignitable or reactive waste, 40 CFR 264.256	7–502.
Special requirements for incompatible wastes, 40 CFR 264.257	7–502.
Closure and post-closure care, 40 CFR 264.258	7–502.
Land treatment:	
Applicability, 40 CFR 264.270	7–502.
Treatment program, 40 CFR 264.271	7–502.
Treatment demonstration, 40 CFR 264.272	7–502.
Design and operating requirements, 40 CFR 264.273	7–502.
Food-chain crops, 40 CFR 264.276	7–502.
Unsaturated zone monitoring, 40 CFR 264.278	7–502.
Recordkeeping, 40 CFR 264.279	7–502.
Closure and post-closure care, 40 CFR 264.280	7–502.
Special requirements for ignitable or reactive wastes, 40 CFR 264.281	7–502.
Special requirements for incompatible waste, 40 CFR 264.282	7–502.
Landfills:	
Applicability, 40 CFR 264.300	7–502.
Design and operating requirements, 40 CFR 264.301	7–502.
Double-lined landfills: Exemption from subpart F ground-water protection requirements, 40 CFR 264.302.	7–502.
Monitoring and inspection, 40 CFR 264.303	7–502.
Surveying and recordkeeping, 40 CFR 264.309	7–502.
Closure and post-closure care, 40 CFR 264.310	7–502.
Special requirement for ignitable or reactive waste, 40 CFR 264.312	7–502.
Special requirements for incompatible wastes, 40 CFR 264.313	7–502.
Special requirements for liquid wastes, 40 CFR 264.314	7–502.
Special requirements for containers, 40 CFR 264.315	7–502.
Disposal of small containers of hazardous waste in over-packed drums (Lab Packs), 40 CFR 264.316.	7–502.
Incinerators:	
Applicability, 40 CFR 264.340	7–502.
Waste analysis, 40 CFR 264.341	7–502.
Principal organic hazardous constituents (POHCs), 40 CFR 264.342	7–502.
Performance standards, 40 CFR 264.343	7–502.
Hazardous waste incinerator permits, 40 CFR 264.344	7–502.
Operating requirements, 40 CFR 264.345	7–502.
Monitoring and inspections, 40 CFR 264.347	7–502.
Closure, 40 CFR 264.351	7–502.
Facility Interim Status Requirements	
General:	
Purpose, scope, and applicability, 40 CFR 265.1	7–502, 7–510, 7–501.
General facility standards	
Identification Number, 40 CFR 265.11	7–502.
Required notices, 40 CFR 265.12	7–502.
General waste analysis, 40 CFR 265.13	7–502.
Security, 40 CFR 265.14	7–502.
General inspection requirements, 40 CFR 265.15	7–502.
Personnel training, 40 CFR 265.16	7–502.
General requirements for ignitable, reactive, or incompatible wastes, 40 CFR 265.17	7–502.
Preparedness and prevention:	
Maintenance and operation of facility, 40 CFR 265.31	7–502.
Required equipment, 40 CFR 265.32	7–502.
Testing and maintenance of equipment, 40 CFR 265.33	7–502.
Access to communications or alarm system, 40 CFR 265.34	7–502.
Required aisle space, 40 CFR 265.35	7–502.

Federal requirement	State authority
Arrangements with local authorities, 40 CFR 265.37	7–502.
Contingency plan and emergency procedures:	
Content of contingency plan, 40 CFR 265.52	7–502.
Copies of contingency plan, 40 CFR 265.53	7–502.
Amendment of contingency plan, 40 CFR 265.54	7–502.
Emergency coordinator, 40 CFR 265.55	7–502.
Emergency procedures, 40 CFR 265.56	7–502.
Manifest system, recordkeeping, and reporting:	
Applicability, 40 CFR 265.70	7–502.
Use of manifest system, 40 CFR 265.71	7–502.
Manifest discrepancies, 40 CFR 265.72	7–502.
Operating records, 40 CFR 265.73	7–502.
Availability, retention, and disposition of records, 40 CFR 265.74	7–502.
Biennial Report, 40 CFR 265.75	7–502.
Un-manifested waste report, 40 CFR 265.76	7–502.
Additional reports, 40 CFR 265.77	7–502.
Ground-water monitoring:	
Applicability, 40 CFR 265.90	7–502.
Ground-water monitoring system, 40 CFR 265.91	7–502.
Sampling and analysis, 40 CFR 265.92	7–502.
Preparation, evaluation, and response, 40 CFR 265.93	7–502.
Recordkeeping and reporting, 40 CFR 265.94	7–502.
Closure and post-closure:	
Applicability, 40 CFR 265.110	7–502.
Closure performance standard, 40 CFR 265.111	7–502.
Closure plan; amendment of plan, 40 CFR 265.112	7–502.
Closure; time allowed for closure, 40 CFR 265.113	7–502.
Disposal or decontamination of equipment, 40 CFR 265.114	7–502.
Certification of closure, 40 CFR 265.115	7–502.
Post-closure care and use of property, 40 CFR 265.117	7–502.
Post-closure plan; amendment of plan, 40 CFR 265.118	7–502.
Notice to local land authority, 40 CFR 265.119	7–502.
Notice in deed to property, 40 CFR 265.120	7–502.
Financial requirements:	
Applicability, 40 CFR 265.140	7–502.
Definitions of terms as used in this subpart, 40 CFR 265.141	7–502.
Cost estimate for closure, 40 CFR 265.142	7–502.
Financial assurance for closure, 40 CFR 265.143	7–502.
Cost estimate for post-closure care, 40 CFR 265.144	7–502.
Financial assurance for post-closure care, 40 CFR 265.145	7–502.
Use of a mechanism for financial assurance of both closure and post-closure care, 40 CFR 265.146.	7–502.
Liability requirements, 40 CFR 265.147	7–502.
Incapacity of owners/operators, guarantors, or financial institutions, 40 CFR 265.148	7–502.
Use and management of containers:	
Applicability, 40 CFR 265.170	7–502.
Condition of containers, 40 CFR 265.171	7–502.
Compatibility of waste with container, 40 CFR 265.172	7–502.
Management of containers, 40 CFR 265.173	7–502.
Inspections, 40 CFR 265.174	7–502.
Special requirements for ignitable or reactive waste, 40 CFR 265.176	7–502.
Special requirements for incompatible wastes, 40 CFR 265.177	7–502.
Tanks:	
Applicability, 40 CFR 265.190	7–502.
General operating requirements, 40 CFR 265.192	7–502.
Waste analysis and trial tests, 40 CFR 265.193	7–502.
Inspections, 40 CFR 265.194	7–502.
Closure, 40 CFR 265.197	7–502.
Special requirements for ignitable or reactive waste, 40 CFR 265.198	7–502.
Special requirements for incompatible wastes, 40 CFR 265.199	7–502.
Surface impoundments:	
General operating requirements, 40 CFR 265.222.	
Containment system, 40 CFR 265.223	7–502.
Waste analysis and trial tests, 40 CFR 265.225	7–502.
Inspections, 40 CFR 265.226	7–502.
Closure and post-closure, 40 CFR 265.228	7–502.
Special requirements for ignitable or reactive waste, 40 CFR 265.229	7–502.
Special requirements for incompatible waste 40 CFR 265.230	7–502.
Waste piles:	
Applicability, 40 CFR 265.250	7–502.
Protection from wind, 40 CFR 265.251	7–502.
Waste analysis, 40 CFR 265.252	7–502.
Containment, 40 CFR 265.253	7–502.
Special requirements for ignitable or reactive waste, 40 CFR 265.256	7–502.

Federal requirement	State authority
Special requirements for incompatible wastes, 40 CFR 265.257	7–502.
Closure and post-closure care, 40 CFR 265.258	7–502.
Land treatment:	
General operating requirements, 40 CFR 265.272	7–502.
Waste analysis, 40 CFR 265.273	7–502.
Food chain crops, 40 CFR 265.276	7–502.
Unsaturated zone (zone of aeration) monitoring, 40 CFR 265.278	7–502.
Recordkeeping, 40 CFR 265.279	7–502.
Closure and post closure, 40 CFR 265.280	7–502.
Special Requirements for ignitable or reactive waste, 40 CFR 265.281	7–502.
Special requirements for incompatible wastes, 40 CFR 265.282	7–502.
Landfills:	
Applicability, 40 CFR 265.300	7–502.
General operating requirements, 40 CFR 265.302	7–502.
Surveying and recordkeeping, 40 CFR 265.309	7–502.
Closure and post-closure, 40 CFR 265.310	7–502.
Special requirements for ignitable or reactive wastes, 40 CFR 265.312	7–502.
Special requirements for incompatible wastes, 40 CFR 265.313	7–502.
Special requirements for liquid wastes, 40 CFR 265.314	7–502.
Special requirments for containers, 40 CFR 265.315	7–502.
Disposal of small containers of hazardous waste in over-packed drums (lab packs), 40 CFR 265.316.	7–502.
Incinerators:	
Applicability, 40 CFR 265.340	7–502.
Waste analysis, 40 CFR 265.341	7–502.
General operating requirements, 40 CFR 265.345	7–502.
Monitoring and inspections, 40 CFR 265.347	7–502.
Closure, 40 CFR 265.351	7–502.
Thermal treatment:	
Applicability, 40 CFR 265.370	7–502.
General operating requirements, 40 CFR 265.373	7–502.
Waste analysis, 40 CFR 265.375	7–502.
Monitoring and inspections, 40 CFR 265.377	7–502.
Closure, 40 CFR 265.381	7–502.
Opening burning; waste explosives, 40 CFR 265.382	7–502.
Chemical, physical, and biological treatment:	
Applicability, 40 CFR 265.400	7–502.
General operating requirements, 40 CFR 265.401	7–502.
Waste analysis and trial tests, 40 CFR 265.402	7–502.
Inspections, 40 CFR 265.403	7–502.
Closure, 40 CFR 265.404	7–502.
Special requirements for ignitible or reactive waste, 40 CFR 265.405	7–502.
Special requirements for incompatible wastes, 40 CFR 265.406	7–502.
Underground injection:	
Applicability, 40 CFR 265.430	7–502.
Permitting Requirements	
Permit program:	
Purpose and scope of subpart B, 40 CFR 270.1	7–503, 7–308, 7–504.
Effect of a permit, 40 CFR 270.4	7–509, 7–507, UCC #10.
Noncompliance reporting by the director, 40 CFR 270.5	MOA.
Permit application:	
Application for a permit, 40 CFR 270.10	7–506, 7–510, 7–505, 7–503, 7–507, 7–509, UCC #8.
Signatories to permit applications and reports, 40 CFR 270.11	7–108.
Confidentiality of information, 40 CFR 270.12	7–907.
Contents of part A, 40 CFR 270.13	7–506, 7–109, UCC.
Contents of part B, 40 CFR 270.14	7–506, UCC.
Permit conditions:	
Conditions applicable to all permits, 40 CFR 270.30	7–507, 10 V.S.A. 6609, 7–502, UCC.
Requirements for recording and reporting of monitoring results, 40 CFR 270.31	7–502, UCC.
Establishing permit conditions, 40 CFR 270.32	7–503, 7–508, 7–502, 7–507.
Schedules of compliance, 40 CFR 270.33	7–508, 7–502.
Transfer of permits, 40 CFR 270.40	7–509, 7–502.
Major modification or revocation and reissuance of permits, 40 CFR 270.41	7–509, 7–502.
Termination of permits, 40 CFR 270.43	7–509, 7–502.
Expiration and continuation of permits:	
Duration or permits, 40 CFR 270.50	7–503.
Special forms of permits:	
Permits by rule, 40 CFR 270.60	7–506, 7–502.
Emergency permits, 40 CFR 270.61	7–505.
Hazardous waste incinerator permits, 40 CFR 270.62	7–502, 7–508, 7–507, application form.
Permits for land treatment demonstrations using field test or laboratory analyses, 40 CFR 270.63.	7–502, 7–507, 7–506, application form.

Federal requirement	State authority
Interim status:	
Interim Status, 40 CFR 270.70, 270.71, 270.72, 270.73	7–502, 7–510.
Procedures for decisionmaking:	
General program requirements application for a permit, 40 CFR 124.3	7–506.
Modification, revocation and reissuance or termination of permits, 40 CFR 124.5	7–509.
Draft permits, 40 CFR 124.6	7–507.
Fact sheet, 40 CFR 124.8	7–507.
Public notice of permit actions and public comment period, 40 CFR 124.10	7–507, MOA.
Public comments and requests for public hearings, 40 CFR 124.11	7–507.
Public hearings, 40 CFR 124.12	7–507.
Response to comments, 40 CFR 124.17	7–507.
II. Non-HSWA Requirements Prior to Non-HSWA Cluster I	
Biennial report, 48 FR 3977, 01/28/82.	7–502, 7–602(1) & (2), 7–604, MOA, annual report form UCC #22.
Permit rules: Settlement agreement, 48 FR 39611, 09/01/83	7–108(1), 7–507(2)(b), UCC #15.
Interim status standards applicability, 48 FR 52718, 11/22/83	7–501, 7–502, 7–510.
Chlorinated aliphatic hydrocarbon listing, (F024), 49 FR 5308, 02/10/84	7–210, Appendices II & IX.
National uniform manifest 49 FR 10490, 03/20/84	7–103, 7–109, 7–701, 7–702.
Permit rules: Settlement agreement, 49 FR 17716, 04/24/84	7–510.
Warfarin & zinc phosphide listing, 49 FR 19922, 05/10/84	7–209, 7–213, 7–214, 7–303(1).
Lime stabilized pickle liquor sludge, 49 FR 23284, 06/05/84	7–103, 7–201 et al. 7–603.
III. Non-HSWA Cluster I	
State availability information, RCRA § 3006(f), 11/08/84	7–901 et al., 1 V.S.A. §§ 315–320, and 10 V.S.A. § 6608.
Household waste, 49 FR 44978, 11/13/84	7–103, 7–203(1).
Interim status standards; applicability, 49 FR 46094, 11/21/84	7–501, 7–502, 7–510 (1) & (2).
Corrections to test methods manual, 49 FR 47390, 12/04/84	7–218.
Satellite accumulation 49 FR 49568, 12/20/84	7–308(5).
Definition of Solid Waste, 50 FR 614, 01/04/85, as amended on 4/11/85 at 50 FR 14216, and 50 FR 335441 on 8/20/85. 6610(a), 7–214, 7–503, 7–502, 7–604.	7–103, 7–107, 7–202, 7–203, 7–215, 7–504, 7–601, 6–602, 6–603, 7–606, 7–611 (1) & (2), 7–612, 7–613, 10 V.S.A. 7–614.
Interim status standards for treatment, storage, and disposal facilities, 50 FR 16044, 04/23/85	7–510.
IV. Non-HSWA Cluster II	
Financial responsibility; settlement agreement, 51 FR 16422, 05/02/86, as amended at 53 FR 7740 on 3/10/88.	7–103, 7–502, 7–510, 7–506(5), application form.
Listing of spent pickle liquor (K062), 51 FR 19320, 05/28/86, as amended at 51 FR 33612 on 9/22/86, and 52 FR 28697, 8/03/87.	7–211.3
V. Non-HSWA cluster III	
Radioactive mixed waste, 51 FR 24504, 07/03/86	10 V.S.A. § 6608(b).
Liability coverage; corporate guarantee, 51 FR 25350, 07/11/86	7–502.
Standards for hazardous waste storage and treatment tank systems, 51 FR 25422, 07/14/86, as amended at 51 FR 29430 on 08/15/86.	7–103, 7–109, 7–308(1), 7–309, 7–502. 7–510. 7–506 application form.
Correction to listing of commercial chemical products and appendix VIII constituents, 51 FR 28296, 08/06/86.	7–214, 7–209(3), 7–303(1), 7–213, appendices II, III & IV.
Revised manual SW–846; amended incorporation by reference, 52 FR 8072, 03/16/87	Appendix V.
Closure/post-closure care for interim status surface impoundments, 52 FR 8704, 03/19/87	7–510.
Definition of solid waste; technical corrections, 52 FR 21306, 06/05/87	7–213, 7–214, 7–614.
Amendments to part B information requirements application for disposal facilities, 52 FR 23447, 06/22/87, as amended 09/09/87, at 52 FR 33936.	7–109, 7–506(5), application form.
VI. Non-HSWA Cluster IV	
List (phase 1) of hazardous constituents for ground-water monitoring, 52 FR 25942, 07/09/87	7–502, application form.
Identification and listing of hazardous waste, 52 FR 26012, 07/10/87	7–202.
Liability requirements for hazardous waste facilities; corporate guarantee, 52 FR 44314, 11/18/87	7–502, 7–202.
Hazardous waste miscellaneous units, 52 FR 46946, 12/10/87	7–103, 7–502 application form.
Technical correction; identification and listing of hazardous waste, 52 FR 13382, 04/22/88	7–213, 7–214, appendices II, III & IV.
VII. Non-HSWA Cluster V	
Identification and listing of hazardous waste; treatability studies sample exemption, 53 FR 27290, 7/19/88.	7–103, 7–203(9)(d).
Hazardous waste management system; standards for hazardous waste storage and treatment tank systems, 53 FR 34079, 09/02/88.	7–103, 7–502.
Identification and listing of hazardous waste; and designation, reportable, quantities, and notification, 53 FR 35412, 09/13/88.	7–211, Appendix I.
Permit modification for hazardous waste management facilities, 53 FR 37912, 09/28/88, as amended at 53 FR 41649, 10/24/88.	7–507, 7–509, 7–502, VT APA, 7–103, UCC, appendix X.
Statistical methods from evaluating ground-water monitoring data from hazardous waste facilities, 53 FR 39720, 10/11/88.	7–502.
Identification and listing of hazardous waste; removal of iron dextran from the list of hazardous wastes, 53 FR 43878, 10/31/88.	Appendices II & III.
Identification and listing of hazardous waste; removal of strontium sulfide from the list of hazardous wastes, 53 FR 43881, 10/31/88.	Appendices II & IV.

Federal requirement	State authority
Hazardous waste miscellaneous units; standards applicable to owners and operators, 54 FR 615, 01/09/89.	Application form.
Amendment to requirements for hazardous waste incinerator permits, 54 FR 4286, 01/30/89	Application form.
Changes to interim status facilities for hazardous waste management permits; procedures for post-closure permitting, 54 FR 9596, 03/07/89.	7–509, 7–510, appendix X.
VIII. HSWA Cluster I	
Dioxin waste listing and management standards 50 FR 1978, 01/14/85	7–303, 7–203(10), 7–209, 7–210, 7–213, 7–209, 7–502, 7–506(5), appendices V, IX & II, application form.
Paint filter test, 50 FR 18370, 04/30/85	7–502, 7–510.
Sharing information with the agency for toxic substance and disease registry, RCRA §3019(b), 07/15/85.	7–902, 1 V.S.A. §§315–320, 10 V.S.A. §6608.
HSWA codification rule, 50 FR 28702, 07/15/85:	
Small Quantity Generators	7–203(12), 7–303.
Delisting	7–216(3).
Household Waste	7–504(1), 7–203(1).
Waste minimization	7–109, 7–802(1), 7–701(1)(a), 7–702(1)(a), 7–502, 7–507(2)(b), 7–510(2) & (8), UCC # 16 & 19, Vermont Manifest, Annual Report. 7–502, 7–510.
Location standards for salt domes, salt beds, underground mines and caves:	
Liquids in Landfills	7–502, 7–510.
Dust suppression	7–614.
Double liners	7–502, 7–510.
Ground-water monitoring	7–502.
Cement kilns	7–601, 7–605, 7–606, 7–611, 7–612, 7–613, 7–615, 7–213, 7–214.
Fuel labeling	7–605.
Corrective action	7–502.
Pre-construction ban	7–506(2).
Permit life	7–509(1), 7–503(3).
Omnibus provision	7–502, 7–507(2).
Interim status	7–505, 7–506, 7–510, 7–507(2)(b), UCC # 16 and 19, 7–507(2)(b), 7–510(8), UCC.
Research & development permits	7–510(2), 7–511.
Hazardous waste exports	7–103, 7–109, 7–303(3), 7–701, 7–705, 7–706, 7–707, 7–802.
Exposure information	7–506 (3) & (5) Application form.
Listing of TDI, DNT, and TDA Wastes, 50 FR 42936, 10/23/85	7–211, 7–209, 7–213, 7–303(1) appendices IX & II.
Burning of waste fuel and used fuel in boilers and industrial furnaces, 50 FR 49164, 11/29/85	7–303, 7–605, 7–606, 7–611, 7–612, 7–613, 7–502, 7–606(1), 7–103, 7–607, 7–608, 7–609, 7–610, 7–611.
Listing of spent solvents, 50 FR 53315, 12/31/85, as amended 01/21/86, 51 FR 2702	7–210.
Listing of EDB wastes, 51 FR 5327, 02/13/86	7–211, Appendices V & IX.
Listing of four spent solvents, 51 FR 6537, 02/25/86	7–210, 7–209(3), 7–313, 7–303(1) appendices V, IX & II.
Generators of 100 to 1000 kg hazardous waste, 51 FR 10146, 3/24/86	7–301, 7–303, 7–203(12)(b), 7–209(3), 7–213, 7–308, 7–702, 7–703(2), 7–510(5).
Codification rule, technical correction, 51 FR 19176, 05/28/86	7–510.
Biennial report correction, 51 FR 28556, 08/08/87	7–502, 7–510.
Exports of hazardous waste, 51 FR 28664, 08/08/86	7–303, 7–802, 7–109, 7–701, 7–103, 7–705, 7–707(3), 7–804, 7–706 (1) & (2), 7–702(1)(a), 7–703, annual reports form for exports, Vermont manifest.
Standards for generators—waste minimization certifications, 51 FR 36190, 10/01/86	7–109, 7–702(1)(a), Vermont manifest.
Listing of EBDC, 51 FR 37325, 10/24/86	7–211, Appendices V & IX.
Land disposal restrictions, 51 FR 40572, 11/07/86	1 V.S.A. chapter 5 subchapter 3, 7–109, 7–103, 7–106, 3 V.S.A. 801 et seq, 7–216, 7–217, 1 V.S.A. 316(3), 7–201, 7–303(1), 7–203, 7–603, 7–611, 6–601(2)(b), 7–202, 7–210, 7–211, 7–213, 7–214, 7–510, 7–506, 7–509, 7–403(2), 7–501(2), 7–502.
IX. HSWA Cluster II (TCLP only)	
40 CFR part 261, appendix II, 55 FR 11863, 3/29/90, and 55 FR 269, 6/29/90	Appendix II.

Status of Federal Permits

EPA will suspend the further issuance of RCRA and HSWA permits in the State of Vermont for those provisions for which the State receives final authorization on the effective date of this authorization.

EPA will retain lead responsibility for the issuance, administration, and enforcement of those HSWA provisions in the State of Vermont for which the

State does not receive authorization. EPA will administer and enforce any RCRA and HSWA permits, or portions of permits, it has issued in Vermont until the State, after receiving authorization for those provisions, issues permits for these facilities which are equivalent to the federal permits, or until the State incorporates the terms and conditions of the federal permits into the State RCRA permits in accordance with its authorized program. If the State assumes responsibility for the administration of federally issued permits under its authorized program, the federally issued permits will continue in effect until their expiration. EPA will then seek to terminate federal permits through agreements with permittees. Further, EPA will transfer copies of any pending permit applications, completed permits, or pertinent file information to the State within thirty (30) days of the effective date of this authorization.

The State of Vermont will assume lead responsibility for issuing permits in the State for those program areas authorized today. The State will review all State issued permits, and modify or reissue these permits as necessary to require compliance with its approved program.

Indian Lands

Vermont is not seeking authority over Indian Lands since there are no federally recognized Indian Lands in the State at this time.

C. Decision

I conclude that Vermont's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Vermont is granted final authorization to operate its hazardous waste program as revised.

Vermont now has responsibility for permitting treatment, storage, and disposal facilities within its jurisdiction and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Vermont also has primary RCRA enforcement responsibility in the State under its authorized program, although EPA retains the right to conduct inspections under Section 3007 of RCRA, and to take enforcement actions under Section 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Vermont's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority

This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: April 23, 1993.

Paul G. Keough,

Acting Regional Administrator.

[FR Doc. 93–10363 Filed 4–30–93; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6968

[OR–943–4210–06; GP3–126; OR–15667, I–18188]

Public Land Orders No. 6391 and No. 6570; Transfer of Jurisdiction, Addition to Wallowa National Forest, as Amended; Oregon and Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will amend Public Land Order No. 6391, as corrected by Public Land Order No. 6570, by adding the omitted land description and acreage to the Hells Canyon National Recreation Area which was transferred to the secretary of Agriculture.

EFFECTIVE DATE: May 3, 1993.

FOR FURTHER INFORMATION CONTACT: Donna Kauffman, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–280–7162.

By virtue or the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), and as provided by section 9 of the Act of December 31, 1975, 89 Stat. 1117; 16 U.S.C. 460gg, which established the Hells Canyon National Recreation Area, it is ordered as follows:

The acreage and land description in Public Land Order No. 6391, 48 FR 25205–25206, June 6, 1983, are hereby amended as follows:

On page 25205 in paragraph 2, third column, under Boise Meridian, Idaho, add T. 31N., R. 4 W., Sec. 31, lots 9, 10, and 11.

On page 25205 in paragraph 2, third column, thirteenth line from the bottom, the acreage for lands in Idaho which reads "1,415 acres" is hereby amended to read "1,661.26 acres."

The acreage in Public Order No. 6570, 49 FR 37760, September 26, 1984, is hereby corrected as follows:

On page 37760, first column, sixteenth line from the bottom, the acreage for lands in Idaho which reads "1,556.03 acres", is hereby corrected to read "1,661.26 acres."

Dated: April 19, 1993.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 93–10238 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–33–M

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43 CFR Public Land Order 6971

[AK–932–4210–06; AA–502]

Withdrawal of Public Land for the Eklutna Hydroelectric Project; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 40 acres of public land from surface entry, mining, and mineral leasing for a period of 20 years for the Alaska Power Administration to protect a dam and related facilities for the Eklutna Hydroelectric Project.

EFFECTIVE DATE: May 3, 1993.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale,

location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)), and from leasing under the mineral leasing laws, to protect the Eklutna Hydroelectric Project:

Seward Meridian

T. 15 N., R. 2 E.,
Sec. 7, E½SE¼NE¼ and E½NE¼SE¼.
The area described contains 40 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining and mineral leasing laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: April 19, 1993.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 93–10244 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–JA–M

43 CFR Public Land Order 6972

[AK–932–4210–06; A–029474, A–060878]

Revocation of Public Land Order No. 1507, as Amended, and Public Land Order No. 3436, for Selection of Lands by the State of Alaska; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes in their entirety, two public land orders as they affect 560.44 acres of public lands reserved under the jurisdiction of the Secretary of the Interior for administration and maintenance of public recreation areas, and for the preservation of historical, archaeological, and recreational values. The lands, located in the Lake Louise area near Glennallen, are no longer needed for the purposes for which they were withdrawn. This action also opens the lands for selection by the State of Alaska, if such lands are otherwise available. Any lands described herein that are not conveyed to the State will be subject to the terms and conditions of withdrawals of record.

EFFECTIVE DATE: May 3, 1993.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), and by section 17(d)(1) of the Alaska Native Claims Settlement Act. 43 U.S.C. 1616(d)(1) (1988), it is ordered as follows:

1. Public Land Order No. 1507, as amended, and Public Land Order No. 3436, are hereby revoked as they affect the following described lands:

Copper River Meridian

(a) Public Land Order No. 1507 (A–029474)

Area No. 1, located within T. 6 N., R. 7 W., more particularly described as:
Lots 1, 5, 10B, and 11, U.S. Survey No. 3483, aggregating 392.51 acres.
Area No. 2, Parcels A and B, located within T. 7 N., R. 8 W., currently described as:
Lots 9 and 10, U.S. Survey No. 3502, aggregating 7.85 acres; and
Lot 1, U.S. Survey No. 3499, containing 137.30 acres.
The areas described in paragraph 1(a) aggregate 537.66 acres.

(b) Public Land Order No. 3436 (A–060878)

Located within T. 7 N., R. 8 W., more particularly described as:
Lot 3, U.S. Survey No. 3502.
The area described contains 22.78 acres.
The areas described in paragraphs 1(a) and (b) aggregate a total of 560.44 acres.

2. Subject to valid existing rights, the lands described above are hereby opened to selection by the State of Alaska under either the Alaska Statehood Act of July 7, 1958, 48 U.S.C. note prec. 21 (1988), or section 906(b) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(b) (1988).

3. The State of Alaska applications for selection made under section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1988), become effective without further action by the State upon publication of this public land order in the **Federal Register**, if such lands are otherwise available. Any of the land described herein that is not conveyed to the State will be subject to the terms and conditions of withdrawals of record.

Dated: April 19, 1993.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 93–10243 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–JA–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92–252; RM–8099]

Radio Broadcasting Services; Leesburg and Tavares, Florida

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document removes Channel 294C from Leesburg, Florida and allots Channel 294C1 to Tavares, Florida, as its community of license, at the request of J. J. Taylor Companies, Inc. The allotment of Channel 294C1 to Tavares will provide that community with its first local aural transmission service, in accordance with Section 1.420(i) of the Commission's Rules. See 57 FR 55501, November 25, 1992. Channel 294C1 can be allotted to Tavares at the petitioner's current transmitter site in compliance with the minimum distance separation requirements with a site restriction 30.1 kilometers (18.7 miles) southeast of the community. The coordinates for Channel 294C1 at Tavares are North Latitude 28–33–31 and West Longitude 81–35–38. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 7, 1993.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92–252, adopted April 6, 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.

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 Florida, is amended

by removing Leesburg, Channel 294C, and adding Tavares, Channel 294C1.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93-10106 Filed 4-30-93; 8:45 am]

BILLING CODE 6712-01-M

NUCLEAR REGULATORY COMMISSION

48 CFR Parts 2012, 2015, 2030, and 2052

RIN 3150-AC01

Nuclear Regulatory Commission Acquisition Regulation; Minor Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; minor corrective and conforming amendments.

SUMMARY: This final rule makes a number of minor corrective and conforming amendments to the NRC's acquisition regulation. The final rule is necessary to correct recently discovered errors in the text of the acquisition regulation and to conform portions of regulatory text to recodified regulations of the Cost Accounting Standards Board.

EFFECTIVE DATE: May 3, 1993.

FOR FURTHER INFORMATION CONTACT: Edward L. Halman, Director, Division of Contracts and Property Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-4347.

SUPPLEMENTARY INFORMATION: On December 23, 1992 (57 FR 61152), the Nuclear Regulatory Commission (NRC) published a final rule which expanded the existing Nuclear Regulatory Commission Acquisition Regulation (NRCAR) to implement and supplement the government-wide Federal Acquisition Regulation. The final rule established requirements for the procurement of goods and services within the NRC that were necessary to satisfy the particular needs of the agency.

This document makes minor corrections and conforming changes to the NRCAR. The necessary changes are as follows:

Section 2012.104-70 is amended to correct a typographical error.

Section 2015.407-70 is revised to correct and expand the references to appropriate contract clauses.

Section 2030.201-5 is revised to reflect the authorization contained in the recodified regulations of the Cost Accounting Standards Board.

In Part 2052, a number of contract clauses are redesignated to correct inconsistencies in the contract provisions numbering system. Clauses are added concerning "Project Officer Authority—Alternate 2" and "Travel Reimbursement—Alternate 1." The clause concerning "Proposal Presentation and Format—Alternate 1 (language for negotiated task order contracts)" is revised to correct references to other contract provisions.

Administrative Procedure Act: Waiver

Because these amendments make minor corrective and conforming changes to an existing regulation pertaining to the acquisition of goods and services by contract, the NRC has determined pursuant to 5 U.S.C. 553(a)(2), that the rulemaking provisions of the Administrative Procedure Act do not apply.

Environmental Impact: Categorical Exclusion

The NRC has determined that this rule is the type of action described in the categorical exclusion set forth in 10 CFR 51.22(c) (5) and (6). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0169.

Regulatory Analysis

This final rule is administrative in that it corrects and conforms the text of an existing regulation. These amendments will not have a significant impact. Therefore, the NRC has not prepared a regulatory analysis for this final rule. The regulatory analysis for the NRCAR was contained in the final rule published December 23, 1992 (57 FR 61152).

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule, and therefore, that a backfit analysis is not required for this final rule because these amendments do not involve any provision which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

48 CFR Part 2012

Government procurement, Nuclear Regulatory Commission Acquisition Regulation.

48 CFR Part 2015

Government procurement, Nuclear Regulatory Commission Acquisition Regulation, Reporting and recordkeeping requirements.

48 CFR Part 2030

Government procurement, Nuclear Regulatory Commission Acquisition Regulation.

48 CFR Part 2052

Government procurement, Nuclear Regulatory Commission Acquisition Regulation, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following corrective and conforming amendments to 48 CFR Parts 2012, 2015, 2030, and 2052.

PART 2012—CONTRACT DELIVERY AND PERFORMANCE

1. The authority citation for Part 2012 continues to read as follows:

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

2012.104-70 [Amended]

2. In 2012.104-70(b)(1), the word "and" is revised to read "or."

PART 2015—CONTRACTING BY NEGOTIATION

3. The authority citation for Part 2015 continues to read as follows:

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

4. Section 2015.407-70 is revised to read as follows:

2015.407-70 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert in Requests for Proposals (RFPs) the provisions at:

(1) Section 2052.215-70, Key Personnel;

(2) (i) Section 2052.215-71, Project Officer Authority (for solicitations for cost-reimbursement, cost-plus-fixed-fee, cost-plus-award-fee, cost-sharing, labor-hour or time-and-materials, including task order contracts);

(ii) Section 2052.215-72, Project Officer Authority—Alternate 1 (for

solicitations for issuance of delivery orders for specific products/services).

(iii) Section 2052.215–73, Project Officer Authority—Alternate 2 with paragraph (b)(1) deleted and the remainder of the clause renumbered (for solicitations for firm fixed price contracts);

(iv) The provision, 2052.215–71, and Alternates 1 and 2 are intended for experienced, trained project officers, and may be altered to delete duties where appropriate.

(3) Section 2052.215–74, Timely Receipt of Proposals;

(4) Section 2052.215–75, Award Notification and Commitment of Public Funds; and

(5) Section 2052.215–76, Disposition of Proposals.

(b) The contracting officer shall insert in all solicitations for negotiated procurements for cost type contracts that do not provide for task orders or delivery orders, the provision at 2052.215–77, Proposal Presentation and Format, except that:

(1) For all solicitations for negotiated task order contracts, paragraphs (e)(4)(xi) and (xii) must be deleted (and the remainder renumbered), and the paragraph found at 2052.215–78—Alternate 1, must be substituted for paragraph (d)(2).

(2) 2052.215–79—Alternate 2. For all negotiated procurements for a fixed-price, labor-hour, or time-and-materials contract, paragraph (d)(2) shall be deleted from the provision 2052.215–77.

These provisions must be tailored to assure that all sections, but in particular paragraph (e), Technical and Management Proposal, reflect a one-to-one relationship to the evaluation criteria.

(c) The contracting officer shall insert the provision at 2052.215–80, Preproposal Conference, in RFPs where there will be a preproposal conference. This provision may be altered to fit the circumstances of the requirement.

(d) The contracting officer shall insert the clauses at 2052.215–81, Travel Reimbursement, and 2052–215–83, Travel Approvals, in RFPs where there will be travel. For contracts where there is no ceiling amount on domestic travel, the provision found at 2052.215–82, Travel Reimbursement—Alternate 1 shall be used with paragraph (a) deleted and the remainder of the clause renumbered.

5. Section 2015.670 is revised to read as follows:

2015.670 Contract provisions.

(a) The contracting officer shall include the provision found at 2052.215–84, Contract Award and Evaluation of Proposals, in all solicitations where technical is more important than cost:

(1) The contracting officer shall substitute the paragraph found at 2052.215–85 for paragraph (b) in all solicitations for negotiated competitive procurements where cost is more important than technical merit.

(2) The contracting officer shall substitute the paragraph found at 2052.215–86 for paragraph (b) in all solicitations for negotiated competitive procurements where cost and technical merit are of equal significance.

(b) The contracting officer may make appropriate changes to the provision to accurately reflect other evaluation procedures, such as evaluation of proposals against mandatory criteria and benchmarking criteria for ADP procurements.

PART 2030—COST ACCOUNTING STANDARDS

6. The authority citation for Part 2030 continues to read as follows:

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

7. Section 2030.201–5 is revised to read as follows:

2030.201–5 Waiver.

Requests to waive Cost Accounting Standards (CAS) requirements must be submitted to the Chairman, CAS Board, by the Procurement Executive. The requests for waivers must be forwarded through the Head of the Contracting Activity with supporting documentation and rationale.

PART 2052—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

8. The authority citation for Part 2052 continues to read as follows:

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

2052.212–72 [Amended]

9. In 2052.212–72, in the first paragraph under the "Financial Status Report" heading, the phrase "Financial Identification Number (FIN)" is revised to read "Job Code".

2052.215–81–2052.215–84 [Redesignated]

10. Sections 2052.215–81 through 2052.215–84 are redesignated as 2052.215–83 through 2052.215–86 respectively.

2052.215–73–2052.215–80 [Redesignated]

11. Sections 2052.215–73 through 2052.215–80 are redesignated as 2052.215–74 through 2052.215–81 respectively.

12. A new 2052.215–73 is added to read as follows:

2052.215–73 Project officer authority—Alternate 2.

As prescribed at 2015.407–70(a) for solicitations for fixed price contracts, the clause at 2052.215–72—Alternate 1 must be used with paragraph (b)(1) deleted and the remainder of the clause renumbered.

2052.215–77 [Amended]

13. In newly designated 2052.215–77, paragraph (d)(1) under the heading "Proposal Presentation and Format" the word "Contracting" is revised to read "Contract."

14. Newly designated § 2052.215–78 is revised to read as follows :

2052.215–78 Proposal presentation and format—Alternate 1 (language for negotiated task order contracts).

As prescribed at 2015.407–70(b)(1), paragraphs e(4)(xi) and 2(xii) must be deleted (and the remainder renumbered) and the following paragraph must be substituted for (d)(2) in provision 2052.215–77.

(d) Cost proposal.

(2) The offeror shall provide a cost proposal based on the estimated level of effort. The total estimated cost proposed by the offeror is used for evaluation purposes only. Any resultant contract, except a requirements contract, contains an overall cost ceiling whereby individual task orders may be issued. The cost and fee, if any, for each task order is individually negotiated and also contains a cost ceiling.

(End of Provision)

15. A new 2052.215–82 is added to read as follows:

2052.215–82 Travel reimbursement—Alternate 1.

16. Newly designated § 2052.215–83 is revised as follows:

2052.215–83 Travel approvals.

As prescribed in 2015.407–70(d), insert the following clause in applicable solicitations and contracts:

Travel Approvals

(a) All domestic travel requires the prior approval of the project officer.

(b) All foreign travel must be approved in advance by the NRC on NRC Form 445 and must be in compliance with FAR 52.247–63, Preference for U.S. Flag Air Carriers. Foreign travel approval must be communicated in writing through the contracting officer.

(End of Clause)

As prescribed at 2015.407–70(d) for contracts where there is no ceiling amount on domestic travel, delete paragraph (a) of 2052.215–81 and renumber the remainder of the clause.

(End of Provision)

Dated at Rockville, Maryland, this 26th day of April, 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–10306 Filed 4–30–93; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 683

[Docket No. 920788–3065]

RIN 0648–AE94

Western Pacific Bottomfish and Seamount Groundfish Fisheries

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule that amends the regulations implementing the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP). THe final rule requires all primary operators and relief operators on vessels intending to fish for bottomfish within the Mau Zone of the Northwestern Hawaiian Islands (NWHI) to complete a protected species workshop conducted by NMFS.

EFFECTIVE DATE: June 2, 1993.

ADDRESSES: Copies of Amendment 2, which incorporates an environmental assessment (EA) and regulatory impact review, may be obtained from the Western Pacific Fishery Management Council, 1164 Bishop St., suite 1405, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, NMFS, at (310) 980–4034; or Alvin Katekaru, NMFS, at (808) 955–8831.

SUPPLEMENTARY INFORMATION: The FMP was implemented on August 27, 1986 (51 FR 27413, July 31, 1986). Amendment 2 to the FMP was approved by the Secretary of Commerce in July 1988 and implementing regulations were published at 53 FR 29907 on August 9, 1988. This amendment established a NWHI bottomfish fishery limited access program, which created two fishing zones: a Mau (qualifying Zone and Ho'omalu (limited access) Zone. The amendment also included, as part of the permit issuance process, a protected species workshop requirement for primary operators and relief operators on vessels intending to fish for bottomfish in the NWHI. The purpose of the workshop is to inform fishermen about protected resources concerns to avoid or minimize impacts of interactions between threatened and endangered species and bottomfishing operations. The regulations required only vessel operators (as well as relief operators) fishing in the Ho'omalu Zone to complete the workshops. The workshops were initially required only for those fishing in the Ho'omalu Zone because the potential for interactions with Hawaiian monk seals was greatest in this area. More than 80 percent of the bottomfish grounds in the NWHI occur in the Ho'omalu Zone, and most of the Honolulu-based bottomfish fleet had operated there up to that time.

Details on the growth of the Mau Zone fishery and of deliberations and actions by the Western Pacific Fishery Management Council and NMFS were presented in the proposed rule published at 57 FR 54560 on November 19, 1992, and will not be repeated here.

With the increase of fishing effort in the Mau Zone, it is appropriate that primary operators of Mau Zone vessels also be required to complete a protected species workshop as part of the permit issuance process. Completion of a workshop will be required on a one-time basis only for each operator and relief operator. At its meeting of March 16–17, 1992, the Council concurred with the intent of this rule.

No comments were received on the proposed rule, and no substantive changes have been made from the proposed rule. The NMFS Southwest Regional Office has moved to new facilities at 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213. This final rule amends the definition of "Regional Director" to reflect the new mailing address for the Southwest Region, NMFS.

Classification

The Assistant Administrator of Fisheries, NOAA (Assistant Administrator), has determined that this final rule is necessary for the conservation and management of the bottomfish and seamount groundfish fishery and is consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

An EA was prepared for the original FMP and for Amendment 2, which established the NWHI bottomfish limited entry access program and requires participation by primary vessel operators and relief operators in a protected species workshop. These EAs concluded that these actions would not significantly affect the quality of the human environment. Since the final rule will effect only a minor modification of the regulations implementing the FMP and Amendment 2 and will not have significant impacts on the human environment, the Assistant Administrator has determined that the rule is categorically excluded from the requirement to prepare an EA under section 6.02c.3.(f) of NOAA Administrative Order 216–6.

The Assistant Administrator has determined that this rule is not a "major action" requiring a regulatory impact analysis under E.O. 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

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

Biological Opinions and results of informal consultations under the Endangered Species Act pertaining to the bottomfish and seamount groundfish fisheries have concluded that, with the conservation and management measures in effect under the FMP, the fisheries are not likely to jeopardize the continued existence of listed species or result in the adverse modification of critical habitat. Therefore, the Regional Director has determined that additional consultations are not required for this action.

The Regional Director of the Southwest Region, NMFS, determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Hawaii. The State of Hawaii has concurred with this determination.

This 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 683

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 27, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 783 is amended as follows:

PART 683—WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES

1. The authority citation for part 683 continues to read as follows:

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

2. In § 683.2, the definition of "Regional Director" is revised to read as follows:

§ 683.2 Definitions.

* * * * *

Regional Director means the Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213.

* * * * *

3. In § 683.6, paragraph (f) is revised to read as follows:

§ 683.6 Prohibitions

* * * * *

(f) Serve as primary operator or relief operator on a vessel with a Mau or Ho'omalu Zone permit without completing a protected species workshop conducted by NMFS.

* * * * *

4. In § 682.21, new paragraph (a)(5) is added to read as follows:

§ 683.21 Permit requirements for the Northwestern Hawaiian Islands.

(a) * * *

(5) Before the Regional Director issues a Mau Zone or Ho'omalu zone permit to fish for bottomfish under this section or under § 683.25, the primary operator and relief operator named on the application form must have completed a protected species workshop conducted by NMFS.

* * * * *

§ 683.25 [Amended]

5. In § 683.25, paragraph (a)(5) is removed and paragraphs (a)(6) and (a)(7) are redesignated as (a)(5) and (a)(6), respectively.

[FR Doc. 93–10338 Filed 4–30–93; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 83
Monday, May 3, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Radiological Criteria for Decommissioning of NRC-licensed Facilities; Workshop

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Workshop.

SUMMARY: The Nuclear Regulatory Commission (NRC) is preparing to initiate an enhanced participatory rulemaking on establishing the radiological criteria for the decommissioning of NRC-licensed facilities. The Commission intends to enhance the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the staff develops the draft proposed rule. The Commission plans to conduct a series of workshops to solicit commentary from affected interests on the fundamental approaches and issues that must be addressed in establishing the radiological criteria for decommissioning. The seventh workshop will be held in Washington, DC, on May 6 and 7, 1993 and will be open to the public.

DATES: May 6, 1993 from 9 a.m. to 5:45 p.m.; May 7, 1993, from 8:30 a.m. to 4 p.m. The workshop agenda provides for scheduled opportunities throughout the workshop for the public to comment on the rulemaking issues and the workshop discussions. The scheduled public comment periods include: 12:15 p.m.–12:45 p.m.; 3:15 p.m.–3:30 p.m.; and 5:15 p.m.–5:45 p.m. on Thursday, May 6; and 10 a.m.–10:15 a.m.; 12 p.m.–12:30 p.m.; and 2:45 p.m.–3:15 p.m. on Friday, May 7. All sessions will be held at the Doubletree Hotel, 300 Army Navy Drive, Arlington, Virginia, Phone: 703–892–4100.

As discussed later in this notice, the workshop discussions will focus on the issues and approaches identified in a Rulemaking Issues Paper prepared by the NRC staff. The Commission will accept written comments on the Rulemaking Issues Paper from the public, as well as from workshop participants. Written comments should be submitted by May 28, 1993.

ADDRESSES: Send written comments on the Rulemaking Issues Paper to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland between 7:45 a.m. and 4:15 p.m. on Federal workdays. The Rulemaking Issues Paper is available from Francis X. Cameron (See "FOR FURTHER INFORMATION CONTACT").

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Special Counsel for Public Liaison and Waste Management, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington DC 20555, Telephone: 301–504–1642.

SUPPLEMENTARY INFORMATION:

Background

The NRC has the statutory responsibility for protection of health and safety related to the use of source, byproduct, and special nuclear material under the Atomic Energy Act. The NRC believes that one portion of this responsibility is to ensure the safe and timely decommissioning of nuclear facilities which it licenses and to provide guidance to licensees on how to plan for and prepare their sites for decommissioning. Once licensed activities have ceased, licensees are required to decommission their facilities so that their licenses may be terminated. This requires that the radioactivity in land, groundwater, buildings, and equipment resulting from the licensed operation be reduced to levels that allow the property to be released for unrestricted use. Licensees must then demonstrate that all facilities have been properly decontaminated and that radioactive material has been transferred to authorized recipients. Confirmatory surveys are conducted by NRC, where appropriate, to verify that sites meet NRC radiological criteria for decommissioning.

The types of nuclear fuel cycle facilities that will require decommissioning include nuclear power plants; non-power (research and test) reactors; fuel fabrication plants, uranium hexafluoride production plants, and independent spent fuel storage installations. In addition there are currently about 24,000 materials licensees. About one-third of these are NRC licensees, while the remainder are licensed by Agreement States acting under the authority of the Atomic Energy Act, Section 274. These licensees include universities, medical institutions, radioactive source manufacturers, and companies that use radioisotopes for industrial purposes. About 50% of NRC's 7,500 materials licensees use either sealed radioactive sources or small amounts of short-lived radioactive materials. Decommissioning of these facilities should be relatively simple because there is usually little or no residual radioactive contamination. Of the remaining 50%, a small number (e.g. radioactive source manufacturers, radiopharmaceutical producers, and radioactive ore processors) conduct operations that could produce substantial radioactive contamination in portions of the facility. These facilities, like the fuel cycle facilities identified above, must be decontaminated before they can be safely released for unrestricted use.

Several hundred NRC and Agreement State licenses are terminated each year. The majority of these licenses involve limited operations, produce little or no radioactive contamination, and do not present complex decommissioning problems or potential risks to public health or the environment from residual contamination. However, as the nuclear industry matures, it is expected that more and more of the larger nuclear facilities that have been operating for a number of years will reach the end of their useful lives and be decommissioned. Therefore, both the number and complexity of facilities that will require decommissioning is expected to increase.

The Commission believes that there is a need to incorporate into its regulations radiological criteria for termination of licenses and release of land and structures for unrestricted use. The intent of this action would be to provide a clear and consistent regulatory basis for determining the extent to which lands and structures must be decontaminated before a site can be decommissioned. The Commission believes that inclusion of criteria in the regulations would result in more

efficient and consistent licensing actions related to the numerous and frequently complex site decontamination and decommissioning activities anticipated in the future. A rulemaking effort would also provide an opportunity to reassess the basis for the residual contamination levels contained in existing guidance in light of changes in basic radiation protection standards and decommissioning experience obtained during the past 15 years.

The new criteria would apply to the decommissioning of power reactors, non-power reactors, fuel reprocessing plants, fuel fabrication plants, uranium hexafluoride production plants, independent spent fuel storage installations, and materials licenses. The criteria would apply to nuclear facilities that operate through their normal lifetime, as well as to those that may be shut down prematurely. The proposed criteria would not apply to uranium (other than source material) mines and mill tailings, high-level waste repositories, or low-level waste disposal facilities.

Until the new criteria are in place, the Commission intends to proceed with the decommissioning of nuclear facilities on a site-specific basis as the need arises considering existing criteria. Case and activity-specific risk decisions will continue to be made as necessary during the pendency of this process.

The Enhanced Participatory Rulemaking

The Commission believes it is desirable to provide for early and comprehensive input from affected interests on important public health and safety issues, such as the development of radiological criteria for decommissioning. Accordingly, the Commission is initiating an enhanced participatory rulemaking to establish these criteria. The objective of the rulemaking is to enhance the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the NRC staff develops the draft proposed rule. The NRC staff will consider this commentary in the development of the draft proposed rule, as well as document how these comments were considered in arriving at a regulatory approach. The Commission believes that this will be an effective method for illuminating the decision making process on complex and controversial public health and safety issues. This approach will ensure that the important issues have been identified; will assist in identifying potential information gaps or implementation problems; and will facilitate the development of potential solutions to address the concerns that affected interests may have in regard to the rulemaking.

The early involvement of affected interests in the development of the draft proposed rule will be accomplished through a series of workshops. A workshop format was selected because it will provide representatives of the affected interests with an opportunity to discuss the rulemaking issues with one another and to question one another about their respective positions and concerns. Although the workshops are intended to foster a clearer understanding of the positions and concerns of the affected interests, as well as to identify areas of agreement and disagreement, it is not the intent of the workshop process to attempt to develop a consensus agreement on the rulemaking issues. In addition to the commentary from the workshop participants, the workshops will be open to the public and the public will be provided with the opportunity to comment on the rulemaking issues and the workshop discussions at discrete intervals during the workshops.

The workshops were initially announced in the **Federal Register** on December 11, 1992 (57 FR 58727). The complete schedule for the workshops is:

January 27 and 28, 1993	Chicago, Illinois
February 23 and 24, 1993	San Francisco, California
March 12 and 13, 1993	Boston, Massachusetts
March 23 and 24, 1993	Dallas, Texas
April 13 and 14, 1993	Philadelphia, Pennsylvania
April 29 and 30, 1993	Atlanta, Georgia
May 6 and 7, 1993	Washington, D.C.

The normal process for conducting Commission rulemakings is NRC staff development of a draft proposed rule for Commission review and approval, publication of the proposed rule for public comment, consideration of the comments by the NRC staff, and preparation of a draft final rule for Commission approval. In the enhanced participatory rulemaking, not only will comments be solicited before the NRC staff prepares a draft proposed rule, but the mechanism for soliciting these early comments will also provide an opportunity for the affected interests and the NRC staff to discuss the issues with each other, rather than relying on the traditional one-to-one written correspondence with the NRC staff. After Commission review and approval of the draft proposed rule that is developed using the workshop commentary, the general process of issuing the proposed rule for public comment, NRC staff evaluation of comments, and preparation of a draft final rule for Commission approval, will occur.

Participants

In order to have a manageable discussion among the workshop participants, the number of participants in each workshop must be limited. Based on discussions with experts on workshop facilitation, the NRC staff believes that the optimum size of the workshop group is fifteen to twenty participants. Due to differing levels of interest in each region, the actual number of participants in any one workshop, as well as the number of participants that represent a particular interest in any one workshop, may vary. Invitations to attend the workshops will be extended by the NRC staff using several selection criteria. First, to ensure that the Commission has the benefit of the spectrum of viewpoints on the issues, the NRC staff is attempting to achieve the participation of the full range of interests that may be affected by the rulemaking. The NRC staff has identified several general interests that will be used to select specific workshop participants—state governments, local governments, tribal governments, Federal agencies, citizens groups, nuclear utilities, fuel cycle facilities, and non-fuel cycle facilities. In addition to these interests, the staff also plans to invite representatives from the contracting industry that performs decommissioning work and representatives from professional societies, such as the Health Physics Society and the American Nuclear Society. The NRC anticipates that most of the participants will be representatives of organizations. However, it is also possible that there may be a few participants who, because of their expertise and influence, will participate without any organizational affiliation.

The second selection criterion is the ability of the participant to knowledgeably discuss the full range of rulemaking issues. The NRC staff wishes to ensure that the workshops will elicit informed discussions of options and approaches, and the rationale for those options and approaches, rather than simple statements of opinion. The NRC staff's identification of potential participants has been based on an evaluation of such factors as the extent of a potential participant's experience with a broad range of radiation protection issues and types of nuclear facilities, specific experience with the

decommissioning issue, and the extent of a potential participant's substantive comment and participation on previous Commission regulatory or licensing actions.

The third criterion emphasizes participation from organizations within the region encompassed by the workshop. As much as practicable, those organizations that primarily operate within the region, as opposed to regional units of national organizations, will have priority in terms of participating in the corresponding regional workshops. Organizations with a national standing will be part of the "national" workshop to be held in Washington, DC.

Workshop Format

To assure that each workshop addresses the issues in a consistent manner, the workshops will have a common pre-defined scope and agenda focused on the Rulemaking Issues Paper discusses below. However, the workshop format will be sufficiently flexible to allow for the introduction of any additional issues that the participants may want to raise. At each workshop, the NRC staff will begin each discussion period with a brief overview of the rulemaking issues to be discussed and the remainder of the workshop will be devoted to a discussion of the issues by the participants. The workshop commentary will be transcribed and made available to participants and to the public.

Personnel from The Keystone Center, a nonprofit organization located in Keystone, Colorado, will serve as neutral facilitators for each workshop. The facilitators will chair the workshop sessions and ensure that participants are given an opportunity to express their viewpoints, assist participants in articulating their interests, ensure that participants are given the opportunity to question each other about their respective viewpoints, and assist in keeping the discussion moving at a pace that will allow all major issue areas to be addressed.

Rulemaking Issues Paper

The NRC staff has prepared a Rulemaking Issues Paper to be used as a focal point for the workshop discussions. This paper, which will be distributed to participants in advance of the workshops, sets forth in neutral terms the issues that must be addressed in the rulemaking, as well as background information on the nature and extent of the problem to be addressed. In framing the issues and approaches discussed in the Rulemaking Issues Paper, the NRC staff has attempted to anticipate the variety of views that exist on these approaches and issues. The paper will provide assistance to the participants as they prepare for the workshops, suggest the workshop agenda, and establish the level of technical discussion that can be expected at the workshops. The workshop discussions are intended to be used by the staff in developing the draft proposed rule. Prior to the workshops no staff positions will be taken on the rulemaking approaches and issues identified in the Rulemaking Issues Paper. As noted earlier, to the extent that the Rulemaking Issues Paper fails to identify a pertinent issue, this may be corrected at the workshop sessions.

The discussion of issues is divided into two parts. First are two primary issues dealing with: (1) The objectives for developing radiological criteria; and (2) application of practicality considerations. The objectives constitute the fundamental approach to the establishment of the radiological criteria, and the NRC staff has identified four distinct possibilities including: (1) Risk Limits, which is the establishment of limiting values above which the risks to the public are deemed unacceptable, but allows for criteria to be set below the limit using practicality considerations; (2) Risk Goals, where a goal is selected and practicality considerations are used to establish criteria as close to the goal as practical; (3) Best Effort, where the technology for decontamination considered to be the best available is applied; and (4) Return to Preexisting Background, where the decontamination would continue until the radiological conditions were the same as existed prior to the licensed activities.

Following the primary issues are several secondary issues that are related to the discussions of the primary issues, but which the NRC staff believe warrant separate presentations and discussions. These secondary issues include the time frame for dose calculation, the individuals or groups to be protected, the use of separate criteria for specific exposure pathways such as groundwater, the treatment of radon, and the treatment of previously buried materials.

The Rulemaking Issues Paper will be provided to each potential workshop participant. Additional copies will be available to members of the public in attendance at the workshop. Copies will also be available from the NRC staff contact identified above. In addition to the comments on the Rulemaking Issues Paper provided at the workshops, the Commission is also receptive to the submittal of written comments on the rulemaking issues, as noted under the heading **DATES.**

Dated at Rockville, MD, this 27 day of April 1993.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Assistant Secretary of the Commission.

[FR Doc. 93–10305 Filed 4–30–93; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

RIN 3064–AB19

Applications, Requests, Submittals, Delegations of Authority, and Notices Required to be Filed by Statute or Regulation

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Proposed rule.

SUMMARY: The FDIC is proposing to amend its regulations concerning applications and notices by savings associations. The amendments would conform the definitions of "significant risk" and "equity security" to the definitions of those terms found in the FDIC's regulations entitled, "Activities and Investments of Insured State Banks", and would allow insured state savings associations to conduct activities and make investments without the FDIC's prior approval provided that the activities and/or investments were found to be permissible for federal savings associations under an order or a written interpretation issued by the Office of Thrift Supervision. This change would also place insured state savings associations on a par with the treatment accorded insured state banks under FDIC's regulations.

DATES: Comments must be received by June 2, 1993.

ADDRESSES: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand delivered to room F–402, 1776 F Street, NW., Washington, DC on business days between 8:30 a.m. and 5 p.m. [FAX number: (202) 898–3838]. Comments may be inspected in FDIC's Reading Room, room 7118, 550 17th Street, NW., Washington, DC between 9 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Pamela E.F. LeCren, Counsel, (202) 898–3730, Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429 or

Curtis L. Vaughn, Examination Specialist, (202) 898–6759, Division of Supervision, FDIC, 550 17th Street, NW., Washington, DC. 20429.

SUPPLEMENTARY INFORMATION: Section 18(m) and 28 were added to the Federal Deposit Insurance Act (FDI Act, 12 U.S.C. 1831e, 1828(m)) on August 8, 1989 as part of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA, Pub. L. 101–73, 103 Stat. 183). In brief, section 18(m) provides that, with certain exceptions, any insured savings association must notify the FDIC and the Office of Thrift Supervision (OTS) at least 30 days prior to establishing or acquiring a subsidiary and at least 30 days prior to electing to conduct a new activity through a subsidiary. The FDIC is also authorized to prohibit by regulation or order any specific activity, act or practice conducted by an insured savings association that the FDIC determines will pose a serious threat to either the Bank Insurance Fund (BIF) or the Savings Association Insurance Fund (SAIF). Section 28 of the FDI Act deals, in part, with the activities and equity investments of state chartered savings associations and the investment by state or federal savings associations in "junk bonds". In brief, state savings associations are prohibited from engaging as principal after January 1, 1990 in any activity of a type or in an amount that is not permissible for federal savings associations unless the FDIC determines that the activity poses no significant risk to the affected deposit insurance fund and the savings association is, and continues to be, in compliance with the fully phased-in capital standards prescribed for savings associations under section 5(t) of the Home Owners' Loan Act (HOLA, 12 U.S.C. 1464(t)). State savings associations are also limited to making equity investments that are permissible for federal savings associations. Equity investments in service corporations that would otherwise be impermissible for federal savings associations can be made if a state savings association meets the fully phased-in capital requirements and the FDIC finds that the investment will not pose a significant risk to the affected deposit insurance fund based either on the activity to be conducted by the service corporation or the amount to be invested.

On December 12, 1989, the FDIC's Board of Directors adopted interim final regulations implementing sections 18(m) and 28 of the FDI Act, new § 303.13 (12 CFR 303.13) (54 FR 53540, December 29, 1989). Those regulations were subsequently adopted in final on September 11, 1990 (55 FR 38037, September 17, 1990). Among other things, the final regulations: (1) Look to statute, OTS regulations, and official OTS regulatory and thrift bulletins to determine what activities and investments are permissible for federal savings associations (§ 303.13(b)(1)), (d)(1); (2) define the term "equity security" to mean "any stock, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription transferable share, investment contract, or voting-trust certificate; any security immediately convertible at the option of the holder without payment of substantial additional consideration into such a security; any security carrying any warrant or right to subscribe to or purchase any such security; and any certificate of interest or participation in, temporary or interim certificate for, or receipt for any of the foregoing (§ 303.13(a)(6)); and (3) indicate that a "significant risk" is considered to be present "whenever it is likely that any insurance fund administered by the FDIC may suffer any loss whatever (§ 303.13(a)(9)).

The FDIC recently adopted final regulations governing the equity investments of insured state banks. (12 CFR part 362, 57 FR 53213, November 9, 1992). Part 362 implements section 24 of the FDI Act (12 U.S.C. 1831a) as added by the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA, Pub. L. 102–242, 105 Stat. 2236). Section 24 of the FDI Act, which governs the activities and equity investments of insured state banks, is very similar to section 28 of the FDI Act and was in many ways modeled after section 28. In brief, subject to certain statutory exceptions, section 24 prohibits insured state banks and their majority owned subsidiaries from engaging as principal in activities that are not permissible for a national bank or a subsidiary of a national bank unless the state bank meets its capital requirements and the FDIC determines that the activity does not pose a significant risk to the deposit insurance fund. Similarly, insured state banks may not make any equity investments that are not permissible for national banks.

Part 362 as adopted in final by the FDIC differs in a number of ways from § 303.13. To some extent, the differences result from differences in the statutory language of the two underlying provisions. Other differences are not required by statute. The FDIC is requesting comment on whether § 303.13 should be amended to conform to part 362 to the extent that the language of the two statutory provisions does not bar such a change being made. Three differences between part 362 and § 303.13 have been identified. They concern the definition of equity security, the definition of significant risk, and what constitutes evidence of what is permissible activity or equity investment for a federal savings association.

As indicated above, § 303.13 looks to statute, OTS regulations, and OTS regulatory and thrift bulletins to determine what is permissible for a federal savings association. Part 362 on the other hand provides that any investment authorized for national banks under the National Bank Act (12 U.S.C. 21 et seq.) or any other statute will be considered permissible for a national bank. What is more, investments expressly recognized as permissible in regulations, official bulletins or circulars issued by the Office of the Comptroller of the Currency (OCC) or any order or interpretation issued in writing by the OCC will be accepted as permissible for state banks. The preamble accompanying part 362 when the regulation was adopted in final indicated that:

> Written staff opinions will be considered to evidence the position of the Office of the Comptroller of the Currency so long as the opinion is considered to be valid by the Office of the Comptroller of the Currency. Thus an opinion will not be recognized if it is not the current opinion of the Comptroller's Office, i.e., it is no longer considered valid, the opinion is overruled by the Office of the Comptroller of the Currency, or the opinion is found by a court of law to be incorrect. Even though staff opinions are not necessarily binding on the Comptroller of the Currency, the FDIC is satisfied that they embody the current opinion of the Office of the Comptroller of the Currency and that to not recognize them would in fact unnecessarily put state banks at a disadvantage. State banks should note that the FDIC will generally expect any conditions or restrictions set out in the Comptroller of the Currency's regulations, bulletins, circulars, and staff opinions to be met if the equity investment is to be considered permissible under part 362 when made by state banks. (57 FR 53219, November 9, 1992).

Thus, under § 303.13, a state savings association cannot look to any OTS order or written interpretation as a basis for determining that a particular activity or investment is permissible for a federal savings association, whereas a state bank may take orders and written interpretations into account when determining what is permissible for a national bank.

The definitions of "equity security" as contained in Part 362 and § 303.13 are

identical with one exception. Under Part 362, adjustable rate preferred stock and money market auction rate preferred stock are excluded from the definition of equity security. Section 303.13 does not contain this exception. The following explanation for the exclusion appeared in the preamble accompanying part 362 when the regulation was adopted in final.

The FDIC received 15 comments addressing the issue of whether the regulation should exclude from the definition of equity security investment grade preferred stock and other preferred stock issues that are very debt like. The comments focused on two categories of preferred stock, money market preferred stock and adjustable rate preferred stock. Adjustable rate preferred stock refers to shares for which dividends are established contractually by a formula in relation to Treasury rates or other readily available interest rate levels. Money market preferred stock refers to those issues in which dividends are established through a periodic auction process that establishes yields in relation to short term rates paid on commercial paper issued by the same or a similar company. Dividends are not declared by the issuer's board and the credit quality of the issuer determines the value of the stock. Money market preferred shares are sold at auction rather than on a national securities exchange.

The FDIC agrees after reviewing the comments that money market (auction rate) preferred stock and adjustable preferred stock are essentially substitutes for money market investments such as commercial paper and are closer in their characteristics to debt than to equity. The final regulation therefore has been amended to specifically exclude money market preferred stock and adjustable preferred stock from the definition of equity investment. As a result, such investments are not subject to the provisions of § 362.3(a) of the final regulation. Investing in such instruments will be an "activity" for the purposes of section 24. Whether or not a state bank may continue to make such investments after December 19, 1992 will depend, among other things, on whether a national bank could make a similar investment. (57 FR 53218–19, November 9, 1992).

Thus, for the purposes of part 362, money market preferred stock and adjustable rate preferred stock are not considered to be equity securities. If a national bank could not engage in the activity of investing in such instruments, a state bank could possibly do so provided that the FDIC determines that the investment will not pose a significant risk to the fund and provided that the state bank meets its capital requirements. Under § 303.13, money market preferred stock and adjustable rate preferred stock are considered to be equity securities. If a federal savings association cannot invest in such investments, a state savings association simply may not do so.

Finally, under § 303.13, "significant risk" is present whenever it is likely that any insurance fund administered by the FDIC may suffer any loss whatever. Under Part 362, significant risk to the deposit insurance fund is understood to be present whenever there is a high probability that any insurance fund administered by the FDIC may suffer a loss. The definition of significant risk as originally proposed for the purposes of Part 362 was identical to the language presently found in § 303.13. As a result of concerns expressed during the public comment period that the definition did not take into account the plain meaning of the word significant and concerns that any investment made by a bank could lead to some loss, the language in Part 362 was modified slightly. The purpose of the modification was to "remove the implication that because an investment or activity cannot be said to be 'riskless' under all circumstances the FDIC will determine that the investment or activity will pose a significant risk of loss to the fund". "The emphasis is properly whether there is a high degree of likelihood, under all of the circumstances, that an investment or activity by a particular bank, or by banks in general in a given market or region, may ultimately produce a loss to either of the funds." (57 FR 53220, November 9, 1992).

The FDIC is proposing to amend § 303.13 to conform the definitions of significant risk and equity security to those found in Part 362 and is also proposing to allow state savings associations (like their counter part state banks) to look to orders and written interpretations in determining what activities and investments require the FDIC's prior approval. Comment is invited on whether it is appropriate to make the above described changes. Additionally, the FDIC is interested in receiving comment on any other differences between § 303.13 and part 362 that should be eliminated. Any persons responding to this question should keep in mind when doing so that the FDIC is constrained by the statutory language of section 24 and section 28 of the FDI Act. In short, to the extent that the language of the two provisions is different, the FDIC may not be able to amend the regulations that they are identical. Lastly, the FDIC recently proposed an amendment to part 362 (58 FR 6452, January 29, 1993). That amendment does not alter Part 362 as it is presently worded, however, it does add additional provisions to Part 362. If as a result of that rulemaking additional differences between § 303.13 and part 362 are created, the FDIC will consider whether a further amendment to § 303.13 to conform the two regulations would be appropriate.

Regulatory Flexibility Analysis

The proposed amendments do not create or add to any existing recordkeeping or reporting requirement. Nor will the amendments if adopted require any state savings association to hire additional specialized personnel in order to comply with the requirements of § 303.13, establish any computer tracking system, or take any other measure for the purposes of compliance that would be burdensome on savings associations in general. Therefore, the FDIC does not anticipate that the proposed amendments will cause any institution any additional costs. As that is the case, it is not likely that the proposal will present an economic burden on small institutions as a result of such institutions being more likely to incur an added economic burden in attempting to comply with the regulation. The proposal will in fact in some instances eliminate the need for state savings associations to seek the FDIC's approval before conducting certain activities and in some instances will afford state savings associations greater flexibility in their investments than presently afforded under the regulation. The FDIC's Board of Directors therefore does hereby certify pursuant to 5 U.S.C. 605 that the proposed amendment, if adopted, will not have a significant economic impact on a significant number of small entities.

List of Subjects in 12 CFR Part 303

Adminstrative practice and procedure, Authority delegations (Government agencies), Bank deposit insurance, Banks, banking, Insured depository institutions, Reporting and recordkeeping requirements, Savings associations.

In consideration of the foregoing, the FDIC hereby proposes to amend chapter III of title 12 of the Code of Federal Regulations by amending part 303 as follows:

PART 303—APPLICATIONS, REQUESTS, SUBMITTAL, DELEGATIONS OF AUTHORITY, AND NOTICES REQUIRED TO BE FILED BY STATUTE OR REGULATION

1. The authority citation for part 303 continues to read as follows:

Authority: 12 U.S.C. 378, 1813, 1815, 1816, 1817(j), 1818, 1819 ("Seventh" and "Tenth"), 1828, 1831e, 1831o; 15 U.S.C. 1607.

§ 303.13 [Amended]

2.a. Section 303.13(a)(6) is amended by adding "(other than adjustable rate preferred stock and money market (auction rate) preferred stock)" after the word "stock".

b. Section 303.13 is amended by revising paragraph (a)(9) to read as follows:

§ 303.13 Applications and notices by savings associations.

(a) * * *

(9) *A significant risk* is understood to be present whenever there is a high probability that any insurance fund administered by the FDIC may suffer a loss.

* * * * *

c. Section 303.13(b)(1) introductory text is amended by removing the first sentence and adding in its place "After January 1, 1990, no state savings association may directly engage, other than as agent on behalf of its customers, in an activity that is not expressly authorized for federal savings associations by the Home Owners' Loan Act (12 U.S.C. 1461 et seq.) or any other statute, regulations issued by the Office of Thrift Supervision (OTS), official OTS Regulatory or Thrift Bulletins, or any order or interpretation issued in writing by OTS unless the state savings associations obtains the approval of the FDIC."; and by removing "the Home Owners' Loan Act (HOLA)" where it appears in the second sentence and adding in its place "HOLA".

d. Section 303.13(d)(1) introductory text is amended by removing the first sentence and adding in its place "No state savings association may directly acquire or retain any equity investment after August 9, 1989 of a type or in an amount that is not expressly authorized for federal savings associations by HOLA, regulations issued by OTS, official OTS Regulatory or Thrift Bulletins, or any order or interpretation issued in writing by OTS.".

By Order of the Board of Directors.

Dated at Washington, DC, this 20th day of April 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93–10158 Filed 4–30–93; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. 93–ANE–20; Notice No. SC–93–01–NE]

Special Conditions; Light Helicopter Turbine Engine Company; Model CTS800 Turboshaft Engine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Light Helicopter Turbine Engine Company (LHTEC) Model CTS800 turboshaft engine. This engine will have novel or unique engine ratings that are not defined by the applicable airworthiness regulations. This notice proposes the safety standards which the Administrator considers necessary to establish a level of safety equivalent to that established by the airworthiness standards of part 33 of the Federal Aviation Regulations (FAR).

DATES: Comments must be submitted on or before June 2, 1993.

ADDRESSES: Comments on this proposal may be submitted in triplicate to: Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attn: Rules Docket No. 93–ANE–20, 12 New England Executive Park, Burlington, Massachusetts 01803–5299. Comments must be marked: Docket No. 93–ANE–20. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chung Hsieh, Engine and Propeller Standards Staff, ANE–110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803–5229; (617) 273–7077; Fax (617) 270–2412.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions 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 "ADDRESSES." All communications received on or before the closing date for comments, specified under "DATES," will be considered by the Administrator before taking action on the proposal. The proposal 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 special conditions. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this proposal will be filed in the docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 93–ANE–20." The postcard will be date stamped and returned to the commenter.

Background

On July 11, 1989, the Light Helicopter Turbine Engine Company (LHTEC), petitioned the FAA for an exemption to FAR 33.7, Engine Ratings and Operating Limitations, for type certification of Model CTS800 turboshaft engine. The Model CTS800 engine is rated at 30-Second One Engine Inoperative (OEI), 2-minute OEI, 2½-minute OEI, Continuous OEI, Takeoff, and Maximum Continuous ratings.

The applicable airworthiness requirements do not contain 30-Second OEI and 2-Minute OEI rating definitions, and do not contain adequate or appropriate safety standards for the type certification of these new and unusual engine ratings.

Type Certification Basis

Under the provisions of § 21.17(a) of the FAR, LHTEC must show that the Model CTS800 turboshaft engine meets the requirements of the applicable regulations in effect on the date of the application. The applicable regulations for this engine is FAR part 33, effective February 1, 1965, as amended by Amendments 33–1 through 33–14.

The Administrator finds that the applicable airworthiness regulations in part 33, as amended, do not contain adequate or appropriate safety standards for the LHTEC Model CTS800 turboshaft engine because of the new and unique engine ratings. Therefore, the Administrator proposes special conditions under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice and opportunity for comment, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.17(a)(2).

Conclusion

This action affects only certain novel or unusual design features on one model engine. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the engine.

List of Subjects in 14 CFR Part 33

Air Transportation, Aircraft, Aviation safety, Safety.

The authority citations for these special conditions is as follows:

Authority: 49 U.S.C. App. 1354(a), 1421, 1423; 49 U.S.C. 106(g).

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Light Helicopter Turbine Engine Company (LHTEC) Model CTS800 turboshaft engine:

Section 33.7, Engine Ratings and Operating Limitations

In addition to the requirements of § 33.7, the following ratings are defined as:

(a) Rated 30-Second One-Engine-Inoperative (OEI) Power: The brake horsepower developed statically in standard atmosphere at sea level, or at a specified altitude and temperature, for continued one-flight operation after the failure of one engine in multi-engine rotorcraft, limited to three periods of use, no greater than 30 seconds each at rotor shaft rotation speed and gas temperature established for this rating by part 33 or this special condition.

(b) Rated 2-Minute OEI Power: The brake horsepower, developed statically in standard atmosphere at sea level, or at a specified altitude and temperature, for continued one-flight operation, after failure of one engine in multi-engine rotorcraft, limited to three periods of use, of up to two minutes each, at rotor shaft rotation speed and gas temperature established for this rating by part 33 or this special condition.

Section 33.4, Instructions for Continued Airworthiness

In addition to the requirements of § 33.4, the mandatory inspection and maintenance actions required, following the use of the 30-Second or 2-Minute OEI rating, must be included in the airworthiness limitations section of the appropriate engine manuals.

Section 33.27, Turbine, Compressor, Fan, and Turbo-supercharger Rotors

In addition to the requirements of § 33.27, the following tests must be conducted for the most critically stressed rotor component of each turbine and compressor, including integral drum rotors, and centrifugal compressors. For 30-Second and 2-Minute OEI conditions, test for a period of two and one-half minutes.

(a) As its maximum operating temperature, except as provided in § 33.27(c)(2)(iv); and

(b) At the highest speed determined, in accordance with § 33.27(c)(2)(i) through (vi).

(c) This test may be performed using a separate test vehicle if desired.

(d) Following the test based on the 30-Second OEI rating, rotor growth and distress beyond dimensional limits for an overspeed condition is permitted, provided the structural integrity of the rotor is maintained, as shown by a procedure acceptable to the Administrator.

Section 33.29, Instrument Connection

In addition to the requirements of § 33.29, the engine must provide for a means:

(a) To indicate when the engine is at either 30-Second or 20-Minute OEI-rated power level; and

(b) To determine the elapsed time of operation at 2-Minute OEI and 30-Second OEI rated power levels.

Section 33.67, Fuel System

In addition to the requirements of § 33.67, the engine must provide for a means for automatic availability of the 30-second OEI power; and engine test runs must be performed to demonstrate automatic switching to a 30-Second OEI rating condition.

Section 33.85, Calibration Tests

In addition to the requirements of § 33.85, tests performed at the 30-Second and 2-Minute OEI ratings, during the applicable endurance test prescribed in § 33.87, may be used to show compliance with the requirements of § 33.85.

Section 33.87, Endurance Test

In addition to the requirements of § 33.87, and engine test must be conducted four times, using the following test sequence, for a total of not less than 120 minutes:

(a) Takeoff Power—three minutes at rated takeoff power.

(b) 30-Second OEI power—thirty second at rated 30-Second OEI power.

(c) 2-Minute OEI power—two minutes at rated 2-Minute OEI power.

(d) 30-Minute OEI, Continuous OEI, or Maximum Continuous power—five minutes at rated 30-Minute OEI power, or rated Continuous OEI power, or rated Maximum Continuous power, whichever is greatest, except that during the first test sequence this period shall be 65 minutes.

(e) Minimum flight power—one minute at minimum flight power.

(f) 30-second OEI power—thirty seconds at rated 30-Second OEI power.

(g) 2-minute OEI power—two minutes at rated 2-Minute OEI power.

(h) Idle power—one minute at Idle power.

Section 33.88, Engine Overtemperature Test

In addition to the requirements of § 33.88, the following must be performed:

(a) For engines that do not provide a means for temperature limiting; conduct a test for a period of five minutes at the maximum permissible power-on RPM, with the gas temperature at least 75 degrees Fahrenheit higher than the 30-Second OEI rating operating temperature limit.

(b) For engines that provide a means for temperature limiting; conduct a test for a period of four minutes at the maximum permissible power-on RPM, with the gas temperature at least 35 degrees Fahrenheit higher than the 30-Second OEI rating operating temperature limit.

(c) A separate test vehicle may be used for each test.

(d) Following the test, rotor assembly growth and distress beyond serviceable limits for an overtemperature condition is permitted, provided the structural integrity of the rotor assembly is maintained, as shown by a procedure that is acceptable to the Administrator.

Section 33.93, Teardown Inspection

In addition to the requirements of § 33.93, this special condition requires that the engine be completely disassembled after completing the additional testing of § 33.87. The engine may exhibit deterioration in excess of that permitted in § 33.93(b), and may include some engine parts and components that may be unsuitable for further use. It must be shown by procedures approved by the Administrator that the structural integrity of the engine, including mounts, cases, bearing supports, shafts and rotors, is maintained.

Issued in Burlington, Massachusetts, on April 22, 1993.

Jack A. Sain,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93–10374 Filed 4–30–93; 8:45am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 93–SW–05–AD]

Airworthiness Directives; Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269B, 269C, and TH55A Series Helicopters

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 Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269B, 269C, and TH55A series helicopters. This proposal would require a one-time visual inspection to detect missing or damaged tail rotor pedal bulkhead gussets (gussets), loose or missing gusset rivets, and initial installation of missing gussets or replacement of damaged gussets and rivets, if necessary. This proposal is prompted by reports of missing or damaged tail rotor pedal bulkhead gussets and loose or missing gusset rivets. The actions specified by the proposed AD are intended to prevent failure of the tail rotor pedal support structure that could result in loss of tail rotor control and subsequent loss of control of the helicopter.

DATES: Comments must be received by June 17, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–SW–05–AD, 4400 Blue Mound Road, Fort Worth, Texas 76106. 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 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 FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Casale, Aerospace Engineer, FAA, New York Aircraft Certification Office, Airframe Branch, ANE–172, New England Region, 181 S. Franklin Avenue, 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 should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, 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–SW–05–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, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–SW–05–AD, 4400 Blue Mound Road, bldg. 3B, room 158, Fort Worth, Texas 76106.

Discussion: This document proposes to adopt a new airworthiness directive (AD) that is applicable to Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269B, 269C, and TH55A series helicopters. Field reports have indicated that tail rotor pedal bulkhead gussets (gussets) were not installed in some Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A helicopters. In other helicopters, gussets were found with cracks, elongated rivet holes, and loose or missing rivets. This condition, if not corrected, could result in failure of the tail rotor pedal support structure that could result in loss of tail rotor control and subsequent loss of control of the helicopter.

The FAA has reviewed and approved Schweizer Aircraft Corporation Servic. Bulletin B–247, dated October 30, 1992, that describes procedures for a one-time visual inspection to detect missing or cracked gussets or to detect gussets with elongated rivet holes and loose or missing rivets. The bulkhead is the primary attachment and support for the tail rotor pedals. The service bulletin also provides procedures for the initial installation of missing gussets or replacement of damaged gussets or loose or missing rivets. Damaged gussets are those that are cracked, contain elongated rivet holes, or are otherwise unairworthy.

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 require, within the next 100 hours time-in-service after the effective date of this AD, a one-time visual inspection to detect missing or cracked gussets or gussets with elongated rivet holes and loose or missing rivets. The proposed AD would then require, before further flight, the initial installation of any missing gussets or replacement of damaged gussets or loose or missing rivets. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 934 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $80 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $177,460.

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. 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:

Schweizer Aircraft Corporation and Hughes Helicopters, Inc.: Docket No. 93–SW–05–AD.

Applicability: Model 269A, 269A–1, 269B, 269C, and TH55A series helicopters, certificated in any category.

Compliance: Required, as indicated, unless accomplished previously.

To prevent failure of the tail rotor pedal support structure that could result in loss of tail rotor control and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 100 hours time-in-service after the effective date of this AD, conduct a visual inspection of the tail rotor pedal bulkhead gussets (gussets) to detect missing or cracked gussets, elongated rivet holes, and loose or missing rivets, in accordance with Part I of Schweizer Service Bulletin B–247 (SB), dated October 30, 1992.

(1) If the gussets are missing, before further flight, install gussets in accordance with Part II of the SB.

(2) If the gussets are cracked or contain elongated rivet holes, before further flight, install replacement gussets in accordance with Part III of the SB.

(3) If the gussets contain loose or missing rivets, before further flight, install new (zero time) rivets in accordance with Part III of the SB.

(b) An alternative method of compliance or adjustment of the compliance time, which provides acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office, FAA, 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.

(c) 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.

Issued in Fort Worth, Texas, on April 1, 1993.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 93–10367 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–ASO–20]

Proposed Realignment of Jet Route J–89

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to alter the description of Jet Route J–89 located in the vicinity of Valdosta, GA. A one-degree error exists in the airway description and this action would correct that error.

DATES: Comments must be received on or before June 14, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO–500, Docket No. 92–ASO–20, Federal Aviation Administration, P. O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace—Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92–ASO–20." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to

amend the description of J–89. A one-degree error was discovered in the route alignment in the vicinity of Valdosta, GA, and this action would correct that error. Jet routes are published in § 71.607 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1 The jet route listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Jet routes.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.607 Jet Routes

* * * * *

J–89 [Revised]

From INT of Taylor, FL, 176°T(179°M) and Valdosta, GA, 156°T(157°M) radials; Valdosta; Atlanta, GA; Louisville, KY; Boiler, IN; Northbrook, IL; Badger, WI; Duluth, MN; to Winnipeg, MB, Canada. The portion within Canada is excluded.

* * * * *

Issued in Washington, DC, on April 16, 1993.

Willis C. Nelson,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93–10379 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–ASW–25]

Proposed Revision of Control Zone: El Dorado, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would revise the hours of operation for the control zone located at South Arkansas Regional at Goodwin Field, El Dorado, AR, from part time to continuous. The existing control zone operates on a part time basis due to the absence of 24-hour weather reporting for the South Arkansas Regional at Goodwin Field. A private weather monitoring service now provides certified weather observations, making continuous weather reporting available. The intended effect of this proposal is to change the effective hours of the control zone located at South Arkansas Regional at Goodwin Field, El Dorado, AR, from part time to continuous.

DATES: Comments must be received on or before June 18, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 92–ASW–25, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except federal holidays.

An informal docket may also be examined during normal business hours at the System Management Branch, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Alvin E. DeVane, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comments to Airspace Docket No. 92–ASW–25." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM'S

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A that describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the hours of operation for the control zone located at South Arkansas Regional at Goodwin Field, El Dorado, AR, from part time to continuous. The existing control zone operates on a part time basis due to the absence of 24-hour

weather reporting at South Arkansas Regional at Goodwin Field. A private weather monitoring service now provides certified weather observations, making continuous weather reporting available. The intended effect of this proposal is to change the effective hours of the control zone located at South Arkansas Regional at Goodwin Field, El Dorado, AR, from part time to continuous. The coordinates for this airspace docket are based on North American Datum 83. Transition areas are published § 71.181 of Order 7400.7A, dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.171 Designation of Control Zones

* * * * *

ASW AR CZ El Dorado, AR [Revised]
El Dorado, South Arkansas Regional at Goodwin Field, AR
(lat. 33°13'15"N., long. 92°48'48"W.).
Within a 4.2-mile radius of South Arkansas Regional at Goodwin Field.

* * * * *

Issued in Fort Worth, TX on April 13, 1993.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 93–10380 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 93–ASW–25]

Proposed Revocation of Control Zone: Beeville, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke the control zone located at Beeville, TX. on October 1, 1992, the Department of the Navy decommissioned the Tactical Air Navigation (TACAN) and nondirectional radio beacon (NDB) serving the Naval Air Station (NAS), Chase Field, TX, and cancelled all standard instrument approach procedures (SIAP) based on these navaids. Additionally, the U.S. Navy has advised that flight operations have ceased and the airfield has been closed. Controlled airspace will no longer be needed to contain instrument flight rules (IFR) operations at this location.

DATES: Comments must be received on or before June 14, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 93–ASW–25, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except federal holidays.

An informal docket may also be examined during normal business hours art the System Management Branch, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Alvin E. DeVane, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the vies and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement:
"Comments to Airspace Docket No. 93–ASW–25." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, at 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM'S

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular NO. 11–2A that describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal

Aviation Regulation (14 CFR part 71) to revoke the control zone located at Beeville, TX. The FAA has been informed by the Department of the Navy that all navaids serving NAS Chase Field have been decommissioned and all SIAP's based on these navaids have been canceled. Additionally, NAS Chase Field has been closed. Controlled airspace will no longer be needed to contain instrument flight rules (IFR) operations at this location. Control zones are published in § 71.171 of Order 7400.7A, dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The control zone listed in this document would be removed subsequently from the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.171 Designation of Control Zones

* * * * *

ASW TX CZ Beeville, TX [Removed]

* * * * *

Issued in Forth Worth, TX on April 9, 1993.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 93–10382 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–ASW–23]

Proposed Revocation of Transition Area: Berclair, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke the 700 feet above the ground level (AGL) transition area located at Berclair, TX. The Federal Aviation Administration (FAA) has been informed by the Department of the Navy that all standard instrument approach procedures (SIAP) serving the Naval Auxiliary Landing Field, (NALF) Goliad Airport have been canceled. Additionally, the U.S. Navy has advised that flight operations have ceased and the airfield has been abandoned. Controlled airspace will no longer be needed to contain Instrument Flight Rules (IFR) operations at this location.

DATES: Comments must be received on or before June 14, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 92–ASW–23, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except federal holidays.

An informal docket may also be examined during normal business hours at the System Management Branch, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Alvin E. DeVane, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement:
"Comments to Airspace Docket No. 92–ASW–23." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, at 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM'S

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 766193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A that describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the transition area located at Berclair, TX. The FAA has been informed by the Department of the Navy that all SIAP's serving the NALF Goliad

airport have been canceled and the airfield has been abandoned. Controlled airspace will no longer be needed to contain IFR operations at this location. Transition areas are published in § 71.181 of FAA Order 7400.7A, dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document would be removed subsequently from the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.181 Designation of Transition Areas

* * * * *

ASW TX TA Berclair, TX [Removed]

* * * * *

Issued in Fort Worth, TX on April 13, 1993.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 93–10383 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 93–ASW–26]

Proposed Revision of Transition Area: Beeville, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the transition area located at Beeville, TX. The Beeville transition area provides controlled airspace for instrument flight rules (IFR) operations at Beeville Municipal Airport and Naval Air Station (NAS) Chase Field. On October 1, 1992, the Department of the Navy decommissioned the Tactical Air Navigation (TACAN) and nondirectional radio beacon (NDB) serving NAS Chase Field, TX. Additionally, the U.S. Navy has ceased flight operations and the NAS Chase Airfield has been closed. Controlled airspace will no longer be needed to contain IFR operations into NAS Chase Field. The intended effect of this proposal is to provide adequate controlled airspace for IFR operations only at the Beeville, TX, Municipal Airport.

DATES: Comments must be received on or before June 14, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 93–ASW–26, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Forth Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except federal holidays.

An informal docket may also be examined during normal business hours at the System Management Branch, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Forth Worth, TX.

FOR FURTHER INFORMATION CONTACT: Alvin E. DeVane, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comments to Airspace Docket No. 93–ASW–26." The postcard will be date and time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, at 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Forth Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A that describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the transition area located at Beeville, TX. On October 1, 1992, the Department of the Navy decommissioned the TACAN and NDB serving NAS Chase Field TX. Controlled

airspace will no longer be needed to contain IFR operations into NAS Chase Field. The intended effect of this proposal is to provide adequate controlled airspace for IFR operations only at the Beeville, TX, Municipal Airport. The coordinates for this airspace docket are based on North American Datum 83. Transition areas are published in § 71.181 of Order 7400.7A, dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document would be published subsequently in the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[Amended]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.181 Designation of Transition Areas

* * * * *

ASW TX TA Beeville, TX [Revised]

Beeville Municipal Airport

(lat. 28°21'52" N., long. 97°47'31" W.)

Beeville NDB

(lat. 28°22'04" N. long. 97°47'40" W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile-radius of Beeville Municipal Airport and 1.3 miles each side of the 138° bearing from the Beeville RBN extending from the 6.6-mile radius to 7.4 miles southeast of the airport.

* * * * *

Issued in Fort Worth, TX on April 9, 1993.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 93–10381 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Account Identification for Orders Submitted on Behalf of Multiple Customer Accounts

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") proposes to amend its Regulation 1.35(a–1), to allow certain types of customer orders to be placed on a contract market without specified customer account identification at the time of order placement and time of report of execution. The amendments are intended to facilitate institutional participation in the markets and would allow orders submitted on behalf of multiple customer accounts to be placed without individual customer account identification provided that the person placing the order had investment discretion with respect to each of the accounts and the executing futures commission merchant received a single series designation for all the accounts included in the bunched order. The single series designation must identify a predetermined order allocation formula which specifies, by account number, those accounts to which the procedure would apply and only accounts in this series could receive allocations. The amendments also would exempt from the customer account identification requirement certain futures and/or futures option orders placed on behalf of specified institutional accounts as part of an intermarket strategy also involving securities. As proposed, the rule would require orders entered on behalf of these accounts to be allocated no later than the deadline for final submission of trade data to clearing on the day the order is executed.

DATES: Comments must be received on or before June 17, 1993.

ADDRESSES: Comments on the proposed rule amendments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, Attention: Secretariat. Reference should be made to "Orders for multiple accounts."

FOR FURTHER INFORMATION CONTACT: Duane C. Andresen, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Background

A. Current Regulatory Requirements

Commission regulations specify that customer orders must be recorded promptly and include customer account identification at the time of entry and time of report of execution. These recordkeeping requirements permit a customer's order to be traced at each stage of the order processing system and help to prevent the improper allocation of trades and other abuses. Commission Regulation 1.35(a–1)(1) requires that each futures commission merchant ("FCM") and each introducing broker ("IB") receiving a customer's order immediately prepare a written record of such order, which includes an account identifier for such customer.

Regulation 1.35(a–1)(2) requires that each member of a contract market who receives a customer's order on the floor of a contract market that is not in the form of a written record immediately prepare a written record of such order, including the appropriate customer account identification. Regulation 1.35(a–1)(4) requires that each member of a contract market reporting the execution of a customer's order from the floor of a contract market make a written record of such order including, among other things, the account identification. In view of the evolution of the futures markets and the expanding volume of managed institutional trading, the Commission is proposing to amend Regulation 1.35 to more readily accommodate such trading activity.

B. Predetermined Allocation Formula Exception

Notwithstanding the provisions of Regulation 1.35(a–1), the Commission has not opposed the placement and execution of a properly documented consolidated ("bunched") order for

multiple customer accounts.[1] Specific examples include a commodity trading advisor ("CTA") who combines the orders for several different customers into a single bunched order for execution by an FCM and an associated person who has power of attorney over several accounts and consolidates orders for those accounts into a single bunched order. Because portions of the bunched order may be executed at different prices, some customers may receive more favorable, and some less favorable, fills. Because only a portion of the bunched order may be executed, included customers may receive only partial fills. The Commission has stated that "the system used to allocate the variously-priced fills among participating customers will not be deemed fraudulent if it is predetermined and fair, such that no customer or group of customers receives consistently favorably or unfavorably treatment."[2] Allocation formulas that currently are followed include random allocation procedures, allocating the first fill to the lowest account number or highest account number and later reversing the procedure, or allocating fills on a rotational basis where the first account receives the best fill on one execution and then moves to the end of the account list and receives the worst fill on the next execution until all contracts are allocated.

Currently, it may be permissible for a person to place a bunched order which provides at time of entry a single series designation for all the customer accounts included in the bunched order and identifies a predetermined order allocation formula if the allocation formula is fair.[3] The allocation formula must be provided to the FCM before entry of the bunched order and must specify, by account number, those accounts to which it will apply. Upon report of execution, the FCM allocates the trades to the specified accounts according to the allocation formula.

The Commission is proposing to provide relief from individual account designation requirements to permit the use of predetermined allocation formulas by expressly addressing permissible bunched order procedures in Commission regulations. The proposed regulation is described below.

C. CME Proposal—Institutional Account Exception

By letters dated February 24, 1992, the Chicago Mercantile Exchange ("CME" or "Exchange") submitted a proposed amendment to Exchange Rule 536 pursuant to section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 1 *et seq.*, and a petition for rulemaking pursuant to Commission Regulation 13.2 to amend Commission Regulation 1.35(a–1).[4] The proposed CME rule amendment would exempt certain orders from the customer account designation requirement provided specified conditions were met. The Exchange represented that the amendment was necessary because CME Rule 536 currently requires that every order received from a customer must be in writing at the time of execution and must include the customer's account designation. According to the CME, these requirements may adversely and unnecessarily affect certain orders entered on behalf of highly capitalized and sophisticated entities. Specifically, the Exchange stated that account advisers who manage more than one account and use futures as part of an overall strategy to hedge securities portfolios have expressed concern that existing CME Rule 536, which is consistent with Commission Regulation 1.35, is inconsistent with the manner in which futures are used to hedge securities portfolios and the goal of treating all accounts fairly. Further, according to the CME, account advisers represented that Rule 536 is inconsistent with rules in the securities markets which permit an investment adviser to transmit orders throughout the day and communicate the account designations at the end of the day.

Under the proposed amendments to CME Rules, eligible orders would include orders entered by investment advisers registered with the Securities and Exchange Commission pursuant to the Investment Advisers Act of 1940, 15 U.S.C. 80b *et seq.* (1988), and banks, insurance companies, trust companies, and savings and loan institutions subject to federal or state regulation. Orders that did not require the account designation prior to execution could only be placed for certain specified institutional accounts which had been notified that their orders were being allocated in this manner. The individual or firm directing the allocation could have no proprietary interest in any account that received any part of an order for which a specific account was not identified at the time of execution. The fills would be required to be allocated among participating accounts prior to the end-of-day.

The Commission published the proposed rule amendment to CME Rule 536 for public comment.[5] The Commission received 31 comments in response to the CME's proposal. Twenty-six of the comments evidenced support for the proposed rule amendment, four were opposed, and one expressed a cautionary note. These comments are discussed below.

II. Proposed Amendments to Commission Regulation 1.35(a–1)

The Commission proposes to amend Regulation 1.35(a–1) in two respects. First, proposed Regulation 1.35(a–1)(5) would permit multiple customer orders traded as part of a single program pursuant to trading discretion to be bunched for execution without individual customer account identifiers provided that an allocation formula had been pre-filed with the FCM. Such orders would be entered under a single series designation and subsequently allocated at the time of the report of the fill pursuant to the predetermined allocation formula. Second, under proposed Regulation 1.35(a–1)(6), exchanges could submit for Commission review and approval rules permitting end-of-day allocation for certain bunched orders for institutional investment accounts participating in multi-market strategies involving futures or futures options and securities. For these purposes, "end-of-day" would be defined as prior to the deadline for final submission of trade data to clearing on the day the order was executed. Current Regulations 1.35(a–1)(1), (2) and (4) would be amended to cross-reference the exceptions provided in new paragraphs (5) or (6).

A. Predetermined Allocation Schemes

Under proposed Regulation 1.35(a–1)(5), a bunched order for multiple customer accounts could be placed without individual customer account identification at the time of entry and time of report of execution provided that the person placing the order had investment discretion with respect to the accounts and submitted to the FCM, at the time of entry, a single series designation that identified all the accounts to be included in the bunched order and a predetermined order allocation formula. The allocation

[1] In the Matter of GNP Commodities, Inc., et al. (1900–1992 Transfer Binder) Comm. Fut. L. Rep (CCH) ¶ 25,360 at 39,214 (CFTC August 11, 1992).

[2] *Id.*

[3] See Memorandum from the Division of Trading and Markets to the Commission recommending approval of the Chicago Mercantile Exchange's Proposed Globex Trading System, February 2, 1989, p. 38, which permits an allocation formula to be pre-filed.

[4] The Exchange submitted additional information regarding the proposed rule amendment in letters dated May 7, 1992 and August 12, 1992. In a letter dated September 25, 1992, the Exchange provided answers to a series of questions asked by the Division of Trading and Markets in a letter of August 20, 1992.

[5] 57 FR 24251 (June 8, 1992).

formula would be required to specify, by account number, those accounts to which it would apply and to include a formula for allocating the fills among the participating accounts fairly, such that the customer or group of customers received fair and equitable treatment.[6] The allocation formula would be required to be submitted to the FCM before the first trade and could not be changed intraday. Upon execution, the FCM would be required to allocate the fills to the accounts according to that predetermined allocation formula.

The proposed regulation applies to customer orders and, with certain restrictions, to proprietary orders. Commission Regulation 155.3 requires that FCMs insure, to the extent possible, that a customer order executable at or near the market price is transmitted to the floor before any like order for any proprietary or affiliated account. Commission Regulation 155.4 requires that IBs insure, to the extent possible, that a customer order executable at or near the market price is transmitted to the FCM before any like order for any proprietary or affiliated account.

The Commission is aware that some industry participants believe that it is not improper for proprietary orders to be bunched with customer orders as long as the proprietary account always receives the worst fill. Consistent with current practice, the Commission proposes that orders in which certain non-customers have an interest may be bunched with customer orders, but only if those non-customers receive the worst fills, both quantitatively and qualitatively. They may be allocated fills only if all the customer orders are filled and must receive the least advantageous prices of any remaining fills.

For example, suppose a 100-lot order was entered as a bunched order for nine customer accounts and one proprietary account, to be allocated ten lots each. If the order was partially filled for 50 lots, five customers normally would receive a fill of six lots each, the remaining four customers would receive a fill of five lots each, and the proprietary account would not receive any fills. Similarly, if the 100 lot order was completely executed but at three different prices, the ten lots allocated to the proprietary account would be at the worst of the three different prices.

This restriction would apply to the person originating the order, the FCM, and their affiliated or related persons as defined in the proposed regulation. The restriction is intended to limit the opportunity and the incentive to afford preferential treatment and is a prophylactic measure consistent with internal control procedures generally used by fiduciaries.

The Commission believes that this is an appropriate safeguard, but requests comments concerning the applicability of the worst fill restriction to all orders in which listed parties have any interest, particularly with regard to the person originating the order. The Commission also request comments concerning whether inclusion of FCM proprietary orders should be permitted and addressing any costs relative to the separate execution of proprietary and bunched customer orders pursuant to a pre-filed allocation formula. The Commission further requests comments on the definition of proprietary orders applicable to this proposed regulation.

Both the Commission and courts have accepted the use of allocation formulas for properly documented bunched customer orders provided that the formulas result in fair allocation of the fills to the customers included in the bunched orders.[7] These procedures evolved from the bunching of discretionary office orders with individual customers listed thereon for execution to the bunching of orders pursuant to a managed accounts program for a CTA on behalf of designated client accounts. Because the single series designator would identify all included accounts, the person placing the order would not be required to list separately each account and could thus respond to changes in the market more rapidly. There would be an audit trail because the FCM would have the pre-filed allocation formula prior to order entry and subsequently would allocate the fills according to that formula. The predetermined allocation formula would be a record required to be kept under Commission Regulation 1.35(a). Where the bunched order did not include an order in which the FCM or its affiliated or related persons as defined in the proposed regulation had an interest, the pre-filing of the formula would assure separation of functions between the trader and the allocator by placing the formula with the FCM prior to any allocation. Where the bunched order included an order in which there was such an interest, the customer will receive the protection of the requirement that the proprietary order may receive fills only if all the customer orders are filled and only at the worst price. The Commission believes that the use of predetermined allocation formulas for discretionary orders for multiple customer accounts that are executed as bunched orders is a reasonable procedure that responds to market needs without unduly placing a burden on market users, adversely affecting customers, or impairing the Commission's regulatory capabilities.

B. Institutional Accounts

1. Overview

Under proposed Regulation 1.35(a–1)(6), contract markets could submit rules for Commission approval that would exempt certain orders from the requirement that a specific customer account be identified at the time of entry and time of report of execution if specified requirements were met. The Commission believes that the proposed regulation will encourage and facilitate institutional participation in the futures markets subject to customer protection requirements that are consistent with the sophistication of the institutional customers. The specified requirements of the proposal address: (a) Eligible orders, (b) eligible account managers, (c) eligible customers, (d) account certification, (e) allocation requirements, (f) account manager recordkeeping, and (g) contract market rule enforcement programs.

Under the proposal, registered investment advisers and banks, insurance companies, trust companies, and savings and loan associations subject to federal or state regulation and granted investment discretion for related future, futures options and securities accounts could place bunched futures and/or futures option orders without providing individual account identifiers. These account managers[8] would provide a designator to identify the order as a bunched order for eligible

[6] Directing profitable fills to favored accounts and unprofitable fills to unfavored accounts (preferential allocation) is a violation of the Section 4b anti-fraud provision of the Act. In the Matter of GNP Commodities, Inc., et al., (1990–1992 Transfer Binder) Comm. Fut. L. Rep. (CCH) ¶25,360 at 39,214 (CFTC August 11, 1992); In the Matter of Lincolnwood Commodities, Inc., of California, et al., (1982–1984 Transfer Binder) Comm. Fut. L. Rep. (CCH) ¶21,986 at 28,246 (CFTC January 31, 1984).

[7] In denying the argument that block trades are considered mishandled trades, the Appellate Court of Illinois stated: "[T]he CFTC has held that block trades are permissible as long as there is no preferential allocation of trades." *Index Futures Group, Inc.* v. *Ross*, 199 Ill. App. 3d 468, 477, 557 N.E.2d 344 (1990), appeal denied, 133 Ill. 2d 557, 561 N.E.2d 692 (1990). The court cited *Stiller* v. *Shearson, Loeb Roodes, Inc.*, (1982–1984 Transfer Binder) Comm. Fut. L. Rep. (CCH) ¶21,780 (CFTC July 11, 1983) and *Maloley* v. *R. J. O'Brien & Associates, Inc.*, (1984–1986 Transfer Binder) Comm. Fut. L. Rep. (CCH) ¶22,366 (CFTC September 24, 1984).

[8] The term "account manager" hereafter is used to include investment advisers and other persons identified in the proposed regulations, and their principals, if any, who would place and/or direct the allocation of an eligible order.

institutional accounts. The orders could be placed only on behalf of specified institutional accounts as part of a bona fide intermarket trading strategy also involving equity or debt securities within the meaning of section 2(1) of the Securities Act of 1933, 15 U.S.C. 77a *et seq.* (1988), ("intermarket" orders). Under the amendment, an account manager could allocate the fills at the end of the day, after reviewing the results of trading activity in all markets. For the eligible account managers and institutional accounts engaging in intermarket trading, the amendment would permit the same end-of-day allocation at futures exchanges that is now permissible in cash and securities markets and at foreign futures exchanges. The procedure would facilitate equitable treatment for the managed accounts in situations where such treatment could not practically be achieved through the use of a predetermined allocation formula.

The proposed amendment contains a number of safeguards designed to maintain an audit trail and to limit the possibility of preferential allocation. Only orders related to an intermarket strategy would be eligible. Post-trade allocation may be appropriate for such orders because of their connection to related securities transactions or portfolio positions in order to achieve fair treatment for similarly-traded managed accounts.

Eligible account managers would be required to be otherwise regulated entities with investment discretion who generally would be liable as fiduciaries for the handling of the accounts subject to their discretion. Neither the account manager nor his affiliated or related persons, as defined in the regulation, could have a direct or indirect interest in any account which would participate in the allocation or in any related securities account.

Eligible customers would be either institutions subject to federal or state regulation or entities which, by virtue of their expertise and resources, should be capable, on behalf of themselves and their beneficiaries, of monitoring trading results and determining whether their accounts were receiving fair treatment. A futures account in which the FCM allocating the order had an interest, or one in which its affiliated or related persons as defined in the regulation had an interest, would not be considered an eligible customer account. Any interest on the part of such parties in a related securities account also would make the futures account ineligible.

Before placing the first intermarket order for any account, the account manager would be required to certify to the FCM responsible for order allocation that (1) he has no direct or indirect interest in any account to which fills may be allocated or in any related securities account, (2) the account is owned by an eligible customer, (3) the customer has consented that intermarket orders may be executed and allocated under this procedure, (4) intermarket orders for each account will be entered as part of a trading strategy which involves securities for which the pre-filing of a predetermined allocation formula is impracticable and (5) he agrees to make available, upon request of a representative of specified government agencies, records concerning futures and securities transactions. These certifications would be made only once, in that they would remain in effect unless and until there might be a material change in circumstances. Further, the account manager would be required to provide the FCM with a list of eligible accounts and their related securities accounts.

The account manager would be required to identify the order as an intermarket order at the time of order placement and, in conjunction with the FCM which allocates the order, to allocate the fills to customer accounts prior to the deadline for final submission of trade data to clearing on the day the intermarket order was executed. The FCM who input the data to clearing would be required to assure that fills were timely allocated only to eligible customer accounts. Each exchange that adopted rules allowing this procedure would be required to assure that the orders for which end-of-day allocations were made were identified as such on trade registers and other computerized surveillance records.

The account manager would be required to maintain and produce, upon request of any representative of specified government agencies, documentation reflecting order placement and allocation and records of securities transactions which may not otherwise be subject to the Commission's direct inspection authority. These records would be required to be sufficient to demonstrate the relationship between the futures and securities transactions, the allocations made, the basis for allocation, the nature of the intermarket strategy, and to compare results obtained for different customers. The account manager also would be required to make available for review, upon request of an eligible customer, documentation sufficient to permit the customer to compare its overall results with those of other customers. Each FCM allocating intermarket orders would be required, upon request of specified government agencies, to exercise its best efforts to obtain and provide to specified government agencies records reflecting the related transactions in the securities accounts.

Finally, each exchange which adopted rules allowing this procedure, or the designated self-regulatory organization of a member firm, would be required to include in their compliance programs procedures to review trade records to determine that the trades were identified, fills were properly and timely allocated, required documentation at the clearing member was maintained.

After review of the comments to proposed CME Rule 536 and discussions with market users, the Commission believes that this limited exception to the individual account identification requirement is warranted, subject to the requirements outlined above, and would reduce a regulatory requirement affecting participation in intermarket strategies by institutional account managers. A more detailed discussion of the various aspects of proposed Regulation 1.35(a–1)(6) follows.

2. Element of the Proposal

(a). Eligible orders. Orders allocated pursuant to this paragraph must be intermarket orders. The term "intermarket" order means a futures or futures option order entered on behalf of an eligible customer as part of a bona fide intermarket trading strategy also involving securities. For purposes of this paragraph (6), the term "securities" means equity or debt securities within the meaning of section 2(1) of the Securities Act of 1933.

The rationale for allowing post-trade allocation is to permit account managers to provide equivalent treatment of customers' accounts traded pursuant to strategies involving activity in both futures markets and securities markets. For example, if the securities trade is allocable at the end of the day and the account manager follows a strategy of buying securities and selling futures, with the futures order to be executed throughout the day, the account manager may need to await the results of all transactions before allocating to the accounts so as to provide equivalent treatment. Similarly, for strategies such as duration management, where futures transactions are executed on the basis of a change in interest rates that affects the price of the bonds in an underlying portfolio, the procedure could be used to maintain positions of a specified duration under circumstances when this

result cannot be achieved through the use of a predetermined allocation formula. The Commission requests comments on the feasibility of assessing fair and equitable treatment across accounts, of the similarity in the overall results, and on the time frame that would be appropriate for such an assessment. Do account managers intend to use post-trade allocation for accounts with different investment goals and, if so, how would the account manager demonstrate fair and equitable treatment across such accounts? The Commission also requests comments concerning other multimarket trading strategies for which a predetermined allocation formula may not result in equitable treatment to the included accounts and on the feasibility of specifying predetermined allocation formulas based on a change in underlying portfolio as might be the case with duration management strategies. Further, the Commission requests comments as to the benefits of permitting post-trade allocations for accounts that may be traded in a like manner in other markets.

(b). Eligible account managers. The person placing and/or directing the allocation of an eligible order and its principal, if any ("account manager"), must be one of the following which has been granted investment discretion with regard to the eligible customer accounts:

(i) An investment adviser registered with the Securities and Exchange Commission pursuant to the Investment Advisers Act of 1940, or

(ii) A bank, insurance company, trust company, or savings and loan association subject to federal or state regulation.

As proposed, the class of persons eligible to place intermarket orders and direct the end-of-day allocation thereof would be identical to that suggested by the CME. The Commission believes that when managing multiple accounts, such entities may be better able to achieve similar results for institutional accounts being traded pursuant to a program which involves multi-market trading strategies. Additionally, such entities' fiduciary activities are subject to oversight by various state or federal regulatory agencies.[9]

In response to the request for comments on the proposed amendments to CME Rule 536, the Commission received 26 comments supporting the amendments. With regard to eligible account managers, 19 of the commenters supported the proposed rule amendments as written.[10] Seven commenters recommended expanding portions of the proposed rule amendment to include additional eligible account managers or customer accounts. Of those commenters recommending additional eligible account managers, four recommended that eligibility be extended to CTAs.[11] As explained below, the Commission is not now proposing to include CTAs who are not also investment advisers as eligible account managers. The Commission, however, requests comments as to whether there are any circumstances in which it would be appropriate to include CTAs as eligible account managers.

Proposed Regulation 1.35(a–1)(6) is designed for multi-market strategies and to reduce the possibility that customer accounts may not be treated equivalently because the allocation of futures fills must be made before the account manager has the opportunity to review and allocate related trades in the securities included in the portfolio. Under the proposed regulation, investment managers for these types of accounts could allocate futures and futures option trades in the same manner as they currently allocate trades on securities exchange and over-the-counter markets in which certain orders may be allocated at a later time.[12]

Comment is requested as to the potential competitive effect of limiting eligible account managers as proposed to those which have investment discretion for futures and securities accounts. Such comments should address whether CTAs generally can achieve similar treatment for similarly managed accounts by following procedures available for bunching orders using a pre-determined allocation formula or by employing average price systems available at futures exchanges.[13] In its submission in support of proposed Rule 536, the CME offers examples of circumstances when the average price system may not permit equivalent treatment of similarly traded accounts when the trading involved takes place in multiple markets.

(c). Eligible customers. (1) Intermarket orders may be allocated to accounts maintained by any of the following institutional customers:

(i) An Investment Company registered as such under the Investment Company Act of 1940, 15 U.S.C. 80a *et seq.* (1988).

(ii) A bank, trust company, insurance company or savings and loan association subject to federal or state regulation.

(iii) An account for which a bank, trust company, insurance company or

[9] The Commission previously has addressed the activities engaged in by the proposed account managers. Regulation 4.14(a)(8) exempts from the requirement to register as CTAs, subject to specified conditions, certain investment advisers registered under the Investment Advisers Act of 1940 and persons excluded from the definition of the term "investment adviser" pursuant to the provisions of sections 202(a)(2) and 202(a)(11) of that Act who provide commodity interest trading advice solely to certain otherwise regulated entities such as registered investment companies, separate accounts of insurance companies, trusts and custodial accounts, and certain pension plans. The exempted investment adviser's commodity interest trading advice must be solely incidental to his primary business and the regulated entities to which such advice is rendered must be operated in compliance with the requirements set forth in Regulation 4.5, which includes a limitation on the commodity interest trading. Also, subject to certain trading restrictions, Commission Regulation 4.6 excludes from the definition of the term CTA insurance companies subject to regulation by any state and persons excluded from the definition of the term commodity pool operator ("CPO") by Regulation 4.5. The latter group includes, among others, a bank, trust company or any other such financial depository institution subject to any federal or state regulation.

[10] The 19 commenters included BA Futures, Inc.; Bear Stearns; The Chicago Corporation; Citicorp Futures Corp.; Dean Witter Reynolds, Inc.; Lind-Waldock & Co.; J.P. Morgan Futures, Inc.; PaineWebber, Inc.; Prudential Securities, Inc.; Sanwa-BGK Futures, Inc.; Saul Stone and Company; Smith Barney, Harris Upham & Co., Inc.; J.P. Morgan Investment Management, Inc.; Leland O'Brien Rubenstein Associates, Inc.; TSA Capital Management; Wells Fargo Nikko Investment Advisors; The Northern Trust Company; the Futures Industry Association; and Abramson & Fox.

[11] These commenters included Index Futures Group, Inc.; Morgan Stanley & Co., Inc.; the National Futures Association; and the First Boston Corporation, which also recommended extending the category of eligible account managers to include parent corporations which manage the accounts of affiliated companies on a centralized basis. One commenter, Abramson & Fox, supported the proposed rule amendments as written but stated that it would be appropriate to consider, at some future time, expanding the category of eligible managers to include CTAs managing assets for an institutional client base.

[12] See, e.g., Interpretation 88–3 of New York Stock Exchange Rule 410(a)(3): "Member organizations may accept block orders and permit investment advisors to make allocations on such orders to customers and remain in compliance with Rule 410(a)(3) provided that the organizations receive specific account designations or customer names by the end of the business day." See also Securities and Futures Authority Rule Book. Rule 5–41 allows a firm to aggregate customers' orders when it is unlikely to disadvantage the customer and the firm has disclosed that orders may be aggregated. Rule 5–34(13), averaging of prices, allows a firm to execute a series of transactions within a 24-hour period to meet orders it has aggregated. When a firm has aggregated orders, Rule 5–42 specifies that the firm must not give unfair preference and if all the orders cannot be satisfied, the firm generally must give priority to satisfying customer orders.

[13] An average price system allows bunched orders to be filled at different prices while ensuring that each customer whose order is included in the bunched order receives a fill that is the same as any other similarly included customers. The average price is computed by multiplying the execution prices by the quantities at those prices divided by the total quantities. Thus, for futures trading unrelated to a portfolio containing other instruments, an average price system ensures a fair and equitable allocation to each customer included in the bunched order. Currently, the CME, Chicago Board of Trade, and Commodity Exchange, Inc., have average price system rules in effect.

savings and loan association subject to federal or state regulation is a fiduciary vested with investment discretion.

(iv) A corporate qualified pension, profit sharing, or stock bonus plan subject to title 1 of the Employee Retirement Income Security Act of 1974 ("ERISA"), or any plan defined as a governmental plan in section 3(32) of title 1 of such Act, but not including a self-directed plan.

(v) An educational endowment, foundation, charitable institution or trust which is organized or qualifies under section 501(c)(3) of the Internal Revenue Code with net assets of more than $100 million.

This group of proposed eligible customers is substantially the same as that included in the CME's proposed amendments to Rule 536. Congress and the Commission have fashioned exemptive provisions to certain requirements based on the financial resources or otherwise regulated nature of market participants in certain contexts.[14] The CME and certain institutional customers have represented that professional managers of multi-market portfolios need the flexibility afforded by this proposed regulation to treat similarly managed accounts fairly. Further, the Commission believes that such customers are institutional investors whose accounts are subject to other regulatory regimes and who may participate in multi-market investment strategies and, therefore, benefit from use of the proposed regulation.

In response to the Commission's request for comments on the proposed amendments to CME Rule 536, four commenters recommended the expansion of eligible customer accounts. One commenter recommended broadening the list to include any other account with net assets exceeding $100 million;[15] one commenter recommended including all accounts or, at a minimum, accounts that qualify as qualified eligible participants ("QEP") under Commission Regulation 4.7;[16] one commenter recommended including QEPs and large corporations and partnerships, subject to an appropriate asset test;[17] and one commenter recommended including QEPs and foreign persons engaged in substantially equivalent activities for which the rule amendments were proposed.[18]

The Commission believes the currently proposed list of eligible customers is limited to accounts subject to either separate regulatory scrutiny or a portfolio size requirement which use multi-market strategies and are persons with the capacity to review and evaluate the accounts' trading activity and results. The Commission staff, in interviews with large institutional customers and their fiduciaries, was advised that such customers may have particularized procedures for auditing account results. The Commission requests comments concerning the proposed list of eligible customers, whether there should be additional account size requirements, whether other corporations should be included, and the availability and access to records needed by the customer or customer's fiduciary to assess the fairness of account treatment.

(2) The following persons may have no interest in any account that receives any part of such order or in any related securities account:

(i) The account manager;

(ii) The futures commission merchant allocating the order;

(iii) Any general partner, officer, director, or owner of ten percent or more of the equity interest in the account manager or the futures commission merchant allocating the order;

(iv) Any employee or associated person or limited partner of the account manager or the futures commission merchant allocating the order who affects or supervises the handling of the order;

(v) Any business affiliate that, directly or indirectly, controls, is controlled by, or is under common control with, the account manager or the futures commission merchant allocating the order;

(vi) An employee benefit plan of the account manager, the futures commission merchant allocating the order, or an affiliate, as defined in subparagraph (v) above; or

(vii) Any spouse, parent, sibling, or child of the foregoing persons.

The CME's proposed rule would prohibit the individual or firm directing the allocation of the order from having a proprietary interest in any account that receives any part of such order. Commission Regulation 1.3(y) defines a proprietary account to include the ownership of ten percent or more of a futures or option trading account. Therefore, the proposed CME amendment would have permitted the person or firm directing the allocation to own less than ten percent of one or more of the accounts receiving part of the allocated order. Additionally, one of the commenters recommended permitting accounts to participate in such allocations where the firm directing the allocation has only a nominal (under five percent) proprietary interest.[19]

The Commission is proposing that the account manager placing the order and/or directing the allocation of the fills, the FCM which allocates the fills, and their related or affiliated persons as defined in the regulation, be prohibited from having any interest in an account that receives any part of an allocation of an eligible order or in any related securities account. The Commission believes, based on its experience with misallocation of trades, that the ability to either direct the allocation or allocate the fills between customer and proprietary accounts subsequent to execution would create an unacceptably high potential for abuse.[20] The Commission further believes that the ability either to direct or allocate the fills subsequent to execution while maintaining a proprietary interest in a related securities account also would create an unacceptably high potential for abuse. The Commission, therefore, believes that a preventive approach that eliminates the possibility of preferential allocation for personal gain is warranted. The Commission invites comments to assist it in defining proprietary interest in the context of this proposal.

(d). Account certification. (1) Before placing the initial order pursuant to this paragraph, the account manager must

[14] Certain of the proposed eligible customers are included in the definition of "appropriate person" for whom an exemption from section 4(a) of the Act may be granted by the Commission. Under Commission Regulation 4.7, the disclosures specifically required under Commission regulations would not be applicable with respect to qualifying pools and customer accounts of CTAs. Qualifying pools and accounts are defined based on whether their participants meet standards intended to indicate "that such persons possess either the investment expertise and experience necessary to understand the risks involved * * * or have an investment portfolio of a size sufficient to indicate that the participant has substantial investment experience and a high degree of sophistication with regard to investments as well as financial resources to withstand the risks of their investments." 57 FR 3148 at 3152 (January 28, 1992).

[15] Pacific Investment Management Company.

[16] Morgan Stanley & Co., Inc.

[17] Goldman, Sachs & Co.

[18] Coffield Ungaretti & Harris.

[19] Pacific Investment Management Company.

[20] See, e.g., *In the Matter of GNP Commodities, Inc., et al.*, (1990–1992 Transfer Binder) Comm. Fut. L. Rep. (CCH) ¶ 25,360 (CFTC August 11, 1992); *In the Matter of Lincolnwood Commodities, Inc., of California, et al.*, (1982–1984 Transfer Binder) Comm. Fut. L. Rep. (CCh) ¶ 21,986 (CFTC January 31, 1984); *Parciasepe* v. *Shearson Hayden Stone, Inc., et al.*, (1980–1982 Transfer Binder) Comm. Fut. L. Rep. (CCH) ¶ 21,461 (CFTC August 18, 1982); *Wilke, et al.*, v. *Winchester-Hardin Oppenheimer Trading Co., et al.*, (1977–1980 Transfer Binder) Comm. Fut. L. Rep. (CCH) ¶ 20,605 (CFTC December 29, 1977).

certify the following, in writing, to the FCM allocating the order:

(i) The account manager has no interest in any account to which any part of the order may be allocated or in any related securities account.

(ii) The account is owned by an eligible customer.

(iii) The customer has consented in writing that orders may be executed and allocated in accordance with this regulation.

(iv) Orders for such account will be intermarket orders for which it would be impracticable to pre-file a predetermined allocation formula.

(v) Records required by paragraph (a–1)(6)(vi)(A) of the regulation will be made available to the Commission or Department of Justice upon request of any representative thereof.

(2) Before placing the initial order pursuant to this paragraph, the account manager must provide the FCM allocating the order a list of eligible accounts and their related securities accounts.

The Commission believes that these safeguards address several important purposes of the proposed regulation and are intended to reduce the likelihood of misallocation. They also draw upon comments that the account controller has the relevant relationship with the customer for purposes of obtaining consent. Consent can be an important tool in assuring adequate institutional customer oversight of trading activity.

The proposed amendment is designed to benefit institutional accounts that are being traded pursuant to a strategy that involves related positions in both the futures and securities markets. The Commission believes that, whenever possible, the account manager should place and allocate the order by use of a predetermined allocation formula. This procedure is available if use of the predetermined allocation formula would not permit the account manager to attain equitable results. The Commission believes that a one-time certification that orders placed would be intermarket orders for which it would be impracticable to prefile a predetermined allocation formula is a reasonable requirement.

In order to permit adequate oversight and provide the FCM with necessary documentation to identify the included accounts, the account manager directing such transactions would identify such accounts and certify their eligibility to the FCM allocating the intermarket order. This one-time requirement will help to assure that personal or proprietary accounts are not included among the accounts to which intermarket order allocations are made. A review of preferential allocation cases reveals that misallocations, when they occur, are typically made to personal or proprietary accounts or to accounts owned by family members. As previously noted, any account in which the FCM allocating the order, or any affiliate or related person of that FCM as defined in this regulation, has any interest would not be considered to be an eligible account.

The CME's proposed Rule 536 amendment would require that the FCM notify the identified eligible accounts that orders for those accounts could be bunched and entered without individual customer account identification and allocated at the end of the day. One commenter stated that the requirement to provide such notification to the customer account is properly the responsibility of the account manager and that the Commission should consider the fairness of the burden thus placed on the FCM.[21] The Commission agrees that the burden should be placed upon the account manager, and is proposing to broaden the requirement from mere notification to documented consent. The Commission believes that notification is insufficient and that these institutional accounts should have the right to affirmatively consent to participate in the intermarket allocation procedure. The account manager is the appropriate party to obtain that consent and provide it to the FCM so that the FCM can assure that intermarket allocations are made only to the eligible accounts. Such consent could be contained in account opening documents or obtained separately. The Commission requests comments concerning the consent requirement.

The use of the post-trade order allocation procedure would be limited to eligible accounts participating in regulated multi-market trading and both the futures and the related securities accounts would be identified to the FCM allocating the order. The identification of both the futures and securities accounts is necessary to assure that (1) use of the allocation procedure is restricted to eligible accounts participating in multi-market trading and (2) the related securities account is known in the event it becomes necessary to review the trading in both markets for possible violative activity. Additionally, the proposed regulation contains a requirement that the account manager agree that the records discussed in paragraph (iv)(A) of the regulation will be made available to specified government agencies upon request. The Commission, although not the primary regulator of the account manager, may require records of transactions in other markets which would not otherwise be readily available in order to review allegations of preferential allocation.

(e). *Allocation requirements.* (1) Intermarket orders allocated pursuant to this regulation must be designated as such on the order at the time of entry.

(2) Intermarket orders must be identified on contract market trade registers and other computerized trade practice surveillance records.

(3) The account manager and the FCM allocating the order must allocate fills from intermarket orders to eligible participating customer accounts prior to the deadline for final submission of trade data to clearing on the intermarket order is executed.

(4) The FCM allocating the order must assure that all intermarket orders are allocated to eligible customer accounts.

The Commission believes that these allocation requirements, in combination with the requirement that the account manager, the FCM, and their affiliates and related parties, not have any interest in any participating account or related securities account, should limit the potential for self-dealing by the account manager and the FCM and assure an audit trail of the ultimate disposition of the order. Further, these requirements should be consistent with good business practice. In this regard, when the order is placed, it must be identified as an intermarket order; the exchange must assure that it is identified as such on the trade register and other computerized trade practice surveillance records; the account manager must provide allocation instructions for the entire order to the FCM prior to the deadline for final submission of trade data to clearing on the day the intermarket order is executed; and the FCM must assure that the entire order is allocated to eligible customer accounts previously identified by the account manager. Further, as discussed below, the availability of data for all accounts so allocated to a customer on request should also assure that institutional accounts will have documentation to audit the fills being received and to compare them with the fills received by other, unidentified, similarly-treated customers.

The primary concern of the four commenters who submitted comments in opposition to the CME's proposed rule amendment related to the potential for these procedures to dilute audit trail provisions.[22] Another commenter urged

[21] First Boston Futures, Inc.

[22] Commenters opposed to approval of the proposed rule amendment included a Commission

that the Commission "exercise great care before taking any action that could provide any opportunity for fraud, self-dealing, or other criminal activity."[23] The documentation requirements prescribed by the proposed regulation assure that audit trail data available for these transactions should enable both the Commission and the exchange to track any order so handled from the time it was placed until allocated to designated eligible accounts.

An office order ticket, with appropriate timestamps and account manager identification, would be created at the time of order placement. The executions would be identified by time and price on exchange trade registers. The subsequent allocation of the fills would be maintained on exchange and FCM records. Thus, an auditor could determine the size and time of initial order placement, times and prices of executions, and accounts to which the fills were allocated. The Commission recognizes that exchange data bases may not initially contain the specific account identification data that are available when individual customer orders are separately entered, but that final trade registers will include that information if it is the exchange's ordinary practice to do so. Account identification and allocation data also would be available after the allocation occurs through review of exchange and FCM records.

Information concerning the basis for intermarket order placement and allocations would be available from the account manager. As described below, the Commission is proposing to require that account managers maintain certain documentation concerning order placement and allocation and make such documentation available, upon request, to specified government agencies and, in more limited form, to the customer accounts. That documentation requirement is intended to provide the capability to confirm whether allocations made pursuant to this proposal were fair and equitable.

Moreover, as a matter of state or federal securities or banking law, eligible account managers would have fiduciary responsibility for their investment activities. By preventing an account manager and his related parties and affiliates from having an interest in the accounts to which he is allocating trades or in the related securities accounts, the account manager should be prevented from allocating to achieve direct personal gain. The same restriction also applies to the FCM. In addition, the recordkeeping requirements being proposed are intended to facilitate detection and deterrence of misallocations which may indirectly benefit the account manager. The Commission believes that these requirements are generally consistent with ordinary good business practice. Additionally, account managers would be subject to section 4b, the general antifraud provision of the Act. Account managers who also are acting as commodity trading advisors or commodity pool operators, irrespective of registration status, also would be subject to section 4o. The securities anti-fraud rules also may apply.

Finally, as noted earlier, end-of-day or post-trade allocation of bunched or block orders is permissible on foreign futures exchanges and in the cash and securities markets. The New York Stock Exchange ("NYSE"), for example, has permitted end-of-day allocation of securities block orders since October, 1983.[24]

(f). Account manager recordkeeping. (1) Each account manager must make available, upon request of the Commission or the United States Department of Justice, the records referred to in paragraph (iv) of the regulation and such other records, including records of securities transactions, reflecting order placement and allocation to the participating customer accounts. These records must be sufficient to demonstrate the relationship between the futures and securities transactions, the allocations made, the basis for allocation, the nature of the intermarket strategy, and to compare results obtained for different customers.

(2) Each account manager shall make available for review, upon request of an eligible customer, documentation sufficient for the customer to compare its results with those of other customers. The other accounts for which intermarket orders are entered may be designated by symbol so that the identity of account holders is not disclosed.

(3) Upon request, each FCM allocating intermarket orders at the direction of an account manager will exercise its best efforts to obtain from the account manager and provide to the Commission or Department of Justice records reflecting the related transactions in the securities accounts.

The Commission believes that the basis for intermarket orders and allocations should be retained and made available upon request, to the Commission and the Department of Justice in order that any allegations of misallocation or unfavorable treatment could be properly investigated. The Commission also believes that data sufficient to compare a particular customer's results with those of other customers should be made available, upon request, to the customer. The identify of other account holders for which intermarket orders are entered need not, however, be disclosed to another customer. As noted earlier, the Commission believes these safeguards should simplify institutional customers' review of their accounts. The Commission requests comments as to whether other requirements are necessary to assure the customer has the opportunity to evaluate the fairness of the treatment of his account. The Commission also requests comments from customers as to whether they would authorize their account manager to release, even absent their customer identity, details of their trading activity in order for another managed account to verify the fairness of its allocations.

Finally, the Commission believes that the FCM allocating intermarket orders at the direction of an account manager should be required, upon request of certain government agencies, to exercise its best efforts to obtain records reflecting the related transactions in the securities accounts. The determination that there is preferential allocation can be accomplished only when all related transactions are examined and allocations in all markets are compared.

Based upon discussions with participants in the industry, the Commission believes that the documents, worksheets and computer programs that determine the allocation formula already are created and retained by account managers responsible for allocation decisions. The Commission also believes, however, that establishing a regulatory requirement to retain the records is necessary. Recordkeeping requirements applicable to investment advisers under the Investment Advisers Act of 1940, 17 CFR 275.204–2 (1992), do not specifically address records of futures transactions. As noted earlier, investment advisers and those excluded from the definition of the term investment adviser pursuant to the provisions of sections 202(a)(2) and 202(a)(11) of that Act, subject to certain trading restrictions, may be exempt from the requirement to register as a CTA

Administrative Law Judge; his law clerk; the Director, Office of Financial Enforcement, Department of the Treasury; and the Chief, White-Collar Crimes Section, Criminal Investigative Division, Federal Bureau of Investigation. These commenters expressed concern that by weakening the audit trail, the proposal could facilitate misallocation, money laundering and tax evasion.

