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WHO: The Office of the Federal Register.

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WHEN: May 25, at 1:00 pm
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Contents

Federal Register

Vol. 58, No. 86

Thursday, May 6, 1993

Agency for Health Care Policy and Research
NOTICES
Meetings; advisory committees:
June, 26981

Agricultural Marketing Service
RULES
Dairy products; grading, inspection, and standards:
Dairy plants; expanded drug residue monitoring program, 26911
PROPOSED RULES
Soybean promotion, research, and consumer information; referendum procedures, 26933
NOTICES
Milk; manufacturing, production and processing; recommended State requirements, 26950

Agriculture Department
See Agricultural Marketing Service
See Forest Service
See Rural Telephone Bank

American Indian, Alaskan Native and Hawaiian Native Housing, National Commission
See National Commission on American Indian, Alaskan Native and Hawaiian Native Housing

Centers for Disease Control and Prevention
NOTICES
Meetings:
HIV Infection Prevention Advisory Committee, 26982

Children and Families Administration
RULES
Head Start program:
Development and administrative costs; limitation to 15 percent of total costs; reporting and recordkeeping requirements, 26918
NOTICES
Meetings:
Child Abuse and Neglect Advisory Board, 26981

Civil Rights Commission
NOTICES
Racial and ethnic tensions in American communities:
Los Angeles, CA, 26958

Commerce Department
See Economic Development Administration
See Export Administration Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
China, 26962

Customs Service
NOTICES
Meetings:
Electronic data interchange for global trade; conference, 27056

Defense Department
See Navy Department
NOTICES
Defense Base Closure and Realignment Commission, 26963
Meetings:
Science Board task forces, 26963
Wage Committee, 26963
Travel per diem rates, civilian personnel; changes, 26964

Economic Development Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Economic development assistance programs, 27188

Education Department
RULES
Postsecondary education:
Drug prevention programs in higher education; amendment, 27140
Fund for improvement of postsecondary education, 27144

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Grant and cooperative agreement awards:
Air Products & Chemicals, Inc., 26967
Bariess Associates, 26967
Benedict College, 26968
University of—
Florida, 26968
Maryland, 26968
Grants and cooperative agreements; availability, etc.:
Weatherization assistance program, 26969
Natural gas exportation and importation:
Pan-Alberta Gas (U.S.), Inc., 26974

Environmental Protection Agency
RULES
Air pollutants; hazardous; national emission standards:
Early reductions of hazardous air pollutants; compliance extensions, 26916
PROPOSED RULES
Air and water programs:
Pulp, paper, and paperboard industry rulemaking; meeting, 26946
NOTICES
Clean Air Act:
Confidential business information and data transfer to contractors, 26974
Pesticide registration, cancellation, etc.:
Arsenic acid, 26975
Water pollution control:
Public water supply supervision program—
Illinois, 26977

Executive Office of the President
See Management and Budget Office

See Trade Representative, Office of United States

Export Administration Bureau
NOTICES
Export privileges, actions affecting:
Applied Medical Systems, Inc., 26958

Federal Aviation Administration
RULES
Airworthiness directives:
British Aerospace, 26913
Airworthiness standards:
Normal, utility, acrobatic, and commuter category airplanes—
Powerplant and equipment standards; correction, 27060

Federal Communications Commission
RULES
Radio stations; table of assignments:
Georgia, 26918
Minnesota, 26919
PROPOSED RULES
Radio stations; table of assignments:
Florida, 26947
Hawaii, 26947
NOTICES
Television broadcasting:
Satellite cable programming; encryption technology, 26978

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 27058

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 27059

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act:
Pipelines; gas supply annual report (Form 15) and gas supply and requirements report (Form 16), 26915
NOTICES
Environmental statements; availability, etc.:
Wisconsin Valley Improvement Co. et al., 26969
Applications, hearings, determinations, etc.:
ANR Pipeline Co., 26969, 26970
Arkla Energy Resources, 26970
Caprock Pipeline Co., 26970
Carnegie Natural Gas Co., 26971
Eastern Shore Natural Gas Co., 26971
National Fuel Gas Supply Corp., 26971
Panhandle Eastern Pipe Line Co., 26972
South Carolina Electric & Gas Co.; correction, 27060
South Georgia Natural Gas Co., 26972
Tarpon Transmission Co., 26972, 26973
Tennessee Gas Pipeline Co., 26973
Texas Gas Transmission Corp., 26973
United Gas Pipe Line Co., 26974
Williams Natural Gas Co., 26974

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Prince of Wales Island, AK, 27055

Federal Housing Finance Board
NOTICES
Meetings; Sunshine Act, 27059

Federal Maritime Commission
NOTICES
Casualty and nonperformance certificates:
Club Med Sales, Inc., et al., 26979

Federal Reserve System
NOTICES
Organization, functions, and authority delegations:
Commodity Futures Trading Commission, 26979

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Black-footed ferrets; experimental population in north-central Montana
Hearing, 26949

Food and Drug Administration
NOTICES
Biological product licenses:
Westmar Oceanside, Inc., 26982
Human drugs:
Export applications—
Botulinum Toxin Type A, 26983

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Nevada—
Las Vegas Port of Entry; expansion application, 26959
Wisconsin—
Wisconsin, Ltd., 26959

Forest Service
PROPOSED RULES
Land uses and prohibitions:
Noncommercial group uses, 26940
NOTICES
Appeal exemptions; timber sales:
Kootenai National Forest, MT, 26955
Payette National Forest, ID, 26955
Salmon National Forest, ID, 26956, 26957

General Accounting Office
NOTICES
Meetings:
Federal Accounting Standards Advisory Board, 26980

General Services Administration
RULES
Acquisition regulations:
Administrative records for debarment and suspension, 26919
PROPOSED RULES
Acquisition regulations:
Debarment and suspension factfinding, 26948
NOTICES
Senior Executive Service:
Performance Review Board; membership, 26980

Health and Human Services Department
See Agency for Health Care Policy and Research
See Centers for Disease Control and Prevention
See Children and Families Administration

See Food and Drug Administration

Housing and Urban Development Department
PROPOSED RULES
Low income housing:
Housing assistance payments (Section 8)—
Fair market rent schedules for rental certificate, loan management and property disposition, moderate rehabilitation and housing voucher programs, 27062
NOTICES
Meetings:
Occupancy Standards in Public and Assisted Housing Task Force, 26984

Indian Affairs Bureau
NOTICES
Indian tribes, acknowledgement of existence determinations, etc.:
Snoqualmie Indian Tribe, 27162
Tribal-State Compacts approval; Class III (casino) gambling:
Muckleshoot Indian Tribe, 27186

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service

International Trade Administration
NOTICES
Antidumping:
Compact ductile iron waterworks fittings and accessories from—
China, 26960
Antidumping and countervailing duties:
Administrative review requests, 26960

International Trade Commission
NOTICES
Meetings; Sunshine Act, 27059

Interstate Commerce Commission
NOTICES
Rail carriers:
Declaratory order petitions—
Hanson Natural Resources Co., 26985

Justice Department
See Juvenile Justice and Delinquency Prevention Office
NOTICES
Agency information collection activities under OMB review, 26986
Pollution control; consent judgments:
Leith Jeep-Eagle, Inc., 26986
Purolator Products Co., 26986

Juvenile Justice and Delinquency Prevention Office
NOTICES
Grants and cooperative agreements; availability, etc.:
Competitive discretionary programs (1993 FY), etc., 27166

Land Management Bureau
RULES
Public land orders:
Alaska; correction, 27060
New Mexico, 26917
NOTICES
Environmental statements; availability, etc.:
Rand Project, CA, 26984
Survey plat filings:
Idaho, 26985

Management and Budget Office
NOTICES
Budget rescissions and deferrals, 27192

National Commission on American Indian, Alaskan Native and Hawaiian Native Housing
NOTICES
Meetings, 26987

National Oceanic and Atmospheric Administration
RULES
Endangered and threatened species:
Saimaa seal, 26920
Fishery conservation and management:
Ocean salmon off coasts of Washington, Oregon, and California, 26922
Tuna, Atlantic bluefin fisheries, 26921

National Park Service
NOTICES
Environmental statements; availability, etc.:
Anacostia Park, Washington, DC; stadium construction and operation, 26985

Navy Department
NOTICES
Inventions, Government-owned; availability for licensing, 26966
Meetings:
Chief of Naval Operations Executive Panel task forces, 26967
Naval Research Advisory Committee, 26967

Nuclear Regulatory Commission
PROPOSED RULES
Byproduct materials; domestic licensing:
Radiopharmaceutical reagent kits and elute radiopharmaceutical generators; use of radiopharmaceuticals for therapy, 26938
NOTICES
Agency information collection activities under OMB review, 26987
Operating licenses, amendments; no significant hazards considerations; biweekly notices; correction, 26987
Applications, hearings, determinations, etc.:
Cooper Nuclear Station; correction, 26988
Northeast Nuclear Energy Co., 26988
University of—
Virginia, 26989

Office of Management and Budget
See Management and Budget Office

Office of United States Trade Representative
See Trade Representative, Office of United States

Public Health Service
See Agency for Health Care Policy and Research
See Centers for Disease Control and Prevention
See Food and Drug Administration

Rural Telephone Bank
NOTICES
Meetings; Sunshine Act

Correction, 27058

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 26992
Chicago Board Options Exchange, Inc., 26996, 27000, 27005, 27008, 27012, 27016, 27020, 27024
Philadelphia Depository Trust Co., 27028
Philadelphia Stock Exchange, Inc., 27029
Stock Clearing Corp. of Philadelphia, 27031
Applications, hearings, determinations, etc.:
ITT Life Insurance Corp. et al., 27032

Sentencing Commission, United States
See United States Sentencing Commission

State Department
NOTICES
International conferences:
Private-sector representatives on U.S. delegations, 27034
Meetings:
International Telegraph and Telephone Consultative Committee, 27054
Secretary of State's Panel on El Salvador, 27054
Shipping Coordinating Committee, 27054, 27055

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Trade Representative, Office of United States
NOTICES
Priority foreign countries, identification:
Brazil et al., 26991

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
NOTICES
Aviation proceedings:
Hearings, etc.—
Friendship Airlines, Inc., 27055

Treasury Department
See Customs Service

United States Sentencing Commission
NOTICES
Sentencing guidelines and policy statements for Federal courts, 27148

Veterans Affairs Department
NOTICES
Advisory committees; annual reports; availability, 27057

Separate Parts In This Issue

Part II
Department of Housing and Urban Development, 27061

Part III
Department of Education, 27131

Part IV
Department of Education, 27143

Part V
United States Sentencing Commission, 27147

Part VI
Department of the Interior, Bureau of Indian Affairs, 27161

Part VII
Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 27165

Part VIII
Department of the Interior, Bureau of Indian Affairs, 27185

Part IX
Department of Commerce, Economic Development Administration, 27187

Part X
Office of Management and Budget, 27191

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

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

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue

7 CFR
58.....26911
Proposed Rules:
1220.....26933

10 CFR
Proposed Rules:
30.....26938
35.....26938

14 CFR
23.....27060
39.....26913

18 CFR
260.....26915

24 CFR
Proposed Rules:
888.....27062

34 CFR
612.....27140
630.....27144

36 CFR
Proposed Rules:
251.....26940
261.....26940

40 CFR
63.....26916
Proposed Rules:
Ch. I.....26946

43 CFR
Public Land Orders:
5245 (Revoked by PLO 6969).....26917
6964.....27060
6969.....26917

45 CFR
1301.....26918

47 CFR
73 (2 documents).....26918, 26919
Proposed Rules:
73 (3 documents).....26947

48 CFR
509.....26919
Proposed Rules:
509.....26948

50 CFR
222.....26920
285.....26921
661.....26922
Proposed Rules:
17.....26949

Rules and Regulations

Federal Register
Vol. 58, No. 86
Thursday, May 6, 1993

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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 58

RIN 0581–AA89

[DA–91–017–B]

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service (General Specifications) by incorporating provisions to specify the sampling, testing, and recordkeeping requirements relating to an expanded drug residue monitoring program in USDA-approved dairy plants. This action was initiated at the request of the National Association of State Departments of Agriculture (NASDA) and was developed in cooperation with NASDA, the Food and Drug Administration (FDA), dairy trade associations and producer groups.

EFFECTIVE DATE: June 7, 1993.

FOR FURTHER INFORMATION CONTACT: Duane R. Spomer, Chief, Dairy Standardization Branch, USDA/AMS/Dairy Division, room 2750–S, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–7473.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as a "non-major" rule under the criteria contained therein.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule does not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The final rule also has been reviewed in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The Administrator, Agricultural Marketing Service, has determined that this final rule will not have a significant economic impact on a substantial number of small entities because participation in the USDA-approved plant program is voluntary and the amendments will not increase the costs to those utilizing the program.

In accordance with the Paperwork Reduction Act of 1980, the information collection requirements that are included in this action have been approved by the Office of Management and Budget (OMB) under OMB Control No. 0581–0110. These amendments increase the frequency of tests for drug residues that must be conducted by USDA-approved dairy plants of loads of producer milk. There are approximately 600 approved dairy plants. The current frequency is at least four tests in 6 months for each producer's milk or commingled sample. This final rule provides that each load of producer milk delivered to a USDA-approved facility must be tested. The current General Specifications require testing of milk for antibiotics. This action amends the General Specifications to require testing for beta lactum drug residues. Records of drug residue tests and records of notifications to State regulatory agencies concerning positive test results and disposition of positive-testing milk are to be retained for a period of 12 months. In addition, current requirements do not stipulate the minimum retention time for somatic cell test results. The amendments specify that somatic cell count records be retained for a period of 12 months.

An occurrence of drug residue in milk or milk products may be a health concern to consumers. USDA has therefore developed a model drug residue monitoring program for manufacturing grade milk. FDA has developed the program for Grade A milk.

In order to establish an expanded drug residue monitoring program concerning milk and milk products originating in USDA-approved dairy plants, USDA is amending the general specifications for dairy plants in part 58, subpart B, of the grading and inspection regulations concerning dairy products, as follows:

1. Provide That All Milk Received in USDA-Approved Plants Be Sampled and Tested for the Presence of Beta Lactam Drugs

Previously, the General Specifications provided for the testing of milk for antibiotics at a minimum frequency of four times in 6 months. These amendments specify that all milk which is received for processing in USDA-approved plants be sampled and tested for beta lactam drugs.

2. Provide That the Testing of Milk Be Completed Prior to Processing

Previously, the General Specifications did not contain requirements for the timely completion and reporting of the antibiotic tests. These amendments specify that testing be completed prior to processing the load of milk.

3. Specify Plant Responsibilities in the Expanded Drug Residue Monitoring Program

The amendments require USDA-approved plants to notify the appropriate State regulatory agency of (a) each occurrence of a load sample testing positive for drug residue; (b) the identity of any producer whose milk causes a load sample to test positive for drug residue; and (c) the intended and final disposition of the load of milk represented in a sample testing positive for drug residue. Milk testing positive for beta lactams is to be disposed of in a manner that removes it from the human and animal food chain, unless reconditioned under FDA guidelines.

4. Make Other Revisions and Editorial Changes in the General Specifications To Reflect the Expansion of the Drug Residue Monitoring Program

The amendments require dairy plants to: (a) Test the milk of new and transfer producers for the presence of drug residues prior to acceptance of the milk at the plant; (b) retain drug residue test results for a minimum of 12 months; (c)

include in a producer's records the results of drug residue tests for the preceding 12 months; and (d) provide field service assistance to farmers regarding drug residue issues.

5. Provide Revisions To Update and Clarify Somatic Cell Testing Requirements

Changes include correcting the action level at which the Wisconsin Mastitis Test must be confirmed.

USDA grade standards are voluntary standards that are developed to facilitate the orderly marketing process. Dairy plants are free to choose whether or not to use the standards. When manufactured or processed dairy products are graded, the USDA regulations governing the grading of dairy products are used. Included in these regulations are the requirements that all graded dairy products be produced in a USDA-approved plant and that charges be assessed for grading and inspection services provided by USDA.

The National Conference on Interstate Milk Shipments is developing a database intended to compile information concerning drug residue test results which are reflective of the milk supply. The Department encourages participation in this voluntary program.

Public Comments

On July 27, 1992, the Department published a proposed rule (57 FR 33130) to amend the General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service. The public comment period closed August 26, 1992. Comments were received from six commenters: Two representing State regulatory agencies, one representing dairy producers, one representing dairy processors, one representing veterinarians, and one representing a dairy cooperative.

Discussion of Comments

1. One commenter was concerned that the proposal duplicated State drug residue monitoring programs and was not consistent with existing State laws.

The Department advocates nationally uniform regulations for monitoring drug residue in the milk supply and has worked closely with the Dairy Division of NASDA to promote uniformity. During the development of the proposal for monitoring drug residue in USDA-approved dairy plants, the Department consulted with NASDA representatives to provide requirements consistent with currently existing State laws. The Department believes the expanded drug residue monitoring program accomplishes this.

2. Two commenters requested that the minimum record retention time be reduced from 12 months to 6 months. These commenters felt the change would provide consistency with the Grade A milk program and reduce recordkeeping requirements.

Since 1975, USDA-approved dairy plants have maintained sediment and bacterial test records for a minimum of 12 months. This action expands the requirement to include drug residue and somatic cell results.

The Department believes that accurate records detailing a 12-month history of drug residue test results is necessary for the USDA-approved dairy plant program. Further, under state programs, three occurrences of positive drug residue tests within a 12-month period will require that State administrative procedures be initiated to suspend the producer's milk shipping privileges. Also, the Department believes that somatic cell test results are equally as important as sediment and bacterial results in evaluating quality histories.

Provisions in the Grade A milk program require State regulatory agencies to maintain a history of milk quality and drug residue test results. The USDA-approved plant program does not impose record retention requirements on State regulatory agencies.

3. One commenter requested the deletion of the requirement that milk buyers obtain quality and drug residue test history for producers transferring milk shipments from another plant.

Since 1975, USDA requirements have specified the transfer of producer quality records when a milk producer changes milk buyers. This action expands the requirements to include a history of drug residue test results.

The Department recognizes the difficulties which occur when a new buyer requests quality records for a transfer producer. However, a producer's quality and drug residue test history is essential in establishing test frequency and determining sanctions.

4. There were several comments recommending changes outside the scope of the proposal. These comments suggested: Changing the requirements for rejecting milk due to bacterial estimate, modifying the list of acceptable somatic cell tests, lowering the maximum allowable bacterial estimate, lowering the maximum allowable somatic cell limit, and using sani-guide discs to determine sediment in milk.

Since the proposal did not request public comment concerning these topics, these comments may be considered as future changes are proposed.

List of Subjects in 7 CFR Part 58

Dairy products, Food grades and standards, Food labeling, Reporting and record keeping requirements.

For the reasons set forth in the preamble, 7 CFR part 58, subpart B, is amended as follows:

PART 58—[AMENDED]

1. The authority citation for 7 CFR part 58, continues to read as follows:

Authority: Agricultural Marketing Act of 1946, Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627, unless otherwise noted.

2. Section 58.132 is revised as follows:

§ 58.132 Basis for classification.

The quality classification of raw milk for manufacturing purposes from each producer shall be based on an organoleptic examination for appearance and odor, a drug residue test, and quality control tests for sediment content, bacterial estimate and somatic cell count. All milk received from producers shall not exceed the Food and Drug Administration's established limits for pesticide, herbicide and drug residues. Producers shall be promptly notified of any shipment or portion thereof of their milk that fails to meet any of these quality specifications.

3. In § 58.133, paragraphs (b)(1), (b)(2), (b)(6), and (c) are revised to read as follows:

§ 58.133 Methods for quality and wholesomeness determination.

* * * * *

(b) *Somatic cell count.* (1) A laboratory examination to determine the level of somatic cells shall be made at least four times in each 6-month period at irregular intervals on milk received from each patron.

(2) A confirmatory test for somatic cells shall be done when a herd sample exceeds either of the following screening test results:

(i) California Mastitis Test—Weak Positive (CMT 1).

(ii) Wisconsin Mastitis Test—WMT value of 18 mm.

* * * * *

(6) An additional sample shall be taken after a lapse of 3 days but within 21 days of the notice required in paragraph (b)(5)(ii) of this section. If this sample also exceeds 1,000,000 per ml., subsequent milkings shall not be accepted for market until satisfactory

compliance is obtained. Shipment may be resumed and a temporary status assigned to the producer by the appropriate State regulatory agency when an additional sample of herd milk is tested and found satisfactory. The producer may be assigned a full reinstatement status when three out of four consecutive somatic cell count tests do not exceed 1,000,000 per ml. The samples shall be taken at a rate of not more than two per week on separate days within a 3-week period.