[23] United States Attorney for the Northern District of Illinois.

[24] Interpretation 88–3 of NYSE Rule 410(a)(3).

under Commission Regulation 4.14(a)(8) and therefore exempt from the Commission's CTA recordkeeping requirements imposed by Regulation 4.32. The Commission requests comments concerning what is appropriate and sufficient documentation.

(g). Contract market rule enforcement programs. As part of its rule enforcement program, each contract market that adopts rules that allow the placement of intermarket orders must assure that all fills resulting from such orders are so identified on contract market trade registers and other computerized trade practice surveillance records. Each such contract market, or the designated self-regulatory organization ("DSRO") of a member firm, must adopt an audit procedure to determine compliance with the recordkeeping requirements in paragraph (iv), account certification, and allocation requirements in paragraph (v) of the regulation.

The Commission believes this surveillance is necessary to deter possible violative activity and to ensure that an adequate audit trail exists for eligible transactions. As part of its routine oversight of member firms, the exchange must assure that intermarket orders are correctly identified as such on exchange trade registers. The exchange or the DSRO must audit member firms to assure that the entire order is allocated prior to the deadline for final submission of trade data to clearing on the day the intermarket order is executed; that it is allocated only to eligible participating institutional customer accounts that have consented to such allocation; and that the FCM receives and retains required documents from the account managers. The Commission requests comments on whether these measures will permit adequate supervision of such allocations and whether other measures are desirable.

III. Other Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.*, requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The Commission has previously determined that contract markets are not "small entities" for purposes of the RFA, and that the Commission need not, therefore, consider the effect of proposed amendments on contract markets in relation to the RFA. 47 FR 18618, 18619 (April 30, 1982). The Commission has also determined that FCMs should be excluded from the definition of "small entity" based upon the fiduciary nature of the FCM/customer relationships as well as the fact that FCMs must meet minimum financial requirements. 47 FR 18618, 18619 (April 30, 1982).

Proposed Regulation § 1.35(a–1)(5) provides relief from individual account designation requirements and, therefore, imposes no additional significant economic burden on small entities. Proposed Regulation § 1.35(a–1)(6) is permissive and applies to large users of the market. As such, it should not have an impact on small entities. 47 FR 18618–18621 (April 30, 1982).

Therefore, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the action taken herein will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

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

Average burden hours per response—612.26.

Number of Respondents—4281.

Frequency of Response—On occasion.

The burden associated with this specific proposed rule is as follows:

Average burden hours per response—1.

Number of Respondents—80.

Frequency of response—On occasion.

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

List of Subjects in 17 CFR Part 1

Commodity futures, Commodity options, Contract markets, Customers, Members of contract markets, Noncompetitive trading, Reporting and recordkeeping requirements, Rule enforcement programs.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 5, 5a, 5b, 6(a), 6b, 8a(7), 8a(9) and 8c, 7 U.S.C. 7, 7a, 7b, 8(a), 8b, 12a(7), 12a(9), and 12c, the Commission hereby proposes to amend part 1 of chapter I of title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

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

2. Section 1.35 is proposed to be amended by revising paragraphs (a–1)(1), (2), and (4) and by adding paragraphs (a–1) (5) and (6) to read as follows:

§ 1.35 Records of cash commodity, futures, and option transactions.

* * * * *

(a–1) * * *

(1) Each futures commission merchant and each introducing broker receiving a customer's or option customer's order shall immediately upon receipt thereof prepare a written record of such order including the account identification, except as provided in paragraphs (a–1)(5) or (a–1)(6) of this section, and the order number, and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received, and in addition, for option customers' orders, the time, to the nearest minute, the order is transmitted for execution.

(2) Except as provided in paragraph (a–1)(3) of this section, each member of a contract market who on the floor of such contract market receives a customer's or option customer's order which is not in the form of a written record including the account identification, order number, and the date and time, to the nearest minute, such order was transmitted or received on the floor of such contract market, shall immediately upon receipt thereof prepare a written record of such order in non-erasable ink, including the account identification, except as provided in paragraphs (a–1)(5) or (a–1)(6) of this section, and order number and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received.

* * * * *

(4) Each member of a contract market reporting the execution of a customer's

or option customer's order from the floor of a contract market shall record on a written record of such order including the account identification, except as provided in paragraphs (a–1)(5) or (a–1)(6) of this section, and order number, by time-stamp or other timing device, the date and time, to the nearest minute, such report of execution is made. Each member of a contract market shall submit the written records of customer orders to contract market personnel or the clearing member responsible for the collection of orders prepared pursuant to this paragraph as required by contract market rules adopted in accordance with paragraph (j)(1) of this section. The execution price and other information reported on such order tickets must be written in nonerasable ink.

(5) *Predetermined allocation formulas for bunched orders.* A specific customer's account identification need not be recorded at the time an order is entered or upon report of execution and the order may be allocated after execution provided the following requirements are met.

(i) The order is a consolidated order for multiple customer accounts that is executed as a single "bunched" order.

(ii) The person placing the order has investment discretion with respect to each of the accounts included in the order.

(iii) The person placing the order provides to the futures commission merchant allocating the order, at the time of entry, a single series designation that identifies all customer accounts to be included in the bunched order by account number and a predetermined allocation formula for allocating fills to such accounts. The allocation formula must be submitted before the first trade, cannot be changed intraday, and must allocate fills among participating accounts fairly and equitably.

(iv) Promptly upon report of execution, the futures commission merchant allocates the fills among the specified accounts according to the predetermined allocation formula.

(v) Orders for the following entities may be bunched with customer orders for execution provided that

(A) Fills may be allocated to an account of such an entity only if all customer orders included in the bunched order have been completely filled and

(B) The price of each fill allocated to a customer order is better than or equal to the price of each fill allocated to an account of such an entity:

(*1*) The person placing the order;

(*2*) The futures commission merchant allocating the order;

(*3*) Any general partner, officer, director, or owner of ten percent or more of the equity interest in the person placing the order or the futures commission merchant allocating the order;

(*4*) Any employee or associated person or limited partner of the person placing the order or the futures commission merchant allocating the order who affects or supervises the handling of the order;

(*5*) Any business affiliate that, directly or indirectly, controls, is controlled by, or is under common control with, the person placing the order or the futures commission merchant allocating the order;

(*6*) An employee benefit plan of the person placing the order, the futures commission merchant allocating the order, or an affiliate, as defined in paragraph (a–1)(5)(v)(B)(*5*) of this section; or

(*7*) Any spouse, parent, sibling, or child of the foregoing persons.

(6) *Allocation of bunched intermarket orders for institutional accounts.* In accordance with contract market rules that have been submitted to the Commission and approved pursuant to section 5a(a)(12)(A) of the Act and Commission Regulation 1.41, a specific customer's account identification need not be recorded at the time an order is entered or upon report of execution, and such order may be allocated prior to the deadline for final submission of trade data to clearing on the day the order is executed, provided the following requirements are met.

(i) *Eligible orders.* Orders placed and allocated pursuant to this paragraph (a–1)(6) must be intermarket orders. The term "intermarket" order means a futures or futures option order entered on behalf of an eligible customer as part of a bona fide intermarket trading strategy also involving securities. For purposes of this paragraph (a–1)(6), the term "securities" means equity or debt securities within the meaning of section 2(1) of the Securities Act of 1933.

(ii) *Eligible account managers.* The person placing and/or directing the allocation of an eligible order and its principal, if any ("account manager"), must be one of the following which has been granted investment discretion with regard to eligible customer accounts:

(A) An investment adviser registered with the Securities and Exchange Commission pursuant to the Investment Advisers Act of 1940; or

(B) A bank, insurance company, trust company, or savings and loan association subject to federal or state regulation.

(iii) *Eligible customers.*

(A) Eligible orders may be allocated to accounts maintained by any of the following institutional customers:

(*1*) An investment company registered as such under the Investment Company Act of 1940;

(*2*) A bank, trust company, insurance company or savings and loan association subject to federal or state regulation;

(*3*) An account for which a bank, trust company, insurance company or savings and loan association subject to federal or state regulation is a fiduciary vested with investment discretion;

(*4*) A qualified pension, profit-sharing, or stock bonus plan subject to title 1 of the Employee Retirement Income Security Act of 1974 (ERISA), or any plan defined as a governmental plan in section 3(32) of title 1 of such Act, but not including a self-directed plan; or

(*5*) An educational endowment, foundation, charitable institution or trust which is organized or qualifies under section 501(c)(3) of the Internal Revenue Code, with net assets of more than $100 million.

(B) The following persons may have no interest in any account that receives any part of such order or in any related securities account:

(*1*) The account manager;

(*2*) The futures commission merchant allocating the order;

(*3*) Any general partner, officer, director, or owner of ten percent or more of the equity interest in the account manager or the futures commission merchant allocating the order;

(*4*) Any employee or associated person or limited partner of the account manager or the futures commission merchant allocating the order who affects or supervises the handling of the order;

(*5*) Any business affiliate that, directly or indirectly, controls, is controlled by, or is under common control with, the account manager or the futures commission merchant allocating the order;

(*6*) An employee benefit plan of the account manager, the futures commission merchant allocating the order, or an affiliate, as defined in paragraph (a–1)(6)(iii)(B)(*5*) of this section; or

(*7*) Any spouse, parent, sibling, or child of the foregoing persons.

(iv) *Account certification.*

(A) Before placing the initial order pursuant to this paragraph for any eligible account, the account manager must certify the following, in writing, to the futures commission merchant allocation the order:

(*1*) The account manager has no interest in any account to which any

part of the order may be allocated or in any related securities account;

(2) The account is owned by an eligible customer;

(3) The customer has consented in writing that orders may be executed and allocated in accordance with this paragraph;

(4) Orders for such account will be intermarket orders for which it would be impracticable to pre-file a predetermined allocation formula; and

(5) Records required by paragraph (a–1)(6)(vi)(A) of this section will be made available to the Commission or Department of Justice upon request of any representative thereof.

(B) Before placing the initial order pursuant to this paragraph, the account manager must provide the futures commission merchant allocating the order with a list of eligible accounts and their related securities accounts.

(v) *Allocation requirements.*

(A) Intermarket orders entered pursuant to this paragraph must be designated as such on the order at the time of entry.

(B) Intermarket orders must be identified on contract market trade registers and other computerized trade practice surveillance records.

(C) The account manager and the futures commission merchant allocating the order must allocate fills from intermarket orders to eligible participating customer accounts prior to the deadline for final submission of trade data to clearing on the day the intermarket order is executed.

(D) The futures commission merchant allocating the order must assure that all intermarket orders are allocated to eligible customer accounts.

(vi) *Account manager recordkeeping.*

(A) Each account manager must make available, upon request of any representative of the Commission or the United States Department of Justice, the records referred to in paragraph (a–1)(6)(iv) of this section and such other records, including records of securities transactions, reflecting order placement and allocation to the participating customer accounts. These records must be sufficient to demonstrate the relationship between the futures and securities transactions, the allocations made, the basis for allocation, the nature of the intermarket strategy, and to compare results obtained for different customers.

(B) Each account manager shall make available for review, upon request of an eligible customer, documentation sufficient for that customer to compare its results with those of other customers. The other accounts for which intermarket orders are entered may be designated by symbol so that the identity of account holders is not disclosed.

(C) Upon request, each futures commission merchant allocating intermarket orders at the direction of an account manager will exercise its best efforts to obtain from the account manager and provide to any representative of the Commission or Department of Justice records reflecting the related transactions in the securities accounts.

(vii) *Contract market rule enforcement programs.* As part of its rule enforcement program, each contract market that adopts rules that allow the placement of intermarket orders must assure that fills resulting from such orders are so identified on contract market trade registers and other computerized trade practice surveillance records. Each such contract market, or the designated self-regulatory organization of a member firm, must adopt an audit procedure to determine compliance with the recordkeeping requirements in paragraph (a–1)(6)(iv) (account certification) and the allocation requirements in paragraph (a–1)(6)(v) of this section.

* * * * *

Issued in Washington, DC on April 27, 1993 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–10275 Filed 4–30–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7–93–19]

Drawbridge Operation Regulations; Marathon, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the County Administrator of Monroe County, the Coast Guard proposes to add regulations governing the operation of the Boot Key Harbor Drawbridge, at mile 0.13, between Marathon and Boot Key, Monroe County, Florida, by requiring two-hour advance notification for an opening of the draw during certain periods. This proposal is being made because of infrequent requests to open the draw during the nighttime hours from 10 p.m. to 6. a.m. This action would relieve the bridgeowner of the burden of having a person constantly available to open the draw while still providing for the reasonable needs of navigation.

DATES: Comments must be received on or before June 17, 1993.

ADDRESSES: Comments may be mailed to Commander (oan), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131–3050, or may be delivered to room 406 at the above address between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. The telephone number is (305) 536–4103. The Commander, Seventh Coast Guard District maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Brodie Rich, Project Manager, Bridge Section at (305) 536–4103

SUPPLEMENTARY INFORMATION: .

Request for comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD7–93–19] and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Mr. Brodie Rich at the address under "ADDRESSES." The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Brodie Rich, Project Manager, and LT J. M. Losego, Project Counsel.

Background and Purpose

The drawbridge presently opens on signal. The owner of the Boot Key

Harbor drawbridge has requested relief from the requirement to maintain full time drawtender service due to the lack of openings during evening hours from 10 p.m. to 6 a.m. The Coast Guard proposes to add an advance notification requirement of 2 hours daily from 10 p.m. to 6 a.m. This should reduce the owner's operating cost while still meeting the needs of navigation.

Discussion of Proposed Addition

A Coast Guard analysis showed there were 67 vessels logged through the Boot Key Harbor drawbridge from September 1991 through September 1992 between the hours of 10 p.m. and 6 a.m. This represents an average of only 1.3 openings per week during that time period.

This proposal would reduce the operating costs for the owner while still providing for the reasonable needs of navigation at Boot Key Harbor.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary. We conclude this because there is no commercial traffic on the waterway.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify a "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

Since the proposed rule affects no commercial users, the economic impact is expected to be so minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.272 is added to read as follows:

§ 117.272 Boot Key Harbor

The draw of the Boot Key Harbor drawbridge, mile 0.13, between Marathon and Boot Key, shall open on signal; except that during the evening hours from 10 p.m. to 6 a.m., the draw shall open on signal if at least 2 hours notice is given.

Dated: April 20, 1993.

W. P. Leahy,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 93–10359 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF EDUCATION

34 CFR Parts 361, 363, 365, 366, 367, 369, 370, 371, 373, 374, 375, 376, 377, 378, 379, 380, 385, 386, 387, 388, 389, 390, and 396

Implementation of the Rehabilitation Act Amendments of 1992

AGENCY: Department of Education.

ACTION: Notice of public meeting.

SUMMARY: The Secretary announces a public meeting on issues related to the implementation of the Rehabilitation Act Amendments of 1992 (Pub. L. 102–569), enacted on October 29, 1992.

The Department plans to publish extensive proposed regulations affecting many of the programs listed in the Supplementary Information section of this notice. The Department also plans to publish final regulations to implement technical and conforming changes resulting from the reauthorization. The purpose of the meeting is to facilitate an exchange of views and information concerning the Department's implementation of the Rehabilitation Act Amendments of 1992 (1992 Amendments), as administered by the Rehabilitation Services Administration (RSA). Since it is not the purpose of this meeting to solicit public comments formally on any of the individual notices of proposed rulemaking that may be published in the **Federal Register** to implement the new law, all comments on proposed regulations should be submitted to the Department in accordance with the instructions in the specific proposed regulations.

DATES: The public meeting is scheduled to be held from 10 a.m. to 3 p.m. on May 14, 1993, in the Auditorium in the Wilbur J. Cohen Building, 300 C Street, S.W., Washington, D.C. Meeting Information: The Secretary encourages interested parties to attend the public meeting and requests that those parties participating provide a written copy of their comments.

The meeting facilities and proceedings will be accessible to people with disabilities.

ADDRESSES: Individuals who cannot attend the meeting are invited to provide written comments regarding the implementation of the 1992 Amendments to Commissioner, Rehabilitation Services Administration, 400 Maryland Avenue, SW., room 3028, Switzer Building, Washington, DC 20202–2531.

SUPPLEMENTARY INFORMATION: The following list identifies programs covered under this notice where the Department, as a part of its implementation of the 1992 Amendments, has published proposed regulations or currently plans to publish regulations:

The State Vocational Rehabilitation Services Program.

Innovation and Expansion Grants.

Order of Selection for the Receipt of Vocational Rehabilitation Services.

Criteria for Selection of Vocational Rehabilitation Services (Choice)

Note: A notice on this topic was published February 16, 1993 (58 FR 8688). A notice is to be published in the **Federal Register** extending the comment period to May 18, 1993.

Evaluation Standards and Performance Indicators for State Vocational Rehabilitation Agencies

Note: A notice on this topic was published February 19, 1993 (58 FR 9458). The comment period ended April 20, 1993.

Client Assistance Program
Protection and Advocacy of Individual Rights
Independent Living (General)
The State Independent Living Services Program
Centers for Independent Living (CIL)
CIL-Evaluation Standards and Compliance Indicators
Independent Living Services for Older Individuals Who are Blind
Demonstration Projects to Increase Client Choice

Note: A notice of proposed rulemaking was published April 1, 1993 (58 FR 17308). The comment period ends May 3, 1993.

Projects for Initiating Special Recreational Programs for Individuals with Disabilities.
Rehabilitation Training:
Rehabilitation Long-Term Training.
Training of Interpreters for Individuals Who are Deaf.
State Vocational Rehabilitation In-Service Training.

The Department plans to publish final regulations to make technical and conforming changes in the following programs:

The State Supported Employment Services Program.
Vocational Rehabilitation Service Projects.
Vocational Rehabilitation Service Projects for American Indians with Disabilities.
Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Disabilities.
Special Projects and Demonstrations for Making Recreational Activities Accessible to Individuals with Disabilities.
Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers with Disabilities.
Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youth With Disabilities.
Projects with Industry.
Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with the Most Severe Disabilities and Technical Assistance Projects.
Rehabilitation Training.
Experimental and Innovative Training.
Rehabilitation Continuing Education Programs.
Rehabilitation Short-Term Training.

FOR FURTHER INFORMATION CONTACT: Persons desiring to participate in the meeting or seeking additional information should contact Beverlee Stafford, 400 Maryland Avenue, SW., room 3028, Switzer Building, Washington, DC 20202–2531. Telephone: (202) 205–5482. Individuals who are deaf or hearing impaired may call (202) 205–5896 for TDD services.

(Authority: 29 U.S.C. 701)

Dated: April 28, 1993.

William L. Smith,

Acting Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 93–10440 Filed 4–30–93; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 36 and 44

RIN 2900–AG13

Loan Guaranty: Limited Denial of Participation in the Loan Guaranty Program.

AGENCY: Department of Veterans Affairs.

ACTION: Proposed regulatory amendments.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its loan guaranty regulations to relocate and update certain provisions governing the suspension of participants from the VA guaranteed home loan program. These amendments will clarify the procedures to be followed by VA field facilities when excluding loan guaranty program participants within their jurisdictional areas from participation for periods of up to one year.

DATES: Comments must be received on or before June 2, 1993. Comments will be available for public inspection until June 14, 1993.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Secretary of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments will be available for public inspection in room 170, Veterans Service Unit, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until June 14, 1993.

FOR FURTHER INFORMATION CONTACT: Ms. Judith A. Caden, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, Washington, DC 20420, (202) 233–3042.

SUPPLEMENTARY INFORMATION: Under chapter 37 of title 38, United States Code, VA guarantees a portion of the loan made to an eligible veteran to acquire or refinance a home, condominium, or manufactured home, or to install certain energy conservation features or other home improvements. The guaranty is a promise by the Government to pay a portion of the veteran's indebtedness in the event of a loan default and eventual termination through foreclosure or other proceedings. Participants in the loan guaranty program include lenders, builders, sales and management brokers, agents, fee appraisers, compliance inspectors and manufactured home manufacturers, dealers, and park operators.

Section 3704(b) of title 38, U.S. Code provides that subject to notice and opportunity for a hearing, the Secretary may refuse to appraise any dwelling or housing project owned, sponsored or to be constructed by any person identified with housing previously sold as to which substantial deficiencies have been discovered, or as to which there has been a failure or indicated inability to discharge contractual liabilities to veterans, or the type of contract of sale or marketing methods or practices were unfair or unduly prejudicial to veterans. Section 3704(d) of title 38 similarly authorizes the Secretary to refuse to guarantee loans submitted by any lender or holder who has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately or to exercise proper credit judgment or who willfully or negligently engaged in practices detrimental to the interest of veterans or of the Government. The Secretary is also authorized under these sections to deny participation to any party who has been refused the benefits of participation under the National Housing Act pursuant to a determination by the Secretary of Housing and Urban Development. Sections 3712 (j) and (k) of title 38 similarly provide for suspension of manufactured home manufacturers, dealers, and park operators.

The Secretary's authority to exclude parties from participation in the VA loan guaranty program has been implemented through various sections of volume 38, Code of Federal Regulations (CFR), part 36. Specifically, § 36.4233 provides for the suspension of manufacturers of manufactured homes, § 36.4235 provides for the suspension of manufactured home dealers and park

operators, § 36.4331 provides for the disqualification of lenders, § 36.4341 provides for the suspension of fee appraisers and § 36.4361 provides for actions against builders, real estate brokers and other entities. Program participants are also subject to debarment or suspension under the provisions of 38 CFR part 44, which contains the Department's regulations on Government-wide debarment and suspension.

38 CFR part 44 provides for suspension and debarment of participants from VA programs. Actions taken under the authority of 38 CFR part 44 as currently organized are effective nationwide and Government-wide. VA suspension actions which are local in nature and effective only as to the loan guaranty program rather than Government-wide are presently taken under the suspension authorities of part 36. We propose to revise and incorporate the exclusionary provisions of part 36 into a new subpart G of part 44. This will eliminate the need for the obsolete suspension provisions of §§ 36.4233, 36.4235, 36.4331, 36.4341, and 36.4361.

The amended regulations would consolidate the suspension authorities now contained in part 36 into a new subpart G of part 44 entitled "Limited Denial of Participation in the Loan Guaranty Program." Under current practice, most loan guaranty exclusionary actions are taken by local VA field facilities. This practice would be continued. Field facilities would continue to have the authority to exclude participants from the loan guaranty program within the jurisdiction of that facility, generally for a period of up to one year. All participants would be subject to these actions except for lenders and manufactured home manufacturers.

The proposed regulations are based on and substantially the same as the limited denial of participation regulations of the Department of Housing and Urban Development which are located at 24 CFR part 24, subpart G. As with the HUD regulations, actions taken under this proposed new authority would be taken at the field facility level and would be effective only within the jurisdiction of the field facility which takes the action. However, an action taken by one field facility would also be grounds for a limited denial of participation action by another field facility. Actions would be limited to one year in duration, except for actions based on construction deficiencies. In those cases, the field facility would be authorized to exclude the builder for an indeterminate period which would end when the construction deficiency has been corrected or otherwise resolved in a manner acceptable to VA. This is a continuation of current and longstanding practice on builder suspensions. Essentially, the builder cannot be viewed as a responsible participant unless and until he or she has demonstrated this fact by correcting or otherwise resolving the construction defects upon which the exclusionary action was based.

The Secretary hereby certifies that these proposed regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, title 5, United States Code, section 601–612. These regulations essentially transpose VA regulations regarding exclusion from the loan guaranty program from part 36 to part 44, where they will be located with VA's Government-wide debarment regulations. The proposed regulations also update the archaic language in the current part 36 suspension regulations. Pursuant to 5 U.S.C. 605(b), these regulations are exempt from the initial and final regulatory analysis requirements of sections 603 and 604.

The regulatory amendments have been reviewed pursuant to Executive Order 12291 and have been found to be nonmajor regulatory changes. The regulations will not impact on the public or private sectors as major rules. They will not have an annual effect on the economy of $100 million or more; cause a major increase in cost or prices for consumers, individual industries, Federal State or local government agencies, or geographic regions; or have other 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 Secretary certifies that this proposed rule would not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

Catalog of Federal Domestic Assistance Program Numbers are 64.114 and 64.119.

List of Subjects in 38 CFR Part 44

Administrative practice and procedure, Condominium, Grants, Grant programs, Housing, Loan Programs-housing and community development, Manufactured Homes, Reporting and recordkeeping requirements, Veterans.

This amendment is made under the authority granted the Secretary by sections 501(a) and 3703(c) of title 38, United States Code.

Approved: February 11, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR parts 36 and 44 are proposed to be amended as set forth below.

PART 37—LOAN GUARANTY

1. The authority citation for §§ 36.4201 through 36.4287 continues to read as follows:

Authority: Sections 36.4201 through 36.4287 issued under 38 U.S.C. 501(a, 3712.

2. Sections 36.4233 and 36.4235 are removed from this part.

3. The authority citation for part 36 §§ 36.4300 through 36.4375 continues to read as follows:

Authority: Sections 36.4300 through 36.4375 issued under 38 U.S.C. 501(a).

4. Sections 36.4331, 36.4341, and 36.4361 are removed from this part.

PART 44—GOVERNMENT DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

5. The authority citation for part 44 is revised to read as follows:

Authority: 38 U.S.C. 501(a) and 3703(c); E.O. 12549; E.O. 12689.

6. Sections 44.700 through 44.713 are added to read as follows:

Subpart G—Limited Denial of Participation

Sec.

44.700 General.
44.705 Causes for a limited denial of participation.
44.710 Scope and period of a limited denial of participation.
44.711 Notice.
44.712 Conference.
44.713 Appeal.

§ 44.700 General.

Field Facility Directors are authorized to order a limited denial of participation affecting any participant or contractor and its affiliates except lenders and manufactured home manufacturers. In each case, even if the offense or violation is of a criminal, fraudulent or other serious nature, the decision to order a limited denial of participation shall be discretionary and in the best interests of the Government.

§ 44.705 Causes for a limited denial of participation.

(a) *Causes.* A limited denial of participation shall be based upon adequate evidence of any of the following causes:

(1) Irregularities in a participant's or contractor's performance in the VA loan guaranty program;

(2) Denial of participation in programs administered by the Department of Housing and Urban Development or the Department of Agriculture, Farmers Home Administration;

(3) Failure to satisfy contractual obligations or to proceed in accordance with contract specifications;

(4) Failure to proceed in accordance with VA requirements or to comply with VA regulations;

(5) Construction deficiencies deemed by VA to be the participant's responsibility;

(6) Falsely certifying in connection with any VA program, whether or not the certification was made directly to VA;

(7) Commission of an offense or other cause listed in § 44.305;

(8) Violation of any law, regulation, or procedure relating to the application for guaranty, or to the performance of obligations incurred pursuant to a commitment to guarantee;

(9) Making or procuring to be made any false statement for the purpose of influencing in any way an action of the Department;

(10) Imposition of a limited denial of participation by any other VA field facility;

(b) *Indictment.* A criminal indictment or information shall constitute adequate evidence for the purpose of limited denial of participation actions.

(c) *Limited denial of participation.* Imposition of a limited denial of participation by a VA field facility shall, at the discretion of any other VA field facility, constitute adequate evidence for a concurrent limited denial of participation. Where such a concurrent limited denial of participation is imposed, participation may be restricted on the same basis without the need for an additional conference or further hearing.

§ 44.710 Scope and period of a limited denial of participation.

(a) *Scope and period.* The scope of a limited denial of participation shall be as follows:

(1) A limited denial of participation extends only to participation in the VA loan guaranty program and shall be effective only within the geographic jurisdiction of the office or offices imposing it.

(2) The sanction may be imposed for a period not to exceed 12 months except for unresolved construction deficiencies. In cases involving construction deficiencies, the builder may be excluded for either a period not to exceed 12 months or for an indeterminate period which ends when the deficiency has been corrected or otherwise resolved in a manner acceptable to VA.

(b) *Effectiveness.* The sanction shall be effective immediately upon issuance, and shall remain effective for the prescribed period. if the cause for the limited denial of participation is resolved before the expiration of the prescribed period, the official who imposed the sanction may terminate it. The imposition of a limited denial of participation shall not affect the right of the Department to suspend or debar any person under this part.

(c) *Affiliates.* An affiliate or organizational element may be included in a limited denial of participation solely on the basis of its affiliation, and regardless of its knowledge of or participation in the acts providing cause for the sanction. The burden of proving that a particular affiliate or organizational element is capable of meeting VA requirements and is currently a responsible entity and not controlled by the primary sanctioned party (or by an entity that itself is controlled by the primary sanctioned party) is on the affiliate or organizational element.

§ 44.711 Notice.

(a) *Generally.* A limited denial of participation shall be initiated by advising a participant or contractor, and any specifically named affiliate, by certified mail, return receipt requested:

(1) That the sanction is effective as of the date of the notice;

(2) Of the reasons for the sanction in terms sufficient to put the participant or contractor on notice of the conduct or transaction(s) upon which it is based;

(3) Of the cause(s) relied upon under § 44.705 for imposing the sanction;

(4) Of the right to request in writing, within 30 days of receipt of the notice, a conference on the sanction, and the right to have such conference held within 10 business days of receipt of the request;

(5) Of the potential effect of the sanction and the impact on the participant's or contractor's participation in Departmental programs, specifying the program(s) involved and the geographical area affected by the action.

(b) *Notification of action.* After 30 days, if no conference has been requested, the official imposing the limited denial of participation will notify VA Central Office of the action taken and of the fact that no conference has been requested. If a conference is requested within the 30-day period, VA Central Office need not be notified unless a decision to affirm all or a portion of the remaining period of exclusion is issued. VA Central Office will notify all VA field offices of sanctions imposed and still in effect under this subpart.

§ 44.712 Conference.

Upon receipt of a request for a conference, the official imposing the sanction shall arrange such a conference with the participant or contractor and may designate another official to conduct the conference. The participant shall be given the opportunity to be heard within 10 business days of receipt of the request. This conference precedes, and is in addition to, the formal hearing provided if an appeal is taken under § 44.713. Although formal rules of procedure do not apply to the conference, the participant or contractor may be represented by counsel and may present all relevant information and materials to the official or designee. After consideration of the information and materials presented, the official shall, in writing, advise the participant or contractor of the decision to withdraw, modify or affirm the limited denial of participation. If the decision is made to affirm all or a portion of the remaining period of exclusion, the participant shall be advised of the right to request a formal hearing in writing within 30 days of receipt of notice of decision. This decision shall be issued promptly, but in no event later than 20 days after the conference and receipt of materials.

§ 44.713 Appeal.

Where the decision is made to affirm all or a portion of the remaining period of exclusion, any participant desiring an appeal shall file a written request for a hearing with the Under Secretary of Veterans Affairs for Benefits, Department of Veterans Affairs, 810 Vermont Avenue, Washington, DC 20420. This request shall be filed within 30 days of receipt of the decision to affirm. If a hearing is requested, it shall be held in accordance with the procedures set forth at §§ 44.313 and 44.314. Where a limited denial of participation is followed by a suspension or debarment, the limited denial of participation shall be superseded and the appeal shall be

heard solely as an appeal of the suspension or debarment.

[FR Doc. 93–10133 Filed 4–30–93; 8:45 am]

BILLING CODE 8320–01–M

Notices

Federal Register
Vol. 58, No. 83
Monday, May 3, 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

Agricultural Research Service

National Arboretum Advisory Council

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463), the Agrcultural Research Service announces the following meeting:

Name: National Arboretum Advisory Council.

Date: May 24–25, 1993.

Time: 8:30 a.m.–4:30 p.m., May 24; 8:30 a.m.–3 p.m., May 25.

Place: U.S. National Arboretum, 3501 New York Avenue, NE., Washington, DC.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permits.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: To review progress of the National Arboretum relating to congressional mandate on research and education concerning trees and plant life. The Council submits its recommendations to the Secretary of Agriculture.

Contact Person: Edwin L. Civerolo, Executive Secretary, National Arboretum Advisory Council, room 234 BG–005 BARC–W, Beltsville, MD 20705. Telephone: AC 301/504–5912.

Done at Beltsville, Maryland, this 22nd day of April, 1993.

Edwin L. Civerolo,

Executive Secretary, National Arboretum Advisory Council.

[FR Doc. 93–10360 Filed 4–30–93; 8:45 am]

BILLING CODE 3410–03–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

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

Agency: Bureau of the Census.

Title: Survey of Income and Program Participation—1993 Panel Wave 3.

Form Number(s): SIPP–13300, SIPP–13304A, SIPP–13305.

Agency Approval Number: 0607–0759.

Type of Request: Revision of a currently approved collection.

Burden: 63,000 hours.

Number of Respondents: 42,000.

Avg Hours Per Response: 30 minutes.

Needs and Uses: The Survey of Income and Program Participation (SIPP) provides information concerning the distribution of income received directly as money or indirectly as in–kind benefits and the effect of tax and transfer programs on this distribution. The survey is molded around a central core of labor force and income questions that are periodically supplemented with additional questions, referred to as topical modules, designed to answer specific needs. The topical modules for the 1993 panel Wave 3 duplicate those of the 1992 Panel Wave 6 and are the following: (1) Work Schedule, (2) Child Care, (3) Child Support Agreements, (4) Support for Nonhousehold Members, (5) Functional Limitations and Disability, and (6) Utilization of Health Care Services. Also, four topical module items have been added to the Earnings and Employment Section of the core. Wave 3 interviews will be conducted from October 1993 through January 1994.

Affected Public: Individuals or households.

Frequency: Once during the panel.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: April 28, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–10395 Filed 4–30–93; 8:45 am]

BILLING CODE 3510–07–F

Agency Form Under Review by the Office of Management and Budget

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

Agency: Bureau of the Census.

Title: Survey of Income and Program Participation—1992 Panel Wave 6.

Form Number(s): SIPP–12600, SIPP–12605.

Agency Approval Number: 0607–0723.

Type of Request: Revision of a currently approved collection.

Burden: 63,000 hours.

Number of Respondents: 42,000.

Avg Hours Per Response: 30 minutes.

Needs and Uses: The Survey of Income and Program Participation (SIPP) provides information concerning the distribution of income received directly as money or indirectly as in–kind benefits and the effect of tax and transfer programs on this distribution. The survey is molded around a central core of labor force and income questions that are periodically supplemented with additional questions, referred to as topical modules, designed to answer specific needs. The topical modules for the 1992 panel Wave 6 duplicate those of the 1993 Panel Wave 3 and are the following: (1) Work Schedule, (2) Child Care, (3) Child Support Agreements, (4) Support for Nonhousehold Members, (5) Functional Limitations and Disability, and (6) Utilization of Health Care Services. Also, four topical module items have been added to the Earnings and Employment Section of the core. Wave 6 interviews will be conducted from October 1993 through January 1994.

Affected Public: Individuals or households.

Frequency: Once during the panel.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to

Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: April 28, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–10394 Filed 4–30–93; 8:45 am]

BILLING CODE 3510–07–F

Agency Form Under Review by the Office of Management and Budget

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

Agency: Bureau of the Census.

Title: Survey of Income and Program Participation—Employer–Provided Benefits Study.

Form Number(s): EPB–12615 through EPB–12619.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 2,800 hours.

Number of Respondents: 38,400.

Avg Hours Per Response: Four and one half minutes.

Needs and Uses: Employer–provided benefits such as medical and life insurance and retirement plans have become an important part of employee compensation. Employer contributions to these benefits have increased rapidly over the past decades and now represent a substantial portion of total compensation. The Survey of Income and Program Participation (SIPP) currently collects no information on the amounts of these employer provided benefits. SIPP respondents typically have little knowledge of the amounts contributed by employers, so it is necessary to go directly to employers if accurate information is required. As part of the SIPP questionnaire, the Census Bureau plans to ask respondents to sign an authorization form which authorizes the Census Bureau to contact their employers in order to obtain data on contributions to employer–provided benefits. The employers will be asked to provide information on contributions to the SIPP respondents' medical and life insurance and retirement plans. We plan to use this data to estimate the value of noncash benefits in SIPP as well as to update our valuation work on health insurance plans.

Affected Public: Individuals or households, State or local governments, Farms, Businesses or other for–profit organizations, Non–profit institutions, Small businesses or organizations.

Frequency: One–time only.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: April 28, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–10396 Filed 4–30–93; 8:45 am]

BILLING CODE 3510–07–F

International Trade Administration

[A–602–803]

Certain Corrosion-Resistant Carbon Steel Flat Products From Australia; Rescheduling of Public Hearing

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

EFFECTIVE DATE: May 3, 1993.

FOR FURTHER INFORMATION CONTACT: Sally Craig or Wendy Frankel, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; Telephone: (202) 482–1391 or (202) 482–0159.

PUBLIC COMMENT: The date of the public hearing in this investigation is rescheduled from the date originally published in the **Federal Register** on March 9, 1993 (58 FR 13056). The new date is May 18, 1993, at 8:30 a.m., in room 3708. The brief due dates are also changed. The case briefs are now due May 11, 1993, and the rebuttal briefs are due May 14, 1993.

This notice is published pursuant to section 774(b) of the Tariff Act of 1930, as amended, and 19 CFR 353.38(f) (1992).

Dated: April 27, 1993.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–10392 Filed 4–30–93; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council (Council) and its Committees will meet on May 10–13, 1993. The meetings will be held at the Crown Sterling Suites Hotel, 4400 West Cypress Street, Tampa, Florida; telephone: (813) 873–8675. The agenda is as follows:

Council

The Council will convene on May 12 at 8:30 a.m. and recess at 5:00 p.m. Council agenda items and the times allocated for discussion are as follows:

From 8:45 a.m. to 10:15 a.m.: Review the South Atlantic Fishery Management Council's Wreckfish Indivisual Transferable Quota System.

From 10:15: a.m. to 12 noon: Receive Public Testimony on a change to the Reef Fish Stressed Area Boundary which regulates where fish traps can be used and receive Public Testimony on Mackerel Total Allowable Catch (TAC), Quotas, Commercial Vessel Trip Limits, and Bag Limits. (*Note:* Testimony cards must be turned in to staff *before* the start of public testimony).

From 1:30 p.m. to 2:30 p.m.: Consider the tabled Stressed Area Discussion regarding Gear Restrictions for Taking Reef Fish. (Discussion tabled from the March 11–12, 1993, Council meeting.)

From 2:30 p.m. to 4:45 p.m.: Receive the Mackerel Management Committee Report.

From 4:45 p.m. to 5 p.m.: Consider Appointment of an Ad Hoc Red Snapper Advisory Panel (this discussion to be held in CLOSED SESSION).

The Council will reconvene at 8:30 a.m. on May 13 with adjournment at 12:15 p.m. The Council will then receive reports from the following Committees:

1. Red Drum Management Committee (8:30 a.m. to 9:30 a.m.);
2. Administrative Policy Committee Report (9:30 a.m. to 10:30 a.m.);
3. Shrimp Management Committee (10:30 a.m. to 10:45 a.m.);
4. Reef Fish Management Committee (10:45 a.m. to 11:30 a.m.); and then Enforcement reports and the Director's reports until 12:15 p.m.

Committees

On May 10 at 1 p.m. the following committees will meet, with adjournment at 5:30 p.m.: The Administrative Policy Committee, and the Shrimp Management Committee.

Committee meetings will reconvene on May 11. The Mackerel Management Committee, the Red Drum Management Committee, and the Reef Fish Management Committee will meet at that time, and adjourn at 5:30 p.m.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL; telephone: (813) 228–2815.

Dated: April 27, 1993.

David S. Crestin,

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

[FR Doc. 93–10339 Filed 4–30–93; 8:45 am]

BILLING CODE 3510–22–M

National Oceanic and Atomospheric Administration

Endangered Species; Permits

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

ACTION: Notice of receipt of application for scientific research permit (P548).

Notice is hereby given that the Public Service Electric and Gas Company has applied in due form for a Permit to take listed species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR part 217–227).

The applicant requests authorization to conduct research on a maxium of 10 loggerhead *(Caretta caretta)*, two Kemp's ridley *(Lepidochelys kempi)*, and two green *(Chelonia mydas)* sea turtles that have been incidentally taken by the Salem Generating Station to determine if the Station acts as an attraction factor to turtles. Research would look at dietary components and habitat utlization of these turtles. Sonic and satellite transmitters would be used to assess the baseline behavior of turtles in Delaware Bay. The turtles would be recovered a maximum of two times at four week intervals. Weight, length, and width would be recorded and the transmitters removed, and each turtle would then be released back into the water. This research would take place between the months of June and October over a duration of four years.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, room 8268, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All Statements and opinions contained in this application Summary are those of the Applicant and do not necessarily reflect the views of NMFS.

Documents submitted in connection with the above application are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Suite 8268, Silver Spring, MD 20910 (301/713–2322); and

Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930 (508/281–9250).

Dated: April 23, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources.

[FR Doc. 93–10291 Filed 4–30–93; 8:45 am]

BILLING CODE 3510–22–M

National Oceanic and Atmospheric Administration

Marine Mammals; Permits

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

ACTION: Issuance of scientific research permit No. 835.

SUMMARY: On March 11, 1993, notice was published in the **Federal Register** (58 FR 13452) that a request for a scientific research permit to take marine mammals (P250D) had been submitted by the Washington Department of Wildlife Marine Mammal Institute, 7801 Phillips Road, SW., Tacoma, Washington 98498, the NMFS, National Marine Mammal Laboratory, 7600 Sand Point Way, NE., BIN C15700—Building 1, Seattle, Washington 98115–0070, and the Oregon Department of Fish and Wildlife, 53 Portway Street, Astoria, Oregon 97103, to conduct scientific research on harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*) and Steller sea lions (*Eumetopias jubatus*) over a 5-year period.

Notice is hereby given that on April 27, 1993, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act (16 U.S.C. 1531–1543), and the regulations governing endangered fish and wildlife (50 CFR parts 217–222), the NMFS issued the requested Permit for the above activities subject to the Special Conditions set forth therein, with the exception that the hot branding activities requested are not authorized until further review of this portion of the research proposal determines that such research is *bona fide* and humane.

The Permit and other related documentation are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, NMFS, 1335 East-West Highway, room 7330, Silver Spring, MD 20910 (301/713–2289); and

Director, Northwest Region, NMFS, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115 (206/526–6150).

Dated: April 27, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources.

[FR Doc. 93–10292 Filed 4–30–93; 8:45 am]

BILLING CODE 3510–22–M

National Oceanic and Atmospheric Administration

Marine Mammals

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

ACTION: Issuance of Import Permit (P6"O").

On February 9, 1993, notice was published in the **FEDERAL REGISTER** (58 FR 7770) that an application had been filed by the National Zoological Park, Smithsonian Institution, Washington, DC 20008–2598, for a permit to import specimen samples from Juan Fernandez fur seals (*Arctocephalus philippii*), subantarctic fur seals (*A. tropicalis*), Antarctic fur seals (*A. gazella*), New Zealand fur seals (*A. forsteri*), and South American fur seals (*A. australis*); harbor seals (*Phoca vitulina*); and to collect and import opportunistically, milk, liver, blubber, bone and other tissue samples from an unspecified number of all pinnipeds (except walrus) that are: stranded and/or discarded carcasses; obtained from research projects by other scientists; handled or killed pursuant to lawful management activities of foreign countries; either live or freshly dead beached animals; and/or captive animals in zoos or aquariums.

Notice is hereby given that on April 27, 1993, as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), the National Marine Fisheries Service issued a Permit for the above taking

subject to certain conditions set forth therein.

The Permit and supporting documentation is available for review, by appointment, in the Permit Division, Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20910 (301/713–2289); and Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, MA 01930 (508/281–6150).

Dated: April 27, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–10293 Filed 4–30–93; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Demonstration Project

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of the implementation and operation of a health care demonstration project for CHAMPUS beneficiaries residing in selected base realignment and closure (BRAC) sites in Texas and Louisiana.

SUMMARY: Section 9032 of the DoD Appropriations Act, 1993, requires CHAMPUS Reform Initiative (CRI) services to begin at the BRAC sites at Austin (Bergstrom Air Force Base) and Fort Worth (Carswell Air Force Base), Texas, and Alexandria, (England Air Force Base), Louisiana, by May 1, 1993. These sites will be referred to as the CHAMPUS Reform Initiative—Selected Base Realignment and Closure Sites (hereinafter referred to as CRI–BRAC). The Alexandria site will include the Fork Polk catchment area. Objectives of CRI–BRAC are: (1) Assurance of continuing beneficiary access to care: (2) a strengthening of quality assurance activities; and (3) controlling health care costs. In addition, the pharmacy benefits provided for in section 702(b) of the 1993 Defense Authorization Act will be implemented for DoD Medicare eligible beneficiaries.

DATES: With respect to those features scheduled to begin 1 May 1993, the 30 day notification period is waived because of the statutory requirement that this program begin May 1, 1993.

ADDRESSES: Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Program Development & Requirements Division, Aurora, CO 80045–6900. For copies of the **Federal Register** containing this notification, contact the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

FOR FURTHER INFORMATION CONTACT: Major Bart Smith, Office of the Assistant Secretary of Defense (Health Affairs), telephone (703) 695–3331.

SUPPLEMENTARY INFORMATION:

I. Introduction

Services to be provided in CRI–BRAC include: implementation and operation of an integrated and comprehensive health care delivery system for all Standard CHAMPUS beneficiaries; contractor and/or subcontractor arranged or operated Health Maintenance Organizations (The Prime Program); and contractor and/or subcontractor arranged Preferred Provider Organizations (The Extra Program). All services provided shall include the implementation and operation of service centers within the former catchment area zip codes. The service centers shall be accessible to the maximum number of eligible beneficiaries. Upon termination of health care services at Carswell AFB, the Dallas Naval Air Station, Branch Medical Clinic, will be the only active duty military treatment facility within the Fort Worth area. Upon termination of health care services at England AFB, the Fort Polk Medical Activity continue to operate within the Alexandria area. There will be no active duty military treatment facility within the Austin area.

In order to strengthen quality assurance the contractor shall establish comprehensive quality and utilization management activities along with provider and beneficiary education programs in the CRI–BRAC areas. The new CHAMPUS Regional Review Center will use national standards for utilization review and peer review of selected cases. CRI–BRAC will be designed to ensure adherence to all rules applicable to this program. A separate CHAMPUS National Quality Monitoring Contract will oversee the review process.

The contractor shall also provide all traditional CHAMPUS fiscal intermediary (FI) services for the sites to include claims processing, data reporting, beneficiary services, and other administrative functions common to FI activities. The contractor shall receive, accurately adjudicate and be responsible for payment under the fixed price, "at-risk" contract financing mechanism of all claims for civilian health care services provided CHAMPUS beneficiaries who live within the sites regardless of where the services are obtained. The contractor shall receive, accurately adjudicate and be responsible for payment under a direct reimbursement mechanism for all claims for civilian health care services provided at the BRAC sites to active duty and CHAMPUS beneficiaries who do not live within the CRI–BRAC area. In addition to the basic CHAMPUS benefits, the contractor's responsibility for heath care coverage shall include Christian Science services, Program for the Handicapped (PFTH) services, and adjunctive dental services rendered to all CHAMPUS beneficiaries who receive these services in the BRAC sites. CHAMPUS beneficiaries who do not live in the CRI–BRAC areas and who receive care within the contractor's provider network shall be provided such care under the same terms and conditions as CHAMPUS beneficiaries living in the BRAC sites, except that the at-risk provisions will not apply. The contractor shall also be responsible for determining the amounts payable under the DRG reimbursement system to active duty service members receiving care in non-network civilian institutions in the CRI-BRAC service areas.

II. Triple Option Health Benefits Package

CRI-BRAC will require the establishment of a triple option health benefits package which allows CHAMPUS beneficiaries who reside in base closure sites to select among three options. The first option available to the beneficiary will be to remain in the traditional non-enrolled Standard CHAMPUS Program. In the second option beneficiaries will be offered a preferred provider organization (The Extra Program). In the PPO program of services the beneficiary chooses to remain eligible for the Standard CHAMPUS benefits package; however, when these benefits are provided by civilian providers who are in a network established by the contractor through contractual arrangements, the beneficiary's cost-sharing in reduced and the provider submits the claims. The third option, referred to as The Prime Program, is an HMO-like plan of health care service delivery.

III. The Prime Program

This is a voluntary, HMO-like enrollment option offered as an alternative to Standard CHAMPUS. The Prime Program provides enhances CHAMPUS benefits to all enrolled beneficiaries. The benefits package

available to enrollees will contain the same benefits as are available under Standard CHAMPUS, plus benefit enhancements offered by Prime. These enhancements will include such services as routine physical and other preventive care procedures not covered under Standard CHAMPUS. These benefits are identified in Table 1 and will be uniform across all CRI-BRAC areas. The Prime Program requires an annual enrollment fee. Beneficiaries who select Prime will have the added benefit of, in most cases, not having to file claims forms and they will not be balance billed for their care. They will be given the opportunity to register a preference for assignment to a Primary Care Manager (PCM). A PCM may be an individual provider, a group practice, a clinic, a treatment site, or other designation. Preference requests will be honored subject to availability of the choices. Beneficiaries who are enrolled and dissatisfied with their PCM will be permitted to choose another one within the network. Enrollees who chose Prime must follow CRI-BRAC rules for seeking non-emergency medical care and other applicable rules. If they do not follow the rules, claims for medical services may be denied. Appeals will be resolved by the CRI-BRAC office. Written procedures for obtaining care and the appeal process will be provided before the beneficiary enrolls. Enrollees must agree to stay in the program for a full year, unless they move out of an area. The enrollment of beneficiaries will be continuous and a beneficiary may choose to disenroll at any time after the first year. However, if disenrolled voluntarily, they cannot re-enroll for one year. Enrollment will not be considered accomplished until the beneficiary has paid the enrollment fee and is assigned a PCM. Enrolled beneficiaries who desire care while outside of the CRI-BRAC service areas will require authorization, except for emergencies. If authorization is not obtained, a claim may be denied.

IV. The Extra Program

CHAMPUS beneficiaries who do not choose the Prime Program will be able to continue to participate in this preferred provider option. Beneficiaries who receive care from one of the contractor's network of preferred providers will be entitled to a reduced level of cost-sharing. Under this option, beneficiaries will be covered for the same medical services as under the Standard CHAMPUS benefits program and will get discounts for office visits and hospital inpatient care by using providers who are members of the preferred providers network. Dependents of active duty service members, as an example, will pay 15% of the CHAMPUS negotiated reimbursement rate for a doctor's office visit in the contractor network instead of 20% required under the Standard CHAMPUS Program. Retirees and their families will pay 20% rather than 25% for office visits. For inpatient care, retirees will pay $200 per day (or 25% of the negotiated reimbursement rate), whichever is less, plus 20% of inpatient professional fees, instead of the current 25%. The Extra Program offers greater freedom of choice than the Prime Program because patients do not have to enroll. CHAMPUS patients can elect to use this option on a case-by-case basis. As in the Prime Program, Extra beneficiaries have the added benefit of not having to file claims forms for care received through the preferred provider network.

V. The Standard CHAMPUS Program

This program is the basic CHAMPUS Program of health care benefits and includes the CHAMPUS Program for the Handicapped. Standard CHAMPUS will continue to be available throughout the CRI–BRAC areas to CHAMPUS beneficiaries who choose not to enroll or use network providers.

V. NAS Procedures

With respect to the issuance of NASs, MTF commanders in or overlapping a CRI–BRAC area may consider the availability of services from any partnership provider in an MTF under the Military-Civilian Health Services Partnership Program, Resource Sharing or any provider in the preferred provider network. If the commander determines that, although the services are not available from the military treatment facility in or overlapping the service area, and the services are available from the preferred provider network, the commander may deny an NAS. If a NAS is denied on this basis, CHAMPUS cost sharing is not allowed if services are not obtained within the MFT or from an appropriate network provider. This policy is not applicable under emergency circumstances or when another insurance plan or program provides the beneficiary coverage for the services. A case-by-case waiver may be granted by the commander in circumstances where it would be inappropriate because of delay in treatment or other special reason where a particular provider is required. A case-by-case waiver may be granted by the MTF commander when, although care is available from a network provider, use of the provider would impose exceptional hardship on the beneficiary or their family. A formal waiver process will be established by the MTF commander, and the process shall include: (1) an opportunity for the beneficiary (and/or the beneficiary's physician) to submit information the beneficiary believes justifies a waiver; (2) a written decision from the commander on the request for a waiver, including a statement of the reason for the decision; (3) an opportunity for the beneficiary to appeal an unfavorable decision to the commander; and (4) a written decision on the appeal, including a statement of the reasons for the decision. Any additional changes to the current NAS rules which have not been outlined above will be published prior to implementation.

VII. Pharmacy Benefits for DoD Medicare Eligible Beneficiaries

Medicare eligible DoD beneficiaries may purchase pharmaceuticals at network pharmacies for the same cost share as a CHAMPUS retiree beneficiary under the PPO Program. There will be no deductible. The contractor will provide the same utilization management functions as for CHAMPUS beneficiaries. This benefit is limited to those residents of the former catchment areas of Bergstrom, Carswell, and England Air Force Bases.

Dated: April 30, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5000–04–C

Table 1

Benefits and Beneficiary Payments Under the Prime and PPO Programs

(See Note 1 Below)

I. Prime Program Annual Enrollment Fees (does not apply to the PPO Program):

PRIME PROGRAM		
Active Duty Family Members		Retirees & Their Family Members
E1 - E4	E5 & Above	
None.	$35 per Member ($70 Maximum per Family).	$50 per Retiree or Family Member ($100 Maximum per Family).

II. PPO Program Annual Deductible (applies to all outpatient services, does not apply to the Prime Program):

PPO PROGRAM
All CHAMPUS Beneficiaries
Standard CHAMPUS deductible as defined in the CHAMPUS Policy Manual.

III. Outpatient Services:

Standard CHAMPUS Benefits	Beneficiary Copayment/Cost Share			
TYPE OF SERVICE	PRIME PROGRAM			PPO PROGRAM
	Active Duty Family Members		Retirees & Their Family Members	
	E1 - E4	E5 & Above		
INDIVIDUAL PROVIDER SERVICES Office visits; outpatient office-based medical and surgical care; consultation, diagnosis and treatment by a specialist; allergy tests and treatment; osteopathic manipulation; medical supplies used within the office including casts, dressings, and splints.	$5 copayment per visit.	$10 copayment per visit.	$15 copayment per visit.	Active Duty Family Members: Cost share--15% of the fee negotiated by contractor. Retirees and their Family Members and Survivors: Cost share--20% of the fee negotiated by the contractor.
LABORATORY AND X-RAY SERVICES	$5 copayment per visit. (See Note 2)	$10 copayment per visit. (See Note 2	$10 copayment per visit (See Note 2)	

NOTE 1: The beneficiary payments in this attachment shall be applied in FY 1993. In subsequent fiscal years, beneficiary copayments (i.e., beneficiary payments expressed as a specified amount) shall be updated for inflation annually (cumulative effect applied and rounded to the nearest whole dollar) by the national CPI-U medical index (the medical component of the Urban Consumer Price Index). Enrollment fees and beneficiary cost shares (i.e., beneficiary payments expressed as a percentage of the provider's fee) will not be similarly updated.

NOTE 2: If provided as part of an offece visit and a copayment is collected for the visit, no additional copayment will be collected for these services. Also, no copayment is collected for these services when they are provided as specified in Exhibit 1 to this attachment.

Benefits and Beneficiary Payments Under the Prime and PPO Programs (continued)

III. Outpatient Services (continued):

Standard CHAMPUS Benefits (continued)	Beneficiary Copayment/Cost Share			
	PRIME PROGRAM			
TYPE OF SERVICE	Active Duty Family Members		Retirees & Their Family Members	PPO PROGRAM
	E1 - E4	E5 & Above		
ROUTINE PAP SMEARS Frequency to depend on physician recommendations based on the published guidelines of the American Academy of Obstetrics and Gynecology.	No copayment.	No copayment.	No copayment.	Active Duty Family Members: Cost-share - 15% of fee negotiated by the contractor. Retirees and their Family Members and Survivors: Cost-share - 20% of the fee negotiated by the contractor.
AMBULANCE SERVICES When medically necessary as defined by the CHAMPUS Policy Manual and the service is a covered benefit.	$5 copayment per occurrence.	$10 copayment per occurrence.	$15 copayment per occurrence.	
EMERGENCY SERVICES Emergency and urgently needed care obtained on an outpatient basis, both network and non-network, and in and out of the Region.	$35 copayment per emergency room visit. $20 copayment per urgent care center visit.	$50 copayment per emergency room visit. $40 copayment per urgent care center visit.	$60 copayment per emergency room visit. $50 copayment per urgent care center visit.	
DURABLE MEDICAL EQUIPMENT, PROSTHETIC DEVICES, AND MEDICAL SUPPLIES PRESCRIBED BY AN AUTHORIZED PROVIDER WHICH ARE COVERED BENEFITS (If dispensed for use outside of the office or after the home visit.)	Cost-share - 10% of the fee negotiated by the contractor.	Cost-share - 15% of the fee negotiated by the contractor.	Cost-share - 20% of the fee negotiated by the contractor.	
HOME HEALTH CARE Part-time skilled nursing care, physical, speech & occupational therapy when medically necessary and which are covered benefits.	$5 copayment per visit.	$10 copayment per visit.	$10 copayment per visit.	
FAMILY HEALTH SERVICES Family planning and well baby care (up to 24 months of age). The exclusions listed in the CHAMPUS Policy Manual will apply.	$5 copayment per visit. (See Note 2 on preceeding page, this Atch).	$10 copayment per visit. (See Note 2 on preceeding page, this Atch).	$15 copayment per visit. (See Note 2 on preceeding page, this Atch).	
OUTPATIENT MENTAL HEALTH One hour of therapy, no more than two times each week (when medically necessary).	$10 copayment for individual visits. $5 copayment for group visits.	$20 copayment for individual visits. $10 copayment for group visits.	$25 copayment for individual visits. $10 copayment for group visits.	

Benefits and Beneficiary Payments Under the Prime and PPO Programs (continued)

III. Outpatient Services (continued):

Standard CHAMPUS Benefits (continued)	Beneficiary Copayment/Cost Share			
	PRIME PROGRAM			
TYPE OF SERVICE	Active Duty Family Members		Retirees & Their Family Members	PPO PROGRAM
	E1 - E4	E5 & Above		
PARTIAL HOSPITALIZATION FOR ALCOHOLISM TREATMENT Up to 21 days for rehabilitation on a limited hour per day basis. Does not count toward the limits for days of mental health inpatient care.	$10 copayment for individual visits. $5 copayment for group visits.	$20 copayment for individual visits. $10 copayment for group visits.	$25 copayment for individual visits. $10 copayment for group visits.	Active Duty Family Members: Cost-share - 15% of the fee negotaited by the contractor. Retirees and their Family Members: Cost-share - 20% of the fee negotiated by the contractor.
PRESCRIPTION DRUGS	$4 copayment per Rx up to a 30-day supply.	$4 copayment per Rx up to a 30-day supply.	$8 copayment per Rx up to a 30-day supply.	
AMBULATORY SURGERY (Same Day) Authoritzed hospital-based or free-standing ambulatory surgical center that is CHAMPUS certified.	$15 copayment for primary surgeon only.	$25 copayment for primary surgeon only.	$75 copayment for primary surgeon only.	
IMMUNIZATIONS (See Note 3) Immunizations required for active duty family members whose sponsors have permanent change of station orders to overseas locations.	$5 copayment per visit. (See Note 2 on pg 1, this Atch).	$10 copayment per visit. (See Note 2 on pg 1, this Atch).	Not covered under Standard CHAMPUS. (See Note 3)	Active Duty Family Members: Cost-share - 15% of the fee negotiated by the contractor. Retirees and their Family Members: Not covered under Standard CHAMPUS.
EYE EXAMINATIONS (See Note 3) One routine examination per year covered for family members of active duty sponsors.	$5 copayment per examination. (See Note 2 on pg 1, this Atch).	$10 copayment per examination. (See Note 2 on pg 1, this Atch).		

NOTE 3: Additional immunizations and eye examinations covered under the Prime Program's "Enhanced Benefits".

Enhanced Benefits (SEE NOTE 4)	Beneficiary Copayment
	PRIME PROGRAM
TYPE OF SERVICE	All CHAMPUS Beneficaries
PERIODIC HEALTH PROMOTION DISEASE PREVENTION SURVEILLANCE EXAMINATIONS Includes those services listed in Exhibit 1 to this attachment which are not Standard CHAMPUS Benefits.	No copayment.

NOTE 4: No enhanced outpatient benefits under the PPO program.

Benefits and Beneficiary Payments Under the Prime and PPO Programs (continued)

IV. Inpatient Services:

Standard CHAMPUS Benefits (See Note 5)	Beneficiary Copayment/Cost Share		
	PRIME PROGRAM (See Note 2)		
TYPE OF SERVICE	Active Duty Family Members	Retirees and Their Family Members	PPO PROGRAM
HOSPITALIZATION Semiprivate room (and when medically necessary, special care units), general nursing, and hospital service. Includes inpatient physician and their surgical services, meals including special diets, drugs and medications while an inpatient, operating and recovery room, anesthesia, laboratory tests, x-rays and other radiology services, necessary medical supplies and appliances, blood and blood products. Unlimited services with authorization, as medically necessary.	Daily per diem charge ($25 minimum charge per admission). [See CHAMPUS Policy Manual, Vol II, Chapter 3].	$125 per day copayment, with a $1,250 maximum per admission, for institutional services, plus 20% of separately billed professional charges (based on the fee schedule negotiated by the contractor).	Active Duty Family Members: Daily per diem charge ($25 minimum charge per admission). Retirees and their Family Members and Survivors: $200 per day copayment or 25% cost-share of total charges (based on the fee schedule negotiated by the contractor) for institutional services, whichever is less, plus 20% cost-share of separately billed professional charges (based on the fee schedule negotiated by the contractor).
MATERNITY Hospital and professional services (prenatal, postnatal). Unlimited services with authorization, as medically necessary.			
SKILLED NURSING FACILITY CARE Semiprivate room, regular nursing services, meals including special diets, physical, occupational and speech therapy, drugs furnished by the facility, necessary medical supplies, and appliances. Unlimited services with authorization, as medically necessary.			

NOTE 5: No enhanced inpatient benefits under Prime or PPO programs.

Benefits and Beneficiary Payments Under the Prime and PPO Programs (continued)

IV. Inpatient Services (continued):

Standard CHAMPUS Benefits (continued)	Beneficiary Copayment/Cost Share		
	PRIME PROGRAM		
TYPE OF SERVICE	Active Duty Family Members	Retirees and Their Family Members	PPO PROGRAM
FOR MENTAL ILLNESS With authorization, up to 30 days per fiscal year for adults (age 19+), up to 45 days per fiscal year for children under age 19.	Daily per diem charge ($25 minimum charge per admission).	$100 per day copayment, or 25% cost-share of total charges (based on the fee schedule negotiated by the contractor), whichever is less, for institutional services. No copayment or cost-share for separately billed professional charges.	Active Duty Family Members: Daily per diem charge ($25 minimum charge per admission). Retirees and their Family Members and Survivors: 20% cost-share of total charges (based on the fee schedule negotiated by the contractor) for institutional services, whichever is less, plus 20% cost-share of separately billed professional charges (based on the fee schedule negotiated by the contractor).
ALCOHOLISM (Inpatient, partial) With authorization, 7 days for detoxification and 21 days for rehabilitation per 365 days. Maximum of one rehabilitation program per year and three per lifetime. Detoxification and rehabilitation days count toward limit for mental health benefits.			

Attachment 1

ENHANCED BENEFITS

There is **no preauthorization** required for the following services. The following services are expected of good comprehensive clinical practice. There is **no co-payment** expected nor is the provider expected to unbundle the services for an additional fee or inconvenience the patient by rescheduling the following services unnecessarily.

Routine history and physical examinations are no longer recommended for health promotion disease prevention in individuals who are not being monitored as a part of a therapeutic plan for chronic disease. In counterdistinction, the Preventive Services Task Force recommends that a variety of age and sex specific services be combined into periodic health promotion disease prevention surveillance examinations. These services are reflected below.

SERVICES	FREQUENCY OR AGE INTERVAL
Lab, Xray, Mammography	Screening blood lead level: once age 12 mos - 6 yrs Rubella antibodies: females, once age 12-18 Non-fasting total blood cholesterol: Every five yrs over 18 Fecal occult blood testing: Annually age 50 & over Mammogram: Baseline age 40; every two yrs age 40-50; annually age 50 & over
Pap smears	Annually over age 18 or younger, if sexually active

Eye exams/refractions	By primary care provider: red reflex, corneal light reflex, inspection: newborn - 3 mos; 6mos - 12 mos: red reflex, corneal light reflex, inspection, differential occlusion, fixed and follow with each eye; Age 3-4: baseline optometric examination for amblyopia and/or strabismis; annual eye exams: age 5-17; every three yrs over age 18
Immunizations	DPT: 2 mos; 4 mos; 6 mos DTaP (acellular) 15-18 mos; once age 4-6 OPV: 2 mos; 4 mos; 15-18 mos; once age 4-6 MMR: age 15 mos and once age 4-6 or 11-12; once after age 19 unless evidence of immunity Td: once age 14-16; every 10 yrs thereafter Pneumococcal vaccine: persons at increased risk due to other medical condition HIB: age 2, 4, 6, & 15 mos PPD: 12 mos; after close contact with person with suspected TB Hepatitis B: see schedule below for infants; once age 11-19 if not immunized as an infant

Periodic health promotion disease prevention exams over 24 mos of age	One eval and followup during following age intervals: 2-4; 5-11; 12-17; 18-39; 40-64 Blood pressure during part of above exams Clinical breast exam annually age 40 & above Clinical testicular exam annually age 18 & over Rectal prostate exam annually age 18 & over
Blood pressure	Every two years age 18 & over
Hearing screening	Otoacoustic emissions (OAE) screening: infant-before leaving hospital; Once age 2-5; Once age 6-10; Once age 12-17; Once age 40-59; Once age 60-65
Sigmoidoscopy or colonoscopy	Once every 3-5 yrs over age 50
Serologic screening of all pregnant women for HBsAg (hepatitis B surface antigen)	Infants born to HBsAg-negative mothers receive HBG vaccine before discharge; second dose at 1-2 mos of age; third dose at 6-18 mos of age. Infants born to HBsAg-positive mothers immunize with HBIG preferably within 12 hrs of birth. Second and third doses at 1 and 6 months of age. Serologic status should be checked at 9 mos and fourth dose administered to infants who are HBsAg-negative with titers of anti-HBs < 10 mIU/mL. Re-test one month later for anti-HBs. Up to two additional doses may be considered for those who fail to respond.

Patient & parent education and counseling: Dietary assessment & nutrition Physical activity & exercise Cancer surveillance Sexual practices Substance abuse Injury prevention Promoting dental health Stress & bereavement	These are expected components of good clinical practice that are integrated into the office visit at no additional charge.

[FR Doc. 93–10539 Filed 4–30–93; 8:45 am]

Department of the Navy

Board of Advisors to the Superintendent, Naval Postgraduate School; Meeting

Notice was published on Thursday, April 22, 1993, at 58 FR 21563, that the Board of Advisors to the Superintendent, Naval Postgraduate School, was to have held a meeting on May 20-21, 1993. That meeting has been rescheduled and will be held on May 19-20, 1993. All other information in the previous notice remains effective. In accordance with 5 U.S.C. section 552b(e)(2), the meeting change is publicly announced at the earliest time.

For further information concerning this meeting contact: Commander Wayne A. Wagner, USN (Code 007), Naval Postgraduate School, Monterey, CA, 93943-5001, Telephone (408) 656-2512.

April 26, 1993.

Michael P. Rummel

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93–10252 Filed 5–3–93; 8:45 am]

BILLING CODE 3810–AE–F

DEPARTMENT OF EDUCATION

Fund for the Improvement and Reform of Schools and Teaching Board; Meeting

AGENCY: Fund for the Improvement and Reform of Schools and Teaching Board, Education.

ACTION: Notice of a closed meeting.

SUMMARY: This notice sets forth the schedule and agenda of a closed meeting of the Fund for the Improvement and Reform of Schools and Teaching Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES; May 13, 1993, 9 a.m.–5 p.m.; May 14, 1993 9 a.m.–12 noon.

ADDRESSES: Washington Vista operated by Hilton International, 1400 M Street, NW., Washington, DC on May 13, 9 a.m.–5 p.m.; May 14, 9 a.m.–12 noon.

FOR FURTHER INFORMATION CONTACT: Paula Shipp, Fund for the Improvement and Reform of Schools and Teaching, U.S. Department of Education, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208–5524, (202) 219–1496.

SUPPLEMENTARY INFORMATION: The Fund for the Improvement and Reform of Schools and Teaching (FIRST) Board was established under section 3231 of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100–297).

The Board was established to advise the Secretary concerning developments in education that merit his attention; identify promising initiatives to be supported under the authorizing legislation; and advise the Secretary and the Director of FIRST on the selection of projects under consideration for support, and on planning documents, guidelines and procedures for grant competitions carried out by FIRST.

The FIRST Board Meeting will be closed to the public for the Board to read and discuss the Family School Partnership Program applications submitted for funding. The review and discussions during this closed meeting will involve applicants, funding requests and levels, and names and comments of expert reviewers which would likely disclose commercial or financial information obtained from a person and privileged or confidential, or would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (4) and (6) of section 522b(c) of title 5 U.S.C.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of title 5 U.S.C. 552b(c) will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the office of the Fund for the Improvement and Reform of Schools and Teaching, U.S. Department of Education, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208–5524, from the hours of 8:30 a.m. to 5 p.m.

Emerson J. Elliott,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 93–10393 Filed 4–30–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Issuance of Decisions and Orders During the Week of March 29 Through April 2, 1993

During the week of March 29 through April 2, 1993, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

APPEALS

David Rodriquez Soler, 3/31/93, LFA–0272

David Rodriquez Soler filed an Appeal from a partial denial by the DOE's Office of Inspector General of a Request for Information which he had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that no further search for responsive documents was necessary since Mr. Soler would already receive all documents that were responsive to his request.

International Brotherhood of Electrical Workers Local Union 1579, 3/31/93, LFA–0275

The International Brotherhood of Electrical Workers Local Union 1579 (IBEW) filed an Appeal from a determination issued to it on February 8, 1993, by the Savannah River Field Office (Savannah River) of the DOE, which denied in part a request for information filed under the Freedom of Information Act (FOIA). In its Appeal, the IBEW challenged Savannah River's application of Exemption 6 to the names, addresses, and social security numbers found in the requested certified payroll records and requested that the DOE direct the Authorizing Official to release the withheld information. In considering the Appeal, the DOE found that Savannah River properly withheld the names, addresses, and social security numbers from the certified payroll records. Therefore, the IBEW Appeal was denied.

Power City Electric, Inc., 4/1/93, LFA–0274

Power City Electric, Inc. (Power City), filed an Appeal from a determination issued by the Bonneville Power Administration (BPA) of the DOE in response to a request from Power City under the Freedom of Information Act (FOIA). Power City sought documents related to contract no. 16442 (the Alvey substation project). In considering the Appeal, the DOE found that BPA did not properly justify withholding responsive information as intra-agency or predecisional and deliberative under the deliberative process privilege of Exemption 5. Moreover, the DOE found that the BPA should have consulted with the appellant rather than unduly limiting its search for responsive

material. The DOE also found that certain material was deliberative and predecisional and was properly withheld. Accordingly, the Appeal was granted in part and remanded and denied in all other respects.

Refund Applications

Gulf Oil Corporation/James River Corporation, 4/1/93, RF300–21718

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding by James River Corporation. The Application for Refund was dismissed because it was filed after the March 1, 1993 deadline established as the final filing date for the Gulf proceeding.

Shell Oil Company/Power Oil Co., Inc., 3/30/93, RF315–5777

The DOE issued a Decision and Order granting, in part, an Application for Refund filed in the Shell Oil Company special refund proceeding on behalf of Power Oil Co., Inc. (Power). Power requested that the DOE approve a refund equal to the full allocable share for its purchases of Shell gasoline during the refund period. However, in its attempt to demonstrate injury, the firm relied upon annual purchase data obtained from Shell customer records that neither provide a monthly breakdown of purchases nor differential between the volume of regular and premium grades of gasoline purchased. The use of this type of combined annual data could potentially overstate the amount of the firm's injury. Therefore, the DOE determined that Power had not sufficiently demonstrated that it was injured to the extent of the full volumetric amount and granted Power a refund based upon the $5,000 presumption of injury for its eligible purchases of 44,111,543 gallons of Shell gasoline.

Texaco, Inc./Alec Texaco, 3/31/93 RR321–107

Fred Tautenhahn filed a Motion for Reconsideration of a Decision and Order in which the DOE had approved a refund of $4,494 (plus interest) in the Texaco refund proceeding for Alec Texaco under the medium-range presumption of injury. The outlet was granted a refund equal to 50 percent of its volumetric share even though its approved gallonage was under the maximum threshold for a full volumetric small claims refund based upon a finding that its owner, Canadian American Oil Co. (Canadian), had previously received two other refunds whose total gallonage placed the firm within the medium-range category. In the Motion, Mr. Tautenhahn stated that Alec Texaco was operated as a partnership in which he and Canadian each owned 50 percent. He further stated that he had no ownership interest in either Canadian or the other two outlets for which Canadian received refunds. After these statements were substantiated, the DOE determined that Mr. Tautenhahn was entitled to a full volumetric refund of $4,494 for his share of Alec Texaco's approved gallonage. Accordingly, the Motion for Reconsideration was approved. Since Mr. Tautenhahn, as a 50 percent partner, was entitled to 1/2 of Alec Texaco's original refund, or $2,247, he was granted an additional refund of $2,247 (plus interest) in the present Decision.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Cabrillo ARCO	RF304–9140	04/01/93
Paul B'S ARCO	RF304–9141	
Atlantic Richfield Company/Issa Jreisat et al	RF304–13587	03/31/93
Atlantic Richfield Company/Superior Potato Chips, Inc. et al	RF304–13357	04/01/93
Atlantic Richfield Company/W.N. Tetrault	RR304–57	04/01/93
Bad Axe Public Schools et al	RF272–81331	03/30/93
Bishop Baking Company, Inc.	RC272–178	03/31/93
Capital Cab Company	RC272–177	03/31/93
Clark Oil & Refining Corp./Wicker Super 100	RF342–211	04/01/93
Jim's Clark Super 100	RF342–319	
Diamond Transportation System	RC272–180	04/01/93
Douglas Rice Farm et al	RF272–90716	03/31/93
Franklin Pierce School District et al	RF272–82404	03/30/93
Gulf Oil Corporation/C & R Oil Co., Inc.	RF300–21725	03/31/93
C & R Oil Co., Inc.	RF300–21726	
Gulf Oil Corporation/CSX Transportation, Inc.	RF300–16767	03/31/93
Gulf Oil Corporation/Gulfstream, Inc.	RF300–15449	03/31/93
Gulf Oil Corporation/Horn's Gulf et al	RF300–17743	03/30/93
Gulf Oil Corporation/M & S Gulf et al	RF300–14283	03/31/93
Gulf Oil Corporation/Southend Gulf Service Station	RF300–17738	03/31/93
Huntsville Gulf Serv. Station	RF300–17739	
Lansdale Yellow Cab Co.	RC272–179	04/01/93
Reynolds School District 007 et al	RF272–80708	03/31/93
Shell Oil Company/Aluminum Company of America	RF315–8785	04/01/93
Odessa L.P.G. Transport, Inc.	RF315–8925	
Jerry's Super Shell Service	RF315–10158	
Texaco Inc./Armstrong and Davis Texaco #5 et al	RF321–9790	03/30/93
Texaco Inc./Bob's Plaza Texaco Service et al	RF321–16864	04/01/93
Texaco Inc./Crossroad Texaco et al	RF321–18723	03/30/93
Texaco Inc./D.G. Mock Oil Company	RF321–18238	03/31/93
Texaco Inc./Davidson Oil & Supply Co.	RF321–19671	03/31/93
Texaco Inc./Elliott Texaco et al	RF321–18765	03/31/93
Texaco Inc./I–20 East Texaco et al	RF321–16403	03/31/93
Texaco Inc./Leo's Texaco et al	RF321–7184	03/30/93
Texaco Inc./Navy Exchange Service Center et al	RF321–16222	03/31/93
Texaco Inc./Puckett's Texaco et al	RF321–6143	03/30/93
Texaco Inc./Teel's Texaco	RF321–19672	04/01/93

Town of Houlton et al	RF272–83834	03/31/93
Turkey Valley Community School et al	RF272–81271	03/31/93

Dismissals

The following submissions were dismissed:

Name	Case No.
Adams Station	RF300–16310
Allen's Grocery	RF300–16271
Andrews' Gulf Station	RF300–15088
Asarco Incorporated	RF315–7308
Bickley's Logging	RF300–16280
Boswell's Texaco	RF321–7377
Chilhowie Gulf	RF300–16164
Chuck's Auto Service	RF300–16343
City Service Station	RF300–16486
Creole Supply, Inc.	RF304–12160
East Street Texaco Service	RF321–12344
Evangeline Parish School Board.	RF272–87525
Fairhill Texaco	RF321–12660
Kling Brothers Division	RF304–9247
Lima City School District	RF272–87542
Lisbon c.c. School District	RF272–87617
Major Oil Company #2	RF321–12662
Mayfair Shell	RF315–1171
Mcnutt Chrysler Plymouth Dodge.	RF321–13580
Medora Texaco	RF321–12663
Melvin Gordon	RF304–9273
Orland Joint Union H.S.	RF272–87598
Ottawa-Glandorf Local S.D.	RF272–87648
Pauls Gulf Service #1	RF300–15971
Peoria Heights C.U. School District #325.	RF272–81887
Peotone C.U.S.D. 207U	RF272–87632
Poland Central School	RF272–87625
Poplar Elementary #9	RF272–87623
Poplar High School #9b	RF272–87622
Ron's Super Shell	RF315–6207
T&R Arco	RF304–13667
Triangle Mart	RF300–16457
Vic's Super Service	RF300–15372
Warren's Texaco	RF321–54

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: April 27, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93–10387 Filed 4–30–93; 8:45 am]

BILLING CODE 6450–01–P

Office of Domestic and International Energy Policy; Consultation With Energy Intensive Industries

AGENCY: Office of Energy Demand Policy, Department of Energy.

ACTION: Notice of initiation of consultation with affected industries and interested parties.

SUMMARY: In accordance with section 131(c) of the Energy Policy Act of 1992 (Pub. L. 102–486), the Office of Energy Demand Policy of the Department of Energy is preparing a report to Congress on the costs and benefits of establishing mandatory energy efficiency reporting requirements and voluntary energy efficiency improvement targets and the role of such activities in improving energy efficiency in energy intensive industries. The Department is initiating consultations with potentially affected industries and is seeking information from energy intensive industries and other industries that consume a significant amount of energy.

DATES: Respondents are requested to submit two copies of all correspondence related to this issue. Information should be submitted on or before June 2, 1993. If you expect that you will be submitting information, but find it difficult to do so within the 30-day time period, please advise the contact, listed below, of your intentions.

ADDRESSES: Comments and suggestions should be submitted in writing to: Mr. Jeffery Dowd, Office of Energy Demand Policy (EP–50), Office of Domestic and International Energy Policy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, FAX (202) 586–8134.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Mr. Jeffery Dowd, Industry Specialist, at the above address, or by telephone at (202) 586–7258.

SUPPLEMENTARY INFORMATION: Section 131(c) of the Energy Policy Act of 1992 requires that:

* * * the Secretary shall, in consultation with affected industries, evaluate and report to the Congress regarding the establishment of Federally-mandated energy efficiency reporting requirements and voluntary energy efficiency improvement targets for energy intensive industries. Such report shall include an evaluation of the costs and benefits of such reporting requirements and voluntary energy efficiency improvement targets, and recommendations regarding the role of such activities in improving energy efficiency in energy intensive industries.

Industries, corporations, and other interested parties are invited to submit comments and suggestions on the costs and benefits and potential role of mandatory reporting requirements and voluntary energy efficiency targets in improving energy efficiency. The Department is especially interested in hearing from industries and associations that are currently administering energy efficiency reporting programs and/or were involved in the previous Industrial Energy Efficiency Improvement Program (CE–189). The latter program, which was established by the Energy Policy and Conservation Act of 1976, was operated by the Department from 1976 to 1985 (10 CFR part 445 (1992)).

These questions are being listed as a guide to responses to this notice. Response to these questions is voluntary:

1. If you were involved in the previous CE–189 program, are you aware of costs and benefits to your corporation or establishment that may have been associated with the program?

2. Would increased awareness of energy efficiency performance in your corporation make a difference to any of your operations (e.g., setting goals to reduce energy use, establishing in-house energy use record-keeping, budget control, and monitoring; or facilitating capital investment in higher-efficiency equipment)?

3. Do you have any suggestions for addressing issues that were raised concerning the previous CE–189 program? Relevant issues include:

—Reporting mechanisms, including reporting authority (e.g., reporting directly to the Department of Energy versus reporting through an industry association or other qualified third-party sponsor),
—Reporting entity (i.e., at the establishment or corporation level),
—Appropriate data reporting level (by two-digit or four-digit SIC code),
—Measures of efficiency,
—Reporting frequency, or
—Selection of base year.

4. The CE–189 program established voluntary targets for energy efficiency improvement in energy intensive industries. If new voluntary targets are established, would such targets facilitate or increase the likelihood of energy efficiency improvements in your corporation or establishment? How

should they be developed and at what SIC level?

5. What mechanisms other than mandatory reporting requirements and voluntary targets could be used to encourage increased energy efficiency by energy intensive industries? What are your views on the advantages and disadvantages of such mechanisms, as compared with establishment of mandatory reporting requirements and voluntary energy efficiency improvement targets?

6. What is your opinion on the advantages and disadvantages of establishing mandatory reporting requirements and voluntary targets for corporations and establishments that consume less than 1 trillion BTU per year?

7. What specific options for establishing mandatory reporting and voluntary targets would you suggest be included in the Department's evaluation?

Respondents are also invited to submit additional information that they believe is relevant to the evaluation, including general comments and suggestions.

All written information provided by industry will be available for public inspection at the Department of Energy, Freedom of Information Reading Room, room 1E190, 1000 Independence Avenue, SW., Washington DC 20585, between the hours 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays. Pursuant to provisions of 10 CFR 1004.11 (1983), any person submitting information believed to be confidential and exempt by law from public disclosure should submit one copy only of the document and, if possible, 10 additional copies in which information believed to be confidential has been deleted. The Department of Energy will determine the confidential status of the information and treat it accordingly.

In addition to publication of this announcement in the **Federal Register**, the Department will be contacting representatives of industries and trade associations that are in energy intensive industries, as well as other interested parties. In initial contacts planned for the next two months, these persons and associations will be asked if they would like to provide opinions, ideas, and information that they believe to be relevant to the evaluation of costs and benefits of mandatory reporting requirements and voluntary energy efficiency improvement targets and recommendations to be included in the report. Following development of preliminary findings from the evaluation, the Department expects to further consult with industry and other interested parties to provide an opportunity for informal comments and additional information. The latter consultations are tentatively scheduled for early September. Comments and suggestions provided by industry in response to this notice and in the course of individual consultations will be used in preparing the Report to Congress.

Issued in Washington, DC on April 30, 1993.

Vito Stagliano,

Acting Assistant Secretary, Office of Domestic and International Energy Policy.

[FR Doc. 93–10391 Filed 4–30–93; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket Nos. ER93–557–000, *et al.*]

Lakewood Cogeneration, L.P., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Lakewood Cogeneration, L.P.

[Docket No. ER93–557–000]

April 19, 1993.

Take notice that on April 12, 1993, Lakewood Cogeneration, L.P. (Lakewood) tendered for filing, pursuant to section 205 of the Federal Power Act and 18 CFR part 35, an Application for an Order Accepting Rates for Filing, Determining Rates to be Just and Reasonable and Waiving the Application of Various Regulations under parts II and III of the Federal Power Act and Request for Expedited Treatment applicable to the sale of energy and capacity to Jersey Central Power & Light Company (JCP&L) from a cogeneration facility located in Lakewood, New Jersey. Lakewood requests that the Commission accept its rates for filing, waive the 60-day notice requirement, and waive any regulations that are not appropriately applicable to qualifying facilities or independent power producers.

A copy of the Application was served on JCP&L.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Seminole Electric Cooperative, Inc. v. Florida Power & Light Company

[Docket No. EL93–28–000]

April 19, 1993.

Take notice that on April 2, 1993, Seminole Electric Cooperative, Inc. (Seminole) tendered for filing a complaint against Florida Power & Light Company (FPL). In its complaint Seminole requests that the Commission issue an order: (1) Finding that the rate currently charged by FPL for transmission service under the Amended Agreement To Provide Specified Transmission Services between FPL and Seminole, designed as FPL FERC Rate Schedule 78, is unjust and unreasonable, produces excessive revenues from Seminole, and should be reduced; (2) establishing a refund-effective date 60 days after the date of filing of this complaint; (3) setting this matter for hearing for the purposes of (i) determining and fixing just and reasonable rates for the service at issue and (ii) determining the appropriate amount of, and ordering, refunds; (4) ordering consolidation of the consideration of the matters raised by this complaint with the ongoing proceedings in Docket No. ER93–465–000; and (5) affording Seminole such other relief as may be deemed appropriate.

Comment date: May 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of Colorado

[Docket No. ER92–317–002]

April 19, 1993

Take notice that on April 14, 1993, Public Service Company of Colorado submitted for filing with FERC a revised copy of its Transmission Service Tariff. This filing, which entails minor changes to Sections 9 and 11.2.1 of the Tariff, was in response to a telephone request from FERC Staff.

Public Service states that copies of the filing have been served on the parties in this docket.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Georgia Power Company

[Docket No. ER93–325–000]

April 19, 1993.

Take notice that on April 15, 1993, Georgia Power Company (Georgia Power) tendered for filing an amendment to the negotiated change in partial requirements rates previously filed in this docket. Georgia Power states that its amendment cures deficiencies and provides additional information requested by the Director of the Division of Applications.

Georgia Power renews its request for a January 1, 1993 effective date and states that copies of the filing have been served on both of its partial requirements customers.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Commonwealth Edison Company

[Docket No. ER93-567-000]

April 19, 1993.

On September 11, 1992, Commonwealth Edison Company (Edison) tendered for filing an Interchange Agreement, dated August 13, 1992, between Edison and Wabash Valley Power Association, Inc. (Wabash Valley). The Interchange Agreement provides for Edison to make Firm Power, short Term Power, and General Purpose Energy available to Wabash Valley whenever mutually agreed upon. Take notice that on April 14, 1993, Edison tendered for filing a revised Interchange Agreement, dated March 23, 1993, between Edison and Wabash Valley which cancels and supersedes in its entirety the August 13 Interchange Agreement.

Copies of this filing were served upon the Illinois Commerce Commission and Wabash Valley.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. PSI Energy, Inc.

[Docket No. ER93-550-000]

April 19, 1993.

Take notice that PSI Energy, Inc. (PSI), on April 8, 1993, tendered for filing pursuant to the Interchange Agreement between Illinois Municipal Electric Agency and PSI, a First Supplemental Agreement dated April 1, 1993.

Said Supplemental Agreement provides for the following:

1. A revision to the language on emission allowances.

2. A cap on the amount of capacity available at the "up to" rate.

Copies of the filing were served on the Illinois Municipal Electric Agency, the Illinois Commerce Commission and the Indiana Utility Regulatory Commission.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Northern States Power Company (Minnesota); Northern States Power Company (Wisconsin)

[Docket No. ER93-551-000]

April 19, 1993.

Take notice that on April 8, 1993, Northern States Power (NSP) tendered for filing Agreement No. 6, dated March 30, 1993, to the Interconnection Agreement dated November 18, 1965 among Northern States Power Company (Minnesota) (NSP-MN), Northern States Power Company (NSP-WI), and Wisconsin Electric Power Company (WEP). This Interconnection Agreement is designated as NSP-MN FERC Rate Schedule No. 319, NSP-WI FERC Rate Schedule No. 39, and WEP FERC Rate Schedule No. 28.

Amendment No. 6 provides for sales of Supplemental Energy by NSP to WEP.

Copies of this filing have been provided to the respective parties and to the State Commissions of Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan.

NSP requests that the proposed rate schedule be accepted for filing effective June 1, 1993 to coincide with the terms of Amendment No. 6 to the Interconnection Agreement named above.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. The Montana Power Company

[Docket No. ER93-561-000]

April 19, 1993.

Take notice that on April 13, 1993, The Montana Power Company (Montana) tendered for filing a revised Appendix 1 as required by Exhibit C for retail sales in accordance with the provisions of the Residential Purchase and Sale Agreement (Agreement) between Montana and the Bonneville Power Administration (BPA).

The Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Public Law 96-501. The Agreement provides for the exchange of electric power between Montana and BPA for the benefit of Montana's residential and farm customers.

A copy of the filing has been served upon BPA.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Orange and Rockland Utilities, Inc.

[Docket No. ER93-558-000]

April 19, 1993.

Take notice that on April 12, 1993, Orange and Rockland Utilities, Inc. (Orange and Rockland) tendered for filing pursuant to the Federal Energy Regulatory Commission's order issued January 15, 1988, in Docket No. ER88-112-000, an executed Service Agreement between Orange and Rockland and Mack Bros. Ltd.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. New York State Electric & Gas Corporation

[Docket No. ER93-421-000]

April 19, 1993.

Take notice that on April 12, 1993, New York State Electric & Gas Corporation (NYSEG) tendered for filing an amendment to its March 2, 1993 filing in this docket. The amendment consists of additional information concerning the March 2, 1993 filing of an agreement for the installation, ownership and maintenance by NYSEG of certain facilities at its Coopers Corners and Fraser Substations in connection with the construction by the Power Authority of the State of New York (NYPA) of its Marcy-South Transmission Lines. NYSEG has requested waiver of notice requirements so that the Rate Schedule can be made effective as of December 8, 1983, Supplement No. 1 as of September 27, 1984, Supplement No. 2 as of June 28, 1985, Supplement No. 3 as of July 1, 1987, Supplement No. 4 as of July 1, 1988, Supplement No. 5 as of July 1, 1989, Supplement No. 6 as of July 1, 1990, Supplement No. 7 as of July 1, 1991 and Supplement No. 8 as of July 1, 1992.

NYSEG states that a copy of the amendment has been served by mail upon NYPA and upon the Public Service Commission of the State of New York.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Midwest Power Systems Inc.

[Docket No. ER93-560-000]

April 19, 1993.

Take notice that on April 13, 1993, Midwest Power Systems Inc. tendered for filing an executed Service Schedule Agreement for wholesale electric power and energy between Midwest Power Systems Inc. (MPSI) and the City of Wall Lake, Iowa (City), whereby MPSI will provide wholesale electric power and energy as required by the City above the amount provided by the Western Area Power Administration (Western). MPSI is filing this Agreement pursuant to the established Electric Tariff Volume No. 1, Original Issue Sheets Nos. 7, 8, and 9.

Notice of this filing has been served upon the Iowa Utilities Board and the City of Wall Lake.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Rye Patch Limited Partnership

[Docket No. QF92-186-002]

April 19, 1993.

On April 13 and 15, 1993, Rye Patch Limited Partnership 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 7, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. City of Cleveland, Ohio v. Cleveland Electric Illuminating Company

[Docket No. EL93-31-000]

April 19, 1993.

Take notice that on April 9, 1993, the City of Cleveland, Ohio (Cleveland) tendered for filing a Complaint against Cleveland Electric Illumninating Company (CEI). In its Complaint Cleveland requests that the Commission establish the earliest permissible refund effective date for the rates, terms and conditions filed by CEI in its Application for Increase in Rates for Firm Power Service, filed March 22, 1993, in Docket No. ER93-471-000.

Comment date: May 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. Southern California Edison Company

[Docket No. ER93-559-000]

April 19, 1993.

Take notice that on April 13, 1993, Southern California Edison Company (Edison) tendered for filing a change of rates for transmission service as embodied in Edison's agreements with the following entities which reflects a decrease in the rate of return from 10.59 percent to 9.94 percent authorized by the California Public Utilities Commission (CPUC) to be made effective January 1, 1993.

Entity	Rate schedule FERC No.
1. City of Anaheim	130, 241, 246.04, 246.06, 246.08, 246.13
2. City of Azusa	160, 242, 247.04, 247.06, 247.08, 247.10, 247.18
3. City of Banning	159, 243, 248.05, 248.07, 248.09, 248.11, 248.17
4. City of Colton	162, 244, 249.04, 249.06, 249.08, 249.10, 249.18
5. City of Riverside	129, 245, 250.02, 250.04, 250.06, 250.08, 250.10, 250.15, 250.21, 250.26
6. City of Vernon	149, 154.07, 172, 207, 257, 263, 272
7. Arizona Electric Power Cooperative (AEPCO)	131, 161
8. Arizona Public Service Company (APS)	185
9. California Department of Water Resources (CDWR)	38, 112, 113, 181, NA[1]
10. City of Burbank (Burbank)	166
11. City of Glendale (Glendale)	143
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[1] FERC rate number "not available", agreement filed April 8, 1993.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

15. Louis Dreyfus Electric Power, Inc.

[Docket No. ER92-850-002]

April 20, 1993.

Take notice that on March 15, 1993, Louis Dreyfus Electric Power, Inc. (Dreyfus) filed certain information as required by the Commission's letter order dated December 2, 1992, in this proceeding. 61 FERC § 61,303. Copies of Dreyfus' informational filing are on file with the Commission and are available for public inspection.

16. Multitrade Limited Partnership and Multitrade of Pittsylvania County, L.P.

[Docket No. ER93-427-000]

April 26, 1993.

Take notice that on April 21, 1993, Multitrade of Pittsylvania County, L.P. (MPC) filed supplemental information regarding its filing in this docket.

Comment date: May 10, 1993, in accordance with Standard Paragraph E at the end of this notice.

17. Philadelphia Electric Company

[Docket No. ER93-578-000]

April 26, 1993.

Take notice that on April 21, 1993, Philadelphia Electric Company (PE) tendered for filing under section 205 of the Federal Power Act and part 35 of the Regulations issued thereunder, an Agreement between PE and Consolidated Edison Company (Con Edison) dated April 13, 1993.

PE states that the Agreement sets forth the terms and conditions for the sale of system energy which it expects to have available for sale from time to time and the purchase of which will be economically advantageous to Con Edison. In order to optimize the economic advantage to both PE and Con Edison, PE requests that the Commission waive its customary notice period and permit the agreement to become effective on April 26, 1993.

PE states that a copy of this filing has been sent to Con Edison and will be furnished to the Pennsylvania Public Utility Commission and the New York Public Service Commission.

Comment date: May 10, 1993, in accordance with Standard Paragraph E at the end of this notice.

18. Northeast Utilities Service Company

[Docket No. ER93-94-000]

April 26, 1993.

Take notice that on April 21, 1993, Northeast Utilities Service Company (NUSCO) tendered for filing additional information requested by the Commission staff in the above referenced docket.

Comment date: May 10, 1993, in accordance with Standard Paragraph E at the end of this notice.

19. Commonwealth Edison Company

[Docket No. ER93-390-000]

April 26, 1993.

Take notice that on April 21, 1993, Commonwealth Edison Company (Edison) submitted additional information in support of its filing of Amendment No. 7, dated February 21, 1992, to the Interconnection Agreement, dated March 1, 1975, between Edison and Wisconsin Power and Light Company (Wisconsin Power).

Copies of this filing were served upon Wisconsin Power, the Illinois Commerce Commission, and the Public Service Commission of Wisconsin.

Comment date: May 10, 1993, in accordance with Standard Paragraph E at the end of this notice.

20. Central Vermont Public Service Corporation

[Docket No. ER93-386-000]

April 26, 1993.

Take notice that on April 21, 1993, Central Vermont Public Service Corporation tendered for filing an amendment containing supplemental financial information to its February 22, 1993 filing in this docket.

To the extent necessary to allow for the sale of power pursuant to the Service Agreement commencing April 19, 1993, Central Vermont requests that the Commission waive its notice requirements. In support of its requests Central Vermont states that allowing the Service Agreement to become effective as provided will enable the Company and its customers to achieve mutual benefits.

Comment date: May 10, 1993, in accordance with Standard Paragraph E at the end of this notice.

21. San Joaquin Valley Energy Partners I, L.P.

[Docket No. QF87-354-002]

April 26, 1993.

On April 19, 1993, San Joaquin Valley Energy Partners I, L.P. of 24772 Road 16, Chowchilla, California 93610 submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the 9.88 MW, biomass-fueled small power production facility is located in Merced County, California. The Commission previously certified the facility as a qualifying small power production facility, *El Nido Biomass Limited Partnership*, 39 FERC ¶ 62,263 (1987). On July 31, 1992, in Docket No. QF87-354-001, applicant filed a notice of self recertification to reflect a change in the ownership which is the subject of instant request for recertification. The ownership was changed from El Nido Biomass Limited Partnership to San Joaquin Valley Energy Partners I, L.P. Through subsidiaries, Northern States Power Company, a public utility will have 45% interest in the facility.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

22. Union Pacific Energy Company

[Docket No. QF93-41-000]

April 26, 1993.

On April 13, 1993, and April 19, 1993, Union Pacific Energy Company (Applicant) tendered for filing supplements to its filing in this docket.

The supplements provide additional information pertaining to the ownership and technical aspects of its small power production facility. No determination has been made that the submittals constitute a complete filing.

Comment date: May 14, 1993, in accordance with Standard Paragraph E end of this notice.

23. San Joaquin Valley Energy Partners I, L.P.-Madera facility

[Docket No. QF87-689-004]

April 26, 1993.

On April 19, 1993, San Joaquin Valley Energy Partners I, L.P. of 24772 Road 16, Chowchilla, California 93610 submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the 25 MW, biomass-fueled small power production facility is located in Madera County, California. The Commission previously certified the facility as a qualifying small power production facility, *Madera Power Plant Partnership*, 41 FERC ¶ 62,279 (1987), (Madera). On September 30, 1987, in Docket No. QF87-689-001, and on October 18, 1989, in Docket No. QF87-689-002, Madera filed notices of self recertification. On July 31, 1992, in Docket No. QF87-689-003, applicant filed a notice of self recertification to reflect a change in the ownership which is the subject of instant request for recertification. The ownership was changed from Madera Power Plant Partnership to San Joaquin Valley Energy Partners I, L.P. Through subsidiaries, Northern States Power Company, a public utility will have 45% interest in the facility.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

24. San Joaquin Valley Energy Partners I, L.P.-Chowchilla II facility

[Docket No. QF87-634-003]

April 26, 1993.

On April 19, 1993, San Joaquin Valley Energy Partners I, L.P. of 24772 Road 16, Chowchilla, California 93610 submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207(b) of the Commission's Regulations. No

determination has been made that the submittal constitutes a complete filing.

According to the applicant, the 9.88 MW, biomass-fueled small power production facility is located in Chowchilla, California. On August 28, 1987, in Docket No. QF87–634–000, Chowchilla Biomass Power Plant Associate II (Chowchilla II) filed a notice of self certification of a 7.3 MW facility. on September 13, 1989, in Docket No. QF87–634–001, Chowchilla II filed a notice of self recertification changing the capacity to approximately 10 MW. On July 31, 1992, in Docket No. QF87–634–002, applicant filed a notice of self re-certification to reflect a change in the ownership which is the subject of instant request for recertification. The ownership was changed from Chowchilla II to San Joaquin Valley Energy Partners, I, L.P. Through subsidiaries, Northern States Power Company, a public utility will have 45% interest in the facility.

Comment date: Thirty days from publication in the **Federal Register**, 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. 93–10260 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 2395–003, et al.]

Hydroelectric Applications [Flambeau Paper Corporation, et al.] Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2395–003.

c. *Date filed:* December 31, 1991.

d. *Applicant:* Flambeau Paper Corporation.

e. *Name of Project:* Pixley.

f. *Location:* On the North Fork Flambeau River near Park Falls in Price County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. James M. McGinnity, 200 North First Avenue, Park Falls, WI 54552, (715) 762–3231.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Deadline Date:* See paragraph D9. (June 28, 1993).

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D9..

l. *Description of Project:* The licensed project would consist of the following existing facilities: (1) A 25-foot-high earth dikes; (2) a 46-foot-long concrete gated spillway section; (3) a reservoir with a surface area of 193 acres at surface elevation 1,448.7 feet NGVD and a storage area of 1,757 acre-feet; (4) a powerhouse containing two generating units having a total installed capacity of 960 kW; and (5) appurtenant facilities. The applicant is proposing no changes to the project. The average annual net energy generation is 5,948,500 kWh.

m. *Purpose of Project:* Project power would be used by the applicant's paper mill operation..

n. *This notice also consists of the following standard paragraphs:* A4 and D9.

o. *Available Location of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Flambeau Paper Corporation, 200 North First Avenue, Park Falls, WI 54552, or by calling (715) 762–3231.

2 a. *Type of Application:* New Major Licenses.

b. *Project Nos.:* 2580–015, 2599–005.

c. *Date Filed:* December 19, 1991.

d. *Applicant:* Consumers Power Company.

e. *Name of Project:* Tippy (Project No. 2580–015), Hodenpyl (Project No. 2599–005).

f. *Location:* On the Manistee River within the Manistee National Forest in Manistee and Wexford Counties, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Thomas W. Bowes, 330 Chestnut Street, Cadillac, MI 49601, (616) 775–0176.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment Date:* See paragraph D9. (June 7, 1993).

k. *Status of Environmental Analysis:* These applications are ready for environmental analysis at this time—see attached paragraph D9.

l. *Description of Projects:* See paragraph D9.

Tippy—The licensed project would consist of: (1) A 576-foot-long earth embankment dam; (2) a reservoir with a surface area of 1,330 acres and a storage capacity of 27,620 acre-feet; and, (3) a total rated capacity of 20.1 MW.

Hodenpyl—The licensed project would consist of: (1) A 4,165-foot-long earth embankment dam; (2) a reservoir with a surface area of 1,798 acres and a storage capacity of 39,684 acre-feet; and, (3) a total rated capacity of 17 MW.

The existing projects would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

A joint Offer of Settlement among Consumers Power Company, the U.S. Forest Service, the U.S. Fish and Wildlife Service, the Michigan Department of Natural Resources, the National Park Service and the Michigan State Historic Preservation Officer was filed with the Commission on December 17, 1992, and was supplemented on March 25, 1993.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* A4 and D9.

o. *Available Location of Application:* A copy of the application and the Offer of Settlement Agreement are available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. Copies are also available for inspection and reproduction at Consumers Power Company, 330 Chestnut Street, Cadillac, MI 49601, or by calling (616) 775–0176.

3 a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2640–010.

c. *Date filed:* December 27, 1991.

d. *Applicant:* Flambeau Paper Corporation.

e. *Name of project:* Upper Hydro.

f. *Location:* On the North Fork Flambeau River near Park Falls in Price and Ashland Counties, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. James M. McGinnity, 200 North First Avenue, Park Falls, WI 54552, (715) 762–3231.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Deadline Date:* See paragraph D9. (June 28, 1993).

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D9.

l. *Description of Project:* The licensed project would consist of the following existing facilities: (1) A 44-foot-long earth dam; (2) a reinforced concrete gated spillway (3) a reservoir with a surface area of 431 acres at surface elevation 1,487.4 feet NGVD and a storage area of 3,280 acre-feet; (4) a 100-foot-wide, 1,300-foot-long power canal; (5) a powerhouse containing two generating units each with a rated capacity of 450 kW; and (6) appurtenant facilities. The applicant is proposing no changes to the project. The average annual net energy generation is 5,533,500 kWh.

m. *Purpose of Project:* Project power would be used by the applicant's paper mill operation.

n. *This notice also consists of the following standard paragraphs:* A4 and D9.

o. *Available Location of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE, room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Flambeau Paper Corporation, 200 North First Avenue, Park Falls, WI 54552, or by calling (715) 762–3231.

4 a. *Type of Application:* New Major License.

b. *Project No.:* 2689–001.

c. *Date Filed:* December 27, 1991.

d. *Applicant:* Scott Paper Company.

e. *Name of Project:* Oconto Falls Hydro Project.

f. *Location:* On the Oconto River in Oconto County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Thomas W. Cosgrove, General manager, Scott Paper Company, 106 East Central Avenue, Oconto Falls, WI 54154, (414) 846–3411.

i. *FERC Contact:* Ed Lee, (202) 219–2809.

j. *Deadline Date:* See paragraph D9. (June 28, 1993).

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see attached paragraph D9.

l. *Description of Project:* The project as licensed consists of the following: (1) An existing concrete non-overflow dam, 55 feet long with a maximum height of 16 feet; (2) an existing overflow spillway, constructed of rock-filled timber cribs with a concrete cap, 186 feet long by 18 feet high; (3) an existing masonry and concrete non-overflow, 186 feet long and 17 feet high, containing an 18 foot long intake for the west powerhouse (located on the west bank of the river); (4) an existing reservoir with a surface area of 9.2 acres and a total storage volume of 50 acre-feet at the normal maximum surface elevation of 701.7 feet; (5) an existing rectangular concrete flume, 16.0 feet by 8.2 feet and approximately 230 feet long, conveying water to the east powerhouse (located on the east bank of the river); (6) an existing concrete penstock, 50 feet long, conveying water to the west powerhouse; (7) the existing concrete and masonry east powerhouse, 26 feet wide by 41 feet long, containing (a) a horizontal Francis turbine manufactured by Leffel, and (b) a General Electric generator rated at 360 kW; (8) an existing tailrace, excavated from bedrock with a 377 foot long by 6 foot high training wall; (9) the existing concrete and steel west powerhouse, 47 feet wide by 31 feet long, containing (a) a vertical Kaplan turbine, manufactured by S. Morgan Smith and rated at 2,230 hp (providing a combined project design hydraulic capacity of 770 cfs), and (b) a General Machinery generator rate at 1,500 kW, providing a total project rating of 1,860 kW; (10) an existing tailrace, excavated from bedrock with a 370 foot long by 6 foot high training wall; and (11) appurtenant facilities.

No changes are being proposed for this new license. The applicant estimates the installed capacity for this project to be 1.86 MW with an average annual generation of 8,413 MWH. The dam and existing project facilities are owned by the applicant.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* A4 and D9.

o. *Applicable Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE, room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Scott Paper Company, 106 East Central Avenue, Oconto Falls, WI or calling (414) 846–3411.

5 a. *Type of Application:* Amendment of Exemption.

b. *Project No:* 8949–007.

c. *Date Filed:* March 30, 1993.

d. *Applicant:* City of Auburn.

e. *Name of Project:* North Division Street.

f. *Location:* On the Owasco River in Cayuga County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Francis DeOrio, Director of Municipal Utilities, City of Auburn, 24 South Street, Auburn, NY 13021, (315) 255–4129.

i. *FERC Contact:* Michelle Laabs, (202) 219–3274.

j. *Comment Date:* June 9, 1993.

k. *Description of Amendment:* The amendment will change the project's proposed 10-foot-diameter, 40-foot-long penstock to a 12-foot-wide open channel.

l. *This notice also consists of the following standard paragraphs:* B, C, and D2.

6 a. *Type of Application:* Major License.

b. *Project No.:* 10756–001.

c. *Date filed:* May 28, 1992.

d. *Applicant:* Blue Diamond South Pumped Storage Power Company, Inc.

e. *Name of Project:* Blue Diamond South Pumped Storage.

f. *Location:* Mostly on U.S. lands administered by the Bureau of Land Management, on two man-made reservoirs—on and near the Blue Diamond Hill, about 5 miles west of Las Vegas in Clark County, Nevada.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. David K. Iverson, Synergics, Inv., 191 Main Street, Annapolis, MD 21401, (410) 268–8820.

i. *FERC Contact:* Mr. Surender M. Yepuri, P.E. (202) 219–2847.

j. *Deadline Date:* June 17, 1993.

k. *Status of Environmental Analysis:* The application is not ready for environmental analysis at this time—see attached paragraph E1.

l. *Description of Project:* The proposed project consists of: (1) A forebay—a lined earthen embankment reservoir with a capacity of 1,200 acre-feet, a surface area of 30.87 acres, and a maximum water elevation of 4,825 feet (msl); (2) a afterbay—a lined earthen embankment reservoir with a capacity of 1,200 acre-feet, a surface area of 31.43 acres, and a maximum water elevation of 3,317 feet (msl); (3) a five-section

water conduit system connecting the forebay to the afterbay; (4) a underground, circular concrete powerhouse containing 2 pump-turbine and generator-motor units with a combined rated capacity of 200 MW; (5) a control building, 80 feet long and 60 feet wide, that is contiguous to the powerhouse; (6) a booster substation, about 300 feet square, with two transformers; (7) a 138–kV transmission line, 17,000 feet long, connecting the project substation to the Nevada Power Company's proposed substation; (8) a water line, 6 inches in diameter, to initially fill the system; and (9) appurtenant facilities.

m. *This notice also consists of the following standard paragraphs:* B1 and E1.

n. *Available Locations of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above).

7 a. *Type of Application:* Minor License.

b. *Project No.:* 10867–000.

c. *Date filed:* March 31, 1993.

d. *Applicant:* Holliday Historic Restoration Associates, Ltd.

e. *Name of Project:* Holliday Hydroelectric Plant.

f. *Location:* On the West Fork of the White River, in Noblesville, Hamilton County, Indiana.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David H. Kinloch, 414 South Wenzel Street, Louisville, Kentucky 40204, (502) 589–0975.

i. *FERC Contact:* Mary C. Golato (202) 219–2804.

j. *Comment Date:* 60 days from the filing date in paragraph C. (June 1, 1993).

k. *Description of Project:* The proposed project consists of the following features: (1) an existing concrete dam 350 feet long and 10 feet high; (2) an existing reservoir about 425 acres with a normal water surface elevation of 764 feet mean sea level; (3) an existing powerhouse containing two turbine-generator units having a total generating capacity of 450 kilowatts; and (4) appurtenant facilities. The applicant estimates that the total average annual generation would be 1,634,000 kilowatthours. The project site is owned by PSI Energy, Inc.

1. Within this notice, we are initiating consultation with the Indiana State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR, at § 800.4.

m. Pursuant to § 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

8 a. *Type of Application:* Minor License.

b. *Project No.:* 11322–000.

c. *Date filed:* August 20, 1992.

d. *Applicant:* Tuolumne Utilities District.

e. *Name of Project:* Columbia Water Supply/Hydroelectric Project.

f. *Location:* Partially on lands administered by the Bureau of Land management and Bureau of Reclamation near the town of Sonora in Tuolumne County, California. T2N, R14E in sections 1, 2, and 3; T3N, R14E in sections 34 and 35.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Malcolm D. Crawford, Tuolumne Utilities District, P.O. Box 3728, 13144 Mono Way, Sonora, CA 95370, (209) 532–5536.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Deadline for interventions and protests:* June 25, 1993.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached paragraph E1.

l. *Description of Project:* The proposed project would consist of: (1) the applicant's existing 5-mile-long Columbia Ditch which gets water from the Main Tuolumne Canal of Pacific Gas & Electric's licensed Phoenix Project No. 1061; (2) an intake structure on the ditch; (3) an 18,700-foot-long steel penstock; (4) a powerhouse containing one generating unit with an installed capacity of 350 kW; (5) a 500-foot-long tailrace returning water to the Bureau of Reclamation's existing New Melones Reservoir; and (6) appurtenant facilities.

m. *This notice also consists of the following standard paragraphs:* A2, A9, B1 and E1.

n. *Available Locations of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the Tuolumne Utilities District, located at 13144 Mono Way, Sonora, California, or by calling Mr. Malcolm D. Crawford at (209) 532–5536.

9 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11384–000.

c. *Date filed:* February 16, 1993.

d. *Applicant:* Suburban Hennepin Regional Park District.

e. *Name of Project:* Coon Rapids Dam.

f. *Location:* On the Mississippi River, in the City of Brooklyn Park, City of Coon Rapids, Hennepin and Anoka Counties, Minnesota.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Douglas Bryant, 12615 County Road 9, Plymouth, Minnesota 55441–1248.

i. *FERC Contact:* Mary Golato (202) 219–2804.

j. *Comment Date:* June 28, 1993.

l. *Description of Project:* The proposed project would consist of: (1) an existing dam 8.5 feet high and 47 feet long; (2) an existing reservoir approximately 30,600 square feet with a storage capacity of approximately 122,400 cubic feet at a normal surface elevation of 250.3 feet; (3) a 36-inch-diameter, 15.5-foot-long penstock; (4) a new powerhouse containing one turbine-generator unit at a rated capacity of 75 kilowatts; (5) undetermined transmission line; and (6) appurtenant facilities. The total average annual generation will be 45 gigawatthours and the cost of the studies are $60,000. The owner of the dam is Suburban Hennepin Regional Park District. Alvin J. Tuck.

m. *This notice also consists of the following standard paragraphs:* A5, A7, A9 A10, B, C, and D2.

10 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11389–000.

c. *Date filed:* March 1, 1993.

d. *Applicant:* STS Heislers Creek Hydro L.P.

e. *Name of Project:* Heislers Creek.

f. *Location:* On the Middle Fork Nooksack River, in Whatcom County Washington. Township 38 N, Range 5 E.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. J. Charles Ahlrichs, STS Heislers Creek Hydro L.P., 22525 SE 64th Place, suite 244, Issaquah, WA 98027, (206) 557–3680.

i. *FERC Contact:* Michael Spencer at (202) 219–2846.

j. *Comment Date:* June 14, 1993.

k. *Descriptin of Project:* The proposed project would consist of: (1) the City of Bellingham's existing 25-foot-high concrete diversion dam; (2) an existing 7.5-foot-diameter, 8,800-foot-long tunnel; (3) an existing valvehouse; (4) a proposed 66-inch-diameter, 6,500-foot-long penstock; (5) a powerhouse containing a generating unit with a capacity of 5.4 MW and an average annual generation of 26.4 GWh; (6) a 2.2-mile-long transmission line; and (7) a 0.2-mile-long access road to the powerhouse.

No new access road will be needed to conduct the studies. The applicant estimates that the cost of the studies to be conducted under the preliminary permit would be $60,000.

l. *Purpose of Project:* Project power would be sold.

m. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

11 a. *Type of Application:* Preliminary Permit.

b. *Project No.* 11391–000.

c. *Date filed:* March 5, 1993.

d. *Applicant:* The City of Boulder, Colorado.

e. *Name of Project:* Boulder Lindsay Project.

f. *Location:* On Bull Gulch, in Jefferson County, Colorado, near the towns of Boulder, Eldorado Springs, Louisville, Broomfield, Westminster, Arvada, Wheat Ridge, Lakewood, Golden, Denver, Northgleen, Thornton, and Lafayette. T.2S., R.71W, sections 1 and 2; T.2S., R.70W, section 6.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Mr. James C. Crain, Director, Open Space/Real Estate, City of Boulder, P.O. Box 791, Boulder, CO 80306, (303) 441–3440).

Karl F. Kumli, III, Esq., Krassa, Lindholm, Kumli & Madse, 4888 Pearl East Circle, suite 202W, Boulder, CO 80301, (303) 442–2156.

i. *FERC Contact:* Ms. Deborah Frazier-Stutely (202) 219–2842.

j. *Competing Application:* Project No. 11352–000, Crest Modular Pumped Storage Project, Public Notice expired 02/05/93.

k. *Comment Date:* June 7, 1993.

l. *Description of Project:* The proposed project would consist of: (1) A 160-foot-high, 500-foot-long earth-fill dam consisting of a spillway, creating; (2) a 30-acre reservoir with a storage capacity of 2,000 acre-feet with a water surface elevation of 7,580 feet msl, to be utilized as the upper reservoir; (3) an 8,000-foot-long underground penstock; (4) a powerhouse containing two generating units with a total installed capacity of 200,000 kW; (5) a 150-foot-high, 1,300-foot-long earth-fill dam, creating; (6) a 35-acre reservoir with a storage capacity of 2,000 acre-feet with a water surface elevation of 6,255 feet msl, to be utilized as the lower reservoir; (7) a 4,500-foot-long, 115/230 kV transmission line tying into an existing line.

The applicant estimates the cost of the studies to be conducted under the preliminary permit at $350,000.

No new roads will be needed for the purpose of conducting studies at the lower reservoir site; however, road construction may be required at the upper reservoir site.

m. *Purpose of Project:* Project power would be sold to a local utility or a state municipality.

n. *This notice also consists of the following standard paragraphs:* A8, A10, B, C, D2.

12 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11393–000.

c. *Date filed:* March 12, 1993.

d. *Applicant:* City of Saxman, Alaska.

e. *Name of Project:* Mahoney Lake Hydroelectric Power Project.

f. *Location:* Partially within the Tongass National Forest, on Upper Mahoney Lake, northeast of the city of Ketchikan, in Alaska. Sections 11, 13, 14, 24, 25, 26, 34, and 36 in T74S, R91E.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Doug Campbell, Cape Fox Corporation, P.O. Box 8558, Ketchikan, Alaska 99901, (907) 225–5163.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* June 10, 1993.

k. *Description of Project:* The proposed project would consist of: (1) A 10-foot-high dam on the Forest Service's existing 57-acre Upper Mahoney Lake which would raise its surface elevation 9 feet to an elevation of 1959 NGVD; (2) a 32-inch-diameter, 5,900-foot-long penstock; (3) a powerhouse containing one generating unit with an installed capacity of 9,000 kW; (4) a 5-mile-long access road; and (5) a 5.75-mile-long transmission line interconnecting with the existing Swan Lake transmission line; and (6) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be $350,000.

1. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

13 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11400–000.

c. *Date filed:* April 1, 1993.

d. *Applicant:* Douglas R. Smith.

e. *Name of Project:* Smith/French Creek Hydroelectric Power Project.

f. *Location:* Partially within the Plumas National Forest, on French Creek, a tributary to the North Fork of the Feather River, in Butte County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Douglas R. Smith, 808 Via del Monte, Palos Verdes Estates, CA 90274, (310) 378–0543.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* June 21, 1993.

k. *Description of Project:* The proposed project would consist of: (1) An intake of French Creek; (2) a 42-inch-diameter, 2,750-foot-long penstock; (3) a powerhouse containing one generating unit with an installed capacity of 4,860 kW; (4) a tailrace returning water to French Creek; (5) a 1.5-mile-long transmission line, or a 6.5-mile-long transmission line, both interconnecting with an existing Pacific Gas & Electric Company transmission line; and (6) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be $75,000.

1. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

14. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11401–000.

c. *Date filed:* April 1, 1993.

d. *Applicant:* Tri-Dam Power Authority.

e. *Name of Project:* Goodwin Hydroelectric Project.

f. *Location:* Partially on lands administered by the U.S. Army Corps of Engineers, on the Stanislaus River, near the town of Knight's Ferry, in Tuolumne and Calaveras Counties, California. T1S, R12E.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Donald B. Thompson, General Manager, Tri-Dam Power Authority, P.O. Box 1158, Pinecrest, CA 95364, (209) 965–3996.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* June 21, 1993.

k. *Description of Project:* The proposed project would consist of: (1) the applicant's existing 101-foot-high, 460-foot-long Goodwin dam; (2) the applicant's existing 70-acre reservoir; (3) the enlargement of a 750-foot-long section of the applicant's existing Oakdale South Canal; (4) an 11-foot-

diameter, 750-foot-long penstock; (5) a powerhouse containing two generating units with a total installed capacity of 5,000 kW; (6) a short transmission line interconnecting with an existing Pacific Gas & Electric Company transmission line; (7) a 1,000-foot-long access road; and (8) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be $100,000.

1. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

15 a. *Type of Application:* Declaration of Intention.

b. *Project No.:* EL93–32–000.

c. *Date Filed:* April 12, 1993.

d. *Applicant:* P. Kennan Hayes.

e. *Name of Project:* Hayes Hydro Project.

f. *Location:* An unnamed Spring located within Section 33, Township 35 N., Range 6 W.M., Skagit County, Near Sedro Woolley, Washington.

g. *Filed Pursuant to:* Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* P. Kennan Hayes, Private Investments, 3738 NE 187th, Seattle, WA 98155, (206) 363–9518.

i. *FERC Contact:* Etta Foster, (202) 219–2679.

j. *Comment Date:* June 10, 1993.

k. *Description of Project:* The proposed Hayes Hydro Project would consist of: (1) A 400 gallon settling tank below the source of the spring; (2) a 3-inch-diameter, 1200-foot-long plastic penstock providing 100 feet of head; (3) two nozzles between 6 and 14 millimeters-diameter, that will turn 4-inch-diameter pelton wheel producing approximately 300 watts of electricity.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Purpose of Project:* Applicant intends to use generated power on site to provide electricity to a residence that is located too far away from the public power lines to allow it to use public power.

m. *This notice also consists of the following standard paragraphs:* B, C1, and D2.

Standard Paragraphs

A2. Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notice of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, or or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. Initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A9. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit will be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B1. Protests, or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules and Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, Room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtain by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D9. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (June 7, 1993 for Project No. 2580–015, *et al.*; and June 28, 1993 for Project Nos. 2395–003, 2640–010 and 2689–001). All reply comments must be filed with the Commission within 105 days from the date of this notice. (July 21, 1993 for Project No. 2580–15, *et al.*; and August 10, 1993 for Project Nos. 2395–003, 2640–010 and 2689–001).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirement of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

E1. Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: April 28, 1993, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10318 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–01588T Wyoming–11 Addition]

State of Wyoming; NGPA Amended Notice of Determination by Jurisdictional Agency Designating Tight Formation

April 27, 1993.

Take notice that on April 12, 1993, the Wyoming Oil and Gas Conservation Commission (Wyoming) amended its notice of determination that was filed in the above-referenced proceedings on November 25, 1991, pursuant to § 271.703(c)(3) of the Commission's regulations. The November 1991 notice determined that a portion of the Lower Lewis Formation in Sweetwater County, Wyoming, qualified as a tight formation under section 107(b) of the National Gas Policy Act of 1978 (NGPA).

The amended notice of determination reduces the geographical area recommended for tight formation designation to the State and Fee lands located entirely within Township 24 North, Range 97 West on the following tracts of land:

State Land

Section 21 N/2 of N/2
Section 35 S/2 of S/2

Fee Land

Section 35 E/2 of SE/4

The notice of determination also contains Wyoming's findings that the referenced portion of the Lower Lewis Formation meets the requirements of the

Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10274 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 11196–001 Idaho]

Farmers Co-operative Irrigation Company, Ltd.; Surrender of Preliminary Permit

April 27, 1993.

Take notice that Farmers Co-operative Irrigation Company, Ltd., Permittee for the Farmers Co-operative Irrigation Project No. 11196, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 11196 was issued January 9, 1992, and would have expired December 31, 1994. The project would have been located on the Payette River in Gem County, Idaho.

The Permittee filed the request on February 22, 1993, and the preliminary permit for Project No. 11196 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 385.2007, in which case the permit 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. 93–10273 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–4–22–000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 27, 1993.

Take notice that CNG Transmission Corporation ("CNG"), on April 23, 1993, pursuant to section 4 of the Natural Gas Act, part 154 of the Commission's regulations, and sections 12 and 16 of the General Terms and Conditions of CNG's FERC Gas Tariff, filed six copies of the following tariff sheets for its FERC Gas Tariff, First Revised Volume No. 1:

Thirtieth Revised Sheet No. 31
Twenty-Second Revised Sheet No. 32
Twenty-Sixth Revised Sheet No. 34
Twenty-First Revised Sheet No. 35

The tariff sheets are proposed to become effective May 1, 1993. CNG states that the purpose of this filing is to revise its PGA commodity rate to reflect increases in natural gas spot prices and revise its PGA demand rate to reflect decreases in Texas Eastern Transmission Corporation's demand rates. The instant filing reflects an ACD/CD/RQ commodity rate increase of $0.7062/dt and an ACD/CD/RQ demand rate decrease of $0.10/dt (as compared to CNG's approved rates in Docket No. TQ93–3–22–000).

CNG states that copies of the filing were served upon CNG's customers as well as interested parties.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC, 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 and 385.211. All motions or protests should be filed on or before May 4, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10262 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–2–23–000]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 27, 1993.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on April 21, 1993 the revised tariff sheet included in Appendix A attached to the filing. Such sheet is proposed to be effective May 1, 1993.

The above referenced tariff sheet is being filed to revise the fixed monthly take-or-pay amount to be recovered from ESNG's jurisdictional customers for the three-month period May 1993 through July 1993.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before may 4, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10263 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–13–29–000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

April 27, 1993.

Take notice that Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing on April 20, 1993 Fifth Revised Sixth Revised Sheet No. 28 to its FERC Gas Tariff, Third Revised Volume No. 1 which tariff sheet is proposed to be effective April 1, 1993.

TGPL states that the purpose of the instant filing is to track rate changes attributable to (1) storage service purchased from Consolidated Natural Gas (CNG) under its Rate Schedule GSS the costs of which are included in the rates and charges payable under TGPL's Rate Schedule LSS and (2) storage service purchased from North Penn Gas Company (North Penn) under its Rate Schedule SS the costs of which are included in the rates and charges payable under TGPL's Rate Schedule SS–1. The tracking filing is being made pursuant to Section 4 of TGPL's Rate Schedule LSS and Section 5 of TGPL's Rate Schedule SS–1.

Included in Appendices A and B attached to the filing are the explanations of the rate changes and details regarding the computation of the revised LSS and SS–1 rates.

TGPL states that copies of the filing are being mailed to each of its LSS and SS–1 customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 4, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10264 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. EG93–43–000, et al.]

Central Termica Alto Valle S.A., et al.; Applications for Determination of Exempt Wholesale Generator Status

April 19, 1993.

Take notice that the following filings have been made with the Commission:

1. Central Termica Alto Valle S.A.

[Docket No. EG93–43–000]

On April 9, 1993, Central Termica Alto Valle S.A. ("CTAV") filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

CTAV, an Argentine corporation, is owned in part by A.V. Holding S.A., an Argentine corporation, which is owned in part by Dominion Generating S.A., an Argentine corporation. Dominion Generating S.A. is a wholly-owned subsidiary of Dominion Energy, Inc., which is a wholly-owned subsidiary of Dominion Resources, Inc.

CTAV owns an eligible facility in Neuquen Province, Argentina which consists of five natural gas-fired turbines with a combined nominal power production capacity of 98 MW.

Comment date: May 3, 1993, in accordance with Standard Paragraph W at the end of this notice.

2. Dominion Management Argentina S.A.

[Docket No. EG93–44–000]

April 19, 1993.

On April 9, 1993, Dominion Management Argentina S.A. ("DMASA") filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

DMASA, an Argentine corporation, is a wholly-owned subsidiary of Dominion Energy, Inc., which is a wholly-owned subsidiary of Dominion Resources, Inc.

DMASA operates an eligible facility in Neuquen Province, Argentina that consists of five natural gas-fired turbines with a combined nominal power production capacity of 98 MW.

Comment date: May 3, 1993, in accordance with Standard Paragraph W at the end of this notice.

Standard Paragraphs

W. Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. 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. 93–10261 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

United States of America Federal Energy Regulatory Commission

[Docket No. CP93–314–000]

El Paso Natural Gas Co. and Columbia Gas Transmission Corp.; Application

April 27, 1993.

Take notice that on April 26, 1993, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325–1273 (jointly referred to as Applicants), filed in Docket No. CP93–314–000 a joint application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a certificated gas exchange service, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that El Paso and Columbia request permission and approval to abandon the exchange of up to 9,000 Mcf of natural gas per day which was originally certificated in Docket No. CP78–444–000. It is stated that a July 19, 1978 exchange agreement provides for El Paso's gas produced from High Island Blocks A–334 and A–335 to be delivered via long-term transportation arrangements with High Island Offshore System and U–T Offshore System (U–TOS) to Transcontinental Gas Pipe Line Corporation (Transco) on a firm basis at the tailgate of the separation plant of U–TOS at Johnson's Bayou, Cameron Parish, Louisiana. It is further stated that Transco then delivers equivalent quantities to Columbia, for El Paso's account, at the tailgate of Mobil Oil Corporation's Cameron Meadows Plant, which is adjacent to the U–TOS offshore plant. In addition, it is stated that in exchange, Columbia causes to be delivered to El Paso equivalent quantities produced from certain wells located in Eddy and Lea Counties, New Mexico, in which Columbia has an interest.

It is maintained that the natural gas reserves committed to the Applicants from offshore areas in the Gulf of Mexico and Eddy and Lea Counties, New Mexico, respectively, either have been released pursuant to a settlement agreement or have depleted to the extent that it is no longer economically feasible to produce the gas. It is also maintained that there have been no volumes to exchange between El Paso and Columbia since April 1985, and no imbalances exist. It is stated that neither party foresees further addition of wells to the exchange or any further need for exchange activity under the July 19, 1978 exchange agreement. It is further stated that the Applicants have agreed by letter agreement dated February 25, 1991, to waive the 12 month notice requirement and to terminate the exchange agreements upon receipt of regulatory approvals.

The Applicants state that upon receipt of the requested authorization to abandon the authorized exchange service, they will tender pursuant to Part 154 of the Commission's Regulations, and appropriate filing to reflect the cancellation of the special Rate Schedules X–43 and X–76 to El Paso's FERC Gas Tariff, Third Revised Volume No. 2 and to Columbia's FERC Gas Tariff, Original Volume No. 2, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations

under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in any subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for El Paso and Columbia to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10267 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

Federal Energy Regulatory Commission

[Docket No. CP92–552–003]

Granite State Gas Transmission, Inc.; Compliance Filing

April 27, 1993.

Take notice that on April 19, 1993, Granite State Gas Transmission, Inc. (Granite State) 300 Friberg Parkway, Westborough, Massachusetts 01581 filed the revised tariff sheets listed below in its FERC Gas Tariff, Second Revised Volume No. 1, containing changes in tariff provisions for effectiveness on January 30, 1993:

First Revised Sheet No. 91B
First Revised Sheet No. 92A
Second Revised Sheet No. 136
First Revised Sheet No. 137
Third Revised Sheet No. 138
First Revised Sheet No. 162
First Revised Sheet No. 167
First Revised Sheet No. 181
First Revised Sheet No. 183
First Revised Sheet No. 184
First Revised Sheet No. 190
First Revised Sheet No. 193

According to Granite State, the foregoing revised tariff sheets are filed in compliance with the Commission's order in Docket No. CP92–552–002 issued March 17, 1993. Granite State further states that it filed revised tariff sheets on December 30, 1992 establishing new Rate Schedules TF–1 and IT–1, and accompanying terms and conditions to provide part 284 open access transportation services on its system. It is further said that the Commission accepted Granite State's filing in its March 17th order, subject to conditions and that the instant filing is submitted in compliance with such conditions.

Granite State states that copies of its filing were served upon its customers Bay State Gas Company and Northern Utilities, Inc., the regulatory commissions of the states of Maine, Massachusetts and New Hampshire and the intervenors in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 4, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10270 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 3749–005]

Mitex, Inc.; Effective Date of Withdrawal of Application for License

April 27, 1993.

On April 30, 1986, Mitex, Inc., filed an application for license for the Yellowtail Afterbay Project No. 3749, to be located on the Big Horn River in Big Horn County, Montana. On January 11, 1993, Mitex, Inc., filed a notice of withdrawal of its application.

No one filed a motion in opposition to the notice of withdrawal, and the Commission took no action to disallow the withdrawal. Accordingly, pursuant to Rule 216 of the Commission's Rules of Practice and Procedure,[1] the withdrawal became effective on January 26, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10272 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI93–11–000]

Portland General Electric Co.; Application

April 27, 1993.

Take notice that on April 22, 1993, Portland General Electric Company ("Portland General"), One World Trade Center, 121 SW. Salmon Street, Portland, Oregon, filed an application under section 7 of the Natural Gas Act ("NGA") and part 157 of the Commission's regulations, requesting blanket certificate authorization with pregranted abandonment for an unlimited duration to make sales in interstate commerce for resale of natural gas subject to the Commission's NGA jurisdiction, except gas that has been transported through the Kelso-Beaver Pipeline, all as more fully set forth in the application.

Portland General states that the Kelso-Beaver Pipeline extends from an interconnection with Northwest Pipeline Corporation in Cowlitz County, Washington to the Beaver generating station in Columbia County, Oregon and is owned and operated, as tenants in common, ninety percent by Portland General and ten percent by KB Pipeline Company. Portland General states that the granting of its application will place it on equal footing with other natural gas merchants that have or will be granted blanket sales certificates pursuant to the Commission's Order Nos. 636 and 547.

To be heard or to protest the application a person must file a motion to intervene or a protest on or before May 10, 1993. A person filing a protest or motion to intervene must follow the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests or motions to intervene must be filed with the Federal Energy Regulatory Commission, Washington, DC 20426. The Commission will consider all filed protests in deciding the appropriate action to take but filing a protest does not make a protestant a party to the proceeding. A person wanting to be a party to a proceeding or to participate as a party in a hearing must file a motion to intervene. Under the procedure provided, unless

[1] 18 CFR 385.216.

otherwise advised, it will be unnecessary for Portland General to appear or be represented at any hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10266 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP84–82–015]

Tarpon Transmission Co.; Compliance Tariff Filing

April 27, 1993.

Take notice that on April 22, 1993, Tarpon Transmission Company (Tarpon) tendered for filing with the Commission as part of its FERC Gas Tariff, Original Volume No. 1, *pro forma* firm and interruptible transportation service agreements, proposed to be effective on November 1, 1992.

Tarpon states that the *pro forma* service agreements are filed in compliance with the Commission's order of February 4, 1993 (*Tarpon Transmission Co.*, 62 FERC ¶ 61,114 (1993)), approving an uncontested Offer of Settlement (Stipulation) filed by Tarpon on November 3, 1992. The *pro forma* service agreements incorporates the terms of the Stipulation including the rate change moratorium (and limitations thereon), negative salvage provisions, and transferee protections.

Tarpon has requested that the Commission waive its Regulations to the extent necessary to permit the *pro forma* service agreements to become effective November 1, 1992.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 4, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10269 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP91–203–000 and RP92–132–000]

Tennessee Gas Pipeline Co.; Informal Conference

April 27, 1993.

Take notice that an informal conference in regard to PCBs will be convened in this proceeding on May 5, 1993, at 2 p.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring a procedural schedule for PCB issues or the possible settlement of PCB issues.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214.

For additional information, contact Donald Williams (202) 208–0743 or Dennis H. Melvin at (202) 208–0042.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10271 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–312–000]

Williams Natural Gas Co.; Request Under Blanket Authorization

April 27, 1993.

Take notice that on April 23, 1993, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP93–312–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon by reclaim facilities originally installed for the receipt of transportation gas from Mid-Gulf, Inc. (Mid-Gulf) in Leavenworth County, Kansas, under the authorization issued in Docket No. CP82–479–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG seeks authorization to reclaim measuring, gas sampling and appurtenant facilities used in the receipt of transportation gas from Mid-Gulf and located in section 7, T8S, R22E, Leavenworth County, Kansas. It is stated that the facilities were originally installed in 1987 and certificated in Docket No. CP82–479–000.

WNG states that it notified Mid-Gulf of its desire to reclaim the facilities since they had not been used for several years, and, on March 30, 1993, Mid-Gulf agreed to WNG's proposal. According to WGN, the cost to reclaim the facilities to be abandoned is estimated at approximately $20.

According to WNG, since the facilities to be abandoned and reclaimed are above ground, this proposal will not significantly affect a sensitive environmental area.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10268 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–2–43–001]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 27, 1993.

Take notice that Williams Natural Gas Company (WNG) on April 23, 1993, tendered for filing Second Revised Fifteenth Revised Sheet No. 9 to its FERC Gas Tariff, First Revised Volume No. 1.

WNG states that it filed an out-of-cycle PGA filing on April 19, 1993, in the above referenced docket. The sheet No. 9 included in the PGA did not reflect a tariff filing made February 1, 1993, in Docket No. CP92–351–000, in which WNG removed tariff references to its Rodman gathering area. Second Revised Fifteenth Revised Sheet No. 9 is being filed to reflect tariff changes proposed in Docket No. CP92–351–000, which were approved by Commission letter order dated February 25, 1993.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance

with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 4, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10265 Filed 4–30–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

Coal Policy Committee, National Coal Council, Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Coal Policy Committee of the National Coal Council (NCC).

Date and Time: Wednesday, May 19, 1993, 2:30–4:30 p.m.

Place: The Madison Hotel, 15th & M Streets, NW., Washington, DC

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–5), Washington, DC 20585, Telephone: 202/586–3867.

Purpose of the Parent Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to coal and coal industry issues.

Purpose of the Meeting: Report on coal outreach activities and discussion of progress on current studies.

Tentative Agenda:

—Call to order and opening remarks by Joseph Craft, Chairman of the Coal Policy Committee.
—Remarks by Department of Energy representative.
—Report on coal outreach activities by Daniel Gerkin, Senior Vice President, National Coal Association.
—Discussion of progress on current studies.
—Roundtable discussion by members on issues.
—Discussion of any other business to be properly brought before the Committee.
—Public comment—10-minute rule.
—Adjournment.

Public Participation: The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcript: Available for public review and copying at the Public Reading Room, room 1E–190, Forrestal Building, 1000, Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on April 28, 1993.

Marcia Morris,

Deputy Advisory Committee, Management Officer.

[FR Doc. 93–10390 Filed 4–30–93; 8:45 am]

BILLING CODE 6450–01–M

National Coal Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: National Coal Council.

Date and Time: Thursday, May 20, 1993, 9 a.m.

Place: The Madison Hotel, 15th & M Streets, NW., Washington, DC.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–5), Washington, DC 20585. Telephone: 202/586–3867.

Purpose of the Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to coal and coal industry issues.

Tentative Agenda:

—Call to order by William R. Wahl, Chairman of the National Coal Council.
—Remarks by Chairman Wahl.
—Remarks by the Honorable Hazel R. O'Leary, Secretary of Energy (Invited).
—Informal dialogue with the Secretary of Energy.
—Guest speakers.
—Report of the Coal Policy Committee.
—Report of the Finance Committee.
—Report of the Nominating Committee.
—Discussion of any other business properly brought before the Council.
—Public comment—10-minute rule.
—Adjournment.

Public Participation: The meeting is open to the public. The Chairman of the Council is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Council will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcript: Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on April 28, 1993.

Marcia Morris,

Deputy Advisory Committee, Management Officer.

[FR Doc. 93–10389 Filed 4–30–93; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 93–39–NG]

El Paso Gas Marketing Co.; Application for Blanket Authorization to Export Natural Gas to Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed on April 5, 1993, by El Paso Gas Marketing Company (El Paso) requesting blanket authorization to export up to 75 Bcf of natural gas to Mexico over a two-year period, beginning on the date of first delivery. The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, June 2, 1993.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Susan K. Gregersen, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–070, 1000 Independence Avenue, SW., Washington, DC 20585. (202) 586–0063.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585. (202) 586–6667.

SUPPLEMENTARY INFORMATION: El Paso, a Delaware corporation with its principal place of business in El Paso, Texas, is a wholly-owned subsidiary of El Paso Natural Gas Company. El Paso will purchase the gas under their proposed export arrangement on a short-term or spot market basis, and will export the gas either on its own behalf, or as an

agent for others. El Paso will use existing pipeline facilities to transport the gas, and will submit quarterly reports detailing each transaction.

El Paso's export application will be reviewed under section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order Nos. 0204–111 and 0204–127. In deciding whether the proposed export is in the public interest, domestic need for the natural gas will be considered, and any other issue determined to be appropriate, including whether the arrangement is consistent with DOE policy to promote competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those who may oppose this application, should comment on these matters as they relate to the requested export authority. El Paso asserts there is no current need for the domestic gas that would be exported under the proposed arrangement. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Anyone who wants to become a party to this proceeding and to have their written comments considered as the basis for the decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

El Paso's application is available for inspection and copying in the Office of Fuels Programs docket room, 3F–056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–10388 Filed 4–30–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Final Filing Deadline in Special Refund Proceeding Involving Crude Oil Overcharge Refunds

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of setting final deadline for filing Applications for Refund in Crude Oil Overcharge Special Refund Proceeding [RF272 Case Nos.].

SUMMARY: The Office of Hearings and Appeals of the Department of Energy has set the final deadline for filing all Applications for Refund from the escrow account established to distribute crude oil overcharge refunds. The final deadline is June 30, 1994.

FOR FURTHER INFORMATION CONTACT: Thomas L. Wieker, Deputy Director, Virginia Lipton, Assistant Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585, (202) 586–2390 (Wieker), (202) 586–2400 (Lipton).

SUPPLEMENTARY INFORMATION: On July 28, 1986, the Department of Energy (DOE) issued a Notice stating its new policy concerning the administration of a refund proceeding in crude oil overcharge cases (hereinafter MSRP). 51 FR 27899 (August 4, 1986). The DOE announced that it would provide persons that were injured by crude oil overcharge violations an opportunity to apply for and receive refunds as restitution for that injury. The refund proceeding itself would be conducted by the Office of Hearings and Appeals (OHA). On August 28, 1986, the first crude oil overcharge refund application was filed with the OHA. On April 6, 1987, the OHA announced the specific procedures that it would use to consider crude oil refund applications. 52 FR 11737 (April 10, 1987). The OHA stated that it would use the special refund procedures codified at 10 CFR part 205, Subpart V, in processing the refund applications.

It has been nearly seven years since the DOE's restitutionary policy for crude oil overcharges was announced and more than six years since the first crude oil overcharge refund application was filed. We have now received nearly 95,000 such applications. Over 80,000 of these applications have been approved in written determinations mailed to each applicant and made available to the public in the OHA public reference room. In addition, the more significant of these determinations have been announced regularly in the Federal Register. To date, more than $210 million has been distributed to crude oil refund applicants, based on their purchases of 262 billion gallons of refined petroleum products. In view of these facts, we believe that this refund proceeding has been well publicized and that those firms, individuals and organizations that have an interest in filing for this type of refund have had a reasonable opportunity to do so.

Due to the need for administrative efficiency and for achieving finality with respect to this proceeding, we find that it is now time to set a deadline for filing all crude oil overcharge refund applications. In this regard, we have

noticed the filing of an increasing number of duplicate crude oil overcharge refund applications. These duplicates create an administrative burden, economic waste and the danger of granting duplicate refunds.

In view of the above considerations, and the need to close the proceeding so final disbursement of crude oil overcharge funds can be made, the OHA will not accept any crude oil overcharge refund applications postmarked after June 30, 1994. (That date coincides with the current deadline for filing claims for refunds based on the current refund rate of $.0008 per gallon of eligible refined petroleum products.) All Applications for Refund from crude oil overcharge funds that are postmarked after the final filing date of June 30, 1994, are subject to summary dismissal. *See, e.g., Gulf Oil Corp./Evarts Service Station*, 23 DOE ¶ 85,016 (1993). *See also, Shell Oil Co./ The Tennessean Truckstop, et al.*, 22 DOE ¶ 85,209 (1992). As provided in the MSRP, any funds remaining after all pending claims are resolved will be made available to the States and the United States Treasury for indirect restitution.

Dated: April 26, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93–10385 Filed 4–30–93; 8:45 am]

BILLING CODE 6450–01–P

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the proposed procedures for the disbursement of $150,000, plus accrued interest, obtained by the DOE under the terms of a consent order entered into with DeMenno-Kerdoon (Case No. LEF–0042). The OHA has determined that the funds will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986).

DATE AND ADDRESS: Applications for Refund from the crude oil funds should be clearly labeled "Application for Crude Oil Refunds" and should be mailed to Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Applications for Refund must be filed in duplicate no later than June 30, 1994. Any party who has previously filed an Application for Refund should not file another Application for Refund from the present crude oil funds. The previously filed crude oil application will be deemed filed in all crude oil proceedings as the procedures are finalized.

FOR FURTHER INFORMATION CONTACT: Thomas L. Wieker, Deputy Director, Office of Hearings and Appeals, 1000 Independence Ave., SW., Washington, DC 20585. (202) 586–2390.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy (DOE), 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order sets forth the procedures that the DOE has formulated to distribute $150,000 that has been remitted by DeMenno-Kerdoon (DeMenno). The DOE is currently holding the funds in an interest bearing account pending distribution.

The DOE has determined to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986). Under the Modified Policy, crude oil overcharge monies are divided among the states, federal government, and injured purchasers of refined products. Under the plan, refunds to the states will be in proportion to each state's consumption of petroleum products during the period of price controls. Refunds to eligible purchasers will be based on the number of gallons of petroleum products that they purchased and the extent to which they can demonstrate injury.

Applications for Refund must be postmarked no later than June 30, 1994. As we state in the Decision, any party who has previously submitted a refund application for in the crude oil refund proceedings should not file another application for refund in the crude oil proceedings. The previously filed crude oil application will be deemed filed in all crude oil proceedings as the procedures are finalized.

Dated: April 27, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order—Implementation of Special Refund Procedures

Name of Firm: DeMenno-Kerdoon
Date of Filing: February 20, 1992
Case Number: LEF–0042

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special refund procedures. 10 CFR 205.281. These procedures are used to refund monies to those injured by actual or alleged violations of the DOE price regulations.

In this Decision and Order, we consider a Petition for Implementation of Special Refund Procedures filed by the ERA on February 20, 1992 for funds obtained due to alleged crude oil violations. The funds at issue in that Petition were obtained from DeMenno-Kerdoon (DeMenno). On December 31, 1986, the ERA issued a Proposed Remedial Order (PRO) against DeMenno for alleged violations of the regulations governing crude oil. The PRO alleged that DeMenno failed to properly report or certify 4,012,009 barrels of controlled and uncontrolled crude oil during the period from January 1979 through December 1980. Because it did not properly report and certify those barrels of crude oil, the PRO alleges that, DeMenno received excess entitlements valued at $75,393,683. On September 30, 1988, DeMenno entered into a Consent Order with the DOE in which it agreed to pay not less than $150,000 in order to resolve the DOE's claim. DeMenno further agreed to make Adjusted Net Income Participation Payments between 1991 and 1995 based upon a formula set forth in the Consent Order. However, DeMenno subsequently filed for Chapter 11 bankruptcy. On July 17, 1990, the DOE accepted DeMenno's Plan of Reorganization and agreed to take a total of $150,000 in settlement of the claim. That $150,000 has been received by the DOE.

The general guidelines which the OHA may use to formulate and implement a plan to distribute refunds are set forth in 10 CFR part 205, subpart V. The subpart V process may be used in situations where the DOE cannot readily identify the persons who may have been injured as a result of actual or alleged violations of the regulations or ascertain the amount of the refund each person should receive. For a more detailed discussion of subpart V and the authority of the OHA to fashion procedures to distribute refunds, see *Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981). We have considered the ERA's request to implement subpart V procedures with respect to the monies received from DeMenno and have determined that such procedures governing the

distribution of crude oil overcharges are appropriate.[1]

I. Background

On July 28, 1986, the DOE issued a Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986) (the MSRP). The MSRP, issued as a result of a court-approved Settlement Agreement in In re: The Department of Energy Stripper Well Exemption Litigation, M.D.L. No. 378 (D. Kan. 1986) (the Stripper Well Agreement), provides that crude oil overcharge funds will be divided among the states, the federal government, and injured purchasers of refined petroleum products. Under the MSRP, up to twenty percent of these crude oil overcharge funds will be reserved to satisfy valid claims by injured purchasers of petroleum products. Eighty percent of the funds, and any monies remaining after all valid claims are paid, are to be disbursed equally to the states and federal government for indirect restitution.

Shortly after the issuance of the MSRP, the OHA issued an Order that announced its intention to apply the Modified Policy in all subpart V proceedings involving alleged crude oil violations. Order Implementing the MSRP, 51 FR 29689 (August 20, 1986). In that Order, the OHA solicited comments concerning the appropriate procedures to follow in processing refund applications in crude oil refund proceedings. On April 6, 1987, the OHA issued a Notice analyzing the numerous comments and setting forth generalized procedures to assist claimants that file refund applications for crude oil monies under the subpart V regulations. 52 FR 11737 (April 10, 1987) (the April Notice).

The OHA has applied these procedures in numerous cases since the April Notice, i.e., *New York Petroleum, Inc.*, 18 DOE ¶ 85,435 (1988) (*NYP*); *Shell Oil Co.*, 17 DOE ¶ 85,204 (1988); *Ernest A. Allerkamp*, 17 DOE ¶ 85,079 (1988) (*Allerkamp*), and the procedures have been approved by the United States District Court for the District of Kansas as well as the Temporary Emergency Court of Appeals (TECA). In the case *In re: The Department of Energy Stripper Well Exemption Litigation*, various states filed a Motion with the Kansas District Court, claiming that the OHA violated the Stripper Well Agreement by employing presumptions of injury for end-users and by improperly calculating the refund amount to be used in those proceedings. *In re: The Department of Energy Stripper Well Exemption Litigation*, 671 F. Supp. 1318 (D. Kan. 1987), *aff'd*, 857 F. 2d 1481 (Temp. Emer. Ct. App. 1988). On August 17, 1987, Judge Theis issued an Opinion and Order denying the states' Motion in its entirety. The court concluded that the Stripper Well Agreement "does not bar [the] OHA from permitting claimants to employ reasonable presumptions in affirmatively demonstrating injury entitling them to a refund." *Id.* at 1323. The court also ruled that, as specified in the April Notice, the OHA could calculate refunds based on a portion of the M.D.L. 378 overcharges. *Id.* at 1323–24.

II. The Proposed Decision and Order

On April 30, 1992, the OHA issued a Proposed Decision and Order (PDO) establishing tentative procedures to distribute the alleged crude oil violation amount obtained from DeMenno. 57 FR 19421 (May 6, 1992). The OHA tentatively concluded that the funds should be distributed in accordance with the MSRP and the April Notice. Pursuant to the MSRP, the OHA proposed to reserve initially twenty percent of the crude oil violation funds for direct restitution to applicants who claim that they were injured by the alleged crude oil violations. The remaining eighty percent of the funds would be distributed to the states and federal government for indirect restitution. After all valid claims have been paid, any remaining funds in the claim reserve would also be divided between the states and federal government. The federal government's share ultimately would be deposited into the general fund of the Treasury of the United States.

In the PDO, the OHA proposed to require applicants for refund to document their purchase volumes of petroleum products during the period of price controls and to prove that they were injured by the alleged crude oil overcharges. The PDO stated that end-users of petroleum products whose businesses are unrelated to the petroleum industry are presumed to have absorbed the crude oil overcharges, and need not submit any further proof of injury to receive a refund. The OHA also proposed to calculate refunds on the basis of a volumetric refund amount, as described in the April Notice. The PDO provided a period of 30 days from the date of publication in the **Federal Register** in which comments could be filed regarding the tentative distribution process. More than 30 days have elapsed and the OHA has received no comments concerning the proposed procedures for the distribution of the DeMenno settlement funds. Consequently, the procedures will be adopted as proposed.

III. The Refund Procedures

A. Refund Claims

The OHA has concluded that the $150,000, plus interest that has accrued on that amount, should be distributed in accordance with the crude oil refund procedures discussed above. We have decided to reserve the full twenty percent of the alleged crude oil violation amount, or $30,000, plus interest, for direct refunds to claimants, in order to insure that sufficient funds will be available for refunds to injured parties.

The process which the OHA will use to evaluate claims based on alleged crude oil violations will be modeled after the process the OHA has used in subpart V proceedings to evaluate claims based upon alleged overcharges involving refined products. *E.g., Mountain Fuel Supply Co.*, 14 DOE ¶ 85,475 (1986) (*Mountain Fuel*). As in non-crude oil cases, applicants will be required to document their purchase volumes of covered products and prove that they were injured as a result of the alleged violations. Generally, a covered product is any product that was covered by the Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751–760, and was primarily produced at a crude oil refinery. *E.g., Anchor Continental, Inc.*, 22 DOE ¶ 85,003 (1992). Applicants who were end-users or ultimate consumers of petroleum products, whose businesses are unrelated to the petroleum industry, and who were not subject to the DOE price regulations are presumed to have been injured by any alleged crude oil overcharges. In order to receive a refund, end-users need not submit any further evidence of injury beyond the volume of petroleum products purchased during the period of price controls. *E.g., A. Tarricone, Inc.*, 15 DOE ¶ 85,495 at 88,893–96 (1987). However, the end-user presumption of injury can be rebutted by evidence which establishes that the specific end-user in question was not injured by the

[1] The Consent Order specifically states that it settled, but was not limited to, the violations alleged in the PRO and that it settled "all pending and potential civil and administrative claims and disputes * * * arising out of the Federal Petroleum Price and Allocation Regulations * * * during the period August 19, 1973 through January 27, 1981." Consent Order at ¶ 101; *see also Id.* at ¶ 203(b). That language would generally lead the OHA to allocate a portion of the settlement amount to a refined products pool in order to satisfy claims by purchasers of DeMenno's refined petroleum products. However, because the settlement was for significantly less than the crude oil violations alleged in the PRO, the OHA believes that it is most reasonable to put all of the settlement money into the crude oil fund.

crude oil overcharges. *E.g., Berry Holding Co.*, 16 DOE ¶ 85,405 at 88,797 (1987). If an interested party submits evidence that is sufficient to cast serious doubt on the end-user presumption, the applicant will be required to produce further evidence of injury. *E.g., NYP*, 18 DOE at 88,701–03.

Reseller and retailer claimants must submit detailed evidence of injury, and may not rely on the presumptions of injury utilized in refund cases involving refined petroleum products. They can, however, use econometric evidence of the type employed in the *OHA Report to the District Court in the Stripper Well Litigation, reprinted in* 6 Fed. Energy Guidelines ¶ 90,507. Applicants who executed and submitted a valid waiver pursuant to one of the escrows established in the Stripper Well Agreement have waived their rights to apply for crude oil refunds under subpart V. *Mid-America Dairyman, Inc.* v. *Herrington*, 878 F. 2d 1448 (Temp. Emer. Ct. App. 1989); *accord, Boise Cascade Corp.*, 18 DOE ¶ 85,970 (1989).

Refunds to eligible claimants who purchased refined petroleum products will be calculated on the basis of a volumetric refund amount derived by dividing the alleged crude oil violation amounts involved in this determination ($150,000) by the total consumption of petroleum products in the United States during the period of price controls (2,020,997,335,000 gallons). *Mountain Fuel*, 14 DOE at 88,868 n.4. This yields a volumetric refund amount of $0.0000000742 per gallon.

As we stated in previous Decisions, a crude oil refund applicant will be required to submit only one Application for crude oil overcharge funds. *E.g., Allerkamp*, 17 DOE at 88,176. Any party that has previously submitted a refund Application in the crude oil refund proceedings need not file another Application. That previously filed Application will be deemed to be filed in all crude oil proceedings as the procedures are finalized. The DOE has established June 30, 1994 as the current deadline for filing an Application for Refund from the crude oil funds. *Anchor Gasoline Corp.*, 22 DOE ¶ 85,071 (1992). It is the policy of the DOE to pay all crude oil refund claims filed within this deadline at the rate of $.0008 per gallon. However, while we anticipate that applicants that filed their claims within the original June 30, 1988 deadline will receive a supplemental refund payment, we will decide in the future whether claimants that filed later Applications should receive additional refunds. *E.g., Seneca Oil Co.*, 21 DOE ¶85,327 (1991). Notice of any additional amounts available in the future will be published in the **Federal Register**.

B. Crude Oil Application Requirements

To apply for a crude oil refund, a claimant should submit an Application for Refund containing all of the following information:

(1) Identifying information including the claimant's name, current business address, business address during the refund period, taxpayer identification number, a statement indicating whether the claimant is a corporation, partnership, sole proprietorship, or other business entity, the name, title, and telephone number of a person to contact for any additional information, and the name and address of the person who should receive any refund check.[2] If the applicant operated under more than one name or under a different name during the price control period, the applicant should specify these names;

(2) If the applicant's firm is owned by another company, or owns other companies, a list of those companies' names, addresses, and descriptions of their relationship to the applicant's firm;

(3) A brief description of the claimant's business and the manner in which it used the petroleum products listed on its application;

(4) A statement identifying the petroleum products which the applicant purchased during the period August 19, 1973 through January 27, 1981, an annual schedule displaying the number of gallons of each petroleum product purchased during this refund period, and the total number of gallons of all petroleum products claimed on the refund application;

(5) An explanation as to how the applicant obtained the above mentioned purchase volumes, and, if estimates were used, a description of its method of estimation;

(6) A statement that neither the claimant, its parent firm, affiliates, subsidiaries, successors, nor assigns has waived any right it may have to receive a crude oil refund (e.g., by having executed and submitted a valid waiver accompanying a claim to any of the escrow accounts established pursuant to the Stripper Well Settlement Agreement);

(7) A statement that the applicant has not filed any other refund application in the Subpart V crude oil refund proceeding;

(8) If the applicant is not an end-user, was covered by the DOE price regulations, or is related to the petroleum industry, a showing that the applicant was injured by the alleged crude oil overcharges;

(9) If the Applicant is a regulated utility or a cooperative, certifications that it will pass on the entirety of any refund received to its customers, will notify its state utility commission, other regulatory agency, or membership body of the receipt of any refund, and a brief description as to how the refund will be passed along;

(10) The statement listed below signed by the individual applicant or a responsible official of the company filing the refund application:

> I swear (or affirm) that the information contained in this application and its attachments is true and correct to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application which will be placed in the OHA Public Reference Room.

All applications should be either typed or printed and clearly labeled "Application for Crude Oil Refund." Each applicant must submit an original and one copy of the application. If the applicant believes that any of the information in its application is confidential and does not wish for this information to be publicly disclosed, it must submit an original application, clearly designated "confidential," containing the confidential information, and two copies of the application with the confidential information deleted. All refund applications should be sent to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

The filing deadline is June 30, 1994. Even though an applicant is not required to use any specific form for its crude oil refund application, a suggested form has been prepared by the OHA and may be obtained by sending

[2] Under the Privacy Act of 1974, the submission of a social security number by an individual applicant is voluntary. An applicant that does not wish to submit a social security number must submit an employer identification number if one exists. This information will be used in processing refund applications, and is requested pursuant to our authority under the Petroleum Overcharge Distribution and Restitution Act of 1986 and the regulations codified at 10 CFR Part 205, subpart V. The information may be shared with other Federal agencies for statistical, auditing or archiving purposes, and with law enforcement agencies when they are investigating a potential violation of civil or criminal law. Unless an applicant claims confidentiality, this information will be available to the public in the Public Reference Room of the Office of Hearings and Appeals.

a written request to the address listed above.

C. Payments to the Federal Government and the States

Under the terms of the MSRP, the remaining eighty percent of the alleged crude oil violation amounts subject to this Decision, or $120,000, plus interest, should be disbursed in equal shares to the states and federal government for indirect restitution. Accordingly, we will direct the DOE's Office of the Controller to segregate the $120,000, plus interest, available for disbursement to the states and federal government and transfer one-half of that amount, or $60,000, plus interest, into an interest-bearing subaccount for the states, and one-half, or $60,000, plus interest, to an interest-bearing subaccount for the federal government. The share or ratio of the funds which each state will receive is contained in Exhibit H of the Stripper Well Agreement. When disbursed, these funds will be subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Stripper Well Agreement.

It Is Therefore Ordered That:

(1) Applications for Refund from the alleged crude oil overcharge funds remitted by DeMenno-Kerdoon may now be filed.

(2) All Applications submitted pursuant to paragraph (1) above must be filed in duplicate and postmarked no later than June 30, 1994.

(3) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller, Department of Energy, shall take all steps necessary to transfer $150,000 (plus interest) from the DeMenno-Kerdoon subaccount (Account Number N00S98095Z), pursuant to Paragraphs (4), (5), and (6) of this decision.

(4) The Director of Special Accounts and Payroll shall transfer $60,000 (plus interest) of the funds obtained pursuant to paragraph (3) above, into the subaccount denominated "Crude Tracking—States," Number 999DOE003W.

(5) The Director of Special Accounts and Payroll shall transfer $60,000 (plus interest) of the funds obtained pursuant to paragraph (3) above, into the subaccount denominated "Crude Tracking—Federal," Number 999DOE002W.

(6) The Director of Special Accounts and Payroll shall transfer $30,000 (plus interest) of the funds obtained pursuant to paragraph (3) above, into the subaccount denominated "Crude Tracking—Claimants 4," Number 999DOE010Z.

Dated: April 27, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93–10386 Filed 4–30–93; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4625–5]

Industrial Economics, Inc.; Transfer of Confidential Business Information to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has contracted with Industrial Economics, Inc., (IEC), to review and analyze information reported under the various statutes administered by the agency. Some of the materials which IEC will review will contain confidential business information.

DATES: Transfer of data submitted to EPA and claimed to be confidential will occur no sooner than May 13, 1993.

FOR FURTHER INFORMATION CONTACT: Jonathan Libber, Office of Enforcement (LE–133), U.S. EPA, 401 M Street, SW., Washington, DC. 20460, (202) 260–6777.

SUPPLEMENTARY INFORMATION: EPA requires the assistance of outside experts to evaluate the information reported under the various statutes it administers. The statutes which allow disclosure to outside contractors are as follows: Clean Air Act (CAA) sections 114, 208, 307(a); Clean Water Act (CWA) sections 308, 509(a); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104; Resource Conservation and Recovery Act (RCRA) sections 3001(b)(3)(B), 3007(b), 9005(b); and the Safe Drinking Water Act (SDWA) section 1445(d). The firm of Industrial Economics, Inc., (IEC), 2067 Massachusetts Avenue, Cambridge, MA 02140, was selected to assist EPA. (Contract Nos. 68–W1–0009, 68–W9–0003).

EPA has determined that it will need to disclose confidential business information to IEC in the course of courtroom trials and administrative proceedings. The purpose of this disclosure is to elicit expert opinions regarding financial issues in those proceedings. If any information is claimed to be confidential, reports prepared by IEC dealing with this confidential business information will be treated as confidential. After evaluating the information obtained, IEC will return the information and any reports it prepares to EPA.

Because IEC will review information claimed to be confidential, EPA is publishing this notice to inform all submitters of information that this contractor will have access to confidential business information from EPA.

IEC is under obligation to safeguard confidential business information from any unauthorized disclosure. IEC will be required to sign a nondisclosure agreement and be briefed on appropriate security procedures before it is permitted access to such information.

Robert Heiss,

Director of Enforcement Policy, Office of Compliance Analysis and Program Operations.

[FR Doc. 93–10362 Filed 4–30–93; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 93–376]

Commission Announces Tentative Selectees for 220–222 MHZ Nationwide Commercial Private Land Mobile Channels

April 1, 1993.

On March 31, 1993, the Commission conducted a lottery for the purpose of determining the tentative selectees for the nationwide commercial private land mobile channels in the 220–222 MHz band.

In accordance with the Commission's rules dealing with random selection procedures, 47 CFR 1.972, this Public Notice is issued to announce the tentative selectees for these channels.

As indicated in 47 CFR 1.972(d), the Commission will grant the applications of those tentative selectees that are determined to be qualified to receive licenses under 47 CFR part 90 of the rules.

The following are the four tentative selectees for the 220–222 MHz nationwide commercial private land mobile channels:

	Tentative selectee	Lottery ID No.
Channels 21–25.	Hughes, Kingdon R.	058
Channels 26–30.	Comtech Inc	028

	Tentative selectee	Lottery ID No.
Channels 151–155.	Global Cellular Communications Inc.	049
Channels 156–160.	Warren, Jean M	124

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 93–10242 Filed 4–30–93; 8:45 am]
BILLING CODE 6712–01–M

[Report No. 1936]

Petitions for Reconsideration and Clarification and Request for Stay of Actions in Rule Making Proceedings

Petitions for reconsideration and clarification and request for stay have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC or may be purchased from the Commissions copy contractor ITS, Inc. (202) 857–3800. Opposition to these petitions and request must be filed May 18, 1993. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of part 25 of the Commission's Rules and Regulations to Reduce Alien Carrier Interference Between Fixed Satellites at Reduced Orbital Spacings and to Revise Application Processing Procedures for Satellite Communication Services. (CC Docket No. 86–496, RM–4206). Number of Petitions Filed: 2.

Subject: Amendment of section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bay City, Brenhan, Cameron, Centerville, Edna, Ganado, Giddings, Harker Heights, Hearne, LaGrange, Matagorda, New Ulm, Point Confort, Rollingwood, Rosenberg, and Seadrift, Texas) (MM Docket No. 89–459, RM Nos. 7009, 7260, 7261, 7262, 7263, 7264). Number of Petitions Filed: 1.

Subject: Amendment of Part 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896–901 MHz and 935–940 MHz Bands Allotted to the Specialized Mobile Radio Pool. (PR Docket No. 89–553).

Modifications of FCC Rule Section 90.627(b) Governing Multiple Sites for Specialized Mobile Radio Service Systems in Rural Markets. (RM–6724).

Amendment of Parts 2 and 94 of the Commission's Rules to Allocate Spectrum in the 896–901 MHz and 935–901 MHz Frequency Bands for Multiple Address Systems and Point-to-Point Operations. (RM–6579). Number of Petitions Filed: 1.

Subject: Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing Applications for Unserved Areas in the Cellular Services and to Modify Other Cellular Rules. (CC Docket No. 90–6). Number of Petitions Filed: 8.

Subject: Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990. (CC Docket No. 90–571). Number of Petitions Filed: 4.

Subject: Amendment of Part 90 of the Commission's Rules to Create the Emergency Medical Radio Service. (PR Docket No. 91–72, RM–7336). Number of Petitions Filed: 2.

Subject: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Corpus Christi and Three Rivers, Texas) (MM Docket No. 91–193, RM Nos. 7717 & 7822). Number of Petitions Filed: 1.

Subject: Implementation of Cable Television Consumer Protection and Competition Act of 1992. Cable Home Wiring (MM Docket No. 92–260). Number of Petitions Filed: 3.

Subject: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Columbia Falls, Montana) (MM Docket No. 92–281, Rm–8118). Number of Petitions Filed: 1.

Request for Stay

Subject: Amendment of Part 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896–901 MHz and 935–940 MHz Bands Allotted to the Specialized Mobile Radio Pool. (PR Docket No. 89–553).

Modifications of FCC Rule Section 90.627(b) Governing Multiple Sites for Specialized Mobile Radio Service Systems in Rural Markets. (RM–6724).

Amendment of Parts 2 and 94 of the Commission's Rules to Allocate Spectrum in the 896–901 MHz and 935–901 MHz Frequency Bands for Multiple Address Systems and Point-to-Point Operations. (RM–6579). Number of Requests Filed: 1.

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 93–10241 Filed 4–30–93; 8:45 am]
BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Public Information Collection Requirements Submitted to OMB for Review

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following public information collection requirements for review and clearance in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

DATES: Comments on this information collection must be submitted on or before July 2, 1993.

ADDRESSES: Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: the FEMA Information Collections Clearance Officer at the address below; and to Gary Waxman, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503, (202) 395–7340, within 60 days of this notice.

FOR FURTHER INFORMATION CONTACT: Copies of the above information collection request and supporting documentation can be obtained by calling or writing Linda Borror, FEMA Information Collections Clearance Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2624.

Type: Revision of 3067–0148.

Title: Consultation with Local Officials to Assure Compliance with Sections 110 and 206 of the Flood Disaster Protection Act of 1973.

Abstract: National Flood Insurance Program (NFIP) regulations, 44 CFR 66 and 67, require scientific and technical data, which demonstrates the need for a revision, be submitted by communities to request revisions to special flood hazard areas (SFHA's), base (100-year) flood elevations (BFE's), flood insurance rate maps (FIRM's), and flood boundary and floodway maps (FBFM's). An application/certification package of forms and instructions has been developed to supplement the general information requirements in the regulations, as well as to establish an organized, systematic approach to initially collect the correct and appropriate data. The use of the forms will minimize the need for follow ups with communities and will ensure that decisions made on the requests are more timely. The application/certification package contains the following forms: Revision Requester and Community

Official Form; Certification by Registered Professional Engineer and/or Land Surveyor; Hydrologic Analysis Form; Hydraulic Analysis Form; Riverine/Coastal Mapping Form; Channelization Form; Bridge/Culvert Form; Levee/Floodwall System Analyses Form; Coastal Analyses Form; Coastal Structures Form; Dam Form; and Alluvial Fan Flooding Form.

Type of Respondents: State and local governments.

Estimate of Total Annual Reporting and Recordkeeping Burden: 5,502 Hours.

Number of Respondents: 700.

Estimated Average Burden Time per Response: 7.86 Hours.

Frequency of Response: On occasion.

Dated: April 2, 1993.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 93–10333 Filed 4–30–93; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

First Union Corporation; Application to Engage in Certain Nonbanking Activities

First Union Corporation, Charlotte, North Carolina (Applicant), has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(C)(8)) (BHC Act) to engage through its wholly owned subsidiary, First Union Securities, Inc., Charlotte, North Carolina (Company), in the following nonbanking activities:

1. Purchasing and selling, for its own account: (A) U.S. Government securities, futures, options, and options on futures with respect to foreign exchange, government securities, and other money market instruments which a bank may buy or sell in the cash market for its own account, and indices on such securities and instruments, interest rate and currency swap, cap, floor, and collar transactions, and warrants and forward rate agreements on interest rates of major currencies, in over-the-counter and exchange-traded transactions; (B) futures, options, and options on futures with respect to gold and silver in exchange-traded transactions; and (C) foreign exchange in spot and forward transactions.[1]

2. Providing advice to affiliates with respect to: (A) Trading debt securities; (B) trading futures, options, and options on futures with respect to debt and equity securities, including futures and options on futures contracts based upon indices of debt and equity securities; and (C) trading futures, options, and options on futures with respect to gold and silver.

Applicant seeks approval to conduct the proposed activities throughout the United States.

Closely Related to Banking Standard

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto". In determining whether a proposed activity is closely related to banking for purposes of the BHC Act, the Board considers, *inter alia*, the matters set forth in *National Courier Association* versus *Board of Governors of the Federal Reserve System*, 516 F.2d 1229 (D.C. Cir. 1975). These considerations are (1) Whether banks generally have in fact provided the proposed services, (2) whether banks generally provide services that are operationally or functionally so similar to the proposed services as to equip them particularly well to provide the proposed services, and (3) whether banks generally provide services that are so integrally related to the proposed services as to require their provision in a specialized form. *See id.* at 1237.

Applicant states that the Board previously has determined by order that the proposed activities are closely related to banking. *See The Hongkong and Shanghai Banking Corporation, et al.*, 75 Federal Reserve Bulletin 217 (1989); *Swiss Bank Corporation*, 77 Federal Reserve Bulletin 126 (1991); *Swiss Bank Coroporation*, 77 Federal Reserve Bulletin 759 (1991). Applicant further states that the proposed activities will be conducted in accordance with the conditions established by the Board in these orders.

Proper Incident to Banking Standard

In order to approve the proposal, the Board must determine that the proposed activities to be conducted by Company "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." 12 U.S.C. 1843(c)(8).

Applicant believes that the proposal will produce public benefits that outweigh any potential adverse effects. In particular, Applicant maintains that the proposal will enhance market competition, enable Applicant to diversify the risk associated with trading in bank-eligible securities and related derivative instruments, and result in the transfer from an insured depository institution to a nonbank subsidiary of activities subject to market uncertainties. In addition, Applicant states that the proposed activities will not result in adverse effects such as an undue concentration of resources, decreased or unfair competition, or unsound banking practices.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application, and does not represent a determination by the Board that the proposal meets or is likely to meet the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than May 19, 1993. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Richmond.

Board of Governors of the Federal Reserve System, April 28, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

Appendix

London International Financial Futures Exchange

Futures:
- German Government Bond (Bund)
- U.S. Treasury Bond
- Japanese Government Bond (JGB)
- Eurodollar

Options:
- German Government Bond (Bund) Futures
- U.S. Treasury Bond Futures
- Eurodollar Futures

[1] The specific futures, options, options on futures and other instruments and contracts which Applicant proposes to purchase and sell through Company, and the exchanges on which such transactions would be executed, are listed in the Appendix.

Chicago Board of Trade

Futures:
- U.S. Treasury Bond
- 2-Year, 5-Year, and 10-Year U.S. Treasury Notes
- Long-Term Municipal Bond Index
- Mortgage-Backed Securities
- 3-Year and 5-Year Interest Rate Swaps
- 30-Day Federal Funds Interest Rate
- Kilo Gold
- 100-Ounce Gold
- 1000-Ounce Silver
- 5000-Ounce Silver

Options:
- U.S. Treasury Bond Futures
- 5-Year and 10-Year U.S. Treasury Note Futures
- Long-Term Municipal Bond Index Futures
- Mortgage-Backed Securities Futures
- 3-Year and 5-Year Interest Rate Swap Futures
- 1000-Ounce Silver Futures

Chicago Mercantile Exchange and International Monetary Market

Futures:
- Swiss Franc
- Japanese Yen
- German Mark
- British Pound
- Canadian Dollar
- U.S. Treasury Bill
- Eurodollar
- 30-Day LIBOR

Options:
- Eurodollar Futures
- U.S. Treasury Bill Futures
- 30-Day LIBOR Futures

Commodity Exchange, Inc.

Futures:
- 100 Troy Ounce Gold
- 5000 Troy Ounce Silver

New York Commodities Exchange

Futures:
- 2-Year and 5-Year Treasury Notes

Options:
- 5-Year Treasury Note Futures

Chicago Board Options Exchange

Options:
- U.S. Treasury Bond (Specific Issues)
- 5-Year U.S. Treasury Note (Specific Issues)
- Short-Term Treasury Index Futures
- Long-Term Treasury Index Futures

Over-the-Counter Market

Contracts:
- U.S. Treasury Bills, Notes, and Bonds
- Warrants and Forward Rate Agreements on Interest
- Rates of Major Currencies
- Interest Rate and Currency Swaps, Caps, Floors, and Collars (including Caps, Floors, and Collars on Interest Rates of Major Currencies)

[FR Doc. 93–10432 Filed 4–30–93; 8:45 am]

BILLING CODE 6210–01–M

GENERAL SERVICES ADMINISTRATION

[G–93–2]

Delegation of Authority to the Secretary of Transportation

Pursuant to the authority vested in the Administrator of General Services by section 3726 of Title 31, United States Code, and redelegated to the Director, Office of Transportation Audits, Federal Supply Service, I have determined that it is both cost-effective and in the public interest to delegate authority to the Secretary of Transportation to conduct prepayment audits of domestic and foreign household goods, motor, air and rail freight, air passenger, and water freight, subject to the provisions of the Federal Property Management Regulations, Title 41, Code of Federal Regulations, Subpart 101–41, and amendments thereto. These prepayments audits will be conducted by a General Services Administration's (GSA's) contractor, at the contractor's site for the U.S. Coast Guard Supply Center, Brooklyn, New York.

The Secretary of Transportation may redelegate this authority to any officer, official, or employee of the Department of Transportation.

The Secretary of Transportation shall notify GSA in writing of these additional delegations. This delegation is effective upon publication in the **Federal Register.**

Dated: April 21, 1993.

R.W. Piasecki,

Director, Office of Transportation Audits.

[FR Doc. 93–10250 Filed 4–30–93; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

CDC Advisory Committee on the Prevention of HIV Infection (CDC ACPHI): Subcommittee on Improving Public Understanding of the HIV Epidemic: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following subcommittee meeting.

Name: CDC ACPHI Subcommittee on Improving Public Understanding of the HIV Epidemic.

Times and Dates: 10 a.m.–5 p.m., May 18, 1993; 8:30 a.m.–4 p.m., May 19, 1993.

Place: CDC National AIDS Clearinghouse, 1600 Research Boulevard, Rockville, Maryland 20850.

Status: Open to the public, limited only by the space available.

Purpose: This is the second meeting of this subcommittee which will include a site visit to the CDC National AIDS Clearinghouse. The subcommittee will continue to discuss CDC's public information programs.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: 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. 93–10295 Filed 4–30–93; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 93F–0111]

Allied-Signal, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Allied-Signal, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of Nylon 6/66 copolymers as components of nonfood-contact layers of multilayer food packaging used at temperatures that do not exceed 212 °F.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9500.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4369) has been filed by Allied-Signal, Inc., c/o 1100 G St. NW., Washington, DC 20001. The petition proposes to amend the food additive regulations in § 177.1395 *Laminate structures for use at temperatures between 120 °F and 250 °F* (21 CFR 177.1395) to provide for the safe use of Nylon 6/66 copolymers complying with 21 CFR 177.1500(b), item 4.2, as components of nonfood-contact layers of multilayer food packaging used at temperatures that do not exceed 212 °F.

The potential environmental impact of this action is being reviewed. If the

agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: April 23, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-10310 Filed 4-30-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 92M-0390]

Ciba Vision Corp.; Premarket Approval of CIBA 2000™ Spherical (Atlafilcon A) Soft (Hydrophilic) Contact Lenses (Clear)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application by CIBA Vision Corp., Atlanta, GA, for premarket approval, under section 515 of the Federal Food, Drug, and Cosmetic Act (the act), to expand the indications for the clear CIBA 2000™ Spherical (atlafilcon A) Soft (hydrophilic) Contact Lenses from daily wear use to include extended wear. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 11, 1992, of the approval of the supplemental application.

DATES: Petitions for administrative review by June 2, 1993.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James F. Saviola, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1080.

SUPPLEMENTARY INFORMATION: On December 31, 1990, CIBA Vision Corp., 2910 Amwiler Ct., Atlanta, GA 30360, submitted to CDRH a supplemental application for premarket approval to expand the indications of the clear CIBA 2000™ Spherical (atlafilcon A) Soft (hydrophilic) Contact Lenses from daily wear use to include extended wear. The lenses are indicated for daily wear or extended wear from 1 to 7 days between removal for cleaning and disinfection as recommended by the eye care practitioner. The lenses are indicated for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic or hyperopic. The lenses may be worn by persons who exhibit astigmatism of 2.00 diopters (D) or less that does not interfere with visual acuity. The lenses range in powers from -20.00 D to +12.00 D.

In accordance with the provisions of section 515(c)(2) of the act as amended by the Safe Medical Devices Act of 1990, this supplemental premarket approval application (PMA) was not referred to the Ophthalmic Devices Panel, an FDA advisory panel, for review and recommendation because the information in the supplemental PMA substantially duplicates information previously reviewed by the panel. On September 11, 1992, CDRH approved the application by a letter to the applicant from the Acting Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before June 2, 1993, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: April 21, 1993.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 93-10308 Filed 4-30-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 93M-0023]

CarboMedics, Inc.; Premarket Approval of the Gelseal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by CarboMedics, Inc., Austin, TX, for premarket approval, under section 515 of the Federal Food, Drug, and Cosmetic Act (the act), of the Gelseal. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of January 11, 1993, of the approval of the application.

DATES: Petitions for administrative review by June 2, 1993.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lisa Kennell, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 1390 Piccard

Dr., Rockville, MD 20850, 301–427–1200.

SUPPLEMENTARY INFORMATION: On February 15, 1991, Medtronic, Inc., Minneapolis, MN 55432–3576 (subsequently CarboMedics, Austin, TX 78752–1793), submitted to CDRH an application for premarket approval of the Gelseal. The device is a vascular prosthesis and is indicated exclusively for vascular repair of diseased vessels of the abdomen, i.e., replacement or bypass in aneurysmal and occlusive disease of abdominal arteries.

On June 3, 1991, the Circulatory System Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On January 11, 1993, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before June 2, 1993, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: April 21, 1993.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 93–10309 Filed 4–30–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93M–0018]

Surgical Division/3M; Premarket Approval of the 3M Kennedy LAD™ Ligament Augmentation Device

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application by the Surgical Division/3M, St. Paul, MN, for premarket approval, under section 515 of the Federal Food, Drug, and Cosmetic Act (the act), of the 3M Kennedy LAD™ Ligament Augmentation Device. After reviewing the recommendation of the Orthopedic and Rehabilitation Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of December 31, 1992, of the approval of the supplemental application.

DATES: Petitions for administrative review by June 2, 1993.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nirmal K. Mishra, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1036.

SUPPLEMENTARY INFORMATION: On August 13, 1990, the Surgical Division/3M, St. Paul, MN 55144, submitted to CDRH a supplemental application for premarket approval of the 3M Kennedy LAD™ Ligament Augmentation Device. The device is a prosthetic ligament augmentation device fabricated from high-tenacity polypropylene, heat-sealed at both ends. It is indicated for augmentation and strengthening of low-strength, autogenous tissue grafts used in the reconstruction of anterior cruciate ligament (ACL) deficient knees. The autogenous graft may consist of either of the following: (1) A 10 millimeter or smaller patellar tendon graft in patients more than 3 weeks since injury; or (2) a portion of the quadriceps tendon (prepatellar tissue), the central one-third of the patellar tendon routed through the joint and placed over the top of the femoral condyle.

On August 16, 1991, the Orthopedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the supplemental application for expansion of the indication statement to include all low-strength tissue grafts. A low-strength graft was defined as one which was below that of the native ACL. On December 31, 1992, CDRH approved the supplemental application by a letter to the applicant from the Acting Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this supplemental application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the supplemental application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and

shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before June 2, 1993, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: April 21, 1993.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 93–10307 Filed 4–30–93; 8:45 am]

BILLING CODE 4160–01–F

Administration for Children and Families, Office of Family Assistance

Agency Information Collection Under OMB Review

Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for approval of an existing information collection titled: "Integrated Review Schedule".

ADDRESSES: Copies of the information collection request may be obtained from Steve Smith, Office of Information Systems Management, ACF, by calling (202) 401–6964.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Kristina Emanuels, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street, NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: Integrated Review Schedule.

OMB NUMBER: 0970–0035.

Description: Section 402 (a)(6) and (c) of the Social Security Act and 45 CFR 205.40 set forth the requirements for Quality Control (QC) reviews which necessitates the collection of information on Form ACF–4357.

State agencies are required to perform QC reviews for the four Federal assistance programs: AFDC, Medicaid, Food Stamps, and Adult Assistance. The Integrated Review Schedule (IRS) serves as the comprehensive data entry form for all QC reviews in the AFDC, Food Stamp, Medicaid, and Adult Assistance programs. The information needed to complete the IRS is obtained from the respective AFDC, Food Stamp, Medicaid and Adult Assistance case records and State QC findings.

All data elements in the IRS consist either of dollar amounts, dates or alphanumeric codes. Thus, the schedule serves both as the data entry form for the QC reviewer, to be filled out in the course of each QC review, and subsequently as the data input document for direct data entry use by computer terminal operators.

Annual Number of Respondents: 63,000.

Annual Frequency: 1.

Average Burden Hours Per Response: 1.

Total Burden Hours: 63,000.

Dated: April 23, 1993.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 93–10251 Filed 4–30–93; 8:45 am]

BILLING CODE 4184–01–M

Health Resources and Services Administration

Notice of filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committee has been filed with the Library of Congress:

Advanced General Dentistry Review Committee Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, DC. Copies may be obtained from: Dr. Richard Weaver, Executive Secretary, Advanced General Dentistry Review Committee, room 8C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6837.

Dated: April 27, 1993.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 93–10226 Filed 4–30–93; 8:45 am]

BILLING CODE 4160–15–P

Notification of Expiring Project Periods for Community and Migrant Health Centers

AGENCY: Health Resources and Services Administration.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that a total of 144 Community Health Center and Migrant Health Center (C/MHC) grantees will reach the end of their project periods during fiscal year (FY) 1994. Assuming the availability of sufficient appropriated funds in FY 1994, it is the intent of HRSA to continue to support health services in these areas, given the unmet need inherent in their designation as medically underserved. HRSA will open competition for awards under sections 330 and 329 of the Public Health Service (PHS) Act (42 U.S.C. 254c and 254b, respectively) to support health services in the areas currently served by these grants.

This notice provides interested parties the opportunity to gather information and decide whether to pursue Federal funding for a community or migrant health center. During this process, communication with Regional Office staff is essential (see Appendix I). A subsequent notice will be published in the **Federal Register** to announce the availability of funds for FY 1994 and provide detailed information on the grant application process and review criteria.

DATES: Current grant expiration dates vary by area throughout FY 1994. Applications for competing continuation grants are normally due 120 days prior to the expiration of the current grant award.

SUPPLEMENTARY INFORMATION: The C/MHC programs are carried out under the authority of sections 330 and 329 of the Public Health Service Act. The program regulations are codified in title 42 of the Code of Federal Regulations (CFR), parts 51c and 56. The C/MHC programs are designed to promote the development and operation of community-based primary health care service systems in medically underserved areas for medically underserved populations.

The list of C/MHCs whose project periods expire in FY 1994 is set forth in Appendix II. A project period is the total amount of time for which a project has been programmatically approved. A project period may consist of one or more budget periods. For the purposes of this notice, grant awards will be made for a one year budget period and project periods will be for up to three years.

Dated: April 27, 1993.

Robert G. Harmon,

Administrator.

Appendix I—Regional Office Staff

Region I:

Rob Lawrence, Acting Director, Division of Health Services Delivery, DHHS—Region I, JFK Federal Building #1401, Boston, MA 02203

Region II:

Ron Moss, Director, Division of Health Services Delivery, DHHS—Region II, JFK Federal Building, 26 Federal Plaza, New York, NY 10278

Region III:

Bruce Riegel, Director, Division of Health Services Delivery, DHHS—Region III, 3535 Market Street, Philadelphia, PA 19101

Region IV:

Ms. Marlene Lockwood, Division of Health Services Delivery, DHHS—Region IV, 101 Marietta Tower, Atlanta, GA 30323

Region V:

Caye Santiago, Director, Division of Health Services Delivery, DHHS—Region IV, 105 West Adams Street, 17th Floor, Chicago, IL 60603

Region VI:

Fred Pintz, M.D., Director, Division of Health Services Delivery, DHHS—Region VI, 1200 Main Tower Building, Dallas, TX 75202

Region VII:

Ray Maddox, Director, Division of Health Services Delivery, DHHS—Region VII, Federal Office Building, 601 East 12th Street, Kansas City, MO 64106

Region VIII:

Barbara Bailey, Director, Division of Health Services Delivery, DHHS—Region VIII, Federal Office Building, 1961 Stout Street, Denver, CO 80294

Region IX:

Gordon Soares, Director, Division of Health Services Delivery, DHHS—Region IX, 50 United Nations Plaza, San Francisco, CA 94102

Region X:

Doug Woods, Director, Division of Health Services Delivery, DHHS—Region X, Blanchard Plaza, 2201 Sixth Avenue, Seattle, WA 98121

APPENDIX II

Region/state/service area	No. of grants	Grant expiration date
Region I		
Massachusetts	4	
South End, Jamaica Plain, Mission Hill, Roxbury		01/31/94
Allston, Brighton		01/31/94
Brockton		06/30/94
East Boston		
New Hampshire	1	
Manchester		06/30/94
Rhode Island	1	
Pawtucket, Central Falls		12/31/93
Region II		
New Jersey	1	
Camden		12/31/93
New York	9	
East Harlem, Manhattan		01/31/94
Bronx-River to Pugsley Creek		01/31/94
Broad Channel, Rockaway		03/31/94
Clinton Hills, Fort Greene		03/31/94
Jefferson, St. Lawrence Counties		03/31/94
Wayne County		12/31/93
Westchester County		12/31/93
Oswego County		12/31/93
Bronx		12/31/93
Puerto Rico	5	
Morovis		01/31/94
Western Region		01/31/94
Hatillo		01/31/94
Camuy		01/31/94
Municipality of Gurabo		06/30/94
Region III		
Delaware	1	
Wilmington		01/31/94
Maryland	1	
Northwest Baltimore		11/30/93
Pennsylvania	4	
Bedford County		01/31/94
North Central Philadelphia		05/31/94
Erie		05/31/94

APPENDIX II—Continued

Region/state/service area	No. of grants	Grant expiration date
Philadelphia		05/31/94
Virginia	4	
Pittsylvania County		01/31/94
City of Suffolk		06/30/94
Mecklenburg County		12/31/93
Lunenburg County		12/31/93
West Virginia	3	
North Greenbrier County		05/31/94
Preston, Taylor, Tucker Counties		05/31/94
West Nicholas, East Webster Counties		11/30/93
Region IV		
Alabama	5	
Marshall, Dekalb, Etowah Counties		03/31/94
Jefferson County		06/30/94
Madison and Limestone Counties, Athens, Huntsville		11/30/93
Mobile Prichard		11/30/93
Brookwood, Northport, Tuscaloosa, Vance		11/30/93
Florida	9	
Lafayette, Southwest Suwannee, Northeast Taylor Counties		03/31/94
Sumter County		03/31/94
Glades, Hendry, Martin, Okeechobee, St. Lucie Counties		03/31/94
Tampa		03/31/94
Dixie, Gilchrist, Levy Counties		05/31/94
Duval County		06/30/94
Gadsden County		11/30/93
Palm Beach County		12/31/93
Hollywood, Pompano Beach		12/31/93
Georgia	6	
Hancock County		01/31/94
Dade Dekalb (AL), Hamilton (TN), Jackson (AL), Walkezco		01/31/94
Cherokee, Dawson, Forsyth Counties		05/31/94
Atlanta		05/31/94
Johnson County		06/30/94
Chatham County		11/30/93
Kentucky	2	
Breathitt, Letcher, Owsely, Perry Counties		03/31/94
Lewis, West Greenup Counties		11/30/93
Mississippi	10	
Amite County		01/31/94
Covington, Lamar, Perry Counties		01/31/94
Chickasaw, Itawamba, Monroe Counties		01/31/94
Leake, Neshoba, Newton, Scott Counties		03/31/94
Kemper, Lauderdale, Noxubee Counties		03/31/94
Claiborne County		05/31/94
Coahoma, Quitman, Tallahatchie, Tunica Counties		05/31/94
South Lawrence, West Marion, East Pike, Walthall Counties; North Tangipahoa (LA), North Washington (LA) Parishes		11/30/93
Issaquena, Sharkey, Warren Counties		11/30/93
Bay St. Louis, Biloxi, D'Iberville, Gulfport, Van Cleve, Saucier		12/31/93
North Carolina	7	
Person County		05/31/94
Anson County		05/31/94
New Hanover County		06/30/94
Green County		11/30/93
Cumberland, Harnett, Lee Counties		11/30/93
Caswell, Chatham, Lee, Orange, Person Counties		11/30/93
Robeson County		11/30/93
South Carolina	6	
York County		01/31/94
Fairfield County		01/31/94
Richland County		01/31/94
Greenville County		01/31/94
Southeastern Berkeley, Northeastern Charleston, Georgetown Counties		03/31/94
Charleston, Berkeley Counties		03/31/94
Tennessee	8	
Davidson, Trousdale, Wilson Counties		01/31/94
Campbell, Clairborne, Bell (KY), Whitley (KY) Counties		01/31/94
Cocke County		03/31/94

APPENDIX II—Continued

Region/state/service area	No. of grants	Grant expiration date
Cannon, Clay, Cumberland, Dekalb, Fentress, Macon, Overton, Pickett, Putman, Smith, Van Buren, Warren, White Counties		03/31/94
Stewart County		03/31/94
Union, Grainger Counties		03/31/94
Hardeman County		06/30/94
Morgan County		12/31/93
Region V		
Illinois	7	
Johnson, Union Counties		01/31/94
Boone, Bureau, Champaign, Coles, Cook, Dekalb, Iroquois-Ford, Kane, Kankakee, Kendall, Lake, La-Salle, McHenry, Peoria, Tazwell, Vermillion, Will Counties		01/31/94
Cook County		01/31/94
Franklin, Jefferson, Perry, Williamson Counties		03/31/94
Southeast Chicago		05/31/94
North Lawndale		06/30/94
City of Chicago		06/30/94
Indiana	1	
Marion County		06/30/94
Michigan	3	
West Mackinac, North Menominee, South Ontonagon Counties		01/31/94
Berrien, Cass, Kalamazoo, Ottawa, Van Buren Counties		03/31/94
Battle Creek		06/30/94
Minnesota	1	
St. Paul		01/31/94
Ohio	1	
Toledo		05/31/94
Wisconsin	4	
North and Inner City Milwaukee		01/31/94
Southside Milwaukee		03/31/94
Barron, Bayfield, Burnett, Douglas, Polk, Sawyer, Washburn Counties		05/31/94
Milwaukee, Waukesha, Wauwatosa		12/31/93
Region VI		
Arkansas	1	
Crittenden, Poinsett Counties		11/30/93
Louisiana	6	
Baton Rouge		01/31/94
Iberia Parish		02/28/94
North Caddo Parish		06/30/94
Opelousas		06/30/94
St. Mary Parish		02/28/94
Orleans Parish		11/30/93
New Mexico	1	
Rio Arriba County		01/31/94
Texas	8	
Duval, Jim Hogg, Starr, Zapata Counties		01/31/94
East/Southeast San Antonio		01/31/94
El Paso		03/31/94
Cameron, Willacy Counties		03/31/94
Zavala County		03/31/94
Lubbock County		06/30/94
Uvalde County		11/30/93
Gonzales County		11/30/93
Region VII		
Iowa	1	
Woodbury, Dakota (NE) Counties		01/31/94
Kansas	3	
Sedgwick, Augusta, El Dorado, Newton, Wellington, Wichita		01/31/94
Cheyenne, Rawlings, Dundee (NE) Counties		06/30/94
State of Kansas		11/30/93
Missouri	1	
St. Louis		01/31/94
Nebraska	2	
State of Nebraska		01/31/94
Panhandle area of Nebraska		06/30/94

APPENDIX II—Continued

Region/state/service area	No. of grants	Grant expiration date
Region VIII		
Colorado	3	
Northern Weld County		03/31/94
Adams, Araphoe, Jefferson Counties		12/31/93
Bent, Crowley, Otero Counties		12/31/93
Montana	1	
Missoula County		06/30/94
South Dakota	2	
Pennington County		01/31/94
Hyde, Jones Counties		05/31/94
Utah	1	
East Carbon County		06/30/94
Region IX		
California	4	
Merced, Stanislaus Counties		03/31/94
Imperial, Riverside Counties		05/31/94
Fremont, Hayward, Union City		12/31/93
Bloomington, Colton, Fontana, Rialto		12/31/93
Hawaii	1	
Kalihi Valley		03/31/94
Region X		
Oregon	3	
Washington, North Yamhill Counties		03/31/94
South Clackamas, Marion, East Polk, Southeast Yamhill		03/31/94
North and East Clackamas County		06/30/94
Washington	2	
Southeast and Southwest Seattle		01/31/94
Grant County		03/31/94

[FR Doc. 93–10344 Filed 4–30–93; 8:45 am]
BILLING CODE 4160–15–P

Indian Health Service

Tribal Demonstration Projects for Mental Health Services for American Indians/Alaska Natives

AGENCY: Indian Health Service, HHS.

ACTION: Notice of competitive grant applications for tribal demonstration projects for mental health services for American Indians/Alaska Natives.

SUMMARY: The Indian Health Service (IHS) announces that competitive grant applications are now being accepted for tribal demonstration projects for mental health services for American Indians/Alaska Natives established under the authority of section 103(b)(1), Indian Self-Determination Act, Public Law 93–638, as amended by Public Law 100–472, 25 U.S.C. 450h(b)(1). There will be only one funding cycle during Fiscal Year 1993. Grants shall be administered in accordance with 42 CFR part 36, subpart H, and applicable OMB Circulars and DHHS policies. This program is within the Catalog of Federal Domestic Assistance Number 93.228. Executive Order 12372 requiring intergovernmental review is not applicable to this program.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS led activity for setting priority areas. This program announcement is related to the priority area of Mental Health and Mental Disorders. 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) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

DATES: An original and two (2) copies of the completed grant application must be submitted, with all required documentation, to the Grants Management Branch, Division of Acquisition and Grants Operations, 12300 Twinbrook Parkway, suite 300, Rockville, Maryland 20852, by c.o.b. June 18, 1993.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by c.o.b. 5 p.m.; or (2) postmarked on or before the deadline date and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing.

Applications received after the announced closing date will be returned to the applicant and will not be considered for funding.

ADDITIONAL DATES:

A. Application Receipt Date: June 18, 1993
B. Anticipated Application Review: July 28, 1993
C. Applicants Notified of Results (approved, approved unfunded, or disapproved): August 16, 1993
D. Anticipated Start Date: September 1, 1993

FOR FURTHER INFORMATION CONTACT: For program information, contact Mrs. Mari Stetter-Burns, Training/Administrative Officer, Indian Health Service Mental

Health/Social Services Program Branch, 2401 12th Street, NW., Albuquerque, New Mexico 87102, telephone (505) 766–2873. For grants information, contact Mrs. M. Kay Carpentier, Grants Management Officer, Grants Management Branch, Division of Acquisition and Grants Operations, Indian Health Service, 12300 Twinbrook Parkway, suite 300, Rockville, Maryland 20852, telephone (301) 443–5204. (The telephone numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program goals, eligibility requirements, programmatic activities, funding availability, period of support, and application procedures.

A. General Program Goals

The goal of this announcement is to identify and fund demonstration projects that will develop and implement promising and innovative mental health services for American Indians and Alaska Natives.

B. Eligibility Requirements

Any federally recognized Indian tribe or Indian tribal organization is eligible to apply for a demonstration grant from the IHS under this announcement.

C. Programmatic Activities

Grant applications for mental health services shall address the establishment for day treatment programs for severely and persistently mentally ill (SPMI) American Indians/Alaska Natives. Severe and persistent mental illnesses are biological brain diseases which interfere with normal brain chemistry. These diseases can severely disturb a person's ability to think, feel, and relate to other people and the environment. They often result in substantially diminished capacity for coping with the ordinary demands of life. The most common severe and persistent mental illnesses are schizophrenia, manic-depressive illness and major depression. Life stresses may trigger the onset of symptoms. Consideration should be given to psychosocial, vocational and other supportive services in the program proposal.

D. Fund Availability

In Fiscal Year 1993, $400,000 will be available to support at least two mental health grants. The average funding level for projects in FY 1992 was $168,000.

E. Period of Support

Projects will be awarded for a project period of up to three years, with funding for succeeding years based on the availability of appropriations, continuing need for the program, and satisfactory performance.

F. Application Process

An IHS Grant Application Kit, including required form PHS 5161–1 (rev. 7/92), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Operations, 12300 Twinbrook Parkway, room 300, Rockville, Maryland 20852, telephone (301) 443–5204. Information collection #requested in the narrative of the application is approved under OMB #0937–0189.

1. Narrative

The narrative section of the application must include the following: (a) Statement of problem, (b) program objectives, and (c) work plan. The workplan section should be project specific. These instructions for the preparation of the narrative are to be used in lieu of the instructions on page 16–17 of the PHS–5161–1. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully.

The narrative may not exceed five single spaced pages in length, excluding attachments, budget, and letters of support/resolution.

(a) Statement of the Problem

(1) Describe and define the target population at the project location.

(2) Describe the existing resources and services available related to the specific service the applicant is proposing to provide.

(3) Describe in detail the needs of the target population and what efforts have been made in the past to meet these needs, if any.

(4) Summarize the applicable State, IHS, and/or national standards and describe the unmet needs of the applicant's current program in relation to applicable State, IHS, and/or national standards.

(5) Describe the relationship of the project to local or state Mental Health Programs for SPMI populations, if any.

(b) Program Objectives

(1) State concisely the objectives of the project.

(2) Describe briefly what the project intends to accomplish.

(3) Describe how accomplishment of the objectives will be measured.

(c) Work Plan

(1) Describe the proposed program to be offered including existing resources, i.e. staff and facilities, and describe additional resources required. Indicate the referral systems, and treatment follow-up to be provided. Indicate the date that the program will begin to accept patients. Please note that no more than five additional staff may be requested from grant funds.

(2) Describe the proposed program operations, including the type and cost of facilities and equipment to be used, transportation, numbers and credentials of staff, and numbers of patients to be served. Any equipment requirements, either general purpose or specialized, should be identified. Indicate needs by listing individual items and quantities necessary.

(3) Applications which propose to use an already existing appropriate facility (instead of needing to obtain such a facility upon award) will be given priority. Surplus government property may be available for the program.

(4) Describe the local resources and expertise available for this project from other related human service programs and the nature and amount of their cooperation/collaboration/assistance.

(5) Describe the system to be used for information collection and program evaluation to determine the impact of the project. The reporting system should include, but is not limited to, the number of referrals to the program, number and types of patients served, number of referrals for further treatment to other facilities, costs associated with the program, and services provided. Indicate the project's willingness to share its program experience with IHS Areas and other tribal organizations.

(6) Indicate the kinds and frequency of reports to be provided on the progress of the program. A quarterly report for program and financial status is the minimum requirement.

(7) Describe potential and plans for program continuation after the grant period.

2. Documentation of Support

(a) Tribal Resolution: (1) A resolution of the Indian tribe served by the project must accompany the application submission. (2) Applications which propose services affecting more than one Indian tribe must include resolutions from all affected tribes to be served. (3) Applications by tribal organizations will not require a specific tribal resolution(s) if the current tribal resolution(s) under which they operate would encompass the proposed grant activities. A statement of proof or a copy of the current operational resolution must accompany the application. If a resolution or a statement is not submitted, the application will be

considered incomplete and will be returned without consideration.

(b) Letters of Cooperation/Collaboration/Assistance: If other related human service programs are to be involved in the project, letters confirming the nature and extent of their cooperation/collaboration/assistance. Letter should be specific.

3. Costs

An itemized estimate of costs and justification for the proposed program by line item must be provided on form PHS–5161–1 (rev. 7/92). Any special start up costs should be indicated. Grant funding may not be used to supplant existing public and private resources.

4. Assurances

The application shall contain assurances to the Secretary that the applicant will:

(a) Where applicant is providing services, provide such services at a level and range which is not less than that identified by the Service after negotiation with the applicant, as an appropriate level, range and standard of care.

(b) Where providing services, provide services in accordance with law and applicable IHS policies and regulations.

(c) Where providing services, provide services in a fair and uniform manner, consistent with medical need.

G. Review Process

Applications that meet eligibility requirements, are complete, and conform to this program announcement will be reviewed by an Objective Review Committee (ORC) conducted at the IHS Headquarters and in accordance with IHS objective review procedures. The objective review process is a nationwide competition for limited funding. The ORC will be comprised of IHS of tribal staff (50–60%) and other non-IHS individuals (50–40%) with appropriate expertise. The ORC will review each application against established criteria. Based upon the evaluation criteria, the reviewers will assign a numerical score to each application. In making the final funding decision the IHS will also consider recommendations of the IHS Area Office within which the applicant organization is located.

H. Evaluation Criteria

In scoring applications the following is considered: The soundness of the applicant's plan for conducting the project and for assuring effective utilization of grant funds, considering the population to be served and description of its needs, and the clarity and feasibility of objectives.

The apparent capability of the applicant to organize and manage the proposed project successfully considering, among other things the adequacy of staff, program evaluation strategy, management systems, equipment, facilities, any cooperative approach if this is a joint work plan involving multiple programs within the tribal organization, and in-kind contributions.

The relative effectiveness of the applicant's plan, showing that the plan addresses an unmet need in relation to IHS and national standards, the potential that the project will continue and be ongoing at the end of funding, and the ability to replicate the program nationwide.

The adequacy of the budget in relation to the scope of the project and available funds.

Date: November 17, 1992.

Everett R. Rhoades,

Assistant Surgeon General, Director.

[FR Doc. 93–10227 Filed 4–30–93; 8:45 am]

BILLING CODE 4160–16–M

Indian Health Service Research Program; Grants Application Announcement

AGENCY: Indian Health Service, HHS.

ACTION: Notice of competitive grant and cooperative agreement applications for the Indian Health Service (IHS) Research Program.

SUMMARY: The IHS announces that competitive applications for fiscal year (FY) 1994 are now being accepted for the IHS Research Program authorized by section 208 of the Indian Health Care Improvement Act, as amended, 25 U.S.C. 1621g. There will be only one funding cycle during FY 1994. Grants and cooperative agreements shall be administered in accordance with applicable Office of Management and Budget (OMB) Circulars and HHS policies. This program is within the Catalog of Federal Domestic Assistance Number 93.905. Executive Order 12372 requiring intergovernmental review is not applicable to this program.

Although the IHS is not authorized to make grants and cooperative agreements or otherwise commit FY 1994 funds until they are available, this notice is nevertheless being published early. Because awards to IHS components are made by special allotments available for obligation only until September 30, 1994, research awards must be issued early in FY 1994 to allow researchers full use of funds.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led activity for setting priority areas. This program announcement is directly related to many priority areas, including Nutrition, Alcohol and Other Drugs, Unintentional Injuries, Oral Health, Maternal and Infant Health, Heart Disease and Stroke, Cancer, Diabetes and Chronic Disabling Conditions, Human Immunodeficiency Virus Infection, Sexually Transmitted Diseases, Clinical Preventive Services, and Surveillance and Data Systems. 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) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

DATES:

A. In accordance with OMB Circular A–102, Grants and Cooperative Agreements for State and Local Governments, interested parties are invited to comment on the proposed funding emphases. This comment period is 30 days; written comments received by June 2, 1993 will be considered before the final funding emphases are established. No funds will be allocated or selections made until a final notice is published stating what funding emphases will be applied. Written comments on the proposed funding emphases should be addressed to: William L. Freeman, M.D., Director, IHS Research Program, Office of Health Program Research and Development (OHPRD), 7900 South J. Stock Road, Tucson, AZ 85746–9352. All comments received will be available for public inspection and copying at the Office of Health Program and Research Development at the above address, weekdays (Federal holidays excepted) between the hours of 7:30 a.m. and 4:30 p.m., Mountain Standard Time, beginning approximately 2 weeks after publication of this notice.

B. A pre-application is due on or before June 30, 1993. The pre-application is required of all applicants. The purposes of the pre-application are: (1) To establish communications between the IHS and the applicant; (2) to determine the applicant's eligibility; and (3) to determine how well the project can compete with other similar pre-applications. The pre-application will consist of (1) the Standard Form 424 (cover sheet), sections 1., 2., 5., 6., 7., 8., 11., and 15.; (2) a Research Plan

(see section I), and (3) the Importance and Utility section (see section J). In meeting this pre-application deadline, it is the researcher's responsibility to assure that Grants Management Branch, Division of Acquisition and Grants Operations, IHS receives the original pre-application and the appropriate IHS Research and Publication Committee(s) (RPC(s)) simultaneously receives a copy of the pre-application. The RPC(s) will use the same review criteria as the Indian Health Research Study Section. The review criteria are discussed under Section M, Review Process, of this announcement. An applicant submitting a pre-application may be declared ineligible to submit an application, based on the results of the pre-application review.

C. An original and 2 copies of the completed final grant application must be received by the Grants Management Branch, Division of Acquisition and Grants Operations, IHS, suite 300, 12300 Twinbrook Parkway, Rockville, MD 20852–1750, on or before August 16, 1993.

Pre-applications and applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by close of business 5 p.m., or (2) postmarked on or before the deadline and received in time to be reviewed along with all other timely pre-applications and applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing.

Pre-applications and applications received after the announced closing date(s) will not be considered for funding and will be returned to the applicant.

Additional Dates

D. Pre-application Review Period: July 1–July 30, 1993

E. Application Reviews: IHS Study Section: On or about September 14–16, 1993

F. Applicants notified of results (approved, approved unfunded, or disapproved): On or about November 16, 1993

G. Earliest anticipated starting date: On or about December 1, 1993

FOR FURTHER INFORMATION CONTACT:

A. Programmatic: William L. Freeman, M.D., Director, IHS Research Program, or Tina Dickerson, Assistant Research Program Coordinator, Office of Health Program Research and Development, 7900 South J. Stock Road, Tucson, AZ 85746–9352, (602) 295–2501, or the following Area Research Coordinators:

Indian health area offices, and states served	Research office: contact(s) and telephone
Aberdeen Area Office, Federal Building, 1154th Ave., SE., Aberdeen, SD 57401, North Dakota, South Dakota, Nebraska, Iowa.	Cecelia Kitto, M.D. (Aberdeen) (605) 226–7581, FAX (605) 226–7670; Thomas Welty, M.D. (Rapid City) (605) 348–1900 Ext 401, FAX (605) 348–8833.
Alaska Area Native Health Service, P.O. Box 7–741, Anchorage, AK 99501, Alaska ...	David H. Barrett, M.d. (907) 257–1251 Ext. 263, FAX (907) 257–1781.
Albuquerque Area Office, IHS, 505 Marquette NW., Suite 1502, Albuquerque, NM 87102, New Mexico, Colorado.	Gary Morigeau (505) 766–2544, FAX (505) 766–2157.
Bemidji Area Office, IHS, 203 Federal Building, Bemidji, MN 56601, Minnesota, Michigan, Wisconsin.	John L. Robinson, D.D.S. (218) 759–3441, FAX (218) 759–3511.
Billings Area Office, IHS, P.O. Box 2143, Billings, MT 59103, Montana, Wyoming	James D. Vesbach, D.D.S. (406) 657–6900, FAX (406) 657–6333.
California Area Office, IHS, 1825 Bell Street, Sacramento, CA 95825, California	John Yao, M.D. (916) 978–4202 Ext 107, FAX (916) 978–4434.
Nashville Area Office, IHS, 3310 Perimeter Hill, Suite 810, Nashville, TN 37217, Mississippi, North Carolina, Florida, New York, Maine, Rhode Island, Louisiana.	William Betts, Ph.D. (615) 781–5537, FAX (615) 781–5558.
Navajo Area Office, IHS, P.O. Box G, Window Rock, AZ 86515, Navajo Reservation .	Douglas G. Peter, M.D. (602) 871–5811, FAX (602) 871–5872.
Oklahoma City Area Office, IHS, 3625 NW 56th Street, Five Corporate Plaza, Oklahoma City, OK 73112, Oklahoma, Kansas, Texas.	Clark Marquart, M.D. (405) 945–6820, FAX (405) 945–6870.
Phoenix Area Office, IHS, 3738 N. 16th Street, Phoenix, AZ 85016, Arizona, Nevada, Utah.	N. Burton Attico, M.D. (602) 640–2187, FAX (602) 640–2557.
Phoenix Indian Medical Center, 4212 N. 16th Street, Phoenix, AZ 85016, Arizona (Only PIMC).	Roy Teramoto, M.D. (602) 263–1551, FAX (602) 263–1648.
Portland Area Office, IHS, 2201 Sixth Avenue, Room 300, Seattle, WA 98121, Washington, Oregon, Idaho.	Ernest H. Kimball, M.P.H. (206) 553–5423, FAX (206) 553–8386.
Office of Health Program, Research and Development, 7900 South J. Stock Road, Tucson, AZ 85746–9352, Southern Arizona.	Robert Wirth, M.D. (602) 295–2402, FAX (602) 295–2602.

B. Grants and Business: M. Kay Carpentier, Grants Management Branch, Division of Acquisition and Grants Operations, IHS, suite 300, 12300 Twinbrook Parkway, Rockville, MD 20852–1750, (301) 443–5204. (Telephone calls to these numbers are not toll–free.)

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program goals, eligibility requirements, research emphases, availability of funds, application process, and review process for the IHS Research Program for FY 1994.

A. General Program Goals

1. To support practice and community-based research projects likely to improve the health of American Indians and Alaska Natives (AI/AN) served by the IHS.

2. To develop research skills among IHS and tribal health professionals. The applicant, as the direct and primary recipient of PHS funds, must perform a substantive role in carrying out project activities and not merely serve as a conduit for an award to another party, or to provide funds to another party.

B. Eligibility

The grant application process affords Indian tribes and tribal organizations which have contracts with the IHS under the Indian Self-Determination Act, 25 U.S.C. 450 *et seq.*, an equal opportunity to compete with IHS components for research funds. Awards

to tribal contractors will be made as grants or cooperative agreements. The IHS components will receive special allotments of funds to carry out approved research activity.

C. Research Emphases

Grants or special allotments will be made under this announcement with special but not exclusive regard to the following IHS research emphases for FY 1994:

1. Studies of documented high importance in the community in which the research is to be done.
2. Studies with high relevance for the AI/AN populations. (The series "The Research Agenda for Indian Health" in the IHS Primary Care Provider, list many relevant research subjects. Reprints are available from the IHS Research Program and the Area Research Offices.)
3. For studies that involve problems that are both social and medical (e.g., dysfunctional families,) research about factors that enable the community or individuals to overcome the problems.
4. Competing continuations of previously-funded research projects.

D. Fund Availability, Period of Support, and Funding Level

Subject to the availability of FY 1994 funds, it is estimated that between $500,000 and $600,000 will be available to support approximately 20–25 research grants to tribes and special allotments to IHS components and up to 5 demonstrative cooperative agreements to tribes. (Cooperative agreements are financial assistance awards that require the substantial programmatic involvement of the Federal Government. Specific programmatic involvement by the IHS in a project will be negotiated with an approved applicant before award of a cooperative agreement.) This involvement will include the statement of the study question(s) and objective(s); the adequacy of the research literature; the research design and methods proposed; the management, quality control, and analysis of the data sources; the development of new methods and information; the importance of community involvement; the applicability of the research to AI/AN people; the budget sufficiency; and the adequacy of the principal investigator and research team.)

The detail within research project applications, and funding needs for the projects, differ widely between experienced and inexperienced researchers. Therefore, we anticipate two levels of project application and funding. This will allow both the inexperienced and experienced researchers to apply for grants, and to be in competition with others to similar expertise. The grant application must designate for which level the researcher is applying.

(1) The first level is for a one year pilot research project. This level is for less experienced researchers and for less complex and detailed applications. A less experienced researcher is defined as an investigator who has never received a funded research award in his or her own right. The Research Plan and Importance & Utility sections of the pilot research project application should be of less detail and complexity than expected for the small grant research project application; only biographical sketches, not Curriculum Vitae, are required. The anticipated maximum funding for a pilot research project is $15,000.

(2) The second level is for a small research project. This level is for more experienced researchers. A more experienced researcher is defined as an investigator who has received at least one funded research award in his or her right. The Research Plan and Importance & Utility sections of the small grant research project application must be complete and discussed in detail. The small grant project application should be more complete, and have more detail and complexity, than the pilot research project application. The anticipated maximum funding for a small grant research project is $50,000 per year. The project can be planned for up to three years with a competing continuation application for each succeeding year.

Research projects are normally funded for a 1 year project period. No cost extensions can be requested by the researcher to finish work that has encountered unanticipated delays. All applicants must compete annually; however, among applications of similar merit, priority will be given to applicants for a competing continuation of a previously-funded research project. No projects may be funded for more than 3 years.

E. The Complete Application

The information collection requested in the narrative of the application is approved under OMB clearance #0937–0189. An IHS Research Grant Application Kit, including required form PHS 5161–1 (rev. 7/92), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Operations, IHS, Twinbrook Metro Plaza, suite 300, 12300 Twinbrook Parkway, Rockville, MD 20852–1750, telephone (301) 443–5204.

All applications must include the following:

—Completed Standard Forms 424 and 424A.
—A one-page research project abstract. (See section F. Abstract, below.)
—A table of contents.
—A detailed budget for the project period. (See section G. Budget, below.)
—One-page biographical sketches of all key personnel. (See section H. Key Personnel and Research Team, below.)
—A research plan. (See section I. Research Plan, below.)
—A description of the health problems addressed by, and the utility of, the research. (See section J. Importance and Utility, below.)
—Documentation of approvals, support, and clearances. (See section K. Documentation of Approvals, Support, and Clearances, below.)
—A description of how human subjects, if any, are protected from research risks. (See section L. Protection of Human Subjects, below.)
—Appendices, to include:
—Resumes (Curriculum Vitae) of key personnel; and
—A list of all anticipated consultants, collaborators, and contractual agreements.

F. Abstract

The abstract may not exceed one single-spaced typewritten page. It should summarize the application, and should answer the basic questions "who, what, when, where, how, and costs." The abstract should help the reviewers understand the application as a coherent whole. The abstract should be written last, to insure that it is an accurate summary, even though it is placed in the application packet before the sections it summarizes.

G. Budget

An itemized estimate of costs and justification for the proposed research project by line item must be provided on form PHS 5161–1 (effective date 7/92). A narrative justification must be submitted for costs. Indicate needs by listing individual items and quantities necessary. The budget should be sufficient, but not exceed what is necessary, to complete the research project. The budget is not intended as a vehicle for the purchase of expensive computer and other equipment. These purchases are allowable only with IHS prior approval. The budget should include additional resources in the organization(s) that will be applied to the research study, e.g., in-kind staff, physical resources such as telephone,

and consultations. The budget should be developed after the Research Plan is written, even though it is placed in the application packet before the Research Plan section.

H. Key Personnel and Research Team

Each biographical sketch of each key person may not exceed one single-spaced typewritten page. Each sketch should include the person's qualifications, training, and experience relevant to the research project, and the person's time that will be devoted to the project. "Key personnel" include the principal investigator, significant co-investigators, and significant consultants and contractors. The biographical sketches should help the reviewers understand the capabilities of the research team to manage, and to carry out and complete, the project successfully. Include in Appendices both the resumes (Curriculum Vitae) of the key personnel, and a list of all anticipated consultants, collaborators, and contractual agreements.

The instructions for the preparation of the Research Plan section, and Importance and Utility section, are to be used in lieu of the instructions on pages 19–20 of the PHS 5161–1. The two sections may together not exceed 25 single-spaced typewritten pages in length.

I. Research Plan

the research Plan section of the application must include the following sub-sections: (1) The specific aims of the research plan, with study question(s) and objective(s) stated; (2) the background in research literature for the study; (3) a progress report (for competing continuation applicants only); (4) the research design and methods to be used; (5) data sources, management, quality control, and analysis; and (6) originality (if applicable). The Plan should be well organized, clearly written, and succinct. The plan should address how the Scientific Integrity of the project will be maintained. It should contain all information necessary for reviewers to understand fully the research plan without being familiar with the IHS or tribal health programs.

1. Specific Aims: Statement of Study Question(s) and Objective(s).

State the study question(s) and objective(s) of the research clearly and precisely. The rest of the Research Plan should follow logically from the study question(s).

2. Background in Research Literature

Give a brief but comprehensive review of existing research and knowledge related to the study question(s). Previous related work by members of the team, including data from a pilot phase, should be included in the review. Describe the conclusions to be drawn from, and the applicability of, that review to the research project. References should be cited in standard format. (See Index Medicus, or N Eng J Med 1991; 324: 424–428; copies are available from the Area and National Research Offices.)

3. Progress Report (for Competing Continuation Studies Only)

Give the progress of the funded research project to date. Indicate how the final objective(s) of the research will be achieved.

4. Research Design and Methods to be Used

Briefly define the research design, and why it is appropriate for the objective(s) of the research. Describe the research methods in detail. The description should include: (a) The population to be studied; (b) the inclusion and exclusion criteria for study subjects, and how to determine inclusion and exclusion; (c) the sampling techniques; (d) selection of controls (if any); (e) the definition of the independent and dependent variables (if any) and how to measure them; (f) the interventions (if any) and how to assure that they are done in fact; and (g) the definition of the expected outcomes or effects (if any) and how to account for alternative explanations of expected findings. Provide sample size calculations (if needed), and evidence that the research can achieve the projected size. Give a project timeline, with completion dates of all major tasks.

5. Data Sources, Management, Quality Control, and Analysis

Describe in detail the data sources, management, quality control, and analysis. The description should include: (a) The data to be collected, by whom, and at which points in the study; (b) the data sources, and how access to the sources will be attained; (c) the procedures to collect, receive, code, and prepare the data for analysis; (d) the contents of interviews (if they are to be done), and the connection between the interview question and the variables to be studied; (e) how the data will be made secure; (f) how completeness of the data will be assured and low response rates dealt with; (g) how accuracy of the data will be measured and assured; (h) the plan for analysis; (i) the statistical analyses to be done (if any); and (j) the non-statistical analyses to be done (if any, e.g., in qualitative research). Include a copy of the data collection instruments, if available, or the instruments to be modified by the research project (if any), in the application's appendices.

6. Originality

If this research will develop new methods or directly lead to new information for research in general (not just about AI/AN people), briefly discuss that significance.

J. Importance and Utility

The Importance and Utility section of the application must include the following sub-sections: (1) The importance of the health problem(s) addressed by the research for the community(ies) involved; (2) the importance of the health problems addressed by the research for all AI/AN people and for the IHS Area; (3) the rationale for the setting of the study; (4) the utility of the product of the project, and of the experience doing the project, to the community(ies) and service unit(s) (SU(s)) involved; and (5) the utility of the product of the project, and of the experience doing the project, to the IHS and other AI/AN people. The Importance and Utility section should be well organized, clearly written, and succinct. It should contain all information necessary for reviewers to understand fully both the importance of the health problem(s) addressed by the research project and its expected utility, without being familiar with the IHS or tribal health programs.

1. Importance of the Health Problem(s) for the Community(ies) Involved

Using quantitative evidence, briefly document the importance of the health problem(s) addressed by the research project among the range of health problems of the community(ies) in which the research project will be done.

2. Importance of the Health Problem(s) for All AI/AN People and for the IHS Area

Using quantitative evidence, briefly document the importance of the health problem(s) addressed by the research project among the range of health problems of all or major groups of AI/AN people, and by the AI/AN people of the IHS Area.

3. Setting the Study

Briefly discuss why the study should be done only, or be done best, in an AI/AN population, and why in the proposed community(ies).

4. Utility of the Product and Experience to the Community(ies) and SU(s) Involved

Briefly define the expected utility of the product (e.g., new information) or of the experience (e.g., new research skills, capabilities, resources, or liaisons to do practice-based or community-based research) to the community(ies) and/or SU(s) involved.

5. Utility of the Product and Experience to the IHS and Other AI/AN People

Briefly define the expected utility of the product (e.g., new information) or of the experience (e.g., new research skills capabilities, resources, or liaisons to do practice-based or community-based research) to the IHS and/or other AI/AN people.

K. Documentation of Approvals, Support, and Clearances

1. Tribal Approval

The research project must have the full understanding, documented approval, and support of the Indian tribe(s) or Alaska village(s) involved. Documented approval must be evidenced by a signed and dated Tribal Resolution, done no more than 12 months before December 1, 1993. If more than one tribe is involved, evidence of support from all tribes affected must be submitted with the application. Applications by tribal organizations will not require resolution(s) if the current tribal resolution(s) under which they operate would encompass the proposed grant activities. A statement of proof or a copy of the current operational resolution must accompany the application.

2. Letters of Cooperation, Collaboration, or Assistance

If other research programs are to be involved in the research project, letters confirming the specific nature and extent of cooperation, collaboration, or assistance must be submitted.

3. Service Unit Director Approval

All applicants must provide letter(s) of approval from the Director of any SU(s) involved in or affected by the research project.

4. Area Contracting Officer Clearance

The IHS components which apply must obtain a letter of clearance from the Area Contracting Officer if any purchasing, contracting, or consultant hiring actions will be requested in the research project. This letter of clearance must be included with the submitted proposal.

5. Area Director Approval

The IHS components applying must also obtain a signed Form 424 in Section 18.d-e. from the Area RPC as evidence of the IHS Area Director's approval. This is in accordance with Part 1—General, Chapter 7, Research Activities, Subpart 1—7.4 A. of the IHS Manual which establishes the Area RPC as the Area Director's reviewing authority for research proposals.

L. Protection of Human Subjects

The application shall contain assurances that the applicant will comply with the following:

1. Regulations to Protect All Human Subjects of the Research

If the research project will involve human subjects, the applicant must submit for approval the completed protocol to the applicable IHS Area Institutional Review Board(s) (IRB). If one or more co-investigator(s) is (are) from an institution that has a permanent IRB (i.e., has a Multiple Project Assurance (MPA)), the applicant must submit form HHS 596 to that IRB as well. All IRB approvals must be secured prior to funding of the proposal. (See section M. Review Process, below.) It is recommended that any applicant who proposes to involve human subjects, or who is not sure if the project meets the definition of research involving human subjects in 45 CFR part 46, contact the appropriate Area Research Coordinator listed in this announcement for technical assistance as the application is being developed.

2. Maintenance of Data Confidentiality, Anonymity (If Indicated), and Subject Privacy

Applicants must describe the process to maintain the confidentiality of data collected, the protection of patient records, and the privacy of human subjects. If subjects are to be protected by anonymity, applicants must describe the process to maintain anonymity.

M. Review Process

1. Review by Authorized Institutional Review Boards (IRB)

All applications involving human subjects will be reviewed by the authorized Area or National IRBs in the IHS for compliance with requirements to protect human subjects contained in 45 CFR part 46, and as specified in the IHS MPA. It is suggested but not required that the application be sent to the appropriate Area IRB(s) 1 (one) month before the deadline, for the IRB review of the proposal to permit making the changes before the final submission. The IRB will review only IRB issues, not purely technical methods. Any applications involving investigators from institutions with IRBs with MPAs and involving human subjects must also be reviewed by the IRBs of the respective institution(s). The researcher should contact non-IHS IRB(s) for their deadline requirements. No research project can be funded by IHS unless it has been approved by, and has met the conditions of, all applicable IRBs.

2. Review by the Indian Health Research Study Section (IHRSS)

Applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement will be reviewed for merit by the IHRSS appointed by the IHS to review these applications. The IHRSS review will be conducted in accordance with the IHS objective review procedures. The technical review process ensures selection of quality research projects in a national competition for limited funding. The IHRSS will include at least 60 percent non-IHS, Federal or non-Federal, individuals, all experts in research. The IHRSS will review each application against established criteria, and will assign a numerical score to each application. The members of the IHRSS will use the following criteria and weights to make the score.

Weights

(Criteria "a" through "f" refer to section *I. Research Plan.*)

4 a. *Specific Aims: Statement of study question(s) and objective(s).*
(Are the study questions stated clearly and precisely? Does the rest of the Research Plan follow logically from the study questions?)

10 b. *Background in Research Literature:*
(Does the background in research literature include the important existing research and knowledge relevant to the study question(s), and pilot data (if applicable)? Do the conclusions follow from the review?)

4. c. *Progress Report (for competing continuation studies only).*
(What is the progress to date? Is the report timely? Does the progress report demonstrate that investigators will achieve the objective(s) of the research?)

15 d. *Reasearch design and methods to be used.*
(Does the Research Plan adequately describe the research design? Is the proposed approach appropriate for the objective(s) of the research? Does the Plan adequately describe:

The population to be studied; the inclusion and exclusion criteria, and how the investigators will determine inclusion and exclusion; the sampling techniques; selection of controls (if any); the definition of the independent and dependent variable (if any) and how to measure them; the interventions (if any) and how to assure that they are done in fact; and the definition of the expected outcomes or effects (if any) and how to measure them? Are these methods appropriate to achieve the objective(s) of the research? Are sample size calculations included, if needed? Is the projected sample size achievable, and sufficient to achieve the objective(s) of the research? Does the Plan adequately account for alternative explanations of expected findings? Is the application's timeline, with completion dates of all major tasks, appropriate and feasible?)

10 e. *Data sources, management, quality control, and analysis.*
(Does the Research Plan adequately describe: The data to be collected, by whom, and at what time; the data sources, and how access to the sources will be attained; the procedures to collect, receive, code, and prepare for analysis of the data: the contents of interviews (if they are to be done), and the connection between the interview question and the variables to be studied; how the data will be made secure; how completeness of the data will be assured and low response rates dealt with; how accuracy of the data will be measured and assured; the plan for analysis; the statistical analyses to be done (if any); and the non-statistical analyses to be done (if any)? Are these plans appropriate and adequate for the research questions?)

1 f. *Originality.*
(Will this research likely develop new methods, or directly lead to new information, useful for research in general?)

Criteria "g" through "k" refer to section I. Importance and Utility.)

10 g. *Importance of the health problem(s) for the community(ies) involved.*
(Are the health problems addressed by the research project of high importance in the community(ies) involved?)

9 h. *Importance of the health problem(s) for all AI/AN people and the IHS Area.*
(Are the health problems addressed by the research project of high importance in all or major segments of AI/AN people, and in the IHS area?)

4. i. *Setting of the study.*
(Should the research be done only, or be done best, in an AI/AN population, and in the proposed community(ies)?)

10. j. *Utility of the project and experience to the community(ies) and SU(s) involved.*
(Does the research project have a high expected utility of the product (e.g., new information) or of the experience (e.g., new research skills, capabilities, resources, or liaisons to do practice-based or community-based research) to the community(ies) and/or SU(s) involved?)

5. k. *Utility of the product and experience to the IHS and other AI/AN people.*
(Does the research project have a high expected utility of the product (e.g., new information) or of the experience (e.g., new research skills, capabilities, resources, or liaisons to do practice-based or community-based research) to the IHS, to the IHS Area, and/or to other AI/AN people?)

5. l. *Budget. (This criterion refers to section G. Budget.)*
(Is the proposed budget sufficient to do the project? Is the proposed budget excessive? Is the proposed budget being used for the purchase of computers or other expensive equipment? If the research project is a competing continuation, are the additional years necessary? Is the cost justified by the expected benefit?)

10. m. *Key personnel and Research Team. (This criterion refers to section H. Key Personnel and Research Team.)*
(Does the principal investigator have the training, experience, and time necessary to do and to manage the proposed research project? Does the research team have the capabilities to carry out and complete the project successfully?)

N. Results of the Review

The recommendations of the IHRSS will be forwarded to the Associate Director, OHPRD, for final review and approval. The Associate Director will also consider the recommendations from the appropriate Area Research Committee and the Grants Management Branch. Applicants will be notified of their approval with funds, or approval without funds, on or about November 16, 1993. A Notice of Grant Award will be issued approximately 10 days prior to the start date. Unsuccessful applicants will be notified in writing of disapproval on or about November 16, 1993. A brief explanation of the reasons why the application was not approved will be provided along with the name of the IHS official to contact if more information is desired.

Dated: March 23, 1993.

Michael E. Lincoln,

Acting Director.

[FR Doc. 93–10225 Filed 4–30–93; 8:45 am]

BILLING CODE 4160–16–M

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given to amend the notice of the National Cancer Advisory Board, and its Subcommitte meetings which was published in the **Federal Register** (58 FR–21587) on April 22, 1993 to allow a change in times.

The Subcommittee on Information and Cancer Control originally scheduled to be held on May 4, 1993 at 2 p.m.–3 p.m. will now meet from 1 p.m.–2 p.m. at the National Institutes of Health, Building 31C, Conference Room 8, 9000 Rockville Pike, Bethesda, Maryland 20892.

The Subcommittee on Environmental Carcinogenesis, which was scheduled to meet on May 4, 1993 immediately following the recess of the National Cancer Advisory Board meeting will now meet from 5 p.m.–6:30 p.m. at the National Institutes of Health, Building 31C, Conference Room 8, 9000 Rockville Pike, Bethesda, Maryland 20892. These meetings are being re-scheduled due to conflicts of schedules of committee members.

The meetings will be open to the public. Attendance by the public will be limited to space available.

Dated: April 29, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–10485 Filed 4–30–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH & HUMAN SERVICES

Social Security Administration

Agency Forms Submitted to the Office of Management and Budget for Clearance

Normally on Fridays, the Social Security Administration publishes a list of information collection packages that

have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 96–511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the **Federal Register** on Friday, April 16, 1993.

(Call Reports Clearance Officer on (410) 965–4142 for copies of package)

1. Supplemental Security Income No Change Redetermination Study–0960–NEW. The information on form SSA–82 will be used by the Social Security Administration to evaluate the effect of not receiving a notice on recipients who receive a redetermination of their eligibility for, or amount of, Supplemental Security Income (SSI) payments. The respondents will be recipients of SSI payments who receive such a redetermination.

Number of Respondents: 400
Frequency of Response: 1
Average Burden Per Response: 12 minutes
Estimated Annual Burden: 80 hours

2. Statement Regarding Date of Birth and Citizenship—0960–0016. The information on form SSA–702 is used by the Social Security Administration, along with other evidence, to establish a claimant's age or citizenship. The respondents are individuals who have knowledge of the date of birth or citizenship of the claimant.

Number of Respondents: 18,000
Frequency of Response: 1
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 3,000 hours

3. State Report of Incorrect BENDEX information—0960–NEW. The information on form SSA–1086 is provided by the States and is used by the Social Security Administration to correct entries on the Master Beneficiary Record Data base. The respondents are State and local governments.

Number of Respondents: 155
Frequency of Response: 2
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 52 hours

4. Public Assistance Agency Information Request—0960–0095. The information on form SSA–1610 is used by the Social Security Administration to retrieve limited data about individuals which is requested by State or County welfare offices. The respondents are those offices requesting this data from SSA.

Number of Respondents: 195,000
Frequency of Response: On occasion
Average Burden Per Response: 5 minutes
Estimated Annual Burden: 16,250 hours

5. Proposed Regulation Regarding Continuation of Full Benefit Standard for Persons Temporarily Institutionalized (N–20–416.212)—0960–NEW. The information obtained by this proposed regulation will be used by the Social Security Administration to determine if Supplemental Security Income (SSI) recipients who are temporarily institutionalized can be entitled to their full benefit. The respondents will be SSI recipients who are temporarily institutionalized and their physicians.

Number of Respondents: 24,000
Frequency of Response: 1
Average Burden Per Response: 20 minutes
Estimated Annual Burden: 8,000 hours

OMB Desk Officer: Laura Oliven

Department of Health and Human Services

Social Security Administration

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: April 27, 1993.

Carolyn Hunt,

Acting Reports Clearance Officer, Social Security Administration.

[FR Doc. 93–10402 Filed 4–30–93; 8:45 am]

BILLING CODE 4190–29–M

DEPARTMENT OF THE INTERIOR

Joint Tribal/BIA/DOI Advisory Task Force on Bureau of Indian Affairs Reorganization, Public Meeting

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 101–512, the Office of the Assistant Secretary-Indian Affairs is announcing the forthcoming meeting of the Joint Tribal/BIA/DOI Advisory Task Force on Bureau of Indian Affairs Reorganization (Task Force).

DATES: May 25–27, 1993, 9 a.m. to 5:30 p.m.; the Kwa Taq Nuk Resort on the Flathead Reservation, 303 US Highway 93 E, Polson, Montana. The meeting of the Task Force is open to the public.

FOR FURTHER INFORMATION CONTACT: Veronica L. Murdock, Designated Federal Officer, Office of the Assistant Secretary-Indian Affairs; MS 4140 MIB; 1849 C Street NW., Washington, DC 20240; Telephone number (202) 208–4173.

SUPPLEMENTARY INFORMATION: The Joint Tribal/BIA/DOI Advisory Task Force on Bureau of Indian Affairs Reorganization will continue discussion of organizational changes proposed for the Bureau of Indian Affairs at this meeting. Reports on the status of approved organizational changes and recommendations contained in the 1992 reports of the Task Force will be provided. Proposals for restructuring the Office of Trust Responsibilities and the Division of Tribal Government Services will be presented to the Task Force for action. The Task Force will proceed with its identification of BIAM and CFR changes based on the Tribal survey forms received, and it will continue work on the Tribal Budget System. The Task Force will discuss and identify personnel management issues that need to be addressed in connection with the reorganization effort. Public attendance and participation in this meeting are encouraged, and time for public comments has been scheduled for all three days.

Dated: April 26, 1993.

Eddie F. Brown,

Assistant Secretary-Indian Affairs.

[FR Doc. 93–10334 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[AZ–040–4212–14]

Receipt of Application for the Conveyance of Federally Owned Mineral Interests

AGENCY: Safford District, AZ, Bureau of Land Management (BLM), Interior.

ACTION: Notice of receipt of conveyance of mineral interest application in Graham County, Arizona.

SUMMARY: Notice is hereby given that pursuant to Section 209 of the Act of October 21, 1976, 90 Stat. 2757, Graham County Board of Supervisors, Graham County, Safford, Arizona, has applied to purchase the mineral estate described as follows:

Gila and Salt River Meridian, Arizona

T. 7 S., R. 27 E.,
Sec. 21, SW¼SE¼NE¼NW¼, SW¼SE¼SE¼NE¼NW¼, NW¼NE¼NE¼SE¼NW¼, NE¼NW¼NE¼SE¼NW¼.
T. 8 S., R. 26 E.,
Sec. 29, Lot 17, NW¼NW¼NW¼NE¼, N½N½SW¼NW¼NW¼NE¼.
Containing 10.02 acres, more or less.

Upon publication of this notice in the Federal Register, the mineral interests described above will be segregated to the extent that they will not be open to appropriation under the public land laws including the mining laws. The segregative effect of the application shall terminate either upon issuance of a patent or other document of conveyance of such mineral interests, upon final rejection of the application or two years from the date of filing of the application, March 31, 1993, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Additional information concerning this application may be obtained from the Realty Specialist at the Safford District Office, 711 14th Avenue, Safford, Arizona 85546.

Dated: April 22, 1993.

Frank L. Rowley,

Acting District Manager.

[FR Doc. 93–10298 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–32–M

[NV–930–4210–04; N–56458]

Realty Action: Exchange of Public Lands in Clark County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action N–56458 for exchange of lands in Clark County, Nevada.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada, including the mineral estate with no known value, has been determined to be suitable for disposal by exchange pursuant to Section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716).

Mount Diablo Meridian, Nevada

T. 20 S., R. 60 E.,
SEC. 5, Lots 1, 7 and 8,
W½SW¼NW¼NE¼,
W½NW¼SW¼NE¼,
NW¼SW¼SW¼NE¼,
E½NE¼SE¼NE¼, E½SE¼NE¼NW¼,
E½NE¼SE¼NW¼,
NE¼SE¼SE¼NW¼,
SW¼NW¼NE¼SE¼,
W½SW¼NE¼SE¼,
SE¼SE¼NW¼SE¼,
E½NE¼SW¼SE¼,
NE¼SE¼SW¼SE¼,
W½NW¼SE¼SE¼,
NW¼SW¼SE¼SE¼.
SEC. 7, SW¼NE¼NE¼,
E½SE¼NE¼NE¼, E½NE¼NW¼NE¼,
E½NW¼NW¼NE¼,
W½SE¼NW¼NE¼,
W½NE¼SW¼NE¼,
E½NW¼SW¼NE¼, S½SW¼NE¼,
E½SW¼SE¼NE¼, E½SE¼NE¼NE¼,
NE¼NE¼NW¼, E½SE¼NE¼NW¼,
W½SE¼SE¼NW¼,
W½NE¼NE¼SW¼,
N½NE¼SE¼SW¼, SE¼SE¼SW¼,
S½SE¼SE¼SW¼, W½NE¼SE¼,
E½NE¼NW¼SE¼, SW¼NW¼SE¼,
W½SE¼NW¼SE¼,
W½NW¼SW¼SE¼,
E½SE¼SW¼SE¼, N½SE¼SE¼,
E½SW¼SE¼SE¼, W½SE¼SE¼SE¼.
SEC. 9, SW¼NE¼SW¼,
SE¼NE¼NW¼SW¼,
E½SE¼NW¼SW¼,
S½NW¼NE¼SW¼. Aggregating 322.73 acres, more or less.

In exchange for these lands, the Federal Government will acquire a tract of non-federal land in Red Rock Canyon National Conservation Area, Nevada, described as follows:

Mount Diablo Meridian, Nevada

T. 22 S., R. 58 E.,
SEC. 1, SW¼, EXCEPTING THEREFROM the interest in and to those portions of said land deeded to the State of Nevada (for State Route 159—Blue Diamond Road) by a Deed recorded November 15, 1984 as Document No. 1981385 in Book 2022 of Official Records, Clark County, Nevada.

The area described contains 153.76 acres, more or less.

The purpose of the exchange is to complete phase 2 of the Red Rock Exchange to acquire non-federal lands located with the Red Rock Canyon National Conservation Area. The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with local governmental officials. The public interest will be served by making the exchange. If the value of the lands to be exchanged is not equal, the acreage will be adjusted or money will be used to equalize the values upon approval of the final appraisal of the lands.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals having known values.

And will be subject to valid existing third party rights, including but not limited to:

1. Easements of varying widths for road, public utilities and flood control purposes to insure continued ingress and egress to adjacent lands in accordance with the transportation plan for Clark County.

2. Those rights for power transmission line purposes granted to Nevada Power Company, its successors or assigns, by right-of-way Nev-043546, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

3. Those rights for communication line purposes granted to Central Telephone Company, its successors or assigns, by right-of-way N–7353, pursuant to the Act of February 15, 1901, as amended (formerly 43 U.S.C. 959).

4. Those rights for access road purposes granted to Clark County, its successors or assigns, by rights-of-way N–43902 and N–55256, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

5. Those rights for water well site and water pipeline purposes granted to Las Vegas Valley Water District, its successors or assigns, by right-of-way N–51582, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

6. Those rights for flood drainage channel purposes granted to the City of Las Vegas, its successors or assigns, by right-of-way N–51823, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

7. Those rights for underground distribution and communication line purposes granted jointly to Nevada Power Company and Central Telephone Company, their successors or assigns, by rights-of-way N–52939, N–56369 and N–56491, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

8. Those rights for water pipeline and access road purposes granted to Las Vegas Valley Water District, its successors or assigns, by rights-of-way N–53700 and N–53701, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

9. Those rights for underground water main purposes granted to Las Vegas Valley Water District, its successors or assigns, by right-of-way N–55369, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

10. Those rights for flood control channel purposes granted to Las Vegas Valley Water District, its successors or assigns, by right-of-way N–55758, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

11. Those rights for natural gas pipeline purposes granted to Southwest Gas Corporation, its successors or assigns, by right-of-way N–55952, pursuant to the Act of February 25, 1920 (30 U.S.C. 185).

The parcel described as Lot 1, section 5, T. 20 S., R. 60 E., was classified and segregated by publication of a Notice of Realty Action in the **Federal Register** on November 16, 1992 (57 FR 54101).

In accordance with the regulations of 43 CFR 2201.1(b), subject to valid and existing rights, publication of this notice in the **Federal Register**, will segregate the remaining public land in this Notice from all other forms of appropriation

under the public land laws, including the general mining laws, except for leasing under the mineral leasing laws and from any subsequent exchange proposals filed by any other proponent other than Olympic Lands Inc. or their nominee.

The segregation of the public land described in this Notice shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation, or the expiration of two years from the date of publication, whichever comes first.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

Dated: April 19, 1993.

Gary Ryan,

Acting District Manager.

[FR Doc. 93–10342 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF INTERIOR

Bureau of Land Management

[OR–030–03–4210–04: GP3–203]

Exchange of Public Lands in Malheur County, Oregon

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: Notice of realty action Or 39525.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian

T. 23S., R. 38E.,
Sec. 31: lot 1, 2, 3, 4, NE¼, E½NW¼, NE¼SW¼, NW¼SE¼, E½SE¼;
Sec. 32: all;
Sec. 33 W½SW¼.
T. 24S., R. 38E.,
Sec. 4: lot 4.

The area described above aggregates 1332.51 acres in Malheur County, Oregon.

In exchange for these lands, the Federal Government will acquire the following described private lands from Walter T. McEwen:

Willamette Meridian

T. 24S., R. 38E.,
Sec. 11: S½SW¼.
T. 25S., R. 38E.,
Sec. 13: SW¼SW¼;
Sec. 14: S½SE¼;
Sec. 15: SW¼NE¼;
Sec. 24: N½.
T. 24S., R. 39E.,
Sec. 19: SW¼SE¼;
Sec. 30: SE¼NE¼, W½E½, E½SW¼.
T. 25S., R. 39E.,
Sec. 3: NW¼SW¼;
Sec. 4: NE¼SE¼;
Sec. 19: lot 2.
T. 26S., R. 39E.,
Sec. 7: E½SE¼;
Sec. 8: S½SW¼, SW¼SE¼;
Sec. 17: N½NW¼, NW¼NE¼.

The area described above aggregates 1319.61 acres in Malheur County, Oregon.

This proposed land exchange was published in the **Federal Register** Vol. 54 FR, page 27435 on Thursday, June 29, 1989, and corrected in the **Federal Register** Vol. 54 FR, page 30633 on Friday, July 21, 1989 and republished in the **Federal Register** Vol. 56 FR page 22734 on Thursday, May 16, 1991.

The purpose of this Notice is to extend the segregative effect on the public lands described above from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this Notice will terminate upon issuance of patent or in two years, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Nancy Getchell, Bureau of Land Management, Vale District, 100 Oregon Street, Vale, OR 97918, (Telephone 503 473–3144).

Donna Webb,

Assistant District Manager Resources.

[FR Doc. 93–10328 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–33–M

[OR–030–03–4210–04; GP3–202]

Exchange of Public Lands in Malheur County, Oregon

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: Notice of realty action OR 44787.

SUMMARY: The following lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian

T. 17S., R. 44E.,
Sec. 14: NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼.
T. 17S., R. 45E.,
Sec. 17: W½;
Sec. 18: lot 1, 2, 3, 4, E½W½, E½.

The area described above aggregates 1353.01 acres in Malheur County, Oregon.

In exchange for these lands, the Federal Government will acquire the following described private lands from OT Farms.

Willamette Meridian

T. 17S., R. 45E.,
Sec. 8: E½W½.
T. 18S., R. 45E.,
Sec. 3: lot 1, 2, 3, 4, S½N½, S½.

The area described above aggregates 802.54 acres in Malheur County, Oregon.

This proposed land exchange was published in the **Federal Register** Vol. 54 FR, page 27436 on Thursday, June 29, 1989; and republished in the **Federal Register** Vol. 56 FR, page 22734 on Thursday, May 16, 1991. The purpose of this Notice is to extend the segregative effect on the public lands described above from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this Notice will terminate upon issuance of patent or in two years, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Nancy Getchell, Bureau of Land Management, Vale District, 100 Oregon Street, Vale, OR 97918, (Telephone 503 473–3144).

Donna Webb,

Assistant District Manager Resources.

[FR Doc. 93–10327 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–030–03–4210–04: GP–03–184]

Realty Action; Exchange of Public Lands; Malheur County, Oregon

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: Notice of Realty Action; Exchange of Public Lands in Malheur County, Oregon.

SUMMARY: The following described public lands are determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Williamette Meridian, Oregon

T. 30 S., R. 42 E.,
Sec. 34: S½NE¼, SW¼NW¼, and NE¼SE¼.
T. 31 S., R. 42 E.,

Sec. 4: Lot 1, E½E½E½ ± of Lot 2 or a similar parcel to be determined by Cadastral Survey, S½NE¼, and SE¼;
Sec. 9: SE¼SE¼;
Sec. 10: NW¼NE½, S½NE¼, and S½;
Sec. 15: N½, and N½S½.

The area described contains 1565.40± acres in Malheur County, Oregon

In exchange for these lands, the United States will acquire the following described private lands from Richard Eiguren.

Williamette Meridian, Oregon

T. 31 S., R. 42 E.,
Sec. 9: W½;
Sec. 16: N½, SW¼, and W½SE¼;
Sec. 17: N½, SW¼, and W½SE¼;
Sec. 19: M&B described as follows:
Commencing at a ¾" pipe monumenting the East ¼ corner of said Section 19, the Initial Point as well as, the true Point of Beginning; thence N 00° 55" W along East line of the NE¼ of said Section 19—335.86 feet to the centerline of State Highway—U.S. #95 as traveled; thence N 00° 37' 55" W along said East line—2328.33 feet to a ¾" pipe monumenting the NE corner of said Section 19; thence Westerly along the North line of said Section 19 to the brink of the East canyon rim of the Owyhee River, a point witnessed by a ¾" pipe which bears S 89° 18' 05" W—4152.81 feet from the NE corner of said Section 19; thence S 21° 57' 00" W along said brink approximately 729.58 feet to a ¾" pipe; thence S 45° 42' 19" E along said brink—1725.97 feet to a ¾ pipe; thence S 22° 30' 43" E along said brink—777.01 feet to a ¾" pipe; thence S 50° 28' 47" E along said brink—476.36 feet to a ¾" pipe; thence S 06° 44' 56" E along said brink—366.09 feet to a ¾ pipe; thence S 65° 05' 53" E along said brink—202.18 feet to a ¾" pipe; thence N 52° 39' 47" E along said brink—1167.06 feet to a ½" pipe; thence S 52° 21' 00" E—455.00 feet to a PK nail and shiner in the centerline of said Highway #95 as traveled; thence Southerly along the centerline of Highway #95 approximately 2775 feet to the South line of said Section 19; thence Easterly along the south line of said Section 19 approximately 1275 feet to the Southeast corner of said Section; thence Northerly along the East line of said Section approximately 2640 feet to the Point of Beginning, Excepting Therefrom 5.9 acres conveyed to the State of Oregon by Deed dated June 5, 1935, filed September 18, 1935, and recorded in Book 39, Page 392 of Deeds. Containing approximately 317 gross land acres, less approximately 9 acres for said State Highway right of way.

The area described contains 1748.00 acres in Malheur County, Oregon.

The purpose of this land exchange is to facilitate resource management opportunities in the Jordan Resource Area as identified in the Southern Malheur Management Frameworks Plan, resolve unauthorized agricultural use, and improve ownership patterns. The private lands offered possess important values for critical deer winter range and legal access to a public land block. The public interest will be well served by completing this exchange.

The value of the lands to be exchanged is approximately equal. Full equalization of values will be achieved through acreage adjustment, or by cash payment in an amount not to exceed 25% of the value of the lands being transferred out of federal ownership.

The exchange will be subject to:

1. The reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Patent will be issued subject to all valid existing rights and reservations of record.

3. Such rights for public road purposes as Malheur County, or its successors in interest may have pursuant to a road right-of-way RS. 2477 (43 U.S.C. 932).

4. Such rights for telephone lines buried and overhead purposes for Oregon/Idaho Utilities OR–17097 and OR–47563. Act of October 21, 1976, 90 Stat. 2776 43 U.S.C. 1761.

5. Such rights for powerline purposes as Idaho Power Company OR–01503. Act of October 21, 1976, 90 Stat. 2776 43 U.S.C. 1761.

6. Such rights for public road purposes as State of Oregon, or its successors in interest may have pursuant to a highway right-of-way, TD–028918. Title 23 U.S.C. sections 107 and 317.

7. Such rights for irrigation canals purposes as Jordan Valley Irrigation District TD–025442.

8. Reservation of Oil and Gas Mineral Estate.

9. Reservation of Geothermal Mineral Estate on S½NE¼, SW¼NW¼ and NE¼SE¼ of Section 34, T. 30 S., R. 42 E., WM.

10. All other Mineral Estate will be exchanged except those mentioned above (Oil and Gas and Geothermal).

11. Nonpermanent improvements belonging to the proponent may be removed from the offered lands within a period of time specified by the Authorized Officer. If not removed, the improvements will either be authorized by the Bureau of Land Management or become the property of the United States, with the exception of fences located on the boundary between the offered and private lands.

12. All unauthorization Agricultural Use back rentals OR–42452 and OR–42453 will be paid before the exchange is consummated.

The publication of this notice in the **Federal Register** will segregate the public lands described above from appropriation under the public land laws, including mining laws, except from provided by regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant. The segregative effect of this Notice will terminate upon issuance of patent or in two years, whichever comes first.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District manager, Vale District, 100 Oregon Street, Vale, Oregon 97918. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objection, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Sheldon E. Saxton, Realty Specialist; or Jerry L. Taylor, Area Manager; Bureau of Land Management, Jordan Resource Area, 100 Oregon Street, Vale, Oregon 97918, (503) 473–3144.

Dated: April 23, 1993.

James E. May,

District Manager.

[FR Doc. 93–10326 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–33–M

Fish and Wildlife Services

Availability of a Draft Revised Recovery Plan for the Leopard Darter for Review and Comment

AGENCY: Fish and Wildlife Services, 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 revised recovery plan for the leopard darter (*Percina pantherina*) which the Service listed as a threatened species on January 27, 1978 (43 FR 3715). This fish occurs on private lands in the Little River Basin in southeastern Oklahoma and southwestern Arkansas. Populations are presently known from Leflore, McCurtain, and Pushmataha counties in Oklahoma and Howard and Polk counties in Arkansas. The Service solicits review and comment from the public on this draft plan. The original recovery plan was approved September 20, 1984.

DATES: Comments on the draft recovery plan must be received on or before June 2, 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, Field Supervisor, Ecological Services, 222 South Houston, Suite A, Tulsa, Oklahoma, 74127; Telephone (918) 581–7458. Written comments and materials regarding the plan should be addressed to the Field Supervisor 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: Ken Collins, Fish and Wildlife Service Biologist; telephone (918) 581–7458 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 primary species considered in this draft revised recovery plan is the leopard darter (*Percina pantherina*) whose existence is threatened primarily by the destruction and/or degradation of suitable spawning and rearing habitat. The area of emphasis for recovery action is the major tributaries of the Little River system in southeastern Oklahoma and southwestern Arkansas. Six major reservoirs have been constructed on this river system and a seventh, the Lukfata Reservoir ("Lukfata"), has been authorized. If Lukfata is constructed, it will eliminate more than 34 stream miles of designated critical habitat for the species. The existence of the leopard darter is also threatened by degradation of stream water quality due to silviculture, road construction and contamination by pesticides, fertilizers, acid rain and untreated wastes.

The objective of the recovery plan is to restore the species to the point that it's continued existence is no longer threatened and the species can be delisted. Habitat preservation and preservation of genetic material are major objectives of this recovery plan. Delisting criteria are given in the draft recovery plan. Recovery efforts outlined in the recovery plan include deauthorization of the Lukfata Reservoir, protection and essential habitat, preservation of sufficient genetic variation, and ecological research. 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 27, 1993.

James A. Young,

Acting Regional Director.

[FR Doc. 93–10296 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Lake Management Plan, Lake Mead National Recreation Area; Intent To Prepare An Environmental Impact Statement

SUMMARY: The National Park Service will prepare a Lake Management Plan/Environmental Impact Statement (LMP/EIS) for Lake Mead National Recreation Area, Arizona and Nevada, and initiate the scoping process for this document. This notice is in accordance with 40 CFR 1501.7 and 40 CFR 1508.22 of the regulations of the President's Council on Environmental Quality for the National Environmental Policy Act of 1969, Public Law 91–190. The LMP/EIS will describe and analyze visitor use management alternatives within the national recreation area.

Issues to be addressed in the LMP/EIS include but are not limited to: (1) Identification and resolution of potential conflicting recreational activities, (2) impact of recreational use on park natural and cultural resources, (3) impact of increasing recreational use on the quality of the recreational experience, and (4) need for additional visitor facilities to support increasing recreational demand. Alternatives, including a no-action alternative, to address these issues will be developed through the public participation process. Additionally, the EIS process will provide comprehensive analysis of impacts associated with recreational use for each alternative developed.

SUPPLEMENTARY INFORMATION: Anyone wishing to participate in or comment on this planning process should write to the Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, NW 89005, telephone (702) 293–8986.

The responsible official is Stanley T. Albright, Regional Director, Western Region, National Park Service. Public involvement to begin formulating the LMP/EIS issues and alternatives is expected to commence in Spring 1993. This will consist of a series of meetings for which advance notice will be provided. The draft LMP/EIS is expected to be available for public review in January 1995, and the final plan, environmental statement and record of decision are to be completed about a year later.

Dated: April 22, 1993.

Lewis Albert,

Acting Regional Director, Western Region.

[FR Doc. 93–10320 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–70–M

Final General Management Plan Development Concept Plans and Environmental Impact Statement Petrified Forest National Park; Notice of Record of Decision

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, and specifically to the regulations promulgated by the Council on Environmental Quality at 40 CFR 1505.2, the Department of the Interior, National Park Service (NPS) has prepared a Record of Decision on the Final General Management Plan,

Development Concept Plans/ Environmental Impact Statement for Petrified Forest National Park.

The NPS will implement the General Management Plan and related development concept plans in accordance with the proposal set forth as Alternative 2 in the Final General Management Plan, Development Concept Plans/Environmental Impact Statement (GMP/EIS) issued in March 1993 (58 FR 13645). The Draft GMP/EIS was issued in November 1991 (56 FR 58395).

Copies of the Record of Decision may be obtained either from the Superintendent, Petrified Forest National Park, Petrified National Park, AZ 86028, or the National Park Service, Western Regional Office, Division of Planning, Grants and Environmental Quality, 600 Harrison St., suite 600, San Francisco, CA 94107–1372.

Dated: April 22, 1993.

Lewis Albert,

Acting Regional Director, Western Region.

[FR Doc. 93–10321 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–70–M

Natchez National Historical Park, MS; Draft General Management Plan/ Development Concept Plan/ Environmental Impact Statement

AGENCY: National Park Service, Interior.

ACTION: Notice of availability of Draft General Management Plan/Development Concept Plan/Environmental Impact Statement.

SUMMARY: Pursuant to Council on Environmental Quality Regulations and National Park Service Policy, the National Park Service (NPS) announces the release of the Draft General Management Plan/Development Concept Plan/Environmental Impact Statement (DGMP/DCP/EIS) for Natchez National Historical Park, Mississippi.

DATES: The DGMP/DCP/EIS will be on public review until June 30, 1993. All review comments must be postmarked no later than June 30, 1993. A public meeting (open house) will be held Wednesday, June 9, 1993, from 10 a.m. to 1 p.m. and 3 p.m. to 8 p.m. at Melrose at the following location to discuss the DGMP/DCP/EIS. Verbal and written comments on the DGMP/DCP/EIS will be accepted at the meeting.

ADDRESSES: Natchez National Historical Park, 1 Melrose-Montebello Parkway, Natchez, Mississippi 39121.

FOR FURTHER INFORMATION CONTACT: Superintendent, Natchez National Historical Park, P.O. Box 1208, Natchez, Mississippi 39121, Telephone (601) 442–7047.

SUPPLEMENTARY INFORMATION: The DGMP/DCP/EIS presents three alternatives for future management and use of Natchez National Historical Park.

For copies of the DGMP/DCP/EIS, please contact the Superintendent at the above address.

Dated: April 27, 1993.

Robert F. Newkirk,

Acting Regional Director, Southeast Region.

[FR Doc. 93–10322 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–70–M

Cape Cod National Seashore, South Wellfleet, Massachusetts; Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, May 21, 1993.

The Commission was reestablished pursuant to Public Law 99–349, Amendment 24. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of the Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

A field trip will be held from 10 a.m. until noon (prior to the regularly scheduled business meeting) to view the Pamet Valley in Truro. They will depart from the Park Headquarters building, Marconi Station, So. Wellfleet, MA. Members of the public wishing to attend may do so but must provide their own transportation.

The Commission members will then meet a 1 p.m. for their regular business meeting which will be held for the following reasons:

1. Adoption of Agenda
2. Approval of Minutes of Previous Meeting
3. Reports of Officers
4. Old Business
5. Superintendent's Report
6. Improved Properties
7. Aunt Lydia's Cove
8. Commercial Use Permits
9. New Business
10. Agenda for next meeting
11. Date for next meeting
12. Communications/Public Comment
13. Adjournment

The business meeting is open to the public. It is expected that 15 persons will be able to attend each meeting in addition to the Commission members.

Interested persons may make oral/ written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning these meetings may be obtained from the Superintendent, Cape Cod National Seashore, So. Wellfleet, MA 02663.

Dated: April 26, 1993.

John C. Reed,

Acting Regional Director.

[FR Doc. 93–10324 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–70–M

Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area (GGNRA) Advisory Commission will be held at 7:30 p.m. (PDT) on Tuesday, May 27, 1993, at Building 201, Fort Mason, San Francisco, California. The Advisory Commission was established by Public Law 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties.

Members of the Commission are as follows:

Mr. Richard Bartke, Chairman
Ms. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Dr. Howard Cogswell
Brig. Gen. John Crowley, USA (ret)
Mr. Margot Patterson Doss
Mr. Neil D. Eisenberg
Mr. Jerry Friedman
Mr. Steve Jeong
Ms. Daphne Greene
Ms. Gimmy Park Li
Mr. Gary Pinkston
Mr. Merritt Robinson
Mr. R. H. Sciaroni
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams
Mr. Mel Land

The main agenda item at this public meeting will be a public hearing on the Staff Report on the Sutro Historic District Comprehensive Design and Environmental Assessment (EA). This area of the Golden Gate National Recreation Area (GGNRA) includes the Land's End area, the San Francisco Memorial, the Merrie Way parking lot,

Louis' Restaurant, the Cliff House, Sutro Baths, and the Sutro Heights Park area.

On February 27, 1992, an initial public meeting was held to provide guidance to the GGNRA planning team and to the design firm of EDAW, Inc. on the Sutro Comprehensive Design Plan. The Draft Design Plan was completed in July 1992 by EDAW, Inc. under contract with the Golden Gate National Recreation Area. The Plan and an accompanying Historic Landscape Evaluation and Environmental Assessment were originally presented to the GGNRA Advisory Commission and the public on July 30, 1992.

Following the close of a 60-day formal comment period, there were three focused workshops attended by members of the Advisory Commission, park staff, and EDAW personnel responsible for the plans preparation. Workshops were held with the San Francisco Planning Department staff on November 17, 1992, with environmental group representatives on December 5, 1992, and with representatives of the surrounding neighborhoods on February 2, 1993.

A second agenda item at the May 27, 1993, meeting will be a presentation of the Alcatraz Overall Island Plan and Environmental Assessment (EA). The Draft Alcatraz Plan, prepared by consultant firm LSA Associates, Inc. for the Golden Gate National Recreation Area was completed April 2, 1993.

The Plan will provide a blueprint for the future of Alcatraz Island, a 22-acre island in San Francisco Bay, managed by the National Park Service. It identifies specific management goals and practices to maximize resource protection, visitor use, and interpretation of the island. The detailed environmental assessment prepared by LSA Associates, Inc. evaluates a series of alternatives for the future of Alcatraz, and provides potential impacts of each alternative on island resources and the visiting public.

From 1974–1980, the National Park Service undertook a major planning effort to prepare an overall General Management Plan (GMP) for the GGNRA. A specialized study on the history of Alcatraz, "Historic Resource Study, the Rock: A History of Alcatraz Island, 1847–1972," was completed in 1979. More than 300 public hearings were held on the General Management Plan for GGNRA; many of which related to the future of Alcatraz.

As a result of the publication of two NPS documents "Assessment of Alternatives for the General Management Plan" (1977) and a citizen summary, "A People's Guide to the National Park Next Door: Alternatives for the GGNRA," four alternatives were considered for Alcatraz. Public comment was solicited on all four alternatives.

Other studies supporting the Plan include: "Alcatraz Historic Resources Study" (1979); "Interpretive Prospectus—Alcatraz" (1987); "Alcatraz the Future—Concept Plan and Guidelines" (1988); "Agave Path Project—Environmental Assessment and Finding of No Significant Impact"; and various wildlife, botanical, and cultural landscape studies of Alcatraz.