(c) *Drug residue level.* (1) USDA-approved plants shall not accept for processing any milk testing positive for drug residue. All milk received at USDA-approved plants shall be sampled and tested, prior to processing, for beta lactam drug residue. When directed by the regulatory agency, additional testing for other drug residues shall be performed. Samples shall be analyzed for beta lactams and other drug residues by methods evaluated by the Association of Official Analytical Chemists (AOAC) and accepted by the Food and Drug Administration (FDA) as effective in determining compliance with "safe levels" or established tolerances. "Safe levels" and tolerances for particular drugs are established by the FDA. Other test methods evaluated by the Virginia Polytechnic Institute and State University, or by other institutions using equivalent evaluation procedures, and determined to demonstrate accurate compliance results, may be employed on a temporary basis until they are evaluated by the AOAC and accepted or rejected by the FDA.

(2) Individual producer milk samples for beta lactam drug residue testing shall be obtained from each milk shipment as follows:

(i) *Milk in farm bulk tanks.* A sample shall be taken at each farm and shall include milk from each farm bulk tank.

(ii) *Milk in cans.* A sample shall be formed separately at the receiving plant for each can milk producer included in a delivery, and shall be representative of all milk received from the producer.

(3) Load milk samples for beta lactam drug residue testing shall be obtained from each milk shipment as follows:

(i) *Milk in bulk milk pickup tankers.* A sample shall be taken from the bulk milk pickup tanker after its arrival at the plant and prior to further commingling.

(ii) *Milk in cans.* A sample representing all of the milk received on a shipment shall be formed at the plant, using a sampling procedure that includes milk from every can on the vehicle.

(4) *Follow-up to positive-testing samples.* (i) When a load sample tests positive for drug residue, the appropriate State regulatory agency shall be notified immediately of the positive test result and of the intended disposition of the shipment of milk containing the drug residue.

(ii) Each individual producer sample represented in the positive-testing load sample shall be singly tested to determine the producer of the milk sample testing positive for drug residue. Identification of the producer responsible for producing the milk testing positive for drug residue, and details of the final disposition of the shipment of milk containing the drug residue, shall be reported immediately to the appropriate agency.

(iii) Milk shipment from the producer identified as the source of milk testing positive for drug residue shall cease immediately and may resume only after a sample from a subsequent milking does not test positive for drug residue.

4. Sections 58.136 through 56.140 are revised to read as follows:

§ 58.136 Rejected milk.

A plant shall reject specific milk from a producer if the milk fails to meet the requirements for appearance and odor (§ 58.133(a)), if it is classified No. 4 for sediment content (§ 58.134), or if it tests positive for drug residue (§ 58.133(c)).

§ 58.137 Excluded milk.

A plant shall not accept milk from a producer if:

(a) The milk has been in a probational (No. 3) sediment content classification for more than 10 calendar days (§ 58.134);

(b) The milk has been classified "Undergrade" for bacterial estimate for more than 4 successive weeks (§ 58.135);

(c) Three of the last five milk samples have exceeded the maximum somatic cell count level of 1,000,000 per ml. (§ 58.133(b)(6)); or

(d) The producer's milk shipments to either the Grade A or the manufacturing grade milk market currently are not permitted due to a positive drug residue test (§ 58.133(c)(4)).

§ 58.138 Quality testing of milk from new producers.

A quality examination and tests shall be made on the first shipment of milk from a producer shipping milk to a plant for the first time or resuming shipment to a plant after a period of non-shipment. The milk shall meet the requirements for acceptable milk, somatic cell count and drug residue level (§§ 58.133, 58.134 and 58.135). The buyer shall also confirm that the producer's milk is currently not excluded from the market (§ 58.137). Thereafter, the milk shall be tested in accordance with the provisions in §§ 58.133, 58.134 and 58.135.

§ 58.139 Record of tests.

Accurate records listing the results of quality and drug residue tests for each producer shall be kept on file at the plant. Additionally, the plant shall obtain the quality and drug residue test records (§ 58.148(a), (e) and (g)) for any producer transferring milk shipment from another plant. These records shall be available for examination by the inspector.

§ 58.140 Field service.

A representative of the plant shall arrange to promptly visit the farm of each producer whose milk tests positive for drug residue, exceeds the maximum somatic cell count level, or does not meet the requirements for acceptable milk. The purpose of the visit shall be to inspect the milking equipment and facilities and to offer assistance to improve the quality of the producer's milk and eliminate any potential causes of drug residues. A representative of the plant should routinely visit each producer as often as necessary to assist and encourage the production of high quality milk.

5. In § 58.148, paragraphs (e), (f) and (g) are added to read as follows:

§ 58.148 Plant records.

* * * * *

(e) Load and individual drug residue test results. Retain for 12 months.

(f) Notifications to appropriate State regulatory agencies of positive drug residue tests and intended and final dispositions of milk testing positive for drug residue. Retain for 12 months.

(g) Somatic cell count test results on raw milk from each producer. Retain for 12 months.

* * * * *

Dated: April 30, 1993.

L.P. Massaro,

Acting Administrator.

[FR Doc. 93–10717 Filed 5–5–93; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–49–AD; Amendment 39–8567; AD 93–08–19]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all British Aerospace Model ATP series airplanes. This action requires measuring the electrical bonding resistance between certain components in engine nacelle module 3 and the airframe earth on the left and right engine nacelles, and modifying the electrical bonding, if necessary. This amendment is prompted by a recent report of loss of engine power on a Model ATP series airplane due to malfunctioning of the de-ice system and subsequent ingestion of ice into the engine, which has been attributed to insufficient electrical bonding. The actions specified in this AD are intended to prevent multiple engine power loss during flight in freezing precipitation.

DATES: Effective May 6, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 6, 1993.

Comments for inclusion in the Rules Docket must be received on or before July 6, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–49–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace Model ATP series airplanes. The CAA advises that there has been a recent report of loss of engine power on a Model ATP series airplane due to ingestion of ice into the engine. The engine ingested an excessive amount of ice due to malfunctioning of the de-ice system, caused by an interruption of the engine de-ice timer operation; the interruption has been attributed to insufficient electrical bonding between the Thorstrand material in engine nacelle module 3 and the airframe earth. (Thorstrand is glass-fiber aluminum impregnated matting, which is located just below the surface of the composite material makeup of engine nacelle module 3.) This condition, if not corrected, could result in multiple engine power loss during flight in freezing precipitation.

Jetstream Aircraft, Ltd., has issued Service Bulletin ATP–24–55, Revision 1, dated April 24, 1993, that describes procedures for measuring the electrical bonding resistance between certain components in engine nacelle module 3 and the airframe earth on the left and right engine nacelles, and modifying the electrical bonding, if necessary. The modification involves machining the outer surface of engine nacelle module 3 to obtain improved electrical conductivity between the Thorstrand material and the throttle stepper motor controller (referred to in the Aircraft Maintenance Manual as a stepper motor drive unit). Depending on the results of electrical bonding measurements, the modification may also entail installing an additional electrical bonding lead between the main body casing of the throttle stepper motor controller and the airframe earth. Installation of the modification will eliminate static discharging between engine nacelle module 3 and the throttle stepper motor controller. Static discharging in this area can cause malfunction of the engine air intake de-ice system. The CAA classified this service bulletin as mandatory.

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent multiple engine power loss during flight in freezing precipitation. This AD requires measuring the electrical bonding resistance between certain components in engine nacelle module 3 and the airframe earth on the left and right engine nacelles, and modifying the electrical bonding, if necessary. The actions are required to be accomplished in accordance with the service bulletin described previously.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–NM–49–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-08-19 British Aerospace: Amendment 39-8567. Docket 93-NM-49-AD.

Applicability: All Model ATP series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent multiple engine power loss during flight in freezing precipitation, accomplish the following:

(a) Within 16 days after the effective date of this AD, measure the electrical resistance of the electrical bonding between certain components in engine nacelle module 3 and the airframe earth on the left and right engine nacelles in accordance with Jetstream Aircraft, Ltd., Service Bulletin ATP-24-55, Revision 1, dated April 24, 1993.

(1) If the electrical resistance measures less than 3 ohms, prior to further flight, reassemble the throttle stepper motor controller installation, overseal all bolts, and perform an operational test of the standby power lever controls in accordance with the service bulletin.

(2) If the electrical resistance measures 3 or more ohms, prior to further flight, accomplish the actions described in paragraphs 2.A.4) through 2.A.14) of the Accomplishment Instructions of the service bulletin, as applicable.

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

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

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

(d) The measurement, modification, oversealing, and operational test shall be done in accordance with Jetstream Aircraft, Ltd., Service Bulletin ATP-24-55, Revision 1, dated April 24, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 6, 1993.

Issued in Renton, Washington, on April 27, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-10730 Filed 5-5-93; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 260

[Docket No. RM93-16-000]

FERC Form No. 15, Interstate Pipeline's Annual Report of Gas Supply, and FERC Form No. 16, Report on Gas Supply and Requirements; Order Extending Time for Compliance

Issued: April 27, 1993.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order extending time for compliance.

SUMMARY: The Commission is considering whether natural gas pipeline companies should continue to be required to file FERC Form No. 15, Interstate Pipeline's Annual Report of Gas Supply, and FERC Form No. 16, Report of Gas Supply and Requirements, in light of the ongoing general industry restructuring. Pending the completion of its review, this order extends the time specified in the Commission's regulations for the filing of the two forms until July 31, 1993.

EFFECTIVE DATE: This order will become effective on the date of issuance, April 27, 1993.

FOR FURTHER INFORMATION CONTACT: Gordon Wagner, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 219-0122.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3104, 941 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to use 300, 1200, or 2400 bps, full duplex, no parity, 8 data bits, and 1 stop bit. CIPS can also be accessed at 9600 bps by dialing (202) 208-1781. The full text of this rule will be available on CIPS for 30 days from the date of issuance. The complete text of diskette in Wordperfect format may also be

purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3104, 941 North Capitol Street, NE., Washington, DC 20426.

Order Extending Time for Compliance

The Commission is considering whether natural gas pipeline companies should continue to be required to file Form No. 15 and Form No. 16 in light of the general industry restructuring which is ongoing as a result of Order No. 636.[1] Pending the completion of its review, the time specified in the Commission's regulations for the filing of Form No. 15, Interstate Pipeline's Annual Report of Gas Supply, 18 CFR 260.7, and Form No. 16, Report of Gas Supply and Requirements, 18 CFR 260.12, is hereby extended to July 31, 1993.

By the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10637 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–4652–2]

National Emission Standards for Hazardous Air Pollutants; Compliance Extensions for Early Reductions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of complete enforceable commitments received.

SUMMARY: This notice provides a list of companies that have submitted "complete" enforceable commitments to the EPA under the Early Reductions Provisions [section 112(i)(5)] of the Clean Air Act (CAA) as amended in 1990. The list covers commitments determined by the EPA to be complete through April 6, 1993 and includes the name of each participating company, the associated emissions source location, and the EPA Regional Office which is the point of contact for further information. This is one of a series of notices of this type. The most recent notice listed sixteen sources which have had commitments deemed complete by the EPA. The EPA will publish additional lists of complete submittals on a monthly basis, as needed.

FOR FURTHER INFORMATION CONTACT: David Beck (telephone: 919–541–5421), Rick Colyer (telephone: 919–541–5262), or Mark Morris (telephone: 919–541–5416), Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711 for general information on the Early Reductions Program. For further information on specific submittals received under the Early Reductions Program contact the appropriate EPA Regional Office representative listed below.

Region I	Janet Beloin	(617) 565–2734
Region II	Umesh Dholakia or Harish Patel	(212) 264–6676
Region III	Alice Chow	(215) 597–6550
Region IV	Anthony Toney	(404) 347–2864
Region V	Aurelio Alvarez	(312) 353–8657
Region VI	Tom Driscoll	(214) 655–7549
Region VII	Carmen Torres-Ortega	(913) 551–7873
Region VIII	Cory Potash	(303) 293–1886
Region IX	Ed Pike	(415) 744–1248
Region X	Chris Hall	(206) 553–1949

SUPPLEMENTARY INFORMATION: Under section 112(i)(5) of the Clean Air Act (CAA) as amended in 1990, an existing source of hazardous air pollutant emissions may obtain a 6-year extension of compliance with an emission standard promulgated under section 112(d) of the CAA, if the source achieves sufficient reductions of hazardous air pollutant emissions prior to certain dates. On October 29, 1992, the EPA Administrator signed a final rule to implement this "Early Reductions" provision. The final rule was published in the **Federal Register** on December 29, 1992, (57 FR 61970).

Sources choosing to participate in the Early Reductions Program must document base year emissions and post-reduction emissions to show that sufficient emission reductions have been achieved to qualify for a compliance extension. As a first step toward this demonstration, some sources may be required to submit an enforceable commitment containing base year emission information, or if not required, may voluntarily submit such emission information to the EPA for approval. As stated in the proposed Early Reductions rule, the EPA will review these submittals to verify emission information, and also will provide the opportunity for public review and comment. Following the review and comment process and after sources have had the chance to revise submittals (if necessary), the EPA will approve or disapprove the base year emissions.

To facilitate the public review process for program submittals, the proposed rule contains a commitment by the EPA to give monthly public notice of submittals received which have been determined to be complete and which are about to undergo technical review within the EPA. Members of the public wishing to obtain more information on a specific submittal then may contact the appropriate EPA Regional Office representative listed above.

Eighty-seven enforceable commitments have been received by the EPA, and nineteen have been determined to be complete to date. Some of the early reductions submittals received actually contain multiple enforceable commitments; that is, some companies have decided to divide their particular plant sites into more than one early reductions source. Each of these sources must achieve the required

[1] Pipeline Service Obligations and Revisions to Regulations Governing Self-Implementing Transportation; and Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, 57 FR 13267 (April 16, 1992), III FERC Stats. & Regs. Preambles ¶ 30,939 (April 8, 1992); *order on reh'g,* Order No. 636–A, 57 FR 36128 (August 12, 1992), III FERC Stats. & Regs. Preambles ¶ 30,950 (August 3, 1992); *order on reh'g,* Order No. 636–B, 57 FR 57911 (December 8, 1992), 61 FERC ¶ 61,272 (November 27, 1992). The final rule requires significant alterations in the structure of interstate natural gas pipeline services and provides a schedule for implementing that restructuring. The rule applies to all pipelines that provide open-access transportation service.

emissions reductions individually to qualify for a compliance extension. The purpose of today's notice is to add commitments from Monsanto, Polyken, and Occidental Chemical to the previously published list of commitments that have been determined to be complete by EPA under the Early Reductions Program. Since the last notice, EPA has deemed complete one commitment from Monsanto for a source in Springfield, Massachusetts, one from Polyken in Franklin, Kentucky, and one from Occidental Chemical in Belle, West Virginia. As the remaining submittals are determined to be complete, they will appear in subsequent monthly notices.

At a later time (most likely within one to three months of today's date), the EPA Regional Offices will provide a formal opportunity for the public to comment on the submittals added to the list by today's notice. To do this, the Regional Office will publish a notice in the source's general area announcing that a copy of the source's submittal is available for public inspection and that comments will be received for a 30 day period.

The table below lists those companies that have made complete enforceable commitments or base year emission submittals under the Early Reductions Program through April 6, 1993. These submittals are undergoing technical review within the EPA at this time.

TABLE 1

(Complete Enforceable Commitments as of April 6, 1993)

Company	Location	EPA region
1. Kalama Chemical, Inc	Kalama, WA	X
2. Amoco Chemical Co. (first source)	Texas City, TX	VI
3. Amoco Chemical Co. (second source)	Texas City, TX	VI
4. Johnson & Johnson Medical, Inc	Sherman, TX	VI
5. PPG Industries	Lake Charles, LA	VI
6. Allied-Signal (first source)	Baton Rouge, LA	VI
7. Allied-Signal (second source)	Baton Rouge, LA	VI
8. Allied-Signal (third source)	Baton Rouge, LA	VI
9. Allied-Signal (first source)	Ironton, OH	V
10. Allied-Signal (second source)	Ironton, OH	V
11. Monsanto	Sauget, IL	V
12. Dow Corning	Midland, MI	V
13. Allied-Signal	Philadelphia, PA	III
14. Texaco-Neches	Port Neches, TX	VI
15. Wyeth Ayerst	Rouses Point, NY	II
16. Marathon Oil	Garyville, LA	VI
17. Monsanto	Springfield, MA	I
18. Polyken	Franklin, KY	IV
19. Occidental Chemical	Belle, WV	III

Dated: April 30, 1993.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93–10712 Filed 5–5–93; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6969

[NM–920–4210–06; NMNM 034478]

Revocation of Public Land Order No. 5245; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes in its entirety a public land order which withdrew 13,277.03 acres of public lands for use by the Bureau of Indian Affairs in connection with the Navajo Indian Irrigation Project. The lands are presently held in trust for the Navajo Tribe of Indians by the United States under Public Land Order No. 5624. The locatable minerals are controlled by the Navajo Tribe of Indians and are not available for mining. The lands have been and will remain open to mineral leasing. This is a record-clearing action only.

EFFECTIVE DATE: May 6, 1993.

FOR FURTHER INFORMATION CONTACT: Georgiana E. Armijo, BLM New Mexico State Office, PO Box 27115, Santa Fe, New Mexico, 87502, 505–438–7594.

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. Public Land Order No. 5245, which withdrew the following described lands for the Navajo Indian Irrigation Project, is hereby revoked in its entirety:

New Mexico Principal Meridian

T. 28 N., R. 11 W.,
Sec. 30, lots 2, 3, and 4, NE¼, SE¼NW¼, E½SW¼, N½SE¼, and SW¼SE¼.
T. 26 N., R. 12 W.,
Sec. 2, lots 1 and 2, S½NE¼, and E½SE¼.
T. 27 N., R. 12 W.,
Sec. 1, lots 3 and 4, S½NW¼, NW¼SW¼, and S½SW¼;
Sec. 2;
Sec. 3, lots 1 to 4, inclusive, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 5, lots 1 and 2, S½NE¼, NE¼SE¼, and S½SE¼;
Sec. 8, E½ and E½W½;
Sec. 11;
Sec. 17, NE¼, E½NW¼, and E½SE¼;
Sec. 21, E½;
Sec. 22;
Sec. 26, S½;
Sec. 27, N½, E½SW¼, and SE¼;
Sec. 28, N½NE¼;
Sec. 34, NE¼NE¼ and NE¼SE¼;
Sec. 35, W½.
T. 28 N., R. 12 W.,
Sec. 13, SW¼SW¼;
Sec. 14, NE¼SW¼, NW¼SE¼, and S½S½;
Sec. 21, S½NW¼ and SE¼;
Sec. 22, NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 23, E½, N½NW¼, SE¼NW¼, and S½SW¼;
Sec. 24, W½NW¼, SW¼, and SW¼SE¼;
Sec. 25 to 28, inclusive;
Sec. 29, SE¼NE¼ and E½SE¼;
Sec. 32, NE¼NE¼, S½NE¼, and SE¼;
Secs. 33, 34, and 35;
Sec. 36, N½, SW¼, N½SE¼, and SW¼SE¼.

The areas described aggregate 13,277.03 acres in San Juan County.

2. The lands remain held in trust, in accordance with Public Land Order No. 5624, for the Navajo Tribe of Indians in connection with the Navajo Indian Irrigation Project and will not be restored to the operation of the public land laws, including the mining laws.

Dated: April 19, 1993.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 93–10615 Filed 5–5–93; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1301

RIN 0970–AB03

Head Start Program

AGENCY: Administration on Children, Youth and Families (ACYF) Administration for Children and Families (ACF).

ACTION: Final rule.

SUMMARY: The Administration on Children, Youth and Families is amending 45 CFR 1301.32 to add the Office of Management and Budget (OMB) approval number for information collection requirements in the Head Start Grants Administration rule.

DATES: This amendment is effective May 6, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph A. Mottola, Acting Commissioner, Administration on Children, Youth and Families, P.O. Box 1182, Washington, DC 20013, (202) 205–8347.

SUPPLEMENTARY INFORMATION:

Background

The Administration on Children, Youth and Families published a final rule on September 14, 1992 ((57 FR 41881), which revises and clarifies for Head Start grantees the requirements implementing the statutory provision that limits development and administrative costs to 15 percent of total costs. The final rule also clarifies that training and technical assistance funds awarded to grantees must be included in total approved program costs, and are therefore subject to the 20 percent non-Federal matching requirement.

Purpose of Amendment to Section 1301.32

Paragraphs (f)(2) and (3) of 45 CFR 1301.32, in the September final rule, contain information collection requirements for which an OMB approval number is required. In addition, OMB requires the approval number to be displayed in the rule. OMB approved and assigned a number to the information collection requirements in § 1301.32 on January 26, 1993. This amendment adds that number at the end of the section.

Waiver of Notice and Comment Procedures

The Administrative Procedure Act (5 U.S.C. 553(b)) requires that a notice of proposed rulemaking be published unless the Department finds, for good cause, that such notice and opportunity for public comment is impracticable, unnecessary, or contrary to the public interest. In this instance, the rule in question effects only a technical change by including the OMB Control Number at the end of the section that contains information collection requirements. Accordingly, the Department has determined that it would be unnecessary to use notice and comment procedures in issuing this amendment to display an OMB Control Number.