The Draft Alcatraz Island Plan focuses on the implementation of the vision for Alcatraz laid out in the GMP. The Plan is updated to consider changing visitor patterns, wildlife values, and recent resource studies. The Plan, although still consistent with the original GGNRA GMP, focuses considerably more on preservation and protection.

There will be a 30-day comment period on the Draft Alcatraz Island Plan, and public comment will be taken at the July 1 meeting of the Advisory Commission at which Advisory Commission action is anticipated.

A third agenda item at the May 27, 1993, meeting is a vote by the Advisory Commission on a resolution supporting park efforts to locate the United Nations Commission on Sustainable Development at the Presidio.

The meeting will also contain a Superintendent's Report.

This public meeting is opened to all environmental, neighborhood, and community groups and others interested in being involved in the planning process for these GGNRA areas.

Copies of the GGNRA Staff Report on the Sutro District Comprehensive Design Plan and the Draft Alcatraz Overall Island Plan can be obtained by writing to Superintendent, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123.

This meeting will be recorded for documentation and transcribed for dissemination. Minutes of the meeting will be available to the public after approval of the full Advisory Commission. A transcript will be available after June 25, 1993. For copies of the minutes contact the Office of the Staff Assistant, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123.

Dated: April 26, 1993.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 93–10319 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–70–M

Maine Acadian Culture Preservation Commission; Meeting

Notice of hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) that the Maine Acadian Culture Preservation Commission will meet on Thursday, May 20, 1993. The meeting will convene at 7 p.m. in the Gymnasium Multi-purpose Center at the University of Maine at Fort Kent in Fort Kent, Aroostook County, Maine.

The eleven-member Maine Acadian Culture Preservation Commission was appointed by the Secretary of the Interior pursuant to the Maine Acadian Culture Preservation Act (PL 101–543). The purpose of the Commission is to advise the National Park Service with respect to:

- The development and implementation of an interpretive program of Acadian culture in the state of Maine; and
- The selection of sites for interpretation and preservation by means of cooperative agreements.

The Agenda for this meeting is as follows: 1. Review and approval of the summary report of the meeting held March 25, 1993.

2. Reports of the following Maine Acadian Culture Preservation Commission working groups: Mission Statement, Cooperating Organizations, and Public Involvement.

3. Report of the National Park Service planning team.

4. Opportunity for public comment.

5. Proposed agenda, place, and date of the next Commission meeting.

The meeting is open to the public. Further information concerning Commission meetings may be obtained from the Superintendent, Acadia National Park. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made at least seven days prior to the meeting by writing to: Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, telephone (207) 288–5472.

Dated: April 26, 1993.

John C. Reed,

Acting Regional Director.

[FR Doc. 93–10325 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–70–M

Sudbury, Assabet and Concord Rivers Wild and Scenic Study, Massachusetts; Sudbury, Assabet and Concord Rivers Study Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee

Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. app. 1 section 10), that there will be a meeting of the Sudbury, Assabet and Concord Rivers Study Committee on Thursday, May 27, 1993.

The Committee was established pursuant to Public Law 101–628. The purpose of the Committee is to consult with the Secretary of the Interior and to advise the Secretary in conducting the study of the Sudbury, Assabet and Concord River segments specified in section 5(a)(110) of the Wild and Scenic Rivers Act. The Committee shall also advise the Secretary concerning management alternatives, should some or all of the river segments studied be found eligible for inclusion in the National Wild and Scenic Rivers System.

The meeting will be held at 7:30 p.m., Sleeper Room, Elderly Housing Center, 145 Church Street, Carlisle, Massachusetts. (Driving directions: From Rte. 225, travel north across the Concord River from Bedford. Church Street diverges left off Route 225 approximately 1.75 miles from the river. The Elderly Housing Center is ahead on the right.

Agenda

7:30 I. Welcome and introductions—Bill Sullivan
7:35 II. Approval of minutes from March 25, 1993 meeting
7:40 III. Subcommittee Reports—Subcommittee Chairs
A. River Conservation Planning Subcommittee
B. Water Resources Subcommittee
C. Public Participation Subcommittee
9:00 IV. Discussion—Issues of Local Concern
9:20 V. Opportunity for public questions and comments
9:40 VI. Other Business

Dated: April 26, 1993.

John C. Reed,

Acting Regional Director.

[FR Doc. 93–10323 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–624 (Final)]

Certain Helical Spring Lockwashers From China

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a final antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–624 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether 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 the People's Republic of China (China) of certain helical spring lockwashers,[1] provided for in subheading 7318.21.00 of the Harmonized Tariff Schedule of the United States.

For further information concerning the conduct of this investigation, hearing procedures, 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 C (19 CFR part 207).

EFFECTIVE DATE: April 27, 1993.

FOR FURTHER INFORMATION CONTACT: Douglas Corkran (202–205–3177), 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

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of certain helical spring lockwashers from China are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. § 1673b). The investigation was requested in a petition filed on September 8, 1992, by the Shakeproof Industrial Products Division, Illinois Tool Works, Milwaukee, WI.

Participation in the Investigation and Public Service List

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than seven (7) days after publication of this notice in the Federal Register. Section 201.11 (b) of the Commission's rules is hereby waived. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation 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

The Secretary will make BPI gathered in this final investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven (7) days after the publication of this notice in the Federal Register. Section 207.7 (a)(2) of the Commission's rules is hereby waived. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in this investigation will be placed in the nonpublic record on April 30, 1993, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on May 13, 1993, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 5, 1993. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 10, 1993, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules. Parties are strongly encouraged to submit as early in the investigation as possible any requests to present a portion of their hearing testimony *in camera*.

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission.

[1] For purposes of this investigation, certain helical spring lockwashers 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. Such helical spring lockwashers 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 screws or bolts; and (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lockwashers made of other metals, such as copper.

Prehearing briefs must conform with the provisions of § 207.22 of the Commission's rules; the deadline for filing is May 7, 1993. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.24 of the Commission's rules. The deadline for filing posthearing briefs is May 21, 1993; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 21, 1993. A supplemental brief addressing only the final antidumping determination of the Department of Commerce is due on July 16, 1993. The brief may not exceed five (5) pages in length. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of § 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (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: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.20 of the Commission's rules.

Issued: April 29, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–10466 Filed 4–30–93; 8:45 am]

BILLING CODE 7020–02–P

INTERSTATE COMMERCE COMMISSION

[Decision No. 40265]

Georgia-Pacific Corp.—Petition for Declaratory Order—Certain Rates and Practices of Oneida Motor Freight, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice; extension of comment due date.

SUMMARY: By decision served March 31, 1993 (58 FR 17428–29, April 2, 1993), the Commission established a procedural schedule in this proceeding. Comments by all interested persons are currently due on May 3, 1993. On April 22, 1993, the Committee on Transportation and Distribution of the Society of the Plastics Industry, Inc. (COT&D), and the National Association of Wholesale Grocers (NAWGA) requested a two-week extension of the comment due date to May 17, 1993, to allow interested shippers to coordinate and possibly reconcile potentially differing views in advance of comment submission. National Small Shipments Traffic Conference, Inc., and The Health and Personal Care Distribution Conference, Inc., support the extension request. Georgia-Pacific does not object to the request.

Because the extension sought is brief, supported by a number of interested persons, and should facilitate resolution of issues, it will be granted.

DATES: Comments are due on May 17, 1993.

ADDRESSES: Send an original and 15 copies of comments referring to No. 40265 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 hearing impaired: (202) 927–5721).

Decided: April 27, 1993.

By the Commission, Sidney L. Strickland, Jr., Secretary.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–10351 Filed 4–30–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–1 (Sub-No. 244X)]

Chicago and North Western Transportation Co.—Abandonment Exemption—In Chaska, Carver County, MN

Chicago and North Western Transportation Company (CNW) has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 1.0-mile line of railroad between railroad milepost 32.0 and railroad milepost 33.0 in Chaska, Carver County, MN.

CNW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of a complainant within the 2-year period, and (4) the requirements at 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 2, 1993, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by May 13, 1993. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 24, 1993, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Thomas F. Flanagan, Chicago and North Western Transportation Company, 165 North Canal Street, Chicago, IL 60606–1551.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

CNW has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Energy and Environment (SEE) will issue an environmental assessment (EA) by May 7, 1993. Interested persons may obtain a copy of the EA by writing to SEE (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEE, at (202) 927–6248. Comments on environmental

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Energy and Environment in its independent investigation) cannot be made before the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental grounds is encouraged to file this request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 23, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–10352 Filed 4–30–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–290 (Sub-No. 123X)]

Norfolk Southern Railway Co.—Abandonment Exemption—In Franklin, Marion, and Winston Counties, AL

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. 10903–10904 the abandonment by Norfolk Southern Railway Company of a 33.0-mile line of railroad between mileposts IC–571.0 and IC–604.0, in Franklin, Marion, and Winston Counties, AL (the Red Bay-Haleyville line), subject to standard labor protective conditions and an historic preservation condition.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on June 2, 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 13, 1993. Petitions for stay must be filed by May 18, 1993. Requests for a public use condition in conformity with 49 CFR 1152.28(a)(2) must be filed by May 24, 1993. Petitions to reopen must be filed by May 28, 1993.

ADDRESSES: Send pleadings referring to Docket No. AB–290 (Sub-No. 123X) to:

(1) Office of the Secretary,
Case Control Branch,
Interstate Commerce Commission,
Washington, DC 20423.

(2) Petitioner's representative: Robert J. Cooney,
Three Commercial Place,
Norfolk, VA 23510–2191.

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, 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 26, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–10354 Filed 4–30–93; 8:45 am]

BILLING CODE 7035–01–P

[1] See Exempt. of Rail Line Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

DEPARTMENT OF JUSTICE

Notice of Lodging a Consent Decree; Shenango, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on April 12, 1993, a proposed Third Amended Consent Decree, which is to resolve alleged violations of the Amended and Second Amended Consent Decrees in *United States* v. *Shenango, Inc.*, C.A. No. 89–1172 (W.D. Pa.), was lodged with the United States District Court for the Western District of Pennsylvania.

The United States filed against Shenango on September 12, 1990, a Joint Motion for Civil Contempt and to Enforce Consent Decree, in which the United States sought remedies for Shenango's alleged failure to comply with certain terms contained within the Second Amended Consent Decree, entered by the Court on November 13, 1987, and others contained in the Amended Consent Decree, entered October 16, 1980. The United States alleged that Shenango failed to comply with standards regulating emissions into the ambient air from its two coke oven batteries located at Neville Island, Pennsylvania.

Under the proposed Third Amended Consent Decree, Shenango is required to demonstrate compliance with the terms of the Decree and the Pennsylvania State Implementation Plan. For all emissions sources other than the desulfurization system and the combustion stack at Battery S–4, Shenango may petition the court to terminate the decree (on an emissions source by emissions source basis) one year after the date that Shenango has demonstrated compliance and has paid all applicable stipulated penalties for any violations which may have occurred after the demonstration of compliance. Shenango must also demonstrate compliance at the end of this one year period, and include in its petition to the court a record of the final compliance demonstration. As to the desulfurization plant and S–4 stack, Shenango cannot petition the court to terminate the decree until two years after the initial compliance demonstration.

With regard to emissions from the combustion stack at battery S–4, Shenango is required to complete a "Wall Replacement Program," beginning with the most damaged ovens first. Shenango must repair or replace at least 12 oven walls per year, with a minimum of 2 per quarter, until all 36 walls in the battery have been repaired or replaced. This must be completed by December 1, 1995. In addition, Shenango is required to undertake a pilot study of its desulfurization plant to determine whether Sulferox, a new technology, would work to reduce sulfur emissions in an acidic coke oven battery. Shenango must present a report of the results of its study no later than September 1, 1993. If the product proves helpful, then Shenango must install the emissions control system using this product by February 1, 1994. If not, the company must implement an alternative compliance program involving rebuilding and modernizing the existing desulfurization plant. The decree also provides that Shenango shall pay $540,000 in civil penalties.

The Department of Justice will receive for a period of thirty days from the date of this publication comments relating to the proposed Third Amended Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Shenango, Inc.*, DOJ Ref. No. 90–5–2–3–1099C.

The proposed Third Consent Decree may be examined at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Third Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $36.25 (25 cents per page reproduction costs) payable to Consent Decree Library.

John C. Cruden,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–10245 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

National Cooperative Research—GTE Mobile Communications Service Corp.

Notice is hereby given that, on February 3, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), GTE Mobile Communications Service Corporation filed written notifications 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 notifications were 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 and its general areas of planned activities are as follows: Ameritech Mobile Communications, Inc., Hoffman Estates, IL; Bell Atlantic Mobile Systems, Bedminister, NJ; GTE Mobile Communications Service Corporation (including its affiliates GTE Mobilnet Incorporated and Contel Cellular, Inc.), Atlanta, GA; McCaw Cellular Communications, Inc., Kirkland, WA; NYNEX Mobil Communications Co., Orangeburg, NY; PacTel Cellular, Walnut Creek, CA; and Southwestern Bell Mobile Systems, Inc., Dallas, TX. GTE Mobile Communications and McCaw Cellular will partially fund the project and will co-manage the project with specific areas of responsibility to be defined in the applicable agreement. The other parties will provide funding only.The purposes of the project are (1) to fund the development and testing of generic specifications for a wireless data transmission technology (the "Technology") that uses frequency-hopping techniques for the packet delivery of digital data over cellular radio channels (the "Project"); (2) to have the parties identified above as co-managers manage the Project and do all things necessary to complete the Project, including but not necessarily limited to (a) working with third-party contractors and consultants to develop specifications for the Technology as well as designs of prototypes of equipment needed to test the Technology, (b) conducting test trials of the Technology, (c) sharing technical information and test results from the foregoing activities with the parties, and (d) arranging for the initial production and possible equitable distribution among the parties of equipment utilizing the Technology for demonstration, testing, and possible deployment by each party, including possible pro rata allotment of initial deliveries of equipment, to enable the parties to receive proportional deliveries at a time when the initial production may be inadequate to meet their demands; and (3) to release generic specifications for the Technology to all interested parties, including cellular carriers, cellular network equipment suppliers, customer equipment suppliers, customer applications developers and customers, to stimulate the competitive development of products and applications utilizing the Technology and thereby to foster the introduction of a new wireless data transmission technology, through an Electronic Industry Association/ Telecommunications Industry Association (EIA/TIA) Approved Open Standard.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–10248 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–01–M

National Cooperative Research—Halon Alternative Research Corporation, Inc. (HARC)

Notice is hereby given that, on March 24, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Halon Alternatives Research Corporation, Inc. ("HARC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing the addition of new members and the deletion of a member to HARC. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the new members to HARC are: Boeing Company, Seattle, WA; Fire Equipment Manufacturers Association, Cleveland, OH; Securiplex Technologies, Dorval, Quebec, CANADA; Amerex Corporation, Trussville, AL; Automatic Suppression Systems, South Holland, IL; Engineered Fire Systems, Seattle, WA; Eurotunnel plc, London, ENGLAND; Exxon Company, International, Florham Park, NJ; Fire Suppressions Systems Association, Baltimore, MD; Halotron, Inc., Las Vegas, NV; Hi–Fog, Exton, PA; Hughes Aircraft Company, Los Angeles, CA; Hughes Associates, Columbia, MD; Northern States Power, Minneapolis, MN; Overland Aviation Services, St. Louis, MO; Pyrene Fire Security, Markham, Ontario, CANADA; Quantum Corporation, Milpitas, CA; Reliable Fire Equipment Co., Alsip, IL; Saab Aircraft AB, Linkoping, SWEDEN; Silvani Antincendi Spa, Milan, ITALY; Solvay Performance Chemicals, Inc., Greenwich, CT. Northern Telecom, Ltd. of Mississauga, Ontario, CANADA resigned its membership in 1992.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HARC intends to file additional written notification disclosing all changes in membership.

On February 7, 1990, HARC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on March 7, 1990 (55 FR 8204).

The last notification was filed with the Department on December 3, 1991. A notice was published in the Federal Register pursuant to section 6(b) of the Act on January 14, 1992 (57 FR 1493).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–10249 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–01–M

National Cooperative Research—Semiconductor Research Corp.

Notice is hereby given that, on March 12, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Semiconductor Research Corporation ("SRC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Essential Research, Inc., University Heights, OH was recently accepted as an affiliate member of SRC and Spire Corporation has been deleted from SRC membership.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SRC intends to file additional written notification disclosing all changes in membership.

On January 8, 1985, SRC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on January 30, 1985 (50 FR 4281).

The last notification was filed with the Department on January 4, 1993. A

notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 29, 1993 (58 FR 6529).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–10247 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–01–M

National Cooperative Research—"Texas School District Cooperative Research Project: Cost Effectiveness of Alternative Fuels Using Life-Cycle Cost Benefit Analysis"

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"), Southwest Research Institute ("SwRI") filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in the membership status of the "Texas School District Cooperative Research Project: Cost Effectiveness of Alternative Fuels Using Life-Cycle Cost Benefit Analysis." The notifications were filed for the purpose of extending the protections of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the following party has become a new member of the project: North East Independent School District, San Antonio, TX.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the members intend to file additional written notification disclosing all changes in membership.

On August 28, 1992, SwRI filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 27, 1992, 57 FR 48636.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–10246 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated March 11, 1993, and published in the **Federal Register** on March 17, 1993, (58 FR 14427), The Binding Site, Inc., 5889 Oberlin Drive, suite 101, San Diego, California 92121, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Methadone (9250)	II
Morphine (9300)	II

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: April 23, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–10229 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–09–M

Gary L. Brown, M.D.; Denial of Application

On February 23, 1993, the Deputy Assistant Administrator of the Drug Enforcement Administration (DEA), Office of Diversion Control, issued to Gary L. Brown, M.D., 2 Water Street, Richwood, West Virginia 26261, an Order to Show Cause proposing to deny Dr. Brown's application for registration as a practitioner under section 303(f) of the Controlled Substances Act, 21 U.S.C. 823(f). Dr. Brown received the Order to Show Cause at 509–E Washington Street, Lewisburg, West Virginia, on February 27, 1993. More than thirty days have elapsed since the Order to Show Cause was received by Dr. Brown and the Drug Enforcement Administration has received no response thereto. Therefore, pursuant to the provisions of 21 CFR 1301.54(a) and 1301.54(d), Dr. Brown is deemed to have waived his opportunity for a hearing on any matters of law and fact involved herein. Accordingly, the Administrator now issues his final order in this matter without a hearing and based upon the investigative file. 21 CFR 1301.57.

The Order to Show Cause alleged that Dr. Brown's registration would be inconsistent with the public interest, as that term is used in 21 U.S.C. 823(f), based on his lack of state authorization, his falsification of his application for DEA registration and his convictions with respect to various controlled substance offenses.

The Administrator finds that effective July 16, 1990, the West Virginia Board of Medicine revoked Dr. Brown's license to practice medicine. Thereafter, he was without authority to prescribe, dispense, administer or otherwise handle controlled substances under the laws of the State of West Virginia. The Administrator also finds that on April 27, 1987, in Wake County, North Carolina, Dr. Brown attempted to obtain Tranxene, a Schedule IV controlled substance, by fraud and deception, and that on November 14, 1989, he was convicted of that crime and was sentenced to a three-year suspended sentence and three years of supervised probation. The Administrator finds that Dr. Brown materially falsified his application for DEA registration when he failed to reveal this conviction. The Administrator further finds that on October 9, and November 12, 1991, Dr. Brown forged the name of another physician to stolen prescription blanks and used those prescriptions to obtain non-controlled legend drugs at two West Virginia pharmacies.

Pursuant to 21 U.S.C. 823(f), a practitioner may be registered if he is authorized to dispense, or conduct research with respect to, controlled substances under the laws of the state in which he practices. The Administrator must deny an application if he finds that the applicant lacks state authority to dispense controlled substances. Additionally, the material falsification of an application constitutes grounds for revocation of a registration under 21 U.S.C. 824(a)(1) and an applicant's arrest and conviction record is relevant to a public interest determination under 21 U.S.C. 823(f). There are, therefore, lawful bases for the denial of Dr. Brown's application for registration.

This agency has consistently held that the lack of a state license requires the revocation of the registrant's DEA Certificate of Registration or the denial of an application for such registration. See, Lawrence R. Alexander, M.D., Docket No. 92–22, 57 FR 22256 (1992); Bobby Watts, M.D., Docket No. 87–71, 53 FR 11919 (1988); *Wingfield Drugs, Inc.*, Docket No. 87–13, 52 FR 27070 (1987), and cases cited therein. There having been no evidence submitted on behalf of the applicant, the Administrator concludes that Dr. Brown's application must be denied.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him

by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that Dr. Gary L. Brown's pending application for registration as a practitioner be, and it hereby is, denied. This order is effective May 3, 1993.

Dated: April 26, 1993.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 93–10237 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated February 24, 1993, and published in the **Federal Register** on March 8, 1993, (58 FR 12974), Janssen, Inc., HC02 Box 19250, Gurabo, Puerto Rico 00658–9629, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Alfentanil (9737)	II
Sufentanil (9740)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, 1301.54(e), the Director hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 23, 1993.

Gene R. Haslip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–10233 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 1, 1993, and published in the **Federal Register** on March 8, 1993 (58 FR 12974), Knoll Pharmaceuticals, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Hydromorphone (9150), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, § 1301.54(e), the Director hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: April 23, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–10235 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 11, 1993, and published in the **Federal Register** on March 17, 1993, (58 FR 14430), Lonza Riverside, 900 River Road, Conchohocken, Pennsylvania 19428, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
4-Methoxyamphetamine (7411)	I
Amphetamine (1100)	II
Phenylacetone (8501)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, § 1301.54(e), the Director, Office of Diversion Control hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 23, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–10236 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–09–M

DRUG ENFORCEMENT ADMINISTRATION

Importer of Controlled Substances; Notice of Registration

By Notice dated February 22, 1993, and published in the **Federal Register** on March 2, 1993, (58 FR 12053), Mallinckrodt Specialty Chemicals Company, Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Coca Leaves (9040)	II
Opium, Raw (9600)	II
Poppy Straw (9650)	II
Poppy Straw Concentrate (9670)	II

Comments were received, however, a written request for a hearing with respect to this registration was not filed as required by title 21, Code of Federal Regulations, §§ 1301.43 and 1301.54. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations, § 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: April 23, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–10230 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–09–M

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated March 11, 1993, and published in the **Federal Register** on March 17, 1993 (58 FR 14428), Noramco of Delaware, Inc., Division McNeilab, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Opium, Raw (9600)	II
Poppy Straw Concentrate (9670)	II

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: April 23, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–10231 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 11, 1993, and published in the **Federal Register** on March 17, 1993 (58 FR 14429), Noramco of Delaware, Inc., Division of McNeilab, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Thebaine (9333)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, §1301.54(e), the Director, Office of Diversion Control hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 23, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–10232 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated February 5, 1993, and published in the **Federal Register** on February 23, 1993, (58 FR 11063), Orpharm, Inc., 728 West 19th Street, Houston, Texas 77008, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Alphacetylmethadol (9603)	I
Methadone (9250)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, §1301.54(e), the Director, Office of Diversion Control hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 23, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–10234 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to §1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on March 29, 1993, Radian Corporation, P.O. Box 201088, 8501 Mopac Blvd., Austin, Texas 78759, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methcathinone (1237)	I
Aminorex (1585)	I
4-Methlaminorex (cis isomer) (1590)	I
Methaqualone (2565)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4-Methylenedioxyamphetamine (7400)	I
3,4-Methylene- dioxymethamphetamine (7405)	I
Normorphine (9313)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Methadone (9250)	II
Fentanyl (9801)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Director, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than June 2, 1993.

Dated: April 23, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–10228 Filed 4–30–93; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of April 1993.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion f(3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–28,285; Gencorp Automotive, Marion, IN

TA–W–28,222; Utica Alloys, Inc., Utica, NY

TA–W–28,314; Airfoil Textron, Inc., Fostoria, OH

TA–W–28,118; Struthers-Dunn, Inc, Pitman, NJ

TA–W–28,276; Ashland Rubber Products, Ashland, OH

TA–W–28,268; Pennsylvania Optical Co., Reading, PA

TA–W–28,334; Snydergeneral Corp., Elizabeth, TN

TA–W–28,021; Epocha Fashions, Paterson, NJ

TA–W–28,248; A.E. Erickson Enterprises, Inc., Amanda Park, WA

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-28,457; Bergstein Oilfield Services, Inc., Lubbock, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-28,458; Sonny's, Inc., Hobbs, NM

The workers' firm does not produce and article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-28,459; DSW&T Services, Inc., Lubbock, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-28,323; Matchbox Toys (USA) Ltd, Moonachie, NJ

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-28,227; United States Steel Corp., Edgar Thomson Works, Braddock, PA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,356; Arnold Engineering Co., Marengo, IL

The investigation revealed that as a result of a business merger, production was transferred to another domestic facility during the relevant period.

TA-W-28,247; Anadarko Petroleum Corp., Oklahoma City, OK

The investigation revealed that criterion (1) and criterion (2) have not been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification Sales or production did not decline during the relevant period as required for certification

TA-W-28,332; TK International, Inc., Tulsa, OK

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-28,052; Ostrom Lumber Co., Monmouth, OR

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,061; Teledyne Adams, Union, NJ

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,305; Liebert Corp., Printed Circuit Board Production, Columbus, OH

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,279; Barbee Mill Co., Inc., Renton, WA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,288 & TA-W-28,289; Schlumberger Well Service, Kenai, AK and Anchorage, AK

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-28,251; General Dynamics Land Systems, Inc., Sterling Heights, MI

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,453; Palmetto State Dyeing & Finishing, Greenville, SC

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,310; Cooper Industries, Cooper Power Systems Div., Canonsburg, PA

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-28,208; Schweizer Aircraft Corp., Elkmira, NY

A certification was issued covering all workers separated on or after January 6, 1992.

TA-W-28,211; Capital Creation, Inc., Hoboken, NJ

A certification was issued covering all workers separated on or after January 5, 1992.

TA-W-28,473; Craftex Creations, Inc., Candor, NC

A certification was issued covering all workers producing ladies' sleepwear and robs separated on or after February 26, 1992.

TA-W-28,466; Russell Newman, Inc., Brickenridge, TX

A certification was issued covering all workers producing ladies' sleepwear separated on or after March 10, 1992.

TA-W-28,357; Baron Peters Corp., Lowell, MA

A certification was issued covering all workers separated on or after February 5, 1992.

TA-W-28,361; Bertard Manufacturing Corp., Lowell, MA

A certification was issued covering all workers separated on or after February 5, 1992.

TA-W-28,362; Charlestown Manufacturing Corp., Charlestown, MA

A certification was issued covering all workers separated on or after February 5, 1992.

TA-W-28,309; CPS Corp., Henderson, KY

A certification was issued covering all workers separated on or after January 15, 1992.

TA-W-28,267; Mecon Manufacturing, Inc., Caribou, ME

A certification was issued covering all workers producing Automobile circuit breakers separated on or after January 20, 1992.

TA-W-28,145; Fleck, Inc., Biloxi, MS.

A certification was issued covering all workers producing separated on or after December 14, 1991.

TA-W-28,355 American Tourister, Warren, RI

A certification was issued covering all workers producing hard-side luggage separated on or after February 2, 1992.

TA-W-28,430; Exxon Co., USA, St. Elmo, IL

A certification was issued covering all workers separated on or after February 23, 1992.

TA-W-28,365; Ametek, US Guage Div., Sellersville, PA

A certification was issued covering all worker separated on or after February 18, 1992.

TA-W-28,300; Stratagraph, Inc., Scott, LA

A certification was issued covering all workers engaged in exploration and drilling of crude oil and natural gas separated on or after January 29, 1992.

TA-W-28,371; Marie Coat and Suit, Clifton, NJ

A certification was issued covering all workers producing women's coats and jackets separated on or after November 10, 1991.

TA-W-28,313; Amerace Electronic Component, Livingston, NJ

A certification was issued covering all workers producing electronic components separated on or after February 8, 1992.

TA-W-28,071; Northern Processors, Inc., Enid, OK

A certification was issued covering all workers separated on or after November 17, 1991.

TA-W-28,070, TA-W-28,071; Northern Processors, Inc., Traverse City, MI and Enid, OK

A certification was issued covering all workers separated on or after November 17, 1991.

I hereby certify that the aforementioned determinations were issued during the month of April 1993. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: April 21, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-10348 Filed 4-30-93; 8:45 am]

BILLING CODE 9510-30-M

[TA-W-27,972; TA-W-27,972A]

Yankee Atomic Electric Co., Rowe, MA and Nuclear Service Division, Bolton, MA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 5, 1993, applicable to all workers of Yankee Atomic Electric Company in Rowe, Massachusetts. The notice was published in the **Federal Register** on March 11, 1993 (58 FR 13507).

New information from the company shows that the Nuclear Service Division in Bolton, Massachusetts is owned by the Yankee Atomic Electric Company. The Nuclear Service Division which provided a substantial amount of engineering services to Yankee Atomic Electric experienced a reduced demand for its services from Yankee Atomic Electric in 1992.

Accordingly, the Department is amending the certification to include the Nuclear Service Division in Bolton, Massachusetts.

The amended notice applicable to TA-W-27,972 is hereby issued as follows:

"All workers of Yankee Atomic Electric Company, Rowe, Massachusetts and the Nuclear Service Division of Yankee Atomic Electric Company in Bolton, Massachusetts who became totally or partially separated from employment on or after July 9, 1991 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974."

Signed in Washington, DC, this 21st day of April 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-10347 Filed 4-30-93; 8:45 am]

BILLING CODE 4510-30-M

Notice of Attestations Filed by Facilities Using Nonimmigrant Aliens As Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor, room N4456, 200 Constitution Avenue, NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The address of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, Room S3502, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Regarding the Attestation Process

Chief, Division of Foreign Labor Certifications, U.S. Employment Service. Telephone: 202-219-5263 (this is not a toll-free number).

Regarding the Complaint Process

Questions regarding the complaint process for the H-1A nurse attestation program shall be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202-219-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also request that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H-1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR Part 655 and 29 CFR Part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under that attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 7th day of April 1993.

Robert A. Schaerfl,

Director, United States Employment Service.

DIVISION OF FOREIGN LABOR CERTIFICATIONS—APPROVED ATTESTATIONS

[March 1, 1993 to March 31, 1993]

CEO name/facility name/address	State	Approval date
Mr. Kevin Blackwell, CPC Pinnacle Pointe Hosp., 11501 Financial Ctr. Parkway, Little Rock 72211, 501–223–3322.	AR	03/12/93
Mr. Eugene Zuber, Newport Hospital & Clinic, In, 2000 Mclain Street, Newport 72112, 501–523–6721.	AR	03/12/93
Mr. Phillip Gilmore, Arkansas Children's Hospital, 800 Marshall Street, Little Rock 72202, 501–320–1398.	AR	03/29/93
Mr. John Adams, Care West Gateway, Care Enterprises West, Hayward 94544, 714–544–4443.	CA	03/02/93
Mr. John Adams, Madison, Care Enterprises West, El Cajon 92021, 714–544–4443.	CA	03/05/93
Mr. John Adams, Care West Manteca, Care Enterprises West, Manteca 95336, 714–544–4443.	CA	03/05/93
Mr. John Adams, Care West Arizona, Care Enterprises West, Santa Monica 90404, 714–544–4443.	CA	03/05/93
Mr. John Adams, Arroyo Vista, Care Enterprises West, San Diego 92105, 714–544–4443.	CA	03/05/93
Mr. John Adams, Care West North Valley, Care Enterprises West, Chico 95926, 714–544–4443.	CA	03/05/93
Mr. John Adams, Care West Bayside, Care Enterprises West, Kentfield 94904, 714–544–4443.	CA	03/05/93
Mr. John Adams, Care West Intercommunity, Care Enterprises West, Norwalk 90650, 714–544–4443.	CA	03/05/93
Mr. John Adams, Tri-City, Care Enterprises West, Oceanside 92056, 714–544–4443.	CA	03/05/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS—APPROVED ATTESTATIONS—Continued

[March 1, 1993 to March 31, 1993]

CEO name/facility name/address	State	Approval date
Mr. Barry Weinbaum, Alvarado Hospital Med. Ctr., 6655 Alvarado Rd., San Diego 92120, 619–287–3270.	CA	03/12/93
Mr. Gerry Garcia, Seacrest Convalescent Hospital, 1416 West Sixth Street, San Pedro 90732, 213–833–3526.	CA	03/12/93
Mr. Gerry Garcia, Los Palos Convalescent Hospital, 1430 West Sixth Street, San Pedro 90732, 213–832–6431.	CA	03/12/93
Ms. Jane E. Corr, Country Villa Westwood, 12121 Santa Monica Blvd., Los Angeles 90025, 310–826–0821.	CA	03/16/93
Ms. Gale Gascho, Alhambra Community Hosp., 100 S. Raymond Avenue, Alhambra 91802, 818–570–1606.	CA	03/16/93
Ms. Dawn Martin, Crestwood Rehab. & Conval. Hospital, Crestwood Hospitals, Inc., Stockton 95204, 209–466–0456.	CA	03/16/93
Mr. Gustavo A. Valdespino, Los Alamitos Medical Ctr., 3751 Katella Avenue, Los Alamitos 90720, 310–598–1311.	CA	03/18/93
Mr. David D. O'Neill, Saint Joseph Medical Ctr., 501 So. Buena Vista, Burbank 91505, 818–843–5111.	CA	03/18/93
Mr. Arnold Schaffer, Garfield Medical Ctr., 525 N. Garfield Avenue, Monterey Park 91754, 818–573–2222.	CA	03/18/93
Mr. John Edwards, Pacific Alliance Med. Ctr., 531 W. College St., Los Angeles 90012, 213–624–8411.	CA	03/29/93
Ms. Marlene Zerna Robertson, Golden Cross Health Care of Pasadena, 91103, 818–791–1948.	CA	03/29/93
Mr. Robinson Abraham, Health Management, Inc., 1828 L Street NW., Suite 908, Washington 20036, 202–887–8110.	DC	03/05/93
Mr. Nell Bratcher, Greater Southeast Community Hospital, Washington 20032, 202–574–6616.	DC	03/29/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS—APPROVED ATTESTATIONS—Continued

[March 1, 1993 to March 31, 1993]

CEO name/facility name/address	State	Approval date
Mr. Stephen Bernstein, Delray Community Hospital, 5352 Linton Blvd., Delray Beach 33484, 800–926–8282.	FL	03/03/93
Ms. Roberta Agner, Madison County Memorial Hosp., 201 E. Marion Street, Madison 32340, 904–973–2271.	FL	03/03/93
Mr. Rick Winkler, Key West Convalescent Ctr., Inc., Key West 33040, 305–296–2459.	FL	03/05/93
Mr. Edward Tudanger, AMI Palmetto General Hosp., 2001 West 68 Street, Hialeah 33016, 305–823–5000.	FL	03/12/93
Mr. J. Daniel Miller, HCA Bayonet Point/Hudson Medical Ctr., Hudson 34667, 813–863–2411.	FL	03/16/93
Mr. Thomas R. Pentz, Cleveland Clinic Hospital, Cleveland Clinic Florida Hosp., Fort Lauderdale 33308, 305–568–1000.	FL	03/16/93
Mr. James E. Rogers, Palm Beach Regional Hospital, 2829 10th Avenue North, Lake Worth 33461, 407–967–7800.	FL	03/18/93
Mr. James S. Elmslie, MRA Staffing Systems, Inc., 7771 W. Oakland Park Blvd., Ft. Lauderdale 33351, 305–748–3300.	FL	03/18/93
Ms. Josefina B. Lardizabal, GEM Care, 550 9th Street, Miami Beach 33139, 305–531–3321.	FL	03/29/93
Mr. Oscar K. Weinmeister, Jr., Houston Medical Ctr., 1601 Watson Blvd., Warner Robins 31093, 912–922–4281.	GA	03/18/93
Mr. Frederick R. Bailey, N. Fulton Reg'l Hospital, 3000 Hospital Blvd., Roswell 30076, 404–751–2657.	GA	03/18/93
Mr. Gary K. Kajiwara, Kuakini Health System, 347 N. Kaukini Street, Honolulu 96817, 808–547–9450.	HI	03/12/93
Mr. Burton Behr, Hampton Plaza Health Care Centre, Niles 60648, 708–967–7000.	IL	03/03/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS—APPROVED ATTESTATIONS—Continued

[March 1, 1993 to March 31, 1993]

CEO name/facility name/address	State	Approval date
Mr. Mark C. Clement, Holy Cross Hospital, 2701 West 68th Street, Chicago 60629, 312–471–8000.	IL	03/12/93
Mr. Michale Fritz, The Carle Arbours, 302 Burwash Avenue, Savoy 61874, 217–383–3090.	IL	03/12/93
Ms. Jo Anne Fisher, Burgess Square Healthcare Ctre., Westmont 60559, 708–971–2645.	IL	03/12/93
Ms. Denise R. Williams, Roseland Community Hospital, 45 West 111th Street, Chicago 60628, 312–995–3000.	IL	03/16/93
Sister Stella Louise, Saint Mary of Nazareth Hospital Ctr., Chicago 60622, 312–770–2000.	IL	03/16/93
Mr. Sam Holtzman, Michael Reese Hosp. & Med. Ct., 2929 South Ellis Avenue, Chicago 60616, 312–791–3000.	IL	03/18/93
Mr. Larry Loecker, Methodist Home, 1415 W. Foster, Chicago 60640, 312–769–5500.	IL	03/19/93
Mr. John Birdzell, St. Mary Medical Center, Lakeshore Health System, Gary 46402, 219–881–8140.	IN	03/03/93
Mr. Ricky Powell, Rivendell Psychiatric Hosp., Rivendell of Kentucky, Inc., Bowling Green 42103, 502–843–1199.	KY	03/29/93
Mr. Donald R. Herbert, Highland Park Medical Ctr., NOTAMI Hospitals of Texas, Inc., Covington 70434, 504–892–5900.	LA	03/29/93
Mr. A. Jason Geisinger, Professional Med. Enterprises, The Hillhaven Corp., Lexington 02173, 617–861–0441.	MA	03/03/93
Mr. Stanley M. Fertel, Jewish Memorial Hospital and Rehab. Ctr., Boston 02119, 617–442–8760.	MA	03/03/93
Mr. Abe Treshinsky, Eastwood Pines Nursing Home, 59 Eastwood Circle, Gardner 01440, 508–632–8776.	MA	03/05/93
Ms. S. Blanche LaRose, Bethany Health Care Ctr., Inc., 97 Bethany Road, Framingham 01701, 508–872–6750.	MA	03/12/93
Mr. William K. Brinkert, St. John of God Hospital, 296 Allston Street, Brighton 02146, 617–277–5750.	MA	03/18/93
Mr. Ronald Marx, Washington Adventist Hospital, 7600 Carroll Avenue, Takoma Park 20912, 301–891–7600.	MD	03/02/93
Mr. James J. Hayden, Baltimore Nursing & Conval. C., City Nursing & Conval. Ctr., Inc., Baltimore 21217, 410–523–9400.	MD	03/05/93
James A. Block, M.D., The Johns Hopkins Hospital, c/o Nursing Admin. Adm. 220, Baltimore 21287, 410–955–4222.	MD	03/12/93
Ms. Leah T. Bowden, Potomac Valley Nursing and Wellness, Rockville 20850, 301–762–0700.	MD	03/29/93
Mr. Phillip S. Schaengold, Sinai Hospital of Detroit, 6767 West Outer Drive, Detroit 48235, 313–493–5713.	MI	03/16/93
Mr. Herbert B. Schneiderman, St. Louis University Hospital, 3635 Vista, St. Louis 63110, 314–577–8580.	MO	03/05/93
Mr. B. Frank Comfort, Jr., Quitman Co. Hospital & Nursing Home, Inc., Marks 38646, 601–326–8031.	MS	03/12/93
Norman C. Nelson, M.D., The University of Mississippi Medical Ctr., Jackson 39216, 601–984–1120.	MS	03/12/93
Mr. Gary Angell, Meadow Brook Manor, P.O. Box 249, Clemmons 27012, 919–766–9158.	NC	03/05/93
Ms. Julia D. George, Starmount Villa, Beverly Enterprises N.C., Inc., Greensboro 27407, 919–292–5390.	NC	03/12/93
Mr. J.B. Garrett, Hillcrest Conval. Ctr., Inc., 1417 W. Pettigrew Street, Durham 27705, 919–286–7705.	NC	03/12/93
Ms. Su Modlin James, Britthaven of Davidson, 706 Pinewood Rd., Thomasville 27360, 919–475–9116.	NC	03/16/93
Ms. Mary Lee Jackson, Brighton Manor, 415 Fuquary-Varina, Fuquary-Varina 27526, 919–552–5609.	NC	03/29/93
Mr. Robert H. Walker, Pine Haven Conval. Ctr., Inc., 1245 Park Avenue, Henderson 27536, 919–492–7021.	NC	03/29/93
Mr. Robert H. Walker, Enfield Care, Inc., 208 Cary St., Enfield 27823, 919–492–1088.	NC	03/29/93
Ms. Mary Lee Jackson, Nash Grove Manor, 1022 Eastern Avenue, Nashville 27856, 919–459–3014.	NC	03/29/93
Mr. Mark Pederson, Park Place Nursing Ctr., 610 N. Darr, Grand Island 68803, 308–382–2635.	NE	03/29/93
Mr. Keith McLaughlin, Raritan Bay Medical Ctr., 530 New Brunswick Avenue, Perth Amboy 08861, 908–442–3700.	NJ	03/03/93
Mr. Jeffrey S. Moll, Beth Israel Hospital of Passa, 70 Parker Avenue, Passaic 07055, 201–365–5000.	NJ	03/03/93
Mr. Nicholas Dubner, Garden State Health Care Ctr., 140 Park Avenue, East Orange 07017, 201–677–1500.	NJ	03/05/93
Mr. Justin Doheny, Wayne General Hospital, 224 Hamburg Turnpike, Wayne 07470, 201–942–6900.	NJ	03/12/93
Ms. Margaret J. Straney, Cathedral Healthcare System, Inc., Newark 07102, 201–642–5100.	NJ	03/16/93
Mr. Jonathan M. Metsch, Jersey City Med. Ctr., 50 Baldwin Avenue, Jersey City 07304, 201–915–2000.	NJ	03/18/93
Mr. John T. Gribbin, Medical Center of Ocean Count, 2121 Edgewater Place, Point Pleasant 08742, 908–295–6441.	NJ	03/19/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS—APPROVED ATTESTATIONS—Continued

[March 1, 1993 to March 31, 1993]

CEO name/facility name/address	State	Approval date
Mr. Daniel L. Marcantuono, The General Hospital Ctr. at Passaic, Passaic 07055, 201–365–4300.	NJ	03/29/93
Mr. Oscar Heller, Bayview Convalescent Ctr., 395 Lakeside Blvd., Bayville 08721, 908–269–0500.	NJ	03/29/93
Ms. Gloria Estabillo, Philippino Placement Agency, 880 Bergen Avenue, Jersey City 07306, 201–963–0245.	NJ	03/29/93
Mr. Daniel J. Moles, Ashbrook Nursing Home, 1610 Raritan Road, Scotch 07076, 908–889–5500.	NJ	03/29/93
Mr. Richard A. Pitman, Shore Memorial Hospital, Shore Rd & New York Ark, Somers Point 08244, 609–653–3500.	NJ	03/29/93
Ms. Karen Holcher, Pershing General Hospital District, Lovelock 89419, 702–273–2621.	NV	03/18/93
Mr. Robert Stone, Blythedale Children's Hospital, Bradhurst Avenue, Valhalla 10595, 914–592–7555.	NY	03/02/93
Ms. Ann Cecio, Borough Park-Metropolitan Jew Geriatric Ctr., Brooklyn 11219, 718–851–3700.	NY	03/02/93
Mr. Thomas G. Doherty, Kings County Hospital, NYCH & Hospitals Corp., New York 10013, 212–566–7322.	NY	03/03/93
Mr. William E. McCauley, St. John's Episcopal Hospital South Shore, Far Rockaway 11691, 718–868–7000.	NY	03/03/93
Mr. Thomas G. Doherty, Metropolitan Hospital, NYCH & Hospitals Corp., New York 10013, 212–566–7322.	NY	03/03/93
Mr. Thomas G. Doherty, Coler Memorial Hospital, NYCH & Hospitals Corp., New York 10013, 212–566–7322.	NY	03/03/93
Mr. Thomas G. Doherty, Harlem Hospital, NYCH & Hospitals Corp., New York 10013, 212–566–7322.	NY	03/03/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS—APPROVED ATTESTATIONS—Continued

[March 1, 1993 to March 31, 1993]

CEO name/facility name/address	State	Approval date
Mr. Eugene McCabe, North General Hospital, 1879 Madison Avenue, New York 10035, 212–423–4000.	NY	03/05/93
Mr. William Pascocello, Florence Nightingale Nursing Home, New York 10029, 212–410–8700.	NY	03/05/93
Mr. Thomas G. Doherty, Woodhull Med. & Mental Health, NYCH & Hosps. Corp., New York 10013, 212–566–7322.	NY	03/05/93
Mr. J. Rock Tonkel, St. Vincent's Hospital and Med. Ctr. of New York, New York 10011, 212–790–8824.	NY	03/05/93
Mr. Reuven Savitz, Hospital for Joint Diseases, 301 East 17th Street, New York 10003, 212–598–6000.	NY	03/05/93
Mr. Michael S. Fassler, Center for Nursing & Rehab., 520 Prospect Place, Brooklyn 11238, 718–636–1000.	NY	03/12/93
Robert G. Newman, M.D., Beth Israel Medical Ctr., First Avenue at 16th Street, New York, 10003, 212–420–2929.	NY	03/12/93
Ms. Jeanne Lee, Frances Schervier Home and Hospital, Bronx 10463, 212–548–1700.	NY	03/12/93
Ronald Gade, M.D., Union Hospital, 260 East 188th Street, Bronx 10458, 718–220–2020.	NY	03/18/93
Mr. Frederick D. Alley, The Brooklyn Hosp. Ctr., 121 De Kalb Avenue, Brooklyn 11201, 718–403–8025.	NY	03/18/93
Ms. Olga Lipschitz, Cobble Hill Nursing Home, 380 Henry Street, Brooklyn 11201, 718–855–6789.	NY	03/18/93
Ms. Marcia Fisher, Trinamco Co., Inc., 884 E. 233rd Street, Bronx 10466, 718–231–6800.	NY	03/29/93
Ms. Gladys George, Lenox Hill Hospital, 100 East 77th Street, New York 10021, 212–439–2018.	NY	03/29/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS—APPROVED ATTESTATIONS—Continued

[March 1, 1993 to March 31, 1993]

CEO name/facility name/address	State	Approval date
Mr. Irwin M. Langer, Peninsula Hospital Center, 51–15 Beach Channel Dr., Far Rockaway 11691, 718–945–7100.	NY	03/29/93
Mr. Michael New, Sephardic Home for the Aged, 2266 Cropsey Avenue, Brooklyn 11214, 718–266–6100.	NY	03/29/93
Mr. Martin Freiwirth, Kingsbrook Jewish Med. Ctr., 585 Schenectady Avenue, Brooklyn 11203, 718–604–5426.	NY	03/29/93
Mr. R. Reed Fraley, The Ohio State University Hospitals, Columbus 43210, 614–293–5555.	OH	03/05/93
Melvin H. Stepp, Meadow Haven Nursing Ctr., Beverly Enterprises, S.C. Inc., Rock Hill 29732, 803–366–7133.	SC	03/16/93
Ms. Suzanne A. Glymph, Westside Health Care, 8 North Texas Avenue, Greenville 29611, 803–295–1331.	SC	03/16/93
Mr. Jerome S. Tannenbaum, Ren Corporation—USA, 6820 Charlotte Pike, Nashville 37209, 615–353–4200.	TN	03/29/93
Mr. Donald Rocke, Bee County Regional Med. Ctr., 1500 E. Houston Highway, Beeville 78102, 512–358–5431.	TX	03/05/93
Mr. K. Steven Rowley, South Park Medical Ctr., 6610 Quaker Avenue, Lubbock 79413, 806–791–8000.	TX	03/12/93
Mr. Larry Mathis, The Methodist Hospital System, 6565 Fannin, Houston 77030, 713–790–2197.	TX	03/12/93
Mr. William D. Peteet, III, Methodist Hospital, 3615 19th Street, Lubbock 79410, 806–792–1011.	TX	03/16/93
Mr. Nelson A. Sin, International Medical Personnel Co., Houston 77036, 713–771–1211.	TX	03/16/93
Mr. William E. Simmons, San Jacinto Methodist Hosp., 4401 Garth Road, Baytown 77521 713–420–8690.	TX	03/18/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS—APPROVED ATTESTATIONS—Continued

[March 1, 1993 to March 31, 1993]

CEO name/facility name/address	State	Approval date
Ms. Fe De La Calzada, Quality Health Services, Inc., 9888 Bissonnet Suite 475, Houston 77036, 713–272–0077.	TX	03/18/93
Mr. Milton R. Kelley, Villa Nursing Center, Inc., 2003 North Edwards Street, Mount Pleasant 75456, 903–572–5511.	TX	03/18/93
Mr. Gary M. Moore, Maverick County Hosp. Distric, 350 S. Adams Street, Eagle Pass 78852, 210–773–5321.	TX	03/18/93
Mr. J. Michael Stevens, Medical Center Hosp. of Odessa, 601 West 4th Street, Odessa 79761, 915–335–1152.	TX	03/25/93
Mr. Don M. McBride, Sun Belt Reg'l Med. Ctr., 13111 East Freeway, Houston 77015, 713–450–0342.	TX	03/29/93
Mr. Wilbur A. Smith, St. Thomas Hospital, 48 Sugar Estates, St. Thomas 00802 809–776–8311.	VI	03/29/93
Mr. Kenneth C. Owens, Harbor Health Care, Beverly Enterprises, Inc., Aberdeen 98520, 206–696–3914.	WA	03/02/93
Mr. Bernard Westfall, West Virginia University Hospitals, Morgantown 26506, 304–598–4075.	WV	03/18/93
Total Attestations—124.		

[FR Doc. 93–10349 Filed 4–30–93; 8:45 am]

BILLING CODE 4510–30–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: Extension.

2. The title of the information collection: 10 CFR part 81—Standard Specifications for the Granting of Patent Licenses.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Applications for licenses are submitted once. Other reports are submitted annually or as other events require.

5. Who will be required or asked to report: Applicants for and holders of NRC licenses to NRC inventions.

6. An estimate of the number of responses: Zero.

7. An estimate of the total number of hours needed to complete the requirement or request: Zero.

8. An indication of whether section 3504(h), Public Law 96–511 applies: Not applicable.

9. Abstract: 10 CFR part 81 establishes the standard specifications for the issuance of licenses to rights in inventions covered by patents or patent applications vested in the United States, as represented by or in the custody of the Commission and other patents in which the Commission has legal rights.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, Lower Level, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150–0121), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084. The NRC Clearance Officer is Brenda J. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland this 23rd day of April, 1993.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 93–10301 Filed 4–30–93; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on May 13–15, 1993, in room P–110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the Federal Register on March 25, 1993.

Thursday, May 13, 1993

8:30 a.m.–8:45 a.m.: Opening Remarks by ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting and comment briefly regarding items of current interest. During this session, the Committee will discuss priorities for preparation of ACRS reports.

8:45 a.m.–9:45 a.m.: Advanced Reactors Schedules (Open)—The Committee will hear a briefing by and hold discussions with representatives of the NRC staff on the schedules for the NRC review of advanced reactor designs. The Committee will also discuss its plans and schedule for the review of the ABWR design.

9:45 a.m.–10:45 a.m.: SECY–93–086, Backfit Considerations (Open)—The Committee will review and comment on SECY–93–086, "Backfit Considerations." Representatives of the NRC staff and the industry will participate, as appropriate.

11:00 a.m.—12:15 p.m.: PRA Working Group Activities (Open)—The Committee will review and comment on a draft report on the proposed application of PRA prepared by the PRA Working Group. Representatives of the NRC staff and the industry will participate, as appropriate.

1:15 p.m.–2:15 p.m.: Proposed NRC Staff Plan for Comparing Safety Goals with Regulations (Open)—The Committee will review and comment on a proposed NRC Staff Plan for using the Safety Goal Policy to judge the effectiveness of the NRC regulations. Representatives of NRC staff and the industry will participate, as appropriate.

2:15 p.m.–3:45 p.m.: Meeting with the Director of the Office of Nuclear Reactor Regulation (Open)—The Committee will meet with the Director of the Office of Nuclear Reactor Regulation to discuss items of mutual interest.

4 p.m.–5 p.m.: Preparation for meeting with the NRC Commissioners (Open)—The Committee will discuss the topics scheduled for discussion during the Friday, May 14, 1993 meeting between the Committee and the NRC Commissioners.

5: p.m.–6 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports regarding items considered during this meeting.

Friday, May 14, 1993

8:30 a.m.–9:15 a.m.: Form and Content of Combined License (Open)—The Committee will hear a briefing by

and hold discussions with representatives of the NRC staff regarding the form and content of a Combined License application. Representatives of the industry will participate, as appropriate.

10 a.m.–11:30 a.m.: Meeting with the NRC Commissioners (Open)—The Committee will meet with the NRC Commissioners to discuss items of mutual interest.

1 p.m.–3 p.m.: Boiling Water Reactor Core Power Stability (Open)—The Committee will review and comment on the NRC staff's review of the approaches proposed by the BWR Owners Group for resolving the issue of BWR core power stability. Representatives of the NRC staff and the industry will participate, as appropriate.

3:15 p.m.–4:15 p.m.: Proposed Resolution of Generic Issue 105, "Interfacing Systems LOCA in LWRs" (Open—The Committee will review and comment on the NRC staff's proposed resolution of Generic Issue 105. Representatives of the NRC staff and industry will participate, as appropriate.

4:15 p.m.–5 p.m.: Future ACRS Activities (Open)— The Committee will discuss topics proposed for future consideration by the full Committee.

5 p.m.–6 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports regarding items considered during this meeting.

Saturday, May 15, 1993

8:30 a.m.–9:15 a.m.: ACRS Subcommittee Activities (Open)—The Committee will discuss the status of ACRS Subcommittee assignments, including those related to the conduct of ACRS business, the use of advanced computer graphics in the nuclear power plant design process, and the status of issues associated with BWR vessel water level instrumentation.

9:15 a.m.–9:45 a.m.: Appointment of New Members (Open/Closed)—The Committee will discuss matters related to the qualifications of candidates proposed for appointment to the Committee. Portions of this session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

9:45 a.m.–10:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss NRC staff responses to recommendations made in ACRS reports.

10:15 a.m.–1 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports regarding items considered during this meeting.

1:00 p.m.–2:00 p.m.: Miscellaneous (Open)—The Committee will discuss matters considered but not completed during previous meetings as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 16, 1992 (57 FR 47494). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those open portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director, Dr. John T. Larkins, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Public Law 92–463 that it is necessary to close portions of this meeting noted above to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552(c)(6).

Further information regarding topics to be discussed, 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 can be obtained by a prepaid telephone call to the ACRS Executive Director, Dr. John T. Larkins (telephone 301–492–4516), between 8 a.m. and 4:30 p.m. EST.

Dated: April 27, 1993.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 93–10304 Filed 4–30–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–424 and 50–425; 50–321 and 50–366]

Georgia Power Co. et al.; Vogtle Electric Generating Plant, Units 1 and 2, Edwin I. Hatch Nuclear Plant, Units 1 and 2 Issuance of Partial Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Partial Director's Decision concerning a request dated September 11, 1990 (Petition), as supplemented September 21 and October 1, 1990, and July 8, 1991, filed pursuant to 10 CFR 2.206 by Michael D. Kohn, Esquire, on behalf of Messrs. Marvin Hobby and Allen Mosbaugh. The Petition and supplements contain allegations regarding: The management of the Georgia Power Company (GPC) nuclear facilities; illegal transfer of GPC's operating licenses to Southern Nuclear Operating Company (SONOPCO); intentional false statements to the NRC regarding GPC's organizational chain of command and the reliability of a diesel generator; perjured testimony submitted by a GPC executive during a U.S. Department of Labor (DOL) proceeding under section 210 of the Energy Reorganization Act; repeated abuse at the Vogtle facility of Technical Specification 3.0.3; repeated willful technical specification violations at the Vogtle facility; repeated concealment of safeguards problems from the NRC; operation of radioactive waste systems and facilities at Vogtle in gross violation of NRC requirements; routine use at GPC nuclear facilities of nonconservative and questionable management practices; and retaliation by GPC against managers who make regulatory concerns known to GPC or SONOPCO management.

The supplements to the Petition also alleged that GPC's Executive Vice President made material false statements in GPC's April 1, 1991, submittal to the NRC responding to the issues raised in the Petition, and during a transcribed meeting on January 11, 1991, with the NRC staff, to discuss the formation and operation of SONOPCO.

The Director of the Office of Nuclear Reactor Regulation (NRR) has determined that certain issues raised in the Petition are capable of resolution now as the facts are sufficiently well understood as a result of NRC inspections or other reviews. The Director of NRR has determined that issuance of a Partial Director's Decision, with regard to these issues, is appropriate. The remaining issues will be considered within a reasonable time in the future. Based on his review of the

issues, the Director has determined that certain concerns raised by the Petitioners are partially substantiated, and that for these matters, the NRC staff has taken appropriate enforcement action. A number of violations were identified and one civil penalty was issued to GPC for certain of these violations. To this extent, Petitioners' request for action has been granted.

Several concerns raised by the Petitioners are not substantiated by this Partial Director's Decision and Petitioners' request for action with respect to these matters is denied. The reasons for this decision are explained in the Partial Director's Decision under 10 CFR 2.206, DD–93–08, which is available for public inspection in the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Rooms at the Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830, and the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513.

A copy of the Partial Director's Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in this regulation, the Partial Director's Decision will constitute the final action of the Commission, except for the remaining open issues, 25 days after issuance, unless the Commission, on its own motion, institutes review of the Partial Director's Decision within that time period.

Dated at Rockville, Maryland, this 23rd day of April, 1993.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 93–10303 Filed 4–30–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–267; License No. DPR–34]

Public Service Co. of Colorado, Fort St. Vrain Nuclear Generating Station; Exemption

I.

The Public Service Company of Colorado (PSC or the licensee), is the holder of Possession Only License No. DPR–34, which authorizes possession and maintenance of the Fort St. Vrain Nuclear Generating Station (FSV). The license states, among other things, that FSV is subject to all rules, regulations, and orders of the Commission now or hereafter in effect. FSV is a high-temperature gas-cooled reactor that is located at the licensee's site in Weld County, Colorado. FSV is permanently shut down, defueled, and currently in the process of being decommissioned. All spent fuel has been transferred to the PSC Independent Spent Fuel Storage Installation (ISFSI) that is located onsite, adjacent to the reactor protected area, and is licensed under 10 CFR part 72. PSC is the holder of Special Nuclear Material (SNM) License No. 2504 for the ISFSI.

II.

By letter dated November 25, 1992, PSC requested an exemption, in accordance with 10 CFR 20.2301, from the revised requirements in 10 CFR 20.1001 through 20.2401 of the Code of Federal Regulations. The licensee stated, in its application, that the reasons for the requested exemption are: (1) FSV decommissioning will be approximately 40 percent completed by January 1, 1994, and the benefits from implementing the revised 10 CFR part 20 would not be realized during the remaining short period of decommissioning, approximately 24 months. The decommissioning of FSV is a one-time project, and when completed, FSV will be released for unrestricted use; (2) the cost to implement the revised program is not warranted because of the limited duration of the FSV decommissioning project. PSC believes the underlying benefit of implementing the revised requirements is related solely to an operating nuclear plant or facility where operating risks are significant in contrast to a plant being decommissioned, and where the plant life is significantly longer. Although the staff believes that PSC's estimated cost of 5 million dollars to convert to the revised requirements is high, and that PSC provided little information to support this cost estimate, the staff agrees that the benefits from implementing the revised requirements would not be realized; and (3) the Decommissioning Plan estimated collective dose projection for occupational and ALARA purposes (260 man-rems to approximately 300 workers over the remaining 24-month period) to complete the FSV decommissioning is within the occupational limits of the revised 10 CFR part 20. Thus the intent of the revised 10 CFR part 20 would be met, and no apparent benefit would be realized by requiring implementation of the new 10 CFR part 20.

III.

The staff agrees with the licensee's analyses and concludes that sufficient bases have been presented for our approval of the request for an exemption, pursuant to 10 CFR 20.2301, from the requirements of the revised 10 CFR 20.1001 through 20.2401, for the completion of the decommissioning of FSV.

Based on the above evaluation, the Commission has determined that pursuant to 10 CFR 20.2301, this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

Accordingly, the Commission hereby grants an exemption from the revised 10 CFR part 20 that would be effective January 1, 1994, and allows the FSV decommissioning to be completed under the existing requirements of 10 CFR 20.1 through 20.601.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (April 15, 1993, 58 FR 19693).

A copy of the licensee's request for exemption and supporting documentation dated November 25, 1992, is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20037 and at the Weld Library District—Downtown Branch, 919 7th Street, Greeley, CO 80631.

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 26th day of April, 1993.

For the Nuclear Regulatory Commission.

Richard L. Bangart,

Director, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards.

Safety Evaluation by the Office of Nuclear Material Safety and Safeguards Supporting an Exemption From 10 CFR 20.1001 through 20.2401 Requirements

1.0 Introduction

By letter dated November 25, 1992, Public Service Company of Colorado (PSC) requested an exemption, pursuant to 10 CFR 20.2301, from the revised requirements in 10 CFR 20.1001 through 20.2401 of the Code of Federal Regulations. The exemption is to be exercised for the Fort St. Vrain Nuclear Generating Station (FSV) during the remaining decommissioning period of approximately 24 months. FSV is permanently shut down and all spent fuel has been transferred to PSC's Independent Spent Fuel Storage Installation (ISFSI). It is anticipated that the 10 CFR part 50 license will be terminated in late 1995 and the site will be released for unrestricted use.

2.0 Discussion

The licensee requested relief from the revised requirements to 10 CFR part 20, effective January 1, 1994. The licensee is seeking this exemption pursuant to 10 CFR 20.2301. 10 CFR 20.2301 allows an exemption provided that the exemption would not result in undue hazard to life or property.

The licensee stated, in its application for exemption, that it believed the underlying purpose and benefits from implementing the revised 10 CFR part 20 requirements related solely to an operating nuclear facility where nuclear criticality is common, operational risks are significant in contrast to a defueled plant that will have completed approximately 40 percent of its decommissioning effort, and the operating life of the facility is significantly longer. PSC anticipates the FSV license will be terminated in late 1995, and the site released for unrestricted use.

3.0 Evaluation

The Nuclear Regulatory Commission staff has completed its review of the exemption request from the PSC. The approval of the exemption would permit PSC to complete the planned decommissioning of Fort St. Vrain without implementing the revised 10 CFR part 20, and in effect operate for years beyond January 1, 1994, under the radiation protection provisions of 10 CFR 20.1 through 20.601. The NRC staff is recommending granting the exemption to the revised 10 CFR part 20. The staff's bases for granting the exemption are discussed below.

The FSV Decommissioning Plan estimated total exposure for decommissioning FSV to be 433 man-rems. This estimate was considerably lower than the total exposure estimate of 1400 man-rems in NUREG/CR–0130, "Technology, Safety, and Cost of Decommissioning a Referenced Pressurized Water Reactor Power Station." The staff concluded, in the Safety Evaluation Report, that although personnel conducting dismantlement activities will be exposed to radiation, PSC has developed activities and procedures to limit exposures and to maintain occupational exposure as low as is reasonable achievable (ALARA). Currently, for the decommissioning activities completed at FSV, the actual exposures have been less than the estimated exposures for the activities completed. By the time the revised 10 CFR part 20 is to be implemented, January 1, 1994, 40 percent of the decommissioning will be completed.

The Decommissioning Plan estimated collective dose projection for occupational and ALARA purposes (260 man-rems to approximately 300 workers over the remaining 24-month period) to complete decommissioning is reasonable, and well within the lower occupational limits of the revised 10 CFR part 20. The intent of the revised part 20 would be realized and the staff agrees with PSC that there would be no apparent benefit to worker and public protection by requiring the implementation of the revised 10 CFR part 20.

The staff believes that PSC's estimated cost of 5 million dollars to convert to the revised requirements is high, and that PSC provided little information to support this cost estimate. However, the staff agrees that the benefits from implementing the revised requirements would not be realized. In addition, PSC has already implemented administrative limits on worker doses in the existing program to keep radiation doses ALARA. The administrative limit on individual workers at FSV is 4.5 rems per year, and this is lower than the revised 10 CFR part 20 limit of 5 rems per year. Although the administrative controls could be changed, the Decommissioning Plan estimated collective dose projection for occupational and ALARA purposes (260 man-rems to approximately 300 workers over the remaining 24-month period) to complete decommissioning is reasonable, and well within the lower occupational limits of the revised 10 CFR part 20.

4.0 Environmental Considerations

Pursuant to 10 CFR 51.21, 51.32 and 51.35, an environmental assessment and finding of no significant impact has been prepared and published in the **Federal Register** April 15, 1993. The Commission has determined that the issuance of the exemption will not have a significant effect on the quality of the human environment.

5.0 State Consultation

The State of Colorado was contacted about the proposed exemption. The State had no comments.

6.0 Conclusions

The Commission has concluded, based on considerations discussed above, that: (1) There is reasonable assurance that the health and safety of the public will not be endangered by exempting the requirement for the revised 10 CFR part 20; (2) the remaining activities will be conducted in compliance with the Commission's regulations, 10 CFR 20.1 through 20.601; and (3) the issuance of this exemption will not be inimical to the common defense and security nor to the health and safety of the public.

Principal Contributor: Clayton L. Pittiglio.

Dated: April 26, 1993.

[FR Doc. 93–10302 Filed 4–30–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Notice of Request for Reclearance of Form RI 25–47

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for reclearance of an information collection. Form RI 25–47, Survey of Continuing Full-time School Attendance, is used to verify that students who certified they would be enrolled full time are still so enrolled.

Approximately 11,000 RI 25–47 forms will be completed per year. The form requires approximately 5 minutes to complete. The annual burden is 917 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received on or before June 2, 1993.

ADDRESSES: Send or deliver comments to:

Lorraine E. Dettman, Retirement and Insurance Group, Operations Support Division, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349, Washington, DC 20415. and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 3002, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT:

Mary Beth Smith-Toomey, Chief Administrative Management Branch, (202) 606–0616.

Patricia W. Lattimore,

Acting Deputy Director.

[FR Doc. 93–10259 Filed 4–30–93; 8:45 am]

BILLING CODE 6325–01–M

Notice of Request for Reclearance of Form RI 30–9

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for reclearance of an information collection. Form RI 30–9, Reinstatement of Disability Annuity Previously Terminated Because of Restoration to Earning Capacity, is used to inform former annuitants of their right to request restoration. It also specifies the conditions to be met and the documentation required for an annuitant to request reinstatement.

Approximately 200 RI 30–9 forms will be completed per year. The form requires approximately 1 hour to complete. The annual burden is 200 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received on or before June 2, 1993.

ADDRESSES: Send or deliver comments to:

Lorraine E. Dettman, Retirement and Insurance Group, Operations Support Division, U.S. Office of Personnel Management, 1900 E Street, NW., room 3349, Washington, DC 20415, and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Chief, Administrative Management Branch, (202) 606–0616.

Patricia W. Lattimore,

Acting Deputy Director.

[FR Doc. 93–10256 Filed 4–30–93; 8:45 am]

BILLING CODE 6325–01–M

Federal Prevailing Rate Advisory Committee; Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Thursday, May 13, 1993
Thursday, May 27, 1993
Thursday, June 10, 1993
Thursday, June 24, 1993

The meetings will start at 10:45 a.m. and will be held in room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives from five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives from five Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

Those scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations, and related activities. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chairman on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, room 1340, 1900 E Street, NW., Washington, DC 20415, (202) 606–1500.

Dated: April 26, 1993.

Anthony F. Ingrassia,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 93–10258 Filed 4–30–93; 8:45 am]

BILLING CODE 6235–01–M

Federal Salary Council Meetings

AGENCY: Office of Personnel Management.

ACTION: Notice of meetings.

SUMMARY: According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the twentieth and twenty-first meetings of the Federal Salary Council will be held at the times and places shown below. The agenda for these meetings will be the discussion of issues relating to the new locality-based comparability payments authorized by the Federal Employees Pay Comparability Act of 1990 (FEPCA). The meetings will be open.

DATES: May 18, and June 22, 1993 beginning at 10 a.m.

ADDRESSES: Office of Personnel Management, 1900 E Street, NW., room 7B09, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ruth O'Donnell, Chief, Salary Systems Division, Office of Personnel Management, 1900 E Street, NW., room 6H31, Washington, DC 20415–0001. Telephone number: (202) 606–2838.

For the President's Pay Agent:

Patricia W. Lattimore,

Acting Deputy Director.

[FR Doc. 93–10255 Filed 4–30–93; 8:45 am]

BILLING CODE 6325–01–M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From the Bond/Escrow Requirement Relating to the Sale of Assets by an Employer Who Contributes to a Multiemployer Plan; Detroit Tigers, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from The Detroit Tigers, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended, with respect to the Major League Baseball Players Benefit Plan. Section 4204(a)(1)

provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not result in a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for the five-plan-year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Before granting an exemption the PBGC is required to give interested persons an opportunity to comment on the exemption request. The purpose of this notice is to advise interested persons of the exemption request and solicit their views on it.

DATES: Comments must be submitted on or before June 17, 1993.

ADDRESSES: All written comments (at least three copies) should be addressed to: Pension Benefit Guaranty Corporation, Office of the General Counsel (22500), 2020 K Street, NW., Washington, DC 20006. The non-confidential portions of the request for an exemption and the comments received will be available for public inspection at the PBGC Communications and Public Affairs Department, suite 7100, at the above address, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Karen L. Morris, Office of General Counsel (22550), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; telephone 202–778–88 (202–956–5059 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, ("ERISA" of "the Act"), provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered to result in a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan with respect to the operations for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred (the amount of the bond or escrow is doubled if the plan is in reorganization in the year in which the sale occurred); and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. Senate Committee on Labor and Human Resources, 96th Cong., 2nd Sess., S. 1076, The Multiemployer Pension Plan Amendments Act of 1980: Summary and Analysis of Considerations 16 (Comm. Print, April 1980); 128 Cong. Rec. S10117 (July 29, 1980). The granting of an exemption or variance from the bond/escrow requirement does not constitute a finding by the PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1). Such questions are to be decided by the plan sponsor in the first instance, and any disputes are to be resolved in arbitration. 29 U.S.C. 1382, 1399, 1401.

Under the PBGC's regulation on variances for sales of assets (29 CFR part 2643), a request for a variance or waiver of the bond/escrow requirement under any of the tests established in the regulation (29 CFR 2643.12–2643.14) is to be made to the plan in question. The PBGC will consider waiver requests only when the request is not based on satisfaction of one of the four regulatory tests or when the parties assert that the financial information necessary to show satisfaction of one of the regulatory tests is privileged or confidential financial information within the meaning of 5 U.S.C. 552(b)(4) (the Freedom of Information Act).

Under § 2643.3 of the regulation, the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from the Detroit Tigers, Inc. ("the Buyer") for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) with respect to its purchase of the Detroit Tigers Baseball Team from John E. Fetzer, Inc. ("the Seller"). In support of the request, the Buyer represents among other things that:

1. The Major League Baseball Players Benefit Plan (the "Plan") was established and is maintained pursuant to a collective bargaining agreement between the twelve (12) clubs comprising The National League of Professional Baseball Clubs, the fourteen (14) clubs comprising The American League of Professional Baseball Clubs (the "Clubs") and the Major League Baseball Players Association (the "Association").

2. The Seller was a participating employer in the Plan.

3. The Clubs have established the Major Leagues Central Fund (the "Central Fund") pursuant to the "Major League Agreement in re Major Leagues Central Fund." Under this agreement, contributions to the Plan for all participating employers are paid by the Office of the Commissioner of Baseball from the Central Fund on behalf of each participating employer in satisfaction of the employer's contribution obligation arising under the Plan's funding agreement. The monies in the Central Fund are derived directly from (i) gate receipts from All-Star games, (ii) radio and television revenues from World Series, League Championships, intradivision play-offs and All-Star games, and (iii) certain other radio and television revenues from regular and

exhibition games, including those from foreign broadcasts.

4. During the 1991 plan year, approximately $29.5 million was paid into the Plan, and 1/26 of that amount represented contributions paid on behalf of the Seller.

5. Effective August 12, 1992, the Buyer and the Seller entered into an Asset Purchase Agreement for the Buyer to purchase substantially all of the assets and assume substantially all of the liabilities of the Seller relating to the business employing the employees covered by the Plan. The final closing of the transaction occurred on August 26, 1992.

6. Under the Asset Purchase Agreement, the Buyer assumed the obligation to contribute to the Plan for substantially the same number of contribution base units as the Seller was obligated to contribute to the Plan.

7. The Asset Purchase Agreement further provided that:

"[I]f the Buyer thereafter, but prior to the end of the fifth plan year commencing after the closing, partially or completely withdraws from the Plan, Seller shall be and remain secondarily liable for any withdrawal liability it would have had to the Plan but for the operation of ERISA section 4204."

8. The amount of the bond/escrow that that would be required under section 4204 (a)(1)(B) of ERISA beginning as of April 1, 1993, is $1,412,077, and the estimated amount of the withdrawal liability that the Seller would incur if not for section 4204 is $4,796,483.

9. In support of the variance request the Buyer states that:

"Because the Plan is funded directly from the revenues which are paid from the Central Fund directly to the [Plan's trust fund] without first passing through the hands of any of the Employers, the Plan enjoys adequate security * * *. A change in ownership of an Employer does not in any way affect the obligation to fund the plan * * * nor create the possibility that there will be difficulty in collecting Plan contributions due from any new owner * * *."

10. The Buyer would be able to satisfy the conditions for a variance under 29 CFR 2643.11, on a controlled group basis, by meeting the net tangible assets test described in 29 CFR 2643.14(a)(2). The Buyer has declined to provide copies of its financial statements to the Plan as required by 29 CFR 2643.11(c) on the ground that they are confidential within the meaning of 5 U.S.C. 552(b)(4).

11. The Buyer has sent by certified mail, return receipt requested, a complete copy of the request to the Plan and the collective bargaining representative.

Comments

All interested persons are invited to submit written comments on the pending exemption request to the above address. All comments will be made a part of the record. Comments received, as well as the relevant non-confidential information submitted in support of the request, will be available for public inspection at the address set forth above.

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

Martin Slate,

Executive Director.

[FR Doc. 93–10297 Filed 4–30–93; 8:45 am]

BILLING CODE 7708–01–M

POSTAL RATE COMMISSION

Commission Visit

April 28, 1993.

Notice is hereby given that on May 6 and May 7, 1993, members of the Commission and certain advisory staff personnel will visit the Colortree Envelope plant and the Cavalier Printing Ink plant in Richmond, Virginia, and the Union Camp Envelope plant in Franklin, Virginia.

A report of the visits will be on file in the Commission's Docket Room. For further information contact Charles L. Clapp, Secretary of the Commission at 202–789–6840.

Charles L. Clapp,

Secretary.

[FR Doc. 93–10361 Filed 4–30–93; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

April 27, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Ace Ltd.
Ordinary Shares, $.125 Par Value (File No. 7–10601)
Alco Standard Corp.
Depositary Shares (rep. 1/100 sh. of Ser. AA Conv. Pfd. Stock) No Par Value (File No. 7–10602)
American Strategic Income Portfolio, Inc., III
Common Stock, $.01 Par Value (File No. 7–10603)
Bankers Life Holdings Corp.
Common Stock, $.001 Par Value (File No. 7–10604)
Bear Stearns Co.'s, Inc.
Depositary Shares (rep. 1/8 sh. of Cum. Pfd. Stock, Ser. B) $1.00 Par Value (File No. 7–10605)
Chemical Banking Corp.
Depositary Shares (rep. 1/4 sh. of 7.58% Cum. Pfd. Stock) (File No. 7–10606)
Consorcio G Grupo Dina, S.A. de C.V.
American Depositary Shares (rep. 4 sh. of Common) Without Par Value (File No. 7–10607)
Detroit Edison Co.
Depositary Shares (rep. 1/4 sh. of Cum. Pfd. Stock) 7.75% Ser., $100.00 Par Value (File No. 7–10608)
Fremont General Corp.
Common Stock, $1.00 Par Value (File No. 7–10609)
Kaufman & Broad Home Corp.
$1.52 Depositary Shares (rep. 1/5 sh. of Ser. B Mand. Conv. Prem. Div. Pfd. Stock) (File No 7–10610)
Life Partners Group, Inc.
Common Stock, $.001 Par Value (File No. 7–10611)
Mercantile Bancorporation, Inc.
Common Stock, $5.00 Par Value (File No. 7–10612)
National Steel Corp.
Class B Common Stock, $.01 Par Value (File No. 7–10613)
Ohio Edison Co.
7.75% Class A Pfd. Stock, $25.00 Par Value (File No. 7–10614)
Payless Cashways, Inc.
Common Stock, $.01 Par Value (File No. 7–10615)
Premdor, Inc.
Common Stock, Without Par Value (File No. 7–10616)
Provident Life & Accident Insurance Company of America
Depositary Shares (rep. 16 sh. of 8.10% Cum. Pfd. Stock) (File No. 7–10617)
PSI Energy, Inc.
7.44% Cum. Pfd. Stock, $25.00 Par Value (File No. 7–10618)
Starter Corp.
Common Stock, $.01 Par Value (File No. 7–10619)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 18, 1993, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for

hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93-10279 Filed 4-30-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-32216; File No. SR-DGOC-93-02]

Self-Regulatory Organizations; Delta Government Options Corp.; Notice of Filing of Proposed Rule Change Relating to the Definition of Exercise Price

April 26, 1993

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on April 20, 1993, Delta Government Options Corp. ("DGOC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-DGOC-93-02) as described in Items I, II, and III below, which Items have been prepared primarily by DGOC, a self-regulatory organization ("SRO"). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will amend DGOC's definition of Exercise Price to permit Participants to select the style of exercise (*i.e.*, either American style [2] or European style [3]) when negotiating the terms of options with other Participants.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DGOC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DGOC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to permit DGOC Participants to select the style of exercise when negotiating the terms of options with other Participants. The choice of exercise styles is consistent with the choice of exercise styles available in the over-the-counter market. In addition, the choice of exercise styles will allow Participants to match more closely the options available through DGOC with similar securities in other markets. Options subject to European style exercise often trade at a lower premium level than options subject to American style exercise. Accordingly, those Participants who wish to buy and hold an option contract to the option's natural expiration may attract a more competitive price for the option by indicating their exercise preference as part of the purchase negotiations.

DGOC believes that the proposed rule change is consistent with the Act, particularly section 17A of the Act,[4] and with the rules and regulations thereunder applicable to DGOC because it will promote the prompt and accurate clearance and settlement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

DGOC believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DGOC has not solicited or received any comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice on the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the SRO consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DGOC. All submissions should refer to File No. SR-DGOC-93-02 and should be submitted by May 21, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-10288 Filed 4-30-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-32209 ; File No. SR-DTC-93-04]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Fee Schedule for Networking Interface Services

April 26, 1993.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on April 20, 1993, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-DTC-93-04) as described in Items I, II, and III below,

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] An American style option is an option contract that may be exercised at any time from its commencement until its expiration.

[3] A European style option is an option contract that may be exercised only on its expiration date.

[4] 15 U.S.C. 78q-1 (1988).

[5] 17 CFR 200.30-3(a)(12) (1991).

[1] 15 U.S.C. 78s(b)(1) (1988).

which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

DTC is instituting a fee schedule for use of the interface with the National Securities Clearing Corporation's ("NSCC") Networking service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On November 19, 1992, the Commission approved DTC's proposed rule change providing for a Networking Interface.[2] The interface gives DTC Participants full access to NSCC's Networking service. The Networking Interface enables participating mutual funds and Participants to exchange electronically in a standardized format non-trade account data such as subaccount information, closing position balances, and dividend processing records.

The purpose of this proposed rule change, which will be effective for Networking Interface services provided on and after April 1, 1993, is to establish fees for this service that are based upon DTC's cost. The proposed rule change is consistent with the requirements of section 17A of the Act[3] because fees will be equitably allocated among DTC Participants as required by section 17A(b)(3)(D) of the Act.[4]

B. Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

DTC has discussed the proposed rule change with and has invited written comments from various participants. No comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective on filing pursuant to section 19(b)(3)(A)(ii)[5] of the Act and pursuant to Rule 19b–4(e)(2)[6] promulgated thereunder because the proposed rule change establishes or changes a due, fee, or other charge imposed by DTC. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–93–04 and should be submitted by May 21, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Jonathan G. Katz,
Secretary.

[FR Doc. 93–10366 Filed 4–30–93; 8:45 am]

BILLING CODE 8010–01–M

[2] Securities Exchange Act Release No. 31487 (November 19, 1992), 57 FR 56611 [File No. SR–DTC–93–04].

[3] 15 U.S.C. 78q–1 (1988).

[4] 15 U.S.C. 78q–1(b)(3)(D) (1988).

[5] 15 U.S.C. 78s(b)(3)(A)(ii) (1988).

[6] 17 CFR 240.19b–4(e)(2) (1992).

[7] 17 CFR 200.30–3(a)(12) (1992).

[Release No. 34–32208; File No. SR–GSCC–93–01]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Filing of a Proposed Rule Change Concerning the Establishment of New Categories of Membership in the Netting System

April 26, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 24, 1993, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by GSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would establish new membership categories in GSCC's netting system and would amend the criteria for continued participation in GSCC's comparison and netting systems. The specific elements of the proposed rule change are contained in Exhibits A and B.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) At the inception of GSCC's netting system, the minimum capital requirement for a dealer netting member was set at $50 million in net worth. To

[1] 15 U.S.C. 78s(b)(1) (1988).

ensure the financial strength of each netting participant, a floor of $10 million in excess net or liquid capital, as applicable, also was established. (There is a separate minimum requirement for netting members that are banks of at least $250 million in shareholder's equity.) Moreover, a broker currently is allowed to qualify as an interdealer broker netting member ("IDB") and, thus, is allowed to enjoy limited liability and a capped margin requirement under GSCC's rules, even if it acts on behalf of nonmembers, so long as the nonmembers are eligible to be netting members.

It was recognized at the time of the establishment of GSCC (and, indeed, made a prerequisite by the Commission for permanent registration) that the netting system ultimately should not be solely for the benefit of the primary dealer community, and that additional classes of market participants would be encompassed as members in the future. The timing and manner in which this occurs is a matter for ongoing review by GSCC's Board. In considering how best to broaden access to its services in a manner consistent with changes in the marketplace, GSCC provided members with the opportunity to comment on these proposed membership standards, encouraged such comments, and, indeed, has received and incorporated feedback from a broad range of members as well as from a GSCC Liaison Working Group of the Primary Dealers Committee of the Public Securities Association that was established to review various credit issues in the government securities market. With the benefit of this industry input, GSCC believes that there are two overriding principles that must be weighed. One is that potential risk is created to the extent that the expansion of the IDBs' business causes them to have net settlement positions that are not fully collateralized. The second is that GSCC's membership criteria should not substitute for broker and dealer members' own determinations of which market participants are acceptable counterparties.

GSCC has sought to address and balance these issues in a combination of rule revisions. One group of changes involves the crafting of broader admission standards concerning creditworthiness that can be applied in a neutral manner to market participants. Another involves changing its current membership standards for IDBs so as to not unduly restrict them from expanding their business base (one aspect of which is to allow them to avail themselves of limited liability for the majority of their transactions), while at the same time preventing IDB netting members from incurring net settlement positions that are not sufficiently collateralized. In addition, GSCC is establishing more detailed proceudres for enforcing compliance with such standards.

The specifics of the membership standard changes proposed in this rule filing are summarized below.

1. Establishment of a Second Category of Dealer Netting Memeber

One aspect of the proposal is to establish a second category of dealer netting member (Category 2) which would combine a lower net worth threshold (but leave unchanged the minimum excess net or liquid capital standard) with more stringent margin requirements. The two categories of dealer netting members would have the attributes as described in Exhibit A. All other membership requirements (e.g., operational sufficiency) apply equally to both categories.

2. Establishment of a Second Category of Interdealer Broker Netting Member

Another aspect of the proposal is to establish a second category of IDB netting member (Category 2). The proposal is designed to permit a Category 2 IDB to engage in limited activity with nonmembers. The amount of allowable activity should be large enough so that the IDB has flexibility in its business, yet small enough so that the IDB is not in a position to present undue risk to GSCC. A threshold of 10% of such IDB's trading activity in eligible securities was chosen based on a consensus among GSCC members. It is contemplated that nonmembers who trade with Category 2 IDBs will eventually become members if they meet GSCC's admission standards. Given that GSCC would incur additional risk arising from a Category 2 IDB's activity (because trading with a nonmember causes an IDB to incur net settlement positions), a Category 2 IDB would have margin, mark, loss allocation, and other obligations similar to that of a dealer.

Because a Category 2 IDB brings net settlement positions into GSCC, it also would have enhanced minimum financial admission standards. These standards would mirror those for a Category 2 dealer (i.e., $25 million in net worth and $10 million in excess net or liquid capital), which will make enforcement of the scope of business requirements for a Category 2 IDB more feasible. If a Category 2 IDB fails to meet the applicable scope of business requirements (i.e., no more than 10% of its business with nonmembers), it can be treated as a Category 2 dealer.

With the establishment of this second category of IDB netting member, GSCC believes it is now fair and appropriate to restrict Category 1 IDBs that want to retain the benefit of a fixed margin requirement and capped liability for loss allocation, to trading only with other netting members. In recognition, however, of the IDBs' historic business base of primary and aspiring primary dealers and their affiliates, GSCC will temporarily grandfather those dealers that for many years have enjoyed IDB screen access. This will avoid potential disruption to the marketplace while allowing for a transition period during which GSCC will work to bring all grandfathered dealers into the netting system. Every IDB will be obligated to provide GSCC in writing with a list of all of the legal entities that it acts on behalf of and to promptly inform GSCC of any change to such list. The two categories of IDB netting members would have the attributes as described in Exhibit B.

3. Establishment of a New Netting Member Category for Issuers of "Government Securities"

GSCC believes it is appropriate to establish a category of netting system membership for the various international organizations and types of governmental entities that issue "government securities" as that term is defined in subparagraphs A, B, and C of section 3(a)(42) of the Act. Section 3(a)(42) of the Act provides that the term "government securities" means: (A) Securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States; (B) securities which are issued or guaranteed by corporations in which the United States has direct or indirect interest and which are designated by the Secretary of the Treasury for exemption as necessary or appropriate in the public interest of for the protection of investors; (C) securities issued or guaranteed as to principal or interest by a corporation, the securities of which are designed by statute specifically naming such corporation, to constitute exempt securities within the meaning of the laws administered by the Commission.

Each applicant would be judged on a case-by-case basis. There would be no automatic approval of any entity that falls within this new category. A key factor to be considered in determining whether an applicant that falls within this new category should be approved for membership in the netting system is whether its debt securities are rated and whether those ratings are favorable.

4. Establishment of New Netting Member Categories for Insurance Companies, Registered Clearing Agencies, and Registered Investment Companies

GSCC, as a registered clearing agency, is subject to Section 17A of the Act which, among other things, requires that a registered clearing agency's rules provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, or (v) insurance company may become a participant in such clearing agency. To date, GSCC has established admission standards for registered brokers, dealers, and banks. GSCC's rules do not provide for the admission to membership in the netting system for registered clearing agencies, registered investment companies, and insurance companies.

To comply with the Act, GSCC's rules must allow for the admission to membership in the netting system of each type of statutorily enumerated entity. Thus, GSCC is proposing to change its rules to provide netting system membership for registered clearing agencies, registered investment companies, and insurance companies.

It should be noted that while operational, business history, good regulatory standing, and other requirements will apply to these types of entities, GSCC will not develop specific minimum capital or net worth requirements for them unless and until a representative from such class of entity joins the comparison system and expresses an interest in applying for membership in the netting system. In other words, should another registered clearing agency, a registered investment company, or an insurance company join the comparison system and express an interest in applying for membership in the netting system, only then would GSCC attempt to develop appropriate financial admission requirements for it.

5. Key Procedures To Take Effect When a Netting Member Falls Below an Applicable Requirement

For the protection of itself and its members, GSCC is bolstering its rules for dealing with a member that may fall or already has fallen below an applicable financial or other requirement. GSCC proposes to amend its rules to provide that if GSCC has reason to believe that a member may fail to comply with any of its rules, it may require the member to provide it with assurances in writing that the member will not, in fact, violate any rule.

If a member fails to maintain the relevant requirements of any of GSCC's rules, GSCC will either cease to act for the member or terminate its membership in the comparison system, the netting system, or both the comparison and netting systems unless the member requests that such action not be taken and GSCC determines that, depending upon the specific circumstances and the record of the member, it is appropriate instead to establish for such member a time period during which the member must resume compliance with such requirements. In the event that the member is unable to satisfy such requirements within the set time period, GSCC will either cease to act for the member or terminate its membership in the comparison system, the netting systems, or both the comparison and netting systems. Moreover, if GSCC determines at any time a netting member's financial condition has significantly deteriorated, it immediately may either ease to act for the member or terminate its membership in the comparison system, the netting system, or both.

In addition, there are specific penalties that will apply, based on type of membership, to netting members that are not in compliance with an applicable membership standard. For example, if a bank falls below the $250 million equity capital level or a Category 1 dealer falls below the $50 million net worth level, it will, until ninety calendar days after the date on which it complies with such standard, be treated by GSCC for margin purposes as if it were a Category 2 dealer. Also, if a dealer falls below either the $25 million net worth level or the $10 million excess liquid or excess net capital level, as applicable, it will, until the ninetieth calendar day after the date on which it returns to compliance with such standard, have a clearing fund deposit requirement equal to 150% of the normal clearing fund calculation for Category 2 dealers. Moreover, if a Category 1 IDB falls below the $4.2 million liquid capital or net capital level, as applicable, it will, until the ninetieth calendar day after the date on which it complies with the standard, be marked and margined as if it were a Category 1 dealer. Furthermore, if a Category 1 IDB no longer meets its scope of business requirements, it will either be treated as a Category 2 broker (if it qualifies as such) or its membership in the netting system will be terminated. In addition, if a Category 2 IDB falls below an applicable financial standard and does not qualify to be a Category 1 IDB, it will have, until the ninetieth calendar day after the date on which it returns to compliance with such standard, a clearing fund deposit requirement equal to 150% of the normal calculation for such member. Finally, if a Category 2 IDB no longer meets its scope of business requirements, it essentially will be considered to be a Category 2 dealer.

(b) The proposed rule change will: (1) Broaden GSCC's participation standards, (2) reduce the risks posed by the activity of GSCC's interdealer broker members, and (3) strengthen GSCC's continuance standards so as to better protect GSCC and its members. Thus, GSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have an impact on, or impose a burden on, competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change have been solicited and received from GSCC's members. Members will be notified of the proposed rule change and comments again will be solicited by an Important Notice. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written date, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW.,

Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to File No. SR–GSCC–93–01 and should be submitted by May 24, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

EXHIBIT A

	Category 1 dealer	Category 2 dealer
Net worth	$50 million*	S25 million.
Excess net/liquid capital	$10 million*	$10 million.*
Clearing fund formula	Calculated—taking into account offsets.*	Calculated—not taking into account offsets.
Margin factors	Current schedule	Set the margin factor at the short-term 99% confidence level.
Forward mark allocation	Current method (debit mark x fraction based on 5 largest debit mark amounts).	The entire debit mark amount.
All other membership requirements (e.q., operational sufficiency)		apply equally to both categories.

*No change from the current standard.

EXHIBIT B

	Category 1 IDB	Category 2 IDB
Type of business	Acts exclusively as a broker (as defined in the Securities Exchange Act of 1934).	Acts exclusively as a broker (as defined in the Securities Exchange Act of 1934).
Scope of business	All of its business must be with netting members, except that, for a temporary period established by the Board, it could continue to act for certain grandfathered non-member dealers that it currently acts for.	At least 90 percent of its business, measured based on the IDB's overall dollar volume of next-day and forward settling activity in eligible securities, must be with "netting members". In order to enable GSCC to monitor compliance with this requirement, each category 2 IDB netting member would be required to submit daily to GSCC all of its next-day and forward settling transactions in eligible securities; each buy side must be bound to a corresponding sell side, and vice versa. For purposes of category 2 IDB netting membership only, "netting members" would be defined to include, for a temporary period established by the Board, a list of "grandfathered" non-member dealer firms that currently have IDB screen access.
Net worth requirement	No requirements*	$25 million.
Net/liquid capital requirement.	$4.2 million*	No requirement.
Excess net/liquid capital requirement.	No requirements*	$10 million
Clearing Fund/margin requirement.	$1.6 million*	Same Clearing Fund deposit requirement as regards all of its net settlement positions as if it were a category 1 dealer netting member. There would be no $1.6 million maximum or minimum margin requirement applicable to it.
Forward mark allocation payment requirement.	None*	It would have the same obligation to pay forward mark allocation amounts on its forward net settlement positions as if it were a category 1 dealer netting member.
Obligation to pay tap/fail mark amounts.	No obligation to pay (and not entitled to receive credit amounts) until settlement of the underlying positions*.	Same obligation as has a dealer netting member.
Liability for loss allocation	Mutualized among all the IDB netting members & capped at $1.6 million per year*.	As regards GSCC losses allocable to brokered trades with members, its liability for loss allocation would continue to be capped at $1.6 million per calendar year and would be mutualized among all the IDB netting members. As regards GSCC losses allocable to trades by it with "non-members", it would have the same liability as would a dealer netting member (in addition to its liability on a mutualized basis for 10% of such losses).

EXHIBIT B—Continued

	Category 1 IDB	Category 2 IDB
Financing and clearance charges.	Does not pay*	Pays as if it were a dealer netting member.

*No change from the current standard.

[FR Doc. 93–10284 Filed 4–30–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32210; File No. SR–MCC–93–1]

Self-Regulatory Organizations; Midwest Clearing Corporation; Notice of Filing of Proposed Rule Change To Amend Various By-Laws

April 26, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 25, 1993, Midwest Clearing Corporation ("MCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by MCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of this proposal is to amend various MCC By-Law provisions relating to meetings of the stockholders, election of directors, the nominating committee, and voting of stock of other corporations.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MCC included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend various provisions of MCC's By-Laws to accomplish the following:

(1) Move the annual meeting of the stockholders from the third Tuesday in January to the second Tuesday in April;

(2) Provide that Chairman, not the President, may call special meetings of the stockholders and of the board and may vote the securities of other corporations owned by MCC;

(3) Provide that the term of any board vacancy which is filled by the board runs until the next annual meeting, not until the end of the unexpired term; and

(4) Increase the size of the nominating committee from three to five members of which two must be "public" members (*i.e.*, unaffiliated with any broker or dealer in securities) appointed by the board.

The composition of the MCC board is almost identical to the board composition of its parent, the Midwest Stock Exchange, Inc. ("MSE"). The proposed amendments will conform MCC's By-Laws to certain provisions of the MSE Constitution in order that the By-Laws and MSE Constitution can operate in sync.

The proposed rule change is consistent with the purposes and requirements of section 17A(b)(3)(C) of the Act in that the proposal helps to assure a fair representation of MCC's shareholders and participants in the selection of its directors and in the administration of its affairs.

B. Self-Regulatory Organization's Statement on Burden on Competition

MCC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to ninety days of such date if it finds that such longer period is appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements regarding the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of MCC. All submissions should refer to File No. SR–MCC–93–1 and should be submitted by May 21, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–10285 Filed 4–30–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

April 27, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 C.F.R. 200.30–3(a)(12) (1992).

Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Managed High Income Portfolio, Inc.
Common Stock, $.001 Par Value (File No. 7–10591)
Resorts International
Common Stock, $.01 Par Value (File No. 7–10592)
Shawmut National Corp.
Dep. Shares (9.30 PFD) (File No. 7–10593)
Styles on Video
Common Stock, $.001 Par Value (File No. 7–10594)
TIG Holdings, Inc.
Common Stock, $.01 Par Value (File No. 7–10595)
TCW/DW Term Trust 2003
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–10596)
Van Kampen Merritt Value Municipal Income Trust
Common Stock, $.01 Par Value (File No. 7–10597)
Wells Fargo
Dep. Shares (Rep. 1/20 PFC), $5.00 Par Value (File No. 7–10598)
Wells Fargo
Dep. Shares (Rep. 1/20 PFD), $5.00 Par Value (File No. 7–10599)
KCS Energy, Inc.
Common Stock, $.01 Par Value (File No. 7–10600)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 18, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10280 Filed 4–30–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32212; File No. SR–PCC–92–1]

Self-Regulatory Organization; Pacific Clearing Corporation; Notice of Filing of a Proposed Rule Change To Revise PCC's Rules and To Adopt a Participant Agreement and a Clearing Fund Agreement

April 26, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on September 1, 1992, the Pacific Clearing Corporation ("PCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SRPCC–92–1) as described in Items I, II, and III below, which Items have been prepared substantially by PCC. By letter dated December 7, 1992, PCC amended its rule filing to include a more detailed description of its services and amended the Clearing Fund Agreement to correct a typographical error.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposal is to revise PCC's Rules so that they will more accurately reflect PCC's current operations and to adopt a Participant Agreement and a Clearing Fund Agreement.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, PCC included statements concerning the purpose of and statutory basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. PCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In 1987, PCC transferred almost all of its clearing and depository functions to the National Securities Clearing Corporation ("NSCC") and the Depository Trust Company ("DTC"). PCC now performs limited services for specialists of the Pacific Stock Exchange Incorporated ("PSE"). These services are set forth in PCC's proposed rules and include: (1) Clearing and settlement services for PSE specialists' trades executed on the PSE directly or via a registered clearing agency or a qualified securities depository; (2) safekeeping and settlement services for securities not eligible for depository services provided by a qualified securities depository; (3) processing services with respect to dividends, reorganizations, by-in functions, and cash trades; and (4) preparation and provision of reports containing information on trading and related activity at each specialist's post.

PCC currently interfaces with NSCC on behalf of PSE specialists. PCC is a member of NSCC on behalf of the individual specialists. NSCC clears and settles all eligible trades on behalf of PSE specialists, and DTC is the depository for those trades.[3] NSCC maintains subaccounts with DTC on behalf of the specialists.[4]

(i) PCC Rules

As a result of the substantial diminution of PCC operations, revisions were made to PCC's Rules so that they would provide an accurate and current reflection of the actual functions of PCC. Those functions and the services PCC provides are summarized above.

(ii) Participant Agreement

The Participant Agreement is an agreement between each PSE specialist/specialist firm and PCC. The Participant Agreement clarifies the relationship, as discussed above, between participants,[5] PCC, NSCC, and DTC. The Participant Agreement also sets out the obligations of participants and of PCC with respect to clearing and settling activities. Participants' obligations include, among other things, the following: (1) maintaining the net capital requirements required by PSE Rules, (2) ensuring availability of funds for PCC's settlements with NSCC and DTC, (3) reviewing and verifying all records of their transactions provided by PCC, and

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letter from Rosemary A. MacGuinness, Senior Counsel, PCC, to Richard C. Strasser, Attorney, Division of Market Regulation, Commission (December 7, 1992).

[3] Pacific Securities Depository Trust Company, PCC's affiliated depository, is being closed, and its final dissolution will be concluded in the near future.

[4] Participant Agreement at ¶ 1.1(c).

[5] The term "participant" is used to refer to specialists (*i.e.*, individuals registered as specialists with PSE) or backers (*i.e.*, firms registered as specialists with PSE). PCC Participant Agreement, attached as Exhibit B to PCC rule filing [hereinafter "Participant Agreement"]. There are no members of PCC besides PSE specialists and PSE member firms that back those specialists.

(4) acting promptly upon receipt of dividend, reorganization, and buy-in notices.

(iii) Clearing Fund Agreement

PCC interfaces with NSCC on behalf of PSE specialists and performs a guarantee function for the specialists. As a result, participants will be required to contribute to a clearing fund established by PCC to ensure that PCC remains adequately capitalized. The Clearing Fund Agreement, attached as Exhibit C to the PCC filing, is an agreement between each participant and PCC and sets out the participant's obligations with respect to clearing fund contributions. PCC will employ the formula used by NSCC for assessing contributions to the Clearing Fund.[6]

PCC believes the proposed rule filing is consistent with section 17A(b)(3) of the Act in that it is designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of PCC.

(B) Self-Regulatory Organization's Statement on Burden on Competition

PCC does not believe that the proposal will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

PCC has neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) as the Commission may designate up to ninety days of such date if it finds that such longer period is appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commissions will:

A. By order approve the proposed rule change or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Those wishing to make a written submission should file six copies of the submission with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, subsequent amendments, written statements with respect to the proposed rule change that are filed with the Commission, and written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PCC. All submissions should refer to File No. SR–PCC–92–1 and should be submitted by May 21, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–10287 Filed 4–30–93; 8:45 am]

BILLING CODE 8010–01–M

[6] PCC Clearing Fund Agreement at ¶ 2. For discussion of the formula used by NSCC to calculate clearing fund contributions, refer to NSCC Procedures, Section XV.

[7] 17 CFR 200.30–3(a)(12) (1992).

[Release No. 34–32211; File No. SR–PTC–92–17)

Self-Regulatory Organizations; Participants Trust Company; Order Approving a Proposed Rule Change Relating to Accounting Procedures for Repurchase Transactions

April 26, 1993.

On January 4, 1993, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change regarding accounting procedures for repurchase transactions. The Commission published notice of the proposal in the **Federal Register** on March 25, 1993, to solicit comments from interested persons.[2] No comments were received. This order approves the proposal.

I. Description

The proposed rule change eliminates the requirement that a reason be given by the participant purchasing securities in a repurchase (sometimes referred to as "repo") transaction[3] when it closes out a position in PTC's repurchase accounting records.[4] PTC will make corresponding changes in its Participant Operating Guide to require that the repo buyer state in its close out instruction to PTC that it has notified the repo counterparty and the counterparty's custodian if the counterparty is not a PTC participant[5] that it has requested PTC to close out the repo positions.[6] PTC will notify the repo seller of PTC's actions.

II. Discussion

The Commission believes that the proposed rule change is consistent with the Act and particularly with section 17A(b)(3)(A)[7] of the Act. Section 17A(b)(3)(A) requires that a clearing agency be organized, have the capacity to facilitate, and have rules designed to promote the prompt and accurate clearance and settlement of securities transactions.

Under its current procedures, PTC will close-out a repo position in the repo accounting service upon receipt of a representation from the repo buyer that it no longer is obligated to resell the securities obtained in a repo transaction.[8] In August 1991, PTC recognized that there was a misunderstanding among PTC participants about the procedures to be followed in such a situation. In order to clarify the apparent misunderstanding, PTC distributed a Notice advising its participants that PTC would eliminate

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 32017 (March 19, 1993), 58 FR 16253.

[3] A repurchase agreement is a contractual agreement between a seller of securities and a buyer of securities whereby the seller agrees to repurchase the securities at an agreed upon price within a specified period of time (typically less than thirty days) and the buyer agrees to resell the securities.

[4] PTC provides its participants with a repo accounting service to facilitate the transfer of securities between the parties to a repurchase agreement and to allocate principal and interest payments on the securities to the appropriate party. Consistent with the terms of the standard repo agreement, PTC credits the seller of securities ("repo seller") and debits the buyer of securities ("repo buyer") with the equivalent of the principal and interest payments attributable to the securities. For a detailed description of PTC's repo accounting service, refer to Securities Exchange Act Release No. 30137 (December 31, 1991), 57 FR 947.

[5] PTC participants that are repo buyers or repo sellers or both may be acting as custodians for non-participant parties to repurchase transactions.

[6] When a repo buyer requests PTC to close out a repo position, PTC will redirect the equivalent of the principal and interest payments to the repo buyer's account.

[7] 15 U.S.C. 78q–1(b)(3)(A).

[8] PTC's Rules, Article III, Rule 1, Section (1)(b)(ii). Such a right could occur, for example, because the repo seller has defaulted under the terms of the repo agreement. If the repo buyer does not have such right, the repo seller's recourse is legal action outside of PTC to enforce the contract. Securities Exchange Act Release No. 30137 (December 31, 1991), 57 FR 947.

repo positions upon receipt of a representation from the repo buyer stating, in essence, that the repo buyer has the legal right to close-out the repo position. The Notice and Form of Representation was filed with the Commission and temporarily approved on August 17, 1991.[9] Subsequently, PTC submitted a proposed rule change adopting its current close-out rule which was approved by the Commission on December 31, 1991.[10]

Since instituting its current rule requiring the repo buyer to state that it has the right to close-out the repo position, extensive discussions have occurred between PTC's Operations Committee and the Public Securities Association ("PSA") regarding PTC's repo accounting service. These discussions have led to a Consensus that the repo buyer should be allowed to close-out repo positions without giving any reason for such action. Furthermore, paragraph V of the PSA's Master Repurchase Agreement, which is the industry's model form for repo agreements, provides that the repo buyer may withhold income payments from the repo seller at its discretion.

This proposed rule change amends PTC's Rules so that they reflect the practice in the securities industry. The Commission believes that consistency between PTC's Rules and procedures and industry practice for administering repurchase transactions is important in maintaining efficient, prompt, and accurate clearance and settlement of securities transactions handled through PTC's facilities.

III. Conclusion

On the basis of the foregoing, the Commission finds that PTC's proposed rule change is consistent with the Act and in particular with section 17A.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[11] that the proposed rule change (File No. SR–PTC–92–17) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[12]

[FR Doc. 93–10286 Filed 4–30–93; 8:45 am]

BILLING CODE 8010–01–M

[9] Securities Exchange Act Release No. 29617 (August 27, 1991), 56 FR 43827 [File No. SR–PTC–91–12].

[10] Securities Exchange Act Release No. 30137 (December 31, 1991), 57 FR 947 [File No. SR–PTC–91–13].

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

April 27, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

American Strategic Income Portfolio III
Common Stock, $.01 Par Value (File No. 7–10585)

Maritrans, Inc.
Common Stock, $.01 Par Value (File No. 7–10586)

Pittway Corporation
Class A Common Stock, $1 Par Value (File No. 7–10587)

Pittway Corporation
Common Stock, $1 Par Value (File No. 7–10588)

TCW/DW Term Trust 2003
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10589)

APTAR Group, Inc.
Common Stock, $.01 Par Value (File No. 7–10590)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 18, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10281 Filed 4–30–93; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Application to Withdraw from Listing and Registration; (American Medical Holding, Inc., Common Stock, $.01 Par Value) File No. 1–10511

April 27, 1993.

American Medical Holding, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, its common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's common stock commenced trading on the NYSE at the opening of business on January 29, 1993 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its common stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before May 18, 1993 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10283 Filed 4–30–93; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Application to Withdraw from Listing and Registration; (The May Department Stores Co., Common Stock, $1.00 Par Value) File No. 1–79

April 27, 1993.

The May Department Stores Company ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Pacific Stock Exchange, Inc. ("PSE" or "Exchange").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, the volume of trading activity in May's common stock on the Exchange is small. During the seven-month period from August, 1992 through February 1993, the volume of trades on the Exchange in the Company's common stock averaged only 99,861 shares. Also, during the corresponding period on the New York Stock Exchange, Inc. ("NYSE") the volume of trades averaged 5,927,171 shares.

According to the Company, the Company's daily trading average on the NYSE (approximately 300,000 shares) is over three times the monthly average on the PSE. The common stock will continue to be listed on the NYSE.

According to the Company, the shareowners will not be disadvantaged in any way by a delisting of the Company's common stock on the Exchange. The trading activity in the company's stock can be more than adequately be handled by the NYSE and by the several regional exchanges on which the stock trades on an unlisted basis. In fact, upon application of the Exchange, trading in the Company's common stock can continue on the Exchange on an unlisted basis.

According to the Company, the benefits derived from a listing on the Exchange do not justify the cost of the listing or the expenditure of administrative time and money necessary to comply with the rules and regulations governing listing and registration. The Exchange rules require that the Company furnish the Exchange with copies of all of the company's filings with the Commission and with its annual reports, proxy statements and press releases on material events and dividend notices.

Any interested person may, on or before May 18, 1993, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10282 Filed 4–30–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19433; 811–2762]

Merrill Lynch Equi-Bond I Fund, Inc.; Application for Deregistration

April 27, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 ("Act").

APPLICANT: Merrill Lynch Equi-Bond I Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The applicant on Form N–8F was filed on October 2, 1992, and amended and restated on April 7, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personnally or by mail. Hearing request should be received by the SEC by 5:30 p.m. on May 24, 1993, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the natue of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW, Washington, DC 20549. Applicant, 800 Scudders Mill Road, Plainsboro, NJ 08536.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Senior Attorney, at (202) 504–2284, or C. David Messman, Branch Chief, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

APPLICANT'S REPRESENTATIONS: 1. Applicant is a Maryland corporation and is registered under the Act as an open-end diversified management investment company. On August 26, 1977, applicant filed a notification of registration on Form N–8A and a registration statement on Form S–5. The registration became effective on November 4, 1977, and applicant's initial public offering commenced that same day.

2. Pursuant to a provision in applicant's charter, the applicant's corporate existence expired automatically on January 31, 1991. Prior to that date, substantially all of applicant's portfolio securities and other assets were disposed of in open market, arm's-length transactions in which the best available market prices were sought. Applicant paid $5,700 in brokerage commissions in connection with such transactions. A portion of the proceeds, in the amount of $1,391,991, was used to satisfy applicant's outstanding liabilities. Such liabilities were comprised of an unpaid capital gains distribution of $1,370,670 and an unpaid dividend of $21,321, both of which were paid to shareholders on February 1, 1991. The remainder of the proceeds, in the amount of $8,484,456, was distributed to shareholders that same day.

3. The only expenses associated with applicant's liquidation are legal and auditing fees and certain miscellaneous expenses including filing fees and custodian and transfer agency fees and expenses. The amount of such expenses totaled $15,000, which was borne by the applicant.

4. As of the date of the amended 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.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10364 Filed 4–30–93; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Casper District Advisory Council; Public Meeting

The U.S. Small Business Administration Casper District Advisory Council will hold a public meeting at 9:30 a.m. on Monday, May 24, 1993, at the Chamber of Commerce, 500 North Center, Casper, Wyoming, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. James P. Gallogly, District Director, U.S. Small Business Administration, Federal Building, room 4001, 100 East B Street, Casper, Wyoming 82601 (307) 261–5761.

Dated: April 27, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–10384 Filed 4–30–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended April 23, 1993

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48757.
Dated filed: April 19, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 30, 1993.
Description: Application of Delta Air Lines, Inc., pursuant to Section 401 of the Act and Subpart Q of the Regulations applies for a new or amended certificate of public convenience and necessity to permit Delta to provide foreign air transportation between Salt Lake City, Utah and London, England. Delta also requests that Salt Lake City be designated as a U.S. gateway to London under U.S. Route 1 of Section 1 of Annex 1 of the U.S.-U.K. bilateral air services agreement by transferring the designations of either Baltimore Washington International Airport or Charlotte.

Docket Number: 48759.
Date filed: April 20, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 18, 1993.
Description: Application of Sun Jet International, Inc., pursuant to Section 401(d)(3) of the Act and Subpart Q of the Regulations requests permanent authority to engage in interstate and overseas charter air transportation of persons, property and mail. The requested authority is for air transportation between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States.

Docket Number: 48761.
Date filed: April 20, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 30, 1993.
Description: Joint Application of Northwest Airlines, Inc. and USAir, Inc., pursuant to Section 401(h) of the Act and Subpart Q of the Regulations, requests the transfer to Northwest of the authority held by USAir's to transport persons, property and mail between Baltimore, Maryland, and London (Gatwick), England, as reflected in segment 3 of USAir's certificate for route 524, last issued by Order 92–4–49. Northwest further requests that the Department authorize Northwest to operate the service to London from Detroit, Michigan, Northwest's largest hub. Northwest plans to begin Detroit-London service as soon as possible upon approval of the proposed transfer in order to operate during the 1993 summer season.

Docket Number: 48763.
Date filed: April 21, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 19, 1993.
Description: Application of USAir, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for a certificate of public convenience and necessity to authorize it to engage in scheduled foreign air transportation of persons, property and mail as follows: Between the terminal point Cleveland, Ohio, the intermediate point Pittsburgh, Pennsylvania and the terminal point Montreal, Quebec, Canada.

Docket Number: 48766.
Date filed: April 22, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 20, 1993.
Description: Application of Continental Micronesia, Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations, applies for amendment of its present certificate for Route 171 so as to authorize CMI to provide scheduled foreign air transportation of persons, property and mail between points in the U.S. and points in Vietnam. CMI also requests the right to combine service at the points on this route segment with service at other points CMI is authorized to serve by certificates or exemptions, consistent with applicable international agreements.

Docket Number: 48769.
Date filed: April 23, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 21, 1993.
Description: Application of Antigua And Barbuda Airways International Ltd., pursuant to Section 402 of the Act and Subpart Q of the Regulations, for a foreign air carrier permit to operate scheduled and charter air services carrying passengers, cargo, and mail between the United States and Antigua via intermediate points in the Caribbean.

Docket Number: 48772.
Date filed: April 23, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 21, 1993.
Description: Application of Caribbean Airline Company Limited, pursuant to Section 402 of the Act and Subpart Q of the Regulations, applies for a foreign air carrier permit to engage in scheduled air transportation of persons, property and mail between the points Kingston, Jamaica and Montego Bay, Jamaica, on the one hand, and Miami, Florida on the other hand.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–10331 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–62–M

Aviation Proceedings; Agreements Filed During the Week Ended April 23, 1993

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48758.
Date filed: April 19, 1993.
Parties: Members of the International Air Transport Association.

Subject: COMP Reso/C 0451 dated March 30, 1993 Reso 003jj—from Italy (Currency related).

Proposed Effective Date: May 1, 1993.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–10332 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–62–M

Coast Guard

[CGD 93–028]

Commercial Fishing Industry Vessel Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Act (Pub. L. 92–463; 5 U.S.C. app. I), notice is hereby given of a meeting of the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC). The meeting will be held on May 13–14, 1993, in room 3200 at the Department of Transportation, 400 Seventh Street, SW., Washington, DC. The meetings will be held daily from 9 a.m. to 5 p.m. Attendance is open to the public.

TOPIC: The Committee will discuss and make recommendations to the Coast Guard regarding the Report to Congress for the Inspection of Commercial Fishing Industry Vessels.

FOR FURTHER INFORMATION CONTACT: LCDR Ed McCauley, Merchant Vessel Inspection and Documentation Division, Fishing Vessel/Offshore Activities Branch (G–MVI–4), room 1405, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001, (202) 267–2307.

Dated: April 16, 1993.

A.E. Henn,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93–10358 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–14–M

[CGD 93–026]

Commercial Fishing Industry Vessel Advisory Committee; Applications for Membership

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) established by the Coast Guard as required by the Commercial Fishing Industry Vessel Safety Act of 1988. The Committee acts in an advisory capacity to the Secretary of Transportation and the Commandant of the Coast Guard on matters related to the safety of commercial fishing vessels.

The Applications will be considered for six (6) expiring terms. The Committee consists of 17 members as follows: Ten (10) members from the commercial fishing industry who reflect a regional and representational balance and have experience in the operation of vessels to which chapter 45 of title 46, United States Code applies, or as a crew member or processing line worker on an uninspected fish processing vessel; one (1) member representing naval architects or marine surveyors; one (1) member representing manufacturers of equipment for vessels to which chapter 45 applies; one (1) member representing education or training professional related to fishing vessel, fish processing vessel, or fish tender vessel safety, or personnel qualifications; one (1) member representing underwriters that insure vessels to which chapter 45 applies; and three (3) members representing the general public, including whenever possible, an independent expert or consultant in maritime safety, and a member of a national organization composed of persons representing owners of vessels to which chapter 45 applies and persons representing the marine insurance industry. Terms are expiring in the following categories: (a) Fishing Industry (four positions); (b) General Public (one position); and (c) Marine Surveyors/Naval Architects (one position). The membership term is three years. A limited portion of the membership may serve consecutive terms. Those persons that have submitted applications in the past must reapply. No applications received prior to this solicitation will be considered.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The members of the Committee serve without compensation from the Federal Government, although travel reimbursement and per diem is provided. The Committee normally meets in Washington, DC, with subcommittee meetings for specific problems on an as-required basis.

DATES: Applications should be received no later than 30 June 1993. Application forms may be obtained by contacting the Executive Director at the address below.

ADDRESSES: Persons interested in applying should write to Commandant (G–MVI–4), room 1405, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: LCDR Ed McCauley, Executive Director, Commercial Fishing industry Vessel Advisory Committee (CFIVAC), room 1405, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593–0001, (202) 267–2307.

Dated: April 16, 1993.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93–10356 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Receipt of an Amendment to the Approved Noise Compatibility Program and Request for Review; Des Moines International Airport, Des Moines, IA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed amendment to the approved noise compatibility program that was submitted for Des Moines International Airport under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) (hereinafter referred to as the "Act") and 14 CFR part 150 by the City of Des Moines. This amendment was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Des Moines International Airport were in compliance with applicable requirements effective February 1, 1991.

Upon acceptance of the Noise Exposure Maps, the FAA began its review of the initial noise compatibility program on February 1, 1991. It was approved on July 30, 1991. The proposed amendment of the approved noise compatibility program will be approved or disapproved on or before October 17, 1993.

EFFECTIVE DATE: The effective date of the FAA's start of its review of the proposed amendment to the approved noise compatibility program is April 20, 1993. The public comment period ends June 19, 1993.

FOR FURTHER INFORMATION CONTACT: G. Alan Wimpey, Federal Aviation Administration, Airports Division, ACE–615, 601 E. 12th St., Kansas City, Missouri 64106, Telephone (816) 426–6622. Comments on the proposed

amendment should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed amendment to the approved noise compatibility program for Des Moines International Airport which will be approved or disapproved on or before October 17, 1993. This notice also announces availability of this amendment for public review and comment.

This amendment provides for a voluntary Resale Assurance Program for those residential properties above the 70 DNL noise contour. As an alternative to the Resale Assurance Program, the city will offer a Noise and Avigation Easement Purchase Program for those residential property owners who desire to remain within the 70 DNL noise contour.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The effective date of FAA's review of the proposed amendment to the approved noise compatibility program is April 20, 1993. It was requested that the FAA review this material and that the noise mitigation measures be approved as an amendment to the noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before October 17, 1993. The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed amendment to the noise compatibility program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed amendment to the approved noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Airports Division, Federal Building, room 1644, 601 E. 12th St. Kansas City, MO 64106.

Aviation Director's Office, Des Moines International Airport, Department of Aviation, room 201, 5800 Fleur Drive, Des Moines, Iowa 50312–2854.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Kansas City, Missouri, April 20, 1993.

George A. Hendon,

Manager, Airports Division.

[FR Doc. 93–10371 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

Acceptance of Noise Exposure Maps; Chico Municipal Airport, Chico, CA

AGENCY: Federal Aviation Administration.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the city of Chico, California, for Chico Municipal Airport under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is April 23, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph R. Rodriguez, Supervisor, Planning and Programming Section, Federal Aviation Administration, San Francisco Airports District Office, 831 Mitten Road, room 210, Burlingame, California 94010–1303, Telephone (415) 876–2805.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for the Chico Municipal Airport are in compliance with applicable requirements of part 150, effective April 23, 1993.

Under section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps that meet applicable regulations and which depict non compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval that sets forth the measures the operator has taken or proposes for the reduction of existing non compatible uses and for the prevention of the introduction of additional non compatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the city of Chico. The specific maps under consideration are Exhibit V–1, "Noise Exposure Map 1990 Baseline Conditions," and Exhibit V–2, "Noise Exposure Map 5 Year Forecast Conditions (1997)," in the submission. The FAA has determined that these maps for the Chico Municipal Airport are in compliance with applicable requirements. This determination is effective on April 23, 1993. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities

are not changed in any way under FAR part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591.

Federal Aviation Administration, Western-Pacific Region, Airports Division, AWP-600, 15000 Aviation Boulevard, Hawthorne, California.

Mail Address: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

Federal Aviation Administration, San Francisco Airports District Office, 831 Mitten Road, Burlingame, California 90410-1303.

Mr. Thomas J. Lando, Community Services Director, City of Chico, P.O. Box 3420, Chico, California 95927.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California, on April 23, 1993.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 93-10370 Filed 4-30-93; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-93-20]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or ommission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 24, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docked and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick Haynes, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3939.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on April 22, 1993.

Donald P. Byrne,

Assistant Chief Counsel of Regulations.

Petitions for Exemption

Docket No.: 22872.

Petitioner: Air Transport Association of America.

Sections of the FAR Affected: 14 CFR 61.157 and 121.424.

Description of Relief Sought: To extend and amend Exemption No. 4416 to allow Air Transport Association (ATA) member airlines to complete the required training proficiency on preflight visual inspections, prior to the completion of operating experience, rather than prior to the first flight of operating experience; and extend the termination date of the exemption from September 30, 1993, until September 30, 1996.

Docket No.: 25089.

Petitioner: Hawkins & Powers Aviation, Incorporated.

Sections of the FAR Affected: 14 CFR 137.53(c)(2).

Description of Relief Sought: To extend Exemption No. 5075 to allow Hawkins & Powers Aviation to continue to conduct aerial applications of insecticide from C-118 A (DC-6) aircraft, without the aircraft being equipped with a device capable of jettisoning within 45 seconds at least one-half of the aircraft's maximum authorized load of agricultural materials, when operated over congested areas.

Docket No.: 26297.

Petitioner: Fairchild Aircraft Inc.

Sections of the FAR Affected: 14 CFR 91.531(a)(3).

Description of Relief Sought: To extend Exemption No. 5367 to allow Fairchild Aircraft Inc. (FAC) type-rated company pilots to conduct production and experimental test flight operations in SA-227(CC) and SA-227(DC) model commuter category airplanes without a second in command, subject to the conditions and limitations stated in the original exemption.

Docket No.: 27060.

Petitioner: America West Airlines.

Sections of the FAR Affected: 14 CFR 121.411 and 12.413 and appendix H of part 121.

Description of Relief Sought: To allow America West Airlines (AWA) to utilize certain highly qualified simulator instructors to train (AWA) pilots in initial, transition upgrade and difference training without meeting all applicable requirements of sub-part N and the employment requirements of appendix H of part 121; and to allow certain highly qualified (AWA) pilot check airmen to check pilots in simulator check flights required by part 121, without the (AWA) pilot check airmen meeting all the applicable requirements of §§ 121.411, 121.413 and appendix H of § 121.

Docket No.: 27221.

Petitioner: Aircraft Fuel Tanks.

Sections of the FAR Affected: 14 CFR 145.37(b).

Description of Relief Sought: To allow Aircraft Fuel Tanks to inspect and repair integral fuel tanks at its customer's facilities instead of the facilities of Aircraft Fuel Tanks.

Docket No.: 27247.

Petitioner: Trans World Express.

Sections of the FAR Affected: 14 CFR 93.123, 93.125, 93.129.

Description of Relief Sought: To allow Trans World Express (TWE) to operate to John F. Kennedy International Airport Stub Runway 13R, using a Microwave Landing System approach and utilizing procedures and aircraft

capable of operating without interfering with major turbojet runway use.

[FR Doc. 93–10377 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee Meeting on Rotorcraft Issues

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the FAA's Aviation Rulemaking Advisory Committee on rotorcraft issues.

DATES: The meeting will be held on May 18, 1993, at 9 a.m. Arrange for oral presentations by May 4, 1993.

ADDRESSES: The meeting will be held at the St. Louis Marriott Pavilion Downtown, Senator I Room, One Broadway, St. Louis, MO 63102.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Herber, Office of Rulemaking, Aircraft & Airport Rules Division, ARM–200, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3498.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is given of a meeting of the Aviation Rulemaking Advisory Committee on rotorcraft issues to be held on May 18, 1993, at the St. Louis Marriott Pavilion Downtown, Senator I Room, One Broadway, St. Louis, MO 63102. The agenda will include:

- Report from the JAR/FAR 27 and 29 Harmonization Working Group.
- Report from the External Load Working Group.
- Review and vote on forwarding Occupant Restraint rulemaking package to the FAA.
- Report on status of helicopter industry representation on EMI working group.
- Discussion of activities and future plans.

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by May 4, 1993, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 16 copies to the Assistant Executive Director or by bringing the copies to him at the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.** Anyone who wishes to obtain a copy of the Occupant Restraint Working Group report may contact Ms. Barbara Herber, FAA, Office of Rulemaking, Aircraft & Airport Rules Division, ARM–200, on (202) 267–3498 or fax (202) 267–5075.

Issued in Fort Worth, Texas, on April 13, 1993.

Eric D. Bries,

Assistant Executive director for Rotorcraft Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 93–10376 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

Flight Service Station at Cordova, AK; Change in Facility Operations

Notice is hereby given that on or about May 8, 1993, the Flight Service Station at Cordova, Alaska will be closed. Services to the general aviation public formerly provided by this facility will be provided by the Automated Flight Service Station at Juneau, Alaska. This information will be reflected in the FAA Organization Statement the next time it is reissued. Section 313(a) of Federal Aviation Act of 1958, as amended, 72 Stat. 752; 49 U.S.C. app. 1354(a).

Issued in Anchorage, Alaska, on April 16, 1993.

David F. Morse,

Deputy Regional Administrator, Alaskan Region.

[FR Doc. 93–10372 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

Flight Standards District Office at San Francisco, CA; Name Change

Notice is hereby given that as of April 1, 1993, the Flight Standards District Office at 831 Mitten, room 105, Burlingame, California 94010 will be known as the San Francisco International Field Office. Services to the general public will continue to be provided by this office without interruption and are expanded to include international activities. This information will be reflected in the FAA Organization Statement the next time it is reissued. (Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

Issued in Hawthorne, CA, on April 23, 1993.

Fanny Rivera,

Regional Administrator, Western-Pacific Region.

[FR Doc. 93–10373 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

Intent to Rule on Application to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Tampa International Airport, Tampa, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Tampa International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before June 2, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports District Office, 9677 Tradeport Drive, suite 130, Orlando, Florida 32826–5397.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. George J. Bean, Executive Director of the Hillsborough County Aviation Authority at the following address: Hillsborough County Aviation Authority, P.O. Box 22287, Tampa, Florida 33622.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Hillsborough County Aviation Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Federal Aviation Administration, Southern Region, Orlando Airports District Office, 9677 Tradeport Drive, suite 130, Orlando, Florida 32827–5397, Attn: C. Ed Howard, Telephone: (407) 648–6582.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes rule and invites public comment on the application to impose and use a PFC at the Tampa International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX

of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation regulations (14 CFR part 158).

On April 16, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by Hillsborough County Aviation Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 17, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: October 1, 1993

Proposed charge expiration date: August 31, 1999

Total Estimated PFC revenue: $87,136,000

Brief description of proposed project(s):

Impose and Use

- Project 1.1 Construct Airside A with shuttle system
- Project 1.2 Construct commuter airline terminal facilities.
- Project 1.3 Replace shuttle system for airsides C and D.
- Project 1.4 Formulate land acquisition program.

Impose Only

- Project 2.1 Acquire Drew Park land.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxi/Commercial operators filing FAA Forms 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may upon request, inspect the application, notice and other documents germane to the application in person at the Hillsborough County Aviation Authority.

Issued in Atlanta, Georgia, on April 21, 1993.

Stephen A. Brill,

Manager, Airports Division, Southern Region.

[FR Doc. 93–10375 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–13–M

Research and Special Programs Administration

[Docket No. P–92–2W; Notice 1]

Transportation of Hazardous Liquids by Pipeline; Petition for Waiver; ARCO Oil and Gas Co.

ARCO Oil and Gas Company has petitioned the Research and Special Programs Administration (RSPA) for a waiver from compliance with 49 CFR 195.412(a), Inspection of rights-of-way and crossings under navigable waters. Section 195.412(a) requires inspection of surface conditions on or adjacent to each pipeline right-of-way at intervals not exceeding 3 weeks, but at least 26 times each calendar year. The petition applies to the Sheep Mountain Unit gathering system, a 6.9 mile carbon dioxide pipeline system in Colorado.

The petitioner's rationale for the waiver from compliance rests on the location of the gathering system and the added risks that its location present in surveying the system. The system is situated in a high (8000–9200 ft.), mountainous area where only two residences lie within a one-mile radius of the system. The right-of-way is rugged with steep grades and is virtually impassable by motor vehicle during winter months due to deep snow. Although ground surveillance by walking or by motor vehicle are possible, each method presents substantial hazards when traveling along the right-of-way. For example, ground vehicles are subject to turn-overs, even when traveling along the flatter portions of the right-of-way. The steepest portions of the right of way also present tripping and falling hazards when walking the right-of-way. Moreover, the risk of accident from each of these conditions increases in snow conditions during winter seasons.

Use of aerial surveillance to inspect the gathering system is possible, but conditions of turbulence and down draft frequently subject the aircraft to hazardous flight conditions at the higher elevations of Sheep Mountain. Similar flight conditions also occur when flying through the mountainous terrain, such as the area between drill sites three and four.

By contrast, the Sheep Mountain gathering system itself presents relatively little risk to the public because of its remote location, the sparsity of nearby population, and the natural odorant in the commodity transported. The Sheep Mountain gas consists of 95–98 percent carbon dioxide, with the balance composed of nitrogen, methane, and mineral contaminants, giving the gas a distinctive odor that can be smelled at less than 0.1 percent in air. ARCO's emergency plan procedures require potentially affected public residences to evacuate when a one percent carbon dioxide concentration occurs. This requirement complies with the exposure limits set by the Occupational Safety and Health Administration (OSHA) for toxic and hazardous substances applicable to an 8-hour continuous period.

In addition, five carbon dioxide monitors per drill site are located inside the compressor facilities with alarms set to detect when gas concentrations reach 50 parts per million (ppm). The carbon dioxide monitors are inspected and tested monthly. Pressure relief valves, set at 1650 psig, and automatic shutdown compressor systems monitor the system pressure to prevent over-pressure conditions.

Drill-site operations, flow rate, and pipeline pressure and temperature conditions are monitored on a continuous basis by a computerized process control system. Operations personnel monitor the computer system 24 hours a day for problems and leak detection. Flow rate comparisons of drill site operations are made every 4 to 6 hours.

Moreover, visual sightings from the lease roads are made on approximately 50 percent of the gathering pipeline right-of-way every day by operations and maintenance personnel. Inspection of the entire pipeline system occurs at least once a year during annual power line inspections.

Because of the unusual risks to personnel in surveying the Sheep Mountain gathering system, the system's relatively low risk to public safety, and the operator's use of safety monitoring techniques beyond those required by part 195, RSPA believes that a waiver of the requirements of 49 CFR 195.412(a) would not lessen public safety in this case. Therefore, RSPA proposes to grant the waiver. However, as a precondition to grant this waiver, the operator would have to send a copy of this notice to each affected homeowner on Sheep Mountain to allow them an opportunity to comment to this notice.