Impact Analyses

As the only purpose of this rule is to display the OMB control number at the end of 45 CFR 1301.32, no impact analyses is required.

List of Subjects in 45 CFR Part 1301

Development and administrative costs, Dual benefit costs, Head Start, Indirect costs, Program costs, Total approved costs.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: April 22, 1993.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

For the reasons set forth in the preamble, 45 CFR part 1301 is amended as follows:

1. The authority citation for part 1301 continues to read as follows:

Authority: 42 U.S.C. 9831 et seq.

2. Section 1301.32 is amended by adding the OMB Control Number at the end of the section.

§ 1301.32 Limitation on costs of development and administration of a Head Start program.

* * * * *

(Information collection requirements contained in paragraphs (f) (2) and (3) of this section were approved on January 26, 1993, by the Office of Management and Budget under Control Number 0980–1043).

[FR Doc. 93–10329 Filed 5–5–93; 8:45am]

BILLING CODE 4130–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90–214; RM–7101; RM–7226]

Radio Broadcasting Services; Homerville, Lakeland and Statenville, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants a petition for reconsideration filed by Lakeland Broadcasters, Inc. of the Report and Order in this proceeding. See 56 FR 51844, October 16, 1991. This Memorandum Opinion and Order substitutes Channel 290C3 for Channel 290A and modifies the license of Station WHFE(FM), Lakeland, Georgia, to reflect the new channel; substitutes Channel 254A for Channel 288A and modifies the license of Station WBTY (FM), Homerville, Georgia, to reflect operation on the new channel; and allots Channel 248A in lieu of Channel 254A and instructs the permittee, La Taurus Productions, Inc., to amend its construction permit for Statenville, Georgia. This document further specifies that Station WXMK(FM), Dock Junction, Georgia and Station WQHL (FM), Live Oak, Florida must amend their pending applications to adhere to the minimum distance separation requirements of § 73.211 of the Commission's rules. See supplemental information, *infra*. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 14, 1993.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 90–214, adopted April 14, 1993, and released April 30, 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, ITS, Inc., (202) 857–3800, 1919 M Street, NW., room 246,

Washington, DC 20036 or 2100 M Street, NW., Washington, DC 20037.

The coordinates for Channel 290C3 at Lakeland, Georgia, are North Latitude 31–02–25 and West Longitude 83–05–00, with a site restriction 1.3 kilometers (.08 miles) west of the community. The coordinates for Channel 254A at Homerville, Georgia, are those of its license site, North Latitude 31–02–04 and West Longitude 82–51–50. The coordinates for Channel 248A at Statenville, Georgia, are North Latitude 30–45–40 and West Longitude 82–52–45, with a site restriction 15.5 kilometers (9.6 miles) northeast of the community.

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 Georgia, is amended by removing Channel 254A and adding Channel 248A at Statenville, by removing Channel 288A and adding Channel 254A at Homerville, and by removing Channel 290A and adding Channel 290C3 at Lakeland.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–10619 Filed 5–5–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 90–544; RM–7527 and RM–7615]

Radio Broadcasting Services; Thief River Falls and Walker, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants a Petition for Reconsideration filed by Olmstead Broadcasting, Inc., thereby substituting Channel 257C3 for Channel 257A at Thief River Falls, Minnesota, and modifying the license for Station KKDQ–FM accordingly. See 57 FR 10428, March 26, 1992. The coordinates for Channel 257C3 are 48–04–52 and 96–20–05. Canadian concurrence has been obtained for this allotment. The Petition for Reconsideration filed by De La Hunt Broadcasting Corporation is dismissed. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 14, 1993.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, MM Docket No. 90–544, adopted April 12, 1993, and released April 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 257A and adding Channel 257C3 at Thief River Falls.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–10623 Filed 5–5–93; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 509

[APD 2800.12A, CHGE 45]

General Services Administration Acquisition Regulation; Administrative Records for Debarment and Suspension

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), chapter 5 (APD 2800.12A), is amended by adding a new paragraph to provide for furnishing parties a copy of the administrative record in a debarment proceeding, and to redesignate other paragraphs; to add a new paragraph to provide for furnishing parties a copy of the administrative record in a suspension proceeding, and to redesignate other paragraphs. The intended effect is to simplify the process for releasing documents in the administrative record to parties proposed for debarment or suspension.

EFFECTIVE DATE: May 21, 1993.

FOR FURTHER INFORMATION CONTACT: Les Davison, Office of GSA Acquisition Policy (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

A notice of proposed rulemaking was published in the **Federal Register** on March 16, 1992 (57 FR 10454). Favorable comments were received from the Coalition for Government Procurement. The Coalition indicated it believed the change would simplify the release of documents to parties proposed for debarment or suspension and help ensure that Government suspension and debarment proceedings are conducted in an open and fair manner.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

C. Regulatory Flexibility Act

GSA certifies that the final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule will make it easier for parties proposed for debarment or suspension, including small entities, to obtain the administrative record which formed the basis for the decision to propose debarment or suspension. Accordingly, the rule will have a beneficial impact on small entities.

D. Paperwork Reduction Act

This rule does not contain information collection requirements that require the approval of OMB under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Part 509

Government procurement.

1. The authority citation for 48 CFR part 509 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 509—CONTRACTOR QUALIFICATIONS

2. Section 509.406–3 is amended by redesignating paragraphs (b)(6) through (9) as (b)(7) through (10) and republishing them as set forth below and adding a new paragraph (b)(6) to read as follows:

§ 509.406–3 Procedures.

* * * * *

(b) * * *

(6) Upon request, the affected party will be furnished a copy of the administrative record which formed the basis for the decision to propose debarment. If there is a reason to withhold from the party any portion of the record, the party will be notified that a portion of the record is being withheld and will be informed of the reasons for the withholding.

(7) In actions not based on a conviction or judgment, the party may request a fact-finding hearing to resolve a genuine dispute of material fact. The party shall identify the material facts in dispute and the basis for disputing the facts. If the debarring official determines that there is a genuine dispute of material fact, the debarring official shall refer the matter to the fact-finding official. The fact-finding official will schedule a hearing within 20 calendar days of receipt of the debarring official's request. Extensions may be granted for good cause upon the request of the party or the agency.

(8) The purpose of a fact-finding hearing is to:

(i) Afford the affected party the opportunity to dispute material facts relating to the proposed debarment through the submission of oral and written evidence;

(ii) Resolve facts in dispute and provide the debarring official with written findings of fact based on a preponderance of evidence; and

(iii) Provide the debarring official with a determination as to whether a cause for debarment exists, based on facts as found.

(9) Hearings will be conducted by the fact-finding official in accordance with rules consistent with FAR 9.406–3(b)(2) promulgated by that official. .

(10) The fact-finding official will notify the affected parties of the schedule for the hearing. The fact-finding official shall deliver written findings of fact to the debarring official (together with a transcription of the proceeding, if made) within 20 calendar days after the hearing record closes.

3. Section 509.407–3 is amended by redesignating paragraph (b) (5) and (6) as (b) (6) and (7) and revising them as set forth below and adding a new paragraph (b)(5) to read as follows:

§ 509.407–3 Procedures.

* * * * *

(b) * * *

(5) Upon request, a copy of the administrative record will be furnished to the affected party under the guidelines set forth at 509.406–3(b)(6).

(6) Fact-finding hearings will not be conducted in actions based on indictments, or in cases in which the suspending official determines pursuant to FAR 9.407–3(b)(2) not to refer a matter to the fact-finding official. A party may request a fact-finding hearing to resolve genuine disputes of material fact in other cases. The party shall identify the material facts in dispute and the basis for disputing the facts. If the suspending official determines that there is a genuine dispute of material fact, the suspending official shall refer the matter to the fact-finding official. The fact-finding official will schedule a hearing within 20 calendar days of receipt of the suspending official's request. Extensions may be requested by the party or the agency.

(7) The purpose of a fact-finding hearing is to:

(i) Afford the affected party the opportunity to dispute facts relating to the suspension action through the submission of oral and written evidence;

(ii) Determine whether, in light of the evidence presented, there is adequate evidence to suspect that the material allegations in the notice are true; and

(iii) Provide the suspending official with a determination as to whether the evidence is adequate to support a cause of suspension. Hearings will be conducted as outlined in 509.406–3(b)(9).

Dated: March 19, 1993.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 93–10689 Filed 5–5–93; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 222

[Docket No. 921077–3081]

Endangered and Threatened Species; Saimaa Seal

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

ACTION: Final rule.

SUMMARY: NMFS is listing the Saimaa seal (*Phoca hispida saimensis*) as endangered under the endangered Species Act of 1973 (ESA). NMFS used the best available scientific and commercial information to make this determination. The Saimaa seal is a subspecies of the ringed seal (*Phoca hispida*) that has adapted to a freshwater environment. Scientists estimate the population at about 160–180. The seals are limited in range to Lake Saimaa in eastern Finland.

EFFECTIVE DATE: June 7, 1993.

FOR FURTHER INFORMATION CONTACT: Dean Wilkinson, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, 301–713–2322.

SUPPLEMENTARY INFORMATION:

Background

The ESA is administered jointly by the U.S. fish and Wildlife Service (USFWS), the Department of the Interior, and NMFS. NMFS has jurisdiction over pinniped species (except walrus) and makes determinations under section 4(a) of the ESA as to whether such species should be listed as endangered or threatened. The USFWS maintains and publishes the List of Endangered and Threatened Wildlife in 50 CFR part 17 for all species determined by NMFS or USFWS to be endangered or threatened. A list of threatened and endangered species under the jurisdiction of NMFS is also contained in 50 CFR 227.4 and 223.23(a), respectively.

The ESA defines "species" to include any subspecies of fish, wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife that interbreeds when mature.

Section 4(a)(1) of the ESA and NMFS listing regulations set forth procedures for listing species. Based on the best available scientific and commercial information, the Secretary of Commerce must determine, through the regulatory process, if a species is endangered or threatened based upon one or a combination of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, recreational, scientific, or educational purposes;

(3) Disease or predation;

(4) Inadequacy of existing regulatory mechanisms;

(5) Other natural or man-made factors affecting its continued existence.

NMFS conducted a status review of the Saimaa seal and concluded that the

species is endangered based on listing factors (1), (4), and (5). NMFS then published a proposed rule (57 FR 60162, December 18, 1992) with a 60-day comment period. The proposed rule contained a background discussion of specific information leading to this rule. Background information previously presented will not be repeated here.

Comments and Responses

Four written comments were received in response to the proposed rule from: The American Society of Mammalogists; the American Association of Zoological Parks and Aquariums; the Marine Mammal Center in Sausalito, California; and a scientist who has conducted research on the species. All supported the proposed listing.

Two of the commenters noted that the Seal Specialists Group of the International Union for the Conservation of Nature and Natural Resources has determined that the Saimaa seal should be listed as endangered. The commenters stated that an endangered listing would be appropriate because it would be consist with the international classification.

One commenter pointed out that the Ministry of the Environment in Finland has developed a plan to protect two other areas as natural parks in Lake Saimaa during the next 10 years. When these parks are in place, the core parts of the four breeding areas will be protected. The commenter pointed out, however, that only terrestrial areas are included in the parks, but that the Government of Finland is considering a law making it possible to incorporate aquatic areas into the parks. In order to do this, it will be necessary to purchase the aquatic areas from private holders.

This comment reinforces two of the points contained in the proposed rule. First, habitat alterations have contributed to the decline of the population, and not all of the breeding areas are currently protected. In addition, although the Government of Finland has taken protective measures, additional regulatory action would help preserve the species. The contemplated actions would be likely to reduce mortality in juvenile seals and could make a significant contribution to the recovery of the species.

Determination

Based on the best available scientific and commercial data, NMFS has determined that the Saimaa seal should be classified as endangered. NMFS has determined that this condition is caused by a combination of the factors specified under section 4(a)(1) of the ESA.

Recommended Critical Habitat

Regulations regarding listing of species and designation of critical habitat (50 CFR 424.12(h)), specify that critical habitat cannot be designated in foreign countries or other areas outside U.S. jurisdiction. Because the range of the Saimaa seal is solely outside of U.S. jurisdiction, no critical habitat will be designated.

Classification

The 1982 amendments of the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus*, 675 F. 2d 829 (6th cir., 1981), NMFS has categorically excluded all endangered species listings from environmental assessment requirements of the National Environmental Policy Act (48 FR 4413; February 6, 1984).

As noted in the conference report on the 1982 amendments to the ESA, economic considerations have no relevance to determinations regarding the status of species. Therefore, the economic analysis requirements of Executive Order 12291 and the Regulatory Flexibility Act are not applicable to the listing process. Similarly, listing actions are not subject to the requirements of Executive Order 12612.

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

List of Subjects in 50 CFR Part 222

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: April 28, 1993.

Samuel W. McKeen,

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

For the reasons set forth in the preamble, 50 CFR part 222 is amended as follows:

PART 222—ENDANGERED FISH OR WILDLIFE

1. The authority citation for Part 222 continues to read as follows:

Authority: 16 U.S.C. 1531–1543.

§ 222.23 [Amended]

2. In § 222.23, paragraph (a) is amended by adding the phrase "Saimaa seal (*Phoca hispida saimensis*);" immediately after the phrase "Mediterranean monk seal (*Monachus monachus*);" in the second sentence.

[FR Doc. 93–10692 Filed 5–5–93; 8:45 am]
BILLING CODE 3510–22–M

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50 CFR Part 285

[Docket No. 920407–2519]

Atlantic Tuna Fisheries; Bluefin Tuna

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

ACTION: Closure of the southern longline component of the Incidental Catch category.

SUMMARY: NMFS issues this notice to close the fishery for Atlantic bluefin tuna conducted by longline vessels permitted in the Incidental Catch category and operating in the Regulatory Area south of 36°00′ N latitude. Closure of this fishery is necessary because the total annual quota of 54 mt of Atlantic bluefin tuna allocated for this subcategory has been attained. The intent of this action is to prevent overharvest of the quota established for this fishery.

EFFECTIVE DATES: The closure is effective 0001 hours local time May 4, 1993 through December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Aaron E. King, 301–713–2347 or Kevin B. Foster, 508–281–9260.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Section 285.22(e)(2) of the regulations provides for an 1993 annual quota of 85 mt of Atlantic bluefin tuna to be harvested from the Regulatory Area by longline vessels permitted in the Incidental Catch category. Of the 85 mt quota for longline vessels, no more than 67 mt can be harvested in the area south of 36°00′ N latitude.

If a quota in any category, or as appropriate, subcategory, has been exceeded or has not been reached, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), is required under § 285.22(h) to subtract the overharvest from, or add the underharvest to, that quota for 1993; provided that the total of the 1992 harvest plus the 1993 adjusted quotas and the reserve does not exceed 2,497 mt.

The longline component of the Incidental Catch category fishery for Atlantic bluefin tuna operating south of

36°00′ N. latitude in the Regulatory Area, exceeded its quota for 1992 by 13.2 mt. This overharvest was dealt with in a separate action, and is further explained in Federal Register notice 57 FR 59310, published December 15, 1992, resulting in an adjusted 1993 maximum harvest for the southern longline Incidental Catch subcategory of 54 mt.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the total catch of Atlantic bluefin tuna will equal any quota under § 285.22. The Assistant Administrator is further authorized under § 285.20(b)(1) to prohibit the fishing for, or retention of, Atlantic bluefin tuna by those fishing in the category subject to the quota when the catch of tuna equals the quota established under § 285.22. The Assistant Administrator has determined, based on the reported catch, that the annual quota of Atlantic bluefin tuna for longline vessels fishing in the Regulatory Area will be attained by May 4, 1993. Fishing for, and retention of, Atlantic bluefin tuna south of 36°00′ N. latitude harvested under § 285.22(e)(2) must cease at 0001 local time on May 4, 1993. During the closure of the fishery south of 36°00′ N. latitude, it is prohibited to catch with longline gear, or possess Atlantic bluefin tuna taken with longline gear, south of 36°00′ N. latitude, including possession to land (i.e., offload) the fish shoreside. Fishing for Atlantic bluefin tuna by longline vessels possessing an Incidental catch permit, may continue north of 36°00′ N. latitude, until the quota is reached and closure occurs. Landing (i.e., offloading), or entering port with the intent to offload, of fish caught north of 36°00′ N. latitude, however, is restricted to ports north of 36°00′ N. latitude.

Classification

This action is required by 50 CFR 285.20(b)(1) and complies with E.O. 12291.

Authority: 16 U.S.C. 971 *et seq.*

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: April 30, 1993.

Joe P. Clem,

Chief, Plans and Regulations Division.

[FR Doc. 93–10634 Filed 4–30–93; 4:54 pm]

BILLING CODE 3510-22-M

50 CFR Part 661

[Docket No. 930402–3102]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Emergency interim rule for 1993 fishery management measures; request for comments.

SUMMARY: The Secretary of Commerce (Secretary) issues an emergency interim rule to establish fishery management measures for the ocean salmon fisheries off Washington, Oregon, and California from May 1 through May 31, 1993. Specific fishery management measures vary by fishery and area. Together they establish fishing areas, seasons, quotas, legal gear, recreational fishing days and catch limits, possession and landing restrictions, and minimum lengths for salmon taken in the exclusive economic zone (3–200 nautical miles) off Washington, Oregon, and California. Based on concerns regarding Klamath River fall chinook salmon, the Secretary has disapproved the proposed 1993 salmon seasons recommended by the Pacific Fishery Management Council (Council). The management measures implemented by this emergency rule will allow the ocean salmon fisheries to begin while the Council develops revised season proposals that meet the Secretary's concerns. Following development of revised management measures, the Secretary will implement salmon seasons for the remainder of the year. This action is necessary to begin the salmon fishery on May 1, as recommended by the Council, in order to allow commercial and recreational fishermen to access many other harvestable salmon stocks that might not be available if the season opening were delayed. It is intended to prevent overfishing and to be consistent with the allocation objectives and spawning goals of the Fishery Management Plan for the Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California (FMP), except for changes described below that increase spawning escapement of Klamath River fall chinook. The Council recommendations upon which this rule is based are discussed and fully analyzed in the Council's Preseason Report III Analysis of Council-Adopted Management Measures for 1993 Ocean Salmon Fisheries.

DATES: Effective from 0001 hours P.D.T., May 1, 1993, until 2400 hours P.D.T. May 31, 1993. Comments will be accepted through May 17, 1993.

ADDRESSES: Comments may be sent to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070; or Gary Matlock, Acting Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140, or Rodney R. McInnis at 310–980–4030.

SUPPLEMENTARY INFORMATION:

Background

The ocean salmon fisheries off Washington, Oregon, and California are managed under a "framework" fishery management plan. The framework FMP was approved in 1984 and has been amended four times (52 FR 4146, February 10, 1987; 53 FR 30285, August 11, 1988; 54 FR 19185, May 4, 1989; 56 FR 26774, June 11, 1991). Regulations at 50 CFR part 661 provide the mechanism for making preseason and inseason adjustments to the management measures, within limits set by the FMP, by notice in the Federal Register. Under the FMP, the Council makes recommendations to the Secretary on a management regime for the salmon fishery. If the Secretary approves the recommendations, he implements the management measures.

Klamath River fall-run chinook are the primary management concern off southern Oregon and northern California. In 1993, the abundance of Klamath fall-run chinook is expected to be 178,000 age-3 and age-4 fish at the beginning of the fishing season. Although this forecast is above last year's record low abundance, it is 48 percent below the 1985–1992 average ocean population forecast. Ocean escapement to the Klamath River (inriver run size) in 1992 totaled 25,900 adult fish, the lowest inriver run size since comprehensive inriver monitoring began in 1978.

The spawning escapement goal for the Klamath River system is 33–34 percent of the potential adult salmon with a minimum of 35,000 natural spawners (fish that spawn outside of the hatcheries). In 1992, the Klamath River fall chinook escapement fell below the minimum spawning escapement floor for the third consecutive year; a review work group has been appointed to review this stock in accordance with FMP guidelines. It is estimated that an ocean season in 1993 similar to that adopted preseason in 1992 would result in an escapement above the minimum spawning escapement floor.

In recent years, several Federal and regional actions have been undertaken to improve the habitat conditions within the Klamath River Basin for the purpose of increasing the production of anadromous fish populations, including the fall chinook salmon. Multi-agency task forces, including Federal, state and local governments, have been working for several years under the lead of the Department of the Interior, with the cooperation of the Department of Commerce, to restore salmon habitat in the Klamath River and its major tributary, the Trinity River. The Trinity River has been adversely impacted by the diversion of much of its natural flow into the Sacramento River Basin through the Central Valley Project. The Secretary of the Interior, in 1991, agreed to increase the minimum amount of water that would be released down the Trinity River from 240,000 acre-feet to 340,000 acre-feet. This action was taken to improve the habitat for salmon. On October 30, 1992, the Central Valley Project Improvement Act (Pub. L. 102–575) was signed. That Act included the 340,000 acre-feet minimum flow and provided for studies that may lead to an increased minimum flow after 1996.