Interested parties are invited to comment on the proposed waiver by submitting in duplicate such data, views, or arguments as they may desire. Comments should identify the Docket and Notice Unit, room 8417, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590.

All comments received before June 2, 1993, will be considered before final action is taken. Late filed comments will

be considered so far as practicable. All comments and other docketed material will be available for inspection and copying in room 8419 between the hours of 8:30 a.m. and 5 p.m. before and after the closing date. No public hearing is contemplated, but one may be held at a time and place set in a Notice in the **Federal Register** if requested by an interested person desiring to comment at a public hearing and raising a genuine issue.

Authority: 49 App. U.S.C. 2002(h) and 2015; and 49 CFR 1.53.

Issued in Washington, DC, on April 28, 1993.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

[FR Doc. 93–10330 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Meeting; Information Reporting Program Advisory Committee

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of open meeting of the Information Reporting Program Advisory Committee.

SUMMARY: In 1991 the Internal Revenue Service (IRS) established the Information Reporting Program Advisory Committee (IRPAC). The primary purpose of IRPAC is to provide an organized public forum for discussion of relevant information reporting issues between the officials of the IRS and representatives of the payer community. IRPAC offers constructive observations about current or proposed policies, programs, and procedures and, when necessary, suggests ways to improve the operation of the Information Reporting Program.

There will be a meeting of IRPAC on Wednesday and Thursday, May 19 & 20, 1993. The meeting will be held in room 3313 of the Internal Revenue Service Building. The building is located at 1111 Constitution Avenue, Northwest, Washington, DC. The meeting will begin at 9:30 a.m., on both days, concluding about mid-day on the 20th. Topics to be discussed are listed below in a draft version of the agenda.

Draft Agenda for Meeting on May 19 & 20, 1993

Wednesday, May 19, 1993

9:30 Public Meeting Opens

—IRS Status Report
—IRS/SSA Reporter
—SSA Bulletin Board System
—IRP Bulletin Board System

11:30 Break for Lunch

1 IRPAC Presentations Continue

—Simplified Wage Reporting System
—Electronic Data Interchange
—Electronic Transmission of W–2/1099 Information
—Notification of Changes in Reporting Requirements
—IRS/SSA Seminars

4:30 Adjourn for the Day

Thursday, May 20, 1992

9:30 Public Meeting Reconvenes

IRPAC Presentations Continue
IRS University
Service Industry Non-Compliance (SINC)
Shareholder Basis Reporting

11:30 Adjourn

Note: Last minute changes to the topics under discussion are possible and could prevent advance notice.

SUPPLEMENTARY INFORMATION: IRPAC reports to the Executive Director, Information Reporting Program (IRP), who is the executive responsible for information reporting and is charged with its system-wide planning and improvement. IRPAC is instrumental in providing advice to enhance the IRP Program. Increasing participation by external stakeholders in the planning and improvement of the tax system will help achieve the goals of increasing voluntary compliance and reduction of burden. IRPAC is currently comprised of 18 representatives from various segments of the private sector payer community. IRPAC members are not paid for their time or services, but consistent with Federal regulations, they are reimbursed for their travel and lodging expenses to attend two meetings each year.

DATES: The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people, including members of IRPAC and IRS officials. Twenty-five seats will be reserved for the public and press and are available on a first-come, first-served basis. Due to the limited conference space, it is requested that organizations interested in attending send only one representative per organization. Notification of intent to attend the meeting must be made with Kate LaBuda no later than May 14, 1993. Notification of intent should include anticipated times that you will attend, e.g., morning or afternoon of the 19th, or morning of the 20th.

ADDRESSES: If you would like to have IRPAC consider a written statement, please write to Kate LaBude at IRS, IRP Planning and Management Staff, EX:I:P, room 2011, 1111 Constitution Avenue, NW., Washington, DC, 20224.

FOR FURTHER INFORMATION CONTACT: Kate LaBuda at 202–622–3404 (not a toll-free number).

Dated: April 23, 1993.

John F. Devlin,

Executive Director, Information Reporting Program.

[FR Doc. 93–10240 Filed 4–30–93; 8:45 am]

BILLING CODE 4830–01–U

Corrections

Federal Register
Vol. 58, No. 83
Monday, May 3, 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 HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

RIN 0960–AD65

Supplemental Security Income for the Aged, Blind, and Disabled; Reliable Information Which is Currently Available for Determining Benefit Amounts in the Supplemental Security Income Program

Correction

In proposed rule document 93–6025 beginning on page 14191 in the issue of Tuesday, March 16, 1993, make the following correction:

On page 14191, in the third column, under "DATES", in the third line, "April 15, 1993." should read "May 17, 1993."

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 201, 228, 232, and 240

[Release Nos. 33–6977; 34–31905; 35–25745; 39–2300; IC–19283] File No. S7–6–93]
RIN 3235–AC48

Rulemaking for EDGAR System

Correction

In rule document 93–4805 beginning on page 14628 in the issue of Thursday, March 18, 1993, make the following corrections:

PART 200 [CORRECTED]

1. On page 14659, in the first column, under part 200, subpart A, in the authority citation, in the second line, "80a37," should read "80a–37,".

PART 201 [CORRECTED]

2. On the same page, in the second column, under part 201, in the authority citation, in the second line, "78ll(d)," should read "78*ll*(d),".

§ 228.601 [Corrected]

3. On page 14660, in § 228.601, in Instructions to Item 601(a), in instruction 3, in the table, after entry (2), delete the seven asterisks.

4. On page 14661:

a. In the first column, in § 228.601(b)(27), in the first line, "*Financial Data Schedule.*" should not have been lower-cased.

b. In the second column, in § 228.601(c), in the first line, "*Financial Data Schedule*" should not have been lower-cased.

c. In the third column, in § 228.601(c)(2), in the second line, "*Financial Data Schedule.*" should not have been lower-cased.

5. On page 14662, in the first column, in § 228.601(c)(3), beginning in the first line, "*Financial Data Schedule.*" should not have been lower-cased.

6. On page 14665, in the first column, the headings preceding amendatory instructions 17 and 18 should read "§ 229.501 [Amended]" and "§ 229.601 [Amended]", respectively.

§ 232.11 [Corrected]

7. On page 14670, in § 232.11(f), in the last line, after "format" insert a period.

§ 232.101 [Corrected]

8. On page 14672, in § 232.101(a)(1)(i), in the last line, "(15 U.S.C. 781(b) or (g));" should read "(15 U.S.C. 78*l*(b) or (g));".

PART 240 [CORRECTED]

9. On page 14682, in the second column, in part 240, in amendatory instruction 53, in the third line, "240.246–2" should read "240.24b–2".

§ 240.14a–101 [Corrected]

10. On page 14684, in the first column, in § 240.14a–101, in Schedule 14A Information, in the fifth line, after "Registrant" the set of brackets should be placed on the same line.

BILLING CODE 1505–01–D

federal register

Monday
May 3, 1993

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 1020

Diagnostic X-Ray Systems and Their Major Components; Performance Standards, Final Rule and Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1020

[Docket No. 82N-0274]

Federal Performance Standard for Diagnostic X-Ray Systems and Their Major Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule on the Federal performance standard for diagnostic X-ray systems and their major components (the performance standard). Experience gained by FDA in administering the performance standard has shown the need for making these changes to clarify and simplify the performance standard, reduce the regulatory burden on affected manufacturers (without compromising the public health), and generally improve the effectiveness of FDA's regulation of diagnostic X-ray equipment. Elsewhere in this issue of the **Federal Register**, FDA is proposing to amend this final rule to revise limits on the maximum patient entrance exposure rate for fluoroscopy systems in the high-level control mode and other modes of operation.

EFFECTIVE DATE: June 2, 1993, except for the amendments to §§ 1020.30(g) Information to be provided to assemblers (21 CFR 1020.30(g)) and 1020.31(c) Linearity (21 CFR 1020.31(c)), both of which will be effective May 3, 1994.

FOR FURTHER INFORMATION CONTACT: Patricia Dubill, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION:

I. Background

The Safe Medical Devices Act of 1990 (Pub. L. 101-629), enacted on November 28, 1990, transferred the provisions of the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602) from Title III of the Public Health Service Act to Chapter V of the Federal Food, Drug, and Cosmetic Act (the act). Under the act (21 U.S.C. 301 *et seq.*) as amended, FDA is amending the performance standard for diagnostic X-ray systems and their major components, §§ 1020.30, 1020.31, and 1020.32 (21 CFR 1020.30, 1020.31, and 1020 32). Elsewhere in this issue of the **Federal Register**, FDA is proposing an additional amendment to § 1020.32. In the **Federal Register** of August 15, 1972 (37 FR 16461), the performance standard was published as a final rule, which became effective on August 1, 1974. Since that time, there have been several amendments to the performance standard. These amendments have taken into account new technology, clarified misinterpreted provisions, and encouraged the improvement of uncertified systems manufactured before the performance standard became effective. (See, e.g., those published October 7, 1974 (39 FR 36008); February 25, 1977 (42 FR 10983); September 2, 1977 (42 FR 44230); November 8, 1977 (42 FR 58167); May 22, 1979 (44 FR 29653); August 24, 1979 (44 FR 49667); November 30, 1979 (44 FR 68822); April 25, 1980 (45 FR 27927); and August 31, 1984 (49 FR 34698, 34712)). A cost-benefit analysis of several significant elements of the performance standard led to amendments of the provisions governing assembly/reassembly of diagnostic X-ray equipment (44 FR 49667, August 24, 1979).

In the 17 years since the promulgation of the performance standard, FDA has gained experience in administering it and concludes that more amendments are appropriate. Further, Executive Order 12291 encourages Federal agencies to assess existing regulations for possible significant impacts on the private sector, and the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601) requires all agencies to review existing regulations that can have an impact on small manufacturers. In addition, FDA has always believed that, for regulatory controls to be appropriate, FDA must devise them so that they are coordinated with educational programs, voluntary standards, professional practices, and controls imposed at the State and local levels. For all of these reasons, FDA believed that it was appropriate to look at the performance standard with a fresh perspective.

Based on an analysis and review of the performance standard by an FDA working group, including the comments and recommendations of the Technical Electronic Product Radiation Safety Standards Committee, FDA proposed amendments to the performance standard in the **Federal Register** of October 17, 1989 (54 FR 42674), corrected January 16, 1990 (55 FR 1472). Interested persons were given until January 16, 1990, to comment on the proposal. In the **Federal Register** of February 13, 1990 (55 FR 5024), the agency reopened the comment period to March 15, 1990. FDA received and considered 78 comments from individuals, manufacturers, professional organizations, and State and local health agencies. Recommendations in the comments with which FDA concurred have been incorporated into the final rule. A summary of the comments and FDA's responses are discussed below.

II. Summary and Analysis of Comments and FDA's Response

A. General Comments

1. Five comments expressed general support for the proposed amendments and the intent to clarify and simplify the performance standard. One comment suggested that the regulations be further clarified for "the common person," and that the agency should have worked with affected parties prior to making the proposal.

The agency devised the amendments to simplify and clarify the performance standard; however, because the performance standard is a regulation on a technical subject, it must be written with a precision that at times leads to complex structure and wording. No specific suggestions were made as to how the regulations could be simplified. The agency's efforts in soliciting comments from the affected parties in the development of the amendments were extensive and were described in the preamble to the proposed rule.

2. One comment expressed concern regarding perceived relaxation of the Federal X-ray standard, which the comment believed to be less stringent than other agencies' regulations for other radiation sources.

FDA disagrees with the comment. The agency does not characterize the bulk of the proposed amendments as relaxations of the performance standard, nor is the risk from radiation discounted. A majority of the changes are simplifications or clarifications. Several impose new or additional requirements. While the changes to §§ 1020.30(p) and 1020.31(e) could be viewed as relaxations, the agency notes that the changes are being made after careful review of the effectiveness and costs of these requirements. It would not be good public policy to retain marginally effective, but costly, requirements merely to avoid the appearance of relaxing requirements.

Also, in regulating X-ray equipment using a radiation safety performance standard, FDA must consider the direct medical benefits patients receive from diagnostic imaging procedures, as well as the risks from radiation exposure. In contrast to many other types of radiation exposures, medical radiation exposure normally gives the individual receiving

it a direct benefit. In this sense, a different standard may be appropriate.

3. One comment postulated that the misuse of diagnostic X-rays causes 5,184 deaths annually, based on the comment's estimates derived using methods attributed to the Environmental Protection Agency. The comment believed that these purported deaths could be prevented if exposures were reduced to one-tenth of present levels and suggested attempting to obtain further exposure reductions through technology-promoting regulations.

FDA disagrees with the comment. The performance standard addresses system performance features and capabilities as provided by the manufacturer and cannot be used to control misuse of the systems, as implied by the comment. Misuse of X-ray systems is addressed by other mechanisms, such as improved training of users or State or local controls of system operators.

The agency also disagrees with the comment's estimation of the number of deaths attributed to misuse of medical X-rays. The comment equated current misuse of medical X-rays to potential patient dose reductions believed possible through future technological improvements in X-ray equipment.

FDA is not opposed to revisions in radiation safety requirements related to improved technology; however, such revisions must meet a test of technical feasibility and reasonableness, and their benefits must exceed their costs. In any case, the comment did not state what substitute standard should be used to regulate X-ray equipment.

B. Definitions (§ 1020.30(b))

4. One comment suggested that the definition of "attenuation block" be clarified to include 0.10 inches of copper, as used in the Federal test kits, and that "automatic exposure control" be changed to "automatic exposure rate control" which allegedly more accurately reflects what is intended.

FDA advises that copper attenuators are used to facilitate testing for compliance in routine field inspections and do not have to be exactly the same as the attenuation block. It is not necessary for the performance standard test requirement and field test method to be identical, only that the field test verify compliance.

FDA disagrees with changing the more inclusive "automatic exposure control" to "automatic exposure rate control." The performance standard uses the term, "automatic exposure control," generally for all radiographic equipment, whereas "automatic exposure rate control" is used only in conjunction with fluoroscopic equipment.

5. One comment recommended expanding the definition of a diagnostic X-ray system to include a device such as a bone densitometer. Concerns were expressed regarding perceived inadequate regulation of this device at the State (and potentially Federal) level.

FDA advises that bone densitometers employing an X-ray tube as the radiation source are subject to the performance standard. Also, all bone densitometers, with or without an X-ray tube as the radiation source, are subject to regulation as medical devices under the act. The comment provided no information as to the nature of any problems associated with bone densitometers that need to be addressed under a radiation safety standard. The comment is rejected.

C. Certification by Assembler (§ 1020.30(d))

6. One comment welcomed the proposal to exempt reloaded and replacement tube housing assemblies and certified accessory components from the requirement for a report of assembly (FDA Form 2579). Six comments opposed exempting replacement X-ray tubes from the reporting requirements, citing the report's value to State radiation control agencies in locating new or unregistered X-ray installations. Two comments suggested requiring that the reports be made only to the States, and one comment suggested that the report is useful for the owners to have as part of their records.

FDA advises that FDA Form 2579 was instituted primarily for the purpose of assuring proper installation of X-ray tubes, not for registration or tracking purposes. The agency has determined that this requirement is not necessary to assure proper installation of replacement X-ray tubes. The argument that FDA Form 2579 is useful in locating unregistered facilities was not supported with any data to allow evaluation of this benefit versus the costs associated with retaining the requirement. Users may require appropriate information regarding tube data from vendors and repair firms as a condition of the contract or repair agreement. A Federal requirement is not necessary to obtain this information from vendors. Therefore, the agency rejects the suggestions that it change the proposal. It should be noted that the relief in the regulations to file this report does not relieve the assembler from his responsibility to properly install the tube housing assembly in accordance with the manufacturer's instructions and perform all appropriate testing to ensure compliant assembly. Also, the amendment does not relieve the assembler of its responsibility to install the appropriate compatible component and maintain records of that certified component under § 1002.40 (21 CFR 1002.40).

7. One comment opposed deletion of the requirement to report noncompatibility of components, on the basis that this information is useful to state radiation control programs for registration purposes. The comment noted that a significant number of systems are assembled incorrectly and that the supply of uncertified components that could lead to noncompatible assemblies remains significant.

The present format of FDA Form 2579 does not contain any model identification information on any uncertified components except the master X-ray control (this has been the case since about 1982). Therefore, the report cannot be used to track uncertified components. It is unclear why there should be objections to eliminating this requirement from the regulations when the reporting of the information has already been eliminated from the form.

Through the routine compliance testing program of X-ray systems, the Center for Devices and Radiological Health has determined that a large percentage of cases of noncompliance are a result of improper assembly. FDA policy is to contact the assembler first for all noncompliance found through FDA's routine compliance field testing procedures, unless there is reason to suspect that the noncompliance is not related to assembly. Review or inspection of FDA Form 2579 cannot be used to determine if the components were assembled incorrectly so as to cause a noncompliance with the performance standard, in particular when one of the components is uncertified. Therefore, the agency rejects the comment.

8. In addition to the changes to § 1020.30(d) discussed in the proposed rule, FDA is, on its own initiative, revising § 1020.30(d)(2) to add portions of the requirements presently contained in § 1020.30(p)(5), which address exceptions to the requirement for submitting reports of assembly. It was initially proposed that § 1020.30(p) be deleted; however, portions of § 1020.30(p)(5) provide guidance on how the requirements for reporting of assembly of components are applied during repair. Such information continues to be relevant and is properly part of the assembler's responsibility

section. Therefore, § 1020.30(d)(2) will continue to include this information.

D. Identification of X-ray Components (§ 1020.30(e))

9. One comment supported the addition of the model as part of the required identification of certified components, but suggested deleting the use of the type as an alternative because of the potential for continued confusion.

FDA advises that the amendment is an action to eliminate the use of a myriad of different model-identifying words such as catalog number, style, etc., and the occasional use of two or more of these words on the same component. By limiting the identification options to either model or type, the confusion should be eliminated. The use of type is a carryover from an earlier policy statement and was included in this proposal so as not to change existing policy or practice. The amendment will be issued as proposed.

E. Information To Be Provided to Assemblers (§ 1020.30(g))

10. One comment supported the proposal to include electrical requirements in the information to be provided to assemblers. Another comment stated industry's objection to this change, noting that it would require comprehensive revision of current documentation and would not reduce the burden on manufacturers. The comment noted that the assembler's information accompanies equipment delivery and reaches the site long after power requirements are finalized. A request was made for an effective date of 1 year from promulgation, if the change is made, to permit depletion of current stocks of manuals.

The agency did not suggest that this change would reduce the burden on manufacturers. The change was made to ensure that assemblers had necessary information regarding electrical power requirements. While it is true that, for many facilities, prior consultation between manufacturer, assembler, and facility operator is necessary for proper installation, this is not always the case (such as for simple units such as mobile or portable units). The amendment does not require comprehensive revision of all assemblers' manuals. For existing manuals, FDA may issue supplements containing electrical power requirements. This would obviate the need for the requested time to deplete existing stocks of manuals. However, as there is no compelling need for an earlier effective date, FDA is setting an effective date for assembler information requirements of 1 year from the date of publication of this final rule.

F. Beam Quality (§ 1020.30 (m)(1) and (m)(2))

11. Two comments supported the proposal to allow lower half-value layers (HVL's) at 50 kilovolt peak (kVp). The comments also proposed removal of all HVL requirements for mammography or allowance of less than 0.3 millimeter (mm) aluminum for molybdenum tubes used in mammography, including the compression cone. It was suggested that a maximum HVL be considered for mammographic systems intended for use with film-screen image receptors.

The HVL amendment proposal was designed to rectify a technical problem at a cross-over point in tube potential. It was not an effort to lower beam quality requirements for all potentials below 50 kVp. The comment on additional modification of HVL requirements for equipment specifically designed for mammography recognizes the special characteristics of mammographic equipment but goes beyond the scope of this proposal. FDA will investigate the adequacy of the requirements for different types of tubes used in mammography as a separate matter.

G. Assembly and Reassembly of Diagnostic X-ray System (§ 1020.30(p))

12. Three comments agreed with the deletion of § 1020.30(p). Proponents of the deletion noted that many uncertified X-ray systems are still in use, but that adequate control of used X-ray systems is being provided by quality assurance activities and application to refurbishers of current good manufacturing practice (CGMP) regulations.

13. Seven comments opposed the deletion of § 1020.30(p). These opponents of the deletion expressed concern regarding continued installation of uncertified components, which they described as performing poorly but still being readily available for resale.

In general, the comments opposed to deletion of § 1020.30(p) provided viewpoints or information previously considered in evaluating this proposal. Although concern was expressed over the performance of uncertified components, no specific data or comparisons were provided. The agency noted in the preamble to the proposed rule that, in general, the primary difference in design between certified and uncertified components was the requirement that collimators on general-purpose X-ray systems provide positive beam limitation. Information available when the performance standard was developed indicated that the vast majority of systems manufactured in the years immediately before the effective date of the performance standard would, except for the positive beam limitation requirement, meet the requirements of the performance standard. This is because the performance standard incorporated generally accepted voluntary recommendations as the basis for the standard.

Currently, equipment manufactured in the year before and just after the effective date of the performance standard would be 18 and 17 years old, respectively. The agency suggests that the age of the equipment and whether it was manufactured before issuance of the performance standard are not adequate criteria to determine whether such equipment should be allowed to be installed. More effective criteria would be based on testing to ensure continued adequate performance. For uncertified components, this testing can be required by State authorities without the requirement that the uncertified component be sold and relocated, as would be required for the Federal standard to apply.

Contrary to the implication in several of the comments, the removal of § 1020.30(p) will not prevent the States from controlling uncertified equipment. Removal of the requirement will focus the performance standard on the manner in which certified components are required to be installed, and the performance standard would no longer prohibit their use with uncertified components.

States would continue to exercise control over uncertified components not subject to the Federal standard by virtue of these components having been manufactured prior to August 1974.

The Radiation Control for Health and Safety Act (21 U.S.C. 360ss) does not preempt State performance standards for radiation emitting products not covered by a federal performance standard under that act. Uncertified X-ray components are not so covered.

Also, section 521 of the act (21 U.S.C. 360k) prohibits state requirements different from or in addition to a requirement applicable to a device under the act. FDA could but, for reasons stated above, has not issued a standard under section 514 of the act (21 U.S.C. 360d) for uncertified X-ray components manufactured prior to 1974. Thus, there is no applicable Federal requirement for uncertified X-ray components that would preempt any State regulation of these components. For these reasons, the States are not now precluded by either 21 U.S.C. 360ss or 21 U.S.C. 360k from regulating them.

14. Several comments questioned the basis of the agency's observation that the supply of uncertified components is diminishing.

FDA recognizes that, in developing this proposal, no new, extensive survey of the availability of uncertified components was performed as suggested by some of the comments. The agency considered such a survey as neither cost-effective nor a prudent use of agency resources. Even if a new survey were to produce somewhat different results regarding the age of equipment in the resale market, it would be very unlikely to lead to a different conclusion. The facts are that: (1) Any uncertified component would be over 18 years old; (2) components do wear out or fail; and (3) repair may become uneconomical. For these reasons, there must be fewer uncertified components available each year. The agency decision to remove § 1020.30(p) was not based on the decreased availability of uncertified components, however. It was based on the lack of need for or effectiveness of the requirement in § 1020.30(p) in assuring the performance of certified systems.

15. Some of the comments argued that CGMP's applicable to rebuilders were not useful to assure the performance of uncertified components if the original specifications were inadequate compared to current designs. Several comments suggested a prohibition on any components not meeting the performance standard.

As discussed in response to paragraph 13 above, for most X-ray systems, the differences between the specifications for certified and uncertified systems were minor except for the requirement for positive beam limitation on stationary general-purpose radiographic systems. With the change in these amendments to the requirement for positive beam limitation, this major difference no longer exists.

The concern about uncertified equipment would be justified if the premise of inadequate specifications is granted. However, the agency does not think it reasonable to address potential inadequate design in relatively few systems with a blanket prohibition on use of equipment based solely on the age of the component. A more reasonable and cost-effective approach would be based on performance testing of the system containing the uncertified component, which the States could require so long as the performance required of the certified components in the system is in agreement with the Federal standard.

16. The continued existence of § 1020.30(p) was cited as the only means for controlling the installation of uncertified components or improperly installed certified components in one State.

The improper installation of certified components is addressed under § 1020.30(d). As stated previously in paragraph 13 above, the deletion of § 1020.30(p) will not prevent States from imposing controls on uncertified components. Indeed, States are encouraged to develop and apply appropriate controls for uncertified systems. The document entitled "Suggested State Regulations for the Control of Radiation," developed by the Conference of Radiation Control Program Directors, Inc., with the cooperation of FDA and other Federal agencies, provides a suggested means for doing this which the States may adopt or modify.

17. One comment suggested that the performance standard be revised to require reporting of all components, whether certified or not, to help States monitor installations. As discussed above, states desiring to monitor the installation of uncertified components may establish and enforce these reporting requirements on their own initiative.

18. Two comments in support of keeping § 1020.30(p) suggested a change that would prohibit the assembly or reassembly of components that were manufactured before 1974 or cannot meet the current standard.

FDA notes that the approach suggested here was at one time contained in the regulations. After careful evaluation of the costs and potential benefits associated with such a requirement and notice-and-comment rulemaking, the agency deleted it from the regulations in 1979. No information was presented to justify a return to this approach; therefore, FDA rejects the comment.

19. Two comments noted that the proposed changes regarding requirements for refurbished equipment and the mixing of certified and uncertified components were unclear.

FDA does not understand the reasons for confusion on this point, since the proposal was that § 1020.30(p) would be removed in its entirety. This removal would remove any requirements or limitations regarding the mixing of certified or uncertified components. In the preamble of the proposed rule, reference was made to FDA Compliance Policy Guide 7124.28 regarding reconditioners and rebuilders of medical devices, which is applicable to X-ray system components as medical devices. The policy was intended to ensure that refurbished or rebuilt equipment meets original specifications, or if remanufactured, is certified by the rebuilder to new specifications. This policy is currently under review and will continue to be developed by FDA.

20. As stated in paragraph 8 above, although no comments were received on this subject, FDA notes that the proposed removal of § 1020.30(p) would have removed some of the guidance contained in § 1020.30(p)(5) regarding exceptions to the reporting requirements contained in § 1020.30(d). These reporting exception requirements should remain as part of the performance standard. They are more logically part of § 1020.30(d)(2); therefore, § 1020.30(d)(2) is being revised to incorporate these exceptions. Only that part of § 1020.30(p)(5) addressing reporting exceptions is retained in revised § 1020.30(d). The portion describing tagging of "noncompatible" components is removed, because reporting of noncompatible assemblies is no longer required, as discussed in section II.D. of the preamble to the proposed rule. The assembler is required to follow the manufacturer's instructions to the extent possible when uncertified components are present in the system and affect the performance of the certified components, but there is no longer any need to report a noncompatible assembly.

H. Linearity (§ 1020.31(c))

21. One comment disagreed with the proposal to extend the linearity requirement to adjacent milliamperes-seconds (mAs) stations because there are no consensus user guidelines or demonstrated safety concerns to support the need for such a change. The comment maintained that, historically, milliampere (mA) control was of concern because of the problem of proper X-ray tube space charge compensation in the mA control circuits. The comment believed that the change was proposed despite the following alleged facts: that similar equipment has been in use for many years; that the agency has conducted no evaluation of current user practices or equipment performance; and that the agency has provided no evidence of patient safety needs to support such a change. The comment suggested that this additional regulatory burden should not be added to the existing requirements.

FDA disagrees with this comment. The amendment was proposed because it is just as important to have linearity between mAs station selections as it is to have it for mA selections in the clinical use of systems. It is true that no

detailed studies or evaluations of mAs-only systems have been performed; however, the requirement is designed more to prevent potential poor performance than to correct existing problems. The requirement should not impose a significant testing burden on manufacturers, as good manufacturers would independently assure that products provide linear performance equal to or exceeding the proposed minimum performance. The comment is rejected.

22. Eight comments supported the extension of the linearity requirement to systems that provide selection of mAs only, although most did not provide explicit reasons for their support. The comments also supported the extension of the linearity testing to cover the entire range of mA and mAs selections. It was noted that the U.S. Air Force has imposed such a requirement and that the Committee on Suggested State Regulations of the Conference of Radiation Control Program Directors, Inc., is considering such a requirement for uncertified systems. Two comments suggested that most currently manufactured and properly calibrated equipment could meet a requirement over the entire range. Several different and somewhat ambiguous criteria for this proposed change were suggested, ranging from 5 to 22 percent over the range of mA and mAs selections. One comment noted that, for image receptors with high speed and decreased exposure latitude, an exposure change of 20 percent can result in a nondiagnostic image. One comment suggested exempting low mA stations (10 and 24 mA) from the requirement, and another cited the recent National Council on Radiation Protection and Measurements (NCRP) quality assurance recommendation for linearity over the entire range.

FDA disagrees that, because the linearity requirement could be tightened to cover the entire range, it should be so tightened, regardless of the fact that no data have been presented to indicate that current requirements provide an insufficient margin of radiation safety. The comment regarding exposure changes of 20 percent resulting in nondiagnostic images does indicate a potential reason for more stringent linearity requirements. The agency is open to additional information or data regarding the radiation safety impact of the current linearity requirement but does not intend to pursue further study at this time due to resource constraints and the absence of evidence that this is a problem for systems meeting current requirements. The amendment will be issued as proposed.

23. Two comments noted confusion regarding testing of linearity for normal and microfocus tubes. One comment stated that the preamble indicated that linearity would not be required between normal and microfocus tubes; yet the regulatory language excludes testing for focal spots smaller than 0.45 mm.

FDA agrees that the language in the preamble to the proposal and in the proposed revision of § 1020.31(c)(3) is confusing. The intent was better described in the preamble than in the proposed revision. The intent is to require linearity between any two adjacent mA or mAs settings except when these involve two different focal spots, one of whose size is less than or equal to 0.45 mm and the other of whose size is greater than 0.45 mm. The wording of the requirement in § 1020.31(c)(3) has been changed to make this clearer. Thus, linearity will be required between two different microfocus focal spots or between two different nonmicrofocus spots. The only time linearity will not be required between adjacent settings will be when the settings require comparison of a microfocus spot with a nonmicrofocus spot. The term, "microfocus," refers here to a focal spot with no dimension greater than 0.45 mm.

Because microfocus focal spots have completely different applications from nonmicrofocus focal spots in clinical practice, the technologist will not normally switch between the two types of spots during a particular examination in order to achieve either more or less exposure to the image receptor. Thus, FDA does not consider it necessary, from a radiation safety standpoint, to require linearity between these two different types of focal spots.

24. Five comments recommended that the linearity requirement not be applied between focal spots of different sizes. As noted, several of these comments suggested alternate criteria and testing conditions for linearity. FDA notes that no specification of focal spot size was given in these comments; so FDA assumes that the comments apply not only to testing between microfocus and larger focal spot sizes, but also to testing between two nonmicrofocus focal spots. The comments gave no reasons as to why the requirement should not be applied between larger focal spot sizes as currently required. No information was presented to indicate that the testing for linearity between two focal spots with sizes greater than 0.45 mm is unnecessary or results in problems. This aspect of the comments is rejected. The comments regarding alternate criteria for linearity and testing are addressed under paragraph 20 above.

25. Two comments suggested that exemption from linearity testing requirements be limited to microfocus focal spots whose size is less than 0.3 mm nominal. These comments noted that many general-type tubes have nominal 0.3 mm focal spots which are used interchangeably by operators with the larger spots.

No information was provided as to the extent of the practice of interchanging small 0.3 mm focal spots with larger focal spots. The occasional occurrence of this practice does not justify the potential cost associated with extending the requirement to 0.3 mm focal spots.

26. Several comments suggested alternative measurement conditions for determining linearity. These comments did not disagree with the proposal to extend linearity requirements to mAs selections but suggested additional requirements or conditions for testing linearity without detailed rationales or justifications.

With the information currently available, the agency is unable to justify extending the linearity requirement over a range of selections beyond adjacent mA or mAs stations on a radiation safety basis. Although the range of applicability of the linearity requirement and measurement conditions might be appropriate for further investigation, the agency does not intend to pursue these, due to limited resources, unless stronger evidence of a public health need is presented.

27. One comment expressed concern over the testing requirements that should apply to battery-powered mobile equipment when tested for mAs linearity. The comment suggested that special testing requirements may be necessary.

FDA advises that, although the test conditions are not specified in the performance standard, current testing procedures for battery systems require that the battery be fully charged and the system must indicate that it is in the fully operational state. Under these conditions, no additional special testing requirements are necessary, and the mAs linearity test would be performed the same way as for nonbattery systems. The comment is rejected.

28. One comment questioned whether 10 exposures at each setting for linearity tests would place an undue heat load on the tube.

FDA advises that this would not create a problem. Adequate time is allowed between exposures during testing.

I. Visual Definition (§ 1020.31(d)(2))

29. Several comments agreed with the proposed reduction in required illumination from 160 to 100 lux but eight comments opposed the reduction. Potential problems cited included: problems with facilities doing chest examinations at 10-foot source-image receptor distances (SID's) with air gap; inadequate field definition for systems with large SID's (i.e., 72 inches); and inability to control light levels in brightly lit areas where portable X-ray systems are used (i.e., critical care). Several opponents of the change questioned the validity of the average Xray room illumination data cited in the preamble and presented data showing much higher illumination levels in rooms where X-ray equipment is used. One comment suggested writing the performance standard such that if the room were too bright, the facility rather than the manufacturer/assembler would be responsible.

One comment experienced problems with shortened bulb life due to the increased bulb voltage used by numerous manufacturers to meet current requirements. Another noted experiencing no problems with bulb life with current equipment, on some of which illumination levels were set much higher than 160 lux. Others opposed to the reduction in required illumination level stated that systems can be designed so that bulb life is not a problem and suggested a required level between 100 and 160 lux, or different requirements depending on the use of the system or whether or not positive beam limitation (PBL) was present. Systems used in bright areas, such as mobile and portable systems or systems without PBL, need the full 160 lux illumination, one comment suggested.

The agency notes that the proposed amendment to lower the light illuminance from 160 lux to 100 lux was influenced primarily by some collimator manufacturers who presented anecdotal evidence of shortened bulb life, and by FDA's own experience with recalls associated with low illuminance collimators from many different manufacturers. FDA argued that edge definition could still be retained, even at the lower illuminance value of 100 lux, in the typical ambient light levels found in most radiographic suites. However, comments on the proposed amendment raised questions regarding the adequacy of 100 lux for systems using long SID's, such as 72 inches for chiropractic systems in common use and for portable and mobile systems used in rooms where the ambient light levels can be quite high. Additionally, comments suggested that if PBL becomes optional, then it is even more important to keep the current requirement of 160 lux, since the light field will become the primary means for adjusting the X-ray field size when PBL is not present on stationary general purpose systems. Also, it has been argued that the problems with shortened bulb life occurred early in the poststandard era but no longer exist because of better bulb design with newer systems. This appears to be a valid argument, since FDA's compliance data no longer show high numbers of illuminance noncompliances, and complaints from users or assemblers about bulbs burning out have become less frequent.

The arguments presented by those opposed to reducing the minimum illuminance requirement to 100 lux are compelling enough to convince the agency to withdraw the proposal and leave the original requirement (160 lux) in the regulations. In retaining the limit of 160 lux, the agency acknowledges maintaining a difference between the Federal standard and the 100 lux limit in the International Electrotechnical Commission (IEC) draft standard. However, FDA plans to pursue this and other differences between IEC and Federal performance standards in discussions with IEC aimed at further harmonization of the standards.

30. One comment suggested that therapy simulators should no longer be exempted from the minimum illumination requirement and that they be required to provide a minimum field illumination of 100 lux.

FDA disagrees with this suggestion. No data were provided to support the need for this requirement for therapy simulation systems. The requirements for X-ray field localization and indication for therapy simulation systems are quite different from those for conventional diagnostic systems. The accuracy of X-ray beam location indication is more important for therapy simulation systems, and a variety of methods are employed. Small excess radiation exposures are a minor concern for therapy simulators in view of the radiation exposures used in the actual therapy. There is no reason why room illumination cannot be reduced in the simulation facility, if necessary. Also, required use of large SID's on simulators could result in design problems. FDA rejects the comment.

J. Field Limitation and Alignment on Stationary General Purpose X-ray Equipment (§ 1020.31(e))

31. Fourteen comments endorsed the proposal to make the provision of PBL optional, citing the following reasons:

(a) The feature adds additional costs for initial purchase and maintenance and is not cost effective.

(b) PBL systems require frequent repair and are often inoperable due to malfunction.

(c) Systems are often turned off or overridden, and, thus, their potential benefits are not realized. Reasons given for systems being overridden or turned off were to avoid breakdown, to permit ease of use for reduced field sizes, or to allow system use during PBL malfunction or breakdown.

(d) There is no advantage or improvement in field sizes for systems with PBL versus systems without the feature.

(e) PBL results in collimation to film size, not to smaller area of interest, tending to hinder optimum collimation.

(f) The requirement for PBL prevents the replacement or upgrading of older non-PBL systems and places a premium on uncertified used systems for small facilities.

(g) PBL is not relevant for the extremity examinations typically performed in many small facilities, and it is the source of unnecessary exposure due to large field sizes.

(h) PBL does not prevent use of inappropriate film size nor assure proper X-ray tube and image receptor alignment.

FDA notes that the arguments put forth in support of the proposed change were unsupported by data but were in accord with conclusions reached by the agency.

32. One comment suggested that, if the requirement for PBL is removed, then those systems already installed should not be required to operate in the PBL mode and the performance requirements for PBL should be removed. Another comment suggested retaining the PBL requirement but modifying it to exempt chiropractic systems.

The performance standard places no requirements on how equipment is used or operated. Under the proposal, manufacturers could provide beam-limiting devices that provide PBL or continuously adjustable collimation. For systems that are equipped with PBL, it remains appropriate that they continue to meet the requirements in the performance standard, because the user will be relying on the system to accomplish or assure proper field size adjustment.

The agency agrees that the cost of a PBL system may not be justified in circumstances such as chiropractic or other special purpose or limited anatomy examinations. However, FDA believes that PBL also lacks significant benefits in many other circumstances. The comments are rejected.

33. One comment suggested that, in addition to making PBL optional, the regulations should require that X-ray equipment be able to collimate sufficiently to show evidence of collimation on the image receptor. This would assist state efforts to improve collimation.

The amendment, as proposed, would permit operation of a continuously adjustable collimator to demonstrate an unexposed border on films, if that was desired by or required of the facility by the State or local agency as a requirement for use of the system. Such an approach to encouraging appropriate field size adjustment has been suggested previously, including the use of special indicators on collimator blades to indicate the extent of collimation on exposed films. The inability of the Federal standard to require specific actions by users of equipment prevents this approach from being implemented in the performance standard. However, State or local agencies could impose such requirements on users. The comment is rejected.

34. One comment did not express an opinion for or against the proposal to make PBL optional but noted that, when purchased as an option, PBL will add to the cost of each system, and, if the requirement in § 1020.31(d) concerning light field illumination were relaxed, PBL would be more necessary to aid in proper collimation.

The agency agrees with the comment; however, since the agency has decided not to relax the requirement for light field illumination, the comment that PBL would be more necessary to aid in proper collimation is not applicable.

35. Eighteen comments were opposed to the proposal to make the provision of PBL optional. Reasons cited in opposition to making PBL optional included the following:

(a) Most manufacturers currently provide reliable PBL devices, and previous problems have been solved. One comment suggested that FDA's analysis did not take into account some recent improvements.

(b) Many facilities do not have well trained operators. PBL aids proper collimation and is a reminder for radiation safety.

(c) Making the requirement optional will result in PBL's disappearance from the marketplace due to low demand. Users will not pay the extra cost associated with PBL systems.

(d) PBL systems are effective in reducing exposure, and such a public health issue should not be left to the demands of the marketplace. Prior to PBL, many facilities left collimation at maximum field-size setting.

(e) Any action, even if minimal, to limit radiation exposure should be taken, and dose reduction potential should be given preference over cost concerns.

(f) Equipment design should leave as little discretion to operators as possible because many operators do not collimate to the minimum field size required. Stricter enforcement of PBL requirements is needed, and systems should be capable of being overridden only by service personnel.

36. FDA notes that the comments provided no new data or views that were not previously considered by the agency in reaching the decision on the proposal. A brief response to each of the reasons cited is given below:

(a) The decision to make the provision of PBL optional was not based on the lack of reliability of the devices with this feature. The decision was based on the increased initial expense as well as increased maintenance and repair costs compared to the anticipated benefit of the requirement.

(b) PBL is not a substitute for well-trained and supervised operators. PBL does not prevent inappropriate use or operation of a system or always guarantee appropriate collimation, as evidenced by many reports of systems found in the bypass or override mode upon inspection. Equipment features cannot substitute for adequately trained personnel.

(c) FDA does not expect that making PBL optional will result in the disappearance of this feature. Comments indicate that many facilities appreciate the speed and convenience provided by some automatic PBL systems. The proposed amendment merely recognizes that in some situations, the cost of a PBL system may not be justified by the benefit, and FDA will allow alternatives.

(d) FDA does not disagree that PBL systems, as any other variable collimation system, can aid in reducing unnecessary exposure. However, FDA is unable to demonstrate benefits from PBL which justify its costs. The provision of PBL, of itself, does not guarantee proper field-size adjustment.

(e) The argument that radiation exposure reduction, no matter how small, should be pursued without regard to costs cannot be supported.

(f) The current standard does not prevent operators from improperly using the collimation system. The override feature was provided to permit needed clinical use of a system while awaiting service in the event of breakdown. Prevention of system use due to a malfunction of PBL would have adverse effects on the delivery of needed health care. Therefore, the amendment regarding PBL will be finalized as proposed.

37. Two comments speculated about and criticized the assumed motivation for the proposal to make PBL optional. One comment supposed that the proposal was made due to problems enforcing the performance standard. Another suggested that failures by some manufacturers to design reliable systems were causing elimination of a good rule. It was suggested that pressure from these manufacturers was causing the proposed change in the PBL requirement.

The agency has received no pressure to revise the performance standard, although occasional suggestions have been received. The proposal to amend resulted from an internal review of the effectiveness of the performance standard, in which FDA attempted to provide an objective analysis of the benefits and costs associated with each section of the performance standard. This process involved outside participation through requests for comments and public discussion at an advisory committee meeting. The comments are rejected.

38. One comment questioned how voluntary or optional requirements for PBL would be enforced.

The amended performance standard will be enforced in the same manner as the current standard. Manufacturers will be required to provide systems which meet the requirements of the performance standard, either by providing a stepless-adjustment collimator or a PBL collimator, depending on the type of device furnished. The performance standard will continue to apply to manufacturers and assemblers. The current standard places no requirements on users regarding operation or maintenance of PBL systems, and the amendment would not change this situation. The agency will continue to encourage the use of proper collimation, including the use of properly maintained PBL systems where available. As with current practice, any requirements regarding use, maintenance, or repair will be under State and local control. Field testing of systems having PBL collimators will only test the performance of the collimator, not its actual use.

39. Six comments opposed permitting the marketing of the World Health Organization-Basic Radiological System (WHO-BRS), which uses fixed apertures to adjust field size. It was suggested that adjustable collimation, as found on a mobile system, is more appropriate for the United States.

The agency agrees with these comments in that it is not appropriate to permit fixed apertures for general purpose systems in the United States. No evidence has been provided that would justify deletion of the requirement for stepless adjustment of the X-ray field. The proposed amendment would permit the marketing in the United States of the WHO-BRS if equipped with a collimator meeting the requirements of § 1020.31 (d) and (e), or (g), if applicable.

40. One comment questioned the reported lack of use of PBL due to systems being found broken, malfunctioning, or in the override mode. The comment questioned the reported higher failure rate for PBL systems, since PBL systems use the same technology as do fluoroscopic collimators, and these are not reported to have many problems.

The agency did not base its proposal to amend the performance standard solely on the reported failure rates of PBL systems, although the increased maintenance costs reported for these systems were a factor in the evaluation of the costs of this requirement. While no detailed study of failure modes for fluoroscopic or radiographic collimation systems is feasible, there are differences in the designs of the two types of systems. The radiographic system employs sensors in the cassette tray to determine cassette size, and these are subject to misadjustment or malfunction from wear and tear during use. Fluoroscopic systems do not have this feature. Hence, the two are not in every important way comparable, contrary to what the comment supposed.

41. One comment supporting retention of the PBL requirement suggested that the dose savings referred to by FDA as occurring from the use of continuously variable rectangular collimators can be achieved only if the technician cones down to the anatomical region of interest.

The comment incorrectly interpreted the dose savings analysis. The dose savings estimated refers to the use of either automatic (PBL) or manual (non-PBL) continuously variable rectangular beam-limiting devices for adjustment of the X-ray beam size to the size of the image receptor. Adjustment of the X-ray beam size to the size of the anatomical region of interest requires intervention by the system operator, whether the system is equipped with a PBL collimator or with a non-PBL collimator. Hence, PBL provides no dose-saving advantage in this situation.

42. One comment, which favored retaining the requirement for PBL, addressed the question of how frequently PBL systems are turned off or to override. The comment observed that, of 25 large hospitals questioned, all would purchase PBL if it were made optional, as they valued it for the convenience and throughput it allowed. The comment also noted that technologists are trained to use PBL systems, and they require time to adapt to non-PBL systems, with a consequent increase in the retake rate.

These points, while valid, do not persuade FDA to continue requiring PBL. If sufficient user demand exists for systems that provide PBL, such systems will continue to be marketed. However, FDA is not persuaded that a cost-benefit analysis is so favorable to PBL as to justify interfering with market forces by requiring it. As with any change in a complex system of equipment, operators of X-ray systems require adequate training for proper use of the systems. The additional training burden will be light for those who must accommodate non-PBL systems. FDA reiterates that no one is required to give up PBL. FDA will proceed with the elimination of the requirement for PBL.

43. Several comments in favor of retaining the PBL requirement included comments regarding the impact of the proposal on State programs. One comment noted that the States cannot encourage PBL if its manufacture stops.

FDA does not believe that elimination of the requirement for PBL will necessarily translate to an elimination of its availability in the marketplace. Following the effective date of the amendments, manufacturers and purchasers will have two options regarding the beam limitation system on stationary general-purpose diagnostic X-ray systems. These systems will have to be equipped with beam-limiting devices that provide either PBL in accordance with new § 1020.30(g) or ones that provide continuously variable adjustment of field size as required in § 1020.31 (d) and (e). FDA believes that if sufficient user demand exists for systems that provide PBL, such systems will continue to be marketed. The States will be free to encourage (but not require) use of PBL if they wish, but ultimately, the market will decide PBL's future.

44. One comment noted that, due to the existing PBL requirement, one State had encouraged many facilities to repair PBL systems, and another comment observed that States must ensure that PBL systems are maintained in an operable condition.

FDA advises that, in addition to requiring that manufacturers provide systems meeting either of the requirements in § 1020.30(g) or § 1020.31 (d) and (e), the amendments will also require manufacturers to provide a recommended schedule of maintenance necessary to keep the equipment in compliance with the performance standard. The performance standard does not and will not require that owners maintain X-ray systems in compliance with the performance standard, as this authority is reserved for State or local agencies. FDA regulates manufacture and installation, not use by practitioners. Under these amendments, States will continue to have the authority to require that systems be maintained to comply with State requirements.

45. One comment suggested that all State regulations should be amended to require that owners maintain certified equipment to original specifications.

FDA supports the concept of requiring users to maintain X-ray systems in compliance with the performance standard for the life of the equipment. As noted previously, the Federal performance standard places no requirement on the owner of a diagnostic X-ray system to maintain the system in compliance with the performance standard following installation by the manufacturer. The authority to require that diagnostic X-ray systems be maintained by owners in conformance with a performance standard lies with State and local agencies. Thus, with regard to systems equipped with PBL, under the amendments, the States may still impose a requirement that X-ray systems be operated or repaired to comply with any standard.

46. One comment noted that there is no evidence that a technician will use a manual collimator any more frequently in 1990 than in the early 1970's. The proposal to make PBL optional was described as a major step backward, leading to retakes, increased exposure, and poorer quality films.

FDA advises that the only data available for comparison of the performance of PBL versus non-PBL systems were summarized in the reports referenced. The data from the early 1970's did not indicate a significant benefit for systems with PBL. The comment provided no data to substantiate the claim of increased retakes and poor quality films if the PBL

requirement were deleted. The comment is rejected.

47. One comment in favor of retaining PBL expressed the opinion that too much emphasis was being placed on the cost associated with PBL and suggested that the following factors be included in cost considerations: The cost of missed diagnosis; the cost of inappropriate treatment as a result of incorrect diagnosis; and the cost of the health effects from unnecessary exposure. The comment observed that, in other Federal programs, much higher costs are borne in dealing with theoretical exposures, as compared to the real exposures actually encountered in medical X-ray procedures.

The agency disagrees that too much emphasis is placed on costs. Unless the underlying statute directs otherwise—and in this case the statute does not—the benefits of any regulatory or public health program must be balanced against the costs incurred in meeting requirements. The agency finds no proven connection between the suggested costs of missed diagnosis or inappropriate treatment mentioned by the comment and the requirement for PBL. The comment is rejected.

48. One comment suggested a revision of § 1020.31(e)(2) to correct an ambiguity introduced in the November 1982 amendment concerning the SID's at which PBL systems are required to operate. The suggestion was to add a paragraph to § 1020.31 that states, "The device is at a SID where it is not intended to operate."

FDA acknowledges that the comment's suggested revision would clarify an ambiguity introduced with the last revision. In addition, the suggested change would have no impact on current X-ray system designs, because manufacturers currently comply with the requirement as it would be following clarification. FDA will add the suggested paragraph as paragraph (g)(1)(iii), which replaces paragraph (e)(2)(iii).

K. Field Limitation and Alignment for Spot-film Devices (§ 1020.31(g))

49. One comment appeared to object to the change from the current requirement on edge misalignment to a size comparison between X-ray field and image receptor. The comment characterized this change as a relaxation from a worst-case condition, contrary to the approach taken in other radiation standards.

FDA believes that the amendment is not a significant relaxation of the performance standard. The amendment was made to simplify the testing requirement and to make the requirement consistent with similar ones in other parts of the performance standard. The agency considers the possible slight relaxation at the worst-case conditions to be a very minor concern. The comment presented no information to suggest otherwise. The comment is rejected.

L. Standby Radiation From Capacitor Energy Storage Equipment (§ 1020.31(k))

50. Two comments suggested that the current requirement regarding discharge of capacitor discharge equipment is too weak. The comments proposed that systems be required to discharge electrically with consequent elimination of radiation production, rather than through the X-ray tube.

The present regulations permit discharge through the tube or by electrical means without any design restrictions. The proposed regulation will set a radiation emission limit during discharge. The comment proposed an additional design requirement not contemplated in the proposed clarification of this section. The comment does not address the adequacy of the proposed radiation emission levels or the potential costs to comply with the suggested change. The requirement for a means for discharge, other than through the tube, is a design requirement rather than a performance requirement. The comments provided no arguments as to why the current radiation limits are inadequate; the limits are the same as those for leakage radiation from tube housing assemblies. The comments are rejected.

M. Entrance Exposure Rate Limits (§ 1020.32(d))

51. Two comments supported the clarification of the entrance exposure rate requirements and their application to C-arm systems with variable SID's and to lateral fluoroscopes.

One comment suggested that the entrance exposure rate of C-arm systems with variable SID's be measured at a SID of 1,000 mm. A second comment suggested that the measurement geometry for entrance exposure rate for lateral and C-arm fluoroscopic systems be revised, as the current requirement does not reflect clinical use and restricts the exposure rate under clinical use to levels less than allowed on conventional fluoroscopic systems.

The comment suggesting measurement at 1,000 mm SID provided no reason for this distance and did not address the situation wherein maximum SID is less than 1,000 mm. Therefore, FDA rejects this comment. The concern regarding appropriate entrance exposure rate requirements for lateral and C-arms systems as used for angiographic and other special procedures systems has been raised on several occasions, and FDA will evaluate this as a separate issue.

N. Change in Units Throughout the Performance Standard

52. Eight comments acknowledged that the International System of Units (SI units) may be current agency policy, but the comments emphasized that traditional units (roentgen, rad, rem, etc.) should be listed in parentheses next to the SI units. Most meters are not calibrated in SI units, and the conversion to SI units will be confusing for many years. Another comment echoed the one just described but wanted traditional units first followed by SI units in parentheses. Three comments recommended that the agency not adopt the SI units. Two comments argued that the adoption of SI units will cause great confusion and possible error among all of those who use the standards on a daily basis. One comment reported recently, upon returning from lecturing on health physics in a foreign country that uses SI units, that the students (scientists, engineers, and physicians) all routinely make every measurement and calculation in the old system and at the end convert to SI units. Another comment stated that the effect of changing all units to SI units would be to place FDA out of step with all other radiation regulatory agencies in the United States. The cost to State programs and manufacturers would be great, with no concurrent increase in public health benefits due to the necessary revision of circuitry on all level II instruments to read in SI units.

FDA advises that agency policy mandates the use of SI units and allows the use of traditional units in parentheses. The agency agrees that the latter would be advisable and has incorporated the change in the final rule. Some adjustments will be required in the adoption of new units; however, the provision of traditional units with SI units will minimize confusion and allow continued use of current instruments.

53. One comment recommended that the agency adopt the quantity air kerma and its SI unit gray for diagnostic X-ray system performance standards to maintain compatibility with NCRP Report No. 102, which uses these units.

FDA acknowledges that the suggestion is reasonable and would bring the performance standard, in terms of the quantities and units used, into agreement with the NCRP report and IEC standards. However, making

such a change to obtain complete agreement with NCRP Report No. 102 would also require a change in the limits in the standard for exposure and exposure rate. When NCRP revised its recommendations and issued Report No. 102, it changed not only the quantities and units, but also the numerical limits associated with exposure and exposure rate (air kerma and air kerma rate) from the equivalent limits in the earlier Report No. 33. This change had the effect of increasing all the previous limits by approximately 15 percent. It was done to maintain integer values for the limits, expressed in terms of the new quantity air kerma, and to maintain similar numerical values for the limits expressed with the new quantity. For example, the previous limit on exposure rate of 10 roentgens per minute (R/min) was changed to a limit on air kerma rate of 10 centigray per minute (cGy/min). This effectively raised the previous limit, as 10 R/min is actually equivalent to 8.7 cGy/min.

Replacing the quantity exposure with the quantity air kerma and obtaining agreement with the limits in NCRP Report No. 102 would require increasing the limits in the performance standard by 15 percent. Although this is probably not a significant increase from the standpoint of public health, as the changes would be to upper limits, not typical operating conditions, it would require publication of a notice of proposed rulemaking in the **Federal Register** for comment. FDA has decided not to delay publication of the final rule for these amendments for such a proposal. Instead, FDA will consider such a change for a future proposal. In the meantime, the change in units used for exposure from R to coulomb per kilogram satisfies the requirement to use the SI units in the performance standard.

O. Post-exposure Indication of mAs

54. Eight comments recommended that all radiographic systems be required to incorporate post-exposure indication of mAs, accurate to ±5 percent or 1 mAs (whether photo-timed or manually set), to enable better monitoring of patient exposure.

FDA has previously considered this suggestion and concluded that a requirement for such a feature was not warranted on the basis of radiation safety considerations, and the comment in question did not provide supporting radiation safety data. While the suggested feature may be useful for monitoring system performance and determining actual patient exposures, and while it is provided by some manufacturers, it is a convenience rather than a necessary safety feature. FDA declines to require it.

P. Incorporate in § 1020.32(d) Maximum Exposure Rate Limitation in the "Optional High Level Control" Mode

55. One comment recommended a maximum exposure rate limit of 20 R/min for fluoroscopy systems in the "optional high level control" mode. The comment argued that, if exposure rates in excess of this became necessary, then the equipment should be repaired or replaced.

The agency agrees with the suggestion. In a proposed rule published elsewhere in this issue of the **Federal Register**, FDA is proposing to revise limits on the maximum patient entrance exposure rate for fluoroscopy systems in the high-level control mode and other modes of operation. However, FDA is not changing this final rule to adopt the comment's proposal.

Q. Compliance Testing for Reproducibility

56. Two comments recommended measuring compliance for reproducibility with 4 exposures rather than 10 in order to reduce problems with tube heating and overload.

The comments provided no information to show that the current testing procedure has caused any problems of the type suggested. Ten exposures were selected to provide a compromise between adequate sampling of the variable under test and efficient testing. Further, no information was provided to show that a sample of four measurements would be an adequate test. The comments are rejected.

III. Paperwork Reduction Act of 1980

Section 1020.30(g) Information to be provided to assemblers contains relief from information collection requirements, in that certain replacement assemblies and components are exempted from reporting and recordkeeping requirements. There are no other changes in information collection requirements. All information collection and recordkeeping requirements for this performance standard have been approved by the Office of Management and Budget (OMB) under control number 0910–0213 "Reporting and Recordkeeping for Electronic Products under Public Law 90–602— Specific Product Requirements," and are in conformance with section 3504(h) of the Paperwork Reduction Act of 1980 as interpreted by OMB in 5 CFR part 1320. (See 48 FR 13666, March 31, 1983.)

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(e)(3) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Economic Impact

This final rule is the result of an extensive retrospective review, including a cost-benefit analysis of regulatory impact, meeting the requirements of Executive Order 12291, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). The amendments in this final rule clarify and simplify the diagnostic X-ray performance standard, based on experience derived with its enforcement. In addition to formalizing interpretations that have been required since promulgation of the standard, the amendments remove excess verbiage, redundancies, and unnecessarily complex statements from the standard. Also, the amendments permit the marketing of less complex, and therefore, less costly, equipment to purchasers who desire it. Furthermore, the amendments reduce the regulatory burden on affected manufacturers by eliminating the requirement for positive-beam-limitation, relaxing requirements for aluminum equivalence limits for certain X-ray tables, simplifying reporting requirements, etc. These clarifications, simplifications and regulatory relaxations will be accomplished without compromising the public health, and generally will improve the effectiveness of FDA's regulation of diagnostic X-ray equipment. The agency concludes that this final rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

List of Subjects in 21 CFR Part 1020

Electronic products, Medical devices, Radiation protection, Reporting and recordkeeping requirements, Television, X-rays.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 1020 is amended as follows:

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

1. The authority citation for 21 CFR part 1020 is revised to read as follows:

Authority: Secs. 501, 502, 515–520, 530–542, 701, 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360e–360j, 360gg–360ss, 371, 381).

2. Sections 1020.30, 1020.31, and 1020.32 are revised to read as follows:

§ 1020.30 Diagnostic X-ray systems and their major components.

(a) *Applicability*—(1) The provisions of this section are applicable to:

(i) The following components of diagnostic X-ray systems:

(A) Tube housing assemblies, X-ray controls, X-ray high-voltage generators, X-ray tables, cradles, film changers, vertical cassette holders mounted in a fixed location and cassette holders with front panels, and beam-limiting devices manufactured after August 1, 1974.

(B) Fluoroscopic imaging assemblies manufactured after August 1, 1974, and before April 26, 1977.

(C) Spot-film devices and image intensifiers manufactured after April 26, 1977.

(D) Cephalometric devices manufactured after February 25, 1978.

(E) Image receptor support devices for mammographic X-ray systems manufactured after September 5, 1978.

(ii) Diagnostic X-ray systems, except computed tomography X-ray systems, incorporating one or more of such components; however, such X-ray systems shall be required to comply only with those provisions of this section and §§ 1020.31 and 1020.32 which relate to the components certified in accordance with paragraph (c) of this section and installed into the systems.

(iii) Computed tomography (CT) X-ray systems manufactured before November 29, 1984.

(iv) CT gantries manufactured after September 3, 1985.

(2) The following provisions of this section and § 1020.33 are applicable to CT X-ray systems manufactured or remanufactured on or after November 29, 1984:

(i) Section 1020.30(a);

(ii) Section 1020.30(b) "Technique factors";

(iii) Section 1020.30(b) "CT," "Dose," "Scan," "Scan time," and "Tomogram";

(iv) Section 1020.30 (h)(3)(vi) through (h)(3)(viii);

(v) Section 1020.30(n);

(vi) Section 1020.33 (a) and (b);

(vii) Section 1020.33(c)(1) as it affects § 1020.33(c)(2); and

(viii) Section 1020.33(c)(2).

(3) The provisions of this section and § 1020.33 in its entirety, including those provisions in paragraph (a)(2) of this section, are applicable to CT X-ray systems manufactured or remanufactured on or after September 3, 1985. The date of manufacture of the CT system is the date of manufacture of the CT gantry.

(b) *Definitions.* As used in this section and §§ 1020.31, 1020.32, and 1020.33, the following definitions apply:

Accessible surface means the external surface of the enclosure or housing provided by the manufacturer.

Accessory component means:

(1) A component used with diagnostic X-ray systems, such as a cradle or film changer, that is not necessary for the compliance of the system with applicable provisions of this subchapter but which requires an initial determination of compatibility with the system; or

(2) A component necessary for compliance of the system with applicable provisions of this subchapter but which may be interchanged with similar compatible components without affecting the system's compliance, such as one of a set of interchangeable beam-limiting devices; or

(3) A component compatible with all X-ray systems with which it may be used and that does not require compatibility or installation instructions, such as a tabletop cassette holder.

Aluminum equivalent means the thickness of aluminum (type 1100 alloy)[1] affording the same attenuation, under specified conditions as the material in question.

Articulated joint means a joint between two separate sections of a tabletop which joint provides the capacity for one of the sections to pivot on the line segment along which the sections join.

Assembler means any person engaged in the business of assembling, replacing, or installing one or more components into a diagnostic X-ray system or subsystem. The term includes the owner of an X-ray system or his or her employee or agent who assembles components into an X-ray system that is subsequently used to provide professional or commercial services.

Attenuation block means a block or stack of type 1100 aluminum alloy or aluminum alloy having equivalent attenuation with dimensions 20 centimeters by 20 centimeters by 3.8 centimeters.

Automatic exposure control means a device which automatically controls one or more technique factors in order to obtain at a preselected location(s) a required quantity of radiation.

Beam axis means a line from the source through the centers of the X-ray fields.

Beam-limiting device means a device which provides a means to restrict the dimensions of the X-ray field.

Cantilevered tabletop means a tabletop designed such that the unsupported portion can be extended at least 100 centimeters beyond the support.

Cassette holder means a device, other than a spot-film device, that supports and/or fixes the position of an X-ray film cassette during an X-ray exposure.

Cephalometric device means a device intended for the radiographic visualization and measurement of the dimensions of the human head.

Coefficient of variation means the ratio of the standard deviation to the mean value of a population of observations. It is estimated using the following equation:

[1] The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper, as given in "Aluminum Standards and Data" (1969). Copies may be obtained from: The Aluminum Association, New York, NY.

$$C = \frac{s}{\bar{X}} = \frac{1}{\bar{X}}\left[\sum_{i=1}^{n} \frac{(X_i - \bar{X})^2}{n-1}\right]^{1/2}$$

where

s = Estimated standard deviation of the population.

$\bar{X}$ = Mean value of observations in sample.

X_i = ith observation sampled.

n = Number of observations sampled.

Computed tomography (CT) means the production of a tomogram by the acquisition and computer processing of X-ray transmission data.

Control panel means that part of the X-ray control upon which are mounted the switches, knobs, pushbuttons, and other hardware necessary for manually setting the technique factors.

Cooling curve means the graphical relationship between heat units stored and cooling time.

Cradle means:

(1) A removable device which supports and may restrain a patient above an X-ray table; or

(2) A device;

(i) Whose patient support structure is interposed between the patient and the image receptor during normal use;

(ii) Which is equipped with means for patient restraint; and

(iii) Which is capable of rotation about its long (longitudinal) axis.

CT gantry means tube housing assemblies, beam-limiting devices, detectors, and the supporting structures, frames, and covers which hold and/or enclose these components.

Diagnostic source assembly means the tube housing assembly with a beam-limiting device attached.

Diagnostic X-ray system means an X-ray system designed for irradiation of any part of the human body for the purpose of diagnosis or visualization.

Dose means the absorbed dose as defined by the International Commission on Radiation Units and Measurements. The absorbed dose, D, is the quotient of de by dm, where de is the mean energy imparted by ionizing radiation to matter of mass dm.

Equipment means X-ray equipment.

Exposure means the quotient of dQ by dm where dQ is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass dm are completely stopped in air.

Field emission equipment means equipment which uses an X-ray tube in which electron emission from the cathode is due solely to action of an electric field.

Fluoroscopic imaging assembly means a subsystem in which X-ray photons produce a fluoroscopic image. It includes the image receptor(s) such as the image intensifier and spot-film device, electrical interlocks, if any, and structural material providing linkage between the image receptor and diagnostic source assembly.

General purpose radiographic X-ray system means any radiographic X-ray system which, by design, is not limited to radiographic examination of specific anatomical regions.

Half-value layer (HVL) means the thickness of specified material which attenuates the beam of radiation to an extent such that the exposure rate is reduced to one-half of its original value. In this definition the contribution of all scattered radiation, other than any which might be present initially in the beam concerned, is deemed to be excluded.

Image intensifier means a device, installed in its housing, which instantaneously converts an X-ray pattern into a corresponding light image of higher energy density.

Image receptor means any device, such as a fluorescent screen, radiographic film, solid-state detector, or gaseous detector, which transforms incident X-ray photons either into a visible image or into another form which can be made into a visible image by further transformations. In those cases where means are provided to preselect a portion of the image receptor, the term "image receptor" shall mean the preselected portion of the device.

Image receptor support means, for mammographic systems, that part of the system designed to support the image receptor in a horizontal plane during a mammographic examination.

Leakage radiation means radiation emanating from the diagnostic source assembly except for:

(1) The useful beam; and

(2) Radiation produced when the exposure switch or timer is not activated.

Leakage technique factors means the technique factors associated with the diagnostic source assembly which are used in measuring leakage radiation. They are defined as follows:

(1) For diagnostic source assemblies intended for capacitor energy storage equipment, the maximum-rated peak tube potential and the maximum-rated number of exposures in an hour for operation at the maximum-rated peak tube potential with the quantity of charge per exposure being 10 millicoulombs (or 10 mAs) or the minimum obtainable from the unit, whichever is larger;

(2) For diagnostic source assemblies intended for field emission equipment rated for pulsed operation, the maximum-rated peak tube potential and the maximum-rated number of X-ray pulses in an hour for operation at the maximum-rated peak tube potential; and

(3) For all other diagnostic source assemblies, the maximum-rated continuous tube current for the maximum-rated continuous tube current for the maximum-rated peak tube potential.

Light field means that area of the intersection of the light beam from the beam-limiting device and one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the illuminance is one-fourth of the maximum in the intersection.

Line-voltage regulation means the difference between the no-load and the load line potentials expressed as a percent of the load line potential; that is, Percent line-voltage regulation

$$= \frac{100(V_n - V_i)}{V_i}$$

where

V_n = No-load line potential and

V_l = Load line potential.

Maximum line current means the root mean square current in the supply line of an X-ray machine operating at its maximum rating.

Movable tabletop means a tabletop which, when assembled for use, is capable of movement with respect to its supporting structure within the plane of the tabletop.

Peak tube potential means the maximum value of the potential difference across the X-ray tube during an exposure.

Primary protective barrier means the material, excluding filters, placed in the useful beam to reduce the radiation exposure for protection purposes.

Quick change X-ray tube means an X-ray tube designed for use in its associated tube housing such that:

(1) The tube cannot be inserted in its housing in a manner that would result in noncompliance of the system with the requirements of paragraphs (k) and (m) of this section;

(2) The focal spot position will not cause noncompliance with the provisions of this section or § 1020.31 or § 1020.32;

(3) The shielding within the tube housing cannot be displaced; and

(4) Any removal and subsequent replacement of a beam-limiting device during reloading of the tube in the tube housing will not result in noncompliance of the X-ray system with the applicable field limitation and alignment requirements of §§ 1020.31 and 1020.32.

Radiation therapy simulation system means a radiographic or fluoroscopic X-ray system intended for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

Rated line voltage means the range of potentials, in volts, of the supply line specified by the manufacturer at which the X-ray machine is designed to operate.

Rated output current means the maximum allowable load current of the X-ray high-voltage generator.

Rated output voltage means the allowable peak potential, in volts, at the output terminals of the X-ray high-voltage generator.

Rating means the operating limits specified by the manufacturer.

Recording means producing a permanent form of an image resulting from X-ray photons (e.g., film, videotape).

Scan means the complete process of collecting X-ray transmission data for the production of a tomogram. Data may be collected simultaneously during a single scan for the production of one or more tomograms.

Scan time means the period of time between the beginning and end of X-ray transmission data accumulation for a single scan.

Source means the focal spot of the X-ray tube.

Source-image receptor distance means the distance from the source to the center of the input surface of the image receptor.

Spot-film device means a device intended to transport and/or position a radiographic image receptor between the X-ray source and fluoroscopic image receptor. It includes a device intended to hold a cassette over the input end of an image intensifier for the purpose of a radiograph.

Stationary tabletop means a tabletop which, when assembled for use, is incapable of movement with respect to its supporting structure within the plane of the tabletop.

Technique factors means the following conditions of operation:

(1) For capacitor energy storage equipment, peak tube potential in kilovolts (kV) and quantity of charge in milliamperes-seconds (mAs);

(2) For field emission equipment rated for pulsed operation, peak tube potential in kV and number of X-ray pulses;

(3) For CT equipment designed for pulsed operation, peak tube potential in kV, scan time in seconds, and either tube current in milliamperes (mA), X-ray pulse width in seconds, and the number of X-ray pulses per scan, or the product of the tube current, X-ray pulse width, and the number of X-ray pulses in mAs;

(4) For CT equipment not designed for pulsed operation, peak tube potential in kV, and either tube current in mA and scan time in seconds, or the product of tube current and exposure time in mAs and the scan time when the scan time and exposure time are equivalent; and

(5) For all other equipment, peak tube potential in kV, and either tube current in mA and exposure time in seconds, or the product of tube current and exposure time in mAs.

Tomogram means the depiction of the X-ray attenuation properties of a section through a body.

Tube means an X-ray tube, unless otherwise specified.

Tube housing assembly means the tube housing with tube installed. It includes high-voltage and/or filament transformers and other appropriate elements when they are contained within the tube housing.

Tube rating chart means the set of curves which specify the rated limits of operation of the tube in terms of the technique factors.

Useful beam means the radiation which passes through the tube housing port and the aperture of the beam-limiting device when the exposure switch or timer is activated.

Variable-aperture beam-limiting device means a beam-limiting device which has the capacity for stepless adjustment of the X-ray field size at a given SID.

Visible area means the portion of the input surface of the image receptor over which incident X-ray photons are producing a visible image.

X-ray control means a device which controls input power to the X-ray high-voltage generator and/or the X-ray tube. It includes equipment such as timers, phototimers, automatic brightness stabilizers, and similar devices, which control the technique factors of an X-ray exposure.

X-ray equipment means an X-ray system, subsystem, or component thereof. Types of X-ray equipment are as follows:

(1) *Mobile X-ray equipment* means X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled;

(2) *Portable X-ray equipment* means X-ray equipment designed to be hand-carried; and

(3) *Stationary X-ray equipment* means X-ray equipment which is installed in a fixed location.

X-ray field means that area of the intersection of the useful beam and any one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the exposure rate is one-fourth of the maximum in the intersection.

X-ray high-voltage generator means a device which transforms electrical energy from the potential supplied by the X-ray control to the tube operating potential. The device may also include means for transforming alternating current to direct current, filament transformers for the X-ray tube(s), high-voltage switches, electrical protective devices, and other appropriate elements.

X-ray system means an assemblage of components for the controlled production of X-rays. It includes minimally an X-ray high-voltage generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

X-ray subsystem means any combination of two or more components of an X-ray system for which there are requirements specified in this section and §§ 1020.31 and 1020.32.

X-ray table means a patient support device with its patient support structure (tabletop) interposed between the patient and the image receptor during radiography and/or fluoroscopy. This includes, but is not limited to, any stretcher equipped with a radiolucent panel and any table equipped with a cassette tray (or bucky), cassette tunnel, image intensifier, or spot-film device beneath the tabletop.

X-ray tube means any electron tube which is designed for the conversion of electrical energy into X-ray energy.

(c) *Manufacturers' responsibility.* Manufacturers of products subject to §§ 1020.30 through 1020.33 shall certify that each of their products meet all applicable requirements when installed into a diagnostic X-ray system according to instructions. This certification shall be made under the format specified in § 1010.2 of this chapter. Manufacturers may certify a combination of two or more components if they obtain prior authorization in writing from the Director of the Office of Compliance and Surveillance of the Center for Devices and Radiological Health. Manufacturers shall not be held responsible for noncompliance of their products if that noncompliance is due solely to the improper installation or assembly of that product by another person; however, manufacturers are responsible for providing assembly instructions adequate to assure compliance of their components with the applicable provisions of §§ 1020.30 through 1020.33.

(d) *Assemblers' responsibility.* An assembler who installs one or more components certified as required by paragraph (c) of this section shall install certified components that are of the type required by §§ 1020.31, 1020.32, or 1020.33 and shall assemble, install, adjust, and test the certified components according to the instructions of their respective manufacturers. Assemblers shall not be liable for noncompliance of a certified component if the assembly of that component was according to the component manufacturer's instruction.

(1) *Reports of assembly.* All assemblers who install certified components shall file a report of assembly, except as specified in paragraph (d)(2) of this section. The report will be construed as the assembler's certification and identification under §§ 1010.2 and 1010.3 of this chapter. The assembler shall affirm in the report that the manufacturer's instructions were followed in the assembly or that the certified components as assembled into the system meet all applicable requirements of §§ 1020.30 through 1020.33. All assembler reports must be on a form prescribed by and available from the Director, Center for Devices and Radiological Health, 5600 Fishers Lane, Rockville, MD 20857. Completed reports must be submitted to the Director, the purchaser, and, where applicable, to the State agency responsible for radiation protection within 15 days following completion of the assembly.

(2) *Exceptions to reporting requirements.* Reports of assembly need not be submitted for any of the following:

(i) Reloaded or replacement tube housing assemblies that are reinstalled in or newly assembled into an existing X-ray system;

(ii) Certified accessory components that have been identified as such to the Center for Devices and Radiological Health in the report required under § 1002.10 of this chapter;

(iii) Repaired components, whether or not removed from the system and reinstalled during the course of repair, provided the original installation into the system was reported; or

(iv) Components installed temporarily in an X-ray system in place of components removed temporarily for repair, provided the temporarily installed component is identified by a tag or label bearing the following information:

Temporarily Installed Component

This certified component has been assembled, installed, adjusted, and tested by me according to the instructions provided by the manufacturer.
Signature
Company Name
Street Address, P.O. Box
City, State, Zip Code
Date of Installation

The replacement of the temporarily installed component by a component other than the component originally removed for repair shall be reported as specified in paragraph (d)(1) of this section.

(e) *Identification of X-ray components.* In addition to the identification requirements specified in § 1010.3 of this chapter, manufacturers of components subject to this section and §§ 1020.31, 1020.32, and 1020.33, except high-voltage generators contained within tube housings and beam-limiting devices that are integral parts of tube housings, shall permanently inscribe or affix thereon the model number and serial number of the product so that they are legible and accessible to view. The word "model" or "type" shall appear as part of the manufacturer's required identification of certified X-ray components. Where the certification of a system or subsystem, consisting of two or more components, has been authorized pursuant to paragraph (c) of this section, a single inscription, tag, or label bearing the model number and serial number may be used to identify the product.

(1) *Tube housing assemblies.* In a similar manner, manufacturers of tube housing assemblies shall also inscribe or affix thereon the name of the manufacturer, model number, and serial number of the X-ray tube which the tube housing assembly incorporates.

(2) *Replacement of tubes.* Except as specified in paragraph (e)(3) of this section, the replacement of an X-ray tube in a previously manufactured tube housing assembly certified pursuant to paragraph (c) of this section constitutes manufacture of a new tube housing assembly, and the manufacturer is subject to the provisions of paragraph (e)(1) of this section. The manufacturer shall remove, cover, or deface any previously affixed inscriptions, tags, or labels, that are no longer applicable.

(3) *Quick-change X-ray tubes.* The requirements of paragraph (e)(2) of this section shall not apply to tube housing assemblies designed and designated by their original manufacturer to contain quick change X-ray tubes. The manufacturer of quick-change X-ray tubes shall include with each replacement tube a label with the tube manufacturer's name, the model, and serial number of the X-ray tube. The manufacturer of the tube shall instruct the assembler who installs the new tube to attach the label to the tube housing assembly and to remove, cover, or deface the previously affixed inscriptions, tags, or labels that are described by the tube manufacturer as no longer applicable.

(f) [Reserved]

(g) *Information to be provided to assemblers.* Manufacturers of components listed in paragraph (a)(1) of this section shall provide to assemblers subject to paragraph (d) of this section and, upon request, to others at a cost not to exceed the cost of publication and distribution, instructions for assembly, installation, adjustment, and testing of such components adequate to assure that the products will comply with applicable provisions of this section and §§ 1020.31, 1020.32, and 1020.33, when assembled, installed, adjusted, and tested as directed. Such instructions shall include specifications of other components compatible with that to be

installed when compliance of the system or subsystem depends on their compatibility. Such specifications may describe pertinent physical characteristics of the components and/or may list by manufacturer model number the components which are compatible. For X-ray controls and generators manufactured after May 3, 1994, manufacturers shall provide:

(1) A statement of the rated line voltage and the range of line-voltage regulation for operation at maximum line current;

(2) A statement of the maximum line current of the X-ray system based on the maximum input voltage and current characteristics of the tube housing assembly compatible with rated output voltage and rated output current characteristics of the X-ray control and associated high-voltage generator. If the rated input voltage and current characteristics of the tube housing assembly are not known by the manufacturer of the X-ray control and associated high-voltage generator, he shall provide necessary information to allow the assembler to determine the maximum line current for the particular tube housing assembly(ies);

(3) A statement of the technique factors that constitute the maximum line current condition described in paragraph (g)(2) of this section.

(h) *Information to be provided to users.* Manufacturers of X-ray equipment shall provide to purchasers and, upon request, to others at a cost not to exceed the cost of publication and distribution, manuals or instruction sheets which shall include the following technical and safety information:

(1) *All X-ray equipment.* For X-ray equipment to which this section and §§ 1020.31, 1020.32, and 1020.33 are applicable, there shall be provided:

(i) Adequate instructions concerning any radiological safety procedures and precautions which may be necessary because of unique features of the equipment; and

(ii) A schedule of the maintenance necessary to keep the equipment in compliance with this section and §§ 1020.31, 1020.32, and 1020.33.

(2) *Tube housing assemblies.* For each tube housing assembly, there shall be provided:

(i) Statements of the leakage technique factors for all combinations of tube housing assemblies and beam-limiting devices for which the tube housing assembly manufacturer states compatibility, the minimum filtration permanently in the useful beam expressed as millimeters of aluminum equivalent, and the peak tube potential at which the aluminum equivalent was obtained;

(ii) Cooling curves for the anode and tube housing; and

(iii) *Tube rating charts.* If the tube is designed to operate from different types of X-ray high-voltage generators (such as single-phase self rectified, single-phase half-wave rectified, single-phase full-wave rectified, 3-phase 6-pulse, 3-phase 12-pulse, constant potential, capacitor energy storage) or under modes of operation such as alternate focal spot sizes or speeds of anode rotation which affect its rating, specific identification of the difference in ratings shall be noted.

(3) *X-ray controls and generators.* For the X-ray control and associated X-ray high-voltage generator, there shall be provided:

(i) A statement of the rated line voltage and the range of line-voltage regulation for operation at maximum line current;

(ii) A statement of the maximum line current of the X-ray system based on the maximum input voltage and output current characteristics of the tube housing assembly compatible with rated output voltage and rated current characteristics of the X-ray control and associated high-voltage generator. If the rated input voltage and current characteristics of the tube housing assembly are not known by the manufacturer of the X-ray control and associated high-voltage generator, the manufacturer shall provide necessary information to allow the purchaser to determine the maximum line current for his particular tube housing assembly(ies);

(iii) A statement of the technique factors that constitute the maximum line current condition described in paragraph (h)(3)(ii) of this section;

(iv) In the case of battery-powered generators, a specification of the minimum state of charge necessary for proper operation;

(v) Generator rating and duty cycle;

(vi) A statement of the maximum deviation from the preindication given by labeled technique factor control settings or indicators during any radiographic or CT exposure where the equipment is connected to a power supply as described in accordance with this paragraph. In the case of fixed technique factors, the maximum deviation from the nominal fixed value of each factor shall be stated;

(vii) A statement of the maximum deviation from the continuous indication of X-ray tube potential and current during any fluoroscopic exposure when the equipment is connected to a power supply as described in accordance with this paragraph; and

(viii) A statement describing the measurement criteria for all technique factors used in paragraphs (h)(3)(iii), (h)(3)(vi), and (h)(3)(vii) of this section; for example, the beginning and endpoints of exposure time measured with respect to a certain percentage of the voltage waveform.

(4) *Beam-limiting device.* For each variable-aperture beam-limiting device, there shall be provided;

(i) Leakage technique factors for all combinations of tube housing assemblies and beam-limiting devices for which the beam-limiting device manufacturer states compatibility; and

(ii) A statement including the minimum aluminum equivalent of that part of the device through which the useful beam passes and including the X-ray tube potential at which the aluminum equivalent was obtained. When two or more filters are provided as part of the device, the statement shall include the aluminum equivalent of each filter.

(i) [Reserved]

(j) *Warning label.* The control panel containing the main power switch shall bear the warning statement, legible and accessible to view:

"Warning: This X-ray unit may be dangerous to patient and operator unless safe exposure factors and operating instructions are observed."

(k) *Leakage radiation from the diagnostic source assembly.* The leakage radiation from the diagnostic source assembly measured at a distance of 1 meter in any direction from the source shall not exceed 2.58×10^{-5} coulombs per kilogram (C/kg) (100 milliroentgens (mR)) in 1 hour when the X-ray tube is operated at the leakage technique factors. If the maximum rated peak tube potential of the tube housing assembly is greater than the maximum rated peak tube potential for the diagnostic source assembly, positive means shall be provided to limit the maximum X-ray tube potential to that of the diagnostic source assembly. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(l) *Radiation from components other than the diagnostic source assembly.* The radiation emitted by a component other than the diagnostic source assembly shall not exceed 5.16×10^{-7} C/kg (2 mR) in 1 hour at 5 centimeters from any accessible surface of the component when it is operated in an assembled X-ray system under any conditions for which it was designed.

Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(m) *Beam quality*—(1) *Half-value layer.* The half-value layer (HVL) of the useful beam for a given X-ray tube potential shall not be less than the appropriate value shown in Table I under "Specified dental systems," for any dental X-ray system designed for use with intraoral image receptors and manufactured after December 1, 1980; and under "Other X-ray systems," for all other X-ray systems subject to this section. If it is necessary to determine such HVL at an X-ray tube potential which is not listed in Table I, linear interpolation or extrapolation may be made. Positive means [2] shall be provided to insure that at least the minimum filtration needed to achieve the above beam quality requirements is in the useful beam during each exposure.

TABLE I

X-ray tube voltage (kilovolt peak)		Minimum HVL (millimeters of aluminum)	
Designed operating range	Measured operating potential	Specified dental systems	Other X-ray systems
Below 51	30	1.5	0.3
	40	1.5	0.4
	50	1.5	0.5
51 to 70	51	1.5	1.2
	60	1.5	1.3
	70	1.5	1.5
Above 70	71	2.1	2.1
	80	2.3	2.3
	90	2.5	2.5
	100	2.7	2.7
	110	3.0	3.0
	120	3.2	3.2
	130	3.5	3.5
	140	3.8	3.8
	150	4.1	4.1

(2) *Measuring compliance.* For capacitor energy storage equipment, compliance shall be determined with the maximum selectable quantity of charge per exposure.

(n) *Aluminum equivalent of material between patient and image receptor.* Except when used in a CT X-ray system, the aluminum equivalent of each of the items listed in Table II, which are used between the patient and image receptor, may not exceed the indicated limits. Compliance shall be determined by X-ray measurements made at a potential of 100 kilovolts peak and with an X-ray beam that has a HVL of 2.7 millimeters of aluminum. This requirement applies to front panel(s) of cassette holders and film changers provided by the manufacturer for patient support or for prevention of foreign object intrusions. It does not apply to screens and their associated mechanical support panels or grids.

TABLE II

Item	Aluminum equivalent (millimeters)
Front panel(s) of cassette holder (total of all)	1.0
Front panel(s) of film changer (total of all)	1.0
Cradle	2.0
Tabletop, stationary, without articulated joint(s)	1.0
Tabletop, movable, without articulated joint(s) (including stationary subtop)	1.5
Tabletop, with radiolucent panel having one articulated joint	1.5
Tabletop, with radiolucent panel having two or more articulated joints	2.0
Tabletop, cantilevered	2.0
Tabletop, radiation therapy simulator	5.0

(o) *Battery charge indicator.* On battery-powered generators, visual means shall be provided on the control panel to indicate whether the battery is in a state of charge adequate for proper operation.

(p) [Reserved]

(q) *Modification of certified diagnostic X-ray components and systems*—(1) Diagnostic X-ray components and systems certified in accordance with § 1010.2 of this chapter shall not be modified such that the component or system fails to comply with any applicable provision of this chapter unless a variance in accordance with § 1010.4 of this chapter or an exemption under sections 358(a)(5) or 360B(b) of the Public Health Service Act has been granted.

(2) The owner of a diagnostic X-ray system who uses the system in a professional or commercial capacity may modify the system, provided the modification does not result in the failure of the system or component to comply with the applicable requirements of this section or of § 1020.31, § 1020.32, or § 1020.33. The owner who causes such modification need not submit the reports required by subpart B of part 1002 of this chapter, provided the owner records the date and the details of the modification, and provided the modification of the X-ray system does not result in a failure to comply with § 1020.31, § 1020.32, or § 1020.33.

§ 1020.31 Radiographic equipment.

The provisions of this section apply to equipment for the recording of images, except equipment involving use of an image intensifier or computed tomography X-ray systems manufactured on or after November 28, 1984.

(a) *Control and indication of technique factors*—(1) *Visual indication.* The technique factors to be used during an exposure shall be indicated before the exposure begins, except when automatic exposure controls are used, in which case the technique factors which are set prior to the exposure shall be indicated. On equipment having fixed technique factors, this requirement may be met by permanent markings. Indication of technique factors shall be visible from the operator's position except in the case of spot films made by the fluoroscopist.

(2) *Timers.* Means shall be provided to terminate the exposure at a preset time interval, a preset product of current and time, a preset number of pulses, or a preset radiation exposure to the image receptor.

(i) Except during serial radiography, the operator shall be able to terminate the exposure at any time during an exposure of greater than one-half second. Termination of exposure shall cause automatic resetting of the timer to its initial setting or to zero. It shall not be possible to make an exposure when the timer is set to a zero or off position if either position is provided.

(ii) During serial radiography, the operator shall be able to terminate the X-ray exposure(s) at any time, but means may be provided to permit completion of any single exposure of the series in process.

(3) *Automatic exposure controls.* When an automatic exposure control is provided:

(i) Indication shall be made on the control panel when this mode of operation is selected;

(ii) When the X-ray tube potential is equal to or greater than 51 kilovolts peak (kVp), the minimum exposure time for field emission equipment rated for pulsed operation shall be equal to or less than a time interval equivalent to two pulses and the minimum exposure time for all other equipment shall be equal to or less than 1/60 second or a time interval required to deliver 5

[2] In the case of a system which is to be operated with more than one thickness of filtration, this requirement can be met by a filter interlock with the kilovoltage selector which will prevent x-ray emission if the minimum required filtration is not in place.

milliamperes-seconds (mAs), whichever is greater;

(iii) Either the product of peak X-ray tube potential, current, and exposure time shall be limited to not more than 60 kilowatt-seconds (kW's) per exposure or the product of X-ray tube current and exposure time shall be limited to not more than 600 mAs per exposure, except when the X-ray tube potential is less than 51 kVp, in which case the product of X-ray tube current and exposure time shall be limited to not more than 2,000 mAs per exposure; and

(iv) A visible signal shall indicate when an exposure has been terminated at the limits described in paragraph (a)(3)(iii) of this section, and manual resetting shall be required before further automatically timed exposures can be made.

(4) *Accuracy.* Deviation of technique factors from indicated values shall not exceed the limits given in the information provided in accordance with § 1020.30(h)(3);

(b) *Reproducibility.* The following requirements shall apply when the equipment is operated on an adequate power supply as specified by the manufacturer in accordance with the requirements of § 1020.30(h)(3);

(1) *Coefficient of variation.* For any specific combination of selected technique factors, the estimated coefficient of variation of radiation exposures shall be no greater than 0.05.

(2) *Measuring compliance.* Determination of compliance shall be based on 10 consecutive measurements taken within a time period of 1 hour. Equipment manufactured after September 5, 1978, shall be subject to the additional requirement that all variable controls for technique factors shall be adjusted to alternate settings and reset to the test setting after each measurement. The percent line-voltage regulation shall be determined for each measurement. All values for percent line-voltage regulation shall be within ±1 of the mean value for all measurements. For equipment having automatic exposure controls, compliance shall be determined with a sufficient thickness of attenuating material in the useful beam such that the technique factors can be adjusted to provide individual exposures of a minimum of 12 pulses on field emission equipment rated for pulsed operation or no less than one-tenth second per exposure on all other equipment.

(c) *Linearity.* The following requirements apply when the equipment is operated on a power supply as specified by the manufacturer in accordance with the requirements of § 1020.30(h)(3) for any fixed X-ray tube potential within the range of 40 percent to 100 percent of the maximum rated.

(1) *Equipment having independent selection of X-ray tube current (mA).* The average ratios of exposure to the indicated milliampere-seconds product (C/kg/mAs (or mR/mAs)) obtained at any two consecutive tube current settings shall not differ by more than 0.10 times their sum. This is: $|X_1 - X_2| \leq 0.10(X_1+X_2)$; where X_1 and X_2 are the average C/kg/mAs (or mR/mAs) values obtained at each of two consecutive tube current settings or at two settings differing by no more than a factor of 2 where the tube current selection is continuous.

(2) *Equipment having selection of X-ray tube current-exposure time product (mAs).* For equipment manufactured after *(insert date 1 year after date of publication in the* Federal Register) the average ratios of exposure to the indicated milliampere-seconds product (C/kg/mAs (or mR/mAs)) obtained at any two consecutive mAs selector settings shall not differ by more than 0.10 times their sum. This is: $|X_1 - X_2| \leq 0.10(X_1+X_2)$; where X_1 and X_2 are the average C/kg/mAs (or mR/mAs) values obtained at each of two consecutive mAs selector settings or at two settings differing by no more than a factor of 2 where the mAs selector provides continuous selection.

(3) *Measuring compliance.* Determination of compliance will be based on 10 exposures, made within ±1 hour, at each of the two settings. These two settings may include any two focal spot sizes except where one is equal to or less than 0.45 millimeters and the other is greater than 0.45 millimeters. For purposes of this requirement, focal spot size is the focal spot size specified by the X-ray tube manufacturer. The percent line-voltage regulation shall be determined for each measurement. All values for percent line-voltage regulation at any one combination of technique factors shall be within #1 of the mean value for all measurements at these technique factors.

(d) *Field limitation and alignment for mobile, portable, and stationary general purpose X-ray systems.* Except when spot-film devices or special attachments for mammography are in service, mobile, portable, and stationary general purpose radiographic X-ray systems shall meet the following requirements:

(1) *Variable X-ray field limitation.* A means for stepless adjustment of the size of the X-ray field shall be provided. Each dimension of the minimum field size at an SID of 100 centimeters shall be equal to or less than 5 centimeters.

(2) *Visual definition.* (i) Means for visually defining the perimeter of the X-ray field shall be provided. The total misalignment of the edges of the visually defined field with the respective edges of the X-ray field along either the length or width of the visually defined field shall not exceed 2 percent of the distance from the source to the center of the visually defined field when the surface upon which it appears is perpendicular to the axis of the X-ray beam.

(ii) When a light localizer is used to define the X-ray field, it shall provide an average illuminance of not less than 160 lux (15 footcandles) at 100 centimeters or at the maximum SID, whichever is less. The average illuminance shall be based upon measurements made in the approximate center of each quadrant of the light field. Radiation therapy simulation systems are exempt from this requirement.

(iii) The edge of the light field at 100 centimeters or at the maximum SID, whichever is less, shall have a contrast ratio, corrected for ambient lighting, of not less than 4 in the case of beam-limiting devices designed for use on stationary equipment, and a contrast ratio of not less than 3 in the case of beam-limiting devices designed for use on mobile and portable equipment. The contrast ratio is defined as I_1 I_2, where I_1 is the illuminance 3 millimeters from the edge of the light field toward the center of the field; and I_2 is the illuminance 3 millimeters from the edge of the light field away from the center of the field. Compliance shall be determined with a measuring aperture of 1 millimeter.

(e) *Field indication and alignment on stationary general purpose X-ray equipment.* Except when spot-film devices or special attachments for mammography are in service, stationary general purpose X-ray systems shall meet the following requirements in addition to those prescribed in paragraph (d) of this section:

(1) Means shall be provided to indicate when the axis of the X-ray beam is perpendicular to the plane of the image receptor, to align the center of the X-ray field with respect to the center of the image receptor to within 2 percent of the SID, and to indicate the SID to within 2 percent;

(2) The beam-limiting device shall numerically indicate the field size in the plane of the image receptor to which it is adjusted;

(3) Indication of field size dimensions and SID's shall be specified in centimeters and/or inches and shall be such that aperture adjustments result in X-ray field dimensions in the plane of the image receptor which correspond to

those indicated by the beam-limiting device to within 2 percent of the SID when the beam axis is indicated to be perpendicular to the plane of the image receptor; and

(4) Compliance measurements will be made at discrete SID's and image receptor dimensions in common clinical use (such as SID's of 100, 150, and 200 centimeters and/or 36, 40, 48, and 72 inches and nominal image receptor dimensions of 13, 18, 24, 30, 35, 40, and 43 centimeters and/or 5, 7, 8, 9, 10, 11, 12, 14, and 17 inches) or at any other specific dimensions at which the beam-limiting device or its associated diagnostic X-ray system is uniquely designed to operate.

(f) *Field limitation on radiographic X-ray equipment other than general purpose radiographic systems*—(1) *Equipment for use with intraoral image receptors.* Radiographic equipment designed for use with an intraoral image receptor shall be provided with means to limit the X-ray beam such that:

(i) If the minimum source-to-skin distance (SSD) is 18 centimeters or more, the X-ray field at the minimum SSD shall be containable in a circle having a diameter of no more than 7 centimeters; and

(ii) If the minimum SSD is less than 18 centimeters, the X-ray field at the minimum SSD shall be containable in a circle having a diameter of no more than 6 centimeters.

(2) *X-ray systems designed for one image receptor size.* Radiographic equipment designed for only one image receptor size at a fixed SID shall be provided with means to limit the field at the plane of the image receptor to dimensions no greater than those of the image receptor, and to align the center of the X-ray field with the center of the image receptor to within 2 percent of the SID or shall be provided with means to both size and align the X-ray field such that the X-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor.

(3) *Systems designed for or provided with special attachments for mammography.* Radiographic systems designed only for mammography and general purpose radiographic systems, when special attachments for mammography are in service, shall be provided with means to limit the useful beam such that the X-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor at any designated SID except the edge of the image receptor designed to be adjacent to the chest wall where the X-ray field may not extend beyond this edge by more than 2 percent of the SID. This requirement can be met with a system which performs as prescribed in paragraphs (f)(4)(i), (f)(4)(ii), and (f)(4)(iii) of this section. When the beam-limiting device and image receptor support device are designed to be used to immobilize the breast during a mammographic procedure and the SID may vary, the SID indication specified in paragraphs (f)(4)(ii) and (f)(4)(iii) of this section shall be the maximum SID for which the beam-limiting device or aperture is designed. In addition, each image receptor support intended for installation on a system designed only for mammography shall have clear and permanent markings to indicate the maximum image receptor size for which it is designed.

(4) *Other X-ray systems.* Radiographic systems not specifically covered in paragraphs (d), (e), (f)(2), (f)(3), and (h) of this section and systems covered in paragraph (f)(1) of this section, which are also designed for use with extraoral image receptors and when used with an extraoral image receptor, shall be provided with means to limit the X-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than 2 percent of the SID, when the axis of the X-ray beam is perpendicular to the plane of the image receptor. In addition, means shall be provided to align the center of the X-ray field with the center of the image receptor to within 2 percent of the SID, or means shall be provided to both size and align the X-ray field such that the X-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor. These requirements may be met with:

(i) A system which performs in accordance with paragraphs (d) and (e) of this section; or when alignment means are also provided, may be met with either;

(ii) An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Each such device shall have clear and permanent markings to indicate the image receptor size and SID for which it is designed; or

(iii) A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Permanent, clearly legible markings shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.

(g) *Positive beam limitation (PBL).* The requirements of this paragraph shall apply to radiographic systems which contain PBL.

(1) *Field size.* When a PBL system is provided, it shall prevent X-ray production when:

(i) Either the length or width of the X-ray field in the plane of the image receptor differs from the corresponding image receptor dimension by more than 3 percent of the SID; or

(ii) The sum of the length and width differences as stated in paragraph (g)(1)(i) of this section without regard to sign exceeds 4 percent of the SID.

(iii) The beam limiting device is at an SID for which PBL is not designed for sizing.

(2) *Conditions for PBL.* When provided, the PBL system shall function as described in paragraph (g)(1) of this section whenever all the following conditions are met:

(i) The image receptor is inserted into a permanently mounted cassette holder;

(ii) The image receptor length and width are less than 50 centimeters;

(iii) The X-ray beam axis is within ±3 degrees of vertical and the SID is 90 centimeters to 130 centimeters inclusive; or the X-ray beam axis is within ±3 degrees of horizontal and the SID is 90 centimeters to 205 centimeters inclusive;

(iv) The X-ray beam axis is perpendicular to the plane of the image receptor to within ±3 degrees; and

(v) Neither tomographic nor stereoscopic radiography is being performed.

(3) *Measuring compliance.* Compliance with the requirements of paragraph (g)(1) of this section shall be determined when the equipment indicates that the beam axis is perpendicular to the plane of the image receptor and the provisions of paragraph (g)(2) of this section are met. Compliance shall be determined no sooner than 5 seconds after insertion of the image receptor.

(4) *Operator initiated undersizing.* The PBL system shall be capable of operation such that, at the discretion of the operator, the size of the field may be made smaller than the size of the image receptor through stepless adjustment of the field size. Each dimension of the minimum field size at an SID of 100 centimeters shall be equal to or less than 5 centimeters. Return to PBL function as described in paragraph (g)(1) of this section shall occur automatically upon any change of image receptor size or SID.

(5) *Override of PBL.* A capability may be provided for overriding PBL in case of system failure and for servicing the system. This override may be for all SID's and image receptor sizes. A key

shall be required for any override capability that is accessible to the operator. It shall not be possible to remove the key while PBL is overridden. Each such key switch or key shall be clearly and durably labeled as follows:

For X-ray Field Limitation System Failure

The override capability is considered accessible to the operator if it is referenced in the operator's manual or in other material intended for the operator or if its location is such that the operator would consider it part of the operational controls.

(h) *Field limitation and alignment for spot-film devices.* The following requirements shall apply to spot-film devices, except when the spot-film device is provided for use with a radiation therapy simulation system:

(1) Means shall be provided between the source and the patient for adjustment of the X-ray field size in the plane of the image receptor to the size of that portion of the image receptor which has been selected on the spot-film selector. Such adjustment shall be accomplished automatically when the X-ray field size in the plane of the image receptor is greater than the selected portion of the image receptor. If the X-ray field size is less than the size of the selected portion of the image receptor, the field size shall not open automatically to the size of the selected portion of the image receptor unless the operator has selected that mode of operation.

(2) Neither the length nor the width of the X-ray field in the plane of the image receptor shall differ from the corresponding dimensions of the selected portion of the image receptor by more than 3 percent of the SID when adjusted for full coverage of the selected portion of the image receptor. The sum, without regard to sign, of the length and width differences shall not exceed 4 percent of the SID. On spot-film devices manufactured after February 25, 1978, if the angle between the plane of the image receptor and beam axis is variable, means shall be provided to indicate when the axis of the X-ray beam is perpendicular to the plane of the image receptor, and compliance shall be determined with the beam axis indicated to be perpendicular to the plane of the image receptor.

(3) The center of the X-ray field in the plane of the image receptor shall be aligned with the center of the selected portion of the image receptor to within 2 percent of the SID.

(4) Means shall be provided to reduce the X-ray field size in the plane of the image receptor to a size smaller than the selected portion of the image receptor such that:

(i) For spot-film devices used on fixed-SID fluoroscopic systems which are not required to, and do not provide stepless adjustment of the X-ray field, the minimum field size, at the greatest SID, does not exceed 125 square centimeters; or

(ii) For spot-film devices used on fluoroscopic systems that have a variable SID and/or stepless adjustment of the field size, the minimum field size, at the greatest SID, shall be containable in a square of 5 centimeters by 5 centimeters.

(5) A capability may be provided for overriding the automatic X-ray field size adjustment in case of system failure. If it is so provided, a signal visible at the fluoroscopist's position shall indicate whenever the automatic X-ray field size adjustment override is engaged. Each such system failure override switch shall be clearly labeled as follows:

For X-ray Field Limitation System Failure

(i) *Source-skin distance*—(1) X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit the source-skin distance to not less than:

(i) Eighteen centimeters if operable above 50 kVp; or

(ii) Ten centimeters if not operable above 50 kVp.

(2) Mobile and portable X-ray systems other than dental shall be provided with means to limit the source-skin distance to not less than 30 centimeters.

(j) *Beam-on indicators.* The X-ray control shall provide visual indication whenever X-rays are produced. In addition, a signal audible to the operator shall indicate that the exposure has terminated.

(k) *Multiple tubes.* Where two or more radiographic tubes are controlled by one exposure switch, the tube or tubes which have been selected shall be clearly indicated before initiation of the exposure. This indication shall be both on the X-ray control and at or near the tube housing assembly which has been selected.

(l) *Radiation from capacitor energy storage equipment.* Radiation emitted from the X-ray tube shall not exceed:

(1) 8.6×10^{-9} C/kg (0.03 mR) in 1 minute at 5 centimeters from any accessible surface of the diagnostic source assembly, with the beam-limiting device fully open, the system fully charged, and the exposure switch, timer, or any discharge mechanism not activated. Compliance shall be determined by measurements averaged over an area of 100 square centimeters, with no linear dimension greater than 20 centimeters; and

(2) 2.58×10^{-5} C/kg (100 mR) in 1 hour at 100 centimeters from the X-ray source, with the beam-limiting device fully open, when the system is discharged through the X-ray tube either manually or automatically by use of a discharge switch or deactivation of the input power. Compliance shall be determined by measurements of the maximum exposure per discharge multiplied by the total number of discharges in 1 hour (duty cycle). The measurements shall be averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(m) *Transmission limit for image receptor supporting devices used for mammography.* For X-ray systems manufactured after September 5, 1978, which are designed only for mammography, the transmission of the primary beam through any image receptor support provided with the system shall be limited such that the exposure 5 centimeters from any accessible surface beyond the plane of the image receptor supporting device does not exceed 2.58×10^{-8} C/kg (0.1 mR) for each activation of the tube. Exposure shall be measured with the system operated at the minimum SID for which it is designed. Compliance shall be determined at the maximum rated peak tube potential for the system and at the maximum rated product of the tube current and exposure time (mAs) for that peak tube potential. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

§ 1020.32 Fluoroscopic equipment.

The provisions of this section apply to equipment for fluoroscopy and for the recording of images through an image intensifier except computed tomography X-ray systems manufactured on or after November 29, 1984.

(a) *Primary protective barrier*—(1) *Limitation of useful beam.* The fluoroscopic imaging assembly shall be provided with a primary protective barrier which intercepts the entire cross section of the useful beam at any SID. The X-ray tube used for fluoroscopy shall not produce X-rays unless the barrier is in position to intercept the entire useful beam. The exposure rate due to transmission through the barrier with the attenuation block in the useful beam combined with radiation from the image intensifier if provided, shall not exceed 3.34×10^{-3} percent of the entrance exposure rate, at a distance of 10 centimeters from any accessible surface of the fluoroscopic imaging assembly beyond the plane of the image receptor. Radiation therapy simulation systems shall be exempt from this

requirement provided the systems are intended only for remote control operation and the manufacturer sets forth instructions for assemblers with respect to control location as part of the information required in § 1020.30(g). Additionally, the manufacturer shall provide to users, pursuant to § 1020.30(h)(1)(i), precautions concerning the importance of remote control operation.

(2) *Measuring compliance.* The entrance exposure rate shall be measured in accordance with paragraph (d) of this section. The exposure rate due to transmission through the primary barrier combined with radiation from the image intensifier shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters. If the source is below the tabletop, the measurement shall be made with the input surface of the fluoroscopic imaging assembly positioned 30 centimeters above the tabletop. If the source is above the tabletop and the SID is variable, the measurement shall be made with the end of the beam-limiting device or spacer as close to the tabletop as it can be placed, provided that it shall not be closer than 30 centimeters. Movable grids and compression devices shall be removed from the useful beam during the measurement. For all measurements, the attenuation block shall be positioned in the useful beam 10 centimeters from the point of measurement of entrance exposure rate and between this point and the input surface of the fluoroscopic imaging assembly.

(b) *Field limitation*—(1) *Nonimage-intensified fluoroscopy.* (i) The X-ray field produced by nonimage-intensified fluoroscopic equipment shall not extend beyond the entire visible area of the image receptor. Means shall be provided for stepless adjustment of the field size. The minimum field size, at the greatest SID, shall be containable in a square of 5 centimeters by 5 centimeters.

(ii) For equipment manufactured after February 25, 1978, when the angle between the image receptor and the beam axis of the X-ray beam is variable, means shall be provided to indicate when the axis of the X-ray beam is perpendicular to the plane of the image receptor. Compliance with paragraph (b)(1)(i) of this section shall be determined with the beam axis indicated to be perpendicular to the plane of the image receptor.

(2) *Image-intensified fluoroscopy.* (i) For image-intensified fluoroscopic equipment other than radiation therapy simulation systems, neither the length nor the width of the X-ray field in the plane of the image receptor shall exceed that of the visible area of the image receptor by more than 3 percent of the SID. The sum of the excess length and the excess width shall be no greater than 4 percent of the SID.

(ii) For rectangular X-ray fields used with circular image receptors, the error in alignment shall be determined along the length and width dimensions of the X-ray field which pass through the center of the visible area of the image receptor.

(iii) For equipment manufactured after February 25, 1978, when the angle between the image receptor and beam axis is variable, means shall be provided to indicate when the axis of the X-ray beam is perpendicular to the plane of the image receptor. Compliance with paragraph (b)(2)(i) of this section shall be determined with the beam axis indicated to be perpendicular to the plane of the image receptor.

(iv) Means shall be provided to permit further limitation of the field. Beam-limiting devices manufactured after May 22, 1979, and incorporated in equipment with a variable SID and/or the capability of a visible area of greater than 300 square centimeters shall be provided with means for stepless adjustment of the X-ray field. Equipment with a fixed SID and the capability of a visible area of no greater than 300 square centimeters shall be provided with either stepless adjustment of the X-ray field or with a means to further limit the X-ray field size at the plane of the image receptor to 125 square centimeters or less. Stepless adjustment shall, at the greatest SID, provide continuous field sizes from the maximum obtainable to a field size containable in a square of 5 centimeters by 5 centimeters.

(3) If the fluoroscopic X-ray field size is adjusted automatically as the SID or image receptor size is changed, a capability may be provided for overriding the automatic adjustment in case of system failure. If it is so provided, a signal visible at the fluoroscopist's position shall indicate whenever the automatic field adjustment is overridden. Each such system failure override switch shall be clearly labeled as follows:

For X-ray Field Limitation System Failure

(c) *Activation of tube.* X-ray production in the fluoroscopic mode shall be controlled by a device which requires continuous pressure by the operator for the entire time of any exposure. When recording serial fluoroscopic images, the operator shall be able to terminate the X-ray exposure(s) at any time, but means may be provided to permit completion of any single exposure of the series in process.

(d) *Entrance exposure rate limits*—(1) *Equipment with automatic exposure rate control (AERC).* Fluoroscopic equipment which is provided with AERC shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 2.58×10^{-3} C/kg per minute (10 roentgens per minute (10 R/min) at the point where the center of the useful beam enters the patient, except:

(i) During recording of fluoroscopic images, or

(ii) When an optional high level control is provided. When so provided, the equipment shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 1.29×10^{-3} C/kg per minute (5 R/min) at the point where the center of the useful beam enters the patient, unless the high level control is activated. Special means of activation of high level controls shall be required. The high level control shall only be operable when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(2) *Equipment without AERC (manual mode).* Fluoroscopic equipment which is not provided with AERC shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 1.29×10^{-3} C/kg per minute (5 R/min) at the point where the center of the useful beam enters the patient, except:

(i) During recording of fluoroscopic images; or

(ii) When an optional high level control is activated. Special means of activation of high level controls shall be required. The high level control shall only be operable when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(3) *Equipment with both an AERC mode and a manual mode.* Fluoroscopic equipment which is provided with both an AERC mode and a manual mode shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 2.58×10^{-3} C/kg per minute (10 R/min) in either mode at the point where the center of the useful beam enters the patient except:

(i) During recording of fluoroscopic images; or

(ii) When the mode or modes have an optional high level control, in which case that mode or modes shall not be

operable at any combination of tube potential and current which will result in an exposure rate in excess of 1.29×10^{-3} C/kg per minute (5 R/min) at the point where the center of the useful beam enters the patient, unless the high level control is activated. Special means of activation of high level controls shall be required. The high level control shall only be operable when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(4) *Measuring compliance.* Compliance with paragraph (d) of this section shall be determined as follows:

(i) If the source is below the X-ray table, the exposure rate shall be measured at 1 centimeter above the tabletop or cradle.

(ii) If the source is above the X-ray table, the exposure rate shall be measured at 30 centimeters above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

(iii) In a C-arm type of fluoroscope, the exposure rate shall be measured at 30 centimeters from the input surface of the fluoroscopic imaging assembly, with the source positioned at any available SID, provided that the end of the beam-limiting device or spacer is no closer than 30 centimeters from the input surface of the imaging assembly.

(iv) In a lateral type of fluoroscope, the exposure rate shall be measured at a point 15 centimeters from the centerline of the X-ray table and in the direction of the X-ray source with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the tabletop is movable, it shall be positioned as closely as possible to the lateral X-ray source, with the end of the beam-limiting device or spacer no closer than 15 centimeters to the centerline of the X-ray table.

(5) *Exemptions.* Fluoroscopic radiation therapy simulation systems are exempt from this requirement.

(e) *Indication of potential and current.* During fluoroscopy and cinefluorography, X-ray tube potential and current shall be continuously indicated. Deviation of X-ray tube potential and current from the indicated values shall not exceed the maximum deviation as stated by the manufacturer in accordance with § 1020.30(h)(3).

(f) *Source-skin distance.* Means shall be provided to limit the source-skin distance to not less than 38 centimeters on stationary fluoroscopes and to not less than 30 centimeters on mobile and portable fluoroscopes. In addition, for image-intensified fluoroscopes intended for specific surgical application that would be prohibited at the source-skin distances specified in this paragraph, provisions may be made for operation at shorter source-skin distances but in no case less than 20 centimeters. When provided, the manufacturer must set forth precautions with respect to the optional means of spacing, in addition to other information as required in § 1020.30(h).

(g) *Fluoroscopic timer.* Means shall be provided to preset the cumulative on-time of the fluoroscopic tube. The maximum cumulative time of the timing device shall not exceed 5 minutes without resetting. A signal audible to the fluoroscopist shall indicate the completion of any preset cumulative on-time. Such signal shall continue to sound while X-rays are produced until the timing device is reset. As an alternative to the requirements of this paragraph, radiation therapy simulation systems may be provided with a means to indicate the total cumulative exposure time during which X-rays were produced, and which is capable of being reset between X-ray examinations.

(h) *Mobile and portable fluoroscopes.* In addition to the foregoing requirements of this section, mobile and portable fluoroscopes shall provide intensified imaging.

Dated: April 21, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–9925 Filed 4–30–93; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1020

[Docket No. 92N–0108]

Federal Performance Standard for Diagnostic X-Ray Systems and Their Major Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing amendments to the Federal performance standard for diagnostic X-ray systems and their major components (the performance standard), amendments to which are published elsewhere in this issue of the **Federal Register** as a final rule. The proposed amendments revise the limits established for maximum radiation emissions for fluoroscopic X-ray systems during high-level control and other modes of operation. The revisions are being proposed due to concerns regarding excessively high radiation exposure levels on some fluoroscopy systems.

DATES: Comments by August 2, 1993. FDA proposes that any final rule based on this proposed rule become effective 1 year after the date of its publication in the **Federal Register**.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*) as amended, FDA is proposing to amend the performance standard for diagnostic X-ray systems and their major components in § 1020.32 (21 CFR 1020.32), by revising the limits established for maximum radiation emissions for fluoroscopic X-ray systems during high-level control and other modes of operation. In the **Federal Register** of August 15, 1972 (37 FR 16461), the performance standard was published as a final rule, which became effective on August 1, 1974. Since that time, there have been several amendments to the performance standard. These amendments take into account new technology, clarify misinterpreted provisions, or incorporate additional requirements determined to be necessary to provide for adequate radiation safety of diagnostic X-ray systems. (See, e.g., those published October 7, 1974 (39 FR 36008); February 25, 1977 (42 FR 10983); September 2, 1977 (42 FR 44230); November 8, 1977 (42 FR 58167); May 22, 1979 (44 FR 29653); August 24, 1979 (44 FR 49667); November 30, 1979 (44 FR 68822); April 25, 1980 (45 FR 27927); and August 31, 1984 (49 FR 34698, 34712)). FDA also proposed amendments to the performance standard in the **Federal Register** of October 17, 1989 (54 FR 42674), corrected January 16, 1990 (55 FR 1472), and is publishing a final rule amending the standard elsewhere in this issue of the **Federal Register**.

In § 1020.32(d) of the performance standard, limits on the entrance exposure rate for fluoroscopic systems are specified. These requirements limit the maximum entrance exposure rate to which a patient may be exposed during normal fluoroscopy. (In this discussion, normal fluoroscopy refers to fluoroscopy without activation of the high-level control mode or recording of images.) The current performance standard does not impose entrance exposure rate limits for fluoroscopic systems when they are operated in an optional high-level exposure mode or when fluoroscopic images are recorded. In the performance standard, FDA provided for the optional high-level mode of operation to permit increased radiation output over that normally necessary for fluoroscopic imaging, for situations involving very large patients or for special imaging requirements. By creating an exemption from the entrance exposure rate limits for normal fluoroscopy for the period during recording of images, FDA recognized the higher exposure rates used when recording fluoroscopic images on film.

When these requirements limiting entrance exposure rates were originally developed and proposed, there was a lack of consensus as to appropriate entrance exposure rate limits during high-level control or during recording of images. This lack of consensus was due to the fact that the exposure rate necessary is determined by the quality of the image required to accomplish the clinical task, and no quantitative or standard description of the required image quality was possible. In view of this lack of consensus as to appropriate entrance exposure rate limits during high-level mode or during recording of images, no limits were established, and the question of appropriate limits was left for further study and possible future amendments.

In addition, when the requirements of § 1020.32(d) were developed, due to the increasing use of fluoroscopic systems that provided automatic exposure rate control, there was some controversy as to the appropriate entrance exposure rate limits during normal fluoroscopy. FDA originally proposed a limit of 5 roentgens per minute (R/min) on the entrance exposure rate during normal fluoroscopy, based on voluntary recommendations regarding equipment performance from the National Council on Radiation Protection and Measurements (NCRP). Some concern was raised in the comments on the proposed standard that a limit of 5 R/min would limit the capabilities of some newly introduced fluoroscopic systems, which provided automatic exposure rate control during fluoroscopy. It was argued that to operate effectively, these systems required exposure capabilities exceeding 5 R/min.

To accommodate these systems, the performance standard, as finally published, established two limits on entrance exposure rate for systems providing automatic exposure rate control, depending on whether or not the system provided a high-level mode of operation. For systems with automatic exposure rate control which do not provide high-level control, the limit on entrance exposure rate was set at 10 R/min during normal fluoroscopy. For automatic exposure rate control systems provided with a capability for high-level mode operation, the entrance exposure rate was set at 5 R/min unless the high-level control was activated. When the high-level control is activated, there is no limit on entrance exposure rate.

Recent testing of fluoroscopic X-ray systems and reviews of the operational capabilities of some systems by FDA and others have raised concerns regarding the potential for unnecessary radiation exposures to patients from some current system designs. These concerns arise from two aspects of the current performance standard and the increased radiation output capability of some recently introduced fluoroscopic X-ray systems. First, the lack of a limit on radiation emission during high-level control mode of operation has allowed systems to be marketed which have maximum entrance exposure rates during high-level mode. These exposure rates are many times greater than the maximum rates allowed during normal fluoroscopy. The clinical need for such

high radiation output has not been demonstrated.

Second, the current requirements for systems with automatic exposure rate control can result in increased use of the high-level control mode for systems limited to 5 R/min during normal fluoroscopy. For those imaging situations when entrance exposure rates greater than 5 R/min might be required, the operator is forced to use the high-level mode, which, due to the lack of a limit on exposure rate during high-level mode, may result in significantly higher exposures than necessary. Rather than operating at exposure rates of 6 or 7 R/min, the system may operate in the range of 10 to 20 R/min or higher, depending on the system adjustment for the high-level mode.

In view of these concerns, FDA discussed proposed draft amendments to the performance standard during a public meeting of the Technical Electronic Products Radiation Safety Standards Committee (TEPRSSC) on November 14, 1990. TEPRSSC is a statutory advisory committee (21 U.S.C. 360kk(f)(1)(A)) that FDA is required to consult before it may prescribe any electronic product performance standard under the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602). TEPRSSC approved the content of the proposed amendments and concurred with publication of them for public comment (Ref. 1). Accordingly, FDA is proposing to amend the performance standard as indicated below.

II. Proposed Amendments to the Performance Standard for Diagnostic X-Ray Systems and Their Major Components

A. Change in Unit for the Quantity Exposure

Elsewhere in this issue of the **Federal Register**, the agency is setting forth a policy to implement the International System of Units (SI) throughout the performance standard. FDA proposes to change the units used in the performance standard for the quantity exposure from the current unit of roentgen (R) to the SI units of coulomb per kilogram (C/kg). The new units will be followed in the amended standard by its equivalent in roentgens in parentheses to assist in the transition to the new unit.

FDA notes that adoption of the SI system of units by the radiation protection field is resulting in a period of transition for the unit used for the quantity exposure and the instrumentation used to measure this quantity and its calibration. The previously used unit for exposure, the roentgen, is not a unit consistent with the SI system.

Use of the SI units for the quantity exposure, the C/kg, results in numerical quantities that are somewhat awkward compared to previous values encountered in radiation protection activities and used in the performance standard. (Compare 5 R to its equivalent of 1.29×10^{-3} C/kg.) The use of the quantity exposure in radiation protection activities is gradually being phased out, and the quantity air kerma is being adopted as the quantity to describe the intensity of an X-ray or gamma-ray field in many circumstances. This change can also lead to values for limits which appear awkward when the limits, formerly expressed as integer values in R, are expressed using equivalent limits of the air kerma and its SI unit, the gray (Gy). For example, a limit of 10 R on exposure would be equivalent to a limit of 8.7 centigray (cGy), or 87 milligray (mGy), when expressed as the quantity air kerma.

In this proposal, which primarily deals with fluoroscopic entrance exposure rate limits, FDA is not proposing to adopt the quantity air kerma for use in the performance standard. FDA does invite comment on the approach which should be taken in the entire performance standard for diagnostic X-ray systems regarding the quantities and units to describe the intensity of the X-ray field. Adoption of the quantity air kerma and the description of limits as integer values, a desirable approach for ease of use, could require changes in the present regulatory limits. For example, an exposure rate limit of 10 R/min expressed as an air kerma rate limit of 100 mGy/min would involve an effective increase in the limit of about fifteen percent. Recent revision of NCRP recommendations were published as NCRP Report 102, entitled "Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV" (ref. 2). This report adopted the use of air kerma as the quantity to describe the radiation field, used integer values for the recommended limits, and effectively increased previous NCRP recommended limits by about 15 percent.

B. Entrance Exposure Rate Limit During Normal Fluoroscopy

FDA proposes to replace the current two-tier system of limits on entrance exposure rate during normal fluoroscopy with automatic exposure rate control (AERC), contained in § 1020.32(d), with a single limit of 10 R/min on the entrance exposure rate. The current standard has limits of 5 or 10 R/min on the entrance exposure rate during normal fluoroscopy, depending on whether or not the system has a high-level control. This change increases the limit on entrance exposure rate during normal fluoroscopy for systems having AERC and high-level control from the current value of 5 to 10 R/min. In the revised standard, this limit would be expressed in SI units as a limit of 2.58×10^{-3} C/kg per minute followed by the limit in the older units in parentheses expressed as (10 R/min).

The current requirement of § 1020.32(d)(1) limits the output, during normal fluoroscopy, of systems with a high-level control to less than 5 R/min. For examinations where system output levels of slightly more than 5 R/min are required for the diagnostic task, these systems must be operated in the high-level mode. In this case, instead of the output being that needed for the examination, say in the range of 5 to 10 R/min, the output characteristic of high-level control is delivered. For many systems, the maximum output in high-level mode is considerably greater than 10 R/min.

This change will affect the small portion of fluoroscopic systems which have high-level controls and AERC. The impact will be to increase the range of patient sizes which can be accommodated in normal fluoroscopy without having to resort to high-level control. It will also bring the performance standard into closer agreement with the recommendations in NCRP Report 102 (ref. 2), which uses "should" for the 5 cGy/min limit and "shall" for the 10 cGy/min limit on recommended entrance kerma rates.

C. Entrance Exposure Rate During High-Level Fluoroscopy

FDA proposes to establish a limit on the maximum patient entrance exposure rate permitted during high-level control mode of fluoroscopy. The limit proposed is 20 R/min, which is twice the maximum entrance exposure rate of 10 R/min, which would be allowed during normal fluoroscopy.

The current standard places no limit on system output or entrance exposure rate during the high-level control mode of fluoroscopic imaging. Only a small fraction of fluoroscopic systems are provided with the high-level control capability. Of these systems, a majority operate with the maximum entrance exposure rate during high-level control limited to values less than 20 R/min. However, because there is no upper limit, some systems are adjusted such that the entrance exposure rate during high-level control is considerably greater than 20 R/min. FDA testing has

revealed systems with maximum entrance exposure rates during high-level control in the range of 40 to 70 R/min. Reports of systems with outputs exceeding 100 R/min have been received. The clinical justification for such high radiation output has not been established.

In response to a request for comments on a preliminary draft of these proposed amendments made available to a number of professional organizations, manufacturers, and others, a comment was received from a medical physicist at a large medical institution. This comment made the observation that, at his facility, none of the 65 fluoroscopic systems was equipped with the optional high-level control, and he questioned the need for a high-level control. He described his facility as doing the full range of fluoroscopic and special procedures, including interventional procedures, without the need for high-level control. He described other steps which could be taken using modem equipment to enable adequate imaging of large patients without subjecting them to the radiation exposure associated with high-level control mode of operation. Among these suggestions were imaging without using a grid or adjusting the iris in front of the television camera. In view of these comments, FDA solicits comments specifically on the need for a high-level control mode and whether such a mode should be allowed by the performance standard, as well as comments on the proposed limit for exposure rate during high-level control operation.

D. Requirement for Automatic Exposure Rate Control

FDA proposes that any fluoroscopic system capable of operating at greater than 5 R/min entrance exposure rate must be provided with an AERC mode of operation. Except for a few examinations with special imaging requirements not accommodated under AERC, the preferred mode of operation of a fluoroscopic X-ray system is with AERC. This frees the physician to concentrate on the clinical aspects of the examination, without concern for equipment technique factors during the examination, and generally results in images of appropriate brightness or density. Establishing the requirement for the provision of AERC at an entrance exposure rate greater than 5 R/min will permit currently marketed "manual only" systems to continue to be marketed, while requiring that AERC be available on any systems with output capability above 5 R/min for normal and high-level fluoroscopy.

E. Limit on Entrance Exposure Rate During Recording of Continuous Fluoroscopy

FDA proposes to apply the entrance exposure rate limits during the continuous recording of dynamic fluoroscopic images with a video tape recorder or similar device. Currently, the performance standard places no limit on the radiation output during recording of the fluoroscopic image. This exemption has been interpreted to apply when the video signal from the video camera is recorded with a video tape recorder. The result is that the limit on radiation output during normal fluoroscopy (and during high-level control under the changes proposed here) is negated by simply attaching a video tape recorder to the system. This practice can be used to bypass the limit on entrance exposure rate during fluoroscopy, regardless of whether the recorded video images are used.

The appropriate controls or entrance exposure rate limits for video recording using a sequence of pulsed radiation exposures, such as with progressively scanned cameras, or for digital recording, such as digital subtraction procedures, needs further study to determine appropriate limits. Thus, the exemption to the entrance exposure rate limits would continue to apply during these other means of recording images. Furthermore, any recording that requires pulsed exposure (pulsed tube current), such as cinefluorography or photospot filming, would still be exempted from the entrance exposure rate limits.

F. No Intended Effect on Already-Existing X-ray Systems or Their Major Components

These amendments are not intended to impose any new requirements on X-ray systems or their major components manufactured before May 3, 1993.

III. References

The following information has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. to 4 p.m., Monday through Friday.

1. Agenda and Background Information, 21st meeting, Technical Electronic Product Radiation Safety Standards Committee, Center for Devices and Radiological Health, June 22 and 23, 1987.

2. National Council on Radiation Protection and Measurement, Report No. 102, "Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies up to 50 MeV," June 30, 1989.

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(e)(3) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Economic Impact

FDA has identified three types of potential costs that might be associated with implementation of the proposed amendment. These are: (1) Costs to manufacturers resulting from changes in system design and installation procedures required to meet the new requirements; (2) costs to Federal and State regulatory programs to implement and enforce the new requirements; and (3) costs to X-ray facilities to conduct quality assurance evaluations of X-ray systems. The costs to Federal and State regulatory agencies and to X-ray facilities are not anticipated to be significant. The testing required to ensure compliance with the performance standard and quality assurance requirements can easily be included in current testing programs with minimal additional costs. The total costs to manufacturers to meet the new requirements are estimated to be $760,000, based on estimated labor and materials costs of $362,000 ($1,000 per system with high-level control mode for an estimated 362 systems), and estimated overhead costs associated with implementation of $400,000 ($50,000 per manufacturer for eight manufactures). This proposal establishes a maximum entrance exposure rate to which a patient can be exposed when fluoroscopic systems are operated in high-level control mode. The proposal also revises the maximum limit for entrance exposure rate during normal fluoroscopy, which should reduce the need for use of high-level control mode, with its attendant higher exposure rates. These actions offer a significant public health benefit by reducing the potential for unnecessary radiation exposure of patients and staff. After consideration of the economic consequences of the proposed amendments, FDA certifies that this proposal requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). A copy of the threshold assessment supporting this determination is on file with the Dockets Management Branch (address

above) and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

VI. Comments

Interested persons may, on or before August 2, 1993, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 1020

Electronic products, Medical devices, Radiation protection, Reporting and recordkeeping requirements, Television, X-rays.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 1020 be amended as follows:

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

1. The authority citation for 21 CFR part 1020 continues to read as follows:

Authority: Secs. 501, 502, 515–520, 530–542, 701, 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360e–360j, 360gg–360ss, 371, 381).

2. Section 1020.30 is amended in paragraph (b) by alphabetically adding a new definition for "Pulsed mode" to read as follows:

§ 1020.30 Diagnostic X-ray systems and their major components.

* * * * *

(b) *Definitions.* * * *

* * * * *

Pulsed mode means operation of the X-ray system such that the X-ray tube current is pulsed by the X-ray control to produce one or more exposure intervals of duration less than one-half second.

* * * * *

3. Section 1020.32 is amended by revising paragraph (d), by redesignating paragraphs (e) through (h) as paragraphs (f) through (i) respectively, and by adding new paragraph (e) to read as follows:

§ 1020.32 Fluoroscopic equipment.

* * * * *

(d) *Entrance exposure rates.* For fluoroscopic equipment manufactured before [1 year after date of publication of the final rule in the **Federal Register**], the following requirements apply:

(1) *Equipment with automatic exposure rate control (AERC).* Fluoroscopic equipment which is provided with AERC shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 2.58×10^{-3} coulomb per kilogram (C/kg) per minute (10 roentgens per minute (R/min)) at the point where the center of the useful beam enters the patient, except:

(i) During recording of fluoroscopic images, or

(ii) When an optional high level control is provided. When so provided, the equipment shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 1.29×10^{-3} C/kg per minute (5 R/min) at the point where the center of the useful beam enters the patient, unless the high-level control is activated. Special means of activation of high-level controls shall be required. The high-level control shall only be operable when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the highlevel control is being employed.

(2) *Equipment without AERC (manual mode).* Fluoroscopic equipment which is not provided with AERC shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 1.29×10^{-3} C/kg per minute (5 R/min) at the point where the center of the useful beam enters the patient, except:

(i) During recording of fluoroscopic images, or

(ii) When an optional high-level control is activated. Special means of activation of high-level controls shall be required. The high-level control shall only be operable when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high-level control is being employed.

(3) *Equipment with both an AERC mode and a manual mode.* Fluoroscopic equipment which is provided with both an AERC mode and a manual mode shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 2.58×10^{-3} C/kg per minute (10 R/min) in either mode at the point where the center of the useful beam enters the patient, except:

(i) During recording of fluoroscopic images, or

(ii) When the mode or modes have an optional high-level control, in which case that mode or modes shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 1.29×10^{-3} C/kg per minute (5 R/min) at the point where the center of the useful beam enters the patient, unless the high-level control is activated. Special means of activation of high-level controls shall be required. The high-level control shall only be operable when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high level is being employed.

(4) *Measuring compliance.* Compliance with paragraph (d) of this section shall be determined as follows:

(i) If the source is below the X-ray table, the exposure rate shall be measured at 1 centimeter above the tabletop or cradle.

(ii) If the source is above the X-ray table, the exposure rate shall be measured at 30 centimeters above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

(iii) In a C-arm type of fluoroscope, the exposure rate shall be measured at 30 centimeters from the input surface of the fluoroscopic imaging assembly, with the source positioned at any available SID, provided that the end of the beam-limiting device or spacer is no closer than 30 centimeters from the input surface of the imaging assembly.

(iv) In a lateral type of fluoroscope, the exposure rate shall be measured at a point 15 centimeters from the centerline of the X-ray table and in the direction of the X-ray source, with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the tabletop is movable, it shall be positioned as closely as possible to the lateral X-ray source, with the end of the beam-limiting device or spacer no closer than 15 centimeters to the centerline of the X-ray table.

(5) *Exemptions.* Fluoroscopic radiation therapy simulation systems are exempt from the requirements set forth in paragraph (d) of this section.

(e) *Entrance exposure rate limits.* For fluoroscopic equipment manufactured on and after [1 year after date of publication of the final rule in the **Federal Register**], the following requirements apply:

(1) Fluoroscopic equipment operable at any combination of tube potential and current which results in an exposure rate greater than 1.29×10^{-3} C/kg per minute (5 R/min) at the point where the center of the useful beam enters the patient shall be equipped with automatic exposure rate control. Provision for manual selection of technique factors may be provided.

(2) Fluoroscopic equipment shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 2.58×10^{-3} C/kg per minute (10 R/min) at the point where the center of the useful beam enters the patient, except:

(i) During the recording of images from an X-ray image intensifier tube using photographic film or a video camera when the X-ray source is operated in a pulsed mode.

(ii) When an optional high-level control is activated. When the high-level control is activated, the equipment shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 5.16×10^{-3} C/kg per minute (20 R/min) at the point where the center of the useful beam enters the patient. Special means of activation of high-level controls shall be required. The high-level control shall only be operable when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high-level control is being employed.

(3) *Measuring compliance.* Compliance with paragraph (e) of this section shall be determined as follows:

(i) If the source is below the X-ray table, the exposure rate shall be measured at 10 millimeters above the tabletop or cradle.

(ii) If the source is above the X-ray table, the exposure rate shall be measured at 300 millimeters above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

(iii) In a C-arm type of fluoroscope, the exposure rate shall be measured at 300 millimeters from the input surface of the fluoroscopic imaging assembly, with the source positioned at any available SID, provided that the end of the beam-limiting device or spacer is no closer than 300 millimeters from the input surface of the fluoroscopic imaging assembly.

(iv) In a lateral type of fluoroscope, the exposure rate shall be measured at a point 150 millimeters from the centerline of the X-ray table and in the direction of the X-ray source with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the tabletop is movable, it shall be positioned as closely as possible to the lateral X-ray source, with the end of the beam-limiting device or spacer no closer than 150 millimeters to the centerline of the X-ray table.

(4) *Exemptions.* Fluoroscopic radiation therapy simulation systems are exempt from the requirement set forth in paragraph (e) of this section.

* * * * *

Dated: April 21, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93-9926 Filed 4-30-93; 8:45 am]

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federal register

Monday
May 3, 1993

Part III

Federal Emergency Management Agency

Changes to the Hotel and Motel Fire Safety Act National Master List; Notice

FEDERAL EMERGENCY MANAGEMENT AGENCY

Changes to the Hotel and Motel Fire Safety Act National Master List

AGENCY: United States Fire Administration, FEMA.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA or Agency) gives notice of additions and corrections/changes to, and deletions from, the national master list of places of public accommodations which meet the fire prevention and control guidelines under the Hotel and Motel Fire Safety Act.

EFFECTIVE DATE: June 2, 1993.

ADDRESSES: Comments on the master list or any changes to the master list are invited and may be addressed to the Rules Docket Clerk, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (fax) (202) 646–4536.

FOR FURTHER INFORMATION CONTACT: Larry Maruskin, Office of Fire Prevention and Arson Control, United States Fire Administration, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1141.

SUPPLEMENTARY INFORMATION: Acting under the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. 2201 note, the United States Fire Administration has worked with each State to compile a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines under the Act. FEMA published the national master list in the **Federal Register** on Tuesday, November 24, 1992, 57 FR 55314, and published changes four times previously.

Periodically FEMA will update and redistribute the national master list to incorporate additions and corrections/changes to the list, and deletions from the list.

Each update contains or will contain three categories: "Additions;" "Corrections/changes;" and "Deletions." For the purposes of the updates, the three categories mean and include the following:

"Additions" are either names of properties submitted by a State but inadvertently omitted from the initial master list or names of properties submitted by a State after publication of the initial master list;

"Corrections/changes" are corrections to property names, addresses or telephone numbers previously published or changes to previously published information directed by the State, such as changes of address or telephone numbers, or spelling corrections; and

"Deletions" are entries previously submitted by a State and published in the national master list or an update to the national master list, but subsequently removed from the list at the direction of the State.

Copies of the national master list and its updates may be obtained by writing to the Government Printing Office, Superintendent of Documents, Washington, DC 20402–9325. When requesting copies please refer to stock number 069–001–00049–1.

The update to the national master list follows below.

Dated: April 27, 1993.

James L. Witt,

Director.

ADDITIONS

Alaska

Holiday Inn Anchorage, 239 W 4th Avenue, Anchorage, AK 99501
Reluctant Fisherman Inn, PO Box 150, Cordova, AK 99574

Arkansas

Comfort Inn. PO Box 88, 150 Hwy 65 N, Conway, AR 72032, (501) 329–0300
Comfort Inn El Dorado, 2320 Junction City Road, El Dorado, AR 71730, (501) 863–6677
Holiday Inn Forrest City, #1 Holiday Drive, Forrest City, AR 72335 (501) 633–6300
Best Western Inn Of Hope, I–300 & Hwy 4, Hope, AR 71801, (501) 777–9222
Quality Inn Of Hope, I–30 & Hwy 29, Hope, AR 71801, (501) 777–0777
Comfort Inn Airport, 3200 Bankhead Drive, Little Rock, AR 72206, (501) 490–2010
Laquinta Motor Inn North #578, 4100 McCain Blvd, North Little Rock, AR 72117, (501) 945–0808
Comfort Inn Russellville, 3091 E d Street, Russellville, AR 72801, (501) 967–7500
Holiday Inn—Northwest Arkansas, 1500 S 48th Street, Springdale, AR 72762, (501) 751–8300
Econo Lodge, 2315 S Service Road, West Memphis, AR 72301, (501) 732–2830
Hampton Inn, I–55 & I–40 Ingram Blvd, West Memphis, AR 72301, (501) 732–1102
The Express Inn, 3700 Service Road Loop, West Memphis, AR 72301, (501) 732–5688

Arizona

Econo Lodge Lucky Lane, 2480 E Licky Lane, Flagstaff, AZ 86001, (602) 774–7701
Payson Pueblo Inn, 809 E Hwy 260, Payson AZ, 85541, (602) 474–5241
Best Western Bell Motel, 17211 N Black Canyon Hwy, Phoenix, AZ 85023, (602) 993–8300
Residence Inn, The, 8242 N Black Canyon Freeway, Phoenix, AZ 85051, (602) 864–1900
Days Inn Prescott Valley, 7875 E Hwy 69, Prescott Valley, AZ 86314, (602) 772–8600
Embassy Suites Hotel—Tempe, 4400 S Rural Road Tempe, AZ 85282, (602) 894–7444
Sheraton Tucson El Conquistador Resort, 10,000 N Oracle Road, Tucson, AZ 85737–7696, (602) 544–5000

California

Holiday Inn Express—Anaheim, 435 West Katella Avenue, Anaheim, CA 92802, (714) 772–7755
Residence Inn By Marriott—Anaheim, 1700 S Clementine Street, Anaheim, CA 92802, (714) 533–3555
Best Western Knights' Inn, 2688 Gateway Drive, Anderson, CA 96007, (916) 365–2753
Quality Inn, 3535 Janes Road, Arcata, CA 95521, (707) 822–0409
Holiday Inn Barston, 1511 E Main Street, Barston, CA 92311, (619) 256–5673
Solvang Buellton Holiday Inn, 555 McMurray Road, Buellton, CA 93427, (805) 688–1000
Holiday Inn Crowne Plaza, 600 Airport Blvd, Burlingame, CA 94010, (415) 340–8500
Embassy Suites Covina Ca, 1211 E. Garvey, Covina, CA 91724, (818) 915–3441
Comfort Inn, 9438 E Fire Stone Blvd, Downey, CA 90241, (310) 803–3555
Radisson Inn Encinitas, 85 Encinitas Blvd, Encinitas, CA 92024, (619) 942–7455
Holiday Inn Fullerton, 222 W Houston Avenue, Fullerton, CA 92632, (714) 992–1700
Best Western Hanford Inn, 755 Cadillac Lane, Hanford, CA 93230, (209) 583–7300
Holiday Inn Express Los Angles Airport, 4922 W Century Blvd, Inglewood, CA 90304, (310) 671–7213
Irvine Spectrum Suites Hotel, 23192 Lake Center Drive, Lake Forest, CA 92630, (714) 380–9888
Airport Century Inn, 5547 W Century Blvd, Los Angeles, CA 90045, (310) 649–4000
Best Western The Mayfair, 1256 W Seventh Street, Los Angeles, CA 90017–2315, (213) 484–9789
The Kawada Hotel, 200 S Hill Street, Los Angeles, CA 90012, (213) 621–4455
University Hilton—Los Angeles, 3540 S Figueroa Street, Los Angeles, CA 90007, (213) 748–4141
Menlo Park Inn, 1315 El Camino Real, Menlo Park, CA 94025, (415) 326–7530
Holiday Inn Resort, 1000 Aguajito Road, Monterey, CA 93940, (408) 373–6141
Monterey/Carmel Travelodge (at The Fairgrnds), 2030 N. Fremont Street, Monterey, CA 93940, (408) 373–3381
Residence Inn By Marriott—Pleasant Hill, 700 Ellinwood Way, Pleasant Hill, CA 94523, (510) 689–1010
Rodeway Inn Of Rosemead California, 8832 Glendon Way, Rosemead, CA 91770, (818) 288–9801
Sheraton Rosemead, 888 Montebello Blvd., Rosemead, CA 91770, (213) 722–8800
Capitol Center Travelodge, 1111 H Street, Sacramento, CA 95814, (916) 444–8880
Holiday Inn Sacremento Northeast, 5321 Date Avenue, Sacramento, CA 95841–2597, (916) 338–5800
Residence Inn By Marriott, 2410 W El Camino, Sacramento, CA 95833, (916) 649–1300

Holiday Inn Express Salex, 131 John Street, Salinas, CA 93901, (408) 757–1020
Comfort Inn—Mission Bay, 3747 Midway Drive, San Diego, CA 92110, (619) 225–1295
Econo Lodge, 3880 Greenwood Street, San Diego, CA 92110, (619) 543–9944
Holiday Inn Harbor View, 1617 First Avenue, San Diego, CA 92101, (619) 239–6171
Lexington Hotel & Suites, 3888 Greenwood Street, San Diego, CA 92110, (619) 299–6633
Radisson Suite Hotel Rancho Bernardo, 11520 W Bernardo Court, San Diego, CA 92127–1602, (619) 451–6600
The Horton Grand Hotel, 311 Island Avenue, San Diego, CA 92101, (619) 544–1886
Comfort Suites Hotel, 501 W Bonita Avenue, San Dimas, CA 91773, (909) 592–0500
Metro Pacific Suites, 840 Post Street, San Francisco, CA 94109, (415) 928–7600
Metro Pacific Suites, 737 Post Street, San Francisco, CA 94109, (415) 928–7600
Santa Barbara Beach Travelodge, 22 Castillo, Santa Barbara, CA 93101, (805) 965–8527
Quality Suites—Silicon Valley, 3100 Lakeside Drive, Santa Clara, CA 95054, (408) 748–9800
Radisson Huntley Hotel, 1111 Second Street, Santa Monica, CA 90004, (310) 394–5454
Best Western Cordelia Inn, 4373 Central Place, Suisun, CA 94585, (707) 864–2029
Holiday Inn, 1000 Fairgrounds Drive, Vallejo, CA 94533, (707) 644–1200

Colorado

Peak Inn & R. V. Resort, 4950 N. Nevada Avenue, Colorado Springs, CO 80918, (719) 598–1545
Embassy Suites Hotel Denver Tech Center, 10250 E Costilla Avenue, Englewood, CO 80112, (303) 792–0433
Friendship Inn, 400 E Tomichi Avenue, Gunnison, CO 81230, (303) 641–1288
Gunnison Super 8 Motel, 411 E Tomichi Avenue, Gunnison, CO 81230, (303) 641–1288
Holiday Inn Denver—Northglenn, 10 E 120th Avenue, Northglenn, CO 80233, (303) 452–4100

Iowa

Arrowhead Motel, 2520 Mt. Pleasant Street, Burlington, IA 52601–2118, (319) 752–6353
Heartland Inn, 1901 Hackley Avenue, Des Moines, IA 50321, (515) 256–0603
Clarion Hotel, 450 Main, Dubuque IA, 52001, (800) 421–1213

Illinois

Imperial 400 Motor Inn, 600 E Main, Belleville, IL 62220, (618) 234–9670
Bloomington Days Inn, 1707 W Market Street, Bloomington, IL 61701, (309) 829–6292
Lees Inn—Kankakee, 1500 N Sr 50, Bourbonnais, IL 60914, (815) 932–8080
Super 8—Kankakee, 1390 Lock Drive, Bourbonnais, IL 60914, (815) 939–7888
Knotty Pine Inn & Motel, 215 N 4th Street, Breese, IL 62230, (618) 526–4556
Champaign Comfort Inn, 305 Marketview Drive, Champaign, IL 61821, (217) 352–4055
Holiday Inn—Champaign, 1505 N Neil, Champaign, IL 61820, (217) 359–1601
Tri—Manor Motel, 3420 N 22nd Street, Decatur, IL 62526, (217) 877–6900
The Presidential Inn, 1231 N Galena Avenue, Dixon, IL 61021, (815) 284–3351
Lewis And Clark Motor Lodge, 530 Lewis And Clark Blvd., East Alton, IL 62024, (618) 254–0683
Super 8 Motel—East Moline, R. R. 2, 2201 John Deere Road, East Moline, IL 61244 (309) 796–1999
Forsyth Comfort Inn, 134 Barnett Avenue, Forsyth, IL 62535, (217) 875–1166
Granite City Lodge, 1200 9th Street, Granite City, IL 62040, (618) 876–2600
Gurnee Comfort Inn, 6080 Gurnee Mill Blvd., E, Gurnee, IL 60031, (708) 855–8866
Gurnee Fairfield Inn, 6090 Gurnee Mills Blvd., E, Gurnee, IL 60031, (708) 855–8868
Holiday Inn Chicago South—Lansing, 17356 Torrence Avenue, Lansing, IL 60438, (708) 474–6300
Days Inn—Lincoln, 2019 N Kickapoo, Lincoln, IL 62656, (217) 735–1202
Radisson Hotel—Lincolnwood, 4500 W Touhy Avenue, Lincolnwood, IL 60646, (708) 677–1234
Giant City State Park Lodge And Cabins, PO Box 70, Makanda, IL 62958, (618) 457–4836
Comfort Suites—Marion, PO Box 70, 2608 W Main, Marion, IL 62959, (618) 997–9133
Morris Comfort Inn, 70 Gore Road W, Morris, IL 60450, (815) 942–1433
Super 8 Motel—Morris, 70 Green Acres Drive, Morris, IL 60450, (815) 942–3200
Red Roof Inn—Naperville, 1698 W Diehl Road, Naperville, IL 60563, (708) 369–2600
Peoria Comfort Suites, 4021 War Memorial Drive, Peoria, IL 61614, (309) 688–3800
Super 8—Rantoul, 207 S. Murray, Rantoul, IL 61866, (217) 893–8888
Confort Inn—Rockford, 7392 Argus Drive, Rockford, IL 61107, (815) 398–7061
Silver Fountain Inn, 2917 Peoria Road, Springfield, IL 62702, (217) 525–9520
Super 8—Washington, 1884 Washington Road, Washington, IL 61571, (309) 444–8881

Massachussets

Susse Chalet Inn, Clark Road & Route 110, Amesbury, MA 01913, (508) 388–3400
Sheraton Tara Hotel—Braintree, 37 Forbes Road, Braintree, MA 02184 (617) 848–0600
Sheraton Tara Hotel, 320 Washington Street, Newton, MA 02158, (617) 969–3010
Sheraton Plymouth Inn, 180 Water Street, Plymouth, MA 02360, (508) 747–4900
Publick House Historic Resort, Main Street, Strubridge, MA 001566, (508) 347–3313
Susse Chalet Of Waltham, 385 Winter Street, Waltham, MA 002154, (617) 890–2800
Knoll Motel, 572 Riverdale Street, West Springfield, MA 01089, (413) 788–9648
Red Roof Inn, 1254 Riverdale Street, West Springfield, MA 01089, (413) 731–1010
Residence Inn By Marriott, 25 Connector Road, Westborough, MA 01581, (508) 366–7700

Michigan

Comfort Inn, 3110 W Monroe, Alma, MI 48801, (517) 463–4400
Red Roof Inn, 3621 Plymouth Road, Ann Arbor, MI 48105, (313) 996–5800
Stouffer Battle Creek Hotel, 50 Capital Avenue S.W., Battle Creek, MI 49017, (616) 963–7050
Holiday Inn Of Benton Harbor, 2860 S Michigan Hwy 139, Benton Harbor, MI 49022, (616) 925–3234
Super 8 Motel—Benton Harbor, 1950 E Napier Avenue, Benton Harbor, MI 49022, (616) 926–1371
Econo Lodge—Flint, 932 S Center Road, Flint, MI 48503, (313) 744–0200
Hojo Inn, 6027 Ann Arbor Road, Jackson, MI 49201, (517) 764–3820
Holiday Inn—Livonia West, 17123 Laurel Park Drive N., Livonia, MI 48152, (313) 464–1300
Holiday Inn—Midland, 1500 W Wackerly Street, Midland, MI 48640, (517) 631–4220
Ramada Inn, 1815 S Saginaw Road, Midland, MI 48640, (517) 631–0570
Holiday Inn—Mt. Pleasant, 5665 E Pickard, Mt. Pleasant, MI 48858, (517) 772–2905
Sheraton Oaks—Novi, 27000 Sheraton Drive, Novi, MI 48377, (313) 348–5000
Comfort Inn—Okemos, 2209 University Park Drive, Okemos, MI 48864 (517) 349–8700
Holiday Inn, 11500 Eleven Mile, Warren, MI 48089, (313) 754–9400
Residence Inn—Warren, 30120 Civic Center Blvd., Warren, MI 48093, (313) 558–8050
Quality Inn—Conference Center, PO Box 369, 2980 Cook Road, West Branch, MI 48661, (517) 345–3503

Minnesota

Comfort Inn, 111 28th Street SE, Rochester, MN 55904, (507) 286–1001

Mississippi

Holiday Inn—Express, 2416 Beach Blvd., Biloxi, MS 39531, (601) 388–1000
Holiday Inn—Brookhaven, 1210 Brookway Blvd., Brookhaven, MS 39601, (601) 833–1341
Comfort Inn—Clarksdale, 710 S State Street, Clarksdale, MS 38614, (601) 627–9292
Columbus Holiday Inn, 506 Hwy 45 N, Columbus, MS 39701, (601) 328–4202
Holiday Inn Gulfport—Beachfront, 1600 E Beach, Gulfport, MS 39501, (601) 864–4310
Holiday Inn I–10 Airport, 9415 Hwy 49, Gulfport, MS 39503, (601) 868–8200
Days Inn, PO Box 6518, US Hwy 49, Hattiesburg, MS 39401, (601) 544–6360
Days Inn, PO Box 2355, Hwy 80 W, Jackson, MS 39204, (601) 948–0680
Quality Inn North, 4641 I–55 N, Jackson, MS 39206, (601) 982–1044
Red Roof Inn, 700 Larson Street, Jackson, MS 39202, (601) 969–5006
Residence Inn By Marriott, 881 E River Place, Jackson, MS 39202, (601) 355–3599
Days Inn, 1000 S Hwy 35, Kosciusko, MS 39090, (601) 289–2271
M & R Of Meridian, Inc., dba Howard Johnson, 613 Hwy 80 E, Meridian, MS 39305, (601) 483–8281
Best Western—Oxford Inn, PO Box 1101, Frontage Road, Oxford, MS 38655, (601) 234–9500
Comfort Inn, 235 Pearson Road, Pearl, MS 39208, (601) 932–6009
Holiday Inn, PO Box 923, N Gloster, Tupelo, MS 38801, (601) 842–8811
Tupelo Executive Inn, 1011 N Gloster, Tupelo, MS 38801, (601) 841–2222

Days Inn, 1025 Hwy 45 N Alt., West Point, MS 39773, (601) 494–1995

Montana

Billings Comfort Inn, 2030 Overland Avenue, Billings, MT 59102, (406) 652–5200
Holiday Inn Billings Plaza, 5500 Midland Road, Billings, MT 59101, (406) 248–7701
Best Western Grantree Inn, 1325 N 7th Avenue, Bozeman, MT 59715, (406) 587–5261
Bozeman Comfort Inn, 1370 N 7th Avenue, Bozeman, MT 59715 (406) 587–2322
Bozeman Fairfield Inn, 828 Wheat Drive, Bozeman, MT 59715 (406) 587–2222
Holiday Inn, 5 Baxter Lane, Bozeman, MT 59715, (406) 587–4561
Great Falls Comfort Inn, 1120 9th Street, Great Falls, MT 59403 (406) 454–2727
Great Falls Fairfield Inn, 1000 9th Avenue S, Great Falls, MT 59403, (406) 454–3000
Sheraton Hotel, 400 10th Avenue, Great Falls, MT 59405, (406) 727–7200
Best Western Hamilton Inn, 409 S First Street, Hamilton, MT 59840, (406) 363–2142
Days Inn, 2001 Prospect Avenue, Helena, MT 59601, (406) 442–3280
Helena Comfort Inn, 750 Fee Street, Helena, MT 59623, (406) 443–1000

Nebraska

Fremont Comfort Inn, 1649 E. 23rd Avenue, Fremont, NE 68025, (402) 721–1109
Lincoln Comfort Inn, 2940 NW 12th Street, Lincoln, NE 68521, (402) 475–2200

New Jersey

Inn At Panther Valley, Rt. 517, Allamuchy, NJ 07820, (908) 852–6000
Atlantic City—Diplomat, 115 Chelsea Ave & Boardwalk, Atlantic City, NJ 08401, (609) 348–2200
Trump Plaza Hotel & Casino, Mississippi & Boardwalk, Atlantic City, NJ 08401, (609) 441–6070
Holiday Inn Bridgewater, 1260 Rt 22, Bridgewater, NJ 08807, (908) 526–9500
Sheraton Meadowlands, 2 Meadowlands Plaza, East Rutherford, NJ 07073, (201) 896–0500
Holiday Inn At Raritan Center, 125 Raritan Center Pkwy, Edison, NJ 08837, (908) 225–8300
Radisson Hotel Englewood, 401 S Van Brunt Street, Englewood, NJ 07631, (201) 871–2020
Sheraton At Woodbridge Place, 515 Rt 1 S, Iselin, NJ 08830, (908) 634–3600
Econo Lodge, 2016 Rt 37 W, Lakehurst, NJ 08733, (908) 657–7100
Howard Johnson Lodge, 2991 Brunswick Pike, Lawrenceville, NJ 08648, (609) 896–1100
Best Western Motor Inn, 2020 Rt 541 Road #1, Mt. Holly, NJ 08060, (609) 261–3800
Econo Lodge University Center, 26 US Hwy 1 N, New Brunswick, NJ 08901, (908) 828–8000
Parsippany Hilton, One Hilton Court, Parsippany, NJ 07054, (201) 267–7373
Sheraton Tara Hotel, 199 Smith Road, Parsippany, NJ 07054, (201) 515–2000
Residence Inn—Princeton, PO Box 8388, 4225 Rt 1, Princeton, NJ 08543, (908) 329–9600
Mark III Motel, 207 Carteret Ave, Seaside Heights, NJ 08751, (908) 793–4000
Holiday Inn Harmon Meadow, 300 Plaza Drive, Secaucus, NJ 07094, (201) 348–2000
Radisson Hotel Somerset, 200 Atrium Drive, Somerset, NJ 08873, (908) 469–2600
Comfort Inn South Plainfield, 101 New World Way, South Plainfield, NJ 07080, (908) 561–4488
Quality Inn, 101 Grove Road, Thorofare, NJ 08086, (609) 848–4111
Holiday Inn At Tinton Falls, 700 Hope Road, Tinton Falls, NJ 07724, (908) 544–9300
Residence Inn By Marriott—Tinton Falls, 90 Park Road, Tinton Falls, NJ 07724, (908) 389–8100
Sheraton Inn—Aflantic City West, 6821 Black Horse Pike, West Atlantic City, NJ 08232, (609) 272–0200

New Mexico

Clovis Inn, 1020 S White Sands, Alamogordo, NM 88310, (505) 762–5600
Albuquerque Hilton Hotel, 1901 University Blvd, Albuquerque, NM 87102, (505) 884–2500
Comfort Inn Midtown, 2015 Menaul NE, Albuquerque, NM 87107, (505) 881–3210
Fairfield Inn By Marriott, 1760 Mernaul Road NE, Albuquerque, NM 87102, (505) 889–4000
Villa Inn, 1001 E Main, Conseq. Tucumcari, NM 88401, (505) 461–2250
Comfort Inn, 3208 W Hwy 66, Gallup, NM 87301, (505) 722–0982
Rodeway Inn, 2003 W Hwy 66, Gallup, NM 87301, (505) 863–9385
Innkeepers Of New Mexico, 309 N Marland Blvd, Hobbs, NM 88240, (505) 397–7171
Meson de Mesilla, PO Box 1212, Mesilla, NM 88046, (505) 525–9212
Inn Of The Anasazi, 113 Washington Avenue, Santa Fe, NM 87501, (505) 988–3030
Residence Inn By Marriott, PO Box 5248, Santa Fe, NM 87502, (505) 988–7300

Nevada

Best Western Mardi Gras Inn, 3500 Paradise Road, Las Vegas, NV 89109, (702) 731–2020
Imperial Palace Hotel & Casino, 3535 Las Blvd S, Las Vegas, NV 89109, (702) 731–3311
Residence Inn By Marriott Las Vegas, 3225 Paradise Road, Las Vegas, NV 89109, (702) 796–9300

New York

Corning Hilton Inn, 125 Denison Parkway E, Corning, NY 14830, (607) 962–5000
Quality Inn Vineyard, 3929 Vineyard Drive, Dunkirk, NY 14048, (716) 366–4400
Susse Chalet, Box 103, Road #2 Troy Road, East Greenbush, NY 12061, (518) 477–7984
Residence Inn—Syracuse, 6420 Yorktown Circle, East Syracuse, NY 13057, (315) 432–4488
JFK Airport Hilton, 138–10 135th Avenue, Jamaica, NY 11436, (718) 322–8700
Econo Lodge—Syracuse Liverpool, 401–407 7th N Street, Liverpool, NY 13088, (315) 451–6000
Shepherds Neck Inn, Second House Road, Montauk, NY 11954, (516) 668–2105
Peninsula Hotel, 700 Fifth Avenue, New York, NY 10019, (212) 247–2200
Day's Inn, 587 Cornelia Street, Plattsburgh, NY 12901, (518) 561–0403
Village Inn Of Rhinebeck, 6 Rt 9 S, Rhinebeck, NY 12572, (914) 876–7000
Residence Inn By Marriott, 100 Maple Road, Williamsville, NY 14221, (716) 632–6622

Ohio

Ashtabula Austinburg Travelodge, 2352 Sr 45 N, Austinburg, OH 44010, (216) 275–2011
Cleveland Beachwood Travelodge, 3795 Orange Place, Beachwood, OH 44122, (216) 831–7200
Marriott Inn, 3663 Park E. Drive, Beachwood, OH 44122
Howard Johnson, 5410 Ridge Avenue, Cincinnati, OH 45213, (513) 631–8500
Residence Inn By Marriott, 6191 Zumstein Drive, Columbus, OH 43229, (614) 431–1819
Findlay Fairfield Inn, 2000 Tiffin Avenue, Findlay, OH 45839, (419) 424–9940
Holiday Inn Middletown, Rt 122, 6147 West Ohio, Franklin, OH 45005, (513) 424–1201
Quality Inn Edwards, 10900 New Haven Road, Harrison, OH 45030, (513) 367–5200
Comfort Inn—South, 2426 Oregon Road, Northwood, OH 43619, (419) 666–2600
Fairfield Inn By Marriott Sandusky, 6220 Milan Road, Sandusky, OH 44670, (419) 621–9500
Sidney Holiday Inn, I–75 & Sr 47, Sidney, OH 45365, (513) 492–1131
Days Inn Akron Wadsworth, Five Park Centre Blvd, Wadsworth, OH 44281, (216) 336–7692
Comfort Inn, 500 Monroe Street, Zanesville, OH 43701, (614) 454–4144
Zanesville Fairfield Inn, 725 Zane Street, Zanesville, OH 43701, (614) 453–8770

Oregon

Nugget Inn, 105 Front Street SW, Boardman, OR 97818, (503) 481–2375
Val-U-Inn Oregon City, 1900 Clackamette Drive, Oregon City, OR 97045, (503) 655–7141
Seaside Beach Club, 561 S Prom, Seaside, OR 97138, (503) 738–7113

Pennsylvania

Holiday Inn—Independence Mall, 400 Arch Street, Philadelphia, PA 19106, (215) 923–8660

Texas

Comfort Inn—Airport, 1515 I–40 E, Amarillo, TX 79102, (806) 376–9993
Friendship Inn, 6201 Hwy 290 E, Austin, TX 78723, (512) 458–4759
Classic Motor Inn, 9229 Carpenter Freeway, Dallas, TX 75247, (214) 631–6633
Residence Inn Dallas North Central, 13636 Goldmack Drive, Dallas, TX 75240, (214) 669–0478
Comfort Inn, 900 N Yarbrough Drive, El Paso, TX 79915, (915) 594–9111
Comfort Inn, 2601 Wi-10, Ft. Stockton, TX 79735, (915) 336–9781
Econo Lodge, Hwy 290 E, Giddings, TX 78942, (409) 542–9666
Holiday Inn Medical Center, 6701 S Main, Houston, TX 77030, (713) 797–1110
Residence Inn By Marriott Houston—Astrodome, 7710 S Main, Houston, TX 77030, (713) 660–7993

Residence Inn By Marriott Houston-Southwest, 6910 Southwest Freeway, Houston, TX 77074, (713) 785–3415
Residence Inn By Marriott Houston-Clear Lake, 525 Bay Area Blvd, Houston, TX 77058, (713) 486–2424
Wyndham Greenspoint Hotel, 12400 Greenspoint Drive, Houston, TX 77060–1998, (713) 875–2222
Econo Lodge, 606 E Central Texas Expwy, Killeen, TX 76542, (817) 634–6868
Holiday Inn Airport La Plaza Mall, 2000 S 10th Street, McAllen, TX 78501, (210) 686–1741
Victorian Inns, 425 35th NE, Paris, TX 75400, (903) 785–3871
Quality Inn & Suites, 3817 I–35 N, San Antonio, TX 78219, (210) 224–3030
Stratford House Inn, 6364 Ih 35 N At Rittiman Road, San Antonio, TX 78218, (210) 657–0808
Holiday Inn, 2705 E Houston Hwy, Victoria, TX 77901, (512) 575–0251
Econo Lodge, 1430 Ih 35 S, Waco, TX 76706, (817) 752–1991
Victorian Inns, 720 S Lake Brasos Drive, Waco, TX 76704, (817) 752–3888

Virginia

Comfort Inn, I–81 Exit 14, Abingdon, VA 24210, (703) 676–2222
Comfort Inn Van Dorn, 5716 S Van Dorn Street, Alexandria, VA 22310, (703) 922–9200
Holiday Inn Old Town Alexandria, 480 King Street, Alexandria, VA 22314, (703) 549–6080
Holiday Inn Telegraph Road Eisenhower Avenue, 2460 Eisenhower Avenue, Alexandria, VA 22314, (703) 960–3400
Courtland Park, 2500 Clarendon Blvd, Arlington, VA 22201, (703) 243–9700
Courtland Towers, 1200 N Veitch Street, Arlington, VA 22201, (703) 528–2700
Holiday Inn—Key Bridge, 1850 N Ft Myer Drive, Arlington, VA 22209, (703) 522–0400
Holiday Inn National Airport, 1489 Jefferson Davis Hwy, Arlington, VA 22202, (703) 521–1600
Holiday Inn At Ballston, 4610 N Fairfax Drive, Arlington, VA 22203, (703) 243–9800
Randolph Towers, 4001 N 9th Street, Arlington, VA 22203, (703) 525–9000
Comfort Inn, 2368 Lee Hwy, Bristol, VA 24201, (703) 466–3881
Holiday Inn—University, 1600 Fimmet Street, Charlottesville, VA 22901, (804) 2439111
Comfort Inn, Route 301, Dahlgren, VA 22448, (703) 663–3060
Comfort Inn Dublin, PO Box 123–FI–81 & Sr 100 (rt 1), Dublin, VA 24084, (703) 674–1100
Holiday Inn Emporia, 311 Florida Avenue, Emporia, VA 23847, (804) 634–4191
Quality Inn Skyline Drive, #10 Commerce Avenue, Front Royal, VA 22630, (703) 635–3161
Fairfield Inn By Marriott Hampton, 1905 Coliseum Drive, Hampton, VA 23666, (804) 827–7400
Comfort Inn, PO Box 426B Rt 2, Max Meadows, VA 24360, (703) 637–4141
Econo Lodge (Airport), 3343 N Military Hwy, Norfolk, VA 23518, (804) 855–3116
Norfolk Waterside Marriott, 235 E Main Street, Norfolk, VA 23510, (804) 627–4200
Comfort Inn, 8710 Midlothian Turnpike, Richmond, VA 23235, (804) 320–8900
Holiday Inn Central, 3207 N Blvd, Richmond VA 23230, (804) 359–9441
Red Roof Inn #086, 4350 Commerce Road, Richmond, VA 23234, (804) 271–7240
Richmond Marriott, 500 E Broad Street, Richmond, VA 23219, (804) 643–3400
Holiday Inn Airport, I–581, 6626 Thirlane Road, Roanoke, VA 24019, (703) 366–8861
Holiday Inn Central, 1927 Franklin Road, Roanoke, VA 24016, (703) 343–0121
Days Inn Aquia, 2868 Jefferson Davis Hwy, Stafford, VA 22554, (703) 659–0022
Hampton Inn Dulles Airport, 45440 Holiday Drive, Sterling, VA 22170, (703) 471–8300
Holiday Inn Washington Dulles Airport, 1000 Sully Road, Sterling, VA 20166, (703) 471–7411
Virginia Motor Lodges Inc., I–81 Exit 150-b, Troutville, VA 24175, (703) 992–3000
Days Inn Oceanfront, 3107 Atlantic Avenue, Virginia Beach, VA 23451, (804) 428–7233
Virginia Beach Hilton Inn, 8th Street & Atlantic Avenue, Virginia Beach, VA 23451, (804) 428–8935
Holiday Inn Waynesboro—Attlon, PO Box 849, I–64 Rt 250, Waynesboro, VA 22980, (703) 942–5200
Fairfield Inn Williamsburg, 6493 Richmond Road, Williamsburg, VA 23185, (804) 565–1111
Holiday Inn Downtown & Holidome, 814 Capitol Landing Road, Williamsburg, VA 23185, (804) 229–0200
Howard Johnson Historic Hotel, 7135 Pocahontas Trail, Williamsburg, VA 23185 (804) 229–6900
Quality Inn Kingsmill, 480 McLaws Circle, Williamsburg, VA 23187, (804) 220–1100

Vermont

Brandon Inn, 20 Park Street, Brandon, VT
Green Leaf Inn, Chester, VT
Econo Lodge, 1076 Williston Road, S Burlington, VT
Friendship Lakeview Inn, 1860 Shelburne Road, S Burlington, VT
Econo Lodge (Elm Building), 1961 Shelburne Road, Shelburne, VT 05482, (802) 985–3377
Econo Lodge (Hemlock), 1961 Shelburne Road, Shelburne, VT 05482, (802) 985–3377
Econo Lodge (Maple Building), 1961 Shelburne Road, Shelburne, VT 05482, (802) 985–3377
Econo Lodge (Sprice Building), 1961 Shelburne Road, Shelburne, VT 05482, (802) 985–3377
Econo Lodge (Willow Building), 1961 Shelburne Road, Shelburne, VT 05482, (802) 985–3377
Honeywood Country Lodge (Old Griffins Co), 4527 Mountain Road, Stowe, VT 05482
Liftline Lodge—Glocken Hoff, Stratton Mt Road, Stratton Mountain, VT 05482
Dalem Chalet, 16 South Street, W Brattleboro, VT
Andirons Motor Lodge, Route 100, W Dover, VT 05356
The Lodge, Route 100, W Dover, VT 12524, (802) 464–5904
Residence Inn Gate House, 1 Hurricane Lane, Williston, VT (914) 896–5210
Trails End Lodge, Smith Road, Wilmington, VT

Washington

Quality Inn Paradise Creek, SE 1050 Bishop Blvd, Pullman WA 99163, (509) 332–0500
Dutch Cup Motel, 918 Main Street Pob 369, Sultan, WA 98294 (206) 793–2215
Comfort Inn, 5601 Pacific Hwy E, Taloma (Fife), WA 98424 (206) 926–2301

CORRECTIONS/CHANGES

District of Columbia

Holiday Inn Capitol, 550 C Street SW, Washington, DC 20024, (202) 479–4000

Kentucky

Econo Lodge—Renfro Valley, 1375 Richmond Road, Mt. Vernon, KY 40456, (606) 256–4621

Maryland

Waldorf Holiday, 1 St. Patricks Drive, Waldorf, MD 20603, (301) 645–8200

Mississippi

Passport Inn, PO Box 5035 I–55 N, Jackson, MS 39206, (601) 982–1011

Nebraska

Fireside Suites, 11025 N Street, Omaha, NE 68137, (402) 331–0101
Holiday Inn—North Platte, Jct U.S. 83 & I–80, North Platte, NE 69101, (308) 532–9090

Vermont

Howard Johnson Hotel & Quality Inn, 1720 Shelburne Road, S Burlington, VT
Craftsbury Ctr—Small Dorm, PO Box 31, Craftsbury Common, VT
Plaza Hotel, RR1 Box 690, Morrisville, VT
Colonial Motel—Unit #1 & Office, Putney Road, Brattleboro, VT, (802) 254–3377
Aplenrose Motel, 2619 Mountain Road, Stowe, VT

Virginia

Holiday Inn Express, 940 E Main Street, Abingdon, VA 24210, (703) 676–2829
Comfort Inn—Mt. Vernon, 7212 Richmond Hwy, Alexandria, VA 22306, (703) 765–9000
Comfort Inn Landmark, 6254 Duke Street, Alexandria, VA 22312, (703) 642–3422
Best Western Rosslyn Westpark Hotel, 1900 N Ft Myer Drive, Arlington, VA 22209, (703) 527–4814
Courtyard By Marriott Arlington/Rosslyn, 1533 Clarendon Blvd, Arlington, VA 22209, (703) 528–2222
Courtyard By Marriott Crystal City, 2899 Jefferson Davis Hwy, Arlington, VA 22202, (703) 549–3434
Courtyard By Marriott Chantilly/Dulles Airpt, 3935 Centerview Drive, Chantilly, VA 22021, (703) 709–7100
Washington Dulles Airport Marriott, 333 West Service Road, Chantilly, VA 22021, (703) 471–9500
Comfort Suites, 1550 Crossway S Blvd, Chesapeake, VA 23320, (804) 420–1600
Courtyard By Marriott Fairfax/Fair Oaks, 11220 Lee Jackson Hwy, Fairfax, VA 22030, (703) 273–6161
Comfort Inn—North, I–95 Exit 133, Rt 17-n 577 Warrenton Road, Fredericksburg, VA 22406, (703) 371–8900

Holiday Inn—South, 5324 Jefferson Davis Hwy, Fredericksburg, VA 22408, (703) 898–1102
Comfort Inn, 1440 E Market Street, Harrisonburg, VA 22801, (703) 433–2806
Sheraton Harrisonburg, 1400 E Market Street, Harrisonburg, VA 22801, (703) 433–2521
Courtyard By Marriott Herndon/Reston, 533 Herndon Parkway, Herndon, VA 22070, (703) 478–3628
Washington Dulles Marriott Suites, 13101 Worldgate Drive, Herndon, VA 22070, (703) 709–0400
Courtyard By Marriott Manassas, 10701 Battleview Parkway, Manassas, VA 22110, (703) 335–1300
Best Western Tysons Westpark Hotel, 8401 Westpark Drive, McLean, VA 22102, (703) 734–2800
Econo Lodge, 9601 4th View Street, Norfolk, VA 23503, (804) 480–9611
Days Inn/Petersburg South, 12208 S Crater Road, Petersburg, VA, 23805, (804) 733–4400
Quality Inn, 11025 S Crater Road, Petersburg, VA 23805, (804) 733–0600
Courtyard By Marriott Richmond West, 6400 West Broad Street, Richmond, VA 23230, (804) 282–1881
Holiday Inn (Koger Center South), 1021 Koger Center Blvd, Richmond, VA 23235, (804) 379–3800
Holiday Inn I 64 & W. Broad Street, 6531 W Broad Street, Richmond, VA 23230, (804) 285–9951
Tysons Corner Marriott, 8028 Leesburg Pike, Vienna, VA 22180, (703) 734–3200
Comfort Inn, 2800 Pacific Avenue, Virginia Beach, VA 23451, (804) 428–2203
Courtyard By Marriott Virginia Beach Norfolk, 5700 Greenwich Road, Virginia Beach, VA 23462, (804) 490–2002
Fairfield Inn By Marriott Virginia Beach, 4760 Euclid Road, Virginia Beach, VA 23462, (804) 499–1935
Holiday Inn Executive Center, 5655 Greenwich Road, Virginia Beach, VA 23462, (804) 499–4400
Courtyard By Marriott Williamsburg, 470 McLaws Circle, Williamsburg, VA 23187, (804) 221–0700
Days Inn Historic Area, 331 Bypass Road, Williamsburg, VA 23185, (804) 253–1166
Holiday Inn Patriot, 3032 Richmond Road, Williamsburg, VA 23185, (804) 565–2600
Williamsburg Days Inn East, 90 Old York Road, Williamsburg, VA 23185, (804) 253–6444
Days Inn Potomac Mills, 14619 Potomac Mills Road, Woodbridge, VA 22192, (703) 494–4433
Ramada Inn, 1130 Motel Drive, Woodstock, VA 22664, (703) 459–5000

DELETIONS

Indiana

Marriott Hotel, 305 E Washington Center Road, Fort Wayne, IN 46825, (219) 484–0411
Akron Hilton Inn West, 3180 W Market Street, Akron, OH 44313

[FR Doc. 93–10345 Filed 4–30–93; 8:45 am]

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federal register

Monday
May 3, 1993

Part IV

Environmental Protection Agency

40 CFR Part 261, et al.

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261, 264, 265, 271, and 279

[EPA/530-Z-93-004; FRL-4619-7]

RIN 2050-AC17

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards

AGENCY: Environmental Protection Agency.

ACTION: Final rule; technical amendments and corrections.

SUMMARY: This action corrects several technical errors and provides clarifying amendments to the final recycled used oil management standards rule. The final rule was published on September 10, 1992 (57 FR 41566). This action also corrects an error in the final used oil rule published on May 20, 1992 (57 FR 21524). These revisions provide clarification and correct unintended consequences of both rules.

EFFECTIVE DATE: March 8, 1993.

FOR FURTHER INFORMATION CONTACT: Ms. Eydie Pines at (202) 260-3509 or Bryan Groce at (202) 260-9550, Office of Solid Waste (OS-332), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

A.1. Burning and Blending Requirements (Former Part 266, Subpart E)

On September 10, 1992, EPA promulgated regulations to govern the management of recycled used oils. In the discussion of the state authorization process in the final rule (57 FR 41566), EPA stated that the new part 279 regulations were being promulgated under section 3014(a) of RCRA, and noted that section 3014(a) "predates the 1984 HSWA amendments." The Agency went on, in that section, to explain that the part 279 requirements would take effect in states without final RCRA authorization 6 months after publication (March 8, 1993) and that the part 279 standards would become effective in states with RCRA base program authorization only after the state revised its RCRA program to include the new requirements. This discussion implied that all of the requirements being promulgated under part 279 are RCRA requirements that are not mandated under the Hazardous and Solid Waste Amendments of 1984 (HSWA) and that, therefore, the new standards governing the management of recycled used oils would not be immediately enforceable by EPA in authorized states.

The discussion of the status of the part 279 requirements in authorized states was based in large part on the fact that section 3006(h) of RCRA, which was added by Congress as part of the Superfund Amendments and Reauthorization Act of 1986, allows EPA to authorize state used oil programs in the same manner as state hazardous waste programs. EPA believes that Congress did not express an intent to treat used oil requirements under section 3014(a) as "HSWA" requirements, that is, as directly enforceable by EPA prior to State authorization under Section 3006(h). After publication of the September 10, 1992 notice, however, EPA realized that its position was arguably inconsistent with statements made in the preamble to the November 29, 1985 final rule promulgating standards for the burning of used oil, and that further clarification is necessary.

Some of the part 279 provisions promulgated in the used oil management standards consist of existing requirements that have been recodified from 40 CFR part 266, subpart E, as adopted in 1985. On November 29, 1985 (50 FR 49201), EPA issued the used oil burning requirements pursuant to the authority of section 8 of the Used Oil Recycling Act of 1980 (UORA), now incorporated as section 3014(a) of RCRA. At that time, there was no section 3006(h) and, therefore, no statutory mechanism existed to authorize states to operate programs for the recycling of non-hazardous used oil. EPA, therefore, took the position that the used oil burning requirements adopted under section 3014(a) would be Federally enforceable in both authorized and non-authorized states. With the addition of section 3006(h) to RCRA in 1986, however, that statutory authority to authorize states to regulate nonhazardous used oil recycling now exists. This raises the question of whether the old part 266, subpart E requirements should be treated like the other section 3014(a) requirements issued in 1992, that is, not Federally enforceable in states that have been authorized for the RCRA base program, but are not authorized for the subpart E requirements. EPA believes that, by the addition of section 3006(h) to RCRA, Congress could not have intended to make these requirements suddenly unenforceable in authorized states where they had been previously enforceable. Indeed, EPA believes that Congress intended for these requirements to be enforced both prior to and following the 1986 amendment to RCRA. Therefore, EPA is clarifying that all existing used oil burning requirements originally promulgated in 1985 remain Federally enforceable in all States which are not yet authorized for the former part 266, subpart E, whether or not the State has received RCRA subtitle C base program authorization.[1] States must modify their programs to include requirements equivalent to the Federal provisions or may promulgate more stringent regulations.

Table 1 of § 271.26 identifies which part 279 requirements represent the previous part 266, subpart E provisions that will continue to be Federally enforceable in States not authorized for these provisions. The regulatory text in part 279, subparts G and H has not been substantially changed from that previously found in part 266, subpart E. When revisions were made, the revisions were for clarification purposes only. Thus, §§ 279.10, 279.11, and most provisions of § 279.1 and of part 279, subparts G and H will continue to be Federally enforceable in states that have not yet adopted requirements equivalent to the previous part 266, subpart E requirements and received authorization from EPA to implement and enforce those requirements. For all other provisions of part 279, EPA continues to believe that it is the most consistent with the intent of Congress to treat these requirements in the same manner as non-HSWA provisions of the hazardous waste regulations, and as such, subject them to the RCRA state authorization program requirements. In the case of all new provisions (those not previously contained in part 266, subpart E), these provisions do not become effective in authorized states until individual states adopt the provisions and EPA grants the states authorization for the provisions.[2] In the case of those few states (Alaska, Hawaii, Iowa, Wyoming, and the U.S. Territories) that are not authorized for the RCRA base program, all part 279 provisions will be effective and Federally enforceable six months after promulgation of the part 279 provisions (March 8, 1993).

[1] In order to retain authorization for the RCRA program, states have been authorized to enforce the part 266, subpart E requirements. These states remain authorized to implement and enforce these provisions, and today's notice and the final recycled used oil regulations do not affect these states' authorities regarding the existing provisions. For convenience, authorization/processing of state applications is considered within HSWA Cluster I by EPA.

[2] As stated in the final rulemaking for recycled used oil management standards, authorized states must modify their programs by July 1, 1994 if no statutory changes are required, or by July 1, 1995 if statutory changes are necessary (see 57 FR 41605).

In Table 1 of § 271.26, EPA notes that there is no recodified provision in part 279 to correspond with the previous 40 CFR 266.43(b)(4)(vi). The Agency believes that the information required under former § 266.43(b)(4)(vi), i.e., a statement reading "This used oil is subject to EPA regulation under 40 CFR part 266," is unnecessary and redundant. Therefore, EPA has not included this requirement in the new used oil management standards.

Status of State	Before 3/8/93	As of 3/8/93
Non-authorized RCRA Base Program.	40 CFR part 266 subpart E Federally enforceable.	40 CFR part 279 is Federally enforceable.
Authorized RCRA Base Program Non-authorized part 266 subpart E.	40 CFR part 266 subpart E is Federally enforceable.	40 CFR part 279 subparts A–F and I are not enforceable until the state is granted authorization. 40 CFR part 279 subparts G and H are Federally enforceable.
Authorized RCRA Base Program Authorized part 266 subpart E.	40 CFR part 266 subpart E is State enforceable.	40 CFR part 279 subparts A–F and I are not enforceable until the state is granted authorization. 40 CFR part 279 subparts G and H are state enforceable[1].

[1] 40 CFR part 279, subparts G and H contain certain provisions which were not in part 266, subpart E. The State will continue to enforce only those provisions for which it obtained authorization (those provisions are listed in Table 1 of § 271.26).

B. Technical Corrections

1. Corrections to the Preamble Language

This action corrects several errors that were published in the September 10 final rule. There are several typographical errors in the preamble, as well as misstatements and incorrect references to regulatory and preamble sections. These corrections are described below.

1. On page 41579, in the second column, remove the word "and" in line ten so the line reads as follows: "is to be burned for energy recovery, the used oil will have to * * *"

2. On page 41581, in the first paragraph in the middle column, the reference to § 260.40(d)(2) should read § 266.40(d)(2).

3. On page 41583, in the middle column, six lines from the bottom, remove the reference to "section VI.D.3." of the preamble.

4. On page 41585, in the first paragraph of the first column, the reference to section "V.D.1.h." should read "VI.D.1.h."

5. On page 41585, in the last sentence of the section entitled *b. Used oil generated on ships,* the reference to "§ 279.10(e)(3)" should read "§ 279.10(f)".

6. On page 41587, the word "send" in line 18 in paragraph two of the second column should be revised to "sent".

7. On page 41590, in footnote 17, the reference to "section VI.E.5." of the preamble should read "section VI.D.4.", referring to the discussion of secondary containment provisions at processing/re-refining facilities.

8. On page 41590, in the first column, revise the heading and the first sentence of section (e) with the following text: "*DOT Requirements.* Persons offering used oil for transportation as well as persons transporting used oil that meets the definition of a hazardous material in 49 CFR 171.8, must comply with all applicable regulations in 49 CFR Parts 171 through 180." Also add the additional new text after the first sentence. "On February 2, 1993, the Department of Transportation published an interim final rule which amended the DOT's hazardous materials regulation by regulating oil as a hazardous material. The interested reader is referred to this document for further information regarding the applicability of this rule."

9. On page 41591, in the second paragraph of the middle column, and on page 41596, in the first paragraph of the first column, the reference to "40 CFR 112.79(c)" should read "40 CFR 112.7(c)".

10. In footnote 21 on page 41595, the reference to preamble section "VI.E.5." should read "VI.D.3."

11. On page 41598, in the last sentence of the first paragraph of the section entitled *1. Closure,* remove the phrase "per 40 CFR 261.3(d)," and add the following sentence to the end of the paragraph: "For a determination of hazard regarding contaminated media and other materials, see 40 CFR 261.3, as well as EPA's 'contained-in principle' (57 FR 983 (Jan. 9, 1992) and 57 FR 37225 (Aug. 18, 1992))."

12. On the same page, in the last sentence of the last full paragraph in the third column, remove the phrase "per 40 CFR 261.3(d) or 261.4(b)" and add the following sentence to the end of the paragraph: "For a determination of hazard regarding contaminated media and other materials, see 40 CFR 261.3, 261.4(b), as well as EPA's 'contained-in principle' (57 FR 983 (Jan. 9, 1992) and 57 FR 37225 (Aug. 18, 1992))."

13. On page 41599, under part 5(a) revise the reference to "266.41", in the third sentence, to read "266.40".

14. On page 41600, under 5.f. Storage Requirements, after the last word of the first paragraph, add the following text ", or units subject to regulation under 40 CFR parts 264 or 265."

15. On page 41600, in the first paragraph of the middle column, the reference to preamble "section VI.5.f." should read "section VI.D.4."

16. On page 41600, in the section entitled *h. Used oil fuel analysis (halogens),* the reference to "§ 266.40" should read more specifically as "§ 266.40(c)".

17. On page 41605, in the first column, first complete paragraph, second sentence, add the words "and on Indian lands" after the word "states" so that the text reads as follows: "The rules will take effect in states and on Indian lands that do not have final authorization . . ."

18. On page 41605, second column, first complete paragraph, second sentence, after the word "states" add the words "and Indian lands" so that the text reads as follows: "That is, in the unauthorized states and Indian lands, a used oil . . ."

2. Clarification of Issues Discussed in the Preamble

In addition to the corrections listed above, EPA wishes to clarify several issues discussed in the preamble of the May 20, 1992 and September 10, 1992 rule.

EPA is clarifying the definition of used oil processing as it relates to the act of gravity hot-draining used oil from non-terne plated used oil filters. The definition of used oil processing was intended to regulate the process of making used oil more amenable for production of fuel oils, lubricants and other used oil derived products. The act of physically separating used oil from non-terne plated used oil filters does not fall under the processing definition if the act is conducted for the purpose of removing the used oil for management under part 279. The Agency did not intend to regulate the removal of used

oil from non-terne plated used oil filters under the § 279.1 processing definition, and therefore clarifies the distinction between the "removal of used oil from solid waste," which does not fit under the processing definition, and "making used oil more amenable for production of fuel oils, lubricants and other used oil derived products" which does fit under the processing definition.

On page 41574, in the third column, the first sentence of the first full paragraph incorrectly states that residues or sludges from the processing of used oil are not regulated under part 279. In fact, as evidenced by § 279.10(e), EPA did intend to regulate such residuals if burned for energy recovery or used in a manner constituting disposal, with the exception of re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

On page 41583, in the first column at the end of section g.iii, EPA incorrectly states that mixtures of used oil and diesel fuel mixed by a generator for use in its own vehicles "must be managed in accordance with the used oil fuel specification regulations." In fact, as the language of section 279.20(a)(3) states, EPA does not intend to regulate such mixtures under any provision of part 279 once the mixing has occurred.

On page 41587, near the middle of the first column, EPA cites Alabama's Project ROSE as an example of a program that runs "do-it-yourself" used oil collection centers. This is not entirely accurate. While Project ROSE may administer some collection centers that accept used oil solely from household DIY generators, the preamble correctly describes the Alabama program in stating that it accepts used oil from commercial generators as well. Therefore, Project ROSE is not the best example of a "DIY used oil collection center," since by definition, such collection centers are not authorized to accept used oil from regulated generators. The Project ROSE program provides a better example of a "used oil collection center," as defined in § 279.1 and discussed above.

On page 41582, in footnote 9, EPA misquotes the words of § 279.61(a)(3) to say that off-spec. used oil may be burned in an incinerator "in compliance with subpart O of 49 CFR parts 264/265." The language of the regulation actually reads "subject to regulation under 40 CFR part 264 or 265." EPA makes the same or similar errors on page 41586 in the last full paragraph of the first column, on page 41599 in section b.(4), and on page 41600 in footnote 23.

On page 41601, the first paragraph of section 6 states that the requirements for marketers formerly contained in § 266.43 were recodified in part 279, subpart H "without modification." In fact, EPA did introduce certain changes to these requirements. EPA added certain exemptions to the "rebuttable presumption" of mixing used oil with hazardous waste, added additional definitions, and made certain changes to the record-keeping requirements on marketers. EPA also amended the definition of "marketer" to include only those persons who initiate the shipment of off-specification used oil fuel directly to a used oil burner or who are the first to claim that a used oil fuel meets the specification. The former definition of marketer included those who market off-specification fuel to other marketers. EPA made this change because those persons who initiate shipments of off-specification fuel to other marketers are already covered by the new tracking requirements in part 279 for generators, transporters, or recycling facilities. Similarly, the first full sentence in the middle column following Table VI.6. implies that there is an entity called a "fuel oil dealer" who is neither a generator, transporter, or recycling facility who may be selling on-specification fuel. This statement is misleading in light of the revised definition of marketer in part 279. "Fuel oil dealers" who never handle used oil fuel were never intended to be regulated by part 266, subpart E, and are not regulated under the new part 279, subpart H. Persons who accept off-specification used oil fuel from a generator, transporter, or recycling facility and market it to a burner are subject to regulation under part 279 as marketers.

EPA discussed the requirements for used oil storage at several places in the preamble. The regulations at §§ 279.22(a), 279.45(b), 279.54(a), and 279.64(a) state that used oil generators, transporters, processors/re-refiners, and burners must not store used oil in units other than tanks, containers, or units subject to regulation under part 264 or 265 of 40 CFR. In the preamble discussions of storage (57 FR 41586, 41591, 41594, and 41600), EPA makes reference to compliance with parts 264 or 265 only with respect to surface impoundments (parts 264 or 265, subpart K). EPA clarifies that nothing precludes a used oil handler from storing used oil in a container or tank that is subject to regulation under the applicable requirements of part 264 or 265 (*i.e.*, subparts I and J, respectively). These requirements are more stringent than the used oil management standards promulgated on September 10 and, therefore, provide an adequate level of protection of human health and the environment. As stated on page 41591 in the discussion of storage at used oil transfer facilities, any used oil transfer facility that is currently in compliance with the part 265, subpart J requirements (for aboveground tanks) will be deemed in compliance with the requirements promulgated today. Such is the case for other types of used oil handlers and other types of storage units as well.

On page 41599, EPA explained that off-specification used oil may be burned only in certain devices. In the preamble to the 1985 regulations, EPA explained that the regulations were designed only to address the burning of used oil in such devices and that they did not apply to the burning of used oil in other devices such as diesel and marine engines because EPA did not develop the used oil specification with these types of devices in mind (see 50 FR 49192). EPA wishes to clarify that the provisions of §§ 279.12(c) and 279.61(a) were not intended to alter this pre-existing policy. Therefore, the burning of used oil in devices such as diesel and marine engines is not subject to regulation under part 279, subpart G.

3. Corrections to the Regulatory Language

In the September 10 rule, EPA exempted from regulation both as used oil and as hazardous waste, those distillation bottoms from used oil re-refining that are used for making asphalt products from regulation [§ 279.10(e)]. This action moves part of that provision without change to § 261.4(b), the appropriate location for an exclusionary provision from the definition of hazardous waste. In addition, this notice corrects a numbering error that was made in the May 20, 1992 final rule (57 FR 21534) and repeated in the Correction Notice of July 1, 1992 (57 FR 29220). In both the May 20 final rule and the subsequent correction notice, the exclusion for non-terne plated used oil filters was codified as subparagraph (b)(15) of § 261.4 even though EPA had not yet promulgated paragraphs (b)(13) or (b)(14). This action corrects these errors by redesignating the used oil filter exclusion as § 261.4(b)(13).

The Agency is amending § 271.16, *Requirements for Enforcement Authority*, to add language regarding violations of the used oil management standards. This section sets out the requirements for criminal enforcement authority for states seeking authorization to operate state programs

in lieu of subtitle C programs. Congress amended RCRA in 1986 to clarify that EPA's criminal enforcement authorities for violations of subtitle C requirements extend to violations of requirements for used oil that is regulated under section 3014 of RCRA but not listed or identified as a hazardous waste. Congress also amended section 3006(h) to require EPA to apply the same standards and procedures in its review of state programs for nonhazardous used oil, that it applies when reviewing programs for hazardous wastes under subtitle C. In other words, state programs for nonhazardous used oil must be equivalent to and consistent with the federal program (and programs in other states). Such programs must also provide for adequate enforcement.

Congress clearly felt that criminal enforcement authorities were essential to successful implementation of federal regulatory program for nonhazardous used oils. EPA believes that criminal enforcement authority is equally important to adequate enforcement of state programs for nonhazardous used oils. Consequently, EPA is amending § 271.16 to clarify that any state that decides to regulate recycled used oil as nonhazardous waste and apply to EPA for authorization to operate its state program in lieu of the federal program must show that it has authority to bring criminal enforcement actions for specified violations of its used oil program.

In addition, EPA is amending § 279.10(i), dealing with PCB-contaminated used oil. The language codified in the September 10 rule indicated that used oils contaminated with PCBs, which are regulated under part 761 of the TSCA regulations, are exempt from the part 279 requirements. EPA's intent was to avoid duplicative regulation of such used oils, and the Agency mistakenly included this language in § 279.10(i), assuming that the requirements in § 761.20(e) comprehensively regulated such oils. The language in § 761.20(e), however, incorporates by reference the requirements of the former part 266, subpart E and supplements them, rather than substitutes for them, such that PCB-contaminated used oils are currently subject to both RCRA and TSCA regulations governing the burning of used oil for energy recovery. EPA did not intend, by the promulgation of part 279, to relax the existing requirements on used oils containing PCBs. EPA, therefore, is amending § 279.10(i) to accurately reflect the complementary nature of the RCRA and TSCA regulations. Marketers and burners who market used oil containing any quantifiable level of PCBs must comply with applicable standards of part 279 as well as additional standards and restrictions under 40 CFR 761.20(e).

Consistent with this change to the regulations, in the preamble statement on page 41583, in section (v) in the middle column, *PCB-contaminated used oils*, the following clarifying sentences should be added to the end of the paragraph: "Marketers and burners of used oil who market used oil fuel containing any quantifiable level of PCBs are subject to applicable standards on marketing and burning used oil containing PCBs found at 40 CFR 761.20(e). Blending for the purpose of reducing the concentration of PCBs to below 50 ppm or the level of detection is prohibited."

On page 41581 of the preamble, EPA explained that it was adopting a "no free flowing oil" concept to address the regulation of materials containing or otherwise contaminated with used oil. EPA explained that if there was no visible sign of free-flowing oil on or in a material, the material would not be regulated as used oil. Materials containing or otherwise contaminated with used oil would be regulated as used oil until the used oil was removed from the material, and the oil removed from such a material would also be regulated as used oil. The regulatory language in § 279.10(c), however, unintentionally suggests that such materials continue to be regulated as used oil even after the oil is removed. Therefore, EPA is amending § 279.10(c) to implement the "free-flowing oil" concept to be consistent with its original intent.

EPA has added a paragraph to § 279.12(c) so that it is consistent with the language in § 279.61(a).

The language in § 279.21(a) mistakenly suggests that used oil generators may not mix used oil with hazardous waste if the resulting mixture is hazardous. In fact, EPA meant only to clarify that used oil generators must comply with § 279.10(b) as well as any subtitle C requirements that may apply to the mixture. EPA has amended the provision accordingly.

The storage provisions in the September 10, 1992 rule (§§ 279.22, 279.45, 279.54, and 279.64) all contain similar errors. Each provision contains a reference to the "de minimis" wastewater provision of § 279.10(f) which is unnecessary and somewhat confusing. EPA is deleting these references. In addition, all four provisions refer to used oil "generators," even though only § 279.22 applies to generators. EPA corrects these errors. EPA also corrects the reference to "generators" in § 279.74(a).

EPA is amending the first sentence of § 279.40(a)(4) by deleting the misleading phrase "from the initial generator." EPA did not intend for do-it-yourselfers to be considered generators. Rather, the generator is to be considered the person who accepts or picks up the DIY oil for proper management.

EPA is revising the language in § 279.43 (b), which merely cross-references DOT hazardous materials transportation regulations in title 49 of the CFR to which used oil transporters may be subject. The original language could have been interpreted to expand the scope of the DOT regulations, which was not EPA's intent.

EPA is revising the language in § 279.45(d)(1) by adding a paragraph (d)(1)(iii) to this section. Paragraph (d)(1)(iii) provides an equivalent secondary containment system for used oil stored in containers. EPA already provides an equivalent secondary containment system for used oil stored in existing and new aboveground tanks. Therefore, EPA is now providing this regulation for used oil stored in containers to allow for consistency in the storage of used oil stored in aboveground tanks and containers. This revision is also added to § 279.54(c)(1).

Administrative Procedures Act (APA) Requirements

Today's rule is issued without prior notice and comment. All changes being made either correct errors or help to clarify the language contained in the May 20, 1992 and September 10, 1992 final rules. No further public comment is necessary.

List of Subjects

40 CFR Part 261

Hazardous waste, Recycling, Reporting and recordkeeping requirements.

40 CFR Part 264

Hazardous waste, Packaging and containers, Security measures, Surety bonds.

40 CFR Part 265

Hazardous waste, Packaging and containers, Security measures, Surety bonds.

40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and

recordkeeping requirements, Water pollution control, Water supply.

40 CFR Part 279

Petroleum, Recycling, Reporting and recordkeeping requirements, Used oil.

Dated: March 22, 1993.

Richard J. Guimond,

Assistant Surgeon General, USPHS, Acting Assistant Administrator.

For the reasons set out in the preamble title 40 of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921–6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

§ 261.4 [Amended]

2. Section 261.4 is amended by redesignating paragraph (b)(15) as (b)(13).

3. Section 261.4 is amended by adding paragraph (b)(14) to read as follows:

§ 261.4 Exclusions.

* * * * *

(b) * * *

(14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

* * * * *

§ 261.5 [Amended]

4. In paragraph (j), revise the phrase "subpart G of part 279," to read "part 279."

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

5. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

6. Section 264.1 is amended by revising paragraph (g)(2) to read as follows:

§ 264.1 Purpose, scope, and applicability.

* * * * *

(g) * * *

(2) The owner or operator of a facility managing recyclable materials described in § 261.6 (a)(2), (3), and (4) of this chapter (except to the extent they are referred to in part 279 or subparts C, D, F, or G of part 266 of this chapter).

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

7. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, 6935, and 6936.

8. Section 265.1 is amended by revising paragraph (c)(6) to read as follows:

§ 265.1 Purpose, scope, and applicability.

* * * * *

(c) * * *

(6) The owner or operator of a facility managing recyclable materials described in § 261.6 (a)(2), (3), and (4) of this chapter (except to the extent they are referred to in part 279 or subparts C, D, F, or G of part 266 of this chapter).

* * * * *

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

9. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

10. Section 271.16 is amended by revising paragraph (a)(3)(ii) to read as follows:

§ 271.16 Requirements for enforcement authority.

(a) * * *

(3) * * *

(ii) Criminal remedies shall be obtainable against any person who knowingly transports, treats, stores, disposes or recycles any used oil regulated by EPA under section 3014 of RCRA that is not listed or identified as a hazardous waste under the state's hazardous waste program in violation of standards or regulations for management of such used oil; or who makes any false statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained, or used for purposes of program compliance (including compliance with any standards or regulations for used oil regulated by EPA under section 3014 of RCRA that is not listed or identified as hazardous waste).

* * * * *

§ 271.26 [Amended]

11. The second sentence in § 271.26(g) is amended by adding a parenthesis after the phrase "as part of its authorization petition submitted to EPA under § 271.5"

12. Section 271.26 is amended further by adding paragraph (h) and Table 1 to read as follows:

§ 271.26 Requirements for used oil management.

* * * * *

(h)(1) Unless otherwise provided in part 271, state programs shall have standards for the marketing and burning of used oil for energy recovery that are at least as stringent as the requirements and prohibitions that EPA adopted on November 29, in 40 CFR part 266, subpart E of this chapter. The part 279 of this chapter requirements specified in Table 1 (except those provisions identified in footnotes 1 and 2 of Table 1) are Federally enforceable in those states that have not adopted state requirements equivalent to 40 CFR part 279, subparts G and H of this chapter requirements and have not been authorized to enforce the state requirements.

TABLE 1.—REGULATIONS ADOPTED NOVEMBER 29, 1985 REGARDING THE BURNING OF USED OIL FOR ENERGY RECOVERY

[These Part 279 provisions will continue to be enforced by EPA]

Former provisions of 40 CFR part 266, subpart E (1992)	Recodified provisions within 40 CFR part 279
Sec. 266.40(a)	Sec. 279.60(a)
Sec. 266.40(b)	Sec. 279.1 [1]
Sec. 266.40(c) [rebuttable presumption].	Sec. 279.63(a), (b) and (c) [2]
Sec. 266.40(d)(1) and (2).	Sec. 279.10(b)(2) and (3)
Sec. 266.40(e)	Sec. 279.11
	Sec. 279.60(c)
Sec. 266.41(a)(1) and (2).	Sec. 279.71
266.41(b)(1) and (2)	Sec. 279.61(a)
	279.23(a)
Sec. 266.42(a)	Sec. 279.60(a)
Sec. 266.42(b)	Sec. 279.70(a)
Sec. 266.42(c)	Sec. 279.60(a)
Sec. 266.43(a)(1)	Sec. 279.70(a) and (b)(1)
Sec. 266.43(a)(2)	Sec. 279.70(b)(2)
Sec. 266.43(b)(1)	Sec. 279.72(a)
Sec. 266.43(b)(2)	Sec. 279.71
Sec. 266.43(b)(3)	Sec. 279.73(a)
Sec. 266.43(b)(4)(i–v)	Sec. 279.74(a)
Sec. 266.43(b)(4)(vi)	not included
Sec. 266.43(b)(5)(i) and (ii).	Sec. 279.75(a)
Sec. 266.43(b)(6)(i)	Sec. 279.74(b) and (c)
	279.72(b)
Sec. 266.43(b)(6)(ii)	Sec. 279.74(a)
	Sec. 279.75(b)
Sec. 266.44(a)	Sec. 279.61(a)
	Sec. 279.23(a)
Sec. 266.44(b)	Sec. 279.62(a)
Sec. 266.44(c)	Sec. 279.66(a)
Sec. 266.44(d)	Sec. 279.72(a)

TABLE 1.—REGULATIONS ADOPTED NOVEMBER 29, 1985 REGARDING THE BURNING OF USED OIL FOR ENERGY RECOVERY—Continued

[These Part 279 provisions will continue to be enforced by EPA]

Former provisions of 40 CFR part 266, subpart E (1992)	Recodified provisions within 40 CFR part 279
Sec. 266.44(e)	Sec. 279.65(a) and (b) Sec. 279.66(b) Sec. 279.72(b)

[1] Contains additional new definitions that were not included in the 1985 rule.

[2] Paragraphs (c)(1) and (2) of § 279.63 contain new exemptions from the rebuttable presumption that were not part of the 1985 rule.

(2) In states that have not been authorized for the RCRA base program, all requirements of Part 279 will be Federally enforceable effective March 8, 1993.

PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL

13. The authority citation for part 279 continues to read as follows:

Authority: Sections 1006, 2002(a), 3001 through 3007, 3010, 3014, and 7004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and sections 101(37) and 114(c) of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

§ 279.1 [Amended]

14. In § 279.1, the definition of "used oil," is amended by revising the phrase "if contaminated" to read "is contaminated."

15. Section 279.10 is amended by revising paragraph (b)(2) introductory text to read as follows:

§ 279.10 Applicability.

* * * * *

(b) * * *

(2) Characteristic hazardous waste. Mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristic identified in subpart C of part 261 of this chapter and mixtures of used oil and hazardous waste that is listed in subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C are subject to:

* * * * *

16. Section § 279.10(b)(2)(ii) is amended by adding the phrase "Except as specified in § 279.10(b)(2)(iii)" at the beginning of the paragraph.

17. In § 279.10(b)(2)(iii) revise the phrase "because if exhibits" to read "because it exhibits".

18. In § 279.10(d)(1) revise the phrase "or other products" to read "or other fuel products".

19. In § 279.10(e)(3)(ii) revise the phrase "if the materials are identified as hazardous waste" to read "if the materials are listed or identified as hazardous wastes."

20. Section 279.10 is amended further by revising paragraph (c), paragraph (e)(4) and paragraph (i) to read as follows:

§ 279.10 Applicability.

* * * * *

(c) *Materials containing or otherwise contaminated with used oil.* (1) Except as provided in paragraph (c)(2) of this section, materials containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:

(i) Are not used oil and thus not subject to this part, and

(ii) If applicable are subject to the hazardous waste regulations of parts 124, 260 through 266, 268, and 270 of this chapter.

(2) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under this part.

(3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this part.

* * * * *

(e) * * *

(4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this part.

* * * * *

(i) *Used oil containing PCBs.* In addition to the requirements of 40 CFR part 279, marketers and burners of used oil who market used oil containing any quantifiable level of PCBs are subject to the requirements found at 40 CFR 761.20(e).

21. The table in § 279.11 is amended by adding a note to the end to read as follows:

§ 279.11 Used oil specifications.

* * * * *

Note: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e).

22. Section 279.12 is amended by adding paragraph (c)(3) to read as follows:

§ 279.12 Prohibitions.

* * * * *

(c) * * *

(3) Hazardous waste incinerators subject to regulation under subpart O of parts 264 or 265 of this chapter.

* * * * *

23. Section 279.21 is amended by revising paragraph (a) to read as follows:

§ 279.21 Hazardous waste mixing.

(a) Mixtures of used oil and hazardous waste must be managed in accordance with § 279.10(b).

* * * * *

§ 279.22 [Amended]

24. The first sentence of § 279.22 is removed.

§ 279.23 [Amended]

25. In § 279.23 remove paragraph (b) and redesignate paragraph (a) as introductory text and paragraphs (a)(1) through (3) as (a) through (c) respectively.

§ 279.40 [Amended]

26. In the first sentence of § 279.40 (a)(4), revise the words "generated by," to read "from" and remove the words "from the initial generator."

27. In § 279.40 (d)(4), the phrase "of the partial Marketers" is removed.

§ 279.42 [Amended]

28. In § 279.42 paragraph (a) is revised to read as follows:

§ 279.42 Notifiction.

(a) *Identification numbers.* Used oil transporters that have previously notified EPA of hazardous waste and other used oil management activities and obtained a U.S. EPA Identification Number must renotify to identify their used oil transporter activities.

* * * * *

29. In § 279.42(b)(1), revise the phrase "To obtain EPA Form 8700–12" to read "To obtain ordering information for EPA Form 8700–12".

30. Section 279.43 is amended by revising paragraph (b) to read as follows:

§ 279.43 Used oil transportation.

* * * * *

(b) *DOT Requirements.* Used oil transporters must comply with all applicable requirements under the U.S. Department of Transportation regulations in 49 CFR parts 171 through 180. Persons transporting used oil that meets the definition of a hazardous material in 49 CFR 171.8 must comply with all applicable regulations in 49 CFR parts 171 through 180.

* * * * *

§ 279.45 [Amended]

31. Section 279.45 is amended by removing the first sentence and revising

the word "generators" in the third sentence to read "transporters".

32. In § 279.45 add paragraph (d)(1)(iii) and revise the period at the end of paragraph (d)(1)(ii) to read "; or" as follows:

§ 279.45 Used oil storage at transfer facilities.

(d) * * *

(1) * * *

(iii) An equivalent secondary containment system.

* * * * *

§ 279.51 [Amended]

33. Paragraph (a) of § 279.51 is revised to read as follows:

§ 279.51 Notification.

(a) Identification numbers. Used oil processors/rerefiners that have previously notified EPA of hazardous waste and other used oil management activities and obtained a U.S. EPA Identification Number must renotify to identify their used oil processors/rerefiners activities.

* * * * *

§ 279.52 [Amended]

34. In § 279.52(b)(6)(viii)(C) revise the phrase "paragraph (h) of this section" to read "paragraphs (b)(6)(viii) (A) and (B) of this section.".

§ 279.54 [Amended]

35. In § 279.54, remove the first sentence and revise the word "generators" in the third sentence to read "processors/re-refiners".

36. In § 279.54(a) remove the words "or process".

37. Section 279.54 is amended by adding paragraph (c)(1)(iii) and by revising the period after paragraph (c)(1)(ii) to read "; or" as follows:

§ 279.54 Used oil management.

* * * * *

(c) * * *

(1) * * *

(iii) An equivalent secondary containment system.

* * * * *

§ 279.60 [Amended]

38. In § 279.60 (b)(1) revise "this subpart" to read "with subpart".

§ 279.62 [Amended]

39. In § 279.62 paragraph (a)(1) is revised to read as follows:

§ 279.62 Notification.

* * * * *

(a) Used oil burners that have not previously notified EPA of their used oil burning activities must notify EPA to identify their used oil burning activities. Even if a burner has previously notified EPA of hazardous waste management activities under section 3010 of RCRA and obtained an identification number, the used oil burner must renotify to identify used oil burning activities.

* * * * *

§ 279.64 [Amended]

40. Section 279.64 is amended by removing the first sentence of this section and revising the word "generators" in the third sentence to read "burners".

§ 279.70 [Amended]

41. In § 279.70(a), revise the word "section" to read "subpart."

§ 279.72 [Amended]

42. In § 279.72(a), remove the last sentence.

§ 279.73 [Amended]

43. In § 279.73(a), revise "this section" to read "this subpart."

44. In § 279.73 paragraph (a) is revised to read as follows:

§ 279.73 Notification.

(a) Used oil fuel marketers that have not previously notified EPA of their used oil fuel marketing activities must notify EPA to identify these used oil fuel marketing activities. Even if a used oil fuel marketer has previously notified EPA of hazardous waste management activities under section 3010 of RCRA and obtained an identification number, the used oil fuel marketer must renotify to identify used oil fuel marketing activities.

* * * * *

§ 279.74 [Amended]

45. In the first sentence of § 279.74(a), revise the word "generator" to read "marketer."

[FR Doc. 93–10212 Filed 4–30–93; 8:45 am]

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federal register

Monday
May 3, 1993

Part V

Department of Transportation

Coast Guard

33 CFR Part 100

Special Local Regulations: Annual Marine Events Within the Second Coast Guard District; Rule and Notice

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD2-93-02]

Special Local Regulations: Annual Marine Events Within the Second Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising its list of annual marine events which occur within the Second Coast Guard District. Publication of this list in part 100 of the Code of Federal Regulation eliminates the necessity of publishing separate special local regulations for each event. The revised list reflects the approximate dates, and locations of each annual marine event for 1993.

EFFECTIVE DATES: These regulations become effective on May 3, 1993.

ADDRESSES: To be placed on a mailing list for notices about marine events, write to Commander (oan), Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832.

FOR FURTHER INFORMATION CONTACT: ENS D.R. Dean, Chief, Boating Affairs Branch, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri, 63103-2832. The telephone number is (314) 539-3971.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable since the dates of many of the annual events were not known until February 26, 1993, and there was not sufficient time remaining to publish a proposal in advance of some of the events for which the regulation is needed. Likewise, there was not sufficient time to provide for a delayed effective date.

Although this regulation is published as a final rule without prior notice, public comment is nevertheless desirable to ensure that the regulation is both workable and reasonable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under **ADDRESSES** in this preamble. Those with comments should include their names and addresses, identify the docket number for the regulation, and give reasons for their comments. Based upon comments received, the regulation may be changed.

Drafting Information

The drafters of these regulations are ENS D.R. Dean, project officer, Second Coast Guard District Boating Safety Division, and CDR Walt Brawand, project attorney, Second Coast Guard District Legal Office.

Discussion of Regulations

This rulemaking merely updates an existing list of anticipated annual events. Each year various public and private organizations sponsor marine events on navigable waters of the United States within the Second Coast Guard District. These events include slow-moving boat parades, raft races, high-speed hydroplane races, steamboat races, fireworks displays, and other water-related events. The listed events are held in approximately the same location and during the same general period of time each year. The nature of each event is such that special local regulations are deemed necessary to ensure the safety of life and property on and adjacent to navigable waters during the events. During these events the river will be closed during portions of the effective periods to all vessel traffic except participants, official regatta vessels and patrol craft. Actual river closures will not exceed three hours in duration. Mariners will be afforded enough time between closure periods to transit the area.

Table One gives the approximate dates, and the times and locations for the annual events listed. Each year, one or more Notices will be published giving the exact dates, times and locations for the annual events. It should be noted that Table One in the regulation is not a complete list of all marine events that will occur in the Second Coast Guard District. It does not include events which the District Commander has determined do not require establishment of regulations for the safety of life and property on or adjacent to navigable waters. It also does not include non-annual events or events which have not been scheduled in time for this publication.

Economic Assessment and Certification

The regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant under the guidelines of DOT Order 2100.5 of May 22, 1980, Policies and Procedures for Simplification, Analysis, and Review of Regulations. An economic evaluation has not been conducted as the impact of these regulations is expected to be minimal. The above conclusions follow from the temporary duration of the anticipated regulated areas. If issued separately, the impact of each temporary regatta regulation would be deemed minimal. There is no reason to believe that compiling the anticipated events and the attendant regulations into a consolidated list would increase the otherwise minimal economic impact. Further, this rule merely provides current information to update an existing regulation without changing the impact of the regulation on the public. Pursuant to 5 U.S.C. 601, *et seq.*, the Regulatory Flexibility Act, it is certified that the regulations will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This section has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant preparation of a Federalism Assessment. As noted above, this rulemaking merely updates an existing list of anticipated annual events.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.201 is amended by revising paragraphs (a) and (c), adding a new paragraph (d) and revising Table One immediately following the section to read as follows:

§ 100.201 Annual marine events within the Second Coast Guard District.

(a) Permanent special local regulations are hereby established for the marine events listed in Table 1. These regulations will be effective annually within the zones and on the approximate dates and times as indicated in Table One. Additional information concerning each event, including dates, times, locations, and event descriptions, will be published in the **Federal Register** and in Local Notices to Mariners. To be placed on the mailing list for Local Notices to Mariners, contact: Commander (oan), Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri, 63103-2832.

* * * * *

(c) Effective dates: The effective dates and times for each regulation will be published in the **Federal Register** and published and broadcast in Local Notices to Mariners. All times listed will represent local times.

(d) Duration of closure: During these events the river will be closed during portions of the effective periods to all vessel traffic except participants, official regatta vessels and patrol craft. Actual river closures will not exceed three hours in duration. Mariners will be afforded enough time between closure periods to transit the area.

Table One

1. Thunder Over Louisville
   Sponsor: Visual Presentations
   Date: Mid April (Saturday, two weeks before KY Derby)
   Location: From Falls to Kennedy Bridge (must remain free of boats 7–10 p.m.) Ohio River mile 603.2–604.3, Louisville, KY
2. KY Derby Festival Great Steamboat Race
   Sponsor: Kentucky Derby Festival/Belle of Louisville Operating Board
   Date: Late April/Early May (one week before KY Derby)
   Location: Ohio River mile 604.0–597.0, Louisville, KY
3. Memphis in May Canoe & Kayak Race
   Sponsor: Outdoors Inc.
   Date: First or second Saturday in May
   Location: Lower Mississippi River mile 738.5–735.5, Memphis, TN
4. Three Rivers Festival and Regatta
   Sponsor: Three Rivers Festival and Regatta
   Date: Late May (two day event)
   Location: Paletine Park Everest Drive/Water Street-Monongahela River mile 126.0–128.73, Fairmont, WV
5. Riverfest (Little Rock, AR)
   Sponsor: Riverfest, Inc.
   Date: Late May (Sunday before Memorial Day)
   Location: Main St. Bridge-Arkansas River mile 118.0–119.5, Little Rock, AR
6. Quad City River Bandits
   Sponsor: Quad City River Bandits Baseball Club
   Date: Late May (one day event)
   Location: 209 Gaines Street—River front-Upper Mississippi River mile 482.0–482.5, Davenport, IA
7. Cape Girardeau Riverfest
   Sponsor: Cape Girardeau Riverfest Association
   Date: Mid June (two day event)
   Location: Over the river, along the riverfront, downtown Cape Girardeau-Upper Mississippi River mile 51.5–52.5, Cape Girardeau, MO
8. Peoria Steamboat Days
   Sponsor: Peoria Area Community Events, Inc.
   Date: Mid June (four day event)
   Location: Illinois River mile 162.0–163.0, Peoria, IL
9. St. Albans FOP "Say No To Drugs" Fireworks
   Sponsor: St. Albans FOP
   Date: Mid June (one day event)
   Location: Kanawha River mile 46.0–47.0 at St. Albans Roadside Park, St. Albans, WV
10. Riverfest Fireworks Display
    Sponsor: Old Fort Riverfest Committee
    Date: Saturday, Mid June
    Location: Arkansas River mile 297.0–298.0, Fort Smith, AR
11. Burlington Steamboat Days
    Sponsor: Burlington Steamboat Days
    Date: Late June (one day event)
    Location: Upper Mississippi River mile 403.5–404.5, Burlington, IA
12. Freedom Festival's Thunder on the Ohio
    Sponsor: Evansville Freedom Festival
    Date: Late June (three day event)
    Location: Ohio River mile 792.0–793.0, Evansville, IN
13. Riverfest (Pt. Pleasant, WV)
    Sponsor: City of Point Pleasant
    Date: Saturday, late June
    Location: Mouth of the Kanawha River mile 0.5 to Ohio River mile 265.0, Point Pleasant, WV
14. Sternwheel Regatta
    Sponsor: City of Augusta
    Date: Saturday, late June
    Location: Waterfront-Ohio River mile 426.0–429.0, Augusta, KY
15. City of Pittsburgh Independence Eve Celebration
    Sponsor: Citiparks
    Date: Early July (one day event)
    Location: Point State Park, Pittsburgh, PA 15219
16. Ashland Tri-State Fair and Regatta
    Sponsor: Tri-State Fair and Regatta
    Date: Early July (four day event, including weekend near Fourth of July)
    Location: Ashland Public Boat Dock-Ohio River mile 322.0–323.0, Huntington, WV
17. Riverfest, Inc. (La Crosse, WI)
    Sponsor: Riverfest, Inc.
    Date: Early July (five day event, including weekend near Fourth of July)
    Location: Riverside Park, La Crosse-Upper Mississippi River mile 697.5–698.5, La Crosse, WI
18. Huntington Pops Orchestra Concert
    Sponsor: The Twentieth Street Bank
    Date: Early July (one day event)
    Location: Harris Riverfront Ampitheatre-Ohio River mile 308.0–309.5, Huntington, WV
19. July 4th Fireworks
    Sponsor: KDTH/KATF Radio
    Date: Fourth of July
    Location: Dubuque, Iowa Volunteer Road between Hawthorne & Lime-Upper Mississippi River mile 581.5–583.0, Dubuque, IA
20. Moline Riverfest
    Sponsor: City of Moline
    Date: Early July (three day event including weekend near the Fourth of July
    Location: City of Moline-Upper Mississippi River mile 486.0–488.0, Moline, IL
21. Budweiser Indiana Governor's Cup
    Sponsor: Madison Regatta, Inc.
    Date: Early July (two day event including weekend near the Fourth of July
    Location: Ohio River mile 557.0–558.0, Madison, IN
22. Owensboro Summer Festival
    Sponsor: Owensboro Summer Festival, Inc.
    Date: Fourth of July
    Location: Boat Dock at Foot of Frederica St.-Ohio River mile 756.5–758.0, Owensboro, KY
23. Skyconcert—4th of July Celebration
    Sponsor: WKZW
    Date: Fourth of July
    Location: Illinois River mile 162.0–163.0, Peoria, IL
24. Riverfest (Fort Madison, IA)
    Sponsor: Rivercities Fireworks Corp.
    Date: Fourth of July
    Location: Upper Mississippi River mile 202.5–203.2, Fort Madison, IA
25. Fireworks Display (Buchanan, TN)
    Sponsor: Tennessee Dept. of Environment & Conservation Division of Parks & Recreation
    Date: Fourth of July
    Location: Tennessee River mile 66.0–67.0, Buchanan, TN
26. Muscatine 4th of July Fireworks
    Sponsor: Muscatine Jaycees
    Date: Fourth of July
    Location: Illinois side of River on shore-Upper Mississippi River mile 450.5–451.5, Muscatine, IA
27. Star Spangled Celebration
    Sponsor: WMC Stations
    Date: Fourth of July
    Location: Mud Island (West side of Southern Tip) Audience on Tom Lee Park/Riverside Drive-Lower Mississippi River mile 735.5–736.5, Memphis, TN
28. Fourth of July Fireworks Display
    Sponsor: Charleston Festival Commission, Inc.
    Date: Fourth of July
    Location: Ohio River mile 59.9–61.2

29. July 4th Concert
Sponsor: Cincinnati Symphony Orchestra
Date: Forth of July
Location: Riverbend Music Center-Ohio River mile 460.5–461.5, Cincinnati, OH

30. St. Charles Jaycees Riverfest 1993 Fireworks Show
Sponsor: St. Charles Jaycees
Date: Fourth of July
Location: Missouri River mile 28.0–29.0, St. Charles, MO

31. Spirit of Freedom Celebration
Sponsor: WLAY Radio
Date: Fourth of July
Location: Tennessee River mile 255.5–256.5, Sheffield, AL

32. 4th of July Fireworks
Sponsor: MPLS Park & Rec. Board
Date: Fourth of July
Location: Upper Mississippi River mile 854.0–854.1, MPLS, MN

33. Venetian Night Lighted Boat Parade
Sponsor: Quad City Venetian Night Committee
Date: Fourth of July
Location: Upper Mississippi River mile 483.0–488.0, Geneseo, IL

34. National Association of Counties—Riverside Gala Fireworks Display
Sponsor: Hennepin County—Nat'l Assoc. of Counties Annual Meeting
Date: Early July (one day event)
Location: Nicollet Island Park-Upper Mississippi River mile 854.5–854.6, Minneapolis, MN

35. 10th Annual Steubenville Regatta
Sponsor: Steubenville Regatta and Racing Association, Inc.
Date: Mid July (three day event)
Location: Ohio River mile 65.0–67.0, Steubenville, OH

36. New Haven, MO Boat Race
Sponsor: St. Louis Outboard Drivers Association
Date: Mid July (one day event)
Location: Missouri River mile 81.0–82.0, New Haven, MO

37. Minneapolis Aquatennial Power Boat Grand
Sponsor: Minneapolis Aquatennial Association
Date: Mid July (two day, weekend event)
Location: Plymouth Ave. Bridge to Railroad Bridge-Upper Mississippi River mile 855.0–855.8, Minneapolis, MN

38. Hastings Flotilla Frolic
Sponsor: Hastings Flotilla Frolic Association
Date: Mid July (one day event)
Location: Upper Mississippi River mile 813.0–814.3, Hastings, MN

39. Fireworks/Budweiser World Point Jet Ski Race/Huntington Miller Classic & Testing
Sponsor: Tri-State Fair and Regatta
Date: Mid July (five day event)
Location: Ohio River mile 308.0–309.0, Huntington, WV

40. Dragon Boat Races
Sponsor: Stillwater Area Chamber of Commerce
Date: Late July (last or next-to-last weekend)
Location: St. Croix River mile 21.0–23.7, Stillwater, MN

41. Wabasha Riverboat Day
Sponsor: Wabasha Area Chamber of Commerce
Date: Late July (one day event)
Location: Upper Mississippi River mile 759.5–760.5, Wabasha, MN

42. Rivercase Fireworks
Sponsor: Rivercade
Date: Late July (one day event)
Location: Missouri River mile 727.5–728.5, Sioux City, IA

43. Oakmont Yacht Club Regatta
Sponsor: Oakmont Yacht Club
Date: Late July/early August (three day event)
Location: 11th Washington Avenue-Allegheny River mile 12.0–13.0, Oakmont, PA

44. Mississippi Annual Down River Adventure by Canoe (MADRAC)
Sponsor: Mississippi River Adventures
Date: Early August (eight day event)
Location: Bellevue, IA to Burlington, IA-Upper Mississippi River mile 309.0–455.5, Coralville, IA

45. Great River Tug
Sponsor: Great River Tug
Date: Early August (two day event)
Location: Upper Mississippi River mile 496.5–497.5, LeClaire, IA

46. Fireworks
Sponsor: Red Wing Jaycees
Date: Early August (one day event)
Location: Upper Mississippi River mile 790.0–794.0, Red Wing, MN

47. Pittsburgh Three Rivers Regatta
Sponsor: Pittsburgh Three Rivers Regatta, Inc.
Date: Early August (four day event)
Location: One mile around point at confluence of Allegheny, Monongahela and Ohio River. Allegheny River mile 0.0–1.0, Ohio River mile 0.0–0.8 and Monongahela River mile 0.0–0.8, Pittsburgh, PA

48. Peace Float
Sponsor: City of St. Paul, MN
Date: Early August (one day event)
Location: Harriet Island-Upper Mississippi River mile 839.6–839.7, St. Paul, MN

49. Lansing Fish Days Canoe Race
Sponsor: Lansing Lions Club
Date: Mid August (one day event)
Location: Upper Mississippi River mile 662.5–664.0, Lansing, IA

50. Rollin on the River
Sponsor: Rollin On The River
Date: Mid August (one day event)
Location: Victory Park-Upper Mississippi River mile 363.0–365.0, Keokuk, IA

51. Parkersburg Homecoming Festival
Sponsor: Parkersburg Homecoming Festival
Date: Mid August (three day event)
Location: Downtown Parkersburg-Ohio River & Little Kanawha River mile 184.0–185.0, Parkersburg, WV

52. Kentucky Derby
Sponsor: Salvation Army Boys and Girls Club
Date: Mid August (one day event)
Location: Ohio River mile 603.5–604.5, Louisville, KY

53. Fernbank Regatta
Sponsor: Ohio Valley Motor Boat Racing Association
Date: Mid August (one day event)
Location: Old Fernbank Dam Park, Ohio River mile 482.0–483.2, Cincinnati, OH

54. 2nd Annual Tennessee River Drag Boat Race
Sponsor: Clifton Rotary Club
Date: Mid August (one day event)
Location: Tennessee River mile 155.0–158.0, (Kentucky Lake) Clifton, TN

55. Great River Days Limited
Sponsor: Great River Days Limited
Date: Mid August (one day event)
Location: Illinois side of river on shore-Upper Mississippi River mile 451.0–451.1, Muscatine, IA

56. Bud Light Championship Grand Prix
Sponsor: Concord Village Lions Club
Date: Mid August (three day event)
Location: Meramec River at George Winter Park mile 14.0–16.0, Fenton, MO

57. Muscatine Great River Days Regatta
Sponsor: Muscatinee Great River Days
Date: Mid August (one day event)
Location: Upper Mississippi River mile 457.0–457.1, Muscatine, IA

58. Kittanning Rotary Regatta
Sponsor: Kittanning Rotary
Date: Mid August (two day event)
Location: Allegheny River mile 44.0–45.0, Ford City, PA

59. Monongahela River Festival
Sponsor: Monongahela River Festival
Date: Late August (three day event)
Location: Aquatorium/Monongahela River mile 31.5–32.0 North Bank, Monongahela, PA

60. Beaver County River Regatta
Sponsor: Beaver County River Regatta, Inc.

Date: Late August (three day event)
Location: Beaver River, mile 00.0–2.0, Bridgewater, PA

61. 22nd Annual Charleston Sternwheel Regatta
Sponsor: Kanawha River Navy Charleston Festival Commission, Inc
Date: Late August/early September (ten day event)
Location: Great Kanawha River mile 57.5–61.5

62. New Richmond Riverfest
Sponsor: New Richmond Riverfest
Date: Late August (one day event)
Location: Ohio River mile 449.0–450.6, New Richmond, OH

63. Labor Day Bash
Sponsor: City of Maxsville 7 Maxsville-Mason Co. Tourism
Date: Saturday before Labor Day
Location: Ohio River mile 407.0–409.0, Maxsville, KY

64. Double Iron Triathlon
Sponsor: Ray & Nancy Sheppart
Date: Sunday before Labor Day
Location: Tennessee River mile 330.0–334.3, Huntsville, AL

65. Portsmouth Riverdays
Sponsor: Portsmouth Riverdays, Inc.
Date: Sunday before Labor Day
Location: Ohio River mile 355.5–357.0, Portsmouth, OH

66. Budweiser/Jesse Brent Memorial Boat Racing Assoc.
Sponsor: Budweiser/Jessee Brent Memorial Boat Racing Assoc.
Date: Sunday before Labor Day
Location: Lake Ferguson-Lower Mississippi River mile 522.0–537.0, Greensville, MS

67. Toyota/WEBN Fireworks
Sponsor: WEBN
Date: Sunday before Labor Day
Location: Between U.S. 27, L & N – I–471 Bridges-Ohio River mile 469.0–470.0, Cincinnati, OH

68. The Great Missouri River Raft Regatta
Sponsor: The Great Missouri River Raft Regatta, Inc.
Date: Sunday before Labor Day
Location: Missouri River mile 627.5 – 601.0, Omaha, NE

69. Portsmouth Riverdays Hydroplane Regatta
Sponsor: Portsmouth Riverdays Inc.
Date: Sunday before Labor Day and Labor Day
Location: Ohio River mile 355.5–357.0, Portsmouth, OH

70. Aspinwall Centennial Air Show
Sponsor: Aspinwall Centennial Committee
Date: Labor Day
Location: Lock & Dam #2—Allegheny River mile 6.7–7.5, Aspinwall, PA

71. The Steamboat Days Festival
Sponsor: Steamboat Days Festival Committee
Date: Mid September (one day event)
Location: Ohio River mile 602.0–603.0, Jeffersonville, IN

72. Kentuckiana Powerboat Classic
Sponsor: Bridge The Gap, Inc.
Date: Mid September (three day event)
Location: Between Clark Memorial and Kennedy Bridges—Ohio River mile 602.5–603.0

73. Ohio River Sternwheel Festival
Sponsor: Ohio River Sternwheel Festival
Date: Mid September (three day event)
Location: Ohio River mile 170.8–171.9, Marietta, OH

74. Riverfront Pops Concert
Sponsor: Quad City Symphony Orchestra Association
Date: Mid September (one day event)
Location: LeClaire Park—Upper Mississippi River mile 496.5–497.5, Davenport, IA

75. Cincinnati Reds—Kraft
Sponsor: The Cincinnati Reds
Date: Mid September (one day event)
Location: Riverfront Stadium—Ohio River mile 469.8–470.4, Cincinnati, OH

76. Ashland Area Jaycees Flote Bote Race
Sponsor: Ashland Area Jacycees
Date: Mid September (one day event)
Location: Ashland Boat Ramp to Ironton Boat Ramp—Ohio River mile 322.8–327.4, Ashland, KY

77. Dardenne Boat Races
Sponsor: Dardenne Slough Race Association
Date: Mid September (two day event)
Location: Upper Mississippi River mile 224.0–228.5, St. Louis, MO

78. Head of the Des Moines Rowing Regatta
Sponsor: Des Moines Rowing Club
Date: Late September (one day event)
Location: Des Moines River—Botanical Center to Prospect, Des Moines, IA

79. Head of the Ohio
Sponsor: Pittsburgh Mercy Foundation
Date: Late September (one day event)
Location: Allegheny River mile 0.0–3.3, Pittsburgh, PA

80. PSA Fall Race Series
Sponsor: Pickwick Sailing Association
Date: Early October (two day event)
Location: Pickwick Lake-Tennessee River 209.0–218.0, Cordova, TN

81. Head of the Mississippi Regatta
Sponsor: Minneapolis Rowing Club
Date: Early October (one day event)
Location: Upper Mississippi River mile 850.0–853.0, Minneapolis, MN

82. Big Bend Sternwheel Festival
Sponsor: Big Bend Sternwheel Assn.
Date: Mid October (one day event)
Location: Ohio River mile 248.5–249.5, Pomeroy, OH

83. Great River Race
Sponsor: Browns Creek Sailing Assn.
Date: Mid October (two day event)
Location: Guntersville Lake-Tennessee River mile 352.0–365.0, Huntsville, AL

84. Tall Stacks 1993
Sponsor: Tall Stacks 1993
Date: Mid October (six day event)
Location: Ohio River mile 469.0–471.0, Cincinnati, OH

85. Fleur De Lis Regatta
Sponsor: City of Louisville Board of Alderman
Date: Mid October (two day event)
Location: Ohio River mile 602.0–604.0, Louisville, KY

86. Fall Color Cruise
Sponsor: Alhambra Shrine
Date: Late October/early November (two day event)
Location: Tennessee River mile 425.0–471.0, Chattanooga, TN

87. Head of the Tennessee Regatta
Sponsor: Knoxville Rowing Association
Date: Late October (one day event)
Location: Fort Loudon Lake 641.5–645.0, Alcoa Highway Bridge to Sequoyah Park, Knoxville, TN.

J.J. Lantry,
Captain, U.S. Coast Guard, Commander, Second Coast Guard District (Acting).

[FR Doc. 93–10341 Filed 4–30–93; 8:45 am]
BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD2-93-03]

Special Local Regulations: Annual Marine Events Within the Second Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: The U.S. Coast Guard is announcing the exact dates, times and locations for those annual marine events that will occur in the Second Coast Guard District in 1993. The Coast Guard has previously published a list of marine events which occur annually in the Second Coast Guard District, which will be codified at 33 CFR 100.201. However, because the exact dates, times and locations of these events may change from year to year, 33 CFR 100.201 contains only approximate dates and locations.

ADDRESSES: For additional information about any of the events listed in the table below, or to be placed on a mailing list for notices about annual marine events within the Second Coast Guard District, write to Commander (oan), Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832.

FOR FURTHER INFORMATION CONTACT: ENS D.R. Dean, Chief, Boating Affairs Branch, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri, 63103-2832. The telephone number is (314) 539-3971.

SUPPLEMENTARY INFORMATION: Various public and private organizations sponsor marine events, which are scheduled to occur on an annual basis, on navigable waters of the United States within the Second Coast Guard District. However, the exact date, time and location of each event may vary from year to year. The table below gives the exact dates, times and locations for those annual marine events, scheduled to occur in 1993, which are published elsewhere in this issue of the **Federal Register** and will be codified at 33 CFR 100.201. It should be noted that this list is not a complete list of all marine events that will occur in the Second Coast Guard District. It does not include events which the District Commander has determined do not require establishment of regulations for the safety of life and property on or adjacent to navigable waters. It also does not include non-annual events or events which have not been scheduled in time for this publication.

The events listed in the table include slow-moving boat parades, raft races, high-speed hydroplane races, steamboat races, fireworks displays, and other water-related events. The nature of each event is such that special local regulations are deemed necessary to ensure the safety of life and property on and adjacent to navigable waters during the events. During these events the river may be closed during portions of the effective periods to all vessel traffic except participants, official regatta vessels and patrol craft. Actual river closures will not exceed three hours in duration. Mariners will be afforded enough time between closure periods to transit the area.

1. Thunder Over Louisville
   Sponsor: Visual Presentations
   Date: April 17, 1993/3:00 p.m.–6:00 p.m., 7:00 p.m.–11:00 p.m.
   Location: Ohio River mile 603.2–604.3, Louisville, KY
2. KY Derby Festival Great Steamboat Race
   Sponsor: Kentucky Derby Festival/Belle of Louisville Operating Board
   Date: April 28, 1993/4:00 p.m.–8:00 p.m.
   Location: Ohio River mile 597.0–604.0, Louisville, KY
3. Memphis In May Canoe & Kayak Race
   Sponsor: Outdoors Inc.
   Date: May 8, 1993/9:30 a.m.–11:30 a.m.
   Location: Lower Mississippi River mile 735.5–738.5, Memphis, TN
4. Quad City River Bandits
   Sponsor: Quad City River Bandits Baseball Club
   Date: May 24, 1993/10:00 p.m.–10:45 p.m.
   Location: Upper Mississippi River mile 482.0–482.5, Davenport, IA
5. Three Rivers Festival and Regatta
   Sponsor: Three Rivers Festival and Regatta
   Date: May 27 & 30, 1993/9:00 a.m.–5:00 p.m. (each day)
   Location: Monongahela River mile 126.0–128.73, Fairmont, WV
6. Riverfest (Little Rock, AR)
   Sponsor: Riverfest, Inc.
   Date: May 30, 1993/12:00 p.m.–11:30 p.m.
   Location: Arkansas River mile 118.0–119.5, Little Rock, AR
7. Cape Girardeau Riverfest
   Sponsor: Cape Girardeau Riverfest Association
   Date: June 11, 1993/3:00 p.m.–9:00 p.m., 9:15 p.m.–10:00 p.m. (fireworks)
   June 12, 1993/11:00 a.m.–8–00 p.m., 8:45 p.m.–10:15 p.m. (fireworks)
   Location: Upper Mississippi River mile 51.5–52.5, Cape Girardeau, MO
8. Peoria Steamboat Days
   Sponsor: Peoria Area Community Event, Inc.
   Date: June 17–20, 1993/8:00 p.m.–12:00 a.m. (each day)
   Location: Illinois River mile 162.0–163.0, Peoria, IL
9. St. Albans FOP "Say No To Drugs" Fireworks
   Sponsor: St. Albans FOP
   Date: June 18, 1993/9:30 p.m.–10:00 p.m.
   Location: Kanawha River mile 46.0–47.0 at St. Albans Roadside Park, St. Albans, WV
10. Riverfest Fireworks Display
    Sponsor: Old Fort Riverfest Committee
    Date: June 19, 1993/9:15 p.m.–10:30 p.m.
    Location: Arkansas River mile 297.0–298.0, Fort Smith, AR
11. Burlington Steamboat Days
    Sponsor: Burlington Steamboat Days
    Date: June 21, 1993/8:45 p.m.–11:30 p.m.
    Location: Upper Mississippi River mile 403.5–404.5, Burlington, IA
12. Freedom Festival's Thunder On the Ohio
    Sponsor: Evansville Freedom Festival
    Date: June 25–27, 1993: 25/8:00 a.m.–7:00 p.m.; 26/9:00 a.m.–6:00 p.m.; 27/8:00 a.m.–6:00 p.m.
    Location: Ohio River mile 792.0–793.0, Evansville, IN
13. Riverfest (Pt. Pleasant, WV)
    Sponsor: City of Point Pleasant
    Date: June 26, 1993/10:00 p.m.–10:30 p.m.
    Location: Ohio River mile 265.0 to the mouth of the Kanawha River and from the mouth of the Kanawha River to mile 0.5 of the Kanawha River, Point Pleasant, WV
14. Sternwheel Regatta
    Sponsor: City of Augusta
    Date: June 26, 1993/2:00 p.m.–4:00 p.m.
    Location: Ohio River mile 426.0–429.0, Augusta, KY
15. Ashland Tri-State Fair and Regatta
    Sponsor: Tri-State Fair and Regatta
    Date: July 1–4, 1993/6:00 p.m.–11:00 p.m. (each day)
    Location: Ashland Public Boat Dock, Ohio River mile 322.0–323.0, Huntington, WV
16. Riverfest, Inc. 1992 (La Crosse, WI)
    Sponsor: Riverfest, Inc.
    Date: July 1–5, 1993/9:00 a.m.–2:00 p.m. (each day)
    Location: Riverside Park, Upper Mississippi River mile 697.5–698.5, La Crosse, WI
17. Huntington Pops Orchestra Concert
    Sponsor: The Twentieth Street Bank

Date: July 3, 1993/9:30 p.m.–10:00 p.m.
Location: Harris Riverfront Ampitheatre, Ohio River mile 308.0–309.5, Huntington, WV

18. July 4th Fireworks
Sponsor: KDTH/KATF Radio
Date: July 3, 1993/9:15 p.m.–10:30 p.m.
Location: Dubuque, Iowa Volunteer Road Between Hawthorne & Lime, Upper Mississippi River mile 581.5–583.0, Dubuque, IA

19. City of Pittsburgh Independence Eve Celebration
Sponsor: Citiparks
Date: July 3, 1993/9:40 p.m.–10:30 p.m.
Location: Point State Park, Pittsburgh, PA 15219

20. Moline Riverfest
Sponsor: City of Moline
Date: July 3–5, 1993, 3 & 4/9:15 p.m.–10:00 p.m. (fireworks display) 5/12:30 p.m.–3:30 p.m. (ski show)
Location: Upper Mississippi River mile 486.0–488.0, Moline, IL

21. Budweiser Indiana Governor's Cup
Sponsor: Madison Regatta, Inc.
Date: July 3 & 4, 1993: 3/9:00 a.m.–6:00 p.m.; 4/9:00 a.m.–5:30 p.m.; & 9:00 p.m.–10:00 p.m.
Location: Ohio River mile 557.0–558.0, Madison, IN

22. Owensboro Summer Festival
Sponsor: Owensboro Summer Festival, Inc.
Date: July 4, 1993/1:00 p.m.–2:30 p.m.
Location: Boat Dock at Foot of Frederica St., Ohio River mile 756.5–758.0, Owensboro, KY

23. Skyconcernt—4th of July Celebration
Sponsor: WKZW
Date: July 4, 1993/1:00 p.m.–4:00 p.m., 8:00 p.m.–10:30 p.m.
Location: Illinois River mile 162.0–163.0, Peoria, IL

24. Riverfest 1993 (Fort Madison, IA)
Sponsor: Rivercities Fireworks Corp.
Date: July 4, 1993/9:30 p.m.–11:30 p.m.
Location: Upper Mississippi River mile 202.5–203.2, Fort Madison, IA

25. Fireworks Display (Buchanan, TN)
Sponsor: Tennessee Dept. of Environment & Conservation, Division of Parks & Recreation
Date: July 4, 1993/9:00 p.m.–11:00 p.m.
Location: Tennessee River mile 66.0–67.0, Buchanan, TN

26. Muscatine 4th of July Fireworks
Sponsor: Muscatine Jaycees
Date: July 4, 1993/9:15 p.m.–10:30 p.m.
Location: Upper Mississippi River mile 450.5–451.5, Muscatine, IA

27. Star Spangled Celebration
Sponsor: WMC Stations
Date: July 4, 1993/9:30 p.m.–10:00 p.m.
Location: Lower Mississippi River mile 735.5–736.5, Memphis, TN

28. Fourth of July Fireworks Display
Sponsor: Charleston Festival Commission, Inc.
Date: July 4, 1993/9:00 p.m.–10:00 p.m.
Location: Ohio River mile 59.9–61.2, Charleston, WV

29. July 4th Concert
Sponsor: Cincinnati Symphony Orchestra
Date: July 4, 1993/8:30 p.m.–11:00 p.m.
Location: Ohio River mile 460.5–461.5, Cincinnati, OH

30. St. Charles Jaycees Riverfest 1993 Fireworks Show
Sponsor: St. Charles Jaycees
Date: July 4, 1993/7:00 p.m.–10:00 p.m.
Location: Missouri River mile 28.0–29.0, St. Charles, MO

31. Spirit of Freedom Celebration
Sponsor: WLAY Radio
Date: July 4, 1993/7:00 p.m.–11:00 p.m.
Location: Tennessee River mile 255.5–256.5, Sheffield, AL

32. 4th of July Fireworks
Sponsor: MPLS Park & Recreation Board
Date: July 4, 1993/10:00 p.m.–10:30 p.m.
Location: Upper Mississippi River mile 854.0–854.1, Minneapolis, MN

33. Venetian Night Lighted Boat Parade
Sponsor: Quad City Venetian Night Committee
Date: July 4, 1993/8:00 p.m.–12:00 p.m.
Location: Upper Mississippi River mile 483.0–488.0, Geneseo, IL

34. National Association of Counties—Riverside Gala Fireworks Display
Sponsor: Hennepin County—Nat'l Assoc. of Counties Annual Meeting
Date: July 8, 1993/10:00 p.m.–10:15 p.m.
Location: Upper Mississippi River mile 854.5–854.6, Minneapolis, MN

35. 10th Annual Steubenville Regatta
Sponsor: Steubenville Regatta and Racing Association, Inc.
Date: July 09–11, 1993/11:00 a.m.–10:00 p.m. (each day)
Location: Ohio River mile 65.0–67.0, Steubenville, OH

36. New Haven, MO Boat Race
Sponsor: St. Louis Outboard Drivers Association
Date: July 11, 1993/11:00 a.m.–6:00 p.m.
Location: Missouri River mile 81.0–82.0, New Haven, MO

37. Minneapolis Aquatennial Power Boat Grand
Sponsor: Minneapolis Aquatennial Association
Date: July 17–18, 1993; 17/11:00 a.m.–5:00 p.m.; 18/9:00 a.m.–5:00 p.m.; 18/9:00 a.m.–7:00 p.m.
Location: Plymouth Ave. Bridge to Railroad Bridge, Upper Mississippi River mile 855.0–855.8, Minneapolis, MN

38. Hastings Flotilla Frolic
Sponsor: Hastings Flotilla Frolic Association
Date: July 17, 1993/1:00 p.m.–2:30 p.m. & 4:00 p.m.–5:30 p.m. & 7:30 p.m.–11:00 p.m.
Location: Upper Mississippi River mile 813.0–814.3, Hastings, MN

39. Fireworks/Budweiser World Point Jet Ski Race/Huntington Miller Classic & Testing
Sponsor: Tri-State Fair and Regatta
Date: July 17, 18, 23, 24, 25, 1993; 17/9:30 p.m.–10:30 p.m.; 17 & 18/8:00 a.m.–6:00 p.m.; 23/8:00 a.m.–12:00 a.m. & 1:00 p.m.–8:00 p.m.; 24/9:30 p.m.–10:30 p.m.; 24 & 25/8:00 a.m.–12:00 p.m. & 1:00 p.m.–8:00 p.m.
Location: Ohio River mile 308.0–309.0, Huntington, WV

40. Wabasha Riverboat Day
Sponsor: Wabasha Area Chamber of Commerce
Date: July 24, 1993/9:00 a.m.–12:00 p.m.
Location: Upper Mississippi River mile 759.5–760.5, Wabasha, MN

41. Dragon Boat Races
Sponsor: Stillwater Area Chamber of Commerce
Date: July 24 & 25, 1993; 24/5:00 p.m.–9:30 p.m.; 25/8:00 a.m.–6:30 p.m.
Location: St. Croix River Mile 21.0–23.7, Stillwater, MN

42. Rivercade Fireworks
Sponsor: Rivercade
Date: July 25, 1993/10:00 p.m.–11:00 p.m.
Location: Missouri River mile 727.5–728.5, Sioux City, IA

43. Oakmont Yacht Club Regatta
Sponsor: Oakmont Yacht Club
Date: July 31 thru Aug 2, 1993; 31/9:00 a.m.–6:00 p.m.; Aug 1 & 2/9:00 a.m.–6:00 p.m.
Location: Allegheny River mile 12.0–13.0, Oakmont, PA

44. Fireworks
Sponsor: Red Wing Jaycees
Date: Aug 1, 1993/10:00 p.m.–11:00 p.m.
Location: Upper Mississippi River mile 790.0–794.0, Red Wing MN

45. Mississippi Annual Down River Adventure by Canoe (MADRAC)

Sponsor: Mississippi River Adventures
Date: Aug 1 thru Aug 8, 1993/7:00 a.m.–5:00 p.m. (each day)
Location: Bellevue, IA to Burlington, IA, Upper Mississippi River mile 309.0–455.5, Coralville, IA

46. Great River Tug
Sponsor: Great River Tug
Date: Aug 7, 1993/10:00 a.m.–5:00 p.m.; 8/1:00 p.m.–3:00 p.m.
Location: Upper Mississippi River mile 496.5–497.5, LeClaire, IA

47. Pittsburgh Three Rivers Regatta
Sponsor: Pittsburgh Three Rivers Regatta, Inc.
Date: Aug 5–8, 1993; 5/4:00 p.m.–9:30 p.m.; 6/12:00 p.m.–10:30 p.m.; 7/6:30 a.m.–9:45 p.m.; 8/6:30 a.m.–9:00 p.m.
Location: One mile around point at confluence of Allegheny, Monongahela and Ohio River, Allegheny River mile 0.0–1.0, Ohio River mile 0.0–0.8 and Monongahela River mile 0.0–0.8, Pittsburgh, PA

48. Peace Float
Sponsor: City of St. Paul, MN
Date: Aug 8, 1993/9:00 p.m.–9:45 p.m.
Location: Harriet Island, Upper Mississippi Rivermile 839.6–839.7, St. Paul, MN

49. Lansing Fish Days Canoe Race
Sponsor: Lansing Lions Club
Date: Aug 14, 1993/10:00 a.m.–1:30 p.m.
Location: Upper Mississippi River mile 662.5–664.0, Lansing, IA

50. Rollin on the River
Sponsor: Rollin On The River
Date: Aug 13, 1993/9:15 p.m.–9:45 p.m.
Location: Victory Park, Upper Mississippi River mile 363.0–365.0, Keokuk, IA

51. Parkersburg Homecoming Festival
Sponsor: Parkersburg Homecoming Festival
Date: Aug 13–15, 1993/6:00 p.m.–10:00 p.m. (each day)
Location: Ohio River & Little Kanawha, River mile 184.0–185.0, Parkersburg, WV

52. Kentucky Derby
Sponsor: Salvation Army Boys and Girls Club
Date: Aug 14, 1993/3.30 p.m.–7:25 p.m.
Location: Ohio River mile 603.5–604.5, Louisville KY

53. Fernbank Regatta
Sponsor: Ohio Valley Motor Boat Racing Association
Date: Aug 15, 1993/noon–6:00 p.m.
Location: Old Fernbank Dam Park, Ohio River mile 482.0–483.2, Cincinnati, OH

54. 2nd Annual Tennessee River Drag Boat Race
Sponsor: Clifton Rotary Club
Date: Aug 15, 1993/1:00 p.m.–6:00 p.m.
Location: Tennessee River mile 155.0–158.0 (Kentucky Lake), Clifton, TN

55. Monongahela River Festival
Sponsor: Monongahela River Festival
Date: Aug 20–22, 1993/6:00 a.m.–12:00 a.m. (each day)
Location: Aquatorium/Monongahela River mile 31.5–32.0, North Bank, Monongahela, PA

56. Bud Light Championship Grand Prix
Sponsor: Concord Village Lions Club
Date: Aug 19–21, 1993/8:00 a.m.–7:15 p.m. (each day)
Location: George Winter Park/Meramec River mile 14.0–16.0, Fenton, MO

57. Great River Days Limited
Sponsor: Great River Days Limited
Date: Aug 21, 1993/9:00 p.m.–11:00 p.m.
Location: Upper Mississippi River mile 451.0–451.1, Muscatine, IA

58. Beaver County River Regatta
Sponsor: Beaver County River Regatta, Inc.
Date: Aug 20–22, 1993/9:00 a.m.–5:00 p.m.
Location: Beaver River, mile 00.0–2.0, Beaver, PA

59. Muscatine Great River Days Regatta
Sponsor: Muscatine Great River Days
Date: Aug 21, 1993/4:30–6:00 p.m.
Location: Upper Mississippi River mile 457.0–457.1, Muscatine, IA

60. Kittanning Rotary Regatta
Sponsor: Kittanning Rotary
Date: Aug 21 & 22, 1993/9:00 a.m.–8:00 p.m. (each day)
Location: Allegheny River mile 44.0–45.0, Ford City, PA

61. 22nd Annual Charleston Sternwheel Regatta
Sponsor: Kanawha River Navy Charleston Festival Commission, Inc.
Date: Aug 27 thru Aug 29 and Sep 4 & 5; 27/7:00 p.m.–11:00 p.m.; 28/noon–6:00 p.m.; 7:00 p.m.–11:00 p.m.; 29/noon–3:00 p.m.; 7:00 p.m.–11:00 p.m.; Sept 4/2:00 p.m.–6:00 p.m.; 7:00 p.m.–11:00 p.m.; 5/1:00 p.m.–5:00 p.m.; 7:00 p.m.–11:00 p.m.
Location: Great Kanawha River mile 57.5–61.5

62. New Richmond Riverfest
Sponsor: New Richmond Riverfest
Date: Aug 29, 1993/12:00 p.m.–6:00 p.m.
Location: Ohio River mile 449.0–450.6, New Richmond, OH

63. Labor Day Bash
Sponsor: [001757 City of Maysville & Maysville–Mason Co. Tourism
Date: Sep 4, 1993/1:00 p.m.–5:00 p.m.
Location: Ohio River mile 407.0–409.0, Maysville, KY

64. Double Iron Triathlon
Sponsor: Ray & Nancy Sheppart
Date: Sep 5, 1993/7:00 a.m.–11:00 a.m.
Location: Tennessee River mile 330.0–334.3, Hunstville, AL

65. Portsmouth Riverdays
Sponsor: Portsmouth Riverdays, Inc.
Date: Sep 5, 1993/9:45 p.m.–10:30 p.m.
Location: Ohio River mile 355.5–357.0, Portsmouth, OH

66. Budweiser/Jessee Brent Memorial Boat Racing Assoc.
Sponsor: Budweiser/Jessee Brent Memorial Boat Racing Assoc.
Date: Sep 5, 1993/9:00 a.m.–5:00 p.m.
Location: Lake Ferguson, Lower Mississippi River mile 522.0–537.0, Greensville, MS

67. Toyota /WEBN Fireworks
Sponsor: WEBN
Date: Sep 5, 1993/6:30 p.m.–9:35 p.m.
Location: Between U.S. 27, L&N–I–471 Bridges, Ohio River mile 469.0–470.0, Cincinnati, OH

68. The Great Missouri River Raft Regatta
Sponsor: The Great Missouri River Raft Regatta, Inc.
Date: Sep 5, 1993/10:00 a.m.–7:30 p.m.
Location: Missouri River mile 601.0–627.5, Omaha, NE

69. Portsmouth Riverdays Hydroplane Regatta
Sponsor: Portsmouth Riverdays Inc.
Date: Sept 5 & 6, 1993/10:00 a.m.–6:00 p.m. (each day)
Location: Ohio River mile 355.5–357.0, Portsmouth, OH

70. Aspinwall Centennial Air Show
Sponsor: Aspinwall Centennial Committee
Date: Sep 6, 1993/2:00 p.m.–2:20 p.m.
Location: Lock & Dam #2, Allegheny River mile 6.7–7.5, Aspinwall, PA

71. The Steamboat Days Festival
Sponsor: Steamboat Days Festival Committee
Date: Sep 10, 1993/10:00 p.m.–10:30 p.m.
Location: Ohio River mile 602.0–603.0, Jeffersonville, IN

72. Kentuckiana Powerboat Classic
Sponsor: Bridge The Gap, Inc.
Date: Sep 10–12, 1993; 10/12:00 p.m.–4:00 p.m.; 11/11:00 a.m.–7:00 p.m.; 12/11:00 a.m.–7:00 p.m.
Location: Between Clarke Memorial and Kennedy Bridges, Ohio River mile 604.5–603.0, Louisville, KY

73. Ohio River Sternwheel Festival
Sponsor: Ohio River Sternwheel Festival
Date: Sep 10–12, 1993; 10/6:30 p.m.–9:30 p.m.; 11/6:30 p.m.–9:30 p.m.;

12/12:30 p.m.–3:00 p.m.
Location: Ohio River mile 170.8–171.9, Marietta, OH

74. Riverfront Pops Concert
Sponsor: Quad City Symphony Orchestra Association
Date: Sep 11, 1993/6:00 p.m.–9:00 p.m.
Location: LeClaire Park, Upper Mississippi River mile 496.5–497.5, Davenport, IA

75. Cincinnati Reds—Kraft
Sponsor: The Cincinnati Reds
Date: Sep 18, 1993/10:30 p.m.–11:00 p.m.
Location: Riverfront Stadium-Ohio River mile 469.8–470.4, Cincinnati, OH

76. Ashland Area Jaycees Flote Bote Race
Sponsor: Ashland Area Jaycees
Date: Sep 18, 1993/11:00 a.m.–3:00 p.m.
Location: Ashland Boat Ramp to Ironton Boat Ramp, Ohio River mile 322.8–327.4, Ashland, KY

77. Dardenne Boat Races
Sponsor: Dardenne Slough Race Association
Date: Sep 18 & 19, 1993/8:00 a.m.–6:00 p.m. (each day)
Location: Upper Mississippi River mile 224.0–228.5, St. Louis, MO

78. Head of the Des Moines Rowing Regatta
Sponsor: Des Moines Rowing Club
Date: Sep 25, 1993/8:00 a.m.–6: p.m.
Location: Botanical Center to Prospect, Upper Mississippi River mile 850.0–853.0, Des Moines, IA

79. Head of the Ohio
Sponsor: Pittsburgh Mercy Foundation
Date: Sep 25, 1993/8:30 a.m.–4:00 p.m.
Location: Allegheny River mile 0.0–3.3, Pittsburgh, PA

80. PSA Fall Race Series
Sponsor: Pickwick Sailing Association
Date: Oct 2 & 3, 1993/11:00 a.m.–6.00 p.m. (each day)
Location: Pickwick Lake, Tennessee River mile 209.0–218.0, Cordova, TN

81. Head of the Mississippi Regatta
Sponsor: Minneapolis Rowing Club
Date: Oct 09, 1993/7:30 a.m.–6:00 p.m.
Location: Upper Mississippi River mile 850.0–853.0, Minneapolis, MN

82. 1993 Great River Race
Sponsor: Browns Creek Sailing Assn.
Date: Oct 9, 1993 from 10 a.m. to Oct 10, 1993 at 10:00 a.m.
Location: Guntersville Lake, Tennessee River mile 352.0–365.0, Huntsville, AL

83. Big Bend Sternwheel Festival
Sponsor: Big Bend Sternwheel Assn.
Date: Oct 10, 1993/2:00 p.m.–5:00 p.m.
Location: Ohio River mile 248.5–249.5, Pomeroy, OH

84. Tall Stacks 1993
Sponsor: Tall Stacks 1993
Date: Oct 12–17, 1993/6:00 a.m.–2:30 a.m. (each day)
Location: Ohio River mile 469.0–471.0, Cincinnati, OH

85. Fleur De Lis Regatta
Sponsor: City of Louisville Board of Alderman
Date: Oct 16 & 17, 1993/11:00 a.m.–5:00 p.m. (each day)
Location: Ohio River mile 602.0–604.0, Louisville, KY

86. Fall Color Cruise
Sponsor: Alhambra Shrine
Date: Oct 24, 25, 31 & Nov 1, 1993, 8:00 a.m.–Midnight (each day)
Location: Tennessee River mile 425.0–471.0, Chattanooga, TN

87. Head of the Tennessee Regatta
Sponsor: Knoxville Rowing Association
Date: Oct 30, 1993/8:00 a.m.–6:00 p.m.
Location: Fort Loudon Lake mile 641.5–645.0, Alcoa Highway Bridge to Sequoyah Park, Knoxville, TN

J. J. Lantry,

Captain, U.S. Coast Guard, Commander, Second Coast Guard District (Acting).

[FR Doc. 93–10340 Filed 4–30–93; 8:45 am]

BILLING CODE 4910–14–M

federal register

Monday
May 3, 1993

Part VI

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Northern Cheyenne Tribe; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Interim Agreement Between the Northern Cheyenne Tribe and the State of Washington Concerning Class III Gaming, enacted on September 21, 1992.

DATES: This action is effective May 3, 1993.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240. (202) 219–4068.

Dated: April 20, 1993.

Stan Speaks,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 93–10335 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Monday
May 3, 1993

Part VII

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact for Class III Gaming Between the Jamestown S'Klallam Tribe of Washington and the State of Washington, enacted on February 19, 1993.

DATES: This action is effective May 3, 1993.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240. (202) 219–4068.

Dated: April 15, 1993.

Stan Speaks,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 93–10336 Filed 4–30–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Monday
May 3, 1993

Part VIII

Securities and Exchange Commission

17 CFR 229 et al.
Amendments to the Multijurisdictional Disclosure System for Canadian Issuers; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 230, 239 and 249

[Release Nos. 33–6997; 34–32232]

International Series Release No. 539

[File No. S7–15–93]

RIN: 3235–AF83

Amendments to the Multijurisdictional Disclosure System for Canadian Issuers

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Securities and Exchange Commission (the "Commission") is publishing for comment proposed revisions to rules and forms relating to the multijurisdictional disclosure system ("MJDS") with Canada, including revisions which would modify the eligibility requirements for use of Forms F–9 and F–10, recognize investment grade ratings by securities rating organizations recognized by Canadian securities regulators for purposes of filings on Forms F–9 and 40–F, and continue the requirement that financial statements presented in filings on Forms F–10 and 40–F include a reconciliation to U.S. generally accepted accounting principles. These revisions are being proposed in light of the Commission's experience with the MJDS and, if adopted, should further remove impediments to transnational capital formation.

DATES: Comments should be received on or before June 2, 1993 with respect to the proposal to continue the requirement that financial statements presented in filings on Forms F–10 and 40–F include a reconciliation to U.S. generally accepted accounting principles; comments on all other proposals should be received on or before July 2, 1993.

ADDRESSES: Comment letters should refer to File Number S7–15–93 and be submitted in triplicate to Jonathan G. Katz, Secretary, U.S. Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. The Commission will make all comments available for public inspection and copying in its Public Reference Room at the same address.

FOR FURTHER INFORMATION CONTACT: Paul M. Dudek, (202) 272–3246, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. The Multijurisdictional Disclosure System

On June 21, 1991, the Commission adopted a multijurisdictional disclosure system for Canadian issuers.[1] The MJDS permits Canadian issuers meeting specified eligibility criteria to satisfy certain securities registration and reporting requirements of the Commission by providing disclosure documents prepared in accordance with the requirements of Canadian securities regulators. Concurrently with the Commission's action, the Canadian Securities Administrators (the "CSA") adopted a parallel multijurisdictional disclosure system for U.S. issuers in Canada.[2] Today, the Commission is proposing a number of changes to the MJDS; Canadian securities regulators will be proposing certain parallel changes to the Canadian MJDS for U.S. issuers.

II. Proposed Amendments Relating to Eligibility for Use of the MJDS

Form F–9[3] may be used to register under the Securities Act of 1933 (the "Securities Act")[4] debt and preferred securities which are investment grade[5] and either are not convertible or are not convertible for at least one year after issuance. Form F–10[6] may be used to register under the Securities Act all types of securities (other than certain derivative securities).

In order for a Canadian issuer to be eligible to use Form F–9 to register investment grade convertible securities,[7] the issuer must have an aggregate market value of its outstanding equity securities of at least Cn $180 million and have an aggregate market value of the public float of its outstanding equity securities (public float being the amount of securities held by persons who are not affiliates of the issuer) of at least Cn $75 million.[8] Similarly, in order for a Canadian issuer to be eligible to use Form F–10, the issuer must have an aggregate market value of its outstanding equity securities of at least Cn $360 million and have an aggregate market value of the public float of its outstanding equity securities of at least Cn $75 million.[9]

Based on the successful experience under the MJDS to date, the Commission is proposing to amend the eligibility requirements under Forms F–9 and F–10 to eliminate the market capitalization threshold and to establish the public float threshold at U.S. $75 million.[10] Approximately 210 Canadian issuers would appear to meet the proposed public float requirement under Forms F–9 and F–10. This compares with 153 Canadian issuers which appear to meet the current public float and market capitalization requirements of Form F–9, and 121 Canadian issuers which appear to meet the current public float and market capitalization requirements of Form F–10.

The Commission is also proposing conforming amendments to Form 40–F[11] under which the eligibility thresholds for use of that form for registration and reporting under the Securities Exchange Act of 1934 (the "Exchange Act")[12] would parallel the proposed changes to Form F–9 and Form F–13.[13]

The Commission requests comments concerning whether the market capitalization requirements in either Form F–9 or F–10 should be reduced rather than be eliminated and whether the public float requirement for either Form F–9 or Form F–10 should be lower (such as the threshold of Cn $75 million, which is the public float eligibility requirement under the

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[1] Securities Act Release No. 6902 (June 21, 1991) [56 FR 30036].

[2] National Policy Statement No. 45 of the CSA, "Multijurisdictional Disclosure System" (referred to herein as "National Policy Statement No. 45").

[3] CFR 239.39.