During the preseason ocean salmon fishery management process, the Council was advised by the Department of the Interior that it should manage the Ocean fishery so that the Indian tribes on the Klamath River could take 50 percent of the harvestable Klamath River salmon. The Council considered a range of harvest rates for the ocean fisheries ranging from 12 to 28 percent of the Klamath River fall chinook.

At the Council's April 6–9 meeting, it recommended to the Secretary management measures that would result in an ocean harvest rate of 22 percent on Klamath River fall chinook salmon stocks and achieve the spawning escapement floor if the Klamath River tribes were to limit their harvest to one-half (17,400 fish) of the non-Indian harvest (ocean harvest plus inriver recreational catch of 2,600 fish) of Klamath fall chinook. However, a 22-percent ocean harvest rate combined with a tribal harvest equal to the non-Indian harvest of Klamath River fall chinook would return approximately 21,000 natural spawners, 61 percent of the natural spawning escapement floor, to the Klamath River. Were this to happen, the Klamath River escapement floor of 35,000 natural spawners would be breached for a fourth consecutive year.

Subsequent to the Council's April meeting, the Departments of Commerce and the Interior had extensive discussions regarding the spawning escapement, commercial and recreational ocean harvest, and tribal inriver harvest of Klamath River fall chinook. These discussions also considered conservation issues resulting from the severe and prolonged California drought and the failure to achieve the Klamath River fall chinook natural spawning escapement floor for the previous 3 years. The Departments of Commerce and the Interior have concluded that 1993 offers a unique opportunity, because of the end of the drought, to begin to address conservation concerns for Klamath River fall chinook, and to begin to rebuild the stock to levels that will support healthy and sustained harvests by both tribal and non-tribal fisheries.

In view of the fact that the Council's ocean fishery regulations have failed to achieve the spawning escapement floor of 35,000 natural Klamath River fall chinook spawners for the past 3 years (15,500, 11,500 11,000 adult natural spawners, respectively), and the fact that the long-term drought in California has ended and the region is enjoying the best water conditions in recent years, the Department of Commerce believes that it is in the best long-term interest of the Klamath River fall chinook resource, the fishing industry, and the tribal fisheries, to achieve as large a spawning escapement as reasonably possible in 1993. This provides the best opportunity to increase production of Klamath River fall chinook significantly beginning in 3 to 4 years when the production from the 1993 brood will return. Thus, the Secretary has determined that the Klamath River fall chinook natural spawning escapement in 1993 should be greater than the 35,000 fish spawning escapement floor.

In light of concerns about the need to increase conservation while meeting minimum tribal ceremonial and subsistence needs, the Department of the Interior has agreed that, for 1993, the Klamath tribal catch will be restricted to 18,500 chinook, in order to provide for greater spawning escapement.

Based on the Departments of Commerce and the Interiors' conservation concerns and the expected tribal inriver catch, the Secretary has determined that the Council's recommended 22-percent harvest rate on Klamath River fall chinook will not achieve the expected tribal harvest and a spawning escapement in excess of the 35,000 spawning escapement floor. Consequently, the Secretary has disapproved the Council's recommendation. The Secretary is requesting that the Council reconsider its proposals for the 1993 season and resubmit for consideration a proposed ocean fishery that will return sufficient fall chinook to the Klamath River to provide for a tribal inriver harvest of 18,500 fall chinook, and a spawning escapement of at least 38,000 natural spawners. The Secretary has balanced the conservation need for additional spawners against the economic impacts on the ocean fishery in this year, and has determined that a spawning escapement of 38,000 natural spawners is a reasonable accommodation of the competing needs. The Secretary believes that the short-term sacrifices made by both tribal and non-tribal fishermen to achieve a modest increase of at least 3,000 natural spawners above the FMP's spawning escapement goal, combined with better environmental conditions and the Department of the Interior's commitment to provide more water for fish production in the Trinity River, a major tributary of the Klamath River, will substantially improve the probability that the Klamath River fall chinook run will rebuild to a level that can sustain healthy fisheries.

In order to allow fisheries to begin on May 1, pending revisions to be made by the Council, the Secretary issues this emergency rule. This rule incorporates all of the Council-recommended management measures for fisheries that occur through May 31, except that the May 1 to May 6 troll fishery between Horse Mountain and Point Arena is excluded and the chinook quota for the recreational fishery beginning May 5 between Humbug and Horse Mountains (the Klamath Management Zone) is reduced from 12,000 to 8,000 chinook. These two changes are being made to reduce ocean impacts on Klamath fall chinook immediately in order to preserve flexibility for the Council to shape management measures later in the season. This emergency rule effectively amends the FMP to modify temporarily the spawning escapement goal for Klamath River chinook salmon.

After receiving revised season recommendations that meet the Secretary's spawning escapement objective and the expected level of tribal inriver harvest, the Secretary will publish a subsequent rule to implement the remainder of the seasons.

Management Measures for May 1993

The Secretary is establishing the following allowable ocean harvest levels and management measures for the fisheries that will occur from May 1 through May 31, which are designed to apportion the burden of protecting weak stocks equitably among ocean fisheries and to allow maximum harvest of natural and hatchery runs surplus to inside fishery and spawning needs.

These management measures are intended to establish May fisheries while preserving flexibility for the Council to reconfigure the remaining ocean salmon fisheries.

A. South of Cape Falcon

In the area south of Cape Falcon, the management measures in this rule are based primarily on concerns for Klamath River fall chinook and Sacramento River winter chinook. The greatest constraint on the ocean management measures was the low abundance of Klamath River fall chinook as described above.

Winter-run chinook from the Sacramento River are listed under the federal Endangered Species Act as a threatened species. In 1991, NMFS concluded a formal consultation with the Council regarding the impacts of the ocean salmon fishing regulations on the winter run. The biological opinion issued from that consultation determined that the 1990 level of impacts from the ocean fisheries would not jeopardize the continued existence of the winter run. NMFS also recommended shortening the recreational fishing season off central California and closure of an area at the mouth of San Francisco Bay during the time when the winter run is entering the Bay. These recommended conservation measures were implemented in 1991 and remain a part of the salmon management measures for 1993. The overall impact of the 1993 salmon management program on the winter run is expected to be significantly less than in 1990, the base year for the biological opinion. This expectation is based on the harvest rate model for the Central Valley Index stocks of fall chinook, which will experience a harvest rate of 71 percent in 1993 as compared to 79 percent in 1990. These rates are only indicators of the relative impact on the winter run because these fish are less vulnerable to the ocean fisheries than fall-run chinook due to the timing of the seasons, as well as their growth and migration patterns.

Commercial Troll Fisheries

Chinook quotas are again being implemented in some areas to insure that the ocean impacts on threatened Sacramento River winter-run chinook, threatened Snake River fall chinook, and Sacramento and Klamath River fall chinook do not exceed those that have been modeled. Specifically, the commercial troll fishery will be limited to a quota of 38,000 chinook through May 31 in the area between Florence South Jetty and Humbug Mountain, Oregon. That quota represents a portion of the total 71,000 chinook quota recommended by the Council for this area through August 31. Other chinook quotas are anticipated to be in effect after May 31 and are not within the scope of this rule.

Due to the need to limit harvest impacts on Oregon coastal natural coho, there will be no retention of coho by the commercial troll fisheries south of Cape Falcon.

From Point Reyes, California, to the U.S.-Mexico border, the commercial fishery for all salmon except coho will open May 1 and remain open while this rule is in effect.

In the area between Point Arena and Point Reyes, California, the commercial fishery for all salmon except coho will open May 1 and close May 31, while this rule is in effect.

The area between Humbug Mountain, Oregon, and Point Arena, California, will be closed to commercial salmon fishing during the effective period of this rule.

From Cape Arago to Humbug Mountain, Oregon, the all-salmon-except-coho season will open May 1 through May 31 under the 38,000 chinook quota for the area between Florence South Jetty and Humbug Mountain. Gear will be restricted to no more than four spreads per line in this area.

From Florence South Jetty to Cape Arago, Oregon, an all-salmon-except-coho season will open May 1 and remain open during the effective period of this rule, subject to closure upon attainment of the overall catch quota of 38,000 chinook for the area between Florence South Jetty and Humbug Mountain. Gear will be restricted to no more than four spreads per line.

From Cape Falcon to Florence South Jetty, Oregon, the all-salmon-except-coho season will open May 1 and remain open during the effective period of this rule, with gear restricted to no more than four spreads per line.

Recreational Fisheries

The recreational fishery for all salmon between Point Arena and the U.S.-Mexico border opened on the nearest Saturday to March 1 and remains open while this rule is in effect. The daily bag limit is two fish.

The Horse Mountain to Point Arena, the recreational fishery for all salmon opened on the nearest Saturday to February 15 and remains open during the effective period of this rule with a two-fish daily bag limit.

The recreational fishery between Humbug Mountain and Horse Mountain will open for all salmon May 5 and remain open during the effective period of this rule, subject to closure upon attainment of the catch quota of 8,000 chinook. This season will be open Wednesday through Saturday only, with a one-fish daily bag limit.

From Cape Falcon to Humbug Mountain, the recreational fishery for all salmon will open May 1 and remain open during the effective period of this rule, 7 days a week, shoreward of a lien generally representing the 27 fathom curve. This season will have a two-fish daily bag limit, with no more than two fish in seven consecutive days, and no more than 10 fish per year.

B. North of Cape Falcon

From the U.S.-Canada border to Cape Falcon, ocean fisheries are managed to protect depressed upper Columbia River spring and summer chinook, lower Columbia River hatchery fall chinook, and natural coho stocks of the Quillayute, Hoh, Queets, and Skagit Rivers. Ocean treaty and non-treaty harvests and management measures were based in part on negotiations between Washington State fishery managers, user groups, and the Washington coastal, Puget Sound, and Columbia River treaty Indian tribes as authorized by the U.S. District Court in *U.S.* v. *Washington, U.S.* v. *Oregon,* and *Hoh Indian Tribe et al.* v. *Baldrige.*

The total allowable chinook catch in the ocean north of Cape Falcon was established to ensure that the impacts on Snake River spring/summer and fall chinook stocks, which are listed as threatened species under the Endangered Species Act, did not exceed recent years' level of impacts. For Snake River wild spring chinook, the available information indicates that it is highly unlikely these fish are impacted in Council area fisheries. For Snake River wild summer chinook, these fish comprise only a very small proportion of total chinook abundance in the Council management area, and it is unlikely these fish are significantly impacted in Council area fisheries. For Snake River wild fall chinook, which are caught in Council area fisheries, the Council estimated a reduction of 10 percent in the ocean exploitation rate under the Council's recommended 1993 ocean measures compared to the 1986–1990 average by using the Lyons Ferry Hatchery stock to represent Snake River wild fall chinook.

Commercial Troll Fisheries

The commercial fishery between the U.S.-Canada border and Cape Falcon will open on May 1 for all salmon except coho and remain open during the effective period of this rule, subject to closure upon the attainment of the

30,400 chinook harvest guideline. The control zone at the mouth of the Columbia River will be closed.

Recreational Fisheries

During the effective period for this rule, the only recreational fishery north of Cape Falcon is an all-salmon-except-coho fishery in Washington State waters east of the Bonilla-Tatoosh Line only, from May 1 through the earlier of May 31 or 1,000 chinook quota, with a two-fish daily bag limit.

Treaty Indian Fisheries

Treaty Indian troll fisheries north of Cape Falcon are governed by a quota of 33,000 chinook salmon. Treaty troll seasons, minimum length restrictions, and gear restrictions were developed by the tribes and agreed to by the Council. The all-salmon-except-coho seasons will open May 1 and remain open during the effective period of this rule, if the chinook quota is not reached. The minimum length restriction for all treaty ocean fisheries, excluding ceremonial and subsistence harvest, is 24 inches (61 cm) for chinook.

The following tables and text are the management measures being implemented by this emergency rule from May 1 through May 31, 1993. Additional seasons which begin on or after June 1 will be addressed in a subsequent rule after a determination can be made regarding the reconfiguration of the remaining ocean salmon fisheries. These early season management measures are responsive to the goals of the FMP, the requirements of the resource, and the socio-economic factors affecting resource users. They are consistent with requirements of the Magnuson Act and other applicable law, including U.S. obligations to Indian tribes with treaty-secured fishing rights.

BILLING CODE 3510-22-M

Table 1. Commercial management measures for 1993 ocean salmon fisheries.

(Note: This table contains important restrictions in Parts A, B, C, D, and E which must be followed for lawful participation in the fishery.)

A. SEASONS, SUBAREA QUOTAS, AND SPECIES
(Shaded areas represent closures.)

MAY

U.S.-CANADA BORDER	U.S.-CANADA BORDER
5/1 thru earlier of expiration of emergency rule or guideline of 30,400 chinook (E.1.). All salmon except coho. Control Zone 1 (C.3.), Columbia River mouth, is closed. See D.1.	
CAPE FALCON	CAPE FALCON
5/1 thru expiration of emergency rule. All salmon except coho. No more than 4 spreads per line.	
FLORENCE SOUTH JETTY	FLORENCE SOUTH JETTY
5/1 thru earlier of expiration of emergency rule or chinook quota (E.2.). All salmon except coho. No more than 4 spreads per line.	
CAPE ARAGO	CAPE ARAGO
5/1 thru earlier of 5/31 or chinook quota (E.2.). All salmon except coho. No more than 4 spreads per line.	
HUMBUG MOUNTAIN	HUMBUG MOUNTAIN
HORSE MOUNTAIN	HORSE MOUNTAIN
POINT ARENA	POINT ARENA
5/1 thru 5/31. All salmon except coho.	
POINT REYES	POINT REYES
5/1 thru expiration of emergency rule. All salmon except coho.	
U.S.-MEXICO BORDER	U.S.-MEXICO BORDER

B. MINIMUM SIZE LIMITS (Inches)

	Chinook		Coho		
	Total Length	Head-off	Total Length	Head-off	Pink
North of Cape Falcon	28.0	21.5	16.0	12.0	None
Cape Falcon to Humbug Mountain	26.0	19.5	16.0	12.0	None
South of Humbug Mountain	26.0	19.5	22.0	16.5	None

Chinook not less than 26 inches (19.5 inches head-off) taken in open seasons south of Cape Falcon may be landed north of Cape Falcon only when the season is closed north of Cape Falcon.

C. GENERAL REQUIREMENTS, RESTRICTIONS, AND EXCEPTIONS

C.1. Hooks - Single point, single shank barbless hooks are required.

C.2. Line Restriction - Off California, no more than 6 lines per boat are allowed.

C.3. Control Zone 1 - The ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nautical miles due west from North Head along 46°18'00" N. latitude to 124°13'18" W. longitude, then southerly along a line of 167° True to 46°11'06" N. latitude and 124°11'00" W. longitude (Columbia River Buoy), then northeast along Red Buoy Line (continuing to Buoy #2, then to Buoy #4, then to Buoy #2SJ, then continuing on) to the tip of the south jetty, is closed.

C.4. Transit Through Closed Areas with Salmon on Board - It is unlawful for a vessel, which has been issued an ocean salmon permit by any state, to have troll gear in the water while transiting any area closed to salmon fishing while possessing salmon.

C.5. Landing Salmon in Closed Areas - Legally caught salmon may be landed in closed areas unless otherwise prohibited by these regulations.

D. POSSESSION, LANDING, AND SPECIAL RESTRICTIONS BY MANAGEMENT AREA

If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the U.S. Coast Guard and receive acknowledgement of such notification prior to leaving the area. This notification shall include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board, and the estimated time of arrival.

D.1. U.S.-Canada Border to Cape Falcon, May/June All-Salmon-Except-Coho Season - The State of Oregon may require vessels landing fish from this fishery to the area south of Cape Falcon to notify the Newport office of the Oregon Department of Fish and Wildlife between 8 a.m. and 5 p.m. on the day of landing or the following weekday if such landing occurs on a weekend or outside office hours. The notification shall include the name of the vessel, port where delivery will be made, and the number of chinook landed. Following any closure of this fishery, vessels must land and deliver the fish within 48 hours of the closure.

E. QUOTAS

E.1. Chinook Guideline North of Cape Falcon - The troll fishery will be managed to keep chinook catch within a guideline of 30,400 chinook.

E.2. Chinook Quota Between Florence South Jetty and Humbug Mountain - The troll fishery will be limited by a catch quota of 38,000 chinook.

Table 2. Recreational management measures for 1993 ocean salmon fisheries.

(Note: This table contains important restrictions in Parts A, B, C, and D which must be followed for lawful participation in the fishery.)

A. SEASONS, SUBAREA QUOTAS, SPECIES AND BAG LIMITS
(Shaded areas represent closures.)

MAY

U.S.-CANADA BORDER — U.S.-CANADA BORDER

Open east of Bonilla-Tatoosh Line only. 5/1 thru earlier of 5/31 or 1,000 chinook quota (D.1.). Open 7 days per week. All salmon except coho. 2 fish per day.

CAPE ALAVA — CAPE ALAVA

QUEETS RIVER — QUEETS RIVER

LEADBETTER POINT — LEADBETTER POINT

CAPE FALCON — CAPE FALCON

5/1 thru expiration of emergency rule. Open 7 days per week. All salmon. 2 fish per day. No more than 2 fish in 7 consecutive days and no more than 10 fish per year (C.3.). Open only within the 27 fathom curve (C.2.).

HUMBUG MOUNTAIN — HUMBUG MOUNTAIN

5/5 thru earlier of expiration of emergency rule or 8,000 chinook quota (D.2.). Open Wed. thru Sat. only. All salmon. 1 fish per day.

HORSE MOUNTAIN — HORSE MOUNTAIN

Continuing (opened on nearest Sat. to 2/15) thru expiration of emergency rule. All salmon. 2 fish per day.

POINT ARENA — POINT ARENA

Continuing (opened on nearest Sat. to 3/1) thru expiration of emergency rule. All salmon. 2 fish per day.

U.S.-MEXICO BORDER — U.S.-MEXICO BORDER

B. MINIMUM SIZE LIMITS (Total length in inches)

	Chinook	Coho	Pink
North of Cape Falcon	24.0	16.0	None
Cape Falcon to Humbug Mountain	20.0	16.0	None
South of Humbug Mountain	20.0	20.0	None, except 20.0 off California

C. SPECIAL REQUIREMENTS, RESTRICTIONS AND EXCEPTIONS

C.1. Hooks - Single point, single shank barbless hooks are required north of Point Conception, California

C.2. Area Within the 27 Fathom Curve - The ocean area that is bounded by a line from Cape Falcon to 45°46'00" N., 124°01'20" W. (approximately 1.6 nautical miles west of Cape Falcon) to 45°04'15" N., 124°04'00" W. (approximately 2.2 nautical miles northwest of Cascade Head) to 44°40'40" N., 124°09'15" W. (approximately 3 nautical miles west of Yaquina Head) to 44°08'30" N., 124°12'00" W. (approximately 3 nautical miles west of Heceta Head) to 43°40'15" N., 124°14'30" W. (approximately 0.5 nautical miles west of the Umpqua Whistle Buoy) to 43°31'30" N., 124°17'00" W. (approximately 1.7 nautical miles west of the beach) to 43°15'15" N., 124°28'00" W. (approximately 3 nautical miles west of the beach) to 43°01'30" N., 124°29'05" W. (approximately 2 nautical miles west of Four Mile Creek) to 42°56'00" N., 124°33'10" W. (approximately 2.4 nautical miles west of the mouth of Floras Creek) to 42°50'20" N., 124°38'30" W. (approximately 3.4 nautical miles west of Cape Blanco) to 42°40'30" N., 124°28'45" W. (approximately 1.1 nautical mile west of Humbug Mountain) to Humbug Mountain.

C.3. Annual Possession Restriction Between Cape Falcon and Humbug Mountain - No more than 10 salmon of any species may be retained per year from the ocean area between Cape Falcon, Oregon and Humbug Mountain, Oregon.

C.4. For the purposes of California Fish and Game Code, section 8232.5, the definition of the Klamath management zone for the ocean salmon season shall be that area from Humbug Mountain, Oregon, to Horse Mountain, California.

D. QUOTAS

D.1. Chinook Quota North of Cape Alava - The recreational fishery will be limited by a harvest quota of 1,000 chinook.

D.2. Chinook Quota Between Humbug Mountain and Horse Mountain - The recreational fishery will be limited by a harvest quota of 8,000 chinook.

Table 3. Treaty Indian management measures for 1993 ocean salmon fisheries.

(Note: This table contains important restrictions in Parts A, B, and C which must be followed for lawful participation in the fishery.)