[4] 15 U.S.C. 77a *et seq.*

[5] The investment grade requirement is proposed to be amended. *See* Section III, *infra.*

[6] 17 CFR 239.40.

[7] These market capitalization and public float requirements do not apply if the securities being registered are not convertible into another security.

[8] The other registrant-eligibility requirements of Form F–9 are that the registrant (a) be incorporated or organized under the laws of Canada or any Canadian province or territory, (b) be a foreign private issuer or a crown corporation and (c) have been subject to the continuous disclosure requirements of any Canadian securities regulatory authority for a period of at least 36 months (12 months in the case of a crown corporation) immediately preceding the filing of the registration statement and be currently in compliance with such obligations. The reporting history requirement is proposed to be amended in this release.

[9] The other registrant-eligibility requirements of Form F–10 are that the registrant (a) be incorporated or organized under the laws of Canada or any Canadian province or territory, (b) be a foreign private issuer and (c) have been subject to the continuous disclosure requirements of any Canadian securities regulatory authority for a period of at least 36 months immediately preceding the filing of the registration statement and be currently in compliance with such obligations. The reporting history requirement is proposed to be amended in this release.

[10] Form S–3 [17 CFR 239.13] was recently amended to establish a public float eligibility threshold at U.S. $75 million for use of that form. See Securities Act Release 6964 (Oct. 22, 1992) [57 FR 48970].

[11] 17 CFR 249.240f.

[12] 15 U.S.C. 78a *et seq.*

[13] *See* clauses (4) and (5) to General Instruction A(2) of Form 40–F, 17 CFR 249.240f.

Prompt Offering Qualification System in Canada [14]) or higher. If other thresholds are recommended, a specific level (if any) and the reasons for recommending it should be set forth. Comments relating to the proposed amendments to Forms F–9 and F–10 should also address whether conforming amendments to Form 40–F are appropriate.

The Commission understands that the CSA has recommended that each of its member regulatory authorities consider changes to the POP System in order to reduce for certain companies the reporting history requirement thereunder from 36 months to a shorter period. In anticipation of the adoption of such changes by Canadian regulators, the Commission is considering parallel changes to Forms F–9, F–10 and 40–F to the extent such period is not shorter than twelve months. The Commission therefore requests comment on whether it would be appropriate to make parallel changes to any or all of Forms F–9, F–10 and 40–F to reduce the reporting history requirements under such forms from 36 months to a shorter period as short as twelve months.[15]

III. Proposed Amendments Relating to Registration of Investment Grade Securities Under the MJDS

The MJDS, as adopted by the Commission and the CSA, provides for special forms and procedures for the registration of debt and preferred securities which have been rated investment grade by those rating organizations which are acceptable to each host country regulator.[16] Canadian regulators and Canadian market participants have suggested that, in determining eligibility of debt and preferred securities for Form F–9, ratings by rating organizations recognized by home country regulators should be acceptable for purposes of determining an issuer's eligibility to use Form F–9 in addition to those rating organizations which are acceptable to the host country regulator.

The Commission is proposing to so revise the MJDS. Under the proposed amendment to Form F–9, eligible debt and preferred securities of Canadian issuers which satisfy the other requirements of Form F–9 [17] would be able to be registered on Form F–9 if such securities were rated investment grade by any of the rating organizations specified in National Policy Statement No. 45 (as the same may be amended from time to time) or by an NRSRO. In addition, because these securities would be eligible for registration under the Securities Act on Form F–9, eligible issuers would be able to use Form 40–F [18] to register such securities and file annual reports with respect to such securities under the Exchange Act. The CSA has recommended that each of its member regulatory authorities consider parallel amendments to National Policy Statement No. 45 to provide that all rating organizations which are treated as NRSROs under the Commission's rules will be acceptable for purposes of determining an issuer's ability to use the MJDS in Canada.[19]

Form F–9 currently provides that the required rating must be obtained at the time of effectiveness of the registration statement in order to qualify for use of that form. The Commission is proposing to amend Form F–9 to provide that the required rating must be obtained at the time of sale to the public and is proposing to add an instruction to Form F–9 regarding the registrant's reasonable belief of obtaining such a rating. This amendment is similar to one recently adopted with respect to Form S–3.[20]

The Commission is also proposing to amend Rule 134 [21] and Rule 436 [22] under the Securities Act and Item 10 [23] under Regulation S–K. These rules contain references to nationally recognized statistical rating organizations in the context of communications not deemed a prospectus (Rule 134), consents not required in certain cases (Rule 436) and the Commission's policy on security ratings (Item 10). In light of the proposed amendments to Form F–9, these rules are proposed to be amended to include, in the context of offerings registered on Form F–9, those rating organizations which have been recognized by the CSA in National Policy Statement No. 45. Item 10 is proposed to be amended only with respect to its reference to required consents. Because the MJDS relies on disclosure standards established by Canadian regulators, further amendment to Item 10 would not appear necessary.

The Commission requests comment concerning whether ratings issued by rating organizations which have been recognized by the CSA but which are not treated as NRSROs under the Commission's rules should be acceptable for purposes of determining whether a Canadian issuer is eligible to use Form F–9 or 40–F. In addition, comments are requested regarding whether additional rules under the Securities Act or the Exchange Act should be modified in light of the proposed amendments to Form F–9.

IV. Proposed Amendment Relating to Reconciliation of Financial Statements

Currently, all foreign private issuers registering securities and filing annual reports with the Commission are required to present financial statements which include a reconciliation to U.S. generally accepted accounting principles ("GAAP").[24] In adopting the MJDS, the Commission excepted from this requirement filings on certain of the MJDS forms, although it was retained

[14] The Prompt Offering Qualification System, which is known as the "POP System"), has been established by Canadian securities regulators to allow substantial issuers quick access to the public securities markets. *See* National Policy Statement 47 of the CSA, "Prompt Offering Qualification System".

[15] Such a change would also be consistent with recent amendments to Form S–3, which established a twelve-month reporting history requirement. See Securities Act Release 6964.

[16] Under Form F–9, the registered securities must, at the time of effectiveness of the registration statement, have been rated investment grade by at least one nationally recognized statistical rating organization ("NRSRO"), which term is used with reference to Rule 15c3–1(c)(2)(vi)(F) under the Securities Exchange Act of 1934 [17 CFR 240.15c3–1(c)(2)(vi)(F)]. Likewise, under National Policy Statement No. 45, U.S. issuers may use the MJDS in Canada for securities that have been rated investment grade by one of four rating organizations which are specifically named as an "Approved Rating Organization". *See* Sections 2(5) and 3.2 of National Policy Statement No. 45.

[17] The registrant-eligibility requirements of Form F–9 are discussed at footnote 8, *infra*, and accompanying text.

[18] *See* clauses (iv) and (v) of paragraph A.(2) of the General Instructions to Form 40–F.

[19] Market participants currently look to a no-action process administered by the staff of the Division of Market Regulation to determine which rating organizations will be treated as NRSROs for net capital purposes under Rule 15c3–1(c)(2)(vi)(F). Six rating organizations are currently treated as NRSROs for net capital purposes as a result of this process. Four of these NRSROs are not currently recognized under National Policy Statement No. 45. Under amendments which the CSA has recommended that each of its member regulatory authorities consider, the ratings of these four rating organizations would be usable for purposes of determining whether a U.S. issuer is eligible to use the MJDS in Canada. Likewise, National Policy Statement No. 45 recognizes four rating organizations, two of which are not currently among the six rating organizations treated by the Commission staff as NRSROs for net capital purposes. Under the proposed amendment to Form F–9, the ratings of these two rating organizations would be usable for purposes of determining whether a Canadian issuer is eligible to use Form F–9 or 40–F under the MJDS in the United States.

[20] *See* Securities Act Release No. 6964 at fn 19 and accompanying text.

[21] 17 CFR 230.134.

[22] 17 CFR 230.436.

[23] 17 CFR 229.10.

[24] *See* Item 11 of Form F–1, Item 11 of Form F–2, Item 12 of Form F–3, Items 10 through 17 of Form F–4 and Items 17 and 18 of Form 20–F. Item 17 of Form 20–F permits an issuer to use its financial statements that are prepared on a comprehensive basis other than U.S. GAAP, but requires quantification of the material differences in the principles, practices and methods of accounting. An issuer complying with Item 18 of Form 20–F must satisfy the requirements of Item 17 and also must provide all other information required by U.S. GAAP and Regulation S–X.

for filings on Forms F–10 and 40–F.[25] As indicated in the MJDS adopting release, the requirement to include reconciled financial statements in filings on Form F–10 and Form 40–F will terminate on July 1, 1993 absent future action by the Commission to the contrary.[26]

Since the adoption of MJDS in July 1991, the Commission staff has continued to monitor filings of Canadian issuers to evaluate whether disclosed differences between U.S. and Canadian accounting principles are of such significance as to warrant retention of the reconciliation requirement with respect to issuers of equity and other non-investment grade securities. The staff's monitoring of reconciled financial statements filed by Canadian foreign private issuers during 1991 and 1992 indicates that there continues to be a significant number of qualitative and quantitative differences that materially affect reported financial position and results of operations and trend information related thereto and that warrant continuation of the reconciliation requirement.

In view of the significant differences in accounting principles and practices that exist at this time, the Commission is proposing to rescind the provisions of Forms F–10 and 40–F that eliminate the requirement for reconciliation of the financial statements to U.S. GAAP in filings made after July 1, 1993. Under the proposal, Canadian foreign private issuers would continue to be required to reconcile to U.S. GAAP pursuant to Item 18 of Form 20–F in filings made on Form F–10 and Item 17 of Form 20–F in filings made on Form 40–F.

The Commission also requests comment on temporarily extending the date by which the Commission must take action in order to retain the reconciliation requirement if necessary to complete its review of any comment letters on this matter.

V. Rights Offers—Form F–7

A. Clarification Regarding Naming of Agent for Service

Since the MJDS became effective, eleven Canadian companies have filed registration statements on Form F–7 to register securities being sold in rights offers. A number of these companies have not named an agent for service in the United States as called for by the cover page of Form F–7. This omission appears to result from confusion arising from Form F–7's lack of a requirement that a consent to service on Form F–X be filed along with the Form F–7 registration statement. All of the Commission's forms for foreign private issuers for the registration of securities under the Securities Act require that an agent for service in the United States be named on the cover page of the registration statement.[27] Because of the apparent confusion which has occurred, Form F–7 is proposed to be amended to include an instruction specifically noting that this item on the cover page is required to be completed even though the filing of a Form F–X is not required.

B. Warrants and Convertible or Exchangeable Securities

Form F–7 requires that U.S. holders be granted rights on terms and conditions not less favorable than those extended to any other holder of the same class of securities.[28] Questions have arisen regarding whether warrants or convertible or exchangeable securities being issued in a rights offer may be registered on Form F–7 where U.S. holders will not be permitted to exercise, convert or exchange these securities because the issuer does not intend to register the underlying securities under the Securities Act on an appropriate form and an exemption from registration will not be available for such exercise, conversion or exchange by U.S. holders. Such a rights offer is not eligible for registration on Form F–7 unless the underlying securities receivable on exercise, conversion or exchange are registered under the Securities Act[29] or the transaction is exempt from registration as to all U.S. holders regardless of their status.[30]

VI. Unallocated Shelf Registration of Aggregate Amounts of Securities

Forms F–9 and F–10 may be used to register securities to be offered on a delayed or continuous basis in accordance with the issuer's home jurisdiction shelf offering procedures.[31] The Commission understands that the CSA has recommended that each of its member regulatory authorities consider changes to the shelf registration system in Canada[32] similar to those recently adopted by the Commission[33] in order to permit eligible issuers to register an unallocated dollar amount of securities. The Commission requests comments on whether amendments to Forms F–9 and F–10[34] to accommodate a similar unallocated shelf registration of securities under the MJDS should be adopted in the event that the CSA adopts such changes to the Canadian shelf registration system.[35] In addition, comment is requested on whether any or all of Form F–7,[36] Form F–8[37] and Form F–80[38] should be amended to accommodate the unallocated shelf registration of securities if similar amendments are adopted for Forms F–9 and F–10.

VII. Request for Comments

Any interested persons wishing to submit written comments on the proposed amendments that are the subject of this release are requested to do so.

VIII. Cost-Benefit Analysis

To evaluate fully the costs and benefits associated with the proposed amendments to Rules 134, 436 and 457 under the Securities Act, Item 10 of Regulation S–K and Forms F–7, F–8, F–9, F–10, F–80 and 40–F, the Commission requests commenters to provide views and empirical data as to the costs and benefits associated with such proposed amendments. Comment is requested particularly with respect to costs and benefits that may arise in connection with the changes in the eligibility requirements of Forms F–9,

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[25] Form F–10 requires a reconciliation to U.S. GAAP in accordance with Item 18 of Form 20–F; Form 40–F requires a reconciliation to U.S. GAAP in accordance with Item 17 of Form 20–F. Reconciliation is not required for filings on Form 40–F where the subject securities would be eligible for registration on Form F–9 or were registered on Form F–7, F–8, F–9 or F–80.

[26] *See* Securities Act Release 6902, *supra* note 1.

[27] *See* Forms F–1, F–2, F–3, F–4 and F–6, 17 CFR 239.31, 239.32, 239.33, 239.34, 239.36. *Cf.* paragraph (3) of Schedule A to the Securities Act. A definition of agent for service is specified in Rule 100 under the Securities Act (17 CFR 230.100).

[28] *See* General Instruction I.D of Form F–7.

[29] Such a registration could be effected on any applicable form, including Forms F–9 or F–10 if the issuer and the subject securities meet the eligibility requirements therefor. The continuous nature of the offering would require that the registration statement be kept current during any period during which any conversion, exchange, or exercise could occur.

[30] Section 3(a)(9) of the Securities Act [15 U.S.C. 77c(a)(9)] is an example of such an exemption.

[31] *See* Securities Act Release No. 6902, Section III.F.6.

[32] *See* Section 3 of National Policy Statement No. 44 of the CSA, "Rules for Shelf Registration of Prospectus Offerings and for Pricing of Offerings after the Prospectus is Receipted".

[33] *See* Securities Act Release 6964.

[34] Rule 457 under the Securities Act (the fee computation rule) would also be amended in order to implement revisions that would accommodate the unallocated registration of securities.

[35] Under an unallocated shelf registration system, an eligible issuer may register various types of securities (both debt and equity) on a single registration document but would not have to assign a specific dollar amount to each type of security. The registration document would list the types of securities covered and a prospectus supplement would be used to specify the amount of a particular security to be offered. An issuer may offer any type of securities specified in the registration document up to the total dollar amount registered.

[36] 17 CFR 239.37.

[37] 17 CFR 239.38.

[38] 17 CFR 239 42.

F–10 and 40–F and the resultant extension of the MJDS to a greater number of Canadian issuers. Additionally, comment is requested regarding the costs and benefits associated with continuing the reconciliation requirement under Form F–10 and 40–F.

IX. Regulatory Flexibility Act Certification

Pursuant to Section 605 of the Regulatory Flexibility Act [5 U.S.C. 605], the Chairman of the Commission has certified that the proposed revisions to rules and forms will not have a significant impact on a substantial number of small entities. That certification, including the reasons therefor, is attached to this release as an Appendix.

X. Statutory Bases

The amendments to the Commission's rules and forms are being proposed pursuant to Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933, and Sections 3(b), 4A, 12, 13, 14, 15, 16 and 23 of the Securities Exchange Act of 1934.

List of Subjects

17 CFR Parts 229, 230, 239, and 249

Reporting and recordkeeping requirements; Securities.

Text of Proposed Amendments

In accordance with the foregoing, Title 17, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S–K

1. The authority citation for Part 229 continues to read in part as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77nnn, 77sss, 78c, 78i, 78j, 78l, 78m, 78n, 78o, 78w, 78ll(d), 79e, 79n, 79t, 80a–8, 80a–29, 80a–30, 80a–37, 80b–11, unless otherwise noted.

* * * * *

2. By amending § 229.10 by adding a new sentence to the end of paragraph (c)(1)(i) to read as follows:

§ 229.10 General.

* * * * *

(c) * * *

(1) * * *

(i) * * * When the registrant has filed a registration statement on Form F–9 (§ 239.39 of this chapter), with respect to the written consent of any rating organization specified in the Instruction to paragraph (a)(2) of General Instruction I of Form F–9, see Rule 436(g) (§ 230.436(g) of this chapter) under the Securities Act.

* * * * *

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

3. The authority citation for Part 230 continues to read in part as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78l, 78m, 78n, 78o, 78w, 78ll(d), 79t, 80a–8, 80a–29, 80a–30, and 80a–37, unless otherwise noted.

* * * * *

4. By amending § 230.134 by revising paragraph (a)(14)(i) to read as follows:

§ 230.134 Communications Not Deemed a Prospectus.

* * * * *

(a) * * *

(14)(i) With respect to any class of debt securities, any class of convertible debt securities or any class of preferred stock, the security rating or ratings assigned to the class of securities by any nationally recognized statistical rating organization and the name or names of the nationally recognized statistical rating organization(s) which assigned such rating(s), and with respect to any class of debt securities, any class of convertible debt securities or any class of preferred stock registered on Form F–9 (§ 239.39 of this chapter), the security rating or ratings assigned to the class of securities by any other rating organization specified in the Instruction to paragraph (a)(2) of General Instruction I of Form F–9 and the name or names of the rating organization or organizations which assigned such rating(s).

* * * * *

5. By amending § 230.436 by revising paragraph (g)(1) to read as follows:

§ 230.436 Consents Required in Special Cases.

* * * * *

(g)(1) Notwithstanding the provisions of paragraph (a) and (b) of this section, the security rating assigned to a class of debt securities, a class of convertible debt securities, or a class of preferred stock by a nationally recognized statistical rating organization, or with respect to registration statements on Form F–9 (§ 239.39 of this chapter) by any other rating organization specified in the Instruction to paragraph (a)(2) of General Instruction I of Form F–9, shall not be considered a part of the registration statement prepared or certified by a person within the meaning of sections 7 and 11 of the Act.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

6. The authority citation for Part 239 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78*l*, 78m, 78n, 78*o*(d), 78w(a), 78*ll*(d), 79e, 79f, 79g, 79j, 79*l*, 79m, 79n, 79q, 79t, 80a-8, 80a–29, 80a–30 and 80a–37 unless otherwise noted.

* * * * *

7. By amending Form F–7 (§ 239.37) by adding a new paragraph J to General Instruction II to read as follows:

Note: Form F–7 does not appear in the Code of Federal Regulations.

Form F–7

* * * * *

General Instructions

* * * * *

II. Application of General Rules and Regulations

* * * * *

J. Registrants are required to name an agent for service in the United States as required by the cover page of the registration statement even though not required to file a Form F–X.

* * * * *

8. By amending § 239.39 by revising the Instruction following paragraph (a)(2), by adding the word "and" after the semi-colon at the end at paragraph (b)(3), by removing paragraph (b)(4), redesignating paragraph (b)(5) as paragraph (b)(4), by revising newly designated paragraph (b)(4) and by revising paragraph (e) to read as follows:

§ 239.39 Form F–9, for registration under the Securities Act of 1933 of certain investment grade debt or investment grade preferred securities of certain Canadian issuers.

(a) * * *

(2) * * *

Instruction

Securities shall be "investment grade" if, at the time of sale, at least one nationally recognized statistical rating organization (as that term is used in relation to Rule 15c3–1(c)(2)(vi)(F) under the Securities Exchange Act of 1934 (the "Exchange Act") (§ 240.15c3–1(c)(2)(vi)(F) of this chapter) or at least one Approved Rating Organization (as defined in National Policy Statement No. 45 of the Canadian Securities Administrators) has rated the security in one of its generic rating categories that signifies investment grade; typically the four highest rating categories (within

which there may be subcategories or gradations indicating relative standing) signify investment grade.

* * * * *

(b) * * *

(4) Has an aggregate market value of the public float of its outstanding equity shares of $75 million or more; *provided, however,* that the requirements set forth in this paragraph (b)(4) shall not apply if the securities being registered on this Form are not convertible into another security.

* * * * *

(e) If the registrant is a majority-owned subsidiary offering debt securities or preferred stock, it shall be deemed to meet the requirements of paragraphs (b)(3) and (b)(4) of this section if the parent of the registrant-subsidiary meets the requirements of paragraph (b) of this section, as applicable, and fully and unconditionally guarantees the securities being registered as to principal and interest (if debt securities) or as to liquidation preference, redemption price and dividends (if preferred securities); *provided, however,* that the securities of the subsidiary are only convertible or exchangeable, if at all, for the securities of the parent.

* * * * *

9. By amending Form F–9 (§ 239.39) by revising the Instruction following paragraph A. of General Instruction I, by adding the word "and" after the semi-colon at the end of paragraph B.(3) of General Instruction I, by removing paragraph B.(4) of General Instruction I, by redesignating paragraph B.(5) of General Instruction I as paragraph B.(4), by revising newly redesignated paragraph B.(4) of General Instruction I, by revising paragraph E. of General Instruction I and by revising Instruction D. to the Signatures to read as follows:

Note: Form F–9 does not appear in the Code of Federal Regulations.

Form F–9

* * * * *

General Instructions

I. Eligibility Requirements for Use of Form F–9

A. * * *

Instruction Securities shall be "investment grade" if, at the time of sale, at least one nationally recognized statistical rating organization (as that term is used in relation to Rule 15c3–1(c)(2)(vi)(F) under the Securities Exchange Act of 1934 (the "Exchange Act") (§ 240.15c3–1(c)(2)(vi)(F) of this chapter) or at least one Approved Rating Organization (as defined in National Policy Statement No. 45 of the Canadian Securities Administrators, as the same may be amended from time to time) has rated the security in one of its generic rating categories that signifies investment grade; typically the four highest rating categories (within which there may be subcategories or gradations indicating relative standing) signify investment grade.

B. * * *

(4) has an aggregate market value of the public float of its outstanding equity shares of $75 million or more; *provided, however,* that the requirements set forth in B.(4) above shall not apply if the securities being registered on this Form are not convertible into another security.

* * * * *

E. If the Registrant is a majority-owned subsidiary offering debt securities or preferred stock, it shall be deemed to meet the requirements of I.B. (3) and (4) above if the parent of the Registrant-subsidiary meets the requirements of I.B. above, as applicable, and fully and unconditionally guarantees the securities being registered as to principal and interest (if debt securities) or as to liquidation preference, redemption price and dividends (if preferred securities); *provided, however,* that the securities of the subsidiary are only convertible or exchangeable, if at all, for the securities of the parent.

* * * * *

Signatures

* * * * *

Instructions

* * * * *

D. Where eligibility for use of this Form is based on the assignment of a security rating, the Registrant may sign the registration statement notwithstanding the fact that such security rating has not been assigned by the filing date, provided that the Registrant reasonably believes, and so states, that the security rating requirement will be met by the time of sale.

10. By amending § 239.40 by adding the word "and" after the semi-colon at the end of paragraph (c)(3), by removing paragraph (c)(4), redesignating paragraph (c)(5) as paragraph (c)(4), by revising newly redesignated paragraph (c)(4) as set forth below, and in paragraph (h) introductory text by removing the reference "paragraphs (c)(3), (c)(4) and (c)(5)" and adding in its place "paragraphs (c)(3) and (c)(4)."

Section 239.40 Form F–10 for Registration Under the Securities Act of 1933 of Securities of certain Canadian Issuers.

* * * * *

(c) * * *

(4) Has an aggregate market value of the public float of its outstanding equity shares of $75 million or more; *provided, however,* that in the case of a business combination, the aggregate market value of the public float of the outstanding equity shares of each participating company other than the successor registrant is $75 million or more, except that any such participating company shall not be required to meet such public requirement if other participating companies whose assets and gross revenues, respectively, would contribute at least 80 percent of the total assets and gross revenues from continuing operations of the successor registrant, as measured based on pro forma combination of the participating companies' most recently completed fiscal years, each meet such public float requirement; and *provided, further,* that in the case of a business combination, such public float requirement shall be deemed satisfied in the case of a participating company whose equity shares were the subject of an exchange offer that was registered or would have been eligible for registration on Form F–8, Form F–9, Form F–10 or Form F–80 (§§ 239.38, 239.39, 239.40 or 239.41) or a tender offer in connection with which Schedule 13E–4F or 14D–1F (§§ 240.13e–102 or 240.14d–102 of this chapter) was filed or could have been filed, that terminated within the last twelve months, if the participating company would have satisfied such public float requirement immediately prior to commencement of such exchange or tender offer.

* * * * *

11. By amending Form F–10 (§ 239.40) by adding the word "and" after the semi-colon at the end of paragraph C.(3) of General Instruction I, by removing paragraph C.(4) of General Instruction I, by redesignating paragraph C.(5) of General Instruction I as paragraph C.(4), by revising newly redesignated paragraph C.(4) of General Instruction I, by revising paragraph H. of General Instruction I and by revising Item 2 under Part I to read as follows:

Note: Form F–10 does not appear in the Code of Federal Regulations.

Form F–10

* * * * *

General Instructions

I. Eligibility Requirements for Use of Form F–10

C. * * *

(4) has an aggregate market value of the public float of its outstanding equity shares of $75 million or more; *provided, however,* that in the case of a business combination, the aggregate market value of the public float of the outstanding equity shares of each participating company other than the successor Registrant is $75 million or more, except that any such participating company shall not be required to meet such public requirement if other participating companies whose assets and gross revenues, respectively, would contribute at least 80 percent of the total assets and gross revenues from continuing operations of the successor Registrant, as measured based on pro forma combination of the participating companies' most recently completed fiscal years, each meet such public float requirement; and *provided, further,* that in the case of a business combination, such public float requirement shall be deemed satisfied in the case of a participating company whose equity shares were the subject of an exchange offer that was registered or would have been eligible for registration on Form F–8, Form F–9, Form F–10 or Form F–80, or a tender offer in connection with which Schedule

13E–4F or 14D–1F was filed or could have been filed, that terminated within the last twelve months, if the participating company would have satisfied such public float requirement immediately prior to commencement of such exchange or tender offer.

* * * * *

H. With respect to registration of debt securities or preferred securities on this Form, if the Registrant is a majority-owned subsidiary, it shall be deemed to meet the requirements of I.C.(3) and (4) above if the parent of the Registrant-subsidiary meets the requirements of I.C. above and fully and unconditionally guarantees the securities being registered as to principal and interest (if debt securities) or as to liquidation preference, redemption price and dividends (if preferred securities); *provided, however,* that the securities of the subsidiary are only convertible or exchangeable, if at all, for the securities of the parent.

* * * * *

Part I—Information to be Delivered to Offerees or Purchasers

* * * * *

Item 2. *Additional Information.*

The following information also shall be provided to offerees as part of the prospectus.

Financial Statements.

Any financial statements included in the home jurisdiction document must be reconciled to U.S. GAAP as required by Item 18 of Form 20–F under the Exchange Act.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

12. The authority citation for part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted.

13. By amending § 249.240f by adding the word "and" after the semi-colon at the end of paragraph (b)(3), by removing paragraph (b)(4), redesignating paragraph (b)(5) as paragraph (b)(4) and by revising newly redesignated paragraph (b)(4) to read, as follows:

§ 249.240f Form 40–F, for registration of securities of certain Canadian issuers pursuant to section 12 (b) or (g) and for reports pursuant to section 15(d) and Rule 15d–4 (§ 240.15d–4 of this chapter).

* * * * *

(b) * * *

(4) The aggregate market value of the public float of its outstanding equity shares of the registrant is $75 million or more; *provided, however,* no market value threshold need be satisfied in connection with non-convertible securities eligible for registration on Form F–9 (§ 239.39 of this chapter).

* * * * *

14. By amending Form 40–F (§ 249.240f) by adding the word "and" after the semi-colon at the end of clause (iii) of paragraph (2) of General Instruction A., by removing clause (iv) of paragraph (2) of General Instruction A., by redesignating clause (v) of paragraph (2) of General Instruction A. as clause (iv), by revising clause (iv) of paragraph (2) of General Instruction A. and by revising paragraph 2 under General Instruction C. to read as follows:

Note: Form 40–F does not appear in the Code of Federal Regulations.

Form 40–F

* * * * *

General Instructions

A. *Rules As To Use of Form 40–F*

(2) * * *

(iv) the aggregate market value of the public float of the Registrant's outstanding equity shares is $75 million or more; *provided, however,* that no market value threshold need be satisfied in connection with non-convertible securities eligible for registration on Form F–9.

* * * * *

C. *Compliance With Auditor Independence and Reconciliation Requirements*

* * * * *

(2) Any financial statements, other than interim financial statements, included in this Form by registrants registering securities pursuant to Section 12 of the Exchange Act or reporting pursuant to the provisions of Section 13(a) or 15(d) of the Exchange Act must be reconciled to U.S. GAAP as required by Item 17 of Form 20–F under the Exchange Act, unless this Form is filed with respect to securities that would be eligible for registration under the Securities Act on Form F–9, in which case no such reconciliation is required, or unless this Form is filed with respect to a reporting obligation under section 15(d) that arose solely as a result of a filing made on Form F–7, F–8, F–9 or F–80, in which case no such reconciliation is required.

* * * * *

By the Commission.

Jonathan G. Katz,

Secretary.

April 28, 1993.

Note: Appendix will not appear in the Code of Federal Regulations.

Appendix

Securities and Exchange Commission Regulatory Flexibility Act Certification

I, Richard C. Breeden, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that: proposed changes to Forms F–7, F–9 and F–10 under the Securities Act of 1933 (the "Securities Act"), Form 40–F under the Securities Exchange Act of 1934 (the "Exchange Act"), Item 10 under Regulation S–K, and Rules 134 and 436 under the Securities Act, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are as follows:

The proposed amendments to existing forms and rules are intended to make certain modifications to the Commission's multijurisdictional disclosure system ("MJDS") for Canadian issuers. Canadian securities authorities are expected to propose parallel changes to the Canadian MJDS for U.S. issuers.

The modifications to be proposed by the Commission are intended to further facilitate cross-border securities offerings under the Securities Act, and registration and reporting under the Exchange Act, by Canadian issuers, primarily by changing the class of Canadian issuers eligible to use the MJDS. The resulting reduction in the expense, time and effort of making such offerings, registrations and reporting for eligible Canadian issuers will benefit Canadian entities that register securities with the Commission, rather than U.S. entities.

One expected result of adoption of the proposed amendments to forms and rules would be that offerings by eligible Canadian issuers may be made in the United States under the MJDS in situations where hitherto investors in the United States would have been excluded due to the time and expense involved in registration. A resulting increase in registered offerings in the United States by Canadian issuers could be expected to increase ease of investment for small U.S. entities acting as investors.

While small U.S. entities raising capital in the United States could experience some increase in competition for capital from Canadian entities making offerings under the revised forms and rules, that effect would not be expected to be significant for a substantial number of U.S. small entities in view of the small increase in total competition that may result. In addition, small entities acting as financial intermediaries, such as investment banks, could be affected by an increased number of offerings being made in the United States. Small U.S. entities who act as intermediaries would not be more likely than large U.S. entities who act in that capacity, however, to be affected by any increase in U.S. offerings. The effects, in any case, are not expected to be significant for a substantial number of small entities in the United States.

One of the proposed changes to Form F–10 under the Securities Act and Form 40–F under the Exchange Act would continue the requirement that financial statements included in filings on those forms contain a reconciliation to U.S. generally accepted accounting principles. An expected result of this change is that Canadian issuers using such forms would continue to provide additional information in their financial statements in order to provide this reconciliation. The resulting continuance of the level of information can be expected to continue the availability of such information for small U.S. entities acting as investors.

Dated: April 27, 1993.

Richard C. Breeden,

Chairman.

[FR Doc. 93–10350 Filed 4–30–93; 12:54 pm]

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federal register

Monday
May 3, 1993

Part IX

Supplement to the Guide to Record Retention Requirements in the CFR

Revised as of January 1, 1993

SUPPLEMENT TO THE GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR

Published by the Office of the Federal Register, this Supplement updates the 1992 Guide.

The Guide to Record Retention Requirements in the CFR is a guide in digest form to the provisions of Federal regulations relating to the keeping of records by the public. It tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

This Supplement is derived from the regulations published by the various agencies in the Code of Federal Regulations, as amended in the daily issues of the **Federal Register** through December 31, 1992. Changes occurring in 1992 are indicated in brackets. Housekeeping changes have also been made and include material inadvertently omitted or published incorrectly in previous Guides. Appropriate amendatory terms following the housekeeping changes are indicated in brackets. This Supplement was prepared under the direction of Richard L. Claypoole. Gladys Queen Ramey was chief editor. INQUIRIES, telephone 202–523–3187. SUGGESTIONS concerning this publication may be sent to Martha L. Girard, Director, Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408.

Coverage

In preparing both the Guide and this Supplement it was necessary to establish boundaries in order to keep them within their intended purpose.

The records covered are those that address categories of activities conducted by individuals, businesses, and organizations for which retention requirements are expressly stated in the Code of Federal Regulations .

In many regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies. Such implied requirements have not been included in the Guide and the Supplement.

The following types of requirements also have been excluded:

(1) Requirements involving the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.

(2) Requirements involving the display of posters, notices, or other signs in places of business.

(3) Requirements contained in individual Government contracts, unless the contract provisions are incorporated in the Code of Federal Regulations.

Arrangement

The arrangement and numbering system in this Supplement follows the numbering system established for the Guide. The numbering in the Guide corresponds to the CFR.

For example, a record retention requirement relating to agriculture will be found in the Guide under Title 7, Agriculture, and, further, under the agency which administers and enforces the regulation in which the record retention requirement appears. The number to the left of the item is the part and section number in Title 7 of the CFR in which the text of the regulation is printed. Because not all sections of the CFR contain record retention requirements, the numbering in the Guide has gaps in the numerical sequence.

Citation

Citations to the Guide and to the CFR are the same. An example is 7 CFR 17.17. The record retention requirement involved can be checked in digest form in the Guide and in full text in the CFR.

Notice

The Guide to Record Retention Requirements and this Supplement do not have the effect of law, regulation, or ruling. They comprise a guide to legal requirements that appear to be in effect as of January 1, 1993.

LIST OF AGENCIES AND CFR TITLES APPEARING IN THIS SUPPLEMENT

Title 5—Administrative Personnel

Government Ethics Office

Title 7—Agriculture

Agriculture Department
- Agricultural Marketing Service
- Agricultural Stabilization and Conservation Service
- Animal and Plant Health Inspection Service
- Commodity Credit Corporation
- Farmers Home Administration
- Federal Crop Insurance Corporation
- Food and Nutrition Service
- Office of the Secretary
- Rural Electrification Administration

Title 9—Animals and Animal Products

Agriculture Department
- Animal and Plant Health Inspection Service
- Food Safety and Inspection Service

Title 10—Energy

Energy Department
Nuclear Regulatory Commission

Title 11—Federal Elections

Federal Election Commission

Title 12—Banks and Banking

Federal Deposit Insurance Corporation
Treasury Department
- Comptroller of the Currency
- Thrift Supervision Office

Title 13—Business Credit and Assistance

Commerce Department
- Economic Development Administration

Small Business Administration

Title 14—Aeronautics and Space

Transportation Department
- Federal Aviation Administration
- Office of the Secretary

Title 15—Commerce and Foreign Trade

Commerce Department
- Export Administration Bureau

Title 16—Commercial Practices

Consumer Product Safety Commission

Title 17—Commodity and Securities Exchanges

Commodity Futures Trading Commission
Securities and Exchange Commission

Title 18—Conservation of Power and Water Resources

Energy Department
- Federal Energy Regulatory Commission

Title 19—Customs Duties

Treasury Department
- Customs Service

Title 20—Employees' Benefits

Health and Human Services Department
- Social Security Administration

Labor Department
- Assistant Secretary for Veterans' Employment and Training Office
- Employment and Training Administration

Title 21—Food and Drugs

Health and Human Services Department
- Food and Drug Administration

Justice Department
- Drug Enforcement Administration

National Drug Control Policy Office

Title 22—Foreign Relations

International Development Cooperation Agency
- Agency for International Development

Title 23—Highways

Transportation Department
- Federal Highway Administration

Title 24—Housing and Urban Development

Housing and Urban Development Department

Title 25—Indians

Interior Department
- Indian Affairs Bureau

Title 26—Internal Revenue

Treasury Department
Internal Revenue Service

Title 27—Alcohol, Tobacco Products and Firearms

Treasury Department
Alcohol, Tobacco and Firearms Bureau

Title 28—Judicial Administration

Justice Department

Title 29—Labor

Equal Employment Opportunity Commission
Federal Mediation and Conciliation Service
Labor Department
Occupational Safety and Health Administration
Office of the Secretary
Wage and Hour Divison
Pension Benefit Guaranty Corporation

Title 30—Mineral Resources

Interior Department
Mineral Management Service
Surface Mining Reclamation and Enforcement Office
Labor Department
Mine Safety and Health Administration

Title 31—Money and Finance: Treasury

Treasury Department
Fiscal Service
Foreign Assets Control Office

Title 32—National Defense

Defense Department
Air Force Department
Office of the Secretary
General Accounting Office

Title 33—Navigation and Navigable Waters

Transportation Department
Coast Guard
St. Lawrence Seaway Development Corporation

Title 34—Education

Education Department

Title 36—Parks, Forests, and Public Property

Interior Department
National Park Service
National Archives and Records Administration

Title 37—Patents, Trademarks, and Copyrights

Copyright Royalty Tribunal

Title 40—Protection of Environment

Environmental Protection Agency

Title 41—Public Contracts and Property Management

General Services Administration
Interior Department

Title 42—Public Health

Health and Human Services Department
Health Care Financing Administration
Public Health Service

Title 43—Public Lands: Interior

Interior Department
Land Management Bureau

Title 44—Emergency Management and Assistance

Federal Emergency Management Agency

Title 45—Public Welfare

Bicentennial of the U.S. Constitution Commission
Health and Human Services Department
Community Services Office
Office of the Secretary
Social Security Administration
National and Community Service Commission

Title 46—Shipping

Federal Maritime Commission
Transportation Department
Coast Guard
Maritime Administration

Title 47—Telecommunication

Federal Communications Commission

Title 48—Federal Acquisition Regulations System

Defense Department
National Aeronautics and Space Administration

Title 49—Transportation

Interstate Commerce Commissiom
Transportation Department
Federal Highway Administration
Federal Railroad Administration
Federal Transit Administration
National Highway Traffic Safety Administration
Office of the Secretary
Research and Special Programs Administration
Urban Mass Transportation Administration

Title 50—Wildlife and Fisheries

Commerce Department
National Oceanic and Atmospheric Administration
Interior Department
Fish and Wildlife Service

OFFICE OF GOVERNMENT ETHICS

5 CFR

2634.403 Independent trustees and other designated fiduciaries administering qualified blind trusts. [Added]

To maintain books of account and other records and copies of the trusts' tax returns for each taxable year of the trust.

2634.404 Independent trustees and other designated fiduciaries administering qualified diversified trusts. [Added]

See 5 CFR 2634.403

2634.408 Independent trustees and other designated fiduciaries administering trust funds. [Added]

See 5 CFR 2634.403.

AGRICULTURE DEPARTMENT

Office of the Secretary

7 CFR

21.909 State agencies having contracts or agreements for relocation assistance projects. [Removed, 1986]

Agricultural Marketing Service

7 CFR

58.322 Dairy plants approved for USDA inspection and grading service. [Removed by OFR; regulation contains no record retention requirement]

Note: At 50 FR 1814, Jan. 14, 1985, 7 CFR parts 101, 102, 103, 104, 106, 107, 108, and 111 were redesignated as 7 CFR parts 735 through 742.

Food and Nutrition Service

7 CFR

210.27 State educational agencies participating in the National School Lunch Program. [Redesignated as 210.28, 1991]

210.28 State educational agencies participating in the National School Lunch Program. [Redesignated from 210.27, 1991]

To maintain records concerning the survey of school food authorities including, at a minimum, a description of survey methods and a copy of the format used to obtain food preferences; the name and address of each school food authority included in the survey; and a record of the data obtained from each school food authority.

Retention period: 3 years.

235.7 State agencies receiving payment under the State administrative expense funds. [Added by OFR]

To keep records on the expenditure of State administrative funds and to maintain current accounting records of State administrative expense funds which shall adequately identify fund authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

Retention period: 3 years after date of the final Financial Status Report or until resolution of the issues raised by audit findings. Records for nonexpendable property acquired with State administrative expense fund shall be

retained for 3 years after its final disposition.

240.11 State agencies and distributing agencies participating in the cash in lieu donated foods under the National School Lunch Program. [Added by OFR]

To maintain records on the receipt and disbursement of funds.

Retention period: 3 years after the end of the fiscal year to which they pertain or until resolution of any claim actions and/or audit findings.

245.4 Cooperating State agencies and school food authorities participating in the National School Lunch, School Breakfast or Special Milk Program. [Added by OFR]

To keep all material relating to the conduct of the survey and determination of the factor for fund withdrawal in accordance with 7 CFR 210.8.

245.6 Participating institutions in the National School Lunch, School Breakfast or Special Milk Program. [Added by OFR]

See 7 CFR 226.23.

245.6a Cooperating State agencies and school food authorities participating in the National School Lunch, School Breakfast or Special Milk Program. [Corrected by OFR]

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the fiscal year to which they pertain or beyond 3 years until resolution of any audit questions.

245.7 School food authorities participating in the National School Lunch, School Breakfast, or Special Milk Programs. [Corrected by OFR]

To maintain written record of each hearing which shall include the challenge or the decision under appeal, any documentary evidence, and a summary of any oral testimony presented at the hearing official, including the reasons therefore, and a copy of the notification to the parties concerned of the decision of the hearing official.

Retention period: 3 years.

246.15 State and local health agencies participating in the Special Supplemental Food Program for women, infants, and children. [Correctly renumbered 246.25 by OFR]

246.25 State and local health agencies participating in the Special Supplemental Food Program for women, infants, and children. [Correctly renumbered from 246.15 by OFR]

To maintain records including, but not limited to, information pertaining to financial operations, food delivery systems, food instrument issuance and redemption, equipment purchases and inventory, certification procedures, nutrition education, civil rights and fair hearing procedures.

Retention period: 3 years following the date of submission of the final expenditure report for the period to which the reports pertain, or until resolution of an audit or of any litigation.

251.4 Distributing agencies and state agencies responsible for administering Temporary Emergency Food Assistance Program. [Amended]

To maintain documentation of the transfers of any donated commodities between emergency feeding organizations and recipient agencies. To also maintain records and substantiating documents on all claim actions and adjustments including documentation of those cases in which no claim was asserted because of the minimal amount.

Retention period: In accordance with 7 CFR 250.6(r) and 251.10(a).

251.10 State agencies and emergency feeding organizations responsible for administering Temporary Emergency Food Assistance Program. [Added by OFR]

(a) To maintain records to document the receipt, disposal, and inventory of commodities received.

(b) To maintain financial records and records to document the amount of funds paid to emergency feed organizations for the actual storage and distribution costs incurred.

(c) To keep accurate and complete records showing the date and method used to determine the number of eligible households served at that site and other such information as specified in cited section.

Retention period: 3 years from the close of the Federal fiscal year to which they pertain.

275.8 State agency project areas participating in the Food Stamp Program. [Revised, 1987, record retention requirements now in 275.9]

275.9 State agency project areas participating in the Food Stamp Program. [Added by OFR]

To retain Management Evaluation Review (ME) plans and review worksheets in an orderly fashion.

277.4 State agencies participating in the Food Stamp Program. [Correctly renumbered 277.12 by OFR]

277.12 State agencies participating in the Food Stamp Program. [Correctly renumbered from 277.4 by OFR]

To maintain financial records, supporting documents, statistical records, and other records pertinent to FNS program funds or negotiated contracts exceeding $2,500 thereunder.

Retention period: 3 years from the date of submission of annual financial status report or until resolution of issues raised in audit.

Animal and Plant Health Inspection Service

7 CFR

318.13–4g Papaya irradiation processors. [Removed]

Federal Crop Insurance Corporation

7 CFR

400.407 Authorized persons (insurance company, reinsured company) collecting, using, and storing documents containing SSNs and EINs under the FCI Act. [Added]

To maintain hardcopy records in file folders in locked file cabinets or in secured computer systems.

Retention period: For a period of not less than 5 years.

400.411 Private insurance companies, either direct or reinstated, collecting, using, and storing documents containing SSNs and EINs under the FCI Act. [Added]

To retain all records of the policyholders.

Retention period: For a period of not less than 5 years.

401.122 Insured under FCIC (Stonefruit). [Added by OFR]

For each proposed unit, to maintain written, verifiable records of acreage and harvested production.

Retention period: For at least the previous crop year.

401.127 Insured under FCIC (Cranberry). [Added by OFR]

For each proposed unit, to maintain written, verifiable records of acreage and harvested production.

Retention period: For at least the previous crop year.

401.130 Insured under FCIC (Grape). [Added by OFR]

For each proposed unit, to maintain written, verifiable records of acreage and harvested production.

Retention period: For at least the previous crop year.

401.133 Insured under FCIC (Sugar). [Added by OFR]

For each proposed unit, to maintain written, verifiable records of acreage and harvested production.

Retention period: For at least the previous crop year.

401.138 Insured under FCIC (Fresh market sweet corn). [Added by OFR]

For each proposed unit, to maintain written, verifiable records of acreage and harvested production.

Retention period: For at least the previous crop year.

401.142 Insured under FCIC (Raisin). [Added by OFR]

For each proposed unit, to maintain written, verifiable records of acreage and harvested production.

Retention period: For at least the previous crop year.

401.143 Insured under FCIC (Florida citrus). [Added by OFR]

For each proposed unit, to maintain written, verifiable records of acreage and harvested production.

Retention period: For at least the previous crop year.

Agricultural Stabilization and Conservation Service

7 CFR

723.407 Cigar tobacco buyers. [Added by OFR]

To keep records for each lot of each kind of tobacco purchased or sold, including tobacco obtained from grading tobacco for producers or furnishing curing space, or stripping space. To also maintain records which will show by kind of tobacco, the disposition of tobacco purchased and records of purchases of tobacco from producers.

Retention period: 3 years after the end of the marketing year or for such longer period of time as may be requested in writing by the State ASCS Executive Director or the Director.

Note: At 50 FR 1814, Jan. 14, 1985, 7 CFR parts 735 through 742 were redesignated from 7 CFR parts 101, 102, 103, 104, 106, 107, 108, and 111. The entire correctly redesignated text is republished.

735.17 Licensed agricultural products warehousemen.

To keep copies of all receipts issued.

Retention period: 1 year after December 31 of the year in which the corresponding original receipt is canceled.

735.28 Licensed agricultural products warehousemen. [Amended by OFR]

To maintain records, books, and papers pertaining to the licensed warehouse, including current receipt book, copies of receipts issued, and canceled receipts.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act.

735.33 Licensed agricultural products warehousemen.

To maintain accounting records as specified in sections cited.

Retention period: 6 years after December 31 of the year in which such cotton for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act.

735.36 Licensed agricultural products warehousemen.

To maintain as part of warehouseman's records an exact copy of each report submitted.

Retention period: 3 years after December 31 of the year in which submitted.

735.47 Licensed cotton warehousemen.

To keep copies of certificates covering cotton stored, and copies of Form A memorandums and Form C certificates issued by a board of cotton examiners which forms a basis of any receipt issued.

Retention period: 1 year after December 31 of the year in which the receipt based on such certificates or memoranda is canceled.

735.49 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: 1 year after December 31 of the year in which such cotton is removed from the warehouse.

736.20 Licensed agricultural products warehousemen.

See 735.17.

736.29 Licensed agricultural products warehousemen.

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: 3 years after December 31 of the year in which issued.

736.30 Licensed grain warehousemen.

To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: 1 year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse.

736.34 Licensed agricultural products warehousemen.

See 735.28.

736.37 Licensed agricultural products warehousemen.

See 735.33.

736.38 Licensed agricultural products warehousemen.

See 735.36.

736.54 Licensed agricultural products warehousemen.

To keep as a record notices of the condition of commodities stored in the warehouse.

Retention period: 6 years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of litigation which the warehouseman knows is pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act.

737.17 Licensed agricultural products warehousemen.

See 735.17.

737.24 Licensed agricultural products warehousemen.

See 736.29.

737.28 Licensed agricultural products warehousemen.

See 735.28.

737.39 Licensed agricultural products warehousemen.

See 736.54.

737.40 Licensed agricultural products warehousemen.

See 735.33.

737.41 Licensed agricultural products warehousemen.

See 735.36.

738.17 Licensed agricultural products warehousemen.

See 735.17.

738.28 Licensed agricultural products warehousemen.

See 735.28 and 735.33.

738.29 Licensed agricultural products warehousemen.

See 735.36.

739.17 Licensed agricultural products warehousemen.

See 735.17.

739.30 Licensed agricultural products warehousemen.

See 735.28.

739.37 Licensed agricultural products warehousemen.

See 735.33.

739.39 Licensed agricultural products warehousemen.

See 735.36.

739.48 Licensed agricultural products warehousemen.

See 736.54.

739.54 Licensed agricultural products warehousemen.

See 736.29.

740.19 Licensed agricultural products warehousemen.

See 735.17.

740.29 Licensed agricultural products warehousemen.

See 736.29.

740.33 Licensed agricultural products warehousemen.

See 735.28.

740.43 Licensed agricultural products warehousemen.

See 735.33.

740.45 Licensed agricultural products warehousemen.

See 735.36.

740.51 Licensed agricultural products warehousemen.

See 736.54.

740.55 Licensed nut warehousemen.

To keep a copy of the certificate covering nuts stored.

Retention period: 3 years after December 31 of the year in which the certificates are issued.

741.17 Licensed agricultural products warehousemen.

See 735.17.

741.29 Licensed agricultural products warehousemen.

See 735.28.

741.33 Licensed agricultural products warehousemen.

See 735.33.

741.35 Licensed agricultural products warehousemen.

See 735.36.

741.42 Licensed agricultural products warehousemen.

See 736.54.

741.47 Licensed agricultural products warehousemen.

See 736.29.

742.18 Licensed agricultural products warehousemen.

See 735.17.

742.33 Licensed agricultural products warehousemen.

See 735.28.

742.41 Licensed agricultural products warehousemen.

See 735.33.

742.44 Licensed agricultural products warehousemen.

See 735.36.

742.52 Licensed agricultural products warehousemen.

See 736.54.

742.56 Licensed agricultural products warehousemen.

See 736.29.

742.56 Licensed cottonseed warehousemen.

To keep a copy of the certificate covering the cottonseed stored.

Retention period: 3 years after December 31 of the year in which the certificates are issued.

Agricultural Marketing Service

7 CFR

929.61 Cranberry handlers. [Redesignated as 929.63]

929.63 Cranberry handlers. [Redesignated from 929.61]

To maintain records of all cranberries acquired, withheld from handling, handled or otherwise disposed of as will substantiate the required reports.

Retention period: Not less than 3 years after termination of the crop year in which the transaction occurred or for such lesser period as the committee may direct.

991.61 Hops handlers. [Removed, 1986]

1205.531 Cotton handlers. [Revised]

See 1205.339.

1211.39 Pecan Marketing Board. [Added]

To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board.

Retention period: See 7 CFR 1211.61.

1211.42 Contractors subject to the Pecan Promotion and Research Plan. [Added]

To keep accurate records of all transactions, account for fund received and expended. Such records shall be subject to audit by the Secretary.

Retention period: See 7 CFR 1211.61.

1211.61 First handlers, grower-shellers, and importers subject to the Pecan Promotion and Research Plan. [Added]

To maintain and during normal business hours make available for inspection and copying by authorized employees of the Board or Secretary, such books and records as are necessary to carry out the provisions of the Plan and the regulations issued thereunder, including such records as are appropriate and necessary to verify all required reports.

Retention period: For at least 3 years beyond the fiscal period of their applicability.

1212.70 Lime handlers, producer-handlers, and importers. [Added]

(a) *Handlers and producer-handlers.*To maintain a record of each transaction for limes on which assessment had already been paid, including statements from sellers that have been paid.

(b) *Importers.* To maintain a record of each importation of limes during such period, giving the quantity, date, and port of entry.

Retention period: 2 years beyond the marketing year of their applicability.

1212.71 Lime handlers, producer-handlers and importers. [Added]

To maintain such books and records are are necessary to carry out the provision of the Lime Research, Promotion, and Consumer Information Order, including such records as are necessary to verify any required reports.

Retention period: 2 years beyond the marketing year of their applicability.

1212.72 Lime handlers, producer-handlers and importers—retention period. [Added]

To maintain for at least 2 years beyond the marketing year of their applicability:

(a) One copy of each report made to the Board; and

(b) Such records as are necessary to verify such reports.

1280.161 Wheat and wheat food manufacturers. [Removed]

1280.330 Wheat and wheat food manufacturers. [Removed]

Commodity Credit Corporation

1430.299 Responsible persons or producers of milk who are granted advance payment of refund or a refund. [Removed, 1989]

1430.324 Responsible persons or producers of milk who are granted advance payment of refund or a refund. [Removed, 1989]

1471.1551 Producers of wool, sheep, and lambs and their marketing agencies participating in price support program. [Removed by OFR]

1472.1451 Producers of wool, sheep, and lambs and their marketing agencies participating in price support program. [Removed, 1986]

Rural Electrification Administration

7 CFR

1710.203 Power supply borrowers. [Added]

To maintain current PRS work plan and its essential supporting data and analysis.

Retention period: Until next PRS is approved by REA.

1753.57 Borrowers, engineers, and construction supervisors for outside plant major construction by force account method with REA loan funds. [Redesignated from 1765.47 in 1990]

(a) To maintain records on all expenditures for materials, labor, transportation, and other costs of construction, in order that all costs may be fully accounted for upon completion of construction.

(b) To maintain accurate and current inventories of completed construction.

Retention period: Not specified.

1753.80 Borrowers for minor construction of telecommunications facilities using REA loan funds. [Redesignated from 1765.70 in 1990]

To maintain accounting and plant records sufficient to document the cost and location of all construction and to support loan fund advances and disbursements.

Retention period: Not specified.

1765.47 Borrowers, engineers, and construction supervisors for outside plant major construction by force account method with REA loan funds. [Redesignated as 1753.57 in 1990]

1765.70 Borrowers for minor construction of telecommunications facilities using REA loan funds. [Redesignated as 1753.80 in 1990]

Farmers Home Administration

7 CFR

1823.284 Rural communities and other associations or organizations of farmers and rural residents obtaining loans and grants for housing projects and related facilities. [Removed, 1989]

1933.409 Self-help housing technical assistance grantees. [Removed, 1990]

1940.956 State rural economic development review panel. [Added]

To keep records of the minutes of the meetings, deliberations, and evaluations of the panel in sufficient detail to enable panel to provide interested agencies or persons the reasons for its actions.

1942.17 Entities receiving community facility loans. [Amended]

To maintain books of account and all other records, books, memoranda which support entries in the books of account.

Retention period: At least 3 years.

1944.257 Service coordinators; Congregate Housing Service Program. [Added]

To maintain necessary case files on each program participant, containing such information as assessment, referral, case monitoring, and reassessment processes.

1944.258 Professional Assessment Committees (PAC)–Congregate Housing Service Program. [Added]

To maintain in files concerning program participants, such information as medical evaluations and supportive services plans.

1980.647 Grantees under the Nonprofit Corporations Loan and Grant Program. [Revised, 1989, record retention requirements now in 1980.656]

1980.656 Grantees under the Nonprofit Corporation Loan and Grant Program. [Added by OFR]

To maintain financial records in accordance with USDA Uniform Assistance Regulation part 3015. These records must include an accurate accounting and documentation of how these funds are used.

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

9 CFR

11.21 Certification and licensing of Designated Qualified Persons (DQP's); Management of horse shows, horse exhibitions, horse sales or horse auctions; Organizations and associations sponsoring or sanctioning any horse show, sale, exhibition or auction. [Correctly renumbered 11.22 by OFR]

11.22 Certification and licensing of Designated Qualified Persons (DQP's); Management of horse shows, horse exhibitions, horse sales or horse auctions; Organizations and associations sponsoring or sanctioning any horse show, sale, exhibition or auction. [Correctly renumbered from 11.21 by OFR]

See 11.7.

11.23 Certification and licensing of Designated Qualified Persons (DQP's); Management of horse shows, horse exhibitions, horse sales or horse auctions; Organizations and associations sponsoring or sanctioning any horse show, sale, exhibition or auction. [Correctly renumbered from 11.24 by OFR]

See 11.7.

11.24 Certification and licensing of Designated Qualified Persons (DQP's); Management of horse shows, horse exhibitions, horse sales or horse auctions; Organizations and associations sponsoring or sanctioning any horse show, sale, exhibition or auction. [Correctly renumbered 11.23 by OFR]

82.30 Authorized laboratories conducting tests for poultry disease caused by salmonella enteritidis serotype enteritidis. [Added by OFR]

(a) To maintain laboratory quality control records for the most recent 3 years that samples have been analyzed.

(b) To maintain complete records of the receipt, analysis, and disposition of official samples for the most recent 3 years that samples have been analyzed.

(c) To maintain a standard book which is a permanently bound book with sequentially numbered pages and containing all readings and calculations for diagnostic tests and calibration of instruments.

Retention period: For a period of 3 years after the last entry is made.

Food Safety and Inspection Service

9 CFR

309.16 Persons certifying animals to be free of diethylstilbestrol (DES). [Amended, 1985, regulation contains no record retention requirements]

381.175 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products. [Amended]

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years.

NUCLEAR REGULATORY COMMISSION

10 CFR

20.2107 Persons licensed to receive, possess, use, transfer, or dispose of byproduct, source, or special nuclear material or operate a production or utilization facility. [Added by OFR]

To maintain records of dose to individual members of the public.

Retention period: Until the Commission terminates each pertinent license requiring the record.

20.2108 Persons licensed to receive, possess, use, transfer, or dispose of byproduct, source, or special nuclear material or operate a production or utilization facility. [Correctly renumbered by OFR]

To maintain records of waste disposal.

Retention period: Until the Commission terminates each pertinent license requiring the record.

Appendix D to §§20.1001–20.2402 Generating licensee transferring radioactive waste to land disposal facility or licensed waste collector. [Correctly renumbered from Appendix E by OFR]

To retain a copy of the manifest and documentation or acknowledgment of receipt as the record of transfer of licensed material as required by 10 CFR parts 30, 40, and 70.

Appendix E to §§20.1001–20.2402 Generating licensee transferring radioactive waste to land disposal facility or licensed waste collector. [Correctly renumbered Appendix D by OFR]

Appendix D to §§20.1001–20.2402 Waste collector licensees handling prepackaged waste. [Correctly renumbered from Appendix E by OFR]

To retain a copy of the manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by parts 30, 40, and 70, and retain information from generator manifest until disposition is authorized by the Commission.

Appendix E to §§20.1001–20.2402 Waste collector licensees handling prepackaged waste. [Correctly renumbered Appendix D by OFR]

Appendix D to §§20.1001–20.2402 Licensed waste processors treating or repackaging waste. [Correctly renumbered from Appendix E by OFR]

(a) To retain copies of original manifests and new manifests and documentation of acknowledgment of receipt as the record of transfer of licensed material required by 10 CFR parts 30, 40, and 70.

(b) To maintain copies of all completed manifest or equivalent documentation until the Commission authorizes their disposition.

Appendix E to §§20.1001–20.2402 Licensed waste processors treating or repackaging waste. [Correctly renumbered Appendix D by OFR]

Appendix D to §§20.1001–20.2402 Land disposals facility operators. [Added by OFR]

To maintain copies of completed manifests or equivalent.

Retention period: Until the license is terminated.

25.23 Licensees or requesting organizations employing individual approved for personnel security access authorization. [Revised]

To maintain records of grant of access authorization notification.

Retention period: 3 years after the access authorization has been terminated by the NRC Division of Security.

35.620 Licensees for certain groups of medical uses of byproduct material. [Correctly renumbered 35.630 by OFR]

35.630 Licensees for certain groups of medical uses of byproduct material. [Correctly renumbered from 35.620 by OFR]

To maintain a record of each calibration, intercomparison, and comparison of dosimetry equipment.

Retention period: Duration of the license.

40.36 Licensees receiving, possessing, using, transferring, or delivering source or byproduct material. [Added by OFR]

To keep records of information important to the safe and effective decommissioning of the facility (such as records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site, etc.) in an identified location.

Retention period: Until the license is terminated by the Commission.

52.63 Licensees for nuclear power plants. [Added by OFR]

To maintain records of all changes to the facility.

Retention period: Until the date of termination of the license.

Part 55, Appendix A Licensees authorized to operate nuclear production and utilization facilities. [Removed, 1987]

70.25 Licensees acquiring, delivering, receiving, possessing, using, transferring or receiving title to own special nuclear material. [Added by OFR]

See 70.32.

70.32 Licensees acquiring, delivering, receiving, possessing, using, transferring or receiving title to own special nuclear material. [Amended]

To keep (a) such records of ownership, receipt, possession, use, and transfer of special nuclear material as may be incorporated as a condition or requirement in any license; (b) records of changes to the material control and accounting program made without prior Commission approval; (c) records of changes to the physical security plan made without prior Commission approval; (d) records of changes to licensee safeguards contingency plan made without prior Commission approval; (e) records of receipt, acquisition, or physical inventory of special nuclear material; (f) records of transfer of special nuclear material to other persons; (g) records of disposal of special nuclear material; (h) records of date and time of application of tamper-safing devices to containers or vaults; (i) material balance records for each material balance showing the quantity of element and fissile isotope in each component of the material balance; (j) a record summarizing the quantities of element and fissile isotope for ending inventory of material in process and additions and removals of material in process during material balance interval; (k) a record summarizing the quantities of element and fissile isotope in unopened receipts and ultimate products maintained under tamper-safing or in the form of sealed sources; (l) records needed to meet fundamental nuclear material controls requirements contained in 10 CFR 70.58, including (i) records which will provide information sufficient to locate special nuclear material and to close a measured material area and the total plant as specified in 10 CFR 70.51, (ii) records of results of review and audit of the nuclear material control system, and (iii) records of shipper-receiver difference evaluations, investigations, and corrective actions concerning special nuclear material received and

shipped; (m) all data, information, reports, and documents generated by the measurement control program, including summary of error data utilized in limit of error calculations performed for each material balance period; and (n) records pertaining to training and qualification of personnel who perform measurement activities pursuant to 10 CFR 70.57(b)(7).

Retention period: (a) If not otherwise specified by regulation or license condition, until disposal is authorized by the Commission; (b) 5 years after date of change; (c) 3 years from date of change; (d) current safeguards contingency plans procedures–entire period during which the procedures were developed and if any portion of the plan is superseded, retain that superseded portion for 3 years after the effective date of the change; changes to the licensee safeguards contingency plan without prior NRC approval–during the period for which possession of a formula quantity of special nuclear material is authorized under a license, retain the superseded portion for 3 years after the effective date of the change; (e) as long as licensee retains possession of special nuclear material and for 3 years following transfer of special nuclear material; (f) until disposal is authorized by the Commission, or for 3 years for records required by 10 CFR 70.51(e)(1)(v) to document transfers of special nuclear material between material balance areas; (g) until disposal is authorized by the Commission; (h) if not otherwise specified by regulation or license condition, until disposal is authorized by the Commission; (i) 3 years; (j) 3 years; (k) 3 years; (l) and (l)(i) if not otherwise specified by regulation or license condition, until disposal is authorized by the Commission; (l)(ii) 3 years; (l)(iii) 3 years; (m) 3 years; (n) 3 years.

70.42 Licensees acquiring, delivering, receiving, possessing, using, transferring or receiving title to own special nuclear material. [Added by OFR]

See 70.32

72.186 Licensees who receive, transfer, and possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI). [Added by OFR]

To maintain records of changes to any physical security and safeguards contingency plans without prior approval.

Retention period: For a period of 3 years from the date of the change.

73.26 Licensees required to provide physical protection or safeguards for special nuclear material in transit and at fixed site. [Amended]

See 73.70.

73.46 Licensees required to provide physical protection or safeguards for special nuclear material in transit and at fixed site. [Amended]

(a) To retain a copy of the current written procedures which document the structure of the security organization and which detail the duties of the Tactical Response Team, guards, watchmen, and other individuals responsible for security.

Retention period: Until the Commission terminates the license for which these procedures were developed and, if any portion of these procedures is superseded, retain the superseded material for 3 years after each change.

(b) To retain the results of the qualification and requalification of guards, watchmen, Tactical Response Team members, or other members of the security organizations; guards and Tactical Response members in annual night firing with assigned weapons; Tactical Response training; and Tactical Response Team and guard exercises to demonstrate overall security system effectiveness and the ability of the security force to perform reponse and contingency plan responsibilities and to demonstrate individual skills in assigned duties.

Retention period: 3 years.

73.50 Licensees required to provide physical protection or safeguards for special nuclear material in transit and at fixed site. [Amended]

See 73.70.

73.55 Licensees required to provide physical protection or safeguards for special nuclear material in transit and at fixed site. [Amended]

See 73.70.

73.60 Licensees required to provide physical protection or safeguards for special nuclear material in transit and at fixed site. [Amended]

See 73.70.

73.70 Licensees required to provide physical protection or safeguards for special nuclear material in transit and at fixed sites. [Amended]

To maintain (a) records of names and addresses of all authorized personnel, records of visitors, vendors and other individuals not employed by the licensee pursuant to 10 CFR 73.46(d)(13), 73.55(d)(6), or 73.60 records of results of tests maintenance and inspections of protected areas and security-related material, record of each alarm intrusion or other security incident, record of shipments of special nuclear material including information to comply with requirements of this part, procedures for controlling access to protected areas; (b) records of results of review and audit of licensee safeguards contingency plan for special nuclear material at fixed sites; (c) records of the current management system (transportation physical protection procedures) records of results of qualification and requalification of armed escorts and physical security personnel; (d) records documenting liaison with law enforcement authorities; (e) records of escort log and communications center personnel, for each spent fuel shipment, describing shipment and significant events that occur during the shipment.

Retention period: (a) 3 years; (b) 3 years from date of review and audit; (c) 3 years; (d) 3 years; (e) 3 years.

74.59 Licensees operating uranium enrichment facilities authorized to produce special nuclear material of low strategic significance. [Added by OFR]

To maintain auditable records sufficient to demonstrate that the process monitoring, item monitoring, alarm resolution and quality assurance and accounting requirements have been met.

Retention period: 3 years unless a longer period is required by 10 CFR part 75.

ENERGY DEPARTMENT

10 CFR

456.316 Covered utilities and home heating suppliers participating in the Residential Conservation Service Program. [Removed]

456.1020 Covered utilities and home heating suppliers participating in the Residential Conservation Service Federal Standby Plan. [Removed]

600.109 Recipients of assistance awards, grantees and subgrantees. [Amended]

To maintain a financial management system that include records identifying source and application of funds and accounting records supported by source documentation.

Retention period: 3 years retention requirement of 600.25 and 600.124 shall apply.

600.213 Participants having cooperative agreements with DOE. [Removed, 1988]

707.16 Contractors and subcontractors performing work at sites owned or controlled by DOE. [Added]

To maintain maximum confidentiality of records related to illegal drug use, to

the extent required by applicable statutes and regulations. All laboratory records relating to positive drug test results, including initial test records and chromatographic tracings, shall be retained by the laboratory in such a manner, as to allow retrieval of all information pertaining to the individual urine specimens. To also maintain as part of its medical records, copies of specimen chain of custody forms.

Retention period: Information pertaining to the individual urine specimen–for a maximum period of 5 years after completion of testing of any given specimen, or longer if so instructed by DOE or by the contractor.

FEDERAL ELECTION COMMISSION

11 CFR

102.5 Organizations financing political activities in connection with Federal and non–Federal elections, other than through transfers and joint fund–raisers. [Added by OFR]

To keep records of deposits to and disbursements from such account. To also keep records of amounts received or expended.

102.6 Authorized committees of Presidential candidates seeking primary matching funds and general election public financing. [Added by OFR]

To retain all records of contribution deposits and transmittals.

Retention period: 3 years.

TREASURY DEPARTMENT

Comptroller of the Currency

12 CFR

21.3 Security devices required in national banks. [Correctly renumbered from 21.5 by OFR]

To maintain records of each robbery, burglary or nonemployee larceny committed or attempted at a banking office.

Retention period: As long as the bank continues to use security devices.

21.5 Security devices required in national banks. [Correctly renumbered 21.3 by OFR]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR

326.3 Insured State nonmember banks. [Corrected by OFR]

See 12 CFR 21.3.

326.4 Insured State nonmember banks. [Removed by OFR; regulation contains no record retention requirements]

See 326.5.

326.5 Insured State nonmember banks. [Removed, 1991]

337.6 Deposit brokers. [Added]

To maintain sufficient records of the volume of brokered deposits placed with any insured depository institution over the preceding 12 months and the volume outstanding currently including the maturities, rates, and costs associated with such deposits.

344.4 Insured State nonmember banks. [Added by OFR]

See 12 CFR 344.3.

TREASURY DEPARTMENT

Thrift Supervision Office

12 CFR

545.113 Federal savings and loan associations. [Removed]

562.1 Savings associations and its affiliates. [Added]

To maintain accurate and complete records of all business transactions. Such records shall support and be readily reconcilable to any regulatory reports submitted to the Office of Thrift Supervision (OTS) and financial reports prepared in accordance with GAAP.

563.9–3 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered 563.93 by OFR]

563.13 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Removed, 1989]

563.17–1 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered 563.170 by OFR]

563.17–2 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended; correctly renumbered 563.172 by OFR]

563.17–3 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered 563.173 by OFR]

563.17–4 Savings associations engaging in financial future transactions. [Amended; correctly renumbered 563.174 by OFR]

563.17–5 Savings associations engaging in financial options transactions. [Amended; correctly renumbered 563.175 by OFR]

563.18 Insured institutions and service corporations insured under the Federal Savings and Loan Insurance Corporation. [Correctly renumbered 563.180 by OFR]

563.23–1 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered 563.231 by OFR; regulation contains no record retention requirements]

563.23–3 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered 563.233 by OFR]

563.39–1 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered 563.47 by OFR]

563.47 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered from 563.39–1 by OFR]

Each insured institution or service corporation thereof maintaining a pension plan not subject to recordkeeping and reporting requirements of the ERISA of 1974, and the IRS Code of 1954, as amended, shall establish and maintain records containing: (a) A plan description; (b) a schedule of participants and beneficiaries; (c) a schedule of participants' and beneficiaries' rights and obligations; (d) the plan's financial statements; and (e) except for defined contribution plans, an opinion signed by an enrolled actuary affirming certain acturial assumptions.

Retention period: Not specified.

563.93 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered from 563.9–3 by OFR]

Each insured institution or service corporation affiliate thereof shall keep records showing compliance with the limitations on loans to one borrower if the total balances of all outstanding loans owed to an institution and its service corporation affiliates by any one borrower exceeds $250,000 or 2% of the institutions net worth, whichever is greater, but in all cases where such outstanding loans exceed $1,000,000.

Retention period: Not specified.

563.170 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered from 563.17–1 by OFR]

Each insured institution, affiliate and service corporation thereof shall establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it and, without any limitation on the generality of the foregoing, each insured institution, affiliate and service corporation shall establish and maintain records with respect to: (a) Loans on the security of real estate, including—(1) a loan application, (2) purchase price (if applicable) of the real estate, (3) appraisal, (4) borrower credit report, (5) documentation showing the institution's approval of, and terms of the loan, (6) a record of disbursements, (7) validity of the lien, (8) documentation showing that a loan settlement statement was furnished the borrower, (9) status of taxes and other assessments on the loan security, (10) loan modifications and (11) releases of collateral; (b) property purchased subject to, or with assumption by a third party of, an institution's loan, (c) loans sold, (d) the acquisition of mortgaged security, (e) insured accounts, and (f) such other records as are required by statute or by any other regulation to which such institution or service corporation is subject.

Retention period: Not specified.

563.172 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended; correctly renumbered from 563.17–2 by OFR]

To keep a dated, signed copy of each report of appraisal of each parcel of real estate owned which is a scheduled item.

Retention period: Not specified.

563.173 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered from 563.17–3 by OFR]

An institution engaging in forward commitments shall maintain (a) a current register of all outstanding forward commitments, including the type (firm or standby), commitment date, amount, rate, price to be paid at settlement, market price at date of commitment, settlement date, commitment fees received, date and manner of disposal, sales price and market value at disposal if disposition is made on or prior to settlement date other than through funding, and seller's identity and conformation; and (b) documentation of the institution's ability to fund all outstanding forward commitments when due.

Retention period: Not specified.

563.174 Savings associations engaging in financial future transactions. [Amended; correctly renumbered from 563.17–4 by OFR]

(a) To maintain records of such transactions sufficient to document how the transaction reduce the net interest–rate risk exposure of the savings associations.

(b) To maintain as part of the documentation of its financial futures activity, a schedule that describes the hedge objective of the futures contracts (individually) or in groups as appropriate) and the hedge results.

Retention period: Such records shall be maintained for all futures transactions closed–out during at least the preceding ten years.

563.175 Savings associations engaging in financial options transactions. [Amended; correctly renumbered from 563.17–5 by OFR]

(a) To maintain a contract register adequate to identify and control all financial options contracts and sufficient to indicate at any time the amounts of financial options contracts required to be reported on its monthly report. At a minimum, the register shall list the type, amount, expiration date, and the cost of or income from each contract.

(b) To maintain, as part of the documentation of its financial option activities, a schedule of any cash market or forward commitment position with which the option is matched, the objective for each contract (or group of contracts), and the results. Such records shall be maintained for all financial options closed out during the preceding ten years.

563.180 Insured institutions and service corporations insured under the Federal Savings and Loan Insurance Corporation. [Amended; correctly renumbered from 563.18 by OFR]

To maintain at the insured institution's home office reports of crimes, suspected crime and unexplained losses.

Retention period: 10 years.

563.231 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered from 563.21–1 by OFR; regulation contains no record retention requirements]

563.233 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered from 563.23–3 by OFR]

Insured institutions and service corporations shall maintain such books and records as will support its financial statements and reports to the Corporation.

Retention period: Not specified.

563a.5 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered 568.5 by OFR; part 568 revised, 1991; 568.5 removed]

563c.10 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Removed]

564.2 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Revised, 1990; regulation contains no record retention requirements]

568.5 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Correctly renumbered from 563a.5 by OFR; Part 568 revised, 1991; 568.5 removed]

SMALL BUSINESS ADMINISTRATION

13 CFR

115.7 Preferred Surety Bond Program (PSB) sureties. [Correctly renumbered 115.60 by OFR]

115.18 Preferred Surety Bond Program (PSB) sureties. [Removed, 1990]

115.60 Preferred Surety Bond Program (PSB) sureties. [Correctly renumbered from 115.7 by OFR]

To maintain all information and certifications required by SBS including a contemporaneous record of the date of issuance of each bond, in its file, for inspection by SBA or its agents and for submission to SBA in connection with claims made under SBA's guarantee.

Retention period: For the term of each bond, plus such additional time as may be required to settle claims for which the surety may seek recovery from SBA or attempt salvage or other recovery and for an additional 3 years thereafter.

121.6 Small business concerns engaged in the logging or forestry products industry. [Correctly renumbered 121.1006 by OFR]

121.1006 Small business concerns engaged in the logging or forestry products industry. [Correctly renumbered from 121.6 by OFR]

To maintain the name, address, and size status or each concern to whom the timber of sawlogs were sold or disposed, and the log species, grades, and volumes involved. To maintain records to show the name, address, and size status of the concern manufacturing the sawlogs into lumber or timbers.

Retention period: 3 years.

124.321 Minority Small Business and Capital Ownership Development Program. [Added by OFR]

To maintain in the office, accounting and other administrative records relating to the joint venture.

COMMERCE DEPARTMENT

Economic Development Administration

13 CFR

305.9 Recipients of financial assistance (including contractors and subcontractors). [Removed by OFR]

311.2 Applicants, Grantees, Borrowers, and "Other Parties" (nondiscrimination records). [Correctly renumbered 311.3 by OFR]

311.3 Applicants, Grantees, Borrowers, and "Other Parties" (nondiscrimination records). [Correctly renumbered from 311.2 by OFR]

To retain employment and project service benefit information for the purpose of carrying out their civil rights responsibilities and in order to provide EDA with required reporting documents. Further information on this requirement may be found in EDA's *Civil Rights Guidelines.*

Retention period: All employment information should be retained at least 1 year.

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

14 CFR

123.27 Air travel clubs using large airplanes. [Removed by OFR]

149.15 Holders of parachute loft certificates. [Removed]

Office of the Secretary

14 CFR

320.10 Air carriers transferring charter authorization. [Removed]

347a.7 Air carriers and foreign air carriers. [Correctly renumbered 374a.7 by OFR]

374a.7 Air carriers and foreign air carriers. [Correctly renumbered from 347a.7 by OFR]

To retain all documents which evidence or reflect the furnishing of transportation and all statements, invoices, bills, and receipts relating to transportation provided to a political candidate or a person acting on his behalf on a credit basis (except foreign air carriers).

Retention period: 3 years.

COMMERCE DEPARTMENT

Export Administration Bureau

15 CFR

771.10 Exporters of petroleum and petroleum products for use on aircraft. [Added by OFR]

To retain in file documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve.

Retention period: See 15 CFR 787.13.

771.12 Exporters of commodities for use by or on specific vessels or planes of US or Canadian registry. [Added by OFR]

See 15 CFR 771.10.

771.16 Exporters of certain non–Naval reserve petroleum commodities. [Added by OFR]

See 15 CFR 771.10.

771.27 Non–governmental non–profit organizations using general license to export donated commodities for humanitarian projects in Vietnam. [Added]

To maintain records of donations made in accordance with 15 CFR 787.13.

773.9 Exporters of certain chemicals and chemicals and biologcal equipment. [Added by OFR]

To maintain records of all transactions under the license in accordance with 15 CFR 787.13.

775.4 Persons applying for license to export commodities to Switzerland or Liechtenstein. [Removed]

775.5 Persons applying for a license to export commodities to Yugoslavia. [Revised by OFR]

To retain on file the original copy of the Yugoslav End–Use Certificate and supplement issued in support of any license application for export to Yugoslavia. See 15 CFR 787.13.

775.6 Applicants for export licenses who have submitted supporting documents with their applications. [Removed by OFR, regulation contains no record retention requirements]

775.7 Persons applying for license to export or reexport commodities to India. [Corrected by OFR]

To retain in file, the original copy of the Indian Import Certificate issued in support of any license application for export to India. See also 15 CFR 787.13.

776.4 Foreign–based service facilities named in reexport authorizations. [Added by OFR]

To maintain a record of each reexport made against the reexport authorization. The record shall include, as a minimum, (a) the reexport authorization number and expiration date; (b) description of the instrument or equipment that was serviced; (c) the full name and address of the person or firm on whose premises the instrument was serviced; (d) a description of the part or parts, including quantity and value, that were used to service the instrument or equipment; and (e) the date the servicing was performed.

776.11 Exporters, reexporters, and intra–country transfer of supercomputers; licensing requirements. [Added]

(a) To maintain detailed logs to record computer usage.

(b) To maintain separate logs of security–related events.

Retention period: 1 year.

777.4 Exporters of registered U.S. agricultural commodities. [Added by OFR]

To maintain pertinent records pursuant to 15 CFR 787.13.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR

1211.31 Persons issuring certificates of compliance for automatic residential garage door operators. [Added]

To maintain written records which show that the certificates are based on a test of each operator or on a reasonable testing program, The records shall identify the operators tested and the production lot and describe the tests the

operators were subjected to in sufficient detail so the tests may be replicated. Records shall also provide the results of the tests including the precise nature of any failures and specific actions taken to address any failures.

Retention period: For a period of at least 3 years from the date of certificate of each operator or the last operator in each production lot.

1616.4 Manufacturers, importers, or other persons initially introducing children's sleepwear, sizes 7 through 14 and fabric intended for use in children's sleepwear. [Added by OFR]

To maintain records related to all tests performed. Such records shall include results of all tests, sizes of all units, and the disposition of all rejected pieces and units.

COMMODITY FUTURES TRADING COMMISSION

17 CFR

3.16 Associated persons of commodity trading advisors and commodity pool operators. [Removed]

3.18 Associated persons of leverage transaction merchants. [Removed]

4.7 Commodity pool operators and commodity trading advisors; exemption with respect to offerings to qualified eligible participants and qualified eligible clients. [Added]

To maintain records prepared in connection with activities as the pool operator of the exempt pool (including, without limitation, records relating to the qualifications of qualified eligible participants and substantiating any performance representations) at the main business address.

4.13 Commodity pool operators. [Correctly renumbered from 4.23 by OFR]

To maintain all books and records prepared in connection with activities.

Retention period: 5 years.

4.23 Commodity pool operators. [Correctly renumbered 4.13 by OFR]

SECURITIES AND EXCHANGE COMMISSION

17 CFR

240.15g–6 Brokers or dealers engaging in transaction in low–priced, over–the–counter securities, often referred to as penny stocks. [Added]

To maintain, as part of its records, copies of the written statements on price determinations and market and price information.

Retention period: See 17 CFR 240.17a–4.

240.17a–8 Registered brokers or dealers subject to the requirements of the Currency and Foreign Transactions Act of 1970. [Added by OFR]

To maintain records pursuant to 31 CFR part 103.

240.17h–1T Associated persons of the brokers–dealers; risk assessment. [Added]

To maintain records on organizations; policies, procedures, or systems; methods for monitoring and controlling financial and operational risks to it resulting from the activities of any of its associated persons, other than a natural persons; financial and capital adequacy; trading positions and risks; material legal proceedings; and other such information as specified in cited section.

Retention period: 3 years.

240.17Ad–15 Registered transfer agents. [Added by OFR]

(a) To maintain a copy of the standards and procedures on signature guarantees. (b) To also maintain a record of transfers rejected, including the reason for the rejection, who the guarantor was, and whether the guarantor failed to meet the transfer agents guarantee standards.

Retention period: 3 years following the date of the rejection.

240.17Ad–15 Registered transfer agents. [Added by OFR]

(a) To maintain a copy of the written standards for the acceptance of guarantees of securities transfers from eligible guarantor institutions and the procedures, including written guidelines where appropriate, to ensure that those standards are used in determining whether to accept or reject guarantees from eligible guarantor institutions.

(b) To maintain a record of transfers rejected, including the reasons for the rejection, who the guarantor was, and whether the guarantor failed to meet the transfer agents' guarantee standards.

Retention period: For a period of 3 years following the date of the rejection.

250.26 Registered holding companies and subsidiaries. [Added by OFR]

To keep current accounts, books and other records of all its transactions in sufficient detail to permit examinations, audit and verification of the financial statements, schedules and reports it is required to file with the Commission or which it issues to stockholders. Such accounts, books, and other records shall be maintained in appropriate form and in sufficient detail to provide all of the information with respect to the business of the company specified by such Commission filing requirements as are in effect when the transactions recorded occur.

275.24–2 Non-resident investment advisers registered or applying for registration. [Correctly renumbered 275.204–2 by OFR]

275.204–2 Non-resident investment advisers registered or applying for registration. [Correctly renumbered from 275.24–2 by OFR]

To keep, at a place within the United States specified in his notice to the Commission, copies of books and records an investment adviser is required to keep, unless the adviser (a) files an undertaking (substantially in the form prescribed) to furnish copies thereof to the Commission on demand and (b) furnishes copies thereof to the Commission, at his expense, within 14 days after written demand therefor.

Retention period: Various. Copies may be maintained on microfilm or on computer storage medium.

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

18 CFR

12.12 Safety of water power projects and project work licensees. [Added by OFR]

In addition to records required to be maintained by 18 CFR part 125, to maintain engineering and geological data relating to design, construction, maintenance, repair, or modification of the project, and other data necessary to demonstrate that construction, maintenance, repair, or modification of the project has been performed in accordance with plans and specifications; instrumentation observations and data collected during construction, operation, or maintenance of the projects, including continuously maintained tabular records and graphs illustrating the data collected; and all other information specified in cited section.

Retention period: Permanent.

250.16 Interstate pipelines with marketing affiliates. [Amended]

To maintain a log on all requests for transportation service made by affiliated marketers or in which an affiliated marketer is involved.

Retention period: From the time the information required in cited section is received until Dec. 31, 1993. The information required must be available from Sept. 12, 1988 until Dec. 31, 1994 to the Commission and the public.

TREASURY DEPARTMENT

Customs Service

19 CFR

10.93 Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond. [Removed, 1988]

10.94 Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel. [Removed, 1988]

10.95 Manufacturers, processors, or dealers of articles of wool or hair of the camel. [Removed, 1988]

10.95 Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond. [Removed, 1988]

10.95 Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel. [Removed, 1988]

19.6 Warehouse proprietors. [Added by OFR]

To maintain in the record original blanket withdrawal form and a copy of the partial release form.

19.11 Warehouse proprietors. [Added by OFR]

(a) To maintain a running record of manipulation performed under a blanket application indicating the quantities before and after each manipulation. The record must show what took place at each manipulation describing marks and numbers of packages, location within the facility, quantities, and description of goods before and after manipulation.

(b) To maintain a record of unpacking merchandise into saleable units and destruction of nonsaleble merchandise in its inventory and accounting records.

19.12 Warehouse proprietors. [Added by OFR]

To keep records on all merchandise entered, manipulated, manufactured, smelted, refined or removed from the bonded warehouse in sufficient detail to permit effective and efficient determination by Customs of the proprietor's compliance with applicable regulations and the correctness of annual submission.

19.13a Proprietors of manufacturing warehouses. [Added by OFR]

See 19 CFR 19.12.

19.16 Cigar manufacturing warehouse proprietors. [Removed, 1987]

19.36 Duty-free store proprietors. [Added]

To maintain, at the duty-free store or at another location approved by the district director, a current inventory separately for each storage area, crib, and sales area containing conditionally duty-free merchandise by warehouse entry, or by unique identifier where permitted by the district director.

Retention period: For not less than 5 years after exportation of the articles.

19.37 Class 9 warehouse proprietors. [Added]

To maintain records of conditionally duty-free merchandise transported beyond the exit point and returned therefrom, and customs permits for such movements.

Retention period: For not less than 5 years after exportation of the articles.

19.39 Warehouse proprietors. [Added]

To maintain copies of lading manifest lists and certificates of lading for exportation in its files.

Retention period: For not less than 5 years after exportation by warehouse entry number or by unique identifier where permitted by the district director.

24.22 Association of American Railroads and AMTRAK. [Added by OFR]

To maintain all documentation necessary for Customs to verify the accuracy of fee computations and to otherwise determine compliance under the law.

Retention period: 3 years from the date of the calculations.

24.24 Importers, exporters, applicants for admission of cargo into foreign trade zone, shippers and cruise vessel operators subject to harbor maintenance fees. [Amended]

To maintain all such documentation necessary for Customs to verify the accuracy of fee computations and to otherwise determine compliance with the law. To also maintain documentation pertaining to the exemption from the harbor maintenance fee for cargo owned or financed by nonprofit organizations or cooperatives certified by the Customs Service as intended for use in humanitarian or developmental assistance overseas.

Retention period: 5 years from the date of the calculation.

122.14 Employers operating in Custom airport security areas. [Removed, 1990]

144.37 Class 9 warehouse proprietors. [Added]

To maintain sale ticket which include serial number and date of preparation of each ticket; warehouse entry number or specific identifier, if approved by the district director; quantity of goods sold; brief description of the articles including the size of bottles; and the full name, address, and signature of the purchaser. To also maintain a sale ticket register or similar accounting record for each warehouse entry.

Retention period: For not less than 5 years after the date of the last sales ticket in the entry.

HEALTH AND HUMAN SERVICES DEPARTMENT

Social Security Administration

20 CFR

404.1624 States making determinations of disability under title III of the Social Security Act. [Added by OFR]

To maintain documentation to support the rates of payment used for purchasing medical or other services.

404.1625 States making determinations of disability under title II of the Social Security Act. [Added by OFR]

To maintain records on the administration of the program (schedules, financial, costs, etc.).

Retention period: See 41 CFR parts 1-20.

416.665 Representative payees receiving benefits on behalf of beneficiaries. [Added by OFR]

To keep records of what was done with the benefit payments in order to make accounting reports.

LABOR DEPARTMENT

Employment and Training Administration

20 CFR

627.240 On-the-job training (OJT) employers. [Added, effective to 6-1-93]

To maintain adequate time and attendance, payroll and other records to support amounts reimbursed under OJT contracts.

627.305 Recipients, SDA grant recipients, title III substate grantees and other subrecipients under title II and title III of the Job Training Partnership Act. [Added, effective to 6-1-93]

To maintain in accordance with instructions from the Governor, documentation supporting the locally developed formula or procedure for needs-based payments and incentive and bonus payments as well as maintenance of an individual record of the determination of the need for, and the amount of each participant's needs-based payments.

627.310 Recipients, SDA grant recipients, title III substate grantees and other subrecipients under title II and title III of the Job Training Partnership Act. [Added, effective to 6–1–93]

To maintain in accordance with instructions from the Governor, documentation supporting the procedure used to provide supportive services to the participant.

627.420 Recipients and subrecipients of funds under programs under titles I, II, and III of the Job Training Partnership Act. [Added, effective to 6–1–93]

To maintain records sufficient to detail the significant history of a procurement. These records shall include but are not necessarily limited to, the following: Rationale for the method of procurement, the selection of contract type, contractor selection or rejection, and the basis for the contract type.

627.425 Recipients and subrecipients of funds under the Job Training Partnership Act. [Added, effective to 6–1–93]

To maintain records of (a) each applicant for whom an application has been completed and a formal determination of eligibility or ineligibility made; (b) each participant enrollment in a JTPA–funded program in sufficient detail to demonstrate compliance with the relevant eligibility criteria attending a particular activity and with the restrictions on the provision and duration of services and specific activities imposed by the Act; and (c) such participant information as may be necessary to develop and measure the achievement of performance standards established by the Secretary.

627.440 Recipients and subrecipients of funds under title II and title III of the Job Training Partnership Act. [Added, effective 6–1–93]

To maintain documentation of charges to the JTPA cost objective/category directly benefitted.

627.460 Recipients, SDA grant recipients, title III substate grantees and other subrecipients under title II and title III of the Job Training Partnership Act–Retention period. [Added, effective 6–1–93]

To maintain records specified in 20 CFR 627.305, 627.310. 627.420, 627.425, and 627.440 for the time limitation requirement of section 165(e) of the Act or for 3 years after submittal to the awarding agency of final expenditure report for the funding period or until any litigation, audit, or claim finally has been resolved.

628.540 Service Delivery Area (SDA) participating in Programs under title II of the Job Training Partnership Act. [Added, effective to 6–1–93]

To maintain documentation of its efforts to implement the locally established volunteer program.

629.21 Recipients, SDA grant recipients, and other subrecipients under Titles I, II, and III of the Job Training Partnership Act. [Removed, 1991]

629.35 Recipients, SDA grant recipients, and other subrecipients under Title I, II, and III of the Job Training Partnership Act. [Removed, effective to 6–1–93]

629.41 Recipients, SDA grant recipients and other subrecipients under Titles I, II, and III of the Job Training Partnership Act. [Removed, effective to 6–1–93]

631.53 Substate grantees under title III of the Job Training Partnership Act. [Added, effective to 6–1–93]

To maintain records showing to whom certifications of continuing eligibility have been issued, the dates of issuance, and the number redeemed.

635.24 Recipients of veterans' program funds under Title IV, Part C, of the Job Training Partnership Act. [Redesignated as 1005.24, 1989]

637.300 States receiving funds under title V of the Job Training Partnership Act. [Added, effective to 6–1–93]

To maintain appropriate and adequate records for the required time period specified in 20 CFR 627.460 to support all incentive bonus payment applications. Such records shall include documentation to support individuals eligibility.

655.510 Employers using alien crewmembers for longshore activities in U.S. ports. [Revised]

To maintain in its records, sufficient documentation to meet its burden of proof to establish validity of each attestation.

Retention period: For a period of at least 3 years from the date of filing and documentation shall be made available to officials of Labor Department upon request.

655.520 Employers using alien crewmembers for longshore activities using automated vessels. [Revised]

See 20 CFR 655.510.

655.705 Employers using aliens on H–1B visas in specialty occupations and as fashion models. [Revised]

To maintain sufficient documentation at place of business in the US to meet burden of proof with respect to the validity of the statements made in labor condition application and the accuracy of information provided in the event that such statement or information is challenged.

Retention period: Such documentation shall be maintained at the place for a period of one year beyond the end of the period of employment specified on the labor condition application or one year from the date the labor condition application was withdrawn, except that if a timely complaint is filed, the documentation shall be retained until the complaint is resolved through the procedures set forth in subpart I of this part 655. Such records shall be made available to DOL for inspection and copying upon request.

655.730 Employers using aliens on H–1B visas in specialty occupations and in fashion models. [Revised]

To maintain documentation sufficient to meet burden of proving the validity of the prevailing wage statement, basis used to establish the actual wage, and determination of the prevailing wage, and the fourth labor condition statement.

Retention period: Labor condition statement–See 20 CFR 655.705; Required payroll records for H–1B employees and other employees in the occupational classification shall be retained at the employer's principal place of business in the U.S. or at the place of employment for a period of 3 years from the date(s) of the creation of the record(s), except that if a timely complaint is filed, all payroll records shall be retained until the complaint is resolved through the procedures set forth in subpart I of this part 655.

655.760 Employers using aliens on H–1B visas in specialty occupations and as fashion models–Retention period. [Revised]

(a) Copies of the labor condition application, required wage information, and documentation showing provision of notice to bargaining representatives or employees at the place of employment–For a period of 1 year beyond the end of the period of employment specified on the labor condition application or 1 year from the date the labor condition application was withdrawn, except that if a timely complaint is filed, the documentation shall be retained until the complaint is resolved through the procedures set forth in subpart I of this part 655.

(b) Required payroll records for H–1B employees and other employees in the occupational classification shall be retained at the place of employment for a period of 3 years from the date(s) of the creation of the record(s), except that if a timely complaint is filed, all payroll records shall be retained until the

complaint is resolved through the procedures set forth in subpart I of this part 655.

676.35 Recipients of the Comprehensive Employment and Training Act, financial assistance under: (a) Titles II and VI of CETA; (b) the Private Sector Initiative Program under title VII of CETA; (c) the Indian and Native American employment and training programs under section 302 of title III, part D of title II, title VI, parts A and C of title IV, and title VII of CETA; (d) the youth programs under parts A and C of title IV of CETA; and (e) the migrant and other seasonally employed farmworkers employment and training programs under section 303 of CETA. [Removed, 1990]

676.83 Recipients of the Comprehensive Employment and Training Act financial assistance under: (a) Titles II and VI of CETA; (b) the Private Sector Initiative Program under title VII of CETA; (c) the Indian and Native American employment and training programs under section 302 of title III, part D of title II, title VI of CETA; (d) the youth programs under parts A and C of title IV of CETA; and (e) the migrant and other seasonally employed farmworkers employment and training programs under section 303 of CETA. [Removed, 1990]

676.84 Recipients of the Comprehensive Employment and Training Act financial assistance under: (a) Titles II and VI of CETA; (b) the Private Sector Initiative Program under title VII of CETA; (c) the Indian and Native American employment and training programs under section 302 of title III, part D of title II, title VI of CETA; (d) the youth programs under parts A and C of title IV of CETA; and (e) the migrant and other seasonally employed farmworkers employment and training programs under section 303 of CETA. [Removed, 1990]

679.6 Recipients of the Comprehensive Employment and Training Act financial assistance under: (a) Titles II and VI of CETA; (b) the Private Sector Initiative Program under title VII of CETA; (c) the Indian and Native American employment and training programs under section 302 of title III, part D of title II, title VI of CETA; (d) the youth programs under parts A and C of title IV of CETA; and (e) the migrant and other seasonally employed farmworkers employment and training programs under section 303 of CETA. [Removed, 1990]

680.1 Recipients of the Comprehensive Employment and Training Act financial assistance under: (a) Titles II and VI of CETA; (b) the Private Sector Initiative Program under title VII of CETA; (c) the Indian and Native American employment and training programs under section 302 of title III, part D of title II, title VI of CETA; (d) the youth programs under parts A and C of title IV of CETA; and (e) the migrant and other seasonally employed farmworkers employment and training programs under section 303 of CETA. [Removed, 1990]

680.100 Recipients of the Comprehensive Employment and Training Act financial assistance under: (a) Titles II and VI of CETA; (b) the Private Sector Initiative Program under title VII of CETA; (c) the Indian and Native American employment and training programs under section 302 of title III, part D of title II, title VI of CETA; (d) the youth programs under parts A and C of title IV of CETA; and (e) the migrant and other seasonally employed farmworkers employment and training programs under section 303 of CETA. [Removed, 1990]

680.200 Recipients of the Comprehensive Employment and Training Act financial assistance under: (a) Titles II and VI of CETA; (b) the Private Sector Initiative Program under title VII of CETA; (c) the Indian and Native American employment and training programs under section 302 of title III, part D of title II, title VI of CETA; (d) the youth programs under parts A and C of title IV of CETA; and (e) the migrant and other seasonally employed farmworkers employment and training programs under section 303 of CETA. [Removed, 1990]

680.301 Recipients of the Comprehensive Employment and Training Act financial assistance under: (a) Titles II and VI of CETA; (b) the Private Sector Initiative Program under title VII of CETA; (c) the Indian and Native American employment and training programs under section 302 of title III, part D of title II, title VI of CETA; (d) the youth programs under parts A and C of title IV of CETA; and (e) the migrant and other seasonally employed farmworkers employment and training programs under section 303 of CETA. [Removed, 1990]

688.33 Recipients of the Comprehensive Employment and Training Act financial assistance under: (a) Titles II and VI of CETA; (b) the Private Sector Initiative Program under title VII of CETA; (c) the Indian and Native American employment and training programs under section 302 of title III, part D of title II, title VI of CETA; (d) the youth programs under parts A and C of title IV of CETA; and (e) the migrant and other seasonally employed farmworkers employment and training programs under section 303 of CETA. [Removed, 1990]

689.405 Recipients of the Comprehensive Employment and Training Act financial assistance under: (a) Titles II and VI of CETA; (b) the Private Sector Initiative Program under title VII of CETA; (c) the Indian and Native American employment and training programs under section 302 of title III, part D of title II, title VI of CETA; (d) the youth programs under parts A and C of title IV of CETA; and (e) the migrant and other seasonally employed farmworkers employment and training programs under section 303 of CETA. [Removed, 1990]

LABOR DEPARTMENT

Office of the Assistant Secretary for Veterans' Employment and Training

20 CFR

1005.24 Recipients of veterans' program funds under Title IV, Part C, of the Job Training Partnership Act. [Redesignated from 635.24, 1989]

To keep records that are sufficient to permit the preparation of reports required by the Job Training Partnership Act and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully; and to maintain such records in such form and containing such information as the Secretary of Labor requires regarding the performance of JTPA programs.

Retention period: Not specified.

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

21 CFR

114.100 Manufacturers of acidified foods. [Added by OFR]

(a) To maintain records of examinations of raw materials, packaging materials, and finished products, and of suppliers' guarantees of certifications that verify compliance with applicable regulations and guidelines or action levels.

(b) To maintain processing and production records showing adherence to scheduled processes, including records of pH measurements and other critical factors intended to ensure a safe products.

(c) To maintain records indentifying initial distribution of the finished product to facilitate, when necessary, the segregation of specific food lots that may become contaminated or otherwise unfit for their intended use.

Retention period: 3 years from the date of manufacture.

179.25 Food irradiation processors. [Added by OFR]

To maintain records on food treated, lot identification, scheduled process, evidence of compliance with the scheduled process, ionizing energy source, source calibration, dosimetry, dose distribution in the product, and the date of irradiation.

Retention period: For a period of time that exceeds the shelf life of the irradiated food product by 1 year, up to a maximum of 3 years, whichever period is shorter.

211.166 Persons manufacturing, processing, packing or holding finished pharmaceuticals. [Added by OFR]

See 211.170.

211.208 Persons manufacturing, processing, packing, or holding finished pharmaceuticals. [Added by OFR]

To maintain records on drug product salvaging including name, lot number, and disposition.

225.115 Manufacturers of medicated feed. [Added by OFR]

To maintain in the premises a file which contains the original or copy of a record of each oral and written complaint received relating to the safety and effectiveness of the product produced and for medicated feeds requiring an approved Medicated Feed Application (Form FDA 1900), and records of clinical and other experience.

225.158 Manufacturers of medicated feed. [Added by OFR]

To maintain records of investigation and corrective action implemented where the results of laboratory assays of drug components, including assays by State feed control officials, indicate that the medicated feed is not in accord with the permissible limits specified in applicable regulations.

Retention period: 1 year.

310.300 Persons holding approved new-drug applications. [Removed by OFR]

314.80 Applicants requesting FDA approval to market a new drug or an antibiotic drug. [Amended]

To maintain records of all adverse drug experience known to the applicant, including raw data and any correspondence relating to adverse drug experience.

Retention period: 10 years.

314.81 Applicants requesting FDA approval to market a new drug or antibiotic drug. [Amended]

See 314.80.

320.36 Manufacturers of drug products subject to bioequivalence requirement. [Redesignated from 320.62]

To maintain all records of *in vivo* or *in vitro* tests conducted on any marketed batch of a drug product to assure bioequivalence.

Retention period: 2 years after the expiration date of the batch.

320.62 Manufacturers of drug products subject to bioequivalence requirement. [Redesignated as 320.36]

433.1 Persons petitioning for exemption from certification for antibiotic drugs intended for local or topical use. [Removed by OFR; regulation contains no record retention requirements]

433.17 Sponsors, investigators, and shippers of new drugs and antibiotic drugs for investigational use; and investigational review casualties. [Removed by OFR; regulation contains no record retention requirements]

433.30 Persons seeking exemptions from antibiotic certifications and labeling requirements—Records retention requirements. [Revised by OFR]

As an option, photostatic or other permanent reproductions may be substituted for records required to be kept after the first 2 years of the holding period.

510.350 Distributors of veterinary drugs. [Removed, 1989]

511.1 Sponsors, investigators, and shippers of new drugs and antibiotic drugs for investigational use; and investigational review casualties. [Text added by OFR]

To maintain adequate records showing the name and post office address of the expert or expert organization to whom the new animal drug is shipped and the date, quantity, and batch or code mark of each shipment and delivered and other such records as specified in cited section.

Retention period: For a period of 2 years after such shipment and delivery.

606.165 Collectors and processors of whole blood (human) collected from human donors and processed for transfusion or further manufacturing. [Added by OFR]

To maintain distribution and receipt records.

640.2 Collectors and processors of whole blood (human) collected from human donors for transfusion to human recipients. [Removed; text added to 640.3 by OFR]

640.3 Collectors and processors of whole blood (human) collected from human donors for transfusion to human recipients. [Text added by OFR]

(a) To maintain on the premises and file with the Center for Biologics Evaluation and Research, a manual of standard procedures and methods approved by the Director of the Center for Biologics Evaluation and Research, that shall be followed by employees who collect blood.

(b) To maintain records indicating the name and qualifications of the person immediately in charge of the employees who collect blood when a physician is not present on the premises.

640.4 Collectors and processors of whole blood (human) collected from human donors for transfusion of human recipients. [Corrected by OFR]

See 21 CFR 640.3.

640.56 Establishments licensed for Cryoprecipitated. [Added by OFR]

To maintain record of corrective actions taken if the average potency level of antihemophilic factor in the containers tested is less than 80 units of antihemophilic factor per container.

820.60 Manufacturers of finished medical devices intended for human use. [Added by OFR]

To maintain written record documenting when scheduled maintenance activities are performed.

820.61 Manufacturers of finished medical devices intended for human use. [Added by OFR]

To maintain calibration records (record of calibration dates and of the individual performing each calibration).

820.80 Manufacturers of finished medical devices intended for human use. [Added by OFR]

To maintain records of component acceptance rejection and of the disposition of all obsolete, rejected, or deteriorated components.

820.120 Manufacturers of finished medical devices intended for human use. [Added by OFR]

To maintain a record examination of labeling materials (examination for identity, and where applicable, the correct expiration date, control number, storage instructions, handling instructions, and additional processing instructions).

820.161 Manufacturers of finished medical devices intended for human use. [Added by OFR]

To maintain written record of the investigation, including conclusions and followup of the critical devices or components which do not meet performance specifications.

820.181 Manufacturers of finished medical devices. [Added by OFR]

To maintain device master records.

Retention period: See 21 CFR 820.180.

820.182 Manufacturers of finished medical devices. [Added by OFR]

See 21 CFR 820.180 and 820.181.

820.184 Manufacturers of finished medical devices. [Added by OFR]

To maintain device history record which shall include the dates of manufacture, the quantity manufactured, the quantity released for distribution, and any control number used.

Retention period: See 21 CFR 820.180.

820.185 Manufacturers of finished medical devices. [Added by OFR]

To maintain a critical device history record for each control number, which shall include complete information relating to the production unit. This record shall identify the specific label, labeling, and control number used for each production unit.

Retention period: See 21 CFR 820.180.

820.198 Manufacturers of finished medical devices. [Added by OFR]

To maintain written and oral complaints files relative to the identity, quality, durability, reliability, safety, effectiveness, or performance of a medical device.

Retention period: See 21 CFR 820.180.

821.25 Manufacturers of tracked devices. [Added]

To keep current records in accordance with standard operating procedures on each tracked device released for distribution.

Retention period: For as long as such device is in use or in distribution for use.

821.30 Distributors, final distributors, or multiple distributors of tracked devices. [Added]

To keep records containing the following information each time such device is distributed for use by a patient: (a) The lot number, batch number, or model number, or serial number of the device, or other identifier used by the manufacturer to track the device; (b) the name, address, telephone number, and social security number (if available) of the patient using the device; (c) the location of the device; (d) the date the device was provided for use by the patient; (e) the name, address, and telephone number of the prescribing physician; (f) the name, address, and telephone number of the physician regularly following the patient if different than the prescribing physician; and (g) when applicable, the date the device was permanently retired from use or otherwise permanently disposed of.

Retention period: For the useful life of each device.

821.50 Manufacturers, distributors, multiple distributors, and final distributors of tracked devices. [Added]

To make records maintained in 21 CFR 821.25 and 821.30 available to FDA personnel for purposes of reviewing, copying, or other use related to the enforcement of the Federal Food, Drug, and Cosmetic Act. Records shall be kept within the United States.

821.60 Distributors, final distributors, or multiple distributors of tracked devices–Retention period. [Added]

To maintain records identified in 21 CFR 821.25 and 821.30 for the useful life of each tracked device. The useful life of a device is the time a device is in use or in distribution for use.

861.26 Offerors to develop a proposed performance standard applicable to devices intended for human use. [Removed by OFR]

JUSTICE DEPARTMENT

Drug Enforcement Administration

21 CFR

Part 1305 Manufacturers or distributors of controlled substance listed in Schedule I or II. [Added by OFR]

To maintain records and forms as required by 21 CFR 1305.09–1305.16.

Retention period: 2 years.

1306.13 Pharmacists partial filling a prescription for a controlled substance listed in Schedule II. [Added by OFR]

To uniformly maintained appropriate records documenting the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed and the identification of the dispensing pharmacist. Information pertaining to current Schedule II prescriptions for patients in a LTCF or for patients with a medical diagnosis documenting a terminal illness may be maintained in a computerized system under certain conditions.

1306.14 Pharmacists filling a written or emergency oral prescription for a controlled substance listed in Schedule II. [Added by OFR]

To maintain appropriate safeguards and records regarding the proper administrations, control, dispensing, and storage of the controlled substance listed in Schedule II.

1306.22 Pharmacists refilling a prescription for a controlled substance listed in Schedule III or IV. [Added by OFR]

To maintain appropriate records consisting of the name and dosage form of the controlled substance, the date filled or refilled, the quantity dispensed, initials of the dispensing pharmacist for each refill, and the total number of refills for that prescription.

1306.24 Pharmacists filling a prescription for a controlled substance listed in Schedule III or IV. [Added by OFR]

See 21 CFR 1306.14.

1306.26 Pharmacists transferring prescription information for Schedules III, IV, and V controlled substances for refill purposes. [Added by OFR]

To maintain both the original and transferred prescription.

Retention period: 2 years from the date of the last refill.

1306.32 Pharmacists dispensing controlled substance listed in Schedules II, III, IV or V without prescription. [Added by OFR]

To maintain bound record book which contain the name and address of the purchaser, the name and quantity of controlled substance purchased, the date of each purchase, and the name or initials of the pharmacist who dispensed the substance to the purchaser. See also 21 CFR 1304.04.

1310.04 Regulated persons engaging in regulated transactions involving listed chemical, tableting machines, and encapsulating machines–Retention period. [Amended]

(a) Records required to be kept for a listed precursor chemical, a tableting machine, or an encapsulating machine–4 years after the date of the transaction.

(b) Records required to be kept for a listed essential chemical– 2 years after the date of the transaction.

NATIONAL DRUG CONTROL POLICY OFFICE

21 CFR

1403.20 Grantees and subgrantees; Anti-Drug Abuse Act. [Added]

To maintain records which adequately identify the source and application of funds provided for financially–assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

Retention period: See 21 CFR 1403.42.

1403.32 Grantees and subgrantees; Anti-Drug Abuse Act. [Added]

To maintain property records that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, and any ultimate disposition date

including the date of disposal and sale price of the property.

Retention period: See 21 CFR 1403.42.

1403.36 Grantees and subgrantees; Anti-Drug Abuse Act. [Added]

To maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Retention period: See 21 CFR 1403.42.

1403.42 Grantees and subgrantees; Anti-Drug Abuse Act–Retention period.[Added]

(a) Real property and equipment records–3 years from the date of the disposition or replacement or transfer at the direction of the awarding agency or until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3–year period, whichever is later.

(b) Income transactions after grant or subgrant support records–from the end of the grantee's fiscal year in which the income is earned or until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3–year period, whichever is later.

(c) Indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates) if submitted for negotiation–3 years from date of such submission; if not submitted for negotiation–3 years from the end of the fiscal period (or other accounting period) covered by the proposal, plan, or other computation.

AGENCY FOR INTERNATIONAL DEVELOPMENT, INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

22 CFR

211.10 Foreign governments, U.S. voluntary agencies, or intergovernmental organizations, except the World Food Program and United Nations Relief and Works Agency, involved in the transfer of food commodities for use in disaster relief, economic development, and other assistance. [Revised]

To maintain records and documents in a manner which will accurately reflect all transactions pertaining to the receipt, storage, distribution, sale, inspection, and use of commodities and pertaining to the receipt and disbursement of any monetized proceeds and program income and the operation of the program and records described in 22 CFR 211.5(i).

Retention period: For a period of 3 years from the close of the fiscal year to which they pertain, or longer. Upon request by A.I.D. for cause, such as in the case of litigation of a claim or an audit concerning such records, the cooperating sponsor shall transfer to A.I.D. any records, or copies thereof, requested by A.I.D.

TRANSPORTATION DEPARTMENT

Federal Highway Administration

23 CFR

12.5 State highway agencies, audit reports. [Correctly renumbered from 12.17 by OFR]

To maintain working papers and audit reports prepared by the State.

12.17 State highway agencies, audit reports. [Correctly renumbered 12.5 by OFR]

140.111 State highway departments or their agents –Retention period. [Added by OFR]

To maintain records as prescribed in 23 CFR part 17.

450.306 State highway departments administering metropolitan planning funds. [Removed by OFR]

635.126 Contractor; Federal–aid highway projects. [Added by OFR]

To maintain a record of the total cost of all material and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form FHWA–47 and in the units shown.

635.123 State highway agencies, Federal-aid highway projects maintenance and construction. [Correctly renumbered from 635.128 by OFR]

To maintain records of initial documents pertaining to the determination of pay quantities.

Retention period: 3 years.

635.128 State highway agencies, Federal-aid highway projects maintenance and construction. [Correctly renumbered 635.123 by OFR]

713.205 State highway departments managing real property acquired in connection with Federal highway projects. [Added by OFR]

To maintain an inventory of all authorized uses of airspace.

740.14 State agencies administering relocation assistance programs. [Removed by OFR]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary

24 CFR

42.125 State agencies participating in relocation assistance programs. [Removed, 1986]

42.207 State agencies participating in relocation assistance programs. [Removed, 1986]

42.225 State agencies participating in relocation assistance programs. [Removed, 1986]

58.30 Recipients of the Community Development Block Grant, Rental Rehabilitation and Housing Development Grant Programs. [Added by OFR]

To maintain a written record of the environmental review.

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR

200.171 Lending agencies—title I. [Removed, 1991]

200.172 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1991]

200.174 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1991]

200.177 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1991]

203.367 Mortgagees under the Single Family Mortgage Insurance Program. [Added by OFR]

To maintain a claim file containing documentation supporting all information submitted for claim payment.

Retention period: For at least 3 years after a claim has been paid. All claim files for claims paid during a period relating to an unresolved or ongoing claim review must be maintained until final resolution of such review. Information to be maintained in the claim file includes receipts covering all disbursements as required by the fiscal data form, ledger cards covering the mortgage transaction, and any additional information or data relevant to the mortgage transaction or insurance claim.

220.152 Borrowers and builders of an insured home improvement loan under the National Housing Act. [Added by OFR]

To keep adequate records of all costs of any construction improvements or other cost items not representing work under the general contract.

232.85 Nursing home and intermediate care facility owners or builders. [Correctly renumbered 232.86 by OFR]

232.86 Nursing home and intermediate care facility owners or builders. [Correctly renumbered from 232.85 by OFR]

To maintain records of all costs of any construction improvements or other cost items not representing work under general contract.

Retention period: Not specified.

232.610 Nursing home and intermediate care facility owners or builders. [Reference amended by OFR]

See 232.86.

248.173 States of local governmental entities participating in the Residential Homeownership Program. [Added]

To maintain records necessary to calculate accurately payments due to the Commissioner.

248.173 Resident councils; Residential Homeownership Program. [Added]

To keep such records as may be reasonably necessary to fully disclose the amount and the disposition of the proceeds of assistance received including any proceeds from sales to eligible families.

250.308 Mortgagors eligible for insurance pursuant to coinsurance contract with State Housing Finance Agencies. [Added by OFR]

To maintain adequate records of all costs of any construction or other cost items not representing work under the general contract.

Retention period: Not specified.

251.706 Mortgagors for the construction or substantial rehabilitation multifamily housing projects. [Removed, 1989]

280.207 Recipients of Nehemiah Housing Opportunity Grants. [Added by OFR]

To keep a copy of each lead–based paint inspection report.

Retention period: 3 years.

Office of Assistant Secretary for Community Planning and Development

24 CFR

511.14 Grantees or state recipients under the Rental Rehabilitation Grant Program. [Added by OFR]

To maintain records in sufficient detail to demonstrate compliance with the tenant assistance, displacement, relocation, and acquisition.

570.483 States administering the Community Development Block Grants Program. [Added]

To keep records sufficient to document its findings that a project meets the national objective of prevention or elimination of slums and blight.

Retention period: See 24 CFR 570.490.

570.485 States administering the Community Block Grant Program. [Added]

To maintain records documenting that it followed its method of distribution of CDBG funds for each unit of general local government that applies for CBDG funds.

Retention period: See 24 CFR 570.490.

570.488 Recipients of the community development block grants. [Redesignated from 570.496a]

To maintain records in sufficient detail to demonstrate compliance with displacement, relocation, acquisition, and replacement of housing provisions.

Retention period: Not specified.

570.490 States administering the Community Block Grants Program. [Added]

(a) To maintain such records as may be necessary to facilitate review and audit by HUD of states' administration of CDBC funds. For fair housing and equal opportunity purposes, and as applicable, such records shall include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the programs.

(b) To maintain unit of general local government's records that are sufficient to facilitate reviews and audits.

Retention period: For the greater of 3 years from closeout of the grant to the state, or the period required by other applicable laws and regulations.

570.496a Recipients of the community development block grants. [Redesignated as 570.488]

570.497 States receiving community development block grants. [Removed]

570.907 Recipients of the community development block grants. [Removed, 1988]

571.602 Recipients of the Community Development Block Grants for Indian Tribes and Alaskan Native Villages. [Added]

To maintain records in sufficient detail to demonstrate compliance with relocation and acquisition regulations.

574.530 Housing Opportunities for Persons with AIDS (HOPWA) grantees. [Added]

To maintain current and accurate data on the race and ethnicity of program participation.

Retention period: 3 years.

574.530 Housing Opportunities for Persons with AIDS (HOPWA) grantees. [Added]

To maintain current and accurate data on the race and ethnicity of program participation.

Retention period: 3 years.

574.630 Housing Opportunities for Persons with AIDS (HOSPA) grantees. [Added]

To maintain records in sufficient detail to demonstrate compliance with displacement, relocation and real property acquisition provisions.

578.335 Recipients of financial assistance for providing permanent for handicapped homeless persons. [Added by OFR]

See 24 CFR 577.335.

Office of the Secretary

24 CFR

700.220 Service coordinators; Congregate Housing Service Program. [Added by OFR]

See 7 CFR 1944.257.

700.225 Service coordinators; Congregate Housing Service Program. [Added by OFR]

See 7 CFR 1944.258.

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR

812.5 Assisted housing responsible entities. [Removed, 1988]

880.603 Public housing agency owners or private owners participating in the Section 8 Housing Assistance Payments Program for new construction. [Added by OFR]

To maintain records on applicants and approved eligible families which provide racial, ethnic, gender and place of previous residency data.

Retention period: 3 years.

881.602 Public housing agency owners and private owners participating in the Section 8 Housing Assistance Payments Program for Substantial Rehabilitation. [Added by OFR]

See 24 CFR 880.603.

882.106 Public housing agencies participating in Section 8 Housing Assistance Payments Program–Existing Housing. [Added by OFR]

To maintain all certifications and relevant documentation on rent reasonableness limitation.

Retention period: 3 years.

882.109 Public housing agencies participating in Section 8 Housing Assistance Payments Program–Existing Housing. [Added by OFR]

See 24 CFR 511.15.

882.211 Public housing agencies participating in Section 8 Housing Assistance Payments Program–Existing Housing. [Added by OFR]

To maintain in file all complaints by families concerning compliance by the owner with housing quality standards.

Retention period: 3 years.

882.405 Public housing agencies participating in Section 8 Housing Assistance Payments Program–Existing Housing. [Added by OFR]

See 24 CFR 511.15.

883.702 State agencies participating in Section 8 Housing Assistance Payments Program. [Added by OFR]

To maintain copies of annual financial statements.

Retention period: 3 years.

884.214 Public housing agencies participating in housing assistance payment programs. [Correctly renumbered from 884.215 by OFR]

To maintain records on applicant families and approved families so as to provide HUD with racial, ethnic and general data and to maintain a copy of the application, the letter, the applicant's response, if any, the records of any informal hearing and a statement of final disposition in cases of ineligible determinations.

Retention period: 3 years.

884.215 Public housing agencies participating in housing assistance payment programs. [Correctly renumbered 884.214 by OFR]

892.204 Public housing agencies participating in Section 8 Fraud Recoveries Program. [Added by OFR]

To maintain record of amounts recovered on any judgment, the nature of the judgment, and the amount of the legal fees and expenses incurred in obtaining the judgment and recovery.

Office of the Assistant Secretary for Public and Indian Housing

24 CFR

905.160 Indian Housing Authorities (IHAs)–Procurement. [Added]

To maintain records sufficient to detail the significant history of a procurement.

905.165 Indian Housing Authorities (IHAs)–Procurement. [Revised]

To maintain documentation in its files for HUD review a copy of the determination where the provision of preference in Indian contracting, employment, and training is infeasible.

Retention period: 3 years.

905.175 Indian Housing Authorities (IHAs)–Procurement. [Revised]

To maintain documentation of efforts in providing Indian preference. To also include as part of documentation a statement explaining the reasons for lack of Indian participation if no quotations are solicited or received from Indian–owned economic enterprises or Indian organizations.

Retention period: Not specified.

905.416 Indian Housing Authorities (IHAs)– Mutual Help Homeownership Opportunity Program. [Revised]

To maintain a waiting list, separate from any other IHA waiting list, of families that have applied for Multiple Help (MH) housing and that have been determined to meet the admission requirements in accordance with requirements prescribed by HUD.

Retention period: Not specified.

905.446 Indian Housing Authorities (IHAs)–Mutual Help Homeownership Opportunity Program. [Revised]

To maintain a record of the meetings with the homebuyer, written plans of action agreed upon, and other related steps taken on termination of a Mutual Help and Occupancy Agreement (MHO).

Retention period: Not specified.

905.505 Indian Housing Authorities (IHAs)–Turnkey III Program. [Revised]

To maintain a waiting list, separate from any other IHA waiting list, of families that have applied for Turnkey III housing and that have been determined to meet the admission requirements. To also maintain a Turnkey III waiting list based on date of application, suitable type or size of units, and factors affecting preference or priority established by IHA's regulations.

Retention period: Not specified.

905.525 Indian Housing Authorities (IHAs) –Turnkey III Program. [Revised]

To retain all residual receipts from the operation of the project in a replacement reserve, including payments received on account of any additional purchase price schedules applicable to the homes.

Retention period: Not specified.

905.560 Indian Housing Authorities (IHAs); lead–based paint poisoning prevention. [Added]

To maintain written records of the notification of positive lead–based paint test results.

905.570 Indian Housing Authorities (IHAs)–Turnkey III Program. [Added]

To maintain records on which units, common areas, exteriors, and child care facilities have been tested for lead–based, results of testing, and the condition of painted surfaces by location in or on the unit, interior common area, exterior surface or child care facility. To also maintain records of abatement.

905.625 Indian Housing Authorities (IHAs). [Removed; record retention requirements now in 905.627]

905.627 Indian Housing Authorities (IHAs)–Modernization Program. [Added]

To retain copies of the signed home homebuyer participation agreement in its file for inspection by the HUD office.

905.666 Indian Housing Authorities (IHAs); New Comprehensive Grant Program. [Added]

To maintain records by unit of the work carried out to permit HUD to review the extent to which Mutual Help and Turnkey III units have been substantially rehabilitated.

905.672 Indian Housing Authorities; New Comprehensive Grant Program. [Added]

(a) To maintain in files, records, such as minutes of planning meetings or resident surveys. Such records shall be made available to residents, resident organizations, and other interested parties, upon request.

(b) To maintain source documents identifying physical and management needs assessment identifying all of the work that an IHA would need to undertake to bring each of its development up to the modernization and energy conservation standards; to comply with lead–based paint testing and abatement requirements; and to comply with other program requirements.

905.715 Indian Housing Authorities (IHAs)–operating subsidy. [Revised].

To maintain appropriate utility records, satisfactory to HUD so that a 36–month rolling average utility consumption per month under the rolling base period system can be determined.

Retention period: Not specified.

905.730 Indian Housing Authorities (IHAs)–operating subsidy. [Revised]

To retain supporting documentation substantiating requested adjustments of base year expense level, estimated investment income, and utilities expense level.

Retention period: Not specified.

905.760 Indian Housing Authorities (IHAs)–operating subsidy. [Revised]

To maintain a record of computation of actual occupancy percentage if an average is elected.

Retention period: Not specified.

905.865 Indian Housing Authorities (IHAs)–resident utility allowances. [Added]

To maintain a record that documents that basis on which utility allowances and scheduled surcharges and revision thereof are established and revised. Such records shall be available for inspection by tenants. To also maintain written comments of tenants on proposed utility allowances or scheduled surcharges or revision.

Retention period: Not specified.

905.885 Indian Housing Authorities (IHAs). [Removed; record retention requirements now in 905.865]

905.937 Indian Housing Authorities (IHAs)–project operation beyond the original ACC term. [Revised]

To maintain records of HUD–approved project disposition or demolition sufficient for audit by HUD to determined compliance with applicable requirements of Federal law and 24 CFR part 905.

905.1017 Indian Housing Authorities (IHAs); Section 5(h) Homeownership Program. [Revised]

To maintain records (including sales and financial records) for all activities incident to implementation of the HUD–approved homeownership plan. All books and records shall be subject to inspection and audit by HUD and the General Accounting Office (GAO).

912.5 Public housing agents (PHAs). [Removed, 1988]

963.12 Public Housing Agencies contracting with resident–owned businesses. [Added by OFR]

To maintain records sufficient to detail the significant history of the procurement made under 24 CFR part 963. These records will include, but are not limited to the following: The independent cost estimate and comparable price analysis; the basis for contractor selection, including documentation concerning the eligibility of the selected resident–owned business and the basis for determining the reasonableness of the proposed contract price.

968.225 Public Housing Agencies (PHAs) receiving assistance under the Comprehensive Improvement Assistance Program (CIAP). [Correctly renumbered from 996.226 by OFR]

To retain in its file for inspection by HUD the signed agreement from each participating homebuyer family that it will amend its homebuyer agreement upon approval of the application.

968.226 Public Health Agencies (PHAs) receiving assistance under the Comprehensive Improvement Assistance Program (CIAP). [Correctly renumbered 996.225 by OFR]

968.310 Public Housing Agencies (PHAs) that own or operate 500 or more Public Housing Unit (250 or more units beginning in FFY 1993) participating in the Comprehensive Grant Program. [Added]

See 24 CFR 905.666.

968.320 Public Housing Agencies (PHAs) that own or operate 500 or more Public Housing Unit (250 or more units beginning in FFY 1993) participating in the Comprehensive Grant Program. [Added]

See 24 CFR 905.672.

Solar Energy and Energy Conservation Bank

24 CFR

1800.107 States participating in the energy or solar systems program. [Added by OFR]

To retain all records relating to use of funds received from the Bank, including all reports received from financial institutions.

Retention period: 3 years from the date of submission of the semi–annual State report for the period covered by such records, except that if any litigation, claim or audit is started before the expiration of the 3–year period, all related records shall be retained for 3 years after final disposition of the litigation, claim or audit.

1800.123 Financial institutions (including States acting as financial institutions) participating in the energy conservation or solar system program. [Added by OFR]

To retain all records related to applications for financial assistance.

Retention period: 3 years from the date the financial assistance is provided (or the date of application, if never provided).

1800.123 Recipients of financial assistance under the energy conservation or solar system program. [Added by OFR]

To retain all records pertaining to the application, the assisted loan or grant, the solar energy or system or energy conservation measures for which the loan or grant was sought, and warranties.

Retention period: 3 years after the financial assistance is provided.

Office of the Assistant Secretary for Housing–Federal Housing Commission

24 CFR

3282.203 Manufacturers of manufactured homes for sale to purchasers in the United States. [Added by OFR]

(a) To maintain a copy of the drawings, specifications, and sketches from each approved design received from a Design Approval Primary Inspection Agency (DAPIA) in each plant in which manufactured homes are being produced to the design.

(b) To maintain in each manufacturing plant a copy of the approved quality assurance manual received from a DAPIA that is being followed in the plant.

These materials shall be kept current and shall be readily accessible for use by the Secretary or other parties acting under these regulations.

3282.20 Manufacturers of manufactured homes for sale to purchasers in the United States. [Added by OFR]

(a) To maintain a current copy of each certification report in the plant to which the certification report relates.

(b) To maintain a complete set of approved drawings, specifications, and approved design changes for the use of the IPIA's inspector and always available to that inspector when in the manufacturing plant.

3282.211 Manufacturers of manufactured homes manufactured under Federal standards. [Added by OFR]

To maintain all cards received as the readily accessible record of the current purchaser or owner and the current address of all manufactured homes manufactured by it for which a card has been received.

3282.301 Design Approval Primary Inspection agencies (DAPIA). [Added by OFR]

To maintain a complete up–to–date set of approved manuals and manual changes approved.

3282.404 Manufacturers of manufactured homes. [Added by OFR]

To maintain complete records of all such information and determinations in a form that will allow the Secretary or SAA (State Administrative Agency) readily to discern who made the determination with respect to a particular piece of information, what the determination was, and the basis for the determination, and other information as specified in cited section.

Retention period: 5 years from the date the manufacturer received the information.

3282.414 Dealers or distributors of manufactured homes. [Added by OFR]

To maintain a complete record of its actions where the manufacturers authorizes the dealer to make necessary corrections on a reimbursable basis of a failure to conform or an imminent safety hazard.

3500.7 Lending institutions insured or regulated by Federal agencies, or creditors making real estate loans. [Revised; regulation contains no record retention requirements]

3500.8 Lending institutions insured or regulated by Federal agencies, or creditors making real estate loans. [Revised; record retention requirements now in 3500.10]

3500.10 Lending institutions insured or regulated by Federal agencies or creditors making real estate loans. [Added]

To maintain each completed HUD–1 settlement statement and related documents.

Retention period: 5 years after settlement, unless the lender disposes of its interest in the mortgage and does not service the mortgage. In that case, the lender shall provide its copy of the HUD–1 to the owner or servicer of the mortgage as a part of the transfer of the loan file. Such owner or servicer shall retain the HUD–1 for the remainder of the 5–year period.

3500.14 Lending institutions insured or regulated by Federal agencies or creditors making real estate loans. [Added]

To maintain any documents provided pursuant to prohibition against kickbacks and unearned fees requirements.

Retention period: 5 years from date of execution.

3500.15 Lending institutions insured or regulated by Federal agencies or creditors making real estate loans. [Added]

To maintain any documents provided pursuant to controlled business arrangements requirements.

Retention period: 5 years after the date of execution.

3500.20 Persons compelled to testify or submit data in connection with any public investigational proceedings under the Real Estate Settlement Procedures Act. [Added]

To retain a copy or, on payment of lawfully prescribed costs, procure copies of any data submitted and testimony as stenographically or mechanically reported.

INTERIOR DEPARTMENT

Bureau of Indian Affairs

25 CFR

211.43 Prospectors or operators mining on Indian lands (except oil, gas, and geothermal). [Removed by OFR]

TREASURY DEPARTMENT

Internal Revenue Service

Note: The following items refer to requirements issued under the Tax Reform Act of 1986 which were in effect as of January 1, 1993. All regulations applicable under any provision of law in effect on October 22, 1986, the date of enactment of the 1986 Code, are applicable to the corresponding provisions of the 1986 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1986 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in 26 CFR 1.6001–1 regardless of other requirements which for other purposes allow shorter retention periods.

The record retention requirements of the Internal Revenue Service are divided into the following categories: Income, Estate and Gift, Employment, and Excise Taxes.

Income Tax

26 CFR

1.170–2 Persons claiming charitable contributions. [Heading revised by OFR]

To keep adequate records of amounts actually paid in maintaining a student as a member of the household. For certain items, such as food, a record of amounts spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable.

1.170A–2 Persons claiming charitable contributions. [Added by OFR]

See 26 CFR 1.170–2.

1.179–4 Persons electing additional first-year depreciation allowance for section 179 property. [Redesignated as 1.179–5]

1.179–5 Persons electing additional first-year depreciation allowance for section 179 property. [Redesignated from 1.179–4]

To maintain records which permit specific identification of each piece of "section 179 property" and reflect how and from whom such property was acquired and when such property was placed in service.

1.214A–1 Taxpayers claiming deductions for employment–related expenses incurred during taxable years beginning after December 31, 1971, and before January 1, 1976. [Added by OFR]

To maintain adequate records to substantiate any deductions.

1.263A–1T Taxpayers, capitalization and inclusion in inventory costs of certain expenses (temporary). [Added by OFR]

To maintain records used to make service cost allocations so that the allocations may be readily examined and verified by the district director. To also maintain records describing the types of costs deducted (general and administrative expenses) so that the amount, nature, and allocation of such costs may be verified readily by the district director.