A. SEASONS, SPECIES, MINIMUM SIZE LIMITS, AND GEAR RESTRICTIONS

Tribe and Area Boundaries	Open Seasons	Salmon Species	Minimum Size Limit (inches) Chinook	Coho	Special Restrictions by Area
Makah — That portion of the Fishery Management Area (FMA) north of 48°02'15" N. latitude (Norwegian Memorial) and east of 125°44'00" W. longitude	May 1 thru earlier of expiration of emergency rule or chinook quota	All except coho	24	—	Barbless hooks. No more than 8 fixed lines per boat, or no more than 4 hand-held lines per person.
Quileute — That portion of the FMA between 48°07'36" N latitude (Sand Point) and 47°31'42" N latitude (Queets River) east of 125°44'00" W. longitude	May 1 thru earlier of expiration of emergency rule or chinook quota	All except coho	24	—	Barbless hooks. No more than 8 fixed lines per boat.
Hoh — That portion of the FMA between 47°54'18" N. latitude (Quillayute River) and 47°21'00" N. latitude (Quinault River) east of 125°44'00" W. longitude	May 1 thru earlier of expiration of emergency rule or chinook quota	All except coho	24	—	Barbless hooks. No more than 8 fixed lines per boat.
Quinault — That portion of the FMA between 47°40'06" N. latitude (Destruction Island) and 46°53'18" N. latitude (Point Chehalis) east of 125°44'00" W. longitude	May 1 thru earlier of expiration of emergency rule or chinook quota	All except coho	24	—	Barbless hooks. No more than 8 fixed lines per boat.

B. SPECIAL REQUIREMENTS, RESTRICTIONS, AND EXCEPTIONS

B.1. All boundaries may be changed to include such other areas as may hereafter be authorized by a federal court for that tribe's treaty fishery.

B.2. Applicable lengths, in inches, for dressed, head-off salmon, are 18 inches for chinook and 12 inches for coho. Minimum size and retention limits for ceremonial and subsistence harvest are as follows:
Makah Tribe — None.
Quileute, Hoh, and Quinault tribes — Not more than 2 chinook longer than 24 inches in total length may be retained per day. Chinook less than 24 inches total length may be retained.

B.3. The areas within a 6-mile radius of the mouths of the Queets River (47°31'42" N. latitude) and the Hoh River (47°45'12" N. latitude) will be closed to commercial fishing. A closure within 2 miles of the mouth of the Quinault River (47°21'00" N. latitude) may be enacted by the Quinault Nation and/or the State of Washington and will not adversely affect the Secretary of Commerce's management regime.

C. QUOTAS

C.1. The overall treaty troll ocean quota is 33,000 chinook salmon. This quota includes troll catches by the Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through May 31.

BILLING CODE 3510-22-C

Gear Definitions and Restrictions

In addition to gear restrictions shown in Tables 1, 2, and 3 of this preamble, the following gear definitions and restrictions will be in effect.

Troll Fishing Gear. Troll fishing gear for the Fishery Management Area (FMA) is defined as one or more lines that drag hooks behind a moving fishing vessel.

In that portion of the FMA off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.

Recreational Fishing Gear. Recreational fishing gear for the FMA is defined as angling tackle consisting of a line with not more than one artificial lure or natural bait attached.

In that portion of the FMA off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington.

In that portion of the FMA off California, the line must be attached to a rod and reel held by hand or closely attended. Weights directly attached to a line may not exceed 4 (1.8 kg) pounds.

Fishing includes any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

Geographical Landmarks

Wherever the words "nautical miles of shore" are used in this rule, the distance is measured from the baseline from which the territorial sea is measured.

Geographical landmarks referenced in this notice are at the following locations:

Bonilla-Tatoosh Line	A straight line drawn from Bonilla Point on Vancouver Island, British Columbia, to the light on Tatoosh Island, Washington, then to the most westerly point on Cape Flattery.
Cape Alava	48°10′00″ N. lat.
Carroll Island	48°00′18″ N. lat.
Queets River	47°31′42″ N. lat.
Leadbetter Point	46°38′10″ N. lat.
North Head	46°18′00″ N. lat.
Red Buoy Line	Seaward along the south jetty of the Columbia River to the visible tip of the jetty and then to Buoy #2SJ, then southwesterly to Buoy #4, continuing southwesterly to Buoy #2, and then to the Columbia River Buoy, then due west along 46°11′06″ N. latitude.
Cape Falcon	45°46′00″ N. lat.
Florence South Jetty	44°01′00″ N. lat.
Cape Arago	43°18′20″ N. lat.
Humbug Mountain	42°40′30″ N. lat.
Sisters Rocks	42°35′45″ N. lat.
Mack Arch	42°13′40″ N. lat.
Horse Mountain	40°05′00″ N. lat.
Point Arena	38°57′30″ N. lat.
Point Reyes	37°59′44″ N. lat.
Point Conception	34°27′00″ N. lat.

Inseason Notice Procedures

Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, 206–526–6667 or 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts. These broadcasts are announced on Channel 16 VHF–FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the Notice to Mariners will be immediately broadcast. Inseason actions will also be filed with the **Federal Register** as soon as practicable. Since provisions of these management measures may be altered by inseason actions, fishermen should monitor either the telephone hotline or Coast Guard broadcasts for current information for the area in which they are fishing.

The management measures described above are based on the most recent data available. The aggregate data upon which the measures are based are available for public inspection at the offices of the Regional Directors (see **ADDRESSES**) during business hours until the end of the comment period.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that the measures described in this preamble are necessary to respond to emergency situations and are consistent with the Magnuson Act and other applicable law. The Secretary has determined that, absent this emergency rule, the ocean salmon fishery will be unnecessarily closed pending submission of revised 1993 season proposals by the Council and the Secretary's final decision on the entire 1993 ocean salmon season. Delay in the start of the fishing season would deny ocean fishermen access to harvestable salmon stocks which, if taken later in the year, would produce unacceptable impacts on other salmon stocks. Implementation of this emergency rule meets the goals and objectives of the FMP and preserves the Secretary's flexibility for implementing management measures later in the season. It prevents the economic harm that otherwise would occur to the ocean salmon fishermen and coastal communities if the season were to remain closed on May 1. Therefore, it is necessary to implement ocean salmon fishing regulations by emergency action pursuant to 16 U.S.C. 1855(c).

The Assistant Administrator finds that the reasons justifying the promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide notice and opportunity for comment upon, or to delay for 30 days the effective date of these emergency regulations, under the provisions of sections 553 (b) and (d) of the Administrative Procedure Act. Any delay in implementing this rule would cause unnecessary economic harm to users of the resource. The public had opportunities to comment on the management measures being implemented during meetings of the Council and its advisory committees in March and April 1993. The public will also have an opportunity to comment on the emergency measures during the comment period provided by this rule.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Washington, Oregon, and California, and the San Francisco Bay Conservation and Development Commission. This determination has been submitted for review by the responsible agencies under section 307 of the Coastal Zone Management Act.

This emergency rule is exempt from the normal review procedures of E.O. 12291 as provided in section 8(a)(1) of that order. This rule is being reported to the director of the Office of Management and Budget, with an explanation of why it is not possible to follow the regular procedures of that order.

The Council prepared an environmental assessment (EA), the scope of which included this action, and the Assistant Administrator concluded that there will be no significant impact on the human environment. A copy of the EA is available from the Regional Directors (see **ADDRESSES**).

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

The Regulatory Flexibility Act does not apply to this rule because, as an emergency rule, it was not required to be promulgated as a proposed rule and the rule is issued without opportunity for prior public comment. Since notice and opportunity for comment are not required to be given under section 553 of the Administrative Procedure Act, and since no other law requires that notice and opportunity for comment be given for this rule, under sections 603(a)

and 604(a) of the Regulatory Flexibility Act, no initial or final regulatory flexibility analysis needs to be prepared.

This emergency rule does not contain policies with known federalism implications sufficient to warrant preparation of the federalism assessment under E.O. 12612. Washington, Oregon, and California are expected to implement State regulations compatible with this Federal rule.

On March 31, 1991, NMFS issued a biological opinion that considered the effects of the FMP on Sacramento River winter-run chinook salmon. The opinion concluded that implementation of the FMP is not likely to jeopardize the continued existence of the species. The 1993 season falls within the scope of the 1991 opinion, and the seasons and management measures comply with the recommendations and incidental take conditions contained in the biological opinion. Therefore, it was not necessary to reinitiate consultation on Sacramento River winter-run chinook salmon.

NMFS has prepared a biological opinion that considered the effects of the 1993 salmon management measures on wild sockeye salmon, wild spring/summer chinook salmon, and wild fall chinook salmon from the Snake River that concluded the fishery as proposed by the Council for May 1993 fishing under the FMP is not likely to jeopardize the continued existence of the listed stocks. These management measures are within the scope of that opinion.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

Dated: April 30, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 661 is amended as follows:

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

1. The authority citation for part 661 continues to read as follows:

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

2. Effective from May 1 through May 31, 1993, the appendix to part 661 is amended in the table in IV.A., by suspending the existing entry for Klamath Fall Chinook, and its footnote number 3, and adding a new entry for Klamath Fall Chinook to read as follows:

Appendix

* * * * *

IV. * * *

A. * * *

SUMMARY OF SPECIFIC MANAGEMENT GOALS FOR STOCKS IN THE SALMON MANAGEMENT UNIT

System	Spawning [1] escapement goal
* * * * *	
Klamath Fall Chinook (temporary).	Between 33 and 34 percent of the potential adults from each brood of natural spawners, but no fewer than 38,000 naturally spawning adults in 1993.
* * * * *	

[1] Represents adult natural spawning escapement goal for viable natural stocks or adult hatchery return goal for stocks managed for artificial production.

* * * * *

[FR Doc. 93–10626 Filed 4–30–93; 4:58 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 86
Thursday, May 6, 1993

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1220

[No. LS–92–006]

RIN 0581–AA77

Soybean Promotion and Research Program; Procedures for Conduct of Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Soybean Promotion and Research Order was implemented July 9, 1991, as authorized by the Soybean Promotion, Research, and Consumer Information Act. The Act requires that the Secretary conduct a referendum among eligible soybean producers not earlier than 18 months and not later than 36 months after the issuance of an Order to determine whether the Order should be continued. Accordingly, a referendum must be held on or after January 9, 1993, but not later than July 9, 1994. This proposed rule sets forth the procedures for conducting the required continuance referendum. The proposed rule would also be applicable to any subsequent referenda which may be conducted pursuant to the Act.

DATES: Written comments must be received by June 7, 1993.

ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service (AMS), USDA, room 2624–S; PO Box 96456; Washington, DC 20090–6456. Comments will be available for public inspection during regular business hours at the above office in room 2624 South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC. Comments on the information collection requirements contained in this proposed rule may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Agricultural Marketing Service, USDA.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch 202/720–1115.

SUPPLEMENTARY INFORMATION:

Regulatory Impact

This proposed rule has been reviewed by the United States Department of Agriculture in accordance with Departmental Regulation No. 1512–1 and the criteria contained in Executive Order No. 12291 and has been determined to be a non-major rule because it does not meet the criteria for a major rule as stated in the Order.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1971 of the Act, a person subject to the Soybean Promotion and Research Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The statute provides that the district court of the United States in any district in which the person who is a petitioner resides or carries on business has jurisdiction to review a ruling on the petition if a complaint for the purpose is filed not later than 20 days after the date of the entry of the ruling.

Further, section 1974 of the Act provides, with certain exceptions, that nothing in the Act may be construed to preempt or supersede any other program relating to soybean promotion, research, consumer information, or industry information organized and operated under the laws of the United States or any State. One exemption in the Act concerns assessments collected by Qualified State Soybean Boards. The exception provides that to ensure adequate funding of the operations of Qualified State Soybean Boards under the Act, no State law or regulation may limit or have the effect of limiting the full amount of assessments that a Qualified State Soybean Board in that State may collect, and which is authorized to be credited under the Act. Another exception concerns certain referenda conducted during specified periods by a State relating to the continuation or termination of a Qualified State Soybean Board or State soybean assessment.

This action has also been reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This proposed rule would establish procedures for the conduct of referenda. It permits all eligible soybean producers to register and to vote. Participation in referenda is voluntary. The Administrator of the Agricultural Marketing Service (AMS) has determined that this rule will not have a significant economic impact on a substantial number of small business entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, the information collection requirements contained in this proposed rule have been approved by the Office of Management and Budget. They have been assigned OMB control number 0581–0093. The information collection requirements in this proposed rule include the following:

(a) For in-person voting: (1) Each producer of soybeans voting in a referendum must complete a Ballot (Form LS–49) at the County Cooperative Extension Service office. The producer must fill out the ballot and insert in the Ballot Envelope (Form LS–49–1).

(2) Each producer must fill out a Certification and Registration Form which is printed on the Referendum Envelope (LS–49–2). The Ballot Envelope containing the ballot is then inserted in the Referendum Envelope (LS–49–2). The estimated average time burden for completing the forms for in-person voting is 6 minutes per voter.

(b) For absentee voting: Each producer of soybeans requesting absentee voting in a referendum must complete a Combined Registration and Absentee Ballot (Form LS–44). The producer must fill out the form and insert the ballot portion in a Ballot Envelope (LS–44–2) and then insert the sealed Ballot Envelope and the registration portion in the Referendum Envelope (LS–44–1) and place in the mail. The estimated average time burden for completing this procedure is 6 minutes per voter.

(c) The proposed rule contains a requirement that the producer sign the voter registration list (Form LS–49–3). The State Cooperative Extension Service (CES) agent shall enter on the Absentee Voter Request List (Form LS–44–3) the names and addresses of each person or entity requesting an absentee ballot and the date the forms were mailed. This information is necessary for the Department to list the identities of each voter in the referendum and to allow voters and interested parties to see the identity of each voter in the referendum. This information can be used to validate ballots and to challenge potentially ineligible voters. Each CES agent will fill out one or more of Form LS–44–3 per referendum. The estimated average reporting burden will vary depending on the number of absentee ballots requested.

The estimated number of producers who will vote in the referendum is 100,000, each voting once.

Comments concerning the information collection requirements contained in this proposed rule may be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Agricultural Marketing Service, USDA.

Background

The Soybean Promotion, Research, and Consumer Information Act (Act) (7 U.S.C. 6301–6311) provides for the establishment of a coordinated program of promotion and research designed to strengthen the soybean industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for soybeans and soybean products. The program is financed by an assessment of 0.5 of one percent of the net market price of soybeans sold by producers. Pursuant to the Act, an Order was made effective July 9, 1991, and the collection of assessments began September 1, 1991.

The Act requires that a referendum be conducted not earlier than 18 months and not later than 36 months after the issuance of the Order to determine whether the Order should be continued. The initial referendum is to be conducted among persons who were producers of soybeans during a representative period specified by the Secretary for the purpose of determining whether the initial Order should be continued. The Order shall be continued only if it is approved by a majority of persons voting in the referendum. If continuation of the Order is not approved by a majority of those persons voting in the referendum, the Secretary shall terminate collection of assessments under the Order within 6 months after the referendum. The Secretary shall terminate the Order in an orderly manner as soon as practicable.

If continuation of the Order is approved, the Act requires that no later than 18 months after approval, the Secretary conduct a poll of soybean producers to determine if producers support the conduct of a referendum on the continuance of the payment of refunds under the Order. If the Secretary determines, based on the poll, that the conduct of a refund referendum is supported by at least 20 percent of the producers (not in excess of one-fifth of which may be producers in any one State), a referendum will be conducted not later than 1 year after the Secretary's decision.

The Act also requires the Secretary to hold additional referenda if requested by 10 percent or more of the producers who during a representative period were engaged in the production of soybeans. No more than one-fifth may be producers in any one State, as determined by the Secretary.

The Act specifies that a referendum shall be conducted for a reasonable period of time not to exceed 3 days as determined by the Secretary and that eligible persons are to certify that they were engaged in the production of soybeans during the representative period and vote, at the same time. The Act also provides that referenda shall be conducted at county offices of the State Cooperative Extension Service (CES) and that provision shall be made for absentee mail ballots to be provided on request. The Extension Service of the United States Department of Agriculture will coordinate the State and County Cooperative Extension Service roles in conducting the referendum.

The proposed rule sets forth procedures to be followed in conducting referenda under the Act. The proposed rule includes provisions concerning definitions, supervision of the referenda, registration, voting procedures, reporting referenda results, and disposition of the ballots and records. It is proposed that the Agricultural Stabilization and Conservation Service (ASCS) of the Department, will assist in the conduct of referenda by (1) counting ballots; (2) determining the eligibility of challenged voters; and (3) reporting referenda results.

List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements. Soybeans and soybean products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that title 7 of the CFR part 1220 be amended as follows:

PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for part 1220 continues to read as follows:

Authority: Title XIX, Pub. L. 101–624, 104 Stat. 3359, 3881 (7 U.S.C. 6301–6311).

2. Subpart E is added to read as follows:

Subpart E— Procedure for the Conduct of Referenda

Sec

Definitions

1220.501 Act.
1220.502 Administrator.
1220.503 Agricultural Stabilization and Conservation County Committee.
1220.504 Agricultural Stabilization and Conservation Service.
1220.505 Agricultural Stabilization and Conservation Service County Executive Director.
1220.506 Cooperative Extension Service.
1220.507 Cooperative Extension Service Agent.
1220.508 Department.
1220.509 Deputy Administrator.
1220.510 Extension Service of the U.S. Department of Agriculture.
1220.511 Order.
1220.512 Person.
1220.513 Producer.
1220.514 Public notice.
1220.515 Referenda.
1220.516 Registration period.
1220.517 Representative period.
1220.518 Secretary.
1220.519 Soybeans.
1220.520 State and United States.
1220.521 Voting period.

Referendum

1220.522 General.
1220.523 Supervision of referenda.
1220.524 Eligibility.
1220.525 Time and place of registration and voting.
1220.526 Facilities for registering and voting.
1220.527 Registration form and ballot.
1220.528 Registration and voting procedure.
1220.529 List of registered producers.
1220.530 Challenge of eligibility.
1220.531 Receiving ballots.
1220.532 Canvassing ballots.
1220.533 ASCS county office report.
1220.534 ASCS State office report.
1220.535 Results of the referendum.
1260.536 Disposition of ballots and records.
1220.537 Instructions and forms.

Subpart E—Procedure for the Conduct of Referenda

Definitions

§ 1220.501 Act.

The term *Act* means the Soybean Promotion, Research, and Consumer Information Act set forth in title XIX, subtitle E of the Food, Agriculture, Conservation and Trade Act of 1990 (Pub. L. 101–624) and any amendments thereto.

§ 1220.502 Administrator.

The term *Administrator* means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Department to whom there has heretofore been delegated or may hereafter be delegated the authority to act in the Administrator's stead.

§ 1220.503 Agricultural Stabilization and Conservation County Committee.

The term *Agricultural Stabilization and Conservation County Committee*, also referred to as "ASC County Committee," means the group of persons within a county elected to act as the County Agricultural Stabilization and Conservation Committee.

§ 1220.504 Agricultural Stabilization and Conservation Service.

The term *Agricultural Stabilization and Conservation Service*, also referred to as "ASCS," means the Agricultural Stabilization and Conservation Service of the Department.

§ 1220.505 Agricultural Stabilization and Conservation Service County Executive Director.

The term *Agricultural Stabilization and Conservation Service County Executive Director*, also referred to as "ASCS Executive Director," means the person employed by the ASC County Committee to execute the policies of the ASC county committee and be responsible for the day-to-day operation of the ASCS county office, or the person acting in such capacity.

§ 1220.506 Cooperative Extension Service.

The term *Cooperative Extension Service*, also referred to as "CES," means the State partner in the Cooperative Extension system.

§ 1220.507 Cooperative Extension Service Agent.

The term *Cooperative Extension Service Agent* also referred to as "CES Agent," means an employee of the Cooperative Extension Service.

§ 1220.508 Department.

The term *Department* means the United States Department of Agriculture.

§ 1260.509 Deputy Administrator.

The term *Deputy Administrator* means the Deputy or Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

§ 1220.510 Extension Service of the U.S. Department of Agriculture.

The term *Extension Service* of the U.S. Department of Agriculture also referred to as "ES" means the Federal partner of the Cooperative Extension System.

§ 1220.511 Order.

The term *Order* means the Soybean Promotion and Research Order.

§ 1220.512 Person.

The term *Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

§ 1220.513 Producer.

The term *Producer* means any person engaged in the growing of soybeans in the United States, who owns, or shares the ownership and risk of loss of such soybeans.

§ 1220.514 Public notice.

The term *Public notice* means information regarding a referendum which shall be provided by the Secretary, without advertising expenses, through press releases and by State and county CES offices and county ASCS offices, by means of newspapers, electronic media, county newsletters, and the like. Such notice shall contain the referendum date and location, registration and voting requirements, rules regarding absentee voting, and other pertinent information.

§ 1220.515 Referenda.

The term *Referenda* means any referenda to be conducted by the Secretary pursuant to the Act whereby producers shall be given the opportunity to vote.

§ 1220.516 Registration period.

The term *Registration period* means a 1-day period to be announced by the Secretary for registration of producers desiring to vote in a referendum. The registration period shall be the same day as the voting period.

§ 1220.517 Representative period.

The term *Representative period* means the period designated by the Secretary pursuant to section 1970 of the Act.

§ 1220.518 Secretary.

The term *Secretary* means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom there has been delegated or to whom authority may hereafter be delegated the authority to act in the Secretary's stead.

§ 1220.519 Soybeans.