1.367(a)–1 Participants in exchange involving a foreign corporation. [Removed, 1986]

1.404(a)–2 Employers claiming deductions; taxable years ending before December 31, 1971. [Added by OFR]

To maintain records substantiating all required data and information.

1.453–1 Persons selling by the installment method. [Removed, 1989]

1.453–2 Persons selling personal property by the installment plan. [Removed, 1989]

1.458–1 Persons using special method of accounting for certain returns of magazines, paperbacks, or records (including videos). [Added]

To maintain documentary evidence that describes the quantity of physical items returned to the seller and indicates that the items were returned before the close of the merchandise return period.

1.501(c)(9)–5 Voluntary employees' beneficiary associations. [Added by OFR]

To maintain records indicating the amount contributed by each member and contributing employers, and the amount and type of benefits paid by the organization to or on behalf of each member.

1.614–2 Persons electing to aggregate separate operating mining interests. [Added by OFR]

To maintain adequate records and maps to support election statement.

1.964–3 U.S. shareholders. [Added by OFR]

To maintain such permanent books of accounts as are sufficient to verify income tax liability in respect of amounts includible in income under section 951 of the taxable year of a controlled foreign corporation. See also 26 CFR 1.6001–1.

1.1244 Corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock. [Correctly redesignated as 1.1244(e)–1 by OFR]

1.1244(e)–1 Corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock. [Correctly redesignated from 1.1244 by OFR]

(a) *Corporations.* The plan to issue stock which qualifies under section 1244 of the Code must appear upon the records of the corporation. In addition, in order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records as indicated in section cited.

(b) *Shareholders.* Any person who claims a deduction for an ordinary loss on stock under section 1244 of the Code shall file with the income tax return for the year in which a deduction for the loss is claimed a statement setting forth information indicated in section cited.

In addition, a person who owns "section 1244 stock" in a corporation shall maintain records sufficient to distinguish such stock from any other stock owned in the corporation.

1.1295–1T Election by a passive foreign investment company (PFIC) to be a qualified electing fund. (Temporary) [Removed by OFR]

1.1375–4 Small business corporations of distributions of previously taxed income and undistributed taxable income. [Removed, 1987]

A SPECIFIED RECORD RETENTION PERIOD HAS BEEN ESTABLISHED FOR THE FOLLOWING INCOME TAX RECORDS.

1.23–3 Taxpayers claiming eligibility for residential energy credit. [Added by OFR]

To maintain records that clearly identify the energy–conserving components and renewable energy source property with respect to which a residential energy credit is claimed, and substantiate their cost to the taxpayer, any labor costs properly allocable to them paid for by the taxpayer, and the method used for allocating such labor costs.

Retention period: So long as the contents may become material in administration of any internal revenue law.

1.25–8T Persons making a loan that is a certified indebtedness amount with respect to any mortgage credit certificate. [Added by OFR]

To retain the following information on its books and records: (a) the name, address, and TIN of each holder of a qualified mortgage credit certificate with respect to which a loan is made; (b) the name, address and TIN of the issuer of such certificate; and (c) the date the loan for the certified indebtedness amount is closed, the certified indebtedness amount, and the certificate credit rate of such certificate.

Retention period: 6 years following the year in which the loan was made.

1.42–5 Owners of low–income housing projects. [Added]

To keep records for each qualified low–income building in the project that show for each year in the compliance period: (a) the total number of residental rental units in the building; (b) the percentage of residential rental units in the building that are low–income units; (c) the rent charged on each residential rental in the building; (d) the number of occupants in each low–income unit, but only if rent is determined by the number of occupants in each unit under section 42(g)(2); and such other information as specified in cited section.

Retention period: For at least 6 years after the due date (with extensions) for filing the federal income tax return for the year.

1.382–2T Loss Corporations. [Added by OFR]

To keep such records as are necessary to determine the identity of its 5–percent shareholders; the percentage of its stock owned by each such 5–percent shareholder; and whether the section 382 limitation is applicable.

Retention period: Such records shall be retained as long as they may be material in the administration of any internal revenue law.

1.501(c)(17)–2 Exempt organizations; supplemental unemployment compensation benefits. [Added by OFR]

To maintain records indicating the amount of separation benefits and sick and accident benefits which have been provided to each employee.

Retention period: 3 years from the date any credit is taken or refund is claimed.

1.884–4 Foreign corporations engaged in trade or business in the United States–Branch–Level Interest Tax. [Added by OFR]

To maintain records or schedules that identify liabilities that give rise to branch interest.

Retention period: For the entire period commencing with the due date (including extensions) of the income tax return for the taxable year to which the records or schedules relate and ending with the expiration of the period of limitations for assessment of tax for such taxable year.

1.884–5 Certain widely–held foreign corporations including mutual savings banks and insurances companies–qualified residents. [Added by OFR]

(a) To maintain required documentation (ownership statements, certificates of residency, intermediary ownership statements, substitution of intermediary verification statement for ownership statements and certificates of residency).

Retention period: Until expiration of the period of limitations for the taxable year to which the documentation relates.

(b) To maintain intermediary verification statement.

Retention period: For a period of 6 years from the date of issuance.

1.884–5T Foreign corporations; qualified residents. [Added by OFR]

(a) To maintain documentation to satisfy the stock ownership requirements.

Retention period: Until expiration of the period of limitations for the taxable year to which the documentation relates.

(b) To maintain documentation by an intermediary issuing an intermediary verification statement.

Retention period: To maintain documentation by an intermediary issuing an intermediary verification statement.

Retention period: 6 years from the date of issuance of the intermediary verification statement.

All documentation must be made available for inspection by the District Director at such time and place as the District Director may request.

5h.6 Electing owners, issuers, purchasers, and all successors in interest to the electing owners or purchasers; Technical Miscellaneous Revenue Act of 1988. [Redesignated as 301.9100–8 and amended]

11.401(d)(1)–1 Nonbank trustees of trust benefitting owner–employees. [Added by OFR]

To keep fiduciary records that contain full information relative to each account. To also keep an adequate record of all pending litigation.

Retention period: For as long as the contents thereof may become material in the administration of any internal revenue law.

Employment Tax

RETENTION PERIOD: REGULATIONS REQUIRING THE RETENTION OF EMPLOYMENT TAX RECORDS USUALLY SPECIFY THE NUMBER OF YEARS THAT SUCH RECORDS MUST BE RETAINED. FOR SOME EMPLOYMENT TAX RECORDS, HOWEVER, NO SPECIFIC RETENTION PERIOD CAN BE

ESTABLISHED AND THE "MATERIALITY RULE" DISCUSSED IN SECTION 1.6001–1 UNDER *Income Tax* MUST BE APPLIED. UNDER THE MATERIALITY RULE, THOSE RECORDS MUST BE RETAINED SO LONG AS THEY MAY BECOME MATERIAL IN THE COMPUTATION OF ANY TAX.

SPECIFIC RECORD RETENTION REQUIREMENTS HAVE NOT BEEN ASSIGNED TO THE FOLLOWING AND THE MATERIALITY RULE APPLIES:

Excise Taxes

RETENTION PERIOD: REGULATIONS REQUIRING RETENTION OF EXCISE TAX RECORDS USUALLY SPECIFY THE NUMBER OF YEARS THAT SUCH RECORDS MUST BE RETAINED. FOR SOME EXCISE TAX RECORDS, HOWEVER, NO SPECIFIC RETENTION PERIOD CAN BE ESTABLISHED AND THE "MATERIALITY RULE" DISCUSSED IN SECTION 1.6001–1 UNDER *Income Tax* MUST BE APPLIED. UNDER THE MATERIALITY RULE, THESE RECORDS MUST BE RETAINED SO LONG AS THEY MAY BECOME MATERIAL IN THE COMPUTATION OF ANY TAX.

SPECIFIC RECORD RETENTION REQUIREMENTS HAVE NOT BEEN ASSIGNED TO THE FOLLOWING AND THE MATERIALITY RULE APPLIES:

48.4041–6 Taxpayers purchasing taxable liquid fuel in bulk delivered into storage tanks or other containers and use it for taxable and nontaxable purposes or in registered and nonregistered vehicles. [Added by OFR]

To maintain adequate records of all fuel used for each purpose to permit verification of the tax paid and of any credits, refunds, or exemptions claimed.

48.4093–2 Manufacturers selling and persons purchasing lubricating oil tax free under section 4093(c). [Removed]

48.4182–1 Manufacturers, producers, or importers selling pistols, revolvers, other firearms, and shells and cartridges. [Removed]

48.4216(a)–1 Manufacturers, producers, or importers making sales of taxable articles. [Added by OFR]

To keep records which will disclose the amount of transportation, delivery, insurance, installation, or other expense actually incurred by it in connection with the delivery of a taxable article to a purchaser pursuant to a bona fide sale.

51.4995–2 Operators, partnerships, and other disbursers subject to the crude oil windfall profit tax provisions. [Removed by OFR]

51.4997–1 Persons subject to the crude oil windfall profit tax provisions. [Removed by OFR]

301.9100–8 Electing owners, issuers, purchasers, and all successors in interest to the electing owners or purchasers; Technical Miscellaneous Revenue Act of 1988. [Redesignated from 5h.6 and amended]

(a) To retain the original election document or a copy thereof in its records.

Retention period: Until 6 years after the later of the date the last bond that is part of the issue is retired or the date such owner, purchaser or successor in interest ceases to own the facilities.

(b) To retain a copy of the election.

Retention period: Until 6 years after the date the last bond that is part of the issue is retired.

TREASURY DEPARTMENT

Bureau of Alcohol, Tobacco and Firearms

27 CFR

19.721 Proprietors of distilled spirits plants. [Added by OFR]

To maintain (a) all specially required individual forms, records, and summaries; (b) all supplemental auxiliary, and source date utilized in the compilation of required forms, records, and summaries, and for preparation of reports, returns, and claims; and (c) copies of notices, reports, returns, and approved applications and other documents relating to operations and transactions.

Retention period: 3 years.

19.772 Proprietors of distilled spirits plants. [Removed by OFR]

19.829 Manufacturers of vinegar by the vaporizing process. [Added by OFR]

To keep records of production operations. Separate government records need not be kept as long as commercial records contain all the required information.

Retention period: 3 years.

20.149 Dealers of specially denatured spirits. [Added by OFR]

To maintain records of transactions in completely denatured alcohol and articles made with completely denatured alcohol. See also 27 CFR 20.261.

20.222 Permittees who destroy specially denatured spirits or recovered alcohol. [Added by OFR]

To maintain record of destruction.

24.322 Proprietors using fruit, fruit juice or concentrated fruit juice in the production of allied products. [Added by OFR]

To maintain record of materials in accordance with 27 CFR 24.315. The record will also show the production and disposition of other allied products. If sugar, acids, or chemicals are used in allied products, the receipt and will also be recorded.

53.158 Taxpayers liable for firearms and ammunition excise taxes electing to remit payments and deposits of the taxes (tax payments) by electronic fund transfer (EFT). [Added]

To retain as part of the required records, the transfer data record furnished to the taxpayer through normal banking procedures.

170.17 Persons liable for floor stocks tax. [Added by OFR]

To keep a copy of floor tax return and inventory records at the place of business covered thereby.

170.59 Manufacturers or vendors of stills. [Added by OFR]

To maintain a record showing all stills and distilling apparatus (including those to be used for purposes other than distilling) manufactured, received, removed, or otherwise disposed of. The records will also show the name and address of the purchaser and the purpose for which each appartus is to be used.

Retention period: 3 years.

170.68–170.69 Persons holding distilled spirits for sale including those holding distilled spirits exempt from floor tax. [Added by OFR]

To maintain the record of the physical or source record inventory as prescribed by 27 CFR 170.76.

170.75 Persons, except retail establishments, holding imported perfumes for sale, including those industry members who have less than 500 wine gallons on hand. [Added by OFR]

To maintain record of inventory which shall include complete and accurate information showing the details of the inventory, when and by whom the inventory was taken.

194.55 Caterers. [Added]

To maintain adequate commercial records to support that all locations where alcoholic beverages were sold or offered for sale were covered by a special (occupational) tax payment.

194.151 Caterers. [Added]

See 27 CFR 194.55.

194.331 Wholesale dealers in distilled spirits (except proprietors of distilled spirits plants, who are subject to the recordkeeping provisions of 27 CFR part 19). [Removed by OFR]

250.78 Proprietors of bonded warehouses or bonded processing rooms in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States. [Entry amended by OFR]

To keep file copies of Form 5110.51.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years if it is determined retention is necessary or advisable.

250.93 Proprietors of bonded premises in Puerto Rico withdrawing wine of Puerto Rican manufacture for shipment to the United States. [Entry amended by OFR]

To keep file copies of Form 2900.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years if it is determined retention is necessary or advisable.

250.116 Shippers of liquors and articles of Puerto Rican manufacture to the United States. [Entry amended by OFR]

To keep file copies of Form 487B.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years if it is determined that retention is necessary or advisable.

250.270 Importers bringing bottled distilled spirits into the United States from the Virgin Islands. [Removed by OFR]

250.272 Persons, other than tourists, bringing liquors into the the United States from the Virgin Islands (except proprietors of distilled spirits plants). [Heading amended by OFR]

See 250.163.

250.273 Proprietors of distilled spirits plants bringing liquors into the United States from the Virgin Islands. [Heading amended by OFR]

See 250.164.

250.276 Proprietors of bonded premises in Puerto Rico withdrawing beer of Puerto Rican manufacture for shipment to the United States. [Entry revised by OFR]

To maintain records, documents or copies of documents supporting these records, and file copies of required reports.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years if it is determined retention is necessary or advisable.

250.310 Persons intending to file claims for drawback on eligible articles brought into the United States from Virgin Island. [Heading amended by OFR]

See 250.174.

252.195 Bottlers or packagers of distilled spirits stamped or restamped and marked, especially for export with benefit of drawback. [Removed by OFR; record retention requirements now in 252.195a]

252.195a Bottlers or packagers of distilled spirits stamped or restamped and marked, especially for export with benefit of drawback. [Added by OFR]

To keep copies of Form 5110.30 (with attachments, if any) on which a claim for drawback is filed.

Retention period: 2 years.

285.25 Manufacturers of cigarette papers and tubes. [Amended by OFR]

To keep receipted copies of monthly tax returns, Form 5000.24.

Retention period: 3 years after close of calendar year in which returns are filed.

285.181 Importers of large cigars. [Removed by OFR]

296.146 Distributors of cigarettes. [Added by OFR]

To keep copies of invoices, bills of lading, or other suitable commercial records relating to each disposition of more than 60,000 cigarettes.,

Retention period: 3 years following the close of the year in which the records are made.

296.147 Distributors who are exempted persons. [Added by OFR]

To maintain commercial records containing the information indicated in the cited section for each disposition of more than 60,000 cigarettes.

Retention period: 3 years following the close of the year in which the records are made.

296.150 Distributors of cigarettes–Retention of records. [Added by OFR]

See 27 CFR 296.146 and 296.147.

JUSTICE DEPARTMENT

28 CFR

75.2–75.6 Producers of any books, magazines, periodicals, films, videotapes, or other matters that contain one or more visual depictions of actual sexually explicit conduct made after November 1, 1990. [Added]

To maintain records containing the legal name and date of birth of each performer, obtained by the producer's examination of an identification document, as defined by 18 U.S.C. 1028(d); any name, other than each performer, including the performer's maiden name, alias, nickname, stage name, or professional name, and any such information as specified in cited section.

Retention period: See 28 CFR 75.4.

75.2 Producers of matters containing one or more visual depiction of actual sexually explicit conduct made after November 1, 1990. [Added]

To maintain records of the actual, previous, and assumed names, and of the date of birth of each performer protrayed in such depictions.

Retention period: See 28 CFR 75.4.

75.4 Producers of matters containing one or more visual depictions of actual sexually explicit conduct made after November 1, 1990–Retention period. [Added]

To maintain records specified in 28 CFR part 75.

Retention period: As long as the producer remains in business. (a) If the producer ceases to carry on the business, the records shall be maintained for 5 years thereafter. (b) If the producer produces the matter as part of his control of or through his employment with an organization, and this organization is dissolved, records shall continue to be maintained for a period of 5 years after dissolution.

LABOR DEPARTMENT

Office of the Secretary

29 CFR

4.170 Contractors or subcontractors subject to the Service Contract Act of 1965. [Added by OFR]

To keep appropriate records separately showing the amounts paid for wages and fringe benefits.

32.45 Recipients of Federal financial assistance from the Department of Labor covered by section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). [Added by OFR]

To maintain records on all complaints filed alleging violation of the Act.

Retention period: 3 years.

56.62 WIN sponsors. [Correctly renumbered from 56.63 by OFR]

To maintain written records of all complaints and grievances.

Retention period: Not specified.

56.63 WIN sponsors. [Correctly renumbered 56.62 by OFR]

89.54 States and local governments receiving grants under the Senior Community Service Employment Program. [Added by OFR]

To maintain all financial records, supporting documents, statistical records, and all other records pertinent to the project.

Retention period: 3 years from the date of submission of the final expenditure report or, for grants which are renewed annually from the date of the submission of the annual expenditure report or beyond the 3–year period until resolution of any audit finding or records for nonexpendable property acquired shall be retained for 3 years after final disposition.

89.74 Public and private institutions of higher education, public and private hospitals, and other public and private nonprofit organizations receiving grants under the Senior Community Service Employment Program. [Added by OFR]

See 29 CFR 89.54

Wage and Hour Division

29 CFR

507.705 Employers using aliens on H–1B visas in specialty occupations. [Revised]

See 20 CFR 655.705.

507.730 Employers using aliens on H–1B visas in specialty occupations. [Revised]

See 20 CFR 655.730.

507.760 Employers using aliens on H–1B visas in specialty occupations–retention period. [Revised]

See 20 CFR 655.760.

529.10 Hospitals and institutions employing patient workers. [Removed, 1989]

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR

1420.42 State and local governments receiving Federal grants and cooperative agreements. [Removed, 1989]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR

1620.21 Equal Pay Act. [Correctly renumbered 1620.32 by OFR]

1620.32 Equal Pay Act. [Correctly renumbered from 1620.21 by OFR]

Employers having employees subject to the Act are required to keep records in accordance with U.S. Department of Labor regulations, 29 CFR part 516 (Records to be kept by employers under the FLSA).

LABOR DEPARTMENT

Occupational Safety and Health Administration

29 CFR

1910.119 Employers; process safety management of highly hazardous chemicals; explosives and blasting agents. [Added]

To maintain records on process safety; technology of the process; equipment in the process; process hazard analysis and updates or revalidations for each process covered; operating procedures; employee training; contract employer responsibilities; merchanical integrity; management of change, incident investigation; and emergency planning and response; and also contract employee injury and illness log related to the contractor's work in process areas.

Retention period: Incident investigation–5 years.

1910.252 Employers subject to welding, cutting and brazing standards. [Revised, 1990; regulation contains no record retention requirements; record retention requirements now in 1910.255]

1910.255 Employers subject to welding, cutting, and brazing standards. [Added by OFR]

To maintain periodic inspection certification records. The certification records shall include the date of inspection, the signature of the person who performed the inspection and the serial number, or other identifier, for the equipment inspected.

Retention period: Not specified.

1910.304 Employees subject to wiring design and protection standards. [Removed by OFR; regulation contains no record retention requirements]

1910.450 Employers engaged in laboratory use of hazardous chemicals. [Removed by OFR]

1910.1001 Employers subject to asbestos standards. [Heading amended by OFR]

(a) To keep accurate records of all employees exposure measurements.

Retention period: 30 years.

(b) To maintain accurate record of objective data reasonably relied upon in support of exempted operations.

Retention period: Duration of employer's reliance upon objective data.

(c) To maintain accurate record for each employee subject to medical surveillance.

Retention period: Duration of employment plus thirty years.

(d) To maintain all employee training records.

Retention period: 1 year beyond last date of employment of the employee.

1910.1005 Employers subject to certain carcinogen standards. [Removed by OFR]

1910.1027 Employers subject to the cadmium standards. [Added]

(a) To maintain an accurate records of all air monitoring for cadmium in the workplace. The record shall include (1) the monitoring data, duration, and results in terms of an 8–hour TWA of each sample taken; (2) the name, social security number, and job classification of the employees monitored and of all other employees whose exposures the monitoring is intended to represent; (3) a description of the sampling and analytical methods used and evidence of their accuracy; (4) the type of respiratory protective device, if any, worn by the monitored employee; and (5) a notation of any other conditions that might have affected the monitoring results.

Retention period: For at least 30 years.

(b) To maintain a record of the objective data for exemption from requirement for initial monitoring.

Retention period: 30 years.

(c) To maintain medical surveillance records.

Retention period: Duration of employment plus 30 years.

(d) To maintain a training certificate record which includes the identity of the person trained, the signature of the employer of the person who conducted the training, and the date the training was completed.

Retention period: 1 year beyond the date of training of the employee.

1910.1027, Appendix C Employers subject to cadmium standards. [Added]

To maintain a record of the qualitative and quantitative fit test administered to any employee.

Retention period: Until the next fit test is administered.

1910.1048 Employers subject to formaldehyde standards. [Revised]

To maintain records on exposure measurements, exposure determinations, medical surveillance, and respirator fit testing.

Retention period: (a) Exposure records– For the duration of employment plus 30 years. (b) Medical records– For the duration of employment plus 30 years. (c) Respirator fit testing records–Until replaced by a more recent record.

1910.1100 Employers subject to the asbestos standards. [Removed]

1915.97 Employers subject to health and sanitation standards. [Removed, regulation contains no record retention requirements]

1915.1027 Employers subject to the cadmium standards. [Added]

See 29 CFR 1910.1027.

1915.1027, Appendix C Employers subject to cadmium standards. [Added]

See 29 CFR 1910.1027, Appendix C.

1926.60 Employers subject to methylenedianiline standards. [Added]

(a) To maintain records of the initial monitoring results or objective data supporting exemption.

Retention period: Duration of the reliance upon such objective data.

(b) To maintain an accurate record of historical monitoring data reasonably relied upon in support of the exception.

Retention period: Duration of the employer's reliance upon such historical monitoring data.

(c) To maintain records of all measurements taken to monitor employee exposure to MDA.

Retention period: For at least 30 years.

(d) To maintain medical surveillance records.

Retention period: Duration of employment plus 30 years.

(e) To maintain training records.

Retention period: 1 year beyond the last date of employment.

1926.60, Appendix E Employers subject to methylenedianiline standards. [Added]

Retention period: To maintain a summary of all test results.

Retention period: 3 years.

1926.400 Employers subject to ground-fault protection standards. [Revised, 1986; regulation contains no record retention requirements]

1926.850 Employers subject to demolition standards. [Removed by OFR; regulation contains no record retention requirements]

1926.901 Employers subject to blaster qualifications standards. [Removed by OFR; regulation contains no record retention requirements]

1951.7 State agencies receiving grants implementing approved State plans in the occupational health and safety program. [Correctly renumbered 1951.47 by OFR]

1951.47 State agencies receiving grants implementing approved State plans in the occupational health and safety program. [Correctly renumbered from 1951.7 by OFR]

To maintain financial records, supporting documents, statistical records, and all other records pertinent to the grant program.

Retention period: 3 years, or longer if audit findings not resolved; for nonexpendable property, 3 years after final disposition. Microfilm copies may be substituted for the originals.

PENSION BENEFIT GUARANTY CORPORATION

29 CFR

2616.9 Contributing sponsor or plan administrator of a terminating plan. [Added]

To maintain and preserve all records used to compute benefits with respect to each individual who is a plan participant or a beneficiary of a deceased participant as of the termination date.

Retention period: 6 years after the date the required post–distribution certification is filed with PBGC.

2617.10 Contributing sponsor or plan administrator of a terminating plan. [Added]

See 29 CFR 1616.9.

LABOR DEPARTMENT

Mine Safety and Health Administration

30 CFR

29.31 Applicants having approval to use portable coal dust/rock dust analyzers, and continuous duty, warning light, portable methane detectors in coal mines. [Correctly renumbered 29.43 by OFR]

29.43 Applicants having approval to use portable coal dust/rock dust analyzers, and continuous duty, warning light, portable methane detectors in coal mines. [Correctly renumbered from 29.31 by OFR]

To maintain drawings and specifications upon which certificate of approval was granted.

Retention period: Not specified.

57.3035 Operators of underground mines. [Correctly renumbered 57.3461]

57.3053 Operators of underground mines using rock bolts. [Removed, 1986]

57.3461 Operators of underground mines. [Correctly renumbered from 57.3035]

To develop and maintain as required rock burst detection plan at mines that experience rock bursts.

Retention period: Not specified.

57.9001 Operators of all mines. [Removed, 1988]

57.19121 Operators of all mines. [Added by OFR]

See 30 CFR 56.19121.

57.21021 Operators of all mines. [Redesignated as 57.22203 and 57.22204, 1987; redesignated 57.22203 contains no record retention requirements]

57.21035 Underground mines operators. [Redesignated as 57.22229 and 57.22230, 1987]

57.21066 Operators of underground metal and nonmetal mines. [Redesignated as 57.22229 and 57.22230, 1987]

22230 Operators of metal and nonmental mines. [Added by OFR]

To maintain certifications of weekly examinations for methane in II–A mines.

Retention period: For at least 1 year.

75.200 Operators of coal mines. [Correctly renumbered 75.221 by OFR]

75.200–7 Operators of coal mines. [Removed, 1988]

75.221 Operators of coal mines. [Correctly renumbered from 75.220 by OFR]

To maintain a copy of the approved roof control plan.

Retention period: Not specified.

75.300–4 Operators of coal mines. [Correctly renumbered 75.312 by OFR]

75.303 Operators of coal mines. [Removed]

75.304 Operators of coal mines. [Removed]

75.304–3 Operators of all mines. [Removed]

75.305 Operators of coal mines. [Removed]

75.306 Operators of coal mines. [Removed]

75.309–4 Operators of coal mines. [Removed]

75.312 Operators of underground coal mines. [Added]

To maintain records of the uncorrected defects that may affect the operation of the fan that are not corrected by the end of that shift on which the fan examination is made. To also maintain a record of fan pressure to be made immediately before the fan is stopped as well as after the fan pressure stabilizes. This record must include the time of the pressure reading.

Retention period: 1 year at a surface location at the mine.

75.313–1 Operators of coal mines. [Removed]

75.316 Operators of coal mines. [Removed]

75.316–2 Operators of coal mines. [Removed]

75.321 Operators of coal mines. [Revised; regulation contains no record retention requirements]

75.324 Operators of coal mines. [Revised; regulation contains no record retention requirements]

75.330 Operators of coal mines. [Revised; regulation contains no record retention requirements]

75.351 Operators of underground coal mines. [Added]

If a signal device or alarm is activated, a record shall be made of the date, time, type of sensor, and the reason for its activation. Also the maximum concentrated detected at the sensor producing the signal shall be recorded.

Retention period: For at least 1 year at a surface location at the mine.

75.352 Operators of underground coal mines. [Added]

To maintain a record of the hazardous conditions and their locations found by the examiner during each examination and of the results and locations of air and methane measurements.

Retention period: For at least 1 year at a surface location at the mine.

75.360 Operators of underground coal mines. [Added]

To maintain a record of hazardous conditions and their locations found by the examiner during each examinations and of the results and locations of air and methane measurements.

Retention period: 1 year.

75.362 Operators of underground coal mines. [Added]

To maintain records of on–shift examinations of hazardous conditions found or reported and their locations and of the corrective action taken.

Retention period: 1 year.

75.364 Operators of underground coal mines. [Added]

To maintain a record of the hazardous conditions, their locations, and the corrective action taken; and the results and location of air and methane measurements during weekly examination.

Retention period: For at least 1 year at a surface location at the mine.

75.1801 Operators of coal mines. [Removed]

75.1802 Operators of coal mines. [Removed]

75.1803 Operators of coal mines. [Removed]

75.1804 Operators of coal mines. [Removed]

75.1805 Operators of coal mines. [Removed]

INTERIOR DEPARTMENT

Minerals Management Service

30 CFR

250.86 Lessees or operators exploring, developing, producing, and transporting oil, gas, and sulphur in the Outer Continental Shelf. [Added by OFR]

To maintain all records including pressure charts, operation logs, and referenced documents pertaining to blowout prevention tests, acuations, and inspections.

Retention period: 2 years.

250.121 Lessees or operators exploring, developing, producing, and transporting oil, gas, and sulphur in the Outer Continental Shelf. [Correctly renumbered 250.124 by OFR]

250.124 Lessees or operators exploring, developing, producing, and transporting oil, gas, and sulphur in the Outer Continental Shelf. [Correctly renumbered from 250.121 by OFR]

To maintain records for each subsurface and surface safety device at the field office nearest the OCS facility or other locations conveniently available to the District Supervisor. The records shall show the present status and history of each device, including dates and details of installation, removal, inspection, testing, repairing, adjustments, and reinstallation.

Retention period: 2 years.

280.9 Permittees who acquire rock and mineral samples under a permit. [Added by OFR]

To keep records on environmental data and information; drill logs; analysis of cores, cuttings, and samples; and maps and navigation tapes showing the location where samples were taken and test drilling conducted.

Retention period: 3 years after submittal of the final report.

Office of Surface Mining Reclamation and Enforcement

30 CFR

840.14 State regulatory authorities. [Added by OFR]

To maintain records, reports, inspection materials, or information on surface coal mining and reclamation operations.

Retention period: Until at least 5 years after expiration of the period during which the subject operation is active or is covered by any portion of a reclamation bond.

TREASURY DEPARTMENT

Fiscal Service

31 CFR

205.14 States; Cash Management Improvement Act; funds transfer. [Added]

To maintain documentation to substantiate its claim for direct costs.

Part 356, Appendix A Bidders; marketable book–entry Treasury bills, notes, and bonds. [Added by OFR]

To maintain records related to bidding for, acquisition of, and disposition of Treasury securities. These records must be identifiable--separate and apart from similar records for other component within the corporate structure.

Office of Foreign Assets Control

31 CFR

515.560 Persons engaged in transactions subject to the Foreign Assets Control Regulations. [Revised; record retention requirements now in 515.566]

515.566 Travel services, carrier services, and family remittance forwarding services engaged in service subject to the Cuban Asset Control Regulations. [Added]

To maintain on file, the copy of the signed statement or the specific license. To also maintain information that contain the names and addresses of individual travelers or remitters, the number and amount of each remittance, and the name and address of each recipient, as applicable.

530.601 Persons engaged in transactions subject to the Rhodesian Sanctions Regulations. [Removed]

580.601 Persons engaged in transactions subject to Haitian transaction regulations. [Added]

To keep a full and accurate record of each transaction engaged in regardless of whether such transaction is effected pursuant to license or otherwise.

Retention period: 5 years after the date of such transaction.

GENERAL ACCOUNTING OFFICE

32 CFR

7–104.15 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–203.7 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–302.6 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–402.7 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–504.10 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7.602–23 Contractors or subcontractors subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1 and 5.5). [Removed, 1991]

7–603.7 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–605.15 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–607.8 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–702.13 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–703.11 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–704.5 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–706.6 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–901.17 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–1903.12 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

7–1910.25 Contractors having Government contracts negotiated without advertising. [Removed, 1991]

DEFENSE DEPARTMENT

Office of the Secretary

32 CFR

33.42 State and local governments receiving Federal grants and cooperative agreements. [Redesignated from 278.42]

See 7 CFR 3016.42.

278.42 State and local governments receiving Federal grants and cooperative agreements. [Redesignated as 33.42]

Air Force Department

32 CFR

861.2 Air carriers providing or seeking to provide airlift services to the DOD. [Added]

To maintain complete record of maintenance accomplished, and for repetitive actions, maintenance required–aircraft log books and maintenance documentation should be legibly prepared, dated, clean, readily identifiable, and maintained in an orderly fashion. Inspection compliance, airworthiness release, and maintenance release records, etc., should be complete and signed by approved personnel.

TRANSPORTATION DEPARTMENT

Coast Guard

33 CFR

133.19 State officials requesting payments from the Oil Spill Liability Trust Fund for oil pollution removal costs. [Added]

To maintain detailed records of expenditures made from the funds including (a) records of daily expenditures for each individual workers, giving the individual's name, title or position, activity performed, time on task, salary or hourly rate, travel costs, per diem, out–of–pocket or extraordinary expenses, and whether the individual is normally available for oil spill removal; (b) equipment purchased or rented each day, with the daily or hourly rate; (c) miscellaneous materials and expendables purchased each day; and (d) daily contractor or consultant fees, including costs for their personnel and contractor–owned or rented equipment, as well as that of any subcontractor.

Retention period: 10 years following completion of the removal actions or until completion of action and/or resolution of all litigation, claim, negotiation, audit cost recovery or other action.

137.215 Deepwater port licensees. [Added by OFR]

To keep financial records, reports, and files relating to the computation, charging, collecting, and payment of barrel fees to the Deepwater Port Liability Fund, including the oil throughput log required by 33 CFR 150.757.

Retention period: Generally 3 years or until any Fund audits are approved by the Fund Administrator, whichever occurs first or time period agreed by licensee and the Fund Administrator.

155.370 Owners and operators of vessels engaged in oil transfer operations. [Added by OFR]

To maintain on board bilge monitor continuous records.

Retention period: Not less than 3 years.

157.37 Owners or operators of tank vessels carrying oil in bulk. [Added]

To maintain all discharge data records.

Retention period: At least 3 years. The date for the most recent year must be retained on board the vessel.

Saint Lawrence Seaway Development Corporation

33 CFR

401.78 Agents, owners, or operators of vessels. [Added by OFR]

To maintain documentary evidence, comprising evidence of cargo declared, cargo manifest, dangerous cargo manifest, and bills of lading.

Retention period: 5 years.

EDUCATION DEPARTMENT

34 CFR

15.52 Displacing agencies receiving relocation financial assistance. [Removed, 1987]

80.20 State and local governments receiving Federal grants and cooperative agreements. [Added by OFR]

To maintain records which adequately identify the source and application of funds provided for financially–assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

Retention period: See 34 CFR 80.42.

201.44 Operating agencies participating in the Migrant Education Program. [Added by OFR]

To maintain annual records documenting comparability compliance requirements.

204.10 State educational agencies and other agencies receiving funds under Chapter 1 of the Education Consolidation and Improvement Act of 1981. [Removed, 1989]

222.75 Assistance to local educational agencies in federally impacted areas receiving Federal payments (Pub. L. 81–874, as amended). [Removed by OFR; regulation contains no record retention requirements]

222.81 Assistance to local educational agencies in federally impacted areas receiving Federal payments under section (5)(e) of the Act (Pub. L. 81–874, as amended). [Removed by OFR; regulation contains no record retention requirements]

270.21 State educational agencies receiving awards under the Desegregation of Public Education program. [Removed, 1987]

270.39 Public agencies or private, non-profit organizations receiving awards under the Desegregation of Public Education program. [Removed, 1987]

298.15 State and local educational agencies receiving funds under Chapter 2 of the Education Consolidation and Improvement Act of 1981. [Revised, 1990; regulation contains no record retention requirements]

300.231 Local educational agencies receiving assistance for education of children with disabilities. [Revised]

To maintain records which show compliance with the comparable services requirements.

Retention period: Unless a longer period is required under 34 CFR part 74, a State and a subgrantee shall retain records for five years after completion of the activity for which they use grant or subgrant funds.

300.345 Public agencies receiving assistance for the education of children with disabilities. [Added]

To maintain record of its attempt to arrange a mutually agreed time and place for parent participation in the individual education program; detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records of visits made to the parents' home or place of employment and the results of those visits.

300.563 Any agency or institution which collects, maintains, or uses personally identifiable information, or from which information is obtained under Part B of the Education of Children with Disabilities Act. [Amended]

To keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Education of the Children with Disabilities Act, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Retention period: Unless a longer period is required under 34 CFR part 74, a State and a subgrantee shall retain records for five years after completion of the activity for which they use grant or subgrant funds.

300.569 Any agency or institution which collects, maintains, or uses personally identifiable information, or from which information is obtained under Part B of the Education of Children with Disabilities Act. [Amended]

To maintain as part of the records of the child, any statement by the parent on hearing decision not to amend the child's records at the parent's request.

Retention period: As long as the record or contested parties is maintained by the agency.

416.31 Grantees under the Vocational Educational Training and Study Grants Program. [Added]

To maintain records on the level and type of participation, and on the conditions and progress of the institutions, agencies, associations, Centers, and individuals involved in the projects.

652.22 Chief State School Officers (CSSOs), State agencies or panels appointing the National Science Scholars Program Nominating Committee. [Added]

To maintain all student applications and records and written procedures related to the selection of nominees for a scholarship competition.

Retention period: For a period of 5 years following the award year of the scholarship competition.

668.18 Institutions of higher education participating in Title IV, HEA programs. [Removed, 1987]

673.57 Institutions of higher education participating in the Income Contingent Loan Program. [Added by OFR]

To maintain appropriate documentation to support the amount of collection costs charged to the Fund including telephone bills and receipts from collection firms. This documentation must be maintained in the files as provided in 34 CFR 673.32.

675.40 Institutions of higher education participating in the College Work-Study and Job Location and Development Program. [Removed, 1987]

682.414 Guarantee agencies and participating lenders in the Federal Education Loan Programs. [Revised]

(a) *Guarantee Agencies.* To maintain current, complete, and accurate records of each loan that it holds. Records such as documentation supporting claim filed by the lenders, notices of changes in a borrower's address, payment history and other records as specified must be maintained in a system that allows ready identification of each loan's current status, updated at least once every 10 business days.

(b) *Participating agencies.* To maintain the following records that are current, complete, and accurate and in a system that allows readily identifications of each loan current status: (1) A copy of the loan application; (2) a copy of the signed promissory note, including the repayment instrument; (3) the repayment schedule; (4) a record of each disbursement of loan proceeds; (5) notices of changes in a borrower's address and status as at least a half–time student; (6) evidence of the borrower's eligibility for a deferment; (7) and other such record as specified in cited section.

Retention period: For at least 5 years after the loan is paid in full or has been determined to be uncollectable in accordance with the agency's write–off procedures.

682.515 Lenders under the Federal Guaranteed Student Loan Program. [Revised]

To keep complete and accurate records of each loan that it holds, including but not limited to the records described in section 682.414(a)(3)(ii).

Retention period: Not less than 5 years following the date the loan is repaid in full by the borrower or the lender is reimbursed on a claim. In particular cases, the Secretary may require the retention of records beyond this minimum period.

682.610 Schools participating in the Federal Family Education Loan Program. [Revised]

To maintain all necessary records as set forth in 34 CFR parts 668 and 682. To also maintain a copy of the loan application or data electronically submitted to the lender which can upon request, produce a hard copy record of (a) the name of the lender; (b) the address of the lender' (c) the amount of the loan and the period of enrollment for which the loan was intended; (d) the data used to construct an individual student budget or the school's itemized standard budget used in calculating the student's estimated cost of attendance; and (e) other such records as specified in cited section.

Retention period: 5 years following the last day of the borrower's attendance at the school and shall keep all records involved in any loan, claim, or expenditure questioned by a Federal

audit until resolution of any audit questions.

682.822 Authorities issuing tax-exempt obligations under the Guaranteed Student Loan (GSL) Program. [Removed]

690.100 Institutions of higher education participating in the Pell Grant Program. [Removed, 1986]

796.12 Developer semonstrator projects receiving National Diffusion Network (NDN) funds. [Removed, 1987]

796.16 State Facilitator projects receiving National Diffusion Network (NDN) funds. [Removed, 1987]

INTERIOR DEPARTMENT

National Park Service

36 CFR

8.7 Concessioners. [Correctly renumbered from 8.8 by OFR]

To keep records of their employees, payrolls, and other records with respect to compliance with labor standards established from time to time by or pursuant to Federal or State labor laws.

Retention period: 3 years.

8.8 Concessioners. [Correctly renumbered 8.7 by OFR]

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR

1206.92 Recipients of Federal grants for collecting and publishing historical documents. [Removed, 1990]

COPYRIGHT ROYALTY TRIBUNAL

37 CFR

304.7 PBS and its stations, NPR, or other television public broadcasting entities. [Added]

To maintain and make available for examination, copies of standard cue sheets or summaries of same listing the recording of the musical works of such copyright owners.

304.8 PBS and its stations or other public broadcasting entities. [Added]

To maintain copies of standard lists containing the pictorial, graphic, and sculptured works displayed on programs. Such notice shall include the name of the copyright owner, if known, the specific source from which the work was, the title of the program on which the work was used, and the date of the original broadcast of the program.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR

4.9 State agencies participating in relocation assistance program. [Removed, 1987, effective 4-2-89]

35.4066 Recipients of technical assistance grants under the Superfund Program. [Added]

To document all procurement activities with written records that furnish reasons for decisions.

Retention period: See 40 CFR 35.4152.

35.4152 Recipients of technical assistance grants under the Superfund Program. [Revised]

(a) To keep and preserve full written financial records accurately disclosing the amount and disposition of any funds; whether in cash or in-kind, applied to the technical assistance grant project.

Retention period: 10 years from date of final Financial Status Report or until any audit, litigation, cost-recovery and/or any disputes initiated before the end of the 10-year retention period are settled, whichever is longer.

(b) The recipient shall require its contractor(s) to keep and preserve detailed records in connection with the contract, reflecting acquisitions, work progress, reports, expenditures, and commitments and indicating their relationship to established costs and schedules.

Retention period: 10 years after the termination or end of the contract.

35.6815 States and political subdivisions of Indian Tribes; Cooperative Agreements and Superfund State Contracts for Superfund Responses Actions. [Added by OFR]

To maintain records on a site–specific basis. See also 40 CFR 35.6705 and 35.6710.

51.359 States participating in the motor vehicle inspection and maintenance (I/M) programs. [Added by OFR]

To maintain quality control compliance records.

52.136 Distributors, resellers, carriers, retailers, and wholesale purchaser–consumers; Maricopa Co., Colorado nonattainment area; oxygenated fuels program. [Removed]

52.137 Distributors, resellers, carriers, retailers, and wholesale purchaser–consumers; Maricopa Co., Colorado nonattainment area; fuel implementation plan (FIP)–alcohol blends. [Removed]

52.535 Owner9s) or opertaor(s) of stationary sources of lead facilities. [Added by OFR]

To maintain continuous records of plant process and emission control operations as necessary to determine continuous compliance.

Retention period: 2 years.

52.689 Owner(s) or operator(s) of the bunker limited smelters. [Added by OFR]

See 40 CFR 52.535.

52.1113 Owners or operators of stationary sources. [Added by OFR]

See 40 CFR 52.535.

52.1224 Owners or operators of stationary sources. [Added by OFR]

See 40 CFR 52.535.

52.1277 Owners or operators of stationary sources. [Added by OFR]

See 40 CFR 52.535.

52.1324 Owners or operators of stationary sources. [Added by OFR]

See 40 CFR 52.535.

52.1378 Owners or operators of stationary sources. [Added by OFR]

See 40 CFR 52.535.

52.1473 Owners or operators of stationary sources. [Added by OFR]

See 40 CFR 52.535.

52.1574 Owners or operators of stationary sources. [Added by OFR]

See 40 CFR 52.535.

60.107 Owners or operators subject to the sulfur oxides emission standards. [Added by OFR]

To maintain all data and calibration from continuous monitoring systems located at the inlet and outlet to the control device, including the results of the daily drift tests and quarterly accuracy assessments, written procedures for the quality control program, and other such informaiton as specified in cited section.

60.223 Owners or operators of any granular diammonium phosphate plants. [Added by OFR]

To maintain a daily record of equivalent P_2O_5 feed by first determining the total mass rate in metric ton/hr. of phosphorus-bearing feed using a flow monitoring device and

proceeding according to 40 CFR 60.224(b)(3).

60.233 Owners or operators of any triple superphosphate plants. [Added by OFR]

See 40 CFR 60.223.

60.243 Owners or operators of any granular triple superphosphate storage facilities. [Added by OFR]

See 40 CFR 60.223.

60.265 Owners or operators of electric submerged arc furnaces. [Added by OFR]

To maintain a permanent record of the fan performance curve (prepared for a specific temperature).

60.273 Owners or operators of facilities in steel plants that produce carbon, alloy, or specialty steels: Electric arc furnaces and dust-handling systems. [Added by OFR]

To maintain records of any 6-minute average that is in excess of the emission limit specified in 40 CFR 60.272(a).

60.275a Owners or operators of steel plants that produce carbon, alloy, or specialty steels: Electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems. [Removed by OFR; record retention requirements now in 60.276a]

60.276a Owners or operators of steel plants that produce carbon, alloy, or specialty steels: Electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems. [Added by OFR]

To maintain records of measurements required in 40 CFR 60.274a.

Retention period: 2 years.

60.635 Owners or operators of affected facilities in onshore natural gas processing plants. [Added by OFR]

To maintain pressure relief devices leak repair information in a log in a reliable accessible location.

Retention period: 2 years.

60.647 Owners or operators of affected facilities that process natural gas: Sulfur dioxide emissions. [Added by OFR]

To maintain records of the calculations and measurements required by the standards for sulfur dioxide and monitoring of emission and operation requirements.

Retention period: 2 years following the date of the measurements.

60.684 Owners or operators of wool fiberglass insulation manufacturing plants. [Added by OFR]

To maintain records of measurements required to comply with the mass emission standards.

Retention period: 2 years.

60.735 Owners or operators of calciner and dryer at mineral processing plants. [Added by OFR]

To maintain a record, once each day, from the recording of the monitoring devices and arithmetic average over a 2-hour period of both the change in pressure of the gas stream across the scrubber and the flowrate of the scrubbing liquid.

Retention period: 2 years.

61.54 Owners or operators of sludge incineration plants, sludge drying plants, etc. [Added by OFR]

To maintain records of sludge, sampling, charging rate determination and other data needed to determine mercury content of wastewater treatment plant sludges.

Retention period: 2 years.

61.204 Owners and operators of the phosphogypsum that is produced as a result of phosphorus fertilizer production and all that is contained in existing phosphogypsum stacks. [Revised; regulation contains no record retention requirements]

61.209 Owners or operators of phosphogypsum stacks. [Added]

(a) To maintain records for each stack documenting the procedure used to verify compliance with the flux standard including all measurements, calculations, and analytical methods on which input parameters were based. The required documentation shall be sufficient to allow an independent auditor to verify the correctness of the determination made concerning compliance of the stack with flux standard.

(b) To maintain records documenting the procedures used to determine average radium - 226 concentration, including all measurements, calculations, and analytical methods on which input parameters were based, and other such information as specified in cited section.

Retention period: For at least 5 years from the date of use of the phosphogypsum.

70.4 Permittees; State Operating Permit Programs. [Added]

To keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

70.6 Permittees; State Operating Permit Programs. [Added]

To maintain records of required monitoring data and support information.

Retention period: For a period of at least 5 years from the date of the monitoring sample, measurement, report, or application.

82.13 Producers of certain ozone depleting chemicals. [Revised]

(a) To maintain records on the quantity of the Class I controlled substances produced at each facility, including the date records of the quantity of any carbon tetrachloride produced for feedstock use; the quantity of controlled substances used as feedstocks in the manufacture of controlled substances and in the manufacture of non-controlled substance, and the quantity of any virgin, used or recycled controlled substances introduced into the production process of new controlled sustances.

(b) To keep records of the feedstock materials consumed in producing the regulated chemicals at each facility.

(c) To maintain records documenting the sale of carbon tetrachloride for feedstock use (invoices, bills of ladings, etc.).

(d) To maintain records of feedstocks consumed and other records as specified in cited section.

Retention period: 3 years.

82.13 Importers of certain ozone depleting chemicals. [Revised]

To maintain daily records of the quantity of virgin, used, and recycled controlled substances brought into the U. S.; the date and port of entry into the U.S. or its territories; the country from which the imported controlled substances were exported; and the port of exit. In addition, to maintain records verifying imports.

Retention period: 3 years.

82.13 Persons requesting additional production allowances or consumption allowances or who transform Group IV controlled substances not produced by them. [Revised]

To maintain dated records of the quantity and level of controlled substances used and entirely consumed in the manufacture of another chemical; copies of the invoices or receipts documenting the sale of the controlled substance to the person; dated records of the names, commercial use, and quantities of the resulting chemical(s); dated records of shipments to purchasers of the resulting chemical(s); and other such information as specified in cited section.

Retention period: 3 years.

82.42 Persons who own approved refrigerated recycling equipment certified under 40 CFR 82.36(a)(2). [Added]

(a) To maintain records of the name and address of any facility to which refrigerant is sent.

(b) To retain records demonstrating that all persons authorized to operate the equipment are currently certified under 40 CFR 82.40.

Retention period: 3 years.

85.1508 Certificate holders importing non-conforming motor vehicles and motor vehicle engines into the U.S. [Added by OFR]

To maintain a list of owners of all vehicles or engines imported.

Retention period: 6 years.

85.1510 Certificate holders importing non-conforming motor vehicles and motor vehicle engines into the U.S. [Added by OFR]

(a) To maintain a record of having furnished written maintenance instructions.

(b) To maintain in a file copies of emission warranties and fuel economy labeling.

85.1706 Manufacturers of new and in-use motor vehicles and motor vehicle engines. [Added by OFR]

To maintain records which provide each vehicle identification or engine serial number, indicate the use of the vehicle or engine on exempt status and indicate the final disposition of any vehicle or engine removed from exempt status.

86.094–7 Manufacturers of any new model year 1994 through 1997 light–duty vehicle or light light–duty trucks, or model year 1996 through 1998 heavy light–duty trucks. [Amended]

(a) To retain the following adequately organized and indexed records for each such vehicle: (1) EPA engine family; (2) Vehicle identification number; (3) Model year and production number; (4) Shipment date; (5) Purchaser; and (6) Purchase contract.

(b) To also retain adequately organized records of the actual U.S. sales volume for the model year for each engine family.

Retention period: 8 years from the due date for the applicable end of–model report.

(c) To maintain routine emission test records.

Retention period: 1 year after issuance of all certificates of conformity.

86.094–24 Manufacturers (or contractors for the manufacturers, if applicable) of any model year 1994 through 1997 light–duty vehicle or light–duty truck or model year 1994 through 1998 heavy light–duty trucks. [Added]

To maintain engineering evaluation, including any test data, used to support the deletion of optional equipment from test vehicles.

86.094–35 Manufacturers (or contractors for the manufacturers, if applicable) of any model year 1994 through 1997 light–duty vehicle or light–duty truck or model year 1994 through 1998 heavy light–duty trucks. [Added]

In lieu of including the date of manufacture on the engine label, to maintain a record of the engine manufacture dates.

86.095–35 Manufacturers (or contractors for the manufacturers, if applicable) of any model year 1994 through 1997 light–duty vehicle or light–duty truck or model year 1994 through 1998 heavy light–duty trucks. [Added]

See 40 CFR 86.094–35.

86.605 Manufacturers of new gasoline-fueled and diesel light-duty vehicles and new gasoline-fueled and diesel light-duty trucks subject to selective enforcement auditing procedures required by air pollution control regulations. [Redesignated as 86.605–88, 1989]

86.605–88 Manufacturers of new gasoline–fueled and diesel light–duty vehicles and new gasoline–fueled and dieseled light–duty trucks subject to selective enforcement auditing procedures required by air pollution control regulations. [Redesignated from 86.605, 1989]

To maintain general and individual records relating to vehicle emission tests performed pursuant to test orders as specified in the section cited.

Retention period: 1 year after completion of tests.

86.608–90 Manufacturers of new gasoline–fueled and diesel light–duty vehicles and new gasoline–fueled and dieseled light–duty trucks subject to selective enforcement auditing procedures required by air pollution control regulations. [Added by OFR]

See 40 CFR 86.608–88.

86.1005–88 Manufacturers of new gasoline-fueled and diesel heavy-duty vehicles and new gasoline-fueled and diesel heavy-duty trucks subject to selective enforcement auditing procedures required by air pollution control regulations. [Amended]

To maintain general and individual records relating to vehicle emission tests performed pursuant to test orders as specified in the section cited.

Retention period: 1 year after completion of tests.

86.1005–90 Manufacturers of new petroleum–fueled or methanol–fueled heavy duty or engine or light–duty trucks. [Amended]

To maintain testing and auditing records as specified in section cited.

Retention period: 1 year after completion of all testing in response to a test order.

86.1108–87 Manufacturers of new gasoline–fueled or diesel heavy–duty engine or heavy–duty vehicle. [Added by OFR]

To maintain general records pertaining to description of all equipment used to test engines or vehicles pursuant to Production Compliance Audit (PCA) testing; individual records on each PCA; and test equipment description records for each test cell that was used to perform emission testing.

Retention period: 6 years after completion of all testing.

88.205–94 Vehicle manufacturers required to participate in the California Pilot Test Program. [Added]

To maintain quarterly records.

104.25 Manufacturers, importers and processors of 11–aminoun–decanoic acid. [Removed by OFR]

122.44 Persons holding permits to discharge wastes pursuant to the national pollutant discharge elimination program. [Added]

To maintain a record summarizing the results of the inspection and a certification that the facility is in compliance with the plan and the permit, and identifying any incidents of non-compliance.

Retention period: 3 years.

166.6 State agencies using or applying pesticides pursuant to a quarantine-public health exemption. [Removed, 1986]

166.32 State agencies using or applying pesticides pursuant to a specific quarantine and public health exemption. [Added by OFR]

To maintain records for all treatments involving the first use of a pesticide. Records will include the locations where the pesticide was applied, dates of application (range), and total quantity of the pesticide use.

Retention period: 2 years following the date of expiration of the exemption.

166.50 State agencies using pesticide under a crisis exemption. [Added by OFR]

See 40 CFR 166.32.

233.4 Persons submitting applications for a permit to discharge dredged or fill material into State regulated waters. [Revised, 1988; regulation contains no record retention requirements]

233.7 Persons holding 404 permits to operate and maintain all facilities and systems of treatment and control (and related appurtenances) pursuant to the Dredge or Fill Program under the Clean Water Act. [Removed, 1988]

262.34 Hazardous waste generators. [Amended]

To maintain records on:

(a) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days;

(b) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal;

(c) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days;

(d) A written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are compiled with; or

(e) Documentation that the unit is emptied at least once every 90 days.

263.20 Hazardous waste transporters. [Added by OFR]

See 40 CFR 263.22.

264.19 Hazardous waste transporters. [Added]

See 40 CFR 264.73.

264.573 Owners or operators of hazardous waste treatment, storage, and disposal facilities. [Amended]

(a) To maintain records sufficient to document that all treated wood is held on the pad following treatment in accordance with design and operating requirements.

(b) To maintain, as part of the operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drippage management practices, and a description of treated wood storage and handling practices.

264.1101 Owners and operators of hazardous waste treatment, storage, and disposal facilities. [Added]

To maintain in the facility's operating log, a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

265.73 Owners and operators of on-site and off-site hazardous waste treatment, storage, and disposal facilities. [Amended]

To keep a written operating record at the facility.

265.443 Owners or operators of hazardous waste treatment, storage and disposal facilities. [Amended]

See 40 CFR 264.573.

265.1101 Owners or operators of hazardous waste treatment, storage, and disposal facilities. [Added by OFR]

See 40 CFR 264.1101.

266.44 Burners of used oil burned for energy recovery. [Added by OFR]

(a) To keep a copy of each invoice received.

Retention period: 3 years from the date the invoice is received.

(b) To keep copies of analyses of used oil.

Retention period: 3 years.

(c) To keep a copy of each certification notice sent to a marketer.

Retention period: 3 years from the date off–specification used oil from that marketer is received.

266.70 Persons storing recycled materials utilized for precious metal recovery. [Added by OFR]

To maintain records showing the volume of materials stored at the beginning of the calendar year; the amount of materials generated or received during the calendar year; and the amount of materials remaining at the end of the calendar year.

268.7 Owners and operators of hazardous waste treatment, storage, and disposal facilities. [Amended]

(a) To maintain on-site a copy of the notification and certification required for each waste shipment together with the tolling agreement.

Retention period: For at least 3 years after termination or expiration of the agreement. The 3-year retention requirement is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

(b) To keep records of the names and location of each entity receiving the hazardous waaste–derived products.

(c) To keep records of all inspections, evaluations, and analysis of treated debris that are made to determine compliance with the treatment standards.

(d) To keep records of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit.

(e) To keep on–site in the generators' records, a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards.

268.8 Owners or operators of hazardous waste treatment, storage, and disposal facilities. [Added by OFR]

To retain on–site a copy of the demonstration (if applicable) and certification required for each waste shipment.

Retention period: 5 years from the date that the waste that is the subject of such documentation was last sent to on–site or off–site disposal.

279.44 Used oil transporters. [Added]

To retain records of analyses conducted or information used to determine that the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm under the rebuttable presumption.

Retention period: 3 years.

279.46 Used oil transporters. [Added]

(a) To keep a record of each used oil shipment accepted for transport. Records for each shipment must include: (1) The name and address of the generator, transporter, or processor/refiner who provided the used oil for transport; (2) the EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport; (3) the quantity of used oil accepted; (4) the date of acceptance; and (5) the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/refiner who provided the used oil for transport;

(b) To keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility. Records of each delivery must include (1) the name and address of the receiving facility or transporter; (2) the EPA identification number of the receiving facility or transporter; (3) the quantity of used oil delivered; (4) the date of delivery; and (5) the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter; and

(c) To keep record for each shipment of used oil exported to any foreign country.

Retention period: 3 years.

279.55 Owners or operators of used oil processing and re-refining facilities. [Added]

To keep at the facility a written analysis plan describing the procedures that will be used to comply with the analysis requirements of 40 CFR 279.53 (Rebuttal presumption for used oil) and 40 CFR 279.72 (Tracking).

279.56 Used and processors/re-refiners. [Added]

To keep a record of each used oil shipment that is accepted for processing/re-refining and shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents.

Retention period: 3 years.

279.57 Owners or operators of used oil transfer facilities. [Added]

To keep a written operating record at the facility of records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55 and summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).

Retention period: Until closure of the facility.

279.63 Used oil burners who burn off-specification used oil for energy recovery. [Added]

See 40 CFR 279.55.

279.65 Used oil burners who burn off-specification used oil for energy recovery. [Added]

See 40 CFR 279.56.

279.66 Used oil burners who burn off-specification used oil for energy recovery. [Added]

To maintain the one-time written and signed record certifying that (a) the burner has notified EPA stating the location and general description of used oil management activities and (b) the burner will burn the used oil only in industrial furnace or boiler.

Retention period: 3 years from the date the burner last receives shipment of off-specification used oil from the generator, transporter, or processor/re-refiner.

279.72 Used oil fuel marketers. [Added]

To keep copies of analyses of the used oil (or other information) used to make the determination that the used oil that is to be burned for energy recovery meets the specifications for used oil fuel under 40 CFR 279.11.

Retention period: 3 years.

279.74 Used oil generators. [Added]

See 40 CFR 279.56.

279.75 Used oil generators, transporters, or processors/re-refiners. [Added]

See 40 CFR 279.66.

704.25 Persons who manufacture, import, and process 11-Aminoundecanoic acid. [Added by OFR]

To retain documentation of information contained in the chemical-specific report.

Retention period: 5 years from the date of submission of the report.

704.102 Persons who manufacture, import, or process hexachloronorbornadiene (HEX-BCH) for use as an intermediate in the production of isodrin or endrin, on or after January 2, 1986. [Redesignated from 704.142, 1988]

See 40 CFR 704.95

704.104 Persons who manufacture, import or process hexafluoropropylene oxide. [Added by OFR]

See 40 CFR 704.95.

704.152 Persons who propose to manufacture, import, or process hexafluoropropylene oxide (HFPO) for use as an intermediate in the manufacture of fluorinated substances in an enclosed process after Dec. 10, 1987. [Removed by OFR]

704.142 Persons who manufacture, import, or process hexachloronorbornadiene (HEX-BCH) for use as an intermediate in the production of isodrin or endrin, on or after January 2, 1986. [Redesignated as 704.102, 1988]

721.17 Manufacturers, importers, and processors of chemical substances which EPA has determined are significant new uses under certain provisions of the Toxic Substances Control Act. [Redesignated as 721.40, 1988]

721.40 Manufacturers, importers, or processors submitting a significant new use notice to EPA. [Redesignated from 721.17, 1988]

To maintain documentation of information contained in the significant new use notice.

Retention period: 5 years from the date of the submission of the significant new use notice.

721.277 Manufacturers, importers, and processors of tert–Amyl peroxy alkylene ester (generic name). [Removed by OFR]

721.805 Manufacturers, importers, and processors of benzenamine, 4,4'-[1.3-phenylenebis (1-methylethylidene)]bis[2,6-dimethyl-. [Added]

See 40 CFR 721.125.

721.840 Manufacturers, importers, and processors of alkyl substituted diaromatic hydrocarbons. [Added]

See 40 CFR 721.125.

721.1520 Manufacturers, importers, and processors of benzenamine,2-5-dibutoxy -4-(4-morpholinyl)-, sulfate. [Added]

See 40 CFR 721.125.

721.1060 Manufacturers, importers, and processors of formaldehyde, polymer with bisphenol A and substituted phenol (generic name). [Removed]

721.1075 Manufacturers, importers, and processors of benzenamine,4-(1-methylbutoxy)-, hydrochloride. [Added]

See 40 CFR 721.125.

721.1120 Manufacturers, importers, and processors of benzenamine, 4,4'-[1,4-phenylenebis(1-methylethylidene)]bis[2,6 dimethyl-. [Added]

See 40 CFR 721.125.

721.1210 Manufacturers, importers, and processors of benzene, (2-chloroethoxy)-. [Added]

See 40 CFR 721.125.

721.1272 Manufacturers, importers, and processors of metalated alkylphenol copolymer (generic name). [Amended]

See 40 CFR 721.125.

721.1325 Manufacturers, importers, and processors of benzene, 1-(1–methylbutoxy)-4-nitro-. [Added]

See 40 CFR 721.125.

721.1483 Manufacturers, importers, and processors of 6-nitro-2(3H)-benzoxazolone. [Heading revised by OFR]

See 40 CFR 721.125.

721.1541 Manufacturers, importers, and processors of sulfurized alkylphenol. [Added]

See 40 CFR 721.125.

721.1585 Manufacturers, importers, and processors of substituted phosphate ester (generic). [Added by OFR]

See 40 CFR 721.125.

721.1650 Manufacturers, importers, and processors of alkylbenzenesulfonic acid and sodium salts. [Added]

See 40 CFR 721.125.

720.1745 Manufacturers, importers, and processors of ethoxybenzothiazole disulfide. [Added]

See 40 CFR 721.125.

721.1950 Manufacturers, importers, and processors of 2-butenedioic acid (Z), mono(2-((1-oxopropenyloxy)ethyl ester. [Added]

See 40 CFR 721.125.

721.2025 Manufacturers, importers, and processors of substituted phenylimino carbamate derivative. [Added]

See 40 CFR 721.125.

721.2086 Manufacturers, importers, and processors of coco acid triamine condensate, polycarboxylic acid salts. [Added]

See 40 CFR 721.125.

721.2120 Manufacturers, importers, and processors of cyclic amide. [Added]

See 40 CFR 721.125.

721.2140 Manufacturers, importers, and processors of carbopolycilcol azoalkylaminoalkylcarbomonocyclic ester, halogen acid salt. [Added by OFR]

See 40 CFR 721.125.

721.2175 Manufacturers, importers, and processors of salt of cyclodiamine and mineral acid. [Added].

See 40 CFR 721.125.

721.2225 Manufacturers, importers, and processors of cyclohexanecarbonitrile, 1,3,3-trimethyl-5-oxo-.[Added]

See 40 CFR 721.125.

721.2250 Manufacturers, importers, and processors of 1,4-cyclohexanediamine, cis- and trans-. [Added]

See 40 CFR 721.125.

721.2420 Manufacturers, importers, and processors of alkoxylated dialkyldiethylenetriamine, alkyl sulfate salt. [Added]

See 40 CFR 721.125.

721.2475 Manufacturers, importers, and processors of dimetridazole. [Added by OFR]

See 40 CFR 721.125

721.2540 Manufacturers, importers, and processors of diphenylmethane diisocyanate (MDI) modified. [Added]

See 40 CFR 721.125.

721.2840 Manufacturers, importers, and processors of alkylcarbamic acid, alkynyl ester. [Added]

See 40 CFR 721.125.

721.2980 Manufacturers, importers, and processors of substituted cyclohexyldiamino ethyl esters. [Added]

See 40 CFR 721.125.

721.3100 Manufacturers, importers, and processors of oligomeric silicic acid ester compound with a hydroxylalkylamine. [Added]

See 40 CFR 721.125.

721.3120 Manufacturers, importers, and processors of Propenoate-terminated alkyl substituted silyl ester. [Added]

See 40 CFR 721.125.

721.3180 Manufacturers, importers, and processors of ethane, 2-chloro-1,1,1,2-tetrafluoro-. [Added]

See 40 CFR 721.125.

721.3240 Manufacturers, importers, and processors of ethane, 1,1,1,2,2-pentafluoro-. [Added]

See 40 CFR 721.125.

721.3260 Manufacturers, importers, and processors of ethanediimidic acids. [Added]

See 40 CFR 721.125.

721.3340 Manufacturers, importers, and processors of ethanol, 2,2'-(hexylamino) bis-. [Added]

See 40 CFR 721.125.

721.3360 Manufacturers, importers, and processors of substituted ethanolamine. [Added]

See 40 CFR 721.125.

721.3480 Manufacturers, importers, and processors of halogenated biphenyl glycidyl ethers. [Added]

See 40 CFR 721.125.

721.3620 Manufacturers, importers, and processors of fatty acid amine condensate, polycarboxylic acid salts. [Added]

See 40 CFR 721.125.

721.3680 Manufacturers, importers, and processors of ethylene oxide adduct of fatty acid ester with pentaerythritol. [Added]

See 40 CFR 721.125.

721.3700 Manufacturers, importers, and processors of fatty acid, ester with styrenated phenol, ethylene oxide adduct. [Added]

See 40 CFR 721.125.

721.3720 Manufacturers, importers, and processors of fatty amide. [Added]

See 40 CFR 721.125.

721.3764 Manufacturers, importers, and processors of fluorene substituted aromatic anine. [Added]

See 40 CFR 721.125.

721.3800 Manufacturers, importers, and processors of formaldehyde, condensated polyxyethylene fatty acid, ester with styrenated phenol, ethylene oxide adduct. [Added]

See 40 CFR 721.125.

721.3880 Manufacturers, importers, and processors of polyalkylene glycol substituted acetate. [Added]

See 40 CFR 721.125.

721.4000 Manufacturers, importers, and processors of polyoxy alkylene glycol amine. [Added]

See 40 CFR 721.125.

721.4260 Manufacturers, importers, and processors of hydrazine, [4-1-methylbutoxy) phenyl]-, monohydrochloride. [Added]

See 40 CFR 721.125.

721.4380 Manufacturers, importers, and processors of modified hydrocarbon resin. [Added]

See 40 CFR 721.125.

721.4460 Manufacturers, importers, and processors of amidinothiopropionic acid. [Added]

See 40 CFR 721.125.

721.4480 Manufacturers, importers, and processors of 2-imino-1,3-thiazin-4-one-5,6-dihydromonohydrochloride. [Added]

See 40 CFR 721.125.

721.4520 Manufacturers, importers, and processors of isopropylidene, bis (1,1-dimethylpropyl) derivative. [Added]

See 40 CFR 721.125.

721.4600 Manufacturers, importers, and processors of recovered metal hydroxide. [Added]

See 40 CFR 721.125.

721.4720 Manufacturers, importers, and processors of disubstituted phenoxazine, chlorometalate salt. [Added]

See 40 CFR 721.125.

721.5050 Manufacturers, importers, and processors of 2,2'-[(1-methylethylidene)bis[4,1-phenyloxy[1-butoxymethyl)-2,1-ethanediyl]oxymethylene]]bisoxirane, reduction product with a diamine. [Added]

See 40 CFR 721.125.

721.5200 Manufacturers, importers, and processors of disubstituted phenylazo trisubstituted naphthalene. [Added]

See 40 CFR 721.125.

721.5250 Manufacturers, importers, and processors of trimethyl spiropolyheterocyclic naphthalene compound. [Added]

See 40 CFR 721.125.

721.5300 Manufacturers, importers, and processors of neodecaneperoxoic acid, 1,1,3,3-tetramethylbutyl ester. [Added]

See 40 CFR 721.125.

721.5450 Manufacturers, importers, and processors of α-olefin sulfonate, sodium salt. [Added]

See 40 CFR 721.125.

721.5475 Manufacturers, importers, and processors of 1-oxa-4-azaspiro[4.5]decane, 4-dichloroacetyl-. [Added]

See 40 CFR 721.125.

721.5525 Manufacturers, importers, and processors of substituted spiro oxazine. [Added]

See 40 CFR 721.125.

721.5660 Manufacturers, importers, and processors of pentaerythritol, mixed esters with carboxylic acids. [Added]

See 40 CFR 721.125.

721.5700 Manufacturers, importers, and processors of pentanenitrile, 3-amino-.[Added]

See 40 CFR 721.125.

721.6060 Manufacturers, importers, and processors of alkylarge substituted phosphite. [Added]

See 40 CFR 721.125.

721.6140 Manufacturers, importers, and processors of dialkyldithiophosphoric acid, aliphatic amine salt. [Added]

See 40 CFR 721.125.

721.6160 Manufacturers, importers, and processors of piperazinone, 1,1'1'-[1,3,5-triazine-2,4,6-triyltris[(cyclohexylimino)-2,1-ethanediyl]]tris-[3,3,4,5,5-pentamethyl]-. [Added]

See 40 CFR 721.125.

721.6200 Manufacturers, importers, and processors of fatty acid polyamine condensate, phosphoric acid ester salts. [Added]

See 40 CFR 721.125.

721.6220 Manufacturers, importers, and processors of aryl sulfonate of a fatty acid mixture, polyamine condensate. [Added]

See 40 CFR 721.125.

721.6540 Manufacturers, importers, and processors of acrylamide, polymers with tetraalkyl ammonium salt and polyalkyl, aminoalkyl methacrylamide salt. [Added]

See 40 CFR 721.125.

721.6560 Manufacturers, importers, and processors of acrylic acid, polymer with substituted ethene. [Added]

See 40 CFR 721.125.

721.6620 Manufacturers, importers, and processors of alkanaminium, polyalkyl-[(2-methyl-1-oxo-2-propenyl)oxy]salt, polymer with acrylamide and substituted alkyl methacrylate. [Added]

See 40 CFR 721.125.

721.6625 Manufacturers, importers, and processors of oxiranemethanamine, N,N'-[methylenebis(2-ethyl-4,1-phenylene)]bis[N-(oxiranylmethyl)]-. [Added]

See 40 CFR 721.125.

721.6640 Manufacturers, importers, and processors of polymer of alkanedioic acid, methylenebiscarbomonocyclic diisocyanate, and alkylene glycols, hydroxyalkyl acrylate ester. [Added]

See 40 CFR 721.125.

721.6820 Manufacturers, importers, and processors of polymer of substituted aryl olefin. [Added]

See 40 CFR 721.125.

721.6920 Manufacturers, importers, and processors of butyl acrylate, polymer with substituted methyl styrene, methyl methacrylate, and substituted silane. [Added]

See 40 CFR 721.125.

721.7000 Manufacturers, importers, and processors of polymer of disodium maleate, allyl ether, and ethylene oxide. [Added]

See 40 CFR 721.125.

721.7200 Manufacturers, importers, and processors of perfluoroalkyl aromatic carbamate modified alkyl methacrylate copolymer. [Added]

See 40 CFR 721.125.

721.7210 Manufacturers, importers, and processors of epoxidized copolymer of phenol and substituted phenol. [Added]

See 40 CFR 721.125.

721.7240 Manufacturers, importers, and processors of polymer of disubstituted phthalate, dioxoheteropolycycle, and methacrylic acid. [Added]

See 40 CFR 721.125.

721.8125 Manufacturers, importers, and processors of propane, 1,1,1,2,3,3,3-heptafluoro-. [Added]

See 40 CFR 721.125.

721.8250 Manufacturers, importers, and processors of 1-propanol, 3,3'-oxybis[2,2-bis(bromomethyl). [Added]

See 40 CFR 721.125.

721.8375 Manufacturers, importers, and processors of 2-propenoic acid, 2-(2-oxo-3-oxazolidinyl)ethyl ester. [Added]

See 40 CFR 721.125.

721.8425 Manufacturers, importers, and processors of 2-propenoic acid,2-[[[[[1,3,3-trimethyl-5-[[[2-[(1-oxo-2-propenyl) oxy]ethoxy]carbonyl] amino]cyclohexyl]methyl]amino] carbonyl]oxy]ethyl ester. [Added]

See 40 CFR 721.125.

721.9280 Manufacturers, importers, and processors of reaction product of ethoxylated fatty acid oils and a phenolic pentaerythritol tetraester.[Added]

See 40 CFR 721.125.

721.9300 Manufacturers, importers, and processors of reaction products of substituted hydroxyalkanes and polyalkylpolyiso cyanatocarbomonocycle.[Added]

See 40 CFR 721.125.

721.9400 Manufacturers, importers, and processors of reaction product of phenolic pentaerythritol tetraesters with fatty acid esters and oils, and glyceride triesters. [Added]

See 40 CFR 721.125.

721.9420 Manufacturers, importers, and processors of polymethylcarbomonocycle, reaction product with 2-hydroxyethyl acrylate. [Added]

See 40 CFR 721.125.

721.9460 Manufacturers, importers, and processors of tall oil fatty acids, reaction products with polyamines, alkyl substituted. [Added]

See 40 CFR 721.125.

721.9525 Manufacturers, importers, and processors of acrylate substituted siloxanes and silicones. [Added]

See 40 CFR 721.125.

721.9550 Manufacturers, importers, and processors of sulfonamide. [Added]

See 40 CFR 721.125.

721.9570 Manufacturers, importers, and processors of halophenyl sulfonamide salt. [Added]

See 40 CFR 721.125.

721.9740 Manufacturers, importers, and processors of brominated triazine derivative. [Added]

See 40 CFR 721.125.

721.9820 Manufacturers, importers, and processors of substituted triazole. [Added]

See 40 CFR 721.125.

721.9850 Manufacturers, importers, and processors of 2,4,8,10-tetraoxa-3,9-diphosphaspiro[5,5]undecane,3,9-bis[2,4,6-tris(1,1-dimethylethyl)phenoxy]-. [Added]

See 40 CFR 721.125.

721.9975 Manufacturers, importers, and processors of zirconium(IV),[2,2-bis[(2-propenyloxy)methyl]-1-butanolato-01,02]tris(2-propenoato-O-)-. [Added]

See 40 CFR 721.125.

760.218 Disposal facilities, generators and commercial storers of PCB waste. [Removed by OFR]

GENERAL SERVICES ADMINISTRATION

41 CFR

101–8–313 Recipients of Federal assistance from GSA. [Added by OFR]

To maintain on file self-evaluation of current policies and practices and the effects thereof that do not or may not meet applicable requirement.

Retention period: 3 years following completion.

INTERIOR DEPARTMENT

41 CFR

114–50.407–4 State agencies participating in relocation assistance programs. [Removed, 1986]

HEALTH AND HUMAN SERVICES DEPARTMENT

Public Health Service

42 CFR

36.54 Physicians practicing abortions and related medical services in Indian Health Service Facilities and Indian Health Service Program. [Added by OFR]

When using Federal funds for an abortion, to maintain documents certifying that the life of the mother would be endangered.

Retention period: 3 years pursuant to the retention and custodial requirements for records at 45 CFR 74.20 et. seq.

36.56 Physicians practicing abortions and related medical services in Indian Health Service Facilities and Indian Health Service Program. [Added by OFR]

See 42 CFR 36.54.

50.013 PHS awardees and applicants institutions for dealing with and reporting possible misconduct in science. [Correctly renumbered 50.103 by OFR]

50.103 PHS awardees and applicants institutions for dealing with and reporting possible misconduct in science. [Correctly renumbered from 50.013 by OFR]

To maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reasons for determining that an investigation was not warranted.

Retention period: For a period of at least 3 years after the termination of the inquiry and shall, upon request, be provided to authorized HHS personnel.

50.208 Programs or projects using Federal financial assistance for any sterilization or hysterectomy. [Added by OFR]

To maintain sufficient records and documents to assure compliance with applicable regulations.

Retention period: 3 years.

50.304 Physicians performing abortions and related medical services in Federally assisted programs of the PHS. [Added by OFR]

See 42 CFR 36.54.

50.309 Physicians performing abortions and related medical services in Federally assisted programs of the PHS. [Added by OFR]

See 42 CFR 36.54.

51d.113 Public or nonprofit private entities receiving Federal grants for Hemophilia Treatment Centers. [Removed, 1988]

51f.110 Public or nonprofit entities receiving project grants for genetic diseases testing and counseling programs. [Removed, 1988]

57.711 Public or nonprofit private schools of medicine or osteopathy receiving grants for physician assistance training programs. [Redesignated from 57.712, 1987]

To maintain records to meet the requirements of 45 CFR part 74 and section 705 of the Public Health Service Act, as amended, concerning recordkeeping, audit, and inspection.

Retention period: 3 years or until resolution of all issues arising from claim, negotiation, audit, or other action.

57.712 Public or nonprofit private schools of medicine or osteopathy receiving grants for physician assistance training programs. [Redesignated as 57.711, 1987]

57.1111 Schools of dentistry and accredited postgraduate dental training institutions receiving grants for residency training in the general practice of dentistry. [Redesignated from 57.1113, 1987]

To maintain records to meet the requirements of 45 CFR part 74 and section 705 of the Public Health Service Act, as amended, concerning recordkeeping, audit, and inspection.

Retention period: 3 years or until resolution of all issues arising from claim, negotiation, audit, or other action.

57.1113 Schools of dentistry and accredited postgraduate dental training institutions receiving grants for residency training in the general practice of dentistry. [Redesignated as 57.1111, 1987]

57.1210 Schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, and podiatry receiving financial distress grants. [Removed]

57.1910 Public or nonprofit private schools of nursing, agencies, organizations and institutions receiving grants for special projects. [Removed, 1988]

57.1912 Public and nonprofit entities receiving Nursing Special Project grants. [Removed, 1988]

57.2511 Public and nonprofit private collegiate schools of nursing receiving grants for advanced nurse training programs. [Removed, 1987]

57.2513 Public and nonprofit private collegiate school of nursing receiving the Advanced Nurse Training Programs grants. [Removed, 1987]

57.2914 Public or private institutions or entities receiving grants for training United States citizen foreign medical students. [Removed; section no longer codified in the CFR]

58.224 Educational entities receiving grants for traineeships for students enrolled in graduate programs in health administration, hospital administration, or health policy analysis and planning. [Correctly renumbered 58.234 by OFR]

58.234 Educational entities receiving grants for traineeships for students enrolled in graduate programs in health administration, hospital administration, or health policy analysis and planning. [Correctly renumbered from 58.224 by OFR]

In addition to the requirements of 45 CFR part 74, to maintain records to meet the audit and inspection requirements of section 705 of the PHS Act.

Retention period: 3 years or until resolution of all issues arising from claim, negotiation, audit, or other action.

59.12 State health agencies or public or nonprofit private agencies and institutions receiving grants to assist in the establishment and operation of the voluntary family planning projects. [Correctly renumbered 59.14 by OFR]

59.14 State health agencies or public or nonprofit private agencies and institutions receiving grants to assist in the establishment and operation of the voluntary family planning projects. [Correctly renumbered from 59.14 by OFR]

To maintain records as specified in 45 CFR part 74.

Retention period: 3 years or until resolution of all issues arising from claim, negotiations, audit, or other action.

59.210 State health agencies or public or nonprofit private agencies and institutions receiving project and personnel training grants for family planning services. [Added by OFR]

To maintain laboratory notes, related technical data, and information pertaining to inventions and discoveries.

Retention period: For such periods as the Secretary or those designated at such times, may determine to be necessary to carry out Department regulations.

60.35 Health Education Assistance Loan (HEAL) Program lenders. [Amended]

In loan collection, to maintain in the borrower's file a record of each attempt to contact and each actual contact. To also maintain written documentation of all skip–tracing activities.

Retention period: Not less than 5 years following the date the loan is repaid in full by the borrower. In particular cases the Secretary may require the retention of records beyond the minimum period.

60.42 Health Education Assistance Loan (HEAL) Program lenders. [Amended]

To maintain complete and accurate records of each HEAL loan, organized in a way to permit ready identification of the current status of each loan. The required records include the loan application; the original promissory note; the repayment schedule agreement; evidence of each disbursement of loan proceeds; notices of changes in a borrower's address and status as a full-time student; evidence of the borrower's eligibility for a deferment; the borrower's signed statement describing his or her rights and responsibilities in connection with a HEAL loan; the documents required for the exercise of forbearance; documentation of the assignment of the loan; and other records as specified in the section cited.

Retention period: 5 years following the date the loan is repaid in full by the borrower. In particular cases, the Secretary may require the retention of records beyond this minimum period.

60.59 Schools ceasing to participate in the HEAL. [Added by OFR]

To maintain all required HEAL records.

64.4 Institutions receiving Federal grants for National Institutes of Health and National Library of Medicine training. [Revised, 1991, regulation contains no record retention requirements]

74.2 Clinical laboratories (microbiology and serology, clinical chemistry, immunohemotology, pathology, and radiobiology). [Removed, 1990]

74.50 Clinical laboratories which have been issued licenses under the Clinical Laboratories Improvement Act of 1967. [Removed, 1990]

74.52 Clinical laboratories which have been issued licenses under the Clinical Laboratories Improvement Act of 1967. [Removed, 1990]

74.53 Clinical laboratories which have been issued licenses under the Clinical Laboratories Improvement Act of 1967. [Removed, 1990]

Health Care Financing Administration

42 CFR

Part 405, subpart K Institutions providing skilled nursing and intermediate care facility services under a State plan for medical assistance. [Removed, 1989]

405.1026–405.1040 Hospitals which have filed agreements to participate in the health insurance for the aged and disabled programs. [Removed; Subpart J (405.1011—405.1042) regulations transferred to part 482, 1986]

405.1310–405.1317 Independent laboratories. [Removed, 1990]

405.2470 Rural health clinics and Federally qualified health centers; Medicare Program. [Added]

To maintain adequate financial and statistical records, in the form and containing the data required by HCFA, to allow the intermediary to determine payment for covered services furnished to Medicare beneficiaries.

416.47 Ambulatory surgical services; Medicare. [Added by OFR]

To maintain complete, comprehensive, and accurate medical record to ensure adequate patient care.

417.436 Health maintenance organizations. [Added]

(a) To maintain written policies and procedures concerning advance directives, such as a living will or durable power of attorney for health care, recognized under State law, relating to the provision of health care when an individual's condition makes him or her unable to express his or her wishes.

(b) To document in the individual's medical record whether or not the individual has executed an advance directive.

417.568 Health maintenance organizations; Medicare. [Added]

To maintain sufficient financial records and statistical data for proper determination of costs payable by Medicare for covered services furnished to its Medicare enrollees, either directly or under arrangements with others.

424.57 Health maintenance organizations; Medicare. [Added]

To maintain documentable complaints, related correspondence, and notes of action taken in response to oral or written complaints.

433.74 State Medicaid agencies. [Added]

To maintain, in readily renewable form, supporting documentation that provides a detailed description and legal basis for each donation and tax program being reported, as well as the source and use of all donations received and taxes collected. This information must be made available to Federal reviewers upon request.

434.14 Health insuring organizations having contracts to furnish Medicaid services, process or pay Medicaid claims, or provide other services. [Removed, 1990]

441.352 Medicaid agencies; community-based services waivers for individuals age 65 or older. [Added]

To maintain and make available to HHS, the Comptroller General, or other designees, appropriate financial records documenting the cost of services furnished to the individuals age 65 or older under the waiver and the State plan, including reports of any independent audits conducted.

441.353 Medicare agencies; community-based services waivers for individuals age 65 or older. [Added]

To maintain written documentaiton on all evaluations and reevaluation of recipient's level of care.

Retention period: 3 years.

Part 442, subpart G Institutions providing skilled nursing and intermediate care facility services under a State plan for medical assistance. [Removed, 1988]

447.299 State Medicaid agencies. [Added]

To maintain, in readily reviewable form, supporting documentation that provides a detailed description of each DSH program, the legal basis for each DSH program, and the amount of DSH payments made to each individual public and private provider or facility each quarter. This information must be made available to Federal reviewers upon request.

456.705 Pharmacists participating in the Drug Use Review (DUR) Program and Electronic Claims Management System for outpatient drug claims. [Added]

To maintain patient profiles containing, at a minimum, the following information: (a) Name, address, telephone number, date of birth (or age), and gender of the patient; (b) individual medical history, if significant, including disease state or states, known allergies and drug reactions, and a comprehensive list of medications and relevant devices; and (c) comments relevant to the individual's drug therapy.

482.60 Psychiatric hospitals participating in Medicare. [Added by OFR]

To maintain clinical records on all patients, including records sufficient to permit HCFA to determine the degree and intensity of treatment furnished to Medicare beneficiaries.

483.10 Long term care facilities participating in Medicare and Medicaid. [Amended]

To maintain records that assure full and complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the facility on the resident's behalf.

Retention period: See 42 CFR 483.75.

483.130 Intermediate care facilities for the mentally retarded. [Added]

To maintain records of evaluations and determinations, regardless of whether they are performed categorically or individually in order to support determinations and actions and to protect the appeal rights of individuals subjected to Preadmission Screening and Annual Resident Review (PASARR) determinations.

488.64 Facilities certified as comprehensive outpatient. [Removed; regulation contains no record retention requirements]

489.102 Hospitals, skilled nursing facilities, nursing facilities, home health agencies, providers of home health care (and for Medicaid purposes, providers of personal care services), and hospices. [Added]

To maintain written policies and procedures concerning advance directives (on individual's control over medical treatment decisions), with respect to all adult individuals receiving medical care. To also document in the individual's medical record whether or not the individual has executed the implementation of such rights under State law (whether statutory or recognized by the courts of the State) to make decisions concerning such medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate, at the individual's option, advance directives.

493.801 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) programs. [Revised]

To maintain records on handling, preparation, processing, examination and steps in the testing and reporting of results for all proficiency testing samples, including a copy of the proficiency testing program report forms used by the laboratory to record proficiency testing results.

Retention period: For a minimum of 2 years from the date of the proficiency testing event.

493.823 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–bacteriology. [Revised]

To maintain documentation of all remedial action taken to correct problems associated with a proficiency testing failure.

Retention period: 2 years from the date of participation in proficiency testing event.

493.825 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–mycobacteriology. [Revised]

See 42 CFR 493.823.

493.827 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–mycology. [Revised]

See 42 CFR 493.823.

493.829 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–parasitology. [Revised]

See 42 CFR 493.823.

493.831 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–virology. [Revised]

See 42 CFR 493.823.

493.835 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–syphilis serology. [Revised]

See 42 CFR 493.823.

493.837 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–general immunology. [Revised]

See 42 CFR 493.823.

493.841 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–routine chemistry. [Revised]

See 42 CFR 493.823.

493.843 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–endocrinology. [Revised]

See 42 CFR 493.823.

493.845 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–toxicology. [Revised]

See 42 CFR 493.823.

493.847 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs–urinalysis. [Removed]

493.851 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–hematology. [Revised]

See 42 CFR 493.823.

493.855 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–cytology: gynecologic examinations. [Added]

To maintain records on reexamination of slides.

493.859 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–ABO group and Rho (D) typing. [Revised]

See 42 CFR 493.823.

493.861 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–unexpected antibody detection. [Revised]

See 42 CFR 493.823.

493.863 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–compatibility testing. [Revised]

See 42 CFR 493.823.

493.865 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–antibody identification. [Revised]

See 42 CFR 493.823.

493.903 Laboratories regulated under the Medicare, Medicaid, and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs. [Added]

To maintain records of performance.

Retention period: 5 years or such time as may be necessary for any legal proceedings.

493.1101 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs. [Revised; regulation contains no record retention requirements]

493.1152 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs. [Added]

To maintain records of test requisitions or test authorizations or patient chart or medical record, if used as the test requisition.

493.1107 Laboratories regulated under the Medicare, Medicaid,and Clinical Laboratory Improvement Act of 1988 (CLIA)–test records. [Added]

To maintain a record system to ensure reliable identification of patient specimens as they are processed and tested to assure that accurate test results are reported. These records must identify the personnel performing the testing procedures.

Retention period: (a) Records of patient testing, including, if applicable, instrument printouts–2 years. (b) Immunohematology records–for no less than 5 years in accordance with 21 CFR part 606, subpart I.

493.1109 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA). [Added]

To maintain original immunohematological and pathological reports or exact duplicate of each test report, including final and preliminary reports.

Retention period: 2 years after the date of reporting. Immunohematology report– no less than 5 years in accordance with 21 CFR part 606, subpart I. Pathology test report– for at least 10 years after date of reporting. This information may be maintained as part of the patient's chart or medical record and must be readily available to HHS upon request.

493.1205 Laboratories regulated under the Medicare, Medicaid,and Clinical Laboratory Improvement Act of 1988 (CLIA). [Added]

To maintain documentation of the verification or establishment of all applicable test performance specifications.

493.1211 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–procedure manual. [Revised]

To maintain copies of each procedure manual with the dates of initial use and discontinuance.

Retention period: 2 years after a procedure has been discontinued.

493.1215 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs. [Revised; regulation contains no record retention requirements]

493.1221 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs. [Revised]

(a) To document and maintain records of all quality control activities specified in 42 CFR 493.1202 through 493.1285.

Retention period: 2 years.

(b) To maintain immunohematology quality control records.

Retention period: For a period of not less than 5 years.

(c) To maintain quality control records for blood and blood products.

Retention period: Not less than 5 years after processing records are completed or 6 months after the latest expiration date, whichever is the later date in accordance with 21 CFR 606.160(d).

493.1223 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–quality control–specialities and subspecialities. [Revised]

See 42 CFR 493.1221.

493.1225 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–microbiology.[Revised]

See 42 CFR 493.1221.

493.1227 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–bacteriology.[Revised]

See 42 CFR 493.1221.

493.1229 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–mycobacteriology. [Revised]

See 42 CFR 493.1221.

493.1231 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–mycology. [Revised]

See 42 CFR 493.1221.

493.1233 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–parasitology.[Revised]

See 42 CFR 493.1221.

493.1235 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–virology (quality control).[Revised]

To maintain records that reflect the systems used and the reactions observed.

493.1237 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–diagnostic immunology. [Revised]

See 42 CFR 493.1221.

493.1239 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1988 (CLIA) Programs–syphilis serology. [Revised]

See 42 CFR 493.1221.

493.1241 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–general immunology. [Revised]

See 42 CFR 493.1221.

493.1243 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1988 (CLIA) Programs–chemistry.[Revised]

See 42 CFR 493.1221.

493.1245 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–routine chemistry. [Revised]

See 42 CFR 493.1221.

493.1247 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–endocrinology.[Revised]

See 42 CFR 493.1221.

493.1251 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs–urinalysis. [Removed]

493.1253 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–hematology. [Revised]

See 42 CFR 493.1221.

493.1255 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–pathology. [Revised]

See 42 CFR 493.1221.

493.1257 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–quality control requirements for cytology. [Revised]

(a) To maintain records of the number of slides examined by each individual during each 24 hour period and the number of hours each individual spends examining slides in the 24 hour period.

(b) To retain all normal, negative and unsatisfactory slide preparations.

Retention period: 5 years from date of examination.

(c) To maintain records of initial examinations and rescreening results; and other such information as specified in section cited.

493.1259 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–histopathology. [Revised]

To retain (a) stained slides and (b) specimen blocks.

Retention period: (a) At least 10 years from date of examination and (b) at least 2 years from date of examination.

493.1261 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–oral pathology. [Revised]

See 42 CFR 493.1211, 493,1215, 493,1221, and 493.1259.

493.1263 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–radiobioassay. [Revised]

See 42 CFR 493.1211, 493,1215, 493.1221, and 493.1259.

493.1265 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–histocompatibility. [Revised]

To maintain records of the test results for each individual (previously tested specimen is given at least once each month to each individual performing tests as an unknown to verify ability to reproduce test results); and other such information as specified in section cited.

493.1267 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–clinical cytogenetics. [Added]

To maintain records that reflect the media used and document the reasons observed, number of cells counted, the number of cells counted for each metaphase spread, and the quality of the banding; that the resolution is sufficient to support the reported results and that an adequate number of karyotypes are prepared for each patient.

493.1269 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–immunohematology. [Added]

See 42 CFR 493.1211, 493.1215, 493.1221, and 493.1259.

493.1273 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–immunohematological, collection, processing, dating periods, labeling and distribution of blood and blood products. [Revised]

See 42 CFR 493.1221.

493.1275 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–blood and blood products storage facilities. [Added]

To maintain records on inspections of the alarm system.

493.1285 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA) Programs–facilities investigating transfusion reactions. [Revised]

To document that all necessary remedial actions are taken to prevent recurrences and that all policies and procedures are reviewed to assure that they are adequate to ensure the safety of individuals being transfused within the facility.

493.1407 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–laboratory director responsibilities. [Added]

To maintain records to ensure that all necessary remedial actions are taken and document whenever significant deviations from the laboratory's established performance specifications are identified, and that patient test results are reported only when the system is functioning properly.

493.1425 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–testing personnel. [Added]

(a) To maintain records that demonstrated that proficiency testing samples are tested in the same mnanner as patient samples.

(b) To maintain records on all corrective actions taken when test systems deviate from the laboratory's established performance specifications.

493.1445 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–laboratory director responsibilities. [Added]

See 42 CFR 493.1425.

493.1495 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–testing personnel. [Added]

(a) To maintain records that demonstrate that proficiency testing samples are tested in the same manner as patient specimens.

(b) To maintain documentation of all corrective actions taken when test systems deviate from the laboratory's established performance specifications.

493.1501 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs–quality assurance. [Removed]

493.1601 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs–inspection. [Removed]

493.1701 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–quality assurance. [Added]

See 42 CFR 493.1721.

493.1715 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–communications. [Added]

To maintain documentation on correction actions taken to resolve the problems that occur as a result of breakdowns in communication between the laboratory and the authorized individual who orders or receives the results of test procedures or examinations.

493.1721 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–quality assurance. [Added]

To maintain documentation of all quality assurance activities including problems identified and corrective actions taken. All quality assurance records must be available to HHS.

493.1777 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA). [Added]

(a) To retain immunohematology records for a period of not less than 5 years in accordance with 21 CFR part 606, subpart I.

(b) To retain pathology test reports for at least 10 years after the date of reporting as required in 42 CFR 493.1109.

493.1780 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratory Improvement Act of 1988 (CLIA)–accredited and State–exempt laboratories. [Added]

See 42 CFR 493.1777.

INTERIOR DEPARTMENT

Bureau of Land Management

43 CFR

3162.7–4 Operators on Federal and Indian (except Osage) oil and gas leases. [Revised, 1988; record retention requirements now in 3162.7–5]

3162.7–5 Operators on Federal and Indian (except Osage) oil and gas leases. [Redesignated from 3162.7–4, 1988]

(a) To maintain records of seal numbers used and which valves or

connections, seals were used on as well as when seals were installed and removed during production and sale phases.

(b) To retain records of inspection and measurements of all leases, units, and communitized areas to determine site security and production volumes.

Retention period: (a) and (b) 6 years.

3190.2–1 States, Indian Tribes, or contractors relating to oil and gas productions on Federal and Indian lands. [Added by OFR]

To maintain all records and other materials relating to a delegation of authority, cooperative agreement or contract.

Retention period: 6 years from the date they are generated or such other period as may be specified in the delegation, cooperative agreement, or contract.

3484.1 Operators/lessees developing, mining, preparing, and handling operations for Federal coal. [Added by OFR]

To retain all drill and geophysical logs.

Retention period: 1 year unless a shorter time period is authorized by the authorized officer.

3485.2 Operators/lessees developing, mining, preparing and handling operations for Federal coal. [Removed; record retention requirements in 3485.3]

3597.1 Operators/lessees discovering, testing, developing, mining, or processing minerals. [Added by OFR]

To maintain records which show a correct amount of all ore and rock mined, of all ore put through the processing plant, of all mineral products produced and of all ore and mineral products sold. The records shall show all relevant quality analyses of ore minded, processed or sold and the percentage of the mineral products recovered or lost.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR

7.10 Recipients of Federal assistance from FEMA. [Added by OFR]

To keep such records in such form and containing such information necessary to enable FEMA officials to ascertain compliance with nondiscrimination regulations.

13.20 States and local governments receiving Federal grants and cooperative agreements. [Added by OFR]

To maintain records which adequately identify the sources and applications of funds provided for financially–assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

Retention period: 3 years after final payments and all other pending matters are closed.

361.6 States participating in the Earthquake Hazards Reduction Assistance Program. [Added]

(a) To maintain as part of the official record, a copy of the documentation of the basis by which the value of an in–kind was determined.

(b) To maintain records pertaining to matching contributions.

Retention period: 3–year period after the date of submission of the final financial report required by the CCA, or date of audit, whichever date comes first.

361.8 States participating in the Earthquake Hazards Reduction Assistance Program. [Revised; record retention requirements now in 361.6]

HEALTH AND HUMAN SERVICES DEPARTMENT

Office of Secretary

45 CFR

15.52 State and local agencies acquiring real property. [Removed, 1986]

15.54 State and local agencies acquiring real property. [Removed, 1986]

Social Security Administration

45 CFR

400.10 State agencies administering the Refugee Resettlement Program. [Redesignated as 400.28, 1986]

400.28 State agencies administering the Refugee Resettlement Program. [Redesignated from 400.10, 1986]

To maintain such operational records as are necessary for Federal monitoringof the program in accordance with 45 CFR part 74, subpart D. This recordkeeping must include: (a) Documentation of services and assistance provided, including identification of individuals receiving those services; (b) records on the location, progress, and status of unaccompanied minor refugee children, including the last known address of parents; and (c) documentation that necessary followup services and monitoring have been provided.

Office of Community Services

45 CFR

1010.20–3 Grantees under the Economic Opportunity Act of 1964, as amended. [Added]

To maintain the following information: (a) The manner in which services are or will be provided by the program in question, and related data necessary for determining whether any persons are or will be denied such services on the basis of race, color, sex, or national origin; (b) the population eligible to be served by race, color, sex or national origin; (c) the location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying services to any persons on the basis of race, color, sex or national origin; (d) a log of complaints under Title IV identifying each complainant by race, color, sex or national origin, the nature of the complaint; and other such information as specified in cited section.

1067.42–3 Grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended. [Added by OFR]

To maintain separate accounting records for each grant. The accounting records shall include all receipts that occur during the grant period, including Federal grants, non–Federal contributions in cash and in–kind, interest earned, and any income from fees charged to program beneficiaries. The financial records shall also include all expenditures from program funds.

1068.42–10 Grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended. [Added]

To maintain appropriate records and accounts to assure a proper accounting for all proper funds, both Federal and non–Federal. All financial records, including books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and other related documents must be retained for the time period and in the manner prescribed by CSA's policy, retention and custodial requirements for records.

BICENTENNIAL OF THE UNITED STATES CONSTITUTION COMMISSION

45 CFR

2015.42 State and local governments receiving Federal grants and cooperative agreements. [Removed]

COMNMISSION ON NATIONAL AND COMMUNITY SERVICE

45 CFR

2501.4 States receiving grants under the Serve–America: Programs for Students and Out–of–School Youth. [Added]

To keep such records as may be required for fiscal audits and program evaluation.

2504.5 States receiving grants for National and Community Service Programs. [Added]

See 45 CFR 2501.4.

TRANSPORTATION DEPARTMENT

Coast Guard

46 CFR

10.30–3 Training schools with approval courses. [Part 10 revised, 1989, record retention requirements now in 10.303]

10.303 Training schools with approval courses. [Added by OFR]

To keep for each enrolled student, each written examination, or in the case of a practical test, a report of such test, and a record of each students classroom attendance.

Retention period: 1 year after the end of the students enrollment.

26.08–15 Owners, agents, masters, or persons in charge of any vessels involved in a marine casualty. [Removed, 1987]

57.02–3 Manufacturers or contractors responsible for welding and brazing procedures. [Redesignated as 57.02–4, 1991]

57.02–4 Manufacturers or contractors responsible for welding and brazing procedures. [Redesignated from 57.02–3, 1991]

To maintain records of test results obtained in welding procedure, welder's performance qualifications, and identification data.

Retention period: Not specified.

97.07–15. Owners, agents, masters, or persons in charge of vessels involved in marine casualties. [Removed, 1987]

160.051–5 Manufacturers of approved inflatable liferafts. [Added by OFR]

To maintain records of quality control tests (materials used, manufacturing methods, workmanship, and the finished products).

Retention period: 5 years.

160.051–6 Inflatable liferafts servicing facilities. [Added by OFR]

To maintain a complete record of each inflatable liferaft serviced.

160.052–7 Manufacturers of listed and labeled buoyant vests. [Added by OFR]

To keep on file records of inspections and test, together with affidavits concerning the material.

160.056–5 Manufacturers of rescue boats. [Added by OFR]

To maintain a file of approved prints and all correspondence.

160.062–4 Manufacturers of hydraulic releases. [Added by OFR]

See 46 CFR 160.051–5.

160.077–25 Manufacturers of hyprid PFD's. [Added by OFR]

See 46 CFR 159.007–13.

Retention period: Records must be retained at least 120 months after the month in which the inspection test was conducted.

161.008-1 Manufacturers of hand electric flashlights. [Removed, 1988]

196.07–15 Owners, agents, masters, or persons in charge of vessels involved in marine casualties. [Removed by OFR, no longer codified in the CFR]

197.480 Owners or operators of vessels from which commercial diving operations take place. [Added by OFR]

See 46 CFR 196.35–3.

197.488 Owners, agents, or persons–in charge of a vessel or facility in which a report of casualty is made. [Added by OFR]

To maintain on board all logbooks and required reports.

Maritime Administration

46 CFR

221.13 Charterers of Government-owned dry-cargo vessels. [Revised; regulation contains no record retention requirements]

Part 326, sec. 7 General agents. [Revised, 1988, now 326.7; regulation contains no record retention requirements]

380.24 Operators under title VI and VII, Merchant Marine Act, 1936. [Revised by OFR]

(a) To keep the following records: (1) Official company or corporate records such as certificates or articles of incorporation, minutes, books, stock ledgers, bond registers, merger or acquisition records, patent and copyrights; (2) financial statements and reports; (3) insurance records; (4) contracts agreements, franchises, licenses, etc.; (5) vessel operating records; (6) voyage account items; (7) underlying traffic records pertaining to tariffs, dray tickets pooling agreements, etc,

Retention period: 2 years after final release agreement or settlement agreement is completed between the Administration and contractors under operating–differential subsidy contracts.

(b) To also maintain (1) ship construction or reconversion records; (2) cancelled checks; (3) miscellaneous documents and work papers; (4) any document generated under the provisions of the Shipping Act, 1916; (5) books of accounts; (6) personnel records; and (7) supplementary records such as union agreements.

Retention period: 3 years after final audit and/or approval by the Administration.

FEDERAL MARITIME COMMISSION

46 CFR

514.7 Common carriers or conferences; oceanborne transportation in the foreign and domestic offshore commerce of the United States. [Added]

To maintain service contract records in an organized, readily accessible or retrievable manner.

Retention period: For a period of 5 years from the termination of each contract.

553.4 Non-vessel-operating common carriers (NVO's). [Removed]

559.3 Common carriers by water. [Removed, 1987]

560.701 Common carriers and other persons subject to the Shipping Act, 1916, Agreements. [Added by OFR]

(a) To retain a record of the vote of each question voted on to fix rates (except leases, licenses, assignments or other agreements of similar character for the use of marine terminal facilities).

Retention period: 2 years.

(b) To also maintain all reports or circulars, in whatever form, distributed to the parties, which relate to matters within the scope of approved agreement.

Retention period: 2 years.

562.4 Parties to agreements in the domestic trades. [Removed, 1987]

566.4 Resident representative of a conference or other ratemaking group domiciled outside the United States. [Removed, 1987]

FEDERAL COMMUNICATIONS COMMISSION

47 CFR

18.152 Owners or operators of industrial, scientific, and medical equipment. [Correctly renumbered 18.205 and revised by OFR]

18.205 Owners or operators of industrial, scientific, and medical equipment. [Correctly renumbered from 18.152 and revised by OFR]

To maintain current information on the description of measurement facilities.

Retention period: Current at all times.

21.208 Licensees of radio stations in the domestic public radio services. [Removed, 1987]

22.15 Licensees in the public mobile radio service. [Added by OFR]

To maintain all supporting data and calculations used in the interference studies.

43.72 Operators on the Multipoint Distribution Service. [Removed, 1990]

64.1200 Persons or entities making telephone solicitations. [Added]

To maintain a do–not–call list for the purpose of future solicitations.

73.757 International broadcasting station licensees. [Added by OFR]

To maintain records of the time and result of each test to determine if auxiliary transmitters are in proper operating conditions and are adjusted to proper frequency.

Retention period: 2 years.

73.781 Licensees or permittees of international broadcast stations. [Added by OFR]

See 73 CFR 23.47.

73.782 Licensees of permittees of international broadcast stations. [Added by OFR]

See 47 CFR 73.781.

73.1202 Licensees of AM, FM, and TV broadcast stations. [Added by OFR]

To maintain, in the local inspection file, letters received from the public unless the letter writer has requested that the letter not be made public or licensee feels that letter should be excluded from public inspection because of nature of its content.

Retention period: 3 years.

73.1940 Licensees of AM, FM, noncommercial educational FM radio, and television broadcast stations. [Revised; record retention requirements now in 73.1943]

73.1943 Licensees of Radio Broadcast and Television Broadcast services. [Added]

(a) To keep a complete and orderly record (political file) of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing disposition made by the licensee of such requests and the charges made, if any, if the request is granted.

(b) To maintain and place in the political file, a record of the free time provided when free time is provided for use by or on behalf of candidates.

Retention period: 2 years.

73.3526 Permittees or licensees of AM, FM, or TV stations in the commercial broadcast services. [Amended]

(a) To maintain copies of every application tendered for filing all exhibits, letters, and all amendments, all correspondence between FCC and applicants, every ownership report or supplemental ownership report and every annual employment record.

Retention period: Various.

(b) To maintain records concerning broadcasts by candidates for public office as required by section 73.1940.

Retention period: 2 years.

(c) To maintain a copy of the Public and Broadcasting—A Procedure Manual (see FCC 74–942, 39 FR 32288, September 5, 1974).

Retention period: Indefinitely.

(d) To maintain letters received from members of the public as required by section 73.1202.

Retention period: 3 years.

(e) To maintain a list of at least 5 to 10 community issues addressed by the station's programming during the preceding 3 month period.

Retention period: Term of the license—5 and 7 years for TV and radio, respectively.

(f) To place in the station's local public inspection file a statement certifying compliance with the Act's commercial limits when applying for renewal of license.

Retention period: As long as the application to which it refers.

(g) To maintain engineering material pertain to a former mode of operation.

Retention period: 3 years after a station commences operation under a new or modified mode.

(h) To maintain records to demonstrate responses to the educational and informational needs of children, even though these records may also document nonprogramming responses to such needs. Children's programming records may be made part of the issues/program list or may be kept as a separate list.

Retention period: 5 years; "Significant treatment of community issues list"–7 years.

73.3613 Licensees of AM, FM, noncommercial educational FM radio, and television broadcast stations. [Amended]

To maintain the following contracts, agreements, or understandings at the station: Contracts relating to the sale of broadcast time to "time brokers" for resale; subchannel leasing agreements for Subsidiary Communications Authorization operation; franchise/leasing agreements for operation of telecommunications services on the TV vertical blanking interval; time sales contracts with the same sponsor for 4 or more hours per day; except where the length of the events (such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station; and contracts with chief operators and other engineering personnel.

Retention period: Not specified.

74.181 Licensees of low power TV or TV translator stations. [Correctly renumbered 74.781 by OFR]

74.781 Licensees of low power TV, TV translator or TV booster stations. [Added by OFR]

To maintain adequate station records, including the current instrument of authorization, official correspondence with the FCC, contracts, permission for rebroadcasts, and other pertinent documents.

Retention period: 2 years.

76.95 Operators of cable television systems. [Revised, 1989; regulation contains no record retention requirements]

76.205 Cable television system operators. [Revised; record retention requirements now in 76.207]

76.207 Cable television system operators. [Added]

To maintain complete record (political file) of all requests for cablecast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the cable television system operator of such requests, and the charges made, if any, if request is granted. When free time is provided for use by or on behalf of such candidates, a record of the free time provided must be maintain in the political file.

Retention period: 2 years.

76.305 Operators of cable television systems. [Amended]

(a) To keep lists of requests for origination cablecasting time made by or on behalf of candidates for public office; sponsors of origination cablecasts of a political or controversial nature; names and addresses of nonbusiness advertisers whose ads are origination cablecast; names and addresses of all persons or groups requesting access time for public, educational, or leased access programming; and to keep a copy of FCC Form 325 (annual report) and each of the above records in a file for public inspection.

Retention period: 2 years.

(b) To maintain records of equal opportunity programs statements, complaint reports, and related documents and technical performance test data for each cable television channel.

Retention period: 5 years, except program statements, which must be retained until superseded.

(c) To keep in public inspection file a copy of each franchise, registration statement, petition to FCC, decision of the Commission pertaining to the system, and all other related documents.

Retention period: 2 years.

(d) To keep in public inspection file a copy of application for transfer of control of a cable television relay station serving the system.

Retention period: As long as authorization is outstanding.

76.601 Operators of cable television systems. [Revised]

(a) To maintain at its local office a current listing of the cable television channels which that system delivers to its subscribers.

(b) To maintain the resulting performance and signal leakage test data on file at the local business office.

Retention period: 5 years.

76.607 Cable television system operators. [Added]

To maintain records on resolution of complaints from subscribers about the quality of the television signal delivered.

Retention period: 1 year.

76.619 Operators of cable television system operating in a grandfathered status. [Added by OFR]

To maintain a log showing the date and location of each leakage source identified, the date on which the leakage was eliminated, and the probable cause of the leakage.

Retention period: 2 years.

80.819 Radio officers of passenger ships of 1600 gross tons and upward. [Added by OFR]

To maintain a record of the calibrations and of the check bearings made of their accuracy and the accuracy of the check bearings.

Retention period: 1 year.

80.1075 Global Maritime Distress and Safety System (GMDSS) licensees. [Added]

To maintain records as required by the Radio Regulations and 47 CFR 80.409(a), (b) and (e) of all incidents connected with the radio communication service which appear to be of importance to safety of life at sea.

90.651 Licensees offering service on a commercial basis to any person or entity eligible under the special emergency, industrial and land transportation radio services and public safety radio services. [Amended; regulation contains no record retention requirements]

90.737 Licensees offering nationwide system services on a commercial basis. [Added by OFR]

To maintain records of the names and addresses of each customer and the dates that service commenced and terminated.

95.107 Licensees of personal radio service stations. [Added by OFR]

To keep license document until the license expires or the license is terminated by the FCC or a different license for the GMRS is obtained. The license must be kept as part of the GMRS system.

DEFENSE DEPARTMENT

48 CFR

252.217–7004 Contractors under the job order and compensation contract clause. [Removed]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR

1852.216–79 Contractors subject to the Level–of–Effort (Fixed–Price) clause. [Added]

To maintain such records as may be reasonably required to determine that the minimum number of hours specified in this clause were expended in the performance of the work.

TRANSPORTATION DEPARTMENT

Office of the Secretary

49 CFR

37.83 Amtrak and commuter authorities providing transportation for individuals with disabilities. [Correctly renumbered 37.87 by OFR]

37.87 Amtrak and commuter authorities providing transportation for individuals with disabilities. [Correctly renumbered from 87.87 by OFR and amended]

To retain documentation of the specific good faith efforts made when purchasing or leasing used intercity or commuter rail cars that are not readily accessible to and usable by individuals with disabilities.

Retention period: 3 years from the date the cars were purchased. Records shall be made available on request to the UMTA or FRA Administrator, as applicable.

Research and Special Programs Administration

49 CFR

107.620 Persons engaged in the offering for transportation or transportation of certain hazardous materials in foreign, intrastate, or interstate commerce. [Added]

To maintain at its principal place of business (a) a copy of the registration statement filed with RSPA; (b) a copy of the certified or cashiers check, money order, or a copy of the credit card billing statement showing payment for the person's registration and processing fees; and (c) the Certificate of Registration issued to the registrant by RSPA.

Retention period: For a period of 3 years from the date of issuance of each Certificate of Registration.

110.90 Project managers responsible for day–to–day operations of the hazardous materials public sector training and planning grants. [Added]

To maintain financial and programmatic records, supporting documents, statistical records, training materials, and other documents generated.

Retention period: 3 years from the date the final financial status (SF 269) or Request for Advance or Reimbursement (SF 270) is submitted or until completion of any litigation, claim, negotiating, audit or other action and resolution of all issues or until the end of the regular 3–year period, whichever is later.

172.205 Carriers transporting hazardous materials. [Added by OFR]

To retain a copy of the manifest and the shipping paper.

Retention period: Manifest– retained by the shipper (generator) and by the initial and each subsequent carrier– 3 years from the date the waste was accepted by the initial carrier; Shipping paper– 3 years by each railroad transporting the waste.

172.704 Hazmat employers. [Added]

To maintain record of current training for each employee, inclusive of the preceding two years. The record shall include the employee's name; the most recent completion date of the employee's training, a description, copy, or the location of the training materials used to meet general awareness/familiarization, safety, function–specific and OSHA or EPA training requirements, the name and address of the person providing the training; and certification that the employee has been trained and tested.

Retention period: For as long as that employee is employed by that employer as a hazmat employee and for 90 days thereafter.

173.33 Motor carriers operating MC 330 and MC 331 cargo tanks. [Amended; regulation contains no record retention requirements]

176.13 Carriers transporting hazardous materials. [Added]

See 49 CFR 172.704.

177.824 Owners of tank motor vehicles transporting flammable liquids. [Revised, 1990; regulation contains no record retention requirements]

177.825 Carriers transporting hazardous materials. [Added by OFR]

See 49 CFR 172.704.

178.16–13 Manufacturers of carboys, jugs in tubs, and rubber drums. [Removed, 1990]

178.17–5 Manufacturers of glass carboys. [Removed, 1990]

178.19–7 Manufacturers of shipping containers. [Removed, 1990]

178.47–3 Independent inspection agencies performing cylinder inspections and verifications. [Correctly renumbered 178.47–4 by OFR]

178.47–4 Independent inspection agencies performing cylinder inspections and verifications. [Correctly renumbered from 178.47–3 by OFR]

To maintain complete test reports required on spec. 4DS; inside containers welded stainless steel for aircraft use.

Retention period: 15 years from the original date of the cylinders.

178.54–4 Independent inspection agencies performing cylinder inspections and verifications. [Removed, 1987]

178.54–23 Manufacturers of welded or welded and brazed cylinders with fusion-welded longitudinal seam. [Removed, 1987]

178.80–13 Manufacturers of spec. 5; steel barrels or drums. [Removed, 1990]

178.80–14 Manufacturers of spec. 5; steel barrels or drums. [Removed, 1990]

178.81–13 Manufacturers of spec. 5A; steel barrels or drums. [Removed, 1990]

178.82–13 Manufacturers of spec. 5B; steel barrels or drums. [Removed, 1990]

178.83–13 Manufacturers of spec. 5C; steel barrels or drums. [Removed, 1990]

178.88–12 Manufacturers of spec. 5K; nickel barrels or drums. [Removed, 1990]

178.89–11 Manufacturers of spec. 5L; steel barrels or drums. [Removed, 1990]

178.90–12 Manufacturers of spec. 5M; monel drums. [Removed, 1990]

178.92–13 Manufacturers of spec. 5P; lagged steel drums. [Removed, 1990]

178.98–11 Manufacturers of spec. 6B; steel barrels or drums. [Removed, 1990]

178.99–11 Manufacturers of spec. 6C; steel barrels or drums. [Removed, 1990]

178.100–11 Manufacturers of spec. 6J; steel barrels and drums. [Removed, 1990]

178.107–11 Manufacturers of spec. 42B; aluminum drums. [Removed, 1990]

178.109–11 Manufacturers of spec. 42D; aluminum drums. [Removed, 1990]

178.115–12 Manufacturers of spec. 17C; steel drums. [Removed, 1990]

178.116–12 Manufacturers of spec. 17f; steel drums. [Removed, 1990]

178.117–13 Manufacturers of spec. 17f; steel drums. [Removed, 1990]

178.118–12 Manufacturers of spec. 17H; steel drums. [Removed, 1990]

178.130–10 Manufacturers of spec. 37K; steel drums. [Removed, 1990]

178.131–11 Manufacturers of spec. 37A; steel drums. [Removed, 1990]

178.132–11 Manufacturers of spec. 37B; steel drums. [Removed, 1990]

178.133–11 Manufacturers of spec. 37P; steel drums with polyethylene liners. [Removed, 1990]

178.135–10 Manufacturers of spec. 37C; steel drums. [Removed, 1990]

178.135–7 Manufacturers of spec. 37D; steel drums; nonreusable containers; open head not authorized. [Removed, 1990]

178.140–8 Manufacturers of spec. 13; metal kegs. [Removed, 1990]

178.141–8 Manufacturers of spec. 13A; metal drums. [Removed, 1990]

178.150–6 Manufacturers of shipping containers. [Removed, 1990]

178.182–3 Manufacturers of spec. 15P glued plywood, or wooden box for inside containers. [Removed, 1990]

178.225–4 Manufacturers of spec. 21P fiber drum overpack for inside plastic containers. [Removed, 1990]

178.270–7 Manufacturers of joints in tank shells. [Added by OFR]

To retain record of each qualification of weld procedures and weld performance.

Retention period: For the period prescribed in ASME Code, Section VIII, Pressure Vessels.

178.338–19 Owners/operators of cargo tank motor vehicle. [Added by OFR]

(a) *Owners.* To retain the data report, certificates, and related papers.

Retention period: Throughout the ownership of the cargo tank. In the event of change of ownership, the prior owner shall retain nonfacing

photographically reproduced copies of these documents for at least 1 year.

(b) *Operators.* To maintain a copy of the data report and the certificate or certificates.

Retention period: At least 1 year thereafter.

178.340–10 Motor carriers operating cargo tanks. [Removed, 1989]

Federal Railroad Administration

49 CFR

1225.25 Railroad companies. [Added by OFR]

To maintain a log of injuries and occupational illnesses at and for each railroad establishment, but not limited to an operating division, general office, and major installation such as a locomotive or car repair or construction facility. A copy of each log may be kept at a central location.

Retention period: See 49 CFR 225.27.

245.103 Railroads subject to user fees. [Revised]

To maintain adequate records supporting its calculations of the total train miles for the prior calendar year and the total road miles operated by the railroad as of December 31 of the previous calendar year. Such records shall be sufficient to enable the FRA to verify the information provided by the railroad on FRA Form 6180.91–Annual Report of Railroads Subject to User Fees.

Retention period: At least 3 years after the end of the calendar year to which they relate.

245.152 Railroads subject to user fees–retention period. [Added]

To retain records specified in 49 CFR 245.103 for at least 3 years after the end of the calendar year to which they relate.

255.19 Recipients of financial assistance. [Removed]

265.19 Recipients and contractors of financial assistance under the Railroad Revitalization and Regulatory Act of 1976. [Added by OFR]

To keep complete and accurate records containing such information as the Administration may determine to be necessary to ascertain compliance with applicable regulations. These records shall show in connection with the project, program or activity funded in whole or in part through financial assistance under the Rail Act: (a) Procedure which have been adopted to comply with the policies set forth in this 49 CFR part 265, including the establishment of a source list of MBEs; (b) specific efforts to identify and award contract to MBEs; and (c) awards to MBEs on the required source list.

Federal Highway Administration

49 CFR

391.35 Motor carriers reviewing drivers' records. [Added by OFR]

To retain in the drivers' qualification file the original of the signed road test form and the original or a copy of the certificate of drivers' road tests.

395.1 Motor carriers and drivers responding to emergencies; exemption from the FMCSRs while providing direct assistance to the emergency relief efforts. [Added]

(a) To maintain accurate and true time records showing (1) the time the driver reports for duty each day; (2) the total number of hours the driver is on duty each day; (3) the time the driver is released from duty each day; and (4) the total time for the preceding 7 days in accordance with 49 CFR 395.8(j)(2) for drivers used for the first time or intermittently.

Retention period: 6 months.

(b) To maintain the drivers' records of duty status at a regional or terminal office.

National Highway Traffic Safety Administration

49 CFR

573.6 Manufacturers of complete or incomplete motor vehicles. [Correctly renumbered 573.7 by OFR]

573.7 Manufacturers of complete or incomplete motor vehicles. [Correctly renumbered from 573.6 by OFR]

To maintain list of names and addresses of first purchasers or subsequent purchasers to whom a warranty has been transferred and vehicle identification number involved in each safety defect notification campaign.

Retention period: 5 years after defect information report is submitted to the Administrator.

574.5 Tire manufacturers. [Added by OFR]

(a) To maintain a record of each symbol use, with the corresponding matrix or tire size when using second grouping.

(b) To maintain a detailed record of any descriptive or brand name owner code used when using third grouping.

586.1 Passenger cars manufacturers and manufacturers of multipurpose passenger vehicles, trucks and buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. [Added]

See 49 CFR 586.6 and 586.8.

Effective date: Sept. 1, 1993.

586.8 Manufacturers of multipurpose passenger vehicles, trucks and buses with a gross weight rating (GVWR) of 10,000 pounds or less. [Added]

To maintain records of the Vehicle Identification Number for each multipurpose passenger vehicle, truck and bus for which information is reported under 49 CFR 586.7(b)(2).

Retention period: Until December 31, 1996.

Effective date: Sept. 1, 1993.

588.5 Manufacturers or manufacturer's designees of child restraint systems. [Added]

To maintain records of the owners of child restraint systems who have submitted a registration form. The record shall be in a form suitable for inspection such as computer information storage devices or card files, and shall include the names and mailing addresses of the owners, and the model name or number and date of manufacture (month, year) of the owners' child restraint systems.

Retention period: For a period of not less than 6 years from the date of manufacture of that restraint system.

588.6 Manufacturers or manufacturer's designees of child restraint systems–retention period. [Added]

To maintain records specified in 49 CFR 588.6 for a registered restraint system for a period of not less than 6 years from the date of manufacture of that restraint system.

Urban Mass Transportation Administration [Heading revised; see Federal Transit Administration]

Federal Transit Administration

49 CFR

670.19 Recipients of commuter service transition assistance. [Removed]

INTERSTATE COMMERCE COMMISSION

49 CFR

1004.3 Private carriers engaged in incidental for–hire transportation. [Added by OFR]

To maintain separate records for each operations.

1522.4 Common carriers of property subject to Part II of the Interstate Commerce Act. [Removed, 1987]

1103.29 Persons entitled to practice before the Commission. [Added by OFR]

To maintain a recording of the actual transmission if a public communication is made through use of radio or television.

Part 1220 Express companies. [Heading revised by OFR]

To keep records as listed in the part cited.

Retention period: Various.

1220.10 Companies and persons subject to the provisions of the Interstate Commerce Act. [Removed by OFR; section no longer codified in CFR]

1244.5 Railroads subject to the Interstate Commerce Act. [Added]

To maintain the underlying hard copy waybills or facsimilies capable of producing legible copies, which shall be complete including inbound references for transit waybills, when submitting waybill sample data by the computerized system instead of the manual system.

Retention period: 4 years.

1253.30 Rate-making organizations. [Added by OFR]

To retain records or documents relating to its transactions or activities in accordance with 49 CFR part 1220.

INTERIOR DEPARTMENT

Fish and Wildlife Service

50 CFR

14.83 Shippers of furs, hides and skins who hold symbol marking permits. [Removed, 1987]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

50 CFR

280.3 Masters or other persons in charge of fishing vessels engaged in Pacific Tuna Fisheries. [Redesignated from 280.17, 1988]

To keep an accurate log of all operations conducted from the fishing vessel, entering for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish aboard by species.

Retention period: Not specified.

280.17 Masters of shipping vessels engaged in yellowfin tuna fishing in the regulatory area of the Inter-American Tropical Tuna Commission. [Redesignated as 280.3, 1988]

285.29 Persons holding dealer permits to purchase or receive Atlantic bluefin tuna. [Amended]

To retain in his/her possession a copy of each weekly reports that specifies the number of tuna purchased or received; location where each tuna was caught; the disposition of the tuna; the source of the tuna; metal tag number; weight and length of each tuna; and any other information requested by the Regional Director.

Retention period: 2 years from the date on which it was submitted to the Regional Director.

299.5 Owners and operators of vessels fishing in the Russian fisheries. [Added]

To maintain records on the vessel name; Russian Federal permit number; duration of permit; authorized areas of fishing operations in geographic coordinates; authorized catch quota in tons; authorized fishing gear and type of permit.

Retention period: (a) All copies of all reports– 1 year after the end of the calendar year in which the report was generated; (b) records must be available for inspection upon the request of an authorized officer at any time for 3 years after the end of the calendar year in which the report was generated, whether or not such records are aboard the vessel.

301.14 Operators of vessels five (5) net tons or greater engaged in Pacific halibut fishing. [Revised]

To maintain an accurate log of all halibut fishing operations including the date, locality, amount of gear used, and the total weight of halibut taken daily in each locality.

Retention period: 2 years.

301.15 Persons purchasing or receiving Pacific halibut. [Amended]

To maintain a record of each such purchase or receipt of halibut on State fish tickets or Federal catch reports, showing the date, locality, name of vessel, Halibut Commission licensed number (US), and the name of the person from whom the halibut was purchased or received, and the amount in pounds according to trade categories of the halibut.

Retention period: 2 years from the date the fish tickets are made.

611.60 Operators of foreign fishing vessels. [Removed by OFR; regulation contains no record retention requirements]

611.61 Operators of foreign vessels. [Removed by OFR; regulation contains no record retention requirements]

611.94 Operators of foreign fishing vessels. [Removed by OFR; regulation contains no record retention requirements]

625.6 Persons receiving summer flounder for commercial purposes. [Added]

To retain at the owner's principal place of business, logbook containing the following information: (a) Name and address of dealer; (b) name and permit number of the vessels from which summer flounder are landed or received; (c) date of purchases; (d) pounds of summer flounder purchases; (e) price per pound; (f) pounds purchases of all other species landed by the vessel landing summer flounder; (g) port landed; and (h) any additional information the Regional Director determines is necessary for the orderly management of the summer flounder resource.

Retention period: For 1 year after the date of the last entry in the log.

642.5 Charter vessel owners and operators of a charter vessel that fish for or lands coastal migratory pelagic fish of the Gulf of Mexico and South Atlantic. [Added by OFR]

To maintain a daily fishing record on forms provided by the Science and Research Director.

646.5 Owners or operators of permitted vessels engaged in the commercial snapper–grouper fisheries, excluding wreckfish, of the South Atlantic. [Revised]

To maintain daily logbook for each fishing trip, on a form available from the Science and Research Director. The logbook should provide a record of fishing locations, time fished, fishing gear used, numbers of each species caught, and numbers, of each species discarded.

651.5 Owners and operators of vessels and headboats fishing for or landing reef fish in the Gulf of Mexico EEZ or adjoining waters. [Removed, 1987]

651.22 Persons holding Federal groundfish permits in the Northwest Atlantic participating in the optional settlement program. [Amended]

To record all fish landed during the participation period.

Retention period: 1 year after participation period.

675.5 Operators of vessels and processors fishing under the Alaska Community Development Quota (CDQ's Program. [Revised]

See 50 CFR 672.5 and 675.5.

BILLING CODE 1505–02–T

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Federal Register

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Monday, May 3, 1993

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FEDERAL REGISTER PAGES AND DATES, MAY

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CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List April 29, 1993

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1993. The CFR volume issued April 1, 1990, should be retained.

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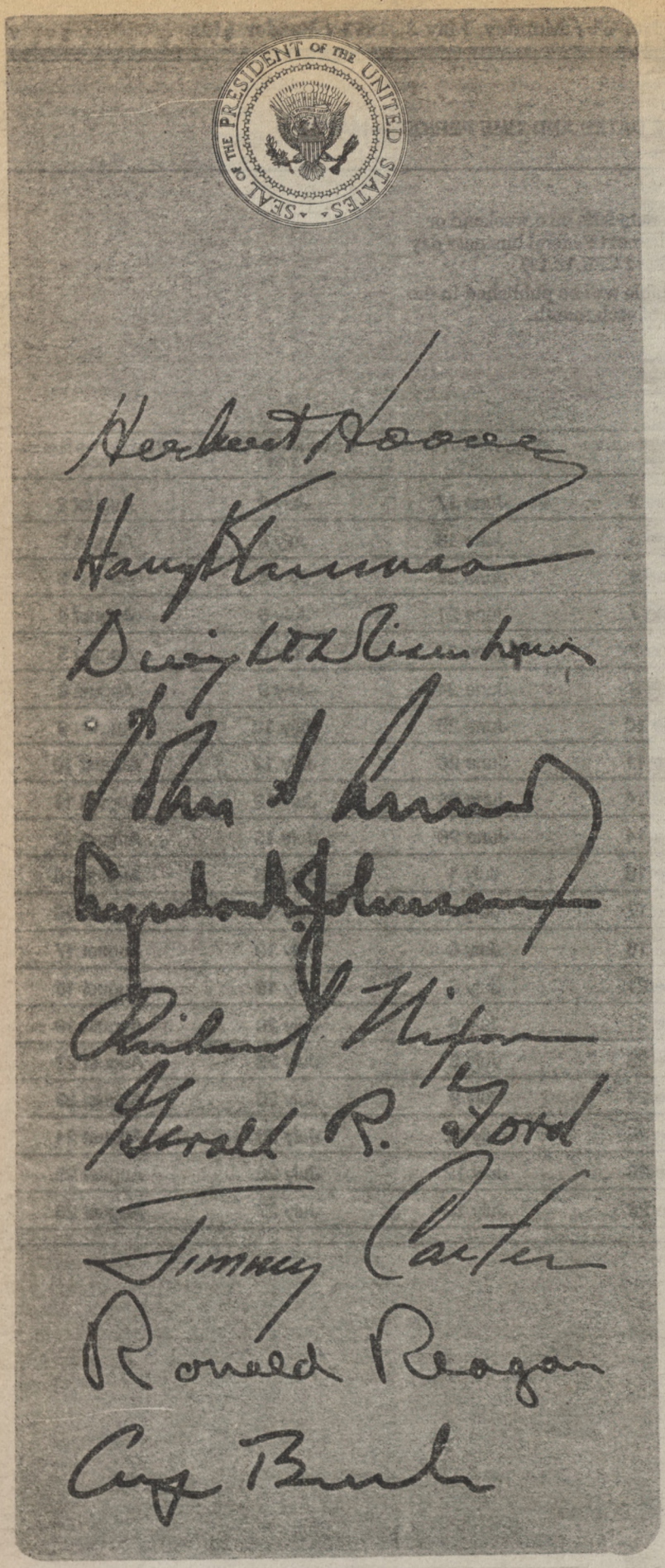

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