The term *Soybeans* means all varieties of Glycine max or Glycine soja.

§ 1220.520 State and United States.

The terms *State* and *United States* include the 50 States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 1220.521 Voting period.

The term *voting period* means a 1-day period to be announced by the Secretary for voting in a referendum.

Referendum

§ 1220.522 General.

(a) A referendum to determine whether eligible producers favor the continuance of the Order and other referenda provided for under the Act shall be conducted in accordance with this subpart.

(b) Referendum results will be based on the Secretary's determination of approval or disapproval by a majority of the producers casting valid ballots in a referendum.

(c) Referenda shall be conducted at the county offices of the Cooperative Extension Service.

(d) The Agricultural Stabilization and Conservation Service of the Department shall assist in the conduct of referenda.

§ 1220.523 Supervision of referenda.

The Administrator, AMS, shall be responsible for conducting referenda in accordance with this subpart.

§ 1220.524 Eligibility.

(a) *Eligible producers.* Each person who was a producer during the representative period is entitled to register and vote in the referendum. Each producer entity shall be entitled to cast only one ballot in the referendum.

(b) *Proxy registration and voting.* Proxy registration and voting is not authorized except that an officer or employee of a corporate producer, or any guardian, administrator, executor, or trustee of a producer's estate, or an authorized representative of any eligible producer entity (other than an individual producer), such as a corporation or partnership, may register

and cast a ballot on behalf of such entity. Any individual registering to vote in the referendum on behalf of any producer entity shall certify that he or she is authorized by such entity to take such action.

(c) *Joint and group interest.* A group of individuals, such as members of a family, joint tenants, tenants in common, a partnership, owners of community property, or a corporation engaged in the production of soybeans as a producer entity shall be entitled to only one vote; provided, however, that any member of a group may register to vote as a producer if he or she is an eligible producer separate from the group.

§ 1220.525 Time and place of registration and voting.

A referendum shall be held for 1 day on a date to be determined by the Secretary. Eligible persons shall register and vote following the procedures in § 1220.528. Except for absentee ballots, the registration and voting shall take place during business hours of each county CES office.

§ 1220.526 Facilities for registering and voting.

Each county CES office shall provide adequate facilities and space to permit producers to register and to mark their ballots in secret and a sealed box or other suitable receptacle for registration forms and ballots which shall be kept under observation during office hours and secured at all times. Copies of the Order and a summary of the Order shall be available for review.

§ 1220.527 Registration form and ballot.

A ballot (LS–49) and certification and registration form (LS–49–2) shall be used for voting in person. The information required includes name, address, and telephone number and also contains a certification statement, referenced in § 1220.528(a)(1). The ballot requires producers to check a "yes" or "no." A combined registration and voting form (Form LS–44–2) shall be used for absentee voting.

§ 1220.528 Registration and voting procedure.

(a) *Registering and voting in person.* (1) Each producer desiring to vote in a referendum shall register on the day of voting at the county CES office in which the producer's residence is located or at the county CES office serving the county in which the producer's residence is located. Producer entities other than individuals shall register at the county CES office in the county in which their headquarters office or business is located or at the county CES office serving the county in which the entities' headquarters office or business is located. Producers will be required to list their names on the voter registration list (Form LS–49–3) prior to receiving a registration form and ballot. To register, each producer shall complete the registration form (LS–49–2)and certify that (i) they or the entity they represent were producers during the specified representative period, and (ii) if voting on behalf of an entity referred to in § 1220.524 they are authorized to do so.

(2) Each eligible producer who has not voted by means of an absentee ballot may cast a ballot in person at the location and time set forth in § 1220.525 and on a date to be announced by the Secretary. Eligible persons who enter their names on the voter registration list (Form LS–49–3) will receive a registration form/envelope (Form LS–49–2) and a ballot (Form LS–49). Voting shall be by secret ballot under the supervision of the local county CES agent or his designee. The ballot shall be marked by the voter to indicate "yes" or "no." Voters shall place their marked ballots in an envelope marked "SOYBEAN BALLOT," seal it and place it in the completed and signed registration form/envelope marked "SOYBEAN REFERENDUM," seal that envelope and personally place it in a box marked "Ballot Box" or other suitable receptacle.

(b) *Absentee voting.* (1) Eligible producers and entities unable to vote in person may request and obtain a combined absentee registration and voting form (Form LS–44) and two envelopes—one marked "SOYBEAN BALLOT" (Form LS–44–2) and the other marked "SOYBEAN REFERENDUM" (Form LS–44–1) by mail from the State CES office of the State in which they reside if individuals, or where their main office is located, if a corporation or other entity. Only one absentee registration form and absentee ballot will be provided to each eligible producer. The forms must be requested in writing during a specified time period which will be announced by the Secretary. The State CES office shall enter on the absentee voter request list (Form LS–44–3) the name and address of each person or entity requesting an absentee ballot and the date the forms were mailed. A copy of the applicable absentee voter request list (Form LS–44–3) prepared by the State CES office shall be provided to each ASCS county office for absentee voter verification.

(2) To register, eligible producers must complete and sign the registration (Form LS–44), and certify that:

(i) They or the entity they represent were producers during the specified representative period; and

(ii) If voting on behalf of an entity referred to in subsection § 1220.524, they are authorized to do so.

(3) A producer, after completing the registration form and marking the ballot, shall remove the ballot portion of Form LS–44 and seal the completed ballot in a separate envelope marked "SOYBEAN BALLOT" (Form LS–44–2) and place it in a second envelope marked "SOYBEAN REFERENDUM" (Form LS–44–1) along with the signed registration form. Producers shall print and sign their names on the envelope marked "SOYBEAN REFERENDUM" (Form LS–44–1) and mail it to the local county CES office of the county in which they reside or the county CES office serving the county in which they reside. In the case of a partnership, corporation, estate, or other entity, the registration form and ballot must be mailed to the county CES office in the county in which its main office is located or the county CES office in the county serving the county in which its main office is located.

(4) Absentee ballots must be received in the county CES office by the close of business, 5 business days before the date of the referendum. Absentee ballots received after that date shall be counted as invalid ballots. Upon receiving the "SOYBEAN REFERENDUM" envelope containing the registration form and ballot, the county CES agent or his designee shall place it, unopened in a secure ballot box. The county CES agent or his designee shall enter the names of absentee voters on the voter registration list (Form LS–44–3).

(5) A person casting an absentee ballot which is not recorded as being received or which is received after the deadline specified in this section may vote in person at the appropriate CES office on the day of the referendum.

§ 1220.529 List of registered producers.

The voter registration lists (Form LS–49–3 and LS–44–3) shall be available for inspection on the day of the referendum at the county CES office and subsequently at the ASCS county office. They shall be posted during regular office hours in a conspicuous public location at the ASCS county office on the second business day following the date of the referendum.

§ 1220.530 Challenge of eligibility.

(a) *Challenge period.* On the day of the referendum, the names of challenged voters may be reported to the CES county agent who will refer them to the ASCS county office. After that,

the names of the challenged voters shall be referred directly to the ASCS county office. A challenge of a person's eligibility to vote may be made no later than the close of business the second business day after the date of the referendum.

(b) *Who may challenge.* A person's eligibility to vote may be challenged by any person.

(c) *Determination of challenges.* The ASC county committee or its representative shall make a determination concerning the eligibility of a producer who has been challenged and notify challenged producers as soon as practicable, but no later than 5 business days after the date of the referendum. If the ASC county committee or its representative is unable to determine whether a person was a producer during the representative period, it may require the person to submit records such as tax returns, sales documents, or other similar documents to prove that the person was a producer during the representative period.

(d) *Challenged ballot.* The registration form/envelope (Form LS–49–2) containing the ballots cast by producers voting in person whose eligibility is challenged shall be removed from the ballot box and placed in a separate box until the challenge has been resolved. Envelopes containing absentee voter registration forms and absentee ballots (Form LS–44) of challenged absentee voters also shall be removed from the ballot box and placed in the box containing ballots of challenged producers. A challenged ballot shall be determined to have been resolved if the determination of the ASC county committee or its representative is not appealed within the time allowed for appeal or there has been a determination by the ASC county committee after an appeal.

(e) *Appeal.* A person declared to be ineligible to register and vote by the ASC county committee or its representative may file an appeal at the ASCS county office within 3 business days after notification of such decision. Such person may be required to provide documentation such as tax returns, sales documents, or similar documents in order to demonstrate his or her eligibility. An appeal shall be determined by the ASC county committee as soon as practicable, but in all cases not later than the 9th business day after the date of the referendum. The ASCS county committee's determination on an appeal is final.

§ 1220.531 Receiving ballots.

A ballot shall be considered to have been received during the voting period if (a) it was cast in the county CES office prior to the close of business on the day of the referendum; or (b) an absentee ballot was received in the county CES office not later than close of business 5 business days before the date of the referendum.

§ 1220.532 Canvassing ballots.

(a) *Counting the ballots.* The county CES agent or designee shall deliver the sealed ballot box, the voter registration list (Form LS–49–3) and the absentee voter request list (Form LS–44–3) to the ASCS county office by the close of business on the first business day following the date of the referendum. ASCS county employees and the county CES agent or designee shall check the registration forms of all voters against the voter registration list (Form LS–49–3) and the absentee voter request list (Form LS–44–3) to determine properly registered voters. The ballots of producers voting in person whose names are not on the voter registration list (LS–49–3) shall be declared invalid. Likewise, the ballots of producers voting absentee, whose names are not on the absentee voter request list (Form LS–44–3) shall be declared invalid. Ballots declared invalid and all ballots of challenged voters declared ineligible shall be kept separate from the other ballots and the envelopes containing these ballots shall not be opened. The valid ballots shall be counted on the 10th business day after the referendum date. ASCS county office employees shall remove the sealed "Soybean Ballot" envelope from the registration form/envelopes or absentee ballot envelopes of all eligible voters and all challenged voters determined to be eligible. When removing the "Soybean Ballot" envelopes, steps shall be taken to ensure that the voter's name cannot be identified. After removing all "Soybean Ballot" envelopes, ASCS county employees shall open them and count the ballots. The ballots shall be tabulated as follows: (1) Number of eligible producers casting valid ballots; (2) number of producers favoring the Order; (3) number of producers not favoring the Order; (4) number of challenged ballots; (5) number of challenged ballots deemed ineligible; (6) number of invalid ballots; and (7) number of spoiled ballots.

(b) *Invalid ballots.* Ballots shall be declared invalid if a producer voting in person has failed to sign the voter registration list (Form LS–49–3), or an absentee voter's name is not on the absentee voter request list (Form LS–44–3), or the registration form or ballot was incomplete or incorrectly completed.

(c) *Spoiled ballots.* Ballots shall be considered as spoiled ballots when they are mutilated or marked in such a way that it cannot be determined whether it is a "yes" or "no" vote. Spoiled ballots shall not be considered as approving or disapproving the Order, or as a ballot cast in the referendum.

(d) *Confidentiality.* All ballots shall be confidential and the contents of the ballots shall not be divulged except as the Secretary may direct. The public may witness the opening of the ballot box and tabulation of the votes but may not interfere with the process.

§ 1220.533 ASCS county office report.

The ASCS county office shall notify the ASCS State office of the results of the referendum. Each ASCS county office shall transmit the results of the referendum in its county to the ASCS State office. Such report shall include the information listed in § 1220.532(a). The results of the referendum in each county may be made available to the public. A copy of the report of results shall be posted for 30 days in the ASCS county office in a conspicuous place accessible to the public, and a copy shall be kept on file in the ASCS county office for a period of at least 12 months.

§ 1220.534 ASCS State office report.

Each ASCS State office shall transmit to the Deputy Administrator, ASCS, a written summary of the results of the referendum received from all the ASCS county offices within the State. The summary shall include the information on the referendum results contained in the reports from all county offices within each State and be certified by the ASCS State executive director. The ASCS State office shall maintain a copy of the summary where it shall be available for public inspection for a period of not less than 12 months.

§ 1220.535 Results of the referendum.

(a) The Deputy Administrator, ASCS, shall submit to the Administrator, AMS, the results of the referendum. The Administrator, AMS, shall prepare and submit to the Secretary a report of the results of the referendum. The results of any referendum shall be issued by the Department in an official press release and published in the **Federal Register**. State reports, and related papers shall be available for public inspection in the office of the Marketing Programs Branch, Livestock and Seed Division, Agricultural Marketing Service, USDA, room 2624 South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC.

(b) If the Secretary deems it necessary, the report of any State or county shall

be re-examined and checked by such persons that may be designated by the Deputy Administrator, ASCS, or the Secretary.

§ 1220.536 Disposition of ballots and records.

Each ASCS county executive director shall place in sealed containers marked with the identification of the referendum the voter registration list, absentee voter request list, voted ballots, challenged registration forms/envelopes, challenged absentee voter registration forms, challenged ballots found to be ineligible, invalid ballots, spoiled ballots, and county summaries. Such records shall be placed under lock in a safe place under the custody of the ASCS county executive director for a period of not less than 12 months after the referendum. If no notice to the contrary is received from the Deputy Administrator, ASCS, by the end of such time, the records shall be destroyed.

§ 1220.537 Instructions and forms.

The Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart to govern the conduct of the referendum.

Done at Washington, DC, on: April 30, 1993.

L.P. Massaro,

Acting Administrator.

[FR Doc. 93–10716 Filed 5–5–93; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30 and 35

RIN 3150–AE58

Authorization To Prepare Radiopharmaceutical Reagent Kits and Elute Radiopharmaceutical Generators; Use of Radiopharmaceuticals for Therapy; Extension of Expiration Date

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of expiration date.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to extend the expiration date of the interim final rule related to the preparation and therapeutic use of radiopharmaceuticals from August 23, 1993, to December 31, 1994. The proposed extension would allow licensees to continue to use byproduct material under the provisions of the interim final rule until the NRC completes a related rulemaking to address broader issues for the medical use of byproduct material (including those issues addressed by the interim final rule). The NRC expects that this broader rule would be completed and issued as a final rule before the end of 1994. This proposed extension of the expiration date is necessary to maintain the relief provided by the interim final rule.

DATES: The comment period expires June 7, 1993. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: 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.

Copies of any public comments received on the proposed rule may be examined at: the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony N. Tse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3797.

SUPPLEMENTARY INFORMATION:

Background

On June 5, 1989, the American College of Nuclear Physicians (ACNP) and the Society of Nuclear Medicine (SNM) submitted a petition for rulemaking (PRM–35–9), requesting the Commission to amend its regulations to permit licensed nuclear pharmacists and physicians greater flexibility in the preparation and use of radiopharmaceuticals. After reviewing the petition and consulting with the U.S. Food and Drug Administration (FDA), the NRC determined that some issues raised in the petition needed to be resolved expeditiously.

Subsequently, on August 23, 1990, the Commission published an interim final rule in the **Federal Register** (55 FR 34513) to allow medical use licensees, under certain conditions and limitations, to use therapeutic radiopharmaceuticals for indications and methods of administration not listed in the FDA-approved package inserts. In addition, the interim final rule allows medical use licensees and commercial nuclear pharmacies to depart from the manufacturer's instructions for preparing diagnostic radiopharmaceuticals using radionuclide generators and reagent kits, provided that the licensees follow the directions of a physician authorized user. The NRC amended the interim final rule to eliminate certain recordkeeping requirements related to the preparation and use of radiopharmaceuticals (57 FR 45566, October 2, 1992). The interim final rule will expire on August 23, 1993 unless it is extended.

Currently, the NRC is working on a broader proposed rule in response to PRM–35–9 that would resolve the issues raised in the petition, including the issues addressed by the interim final rule. The Commission intends to replace the provisions of the interim final rule with the provisions of this broader rule. The NRC expects that this broader rule will be promulgated and effective before the end of 1994. Therefore, the NRC is proposing to extend the expiration date of the interim final rule from August 23, 1993, to December 31, 1994. The proposed extension would allow licensees to continue to use byproduct material under the provisions of the interim final rule until the broader rule is completed and effective. This proposed extension is necessary to maintain the relief from restrictions provided by the interim final rule.

Discussion

Section 30.34 Terms and Conditions of Licenses

The NRC is proposing to extend the expiration date in paragraph (i)(1) of this section from August 23, 1993, to December 31, 1994. This extension is proposed to allow commercial nuclear pharmacies to continue to prepare byproduct material under the provisions of the interim final rule until the broader rule is effective.

Section 35.200 Use of Radiopharmaceuticals, Generators, and Reagent Kits for Imaging and Localization Studies.

The NRC is proposing to extend the expiration date in paragraph (c)(1) of this section from August 23, 1993, to December 31, 1994. This extension is proposed to allow medical use licensees to continue to use byproduct material under the provisions of the interim final rule until the broader rule is effective.

Section 35.300 Use of Radiopharmaceuticals for Therapy

The NRC is proposing to extend the expiration date in paragraph (b)(1) of this section from August 23, 1993, to December 31, 1994. This extension is

proposed to allow medical use licensees to continue to use byproduct material under the provisions of the interim final rule until the broader rule is effective.

Also, the NRC is proposing to replace the word "method" with the word "methods" in paragraph (b)(1) of this section to correct a typographical error.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed 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 under approval numbers 3150–0010 and 3150–0017.

Regulatory Analysis

In August 1990, the NRC implemented an interim final rule allowing licensees to depart from (a) the manufacturer's instructions for preparing diagnostic radiopharmaceuticals, and (b) the package insert instructions regarding use of radiopharmaceuticals for therapy. The effective period for the rule is from August 23, 1990, to August 23, 1993.

The NRC is proposing to extend the expiration date from August 23, 1993, to December 31, 1994. The proposed extension would allow licensees to continue to use byproduct material under the provisions of the interim final rule until there is an effective final rule in a related rulemaking in response to the ACNP–SNM petition to address broader issues for the medical use of byproduct material (including those issues addressed by the interim final rule). The NRC expects that this broader rule would be completed and effective before the end of 1994. This proposed extension of the expiration date is necessary to continue the relief from restrictions provided by the interim final rule until the effective date of the broader rule.

The alternative to this proposed extension is to maintain the existing expiration date. Under this alternative, the provisions in the interim final rule would expire on August 23, 1993, as would the relief from restrictions provided by the interim final rule.

The NRC concludes that this proposed extension is justified to continue to allow licensees to use byproduct material under the provisions of the interim final rule until the broader rule is effective.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that, if adopted, this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect medical use licensees including some private practice physicians. Some of these licensees would be considered small entities under the NRC's size standards published in the **Federal Register** on November 6, 1991 (56 FR 56672). The proposed amendments would extend the expiration date of the interim final rule from August 23, 1993, to December 31, 1994. The proposed extension would allow licensees to continue to use byproduct material under the provisions of the interim final rule until the NRC completes a related rulemaking to address broader issues for the medical use of byproduct material (including those issues addressed by the interim final rule). Therefore, for the reasons provided above, this amendment would not have a significant economic impact on a substantial number of small entities.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed amendment because this amendment does not impose requirements on existing nuclear power reactor licensees. Therefore, a backfit analysis was not prepared for this proposed amendment.

List of Subjects

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 35

Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, 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. 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 30 and 35.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for part 30 continues to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

2. In § 30.34, paragraph (i)(1) is revised to read as follows:

§ 30.34 Terms and conditions of licenses.

* * * * *

(i)(1) From August 23, 1990, to December 31, 1994, each licensee eluting generators and processing radioactive material with diagnostic reagent kits for which the Food and Drug Administration (FDA) has approved a "New Drug Application" (NDA), may depart from the manufacturer's elution and preparation instructions (for radiopharmaceuticals authorized for use pursuant to 10 CFR 35.200), provided that the licensee follows the directions of an authorized user physician.

* * * * *

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

3. The authority citation for part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

4. In § 35.200, paragraph (c)(1) is revised to read as follows:

§ 35.200 Use of radiopharmaceuticals, generators, and reagent kits for imaging and localization studies.

* * * * *

(c)(1) From August 23, 1990, to December 31, 1994, a licensee may depart from the manufacturer's instructions for eluting generators and preparing reagent kits for which the Food and Drug Administration (FDA) has approved a "New Drug Application" (NDA), by following the

directions of an authorized user physician.

* * * * *

5. In § 35.300, paragraph (b)(1) is revised to read as follows:

§ 35.300 Use of radiopharmaceuticals for therapy.

* * * * *

(b)(1) From August 23, 1990, to December 31, 1994, a licensee may depart from the package insert instructions regarding indications or methods of administration for a radiopharmaceutical for which the Food and Drug Administration (FDA) has approved a "New Drug Application" (NDA), provided that the authorized user physician has prepared a written directive as required by § 35.32(a).

* * * * *

Dated at Rockville, Maryland, this 23rd day of April, 1993.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 93–10686 Filed 5–5–93; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 251 and 261

Land Uses and Prohibitions; Noncommercial Group Uses

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the existing rules governing noncommercial group events and noncommercial distribution of printed material within the National Forest System. These revisions would ensure that the authorization procedures for these activities comply with First Amendment requirements of free speech and assembly.

DATES: Comments must be received in writing by August 4, 1993.

ADDRESSES: Send written comments to Recreation, Cultural Resources, and Wilderness Management Staff (2340), Forest Service, USDA, PO Box 96090, Washington, DC 20090–6090.

FOR FURTHER INFORMATION CONTACT: William T. Svensen, Recreation, Cultural Resources, and Wilderness Management Staff, (202) 205–1407, or Ellen R. Hornstein, Office of the General Counsel, Natural Resources Division, (202) 720–9616.

SUPPLEMENTARY INFORMATION:

Background

The First Amendment of the United States Constitution provides in part that the government may not abridge the freedom of speech or the right to assemble peaceably. U.S. Const., amend. I. Freedom of speech means the right to disseminate ideas freely, both orally or in writing.

It is well established that the government may enforce reasonable time, place, and manner restrictions on First Amendment activities. Such restrictions are appropriate where they are justified without regard to the content of the regulated speech, where they are narrowly tailored to further a significant governmental interest, and where they leave open ample alternative channels for communication of information. *Clark* v. *Community for Creative Non-Violence,* 468 U.S. 288, 293 (1984). Permits have been recognized as constitutional restrictions of time, place, and manner when specific and objective standards guide the licensing authority. *Shuttlesworth* v. *City of Birmingham,* 394 U.S. 147, 150–51, 153 (1969).

The Forest Service regulates activity on National Forest System lands through the issuance of special use authorizations. Issuing special use authorizations allows the Forest Service to protect resources and improvements on National Forest System lands and to prevent conflicts among potential or existing uses and activities. The rules at 36 CFR part 251, subpart B, govern the issuance of special use authorizations for all uses of National Forest System lands, improvements, and resources, except the disposal of timber (part 223) and minerals (part 228) and the grazing of livestock (part 222).

On June 21, 1984, the Secretary of Agriculture promulgated a revision to 36 CFR part 251, subpart B. That rule required a permit for two types of noncommercial group events, recreation events and special events, both of which involved ten or more participants or spectators. As defined, recreation events entailed competition, entertainment, or training, and special events included a meeting, assembly, demonstration, parade, or other activity involving the expression of views. Noncommercial groups that did not fall into either of these categories did not have to have a permit. Moreover, the rule contained different standards for denying a special use authorization for each type of group event (49 FR 25449).

Subsequently, a federal district court held that it is unconstitutional to require a group to obtain a special use authorization simply because they gather to exercise their constitutional right of free speech. The court explained that the Forest Service has the right to regulate large group activities on government land, but only if the regulation is content-neutral and applies to all large groups. *United States* v. *Israel,* No. CR–86–027–TUC–RMB (D. Ariz. May 10, 1986).

On May 10, 1988, the Forest Service published an interim rule amending 36 CFR 251.50 through 251.54 to comport with First Amendment rights of assembly and free speech within the National Forest System (53 FR 16548). Upon challenge of this rule, a federal district court held that the Forest Service had failed to show good cause for adopting the interim rule without prior notice as required by the Administrative Procedure Act, 5 U.S.C. 553. *United States* v. *Rainbow Family,* 695 F. Supp. 294, 302–06 (E.D. Tex. 1988). In addition, the court invalidated the classification established by the 1984 rule, which on its face singled out expressive conduct and required that it be treated differently from other activity. The court held that the 1984 rule lacked clear and objective standards for determining when a group activity is a "recreation event" and when it is a "special event" involving the exercise of free speech. *Rainbow Family,* 695 F. Supp. at 309, 312, The court further held that the standards for evaluating an application for an authorization for expressive conduct were unconstitutionally vague as they vested too much discretion in the authorized officer. *Id.* at 309–12. The court ruled that the 1984 regulations were invalid for failure to impose a timeframe for filing and acting on an application, and that the absence of any requirement in the 1984 regulations that a reason be stated for denial of a special use authorization made it impossible to discern the grounds for an authorized officer's decision. *Id.* at 311–12. Finally, the court held that the 1984 rule was invalid for failure to provide for judicial review of the administrative determination. *Id.* at 311.

As a result of these court rulings, the Forest Service is proposing revisions of the rules governing special uses at 36 CFR part 251. The purpose of this proposed rule is to regulate noncommercial group events and noncommercial distribution of printed material on National Forest System lands in compliance with First Amendment rights of assembly and free speech. To achieve this goal, the proposed rule contains specific, content-neutral criteria for evaluating applications for noncommercial group

events and noncommercial distribution of printed material and requires that the same criteria be applied to those activities, regardless of whether they involve First Amendment rights. In addition, the proposed rule requires an authorized officer to notify an applicant in writing of the reasons for denial of a special use authorization and provides for immediate judicial review of a decision denying an authorization.

Section-by-Section Analysis

Amendments to Part 251

Section 251.50—Scope

Paragraph (a) would be revised for clarity and to make explicit that an application is required for authorization of a special use. Paragraph (c) would be revised to clarify that a special use authorization is required for noncommercial group events involving 25 or more people and noncommercial distribution of printed material.

The agency has an interest in regulating group activities. Group activities tend to have a greater impact on forest resources and facilities than activities involving individuals or smaller parties. The agency also has an interest in regulating when noncommercial distribution of printed material occurs. Such distribution can occur by posting, affixing or erecting the material, which could damage natural resources if not regulated. In addition, as distribution generally occurs in crowded areas, it can obstruct traffic and create unsafe traffic conditions, for example, where a single-lane road provides the only access to a popular national forest attraction or where a national forest is near an urban center.

Section 251.51—Definitions

Section 251.51 contains definitions used in part 251, subpart B. The proposed rule would revise the definition for "group event" and add new terms and definitions for "commercial use or activity," "noncommercial use or activity," "printed material," and "distribution of printed material."

The term "group event" would cover any activity that involves and/or attracts 25 or more people, regardless of the purpose of the gathering. Thus, this term would embrace all groups that were included in the "special event" and "recreation event" categories of the 1984 rule, as well as those that were excluded. The Forest Service is proposing a cutoff of 25 people based on a review of the potential impact on resources and facilities. The agency believes that activities involving 25 or more people tend to have a greater impact on resources and facilities and thus require evaluation by an authorized officer. If the agency required an authorization for smaller group activities, the agency would be inundated with applications, which would create an unnecessary administrative burden and cost in light of the generally low impact of these activities. Public comment is especially invited on this group number threshold.

The terms and definitions for "commercial use of activity" and "noncommercial use or activity" would be added to clarify which activities would be subject to the authorization requirement in § 251.50(c)(3). The terms and definitions for "printed material" and "distribution of printed material" would be added to clarify one of the types of activities subject to the authorization requirement in § 251.50(c)(3).

Section 251.54—Special Use Applications

Section 251.54 of the existing rule prescribes procedures and requirements for processing applications for special use authorizations. Section 251.54(a) encourages all proponents to contact an authorized officer as early as possible so that potential constraints may be identified, the proposal can be considered in land management plans if necessary, and processing of an application can be tentatively scheduled. The proposed rule would amend § 251.54(a) to provide that the proponent will be given guidance and information about the items listed in paragraphs (a)(1) through (a)(8) only to the extent applicable to the proposed use and occupancy. For example, fees and bonding requirements listed in paragraph (a)(4) would not apply to applications for noncommercial group uses and noncommercial distribution of printed material and would not be discussed with proponents of those activities.

Section 251.54(e) specifies the information that must be contained in an application for a special use authorization. The proposed rule would amend paragraph(e)(1) to specify applicant identification requirements applicable to all special uses. Specifically, paragraph (e)(1) would require any applicant to provide his or her name and mailing address, or if the applicant is not an individual, the name and address of the applicant's agent who is authorized to receive notice of actions pertaining to the application.

Additionally, the proposed rule would amend this paragraph by adding a new paragraph (e)(2) to specify separate information requirements for noncommercial group uses and noncommercial distribution of printed material. Paragraph (e)(2) would require applicants for noncommercial group uses and noncommercial distribution of printed material to provide the following:

(1) A description of the proposed activity;

(2) A description of the National Forest System land and any facilities the applicant would like to use;

(3) The estimated number of participants and spectators;

(4) The date and time of the proposed activity; and

(5) The name of the person or persons 21 years of age or older who will sign a special use authorization on behalf of the applicant.

This is the minimum information needed by the authorized officer to apply the evaluation criteria in the proposed rule. Application information requirements for all other special uses would remain as provided in the existing rule, with one exception. The provision currently in paragraph (e)(1) concerning the deference to be given to findings of another agency would be moved to a new paragraph (f)(4), since this provision relates to the processing of applications rather than to their content.

The *Rainbow* court identified the need for a specific timeframe for granting or denying an application for a noncommercial group event or noncommercial distribution of printed material. 695 F. Supp. at 311. This decisionmaking process, however, may trigger extensive statutory and regulatory requirements, including those imposed by the National Environmental Policy Act of 1969 (NEPA), 42 USC 4331 *et seq.*, the Endangered Species Act (ESA), 16 USC 531 *et seq.*, the National Historic Preservation Act, 16 USC 470 *et seq.*, and other laws. The time needed to comply with these requirements varies greatly depending on the particular circumstances of each application. Committing to a specific timeframe could put the agency in the position of having to choose between violating either its own regulations or one or more of these statutory mandates.

Consequently, the agency has determined that it would be infeasible and arbitrary to specify a time period in which final agency decision would be made.

In recognition of these competing concerns, the proposed rule would add a new paragraph (f)(5) providing that the agency would grant or deny an application for noncommercial group events or noncommercial distribution of

printed material without unreasonable delay. A determination of whether the agency acted with sufficient speed would require an analysis of what is reasonable under the circumstances, in view of the applicable statutory and regulatory obligations. Applicants are encouraged to contact the agency as early as possible to discuss the amount of time that could be required to make a decision, and to apply sufficiently in advance of their proposed activities to allow the agency to comply with applicable statutory and regulatory requirements.

Section 251.54(h) of the 1984 rule enumerated grounds for denying an application for a special use other than a special event. Section 251.54(i) listed separate grounds for denying an application for a special event, which involved the expression of views. Thus, the 1984 rule applied different criteria for activities with First Amendment implications than for all other activities, including other types of group events. Moreover, the criteria for First Amendment activities were not specific enough to reduce the potential for application of disparate standards in reviewing applications for an authorization.

The proposed rule would presume that any noncommercial group event and noncommercial distribution of printed material would be authorized, upon a determination that seven evaluation criteria were met. These criteria would merely regulate time, place, and manner with respect to a proposed activity. The proposed rule would dictate that these same criteria be applied to all types of noncommercial group events and noncommercial distribution of printed material. Thus, these criteria are intended to be content-neutral, are narrowly tailored to advance significant governmental interests, and leave open ample alternative channels for communication of the information.

Specifically, § 251.54(h)(1) of the proposed rule would provide that an authorized officer shall grant an application for a special use authorization for any noncommercial group event or for noncommercial distribution of printed material, upon a determination that:

(1) *The proposed activity is not prohibited by the rules at 36 CFR part 261, subpart A, or by an order issued pursuant to 36 CFR part 261, subpart B, or by federal, state, or local law unrelated to the content of expressive activity.* This criterion would allow the agency to deny an application for an activity that would violate federal, state, or local law. This criterion would also allow the Forest Service to regulate where a proposed activity would be conducted. The Forest Service must comply with applicable federal law and regulations in managing the National Forest System. For example, the Wilderness Act requires the Forest Service to protect and manage wilderness areas so as to preserve their natural condition and to ensure that the imprint of human activity remains substantially unnoticeable. 16 U.S.C. 1131(c). The ESA prohibits a taking of an endangered species. A "taking" as defined by the ESA includes the loss of a listed species habitat. Thus, an authorized officer might deny an application if the activity would be conducted in a wilderness area or would risk a taking of a threatened or endangered species such as the spotted owl or grizzly bear. In addition, an authorized officer would have to deny an application if the activity would be conducted in an area that is closed or restricted pursuant to an order issued under 36 CFR part 261. Under a 261 order, the Forest Service might close a trial in the event of extreme fire danger or inclement weather.

(2) *The proposed activity is consistent or can be made consistent with the applicable approved land and resource management plan.* The National Forest Management Act requires that "(r)esource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans." 16 U.S.C. 1604(i). An activity is consistent with a forest plan if it adheres to a plan's standards and guidelines that are forest-wide or that are included in management prescriptions for specific management areas. Standards and guidelines describe any activities that are not permitted to occur in a specified area or prescribe how activities must be implemented for environmental protection or other purposes. Forest plans are developed in accordance with the rules at 36 CFR part 219 and adopted with extensive public participation and comment.

(3) *The proposed activity would not delay, halt, or prevent administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System land, including but not limited to uses and activities authorized pursuant to parts 222, 223, 228, and 251 of this chapter.* Under this criterion, an authorized officer might require a large group to alter arrival and departure times or to use an alternative access route to avoid congestion. An officer might suggest an alternate site on the opening day of fishing season for the same reason. This criterion would also allow the Forest Service to ensure that a group of Boy Scouts is not given a site that is already being used as pastureland under a grazing permit or that is currently being logged under a timber sale contract.

The 1984 rule provided that an application for a special event could be denied if the event conflicted with a previously approved use or if it would be of such nature or duration that it could not reasonably be accommodated in the place and time requested (49 FR 25449). The federal district court in *Rainbow Family* held that denying a permit because it "conflicts" with another use or because it "cannot reasonably be accommodated" in the time and place requested allows for too much discretion on the part of the authorized officer. 695 F. Supp. at 312.

This proposed rule would address the court's concern by providing specific examples of how an activity covered by this paragraph could delay, halt, or prevent existing or scheduled activities and what those activities might include. Similarly, the proposed rule would remove the unconstitutionally vague criterion which allows an authorized officer to deny an application for an activity covered by this proposed rule on the ground that it cannot reasonably be accommodated in the time and place requested.

(4) *The proposed activity would not pose a substantial danger to public health. Considerations of public health shall be limited to the following with respect to the proposed site:*

(a) *The sufficiency of sanitation facilities;*

(b) *The adequacy of waste disposal facilities;*

(c) *The availability of sufficient potable drinking water, in view of the expected number of users and duration of use;*

(d) *The risk of disease from the physical characteristics of the proposed site or natural conditions associated with the proposed site;*

(e) *The risk of contamination of the water supply; and*

(f) *The sufficiency of a plan for safe handling of food.*

(5) *The proposed activity would not pose a substantial danger to public safety. Considerations of public safety shall not include concerns about possible reaction to the users' identity or beliefs from non-members of the group seeking an authorization and shall be limited to the following:*

(a) *The potential for physical injury to other forest users from the proposed activity;*

(b) *The potential for physical injury to users from the physical characteristics of the proposed site or natural conditions associated with the proposed site;*

(c) *The potential for physical injury to users from scheduled or existing uses or activities on National Forest System land; and*

(d) *The adequacy of ingress and egress in case of an emergency.*

The 1984 rule allowed an authorized officer to deny an application for a special event if it presented a clear and present danger to the public health or safety (49 FR 25449). The *Rainbow* court struck down this language because it was too vague and allowed for too much discretion on the part of the authorized officer. 695 F. Supp. at 311. The proposed rule would overcome this deficiency. In regulating where the activity would occur, the criterion in the proposed rule would restrict the authorized officer's discretion by enumerating concrete, content-neutral considerations of public health and safety.

(6) *The proposed activity does not involve military or paramilitary training or exercises by private organizations or individuals, unless such training or exercises are federally funded.* This activity does not implicate the First Amendment and is currently prohibited by Forest Service policy as inconsistent with National Forest System purposes.

(7) *A person or persons 21 years of age or older has been designated to sign and does sign a special use authorization on behalf of the applicant.* The agency must have someone to contact for purposes of special use administration. The authorized officer may have questions about the application or may need to notify the applicant in the event of an emergency. If the application does not identify a contact person, the agency cannot make the appropriate notifications. In addition, someone on behalf of the applicant must accept the responsibilities associated with use of National Forest System land.

Public comment is especially invited on the seven evaluation criteria.

If, at the conclusion of the application process, the application does not meet the seven criteria, an administrative officer could deny the application. Under proposed § 251.54(h)(2), however, an authorized officer would have to notify an applicant in writing of the reasons for denial of an application for a special use authorization. The proposed rule would make explicit that a denial of an application under § 251.54(h)(1) would constitute final agency action and would be immediately subject to judicial review.

Section 251.56—Terms and Conditions

The proposed rule would amend § 251.56(e) on bonding to provide that an authorized officer could not require bonding for holders of authorizations for noncommercial group events or noncommercial distribution of printed material. This amendment would clarify the agency's intent to ensure that no undue burdens are imposed on the exercise of First Amendment rights.

Section 251.57—Fees

The proposed rule revises § 251.57 on fees for special use authorizations to provide that no fee will be charged when the authorization is for a noncommercial group event or for the noncommercial distribution of printed material. This revision would clarify the agency's intent to ensure that no undue burdens are imposed on the exercise of First Amendment rights.

Section 251.60—Termination, Revocation, and Suspension

Section 251.60 provides several grounds for terminating, revoking, or suspending a special use authorization, one of which is for reasons in the public interest. The proposed rule would amend this broad basis for termination, revocation, or suspension to exclude authorizations for noncommercial group events or noncommercial distribution of printed material. This amendment would clarify the agency's intent to ensure that the authorized officer does not have unbridled discretion with respect to administration of noncommercial First Amendment activities in the National Forest System. Under § 251.60(a), an authorized officer could still terminate, revoke, or suspend an authorization for these activities for noncompliance with applicable statutes, regulations, or terms and conditions of the authorization; for failure of the holder to exercise the rights and privileges granted; with the consent of the holder; or when, by its terms, a fixed or agreed upon condition, event, or time occurs.

Amendment to Part 261

In addition to the changes at 36 CFR part 251, subpart B, the proposed rule would make corollary amendments to the rules at 36 CFR part 261, subpart A, which contain general prohibitions in effect for the National Forest System.

The proposed rule would amend the authority citation for part 261 to consolidate the references. The proposed rule would also amend the definitions and prohibitions governing occupancy and use to make them consistent with the requirement in part 251 that a special use authorization is required for noncommercial distribution of printed material.

Section 261.2—Definitions

In the definitions section, the term "placing" would be replaced by the word "affixing." "Placing" could be construed to prohibit leaving printed material under windshield wipers or on dashboards of vehicles, neither of which would result in injury to public or private property. Use of the word "affixing" would narrow the prohibition to address damage to forest resources and facilities.

Section 261.10—Occupancy and Use

With respect to distribution of printed material, the proposed rule would prohibit delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System land; misrepresenting the purposes or affiliations of those distributing the material; or misrepresenting the availability of the material without cost or donation. Consistent with the third evaluation criterion proposed for part 251, this language would regulate time, place, and manner for the distribution of printed material. This prohibition would also protect the public from fraud by prohibiting specific types of misrepresentation in the context of such distribution.

Section 261.14—Developed Recreation Sites

The proposed rule would remove from this section the prohibition on distribution of printed material without a special use authorization. This prohibition is subsumed in the prohibition contained in § 261.10(g), which applies throughout the National Forest System.

Summary

With the changes in definitions and establishment of very limited circumstances under which an authorized officer could deny a special use authorization for noncommercial group events and noncommercial distribution of printed material, the proposed rule would preserve the fundamental constitutional rights of free speech and assembly, while providing reasonable administrative mechanisms to control or prevent adverse impacts on resources and public health and safety.

Public comment is invited and will be considered in adoption of the final rule. It will aid analysis of comments if

reviewers key them to specific sections of the proposed rule. Respondents should also note that in conducting this analysis, the agency will give more weight to substantive comments than to simple "yes," "no," or "check-off" responses to form letters or questionnaires.

A separate proposed rule revising the existing regulations at 36 CFR part 251 governing application procedures for all other special uses was published in the **Federal Register** at 57 FR 36618 on August 14, 1992. Upon adoption, that final rule will be integrated with this rulemaking to ensure consistency in substance and format.

Regulatory Impact

This proposed rule has been revised under USDA procedures and Executive Order 12291 on Federal Regulations. It has been determined that this would not be a major rule. The proposed rule would not have an effect of $100 million or more on the economy, substantially increase prices or costs for consumers, industry, or state or local governments, or adversely affect competition, employment, investment, productivity, innovation, or the ability of domestic companies to compete in foreign markets. In short, this proposed rule would have little or no impact on the national economy. The proposed rule would consist primarily of technical and administrative changes for authorization of occupancy and use of National Forest System lands.

Moreover, this proposed rule has been considered in light of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This action would not have a significant economic impact on a substantial number of small entities because it would not impose recordkeeping requirements on them; it would not affect their competitive position in relation to large entities; and it would not affect their cash flow, liquidity, or ability to remain in the market.

This proposed rule has been reviewed for its impact on private property rights under Executive Order 12630 of March 15, 1988, as implemented by the United States Attorney General's Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings. Executive Order 12630 would not apply to this proposed rule because it would consist primarily of technical and administrative changes governing application procedures for authorization of occupancy and use of National Forest System lands. Application for a special use authorization does not grant any right, title, or interest in or to lands or resources held by the United States.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule were adopted, (1) all state and local laws and regulations that are in conflict with this proposed rule or which would impede its full implementation would be preempted; (2) no retroactive effect would be given to this proposed rule; and (3) it would not require administrative proceedings before parties may file suit in court challenging its provisions.

Paperwork Reduction Act

The information an applicant must provide the Forest Service to obtain an authorization for a noncommercial group event or noncommercial distribution of printed material (proposed § 251.54(e)(2)(i) (A)–(E)) constitutes an information requirement as defined by the Paperwork Reduction Act and the Office of Management and Budget implementing rules at 5 CFR part 1320 and thus would require OMB approval before adoption of the final rule. The Forest Service is requesting OMB approval of the information required for these applications. The agency estimates that each applicant would spend an average of one to four hours preparing an application, depending on the scope and complexity of the proposed activity. Comments on this information requirement should be submitted to the office listed in this proposed rule under **ADDRESSES**, as well as to the: Forest Service Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Environmental Impact

This proposed rule consists primarily of technical and administrative changes related to authorization of occupancy and use of National Forest System lands. No extraordinary circumstances have been identified that might cause this proposed action to have a significant effect on the human environment. Therefore, the agency's preliminary determination is that this proposed rule is categorically excluded from documentation in an Environmental Impact Statement or an Environmental Assessment (40 CFR 1508.4; Forest Service Handbook 1909.15, Environmental Policy and Procedures, section 31.1b(2), 57 FR 43208, September 18, 1992). A final determination will be made at the time of publication of the final rule.

List of Subjects

36 CFR Part 251

Electric power, Mineral resources, National forests, Rights-of-way, Water resources.

36 CFR Part 261

Law enforcement, National forests.

Therefore, for the reasons set forth in the preamble, it is proposed to amend part 251, subpart B, and part 261, subpart A, of chapter II of title 36 of the Code of Federal Regulations as follows:

PART 251—LAND USES

Subpart B—Special Uses

1. The authority citation for subpart B continues to read:

Authority: 16 U.S.C. 472, 551, 1134, 3210; 30 U.S.C. 185; 43 U.S.C. 1740, 1761–1771.

2. Amend § 251.50 by revising the heading and paragraphs (a), (c), introductory text, and (c)(3) to read as follows:

§ 251.50 Scope.

(a) All uses of National Forest System lands, improvements, and resources, except those provided for in the regulations governing the disposal of timber (part 223) and minerals (part 228) and the grazing of livestock (part 222), are designated "special uses." Before engaging in a special use, persons or entities must submit an application to an authorized officer and must obtain a special use authorization from the authorized officer, unless that requirement is waived by paragraph (c) of this section.

* * * * *

(c) A special use authorization is not required for noncommercial recreational activities such as camping, picnicking, hiking, fishing, hunting, horseback riding, and boating, as well as noncommercial activities involving the expression of views such as assemblies, meetings, demonstrations, and parades, except for:

* * * * *

(3) Noncommercial group events or noncommercial distribution of printed material as defined in § 251.51 of this subpart.

* * * * *

3. Amend § 251.51 by removing the terms and definitions for *Distributing noncommercial printed material* and *Noncommercial printed material,* revising the definition for *"Group event,"* and adding the following new terms and definitions in alphabetical order to read as follows:

§ 251.51 Definitions.

* * * * *

Commercial use or activity—any use or activity on National Forest System lands involving the charge of an entry or participation fee, or the purchase, sale, or exchange of a product or service, regardless of whether the use or activity is intended to produce a profit.

Distribution of printed material—disseminating, posting, affixing, or erecting printed material as defined in this section or soliciting information, views, or signatures in conjunction with the distribution of printed material.

Group event—an activity conducted on National Forest System lands that involves and/or attracts 25 or more people.

Noncommercial use or activity—any use or activity that does not involve a commercial use or activity as defined in this section.

Printed material—any written and/or graphic material including but not limited to pamphlets, periodicals, leaflets, brochures, photographs or graphics, handbills, signs, petitions, posters, bumper stickers, and booklets.

* * * * *

4. Amend § 251.54 by revising paragraphs (a), introductory text, (e)(1), (e)(2)(i) and the introductory text of (e)(2)(ii), redesignating paragraphs (f)(1) and (f)(2) as (f)(2) and (f)(3) and redesignating the first sentence of paragraph (f) as paragraph (f)(1), and adding new paragraphs (f)(4) and (f)(5) and revising paragraph (h) to read as follows:

§ 251.54 Special use applications.

(a) *Preapplication activity.* When occupancy or use of National Forest System land is desired, a proponent is encouraged to contact the Forest Service office(s) responsible for management of the affected land as early as possible so that potential constraints may be identified, the proposal can be considered in land management plans if necessary, and processing of an application can be tentatively scheduled. To the extent applicable to the proposed use and occupancy, the proponent will be given guidance and information about:

* * * * *

(e) *Application content*—(1) *Applicant identification.* Any applicant for a special use authorization shall provide the applicant's name and mailing address, or if the applicant is not an individual, the name and address of the applicant's agent who is authorized to receive notice of actions pertaining to the application.

(2) *Minimum information.*—(i) *Noncommercial group events and noncommercial distribution of printed material.* An applicant for noncommercial group events and noncommercial distribution of printed material shall provide the following:

(A) A description of the proposed activity;

(B) A description of the National Forest System land and any facilities the applicant would like to use;

(C) The estimated number of participants and spectators;

(D) The date and time of the proposed activity; and

(E) The name of the person or persons 21 years of age or older who will sign a special use authorization on behalf of the applicant.

(ii) *All other special uses.* If requested by an authorized officer, an applicant in one of the following categories shall furnish the information specified for that catetory:

(A) A State and local government agency: a copy of the authorization under which the application is made;

(B) A public corporation: the statute or other authority under which it was organized;

(C) A Federal government agency: the title of the agency official delegated the authority to file the application:

(D) A private corporation: (*1*) Evidence of incorporation and its current good standing; (*2*) if reasonably obtainable by the applicant, the name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote; (*3*) the name and address of each affiliate of the entity; (*4*) in the case of an affiliate which is controlled by the entity, the number of shares and the percentage of any class of voting stock of the affiliate that the entity owns either directly or indirectly; or (*5*) in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, either directly or indirectly by the affiliate; or

(E) A partnership, association or other unincorporated entity: a certified copy of the partnership agreement or other similar document, if any, creating the entity, or a certificate of good standing under the laws of the State.

* * * * *

(f) *Processing applications.* (1) * * *

(4) The authorized officer shall give due deference to the findings of another agency such as the Public Utility Commission, the Federal Energy Regulatory Commission, or the Interstate Commerce Commission in lieu of another detailed finding. If this information is already on file with the Forest Service, it need not be refiled if reference is made to the previous filing date, place, and case number.

(5) A decision to grant or deny an application for a noncommercial group event or noncommercial distribution of printed material shall be made without unreasonable delay.

* * * * *

(h) *Response to applications for noncommercial group events or for the noncommercial distribution of printed material.* (1) An authorized officer shall grant an application for a special use authorization for a noncommercial group event or for noncommercial distribution of printed material, upon a determination that:

(i) The proposed activity is not prohibited by the rules at 36 CFR part 261, subpart A, or by orders issued pursuant to 36 CFR part 261, subpart B, or by Federal, State, or local law;

(ii) The proposed activity is consistent or can be made consistent with the applicable approved land and resource management plan required pursuant to 36 CFR part 219;

(iii) The proposed activity will not delay, halt, or prevent administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System land, including but not limited to uses and activities authorized pursuant to parts 222, 223, 228, and 251 of this chapter;

(iv) The proposed activity will not pose a substantial danger to public health. Considerations of public health shall be limited to the following with respect to the proposed site:

(A) The sufficiency of sanitation facilities;

(B) The adequacy of waste disposal facilities;

(C) The availability of sufficient potable drinking water, in view of the expected number of users and duration of use;

(D) The risk of disease from the physical characteristics of the proposed site or natural conditions associated with the proposed site;

(E) The risk of contamination of the water supply;

(F) The sufficiency of a plan for safe handling of food.

(v) The proposed activity will not pose a substantial danger to public safety. Considerations of public safety shall not include concerns about possible reaction to the users' identity or beliefs from non-members of the group seeking an authorization and shall be limited to the following:

(A) The potential for physical injury to other forest users from the proposed activity;

(B) The potential for physical injury to users from the physical characteristics of the proposed site or natural conditions associated with the proposed site;

(C) The potential for physical injury to users from scheduled or existing uses or activities on National Forest System land; and

(D) The adequacy of ingress and egress in case of an emergency;

(vi) The proposed activity does not involve military or paramilitary training or exercises by private organizations or individuals, unless such training or exercises are federally funded; and

(vii) A person or persons 21 years of age or older has been designated to sign and does sign a special use authorization on behalf of the applicant.

(2) If an authorized officer denies an application because it does not meet the criteria in paragraphs (h)(1)(i) through (vii) of this section, the authorized officer shall notify the applicant in writing of the reasons for the denial. A denial of an application under paragraph (h)(1)(i) through (vii) of this section constitutes final agency action and is immediately subject to judicial review.

5. Amend § 251.56 by revising paragraph (e) to read as follows:

§ 251.56 Terms and conditions.

* * * * *

(e) *Bonding.* An authorized officer may require the holder of a special use authorization for other than noncommercial group events and noncommercial distribution of printed material to furnish a bond or other security to secure all or any of the obligations imposed by the terms of the authorization or by any applicable law, regulation or order.

* * * * *

6. Amend § 251.57 by redesignating paragraphs (d) through (g) as (e) through (h) and adding a new paragraph (d) to read as follows:

§ 251.57 Rental fees.

* * * * *

(d) No fee shall be charged when the authorization is for a noncommercial group event or for the noncommercial distribution of printed material as defined in § 251.51 of this subpart.

* * * * *

7. Revise § 251.60(b) to read as follows:

§ 251.60 Termination, revocation, and suspension.

* * * * *

(b) A special use authorization may be suspended, revoked or terminated, in the discretion of the authorized officer, for reasons in the public interest, except that this provision shall not apply to special use authorizations for noncommercial group events or noncommercial distribution of printed material.

* * * * *

PART 261—PROHIBITIONS

8. Revise the authority citation for part 261 to read as follows:

Authority: 7 U.S.C. 1011(f); 16 U.S.C. 472, 551, 1133(c)–(d)(1), 1246(i).

Subpart A—General Prohibitions

9. Amend § 261.2 by adding the following new terms and definitions in alphabetical order to read as follows:

§ 261.2 Definitions.

* * * * *

Distribution of printed material. Disseminating, posting, affixing, or erecting printed material as defined in this section or soliciting information, views, or signatures in conjunction with the distribution of printed material.

Printed material. Any written and/or graphic material including but not limited to pamphlets, leaflets, brochures, photographs or graphics, handbills, signs, petitions, posters, bumper stickers, and booklets.

* * * * *

10. Amend § 261.10 by redesignating paragraphs (h) through (m) as paragraphs (i) through (n), revising paragraph (g), and adding a new paragraph (h) to read as follows:

§ 261.10 Occupancy and use.

* * * * *

(g) Distributing any printed material without a special use authorization.

(h) When distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System land; misrepresenting the purposes or affiliations of those selling or distributing the material; or misrepresenting the availability of the material without cost or donation.

* * * * *

§ 261.14 [Amended]

11. Amend § 261.14 by removing paragraph (p) and redesignating paragraph (q) as paragraph (p).

Dated: March 25, 1993.

George M. Leonard,

Associate Chief.

[FR Doc. 93–10625 Filed 5–5–93; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL–4652–3]

Public Meeting on the Rulemaking for the Pulp, Paper, and Paperboard Industry

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meetings.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing two public meetings regarding regulations that will apply to the pulp, paper, and paperboard industry. The regulations are scheduled to be proposed in October 1993. EPA is sponsoring these meetings to report on the status of regulatory development and to gather information and ideas from interested parties.

DATES: The dates for the public meetings are Wednesday, May 19, 1993, 9 a.m. to 5 p.m. and Wednesday, June 9, 1993, 9 a.m. to 5 p.m.

ADDRESSES: The May 19 meeting will be held at the Virginia Center for Innovative Technology, which is located near Dulles Airport at 2214 Rock Hill Road, Herndon, Virginia 22070, telephone number 703–689–3000. The June 9 meeting will be held at the Omni Durham Hotel, 210 Foster St., Durham, North Carolina 27701. A block of rooms is being held for meeting participants. Please call the hotel directly at 919–683–OMNI for reservations.

FOR FURTHER INFORMATION CONTACT: Wendy Smith at the U.S. Environmental Protection Agency—by mail at WH–552, Office of Science and Technology, 401 M. Street SW, Washington, DC 20460; by telephone at (202) 260–7184.

SUPPLEMENTARY INFORMATION: EPA is developing effluent limitations guidelines and standards under authority of the Clean Water Act and maximum achievable control technology standards under authority of the Clean Air Act. The Agency is scheduled to propose these water and air regulations in October 1993.

At the public meeting on May 19, 1993, EPA plans to report the technology basis selected for the proposed regulations. Other agenda items may include implementation

issues and presentations by interested parties. At the June 9, 1993 meeting, implementation issues will be discussed.

Inspection of Documents: Meeting materials, including a preliminary agenda, will be mailed approximately one week prior to the meeting or distributed at the meeting. The mailing list has been compiled from previous public meeting attendees and by requests. Anyone wishing to be added to the mailing list for meeting materials may contact Wendy Smith at the address or phone number above.

Dated: April 29, 1993.

James Hanlon,

Acting Director, Office of Science and Technology.

[FR Doc. 93–10711 Filed 5–5–93; 8:45 am]

BILLING CODE 655–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–118, RM–8219]

Radio Broadcasting Services; Trenton, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Robert D. Fogel, the personal representative of the estate of William H. Burckhalter, licensee of Station WEWB (FM), Channel 269A, Trenton, Florida, requesting the substitution of Channel 269C2 for Channel 269A at Trenton, Florida, and the modification of Station WCWB(FM)'s license to specify operation on the higher class channel. The coordinates for Channel 269C2 at Trenton are North Latitude 29–35–00 and West Longitude 83–05–50.

DATES: Comments must be filed on or before June 21, 1993, and reply comments on or before July 6, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert D. Fogel, Legare, Hare, & Smith P.O. Box 578, 63 Broad Street, Charleston, SC 29402 (Counsel for Estate of William H. Burckhalter).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–118, adopted April 13, 1993, and released April 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M. Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800 1919 M Street, NW, room 246, or 2100 M Street, NW, suite 140, Washington, DC 20037.

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

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is not longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93–10620 Filed 5–5–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–117, RM–8214]

Radio Broadcasting Services; Kahalu'u, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Brewer Broadcasting Corp., requesting the substitution of Channel 291C for Channel 291A at Kahalu'u, Hawaii, and the modification of Station KLEO(FM)'s license to specify operation on the higher class channel. The coordinates for Channel 291C at Kahalu'u are North Latitude 19–44–30 and West Longitude 155–57–23.

DATES: Comments must be filed on or before June 21, 1993, and reply comments on or before July 6, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dan J. Alpert, 1250 Connecticut Avenue, NW., #700, Washington, DC 20036 (Attorney for petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–117, adopted April 13, 1993, and released April 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., room 246, or 2100 M Street, NW., suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93–10621 Filed 5–5–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–119, Rm–8215]

Radio Broadcasting Services; Hali'imaile, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by RC Broadcasting, Inc. requesting the substitution of Channel 288C for

Channel 288A at Hali'imaile, Hawaii, as that community's first wide coverage area FM service. The proposed coordinates are North Latitude 20–49–24 and West Longitude 156–27–27.

DATES: Comments must be filed on or before June 21, 1993, and reply comments on or before July 6, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant as follows: Dan J. Alpert, 1250 Connecticut Avenue, NW., #700, Washington, DC 20036 (Attorney for Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–119, adopted April 13, 1993, and released April 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230) 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., room 246, or 2100 M Street, NW suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

Michael C. Ruger,

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

[FR Doc. 93–10622 Filed 5–5–93; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 509

General Services Administration Acquisition Regulation, Debarment and Suspension Factfinding

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Proposed rule.

SUMMARY: This document invites comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) that would amend regulations on debarment and suspension factfinding. The changes conform the GSAR to the existing requirements of the FAR. As provided in the FAR, the proposed change preserves the role of the factfinder in resolving material facts in dispute and makes it clear that the suspending and debarring official determines whether cause for suspension or debarment exists based on the facts as found. In addition, the revision would add a sentence stating that suspension hearings on material facts in dispute will be conducted as outlined in 509.406–3 (b)(8) and (b)(9).

DATES: Comments are due in writing on or before June 7, 1993.

ADDRESSES: Comments should be addressed to Marjorie Ashby, Office of GSA Acquisition Policy, 18th & F Streets, NW., room 4006, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ida M. Ustad, Office of GSA Acquisition Policy (2020 501–1224.

A. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

B. Regulatory Flexibility Act

An Initial Regulatory Flexibility Analysis has not been prepared because the proposed rule does not appear to have a significant economic impact on a substantial number of small entities because it simply changes which GSA official, the suspension or the debarment official rather than the factfinding official, makes the determination regarding whether there is a cause for suspension or debarment. However, comments from small entities concerning the proposed rule will be considered in accordance with 5 U.S.C 601 *et seq.*

C. Paperwork Reduction Act

This proposed rule does not contain information collection requirements the require the approval of OMB under 44 U.S.C. 3501 *et seq.*

List of Subject in 48 CFR Part 509

Government procurement.

Accordingly, it is proposed to amend 48 CFR part 509 as follows:

1. The authority citation for 48 CFR part 509 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 509—CONTRACTOR QUALIFICATIONS

2. Section 509.406–3 is amended by revising paragraph b(8) to read as follows:

509.406–3 Procedures.

* * * * *

(b) * * *

* * * * *

(8) The purpose of a fact-finding hearing is to:

(i) Afford the affected party the opportunity to dispute material facts relating to the proposed debarment through the submission of oral and written evidence; and

(ii) Resolve facts in dispute and provide the debarring official with written findings of fact based on a preponderance of evidence.

* * * * *

3. Section 509.407–3 is amended by adding a sentence at the end of paragraph (b)(6) to read as follows:

509.407–3 Procedures.

* * * *

(b) * * *

* * * * *

(6) Hearing will be conducted as outlined in 509.406–3 (b)(8) and (b)(9).

4. Section 509.407–3(b)(7) is revised to read as follows:

(7) The purpose of a fact-finding hearing is to:

(i) Afford the affected party the opportunity to dispute material facts relating to the suspension action through the submission of oral and written evidence; and

(ii) Determine whether, in light of the evidence presented, there is adequate evidence to suspect that the material allegations in the notice are true.

Dated: March 19, 1993.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 93–10690 Filed 5–5–93; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing on Proposed Establishment of a Nonessential Experimental Population of Black-footed Ferrets in North-Central Montana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public hearing.

SUMMARY: The U.S. Fish and Wildlife Service gives notice that a public hearing will be held on the proposed reintroduction of black-footed ferrets (*Mustela nigripes*) into the 11,061 km² (4,237 mi²) North-Central Montana Black-footed Ferret Experimental Population Area in North-Central Montana. This reintroduction is proposed to implement a primary recovery action for this federally listed endangered species and to evaluate release techniques.

DATES: The comment period extends from April 13, 1993 through June 14, 1993. A public hearing will be held from 7 p.m. to 10 p.m. on May 24, 1993.

ADDRESSES: The public hearing will be held in the second floor meeting room, Malta City Hall, 39 South 2d East, Malta, Montana. Written comments and materials concerning the proposal for a nonessential experimental population of black-footed ferrets in North-Central Montana should be sent to the Billings Suboffice Coordinator, U.S. Fish and Wildlife Service, Ecological Services, 1501 14th Street West, Suite 230, Billings, Montana 59102. Comments and materials received will be available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dennis M. Christopherson (see **ADDRESSES** above) at telephone (406) 657–6750.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Fish and Wildlife Service (Service) in cooperation with the Montana Department of Fish, Wildlife and Parks has proposed to reintroduce black-footed ferrets (*Mustela nigripes*) into the 11,061 km² (4,237 mi²) of the UL Bend National Wildlife Refuge in South Phillips County, Montana. This reintroduction is proposed to implement a primary recovery action for this federally listed endangered species and to evaluate release techniques. As part of the reintroduction effort, the black-footed ferret population in the experimental population area is proposed to be designated as "nonessential experimental" under the authority of section 10(j) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). This special designation would increase the Service's flexibility in managing the newly released population of black-footed ferrets. Additional information on this proposed rulemaking was published in the **Federal Register** (58 *FR* 19221) on April 13, 1993.

A public hearing will be held on May 24, 1993, to provide interested parties an opportunity to make their views known on the proposed rulemaking. During the public comment period, any member of the public may send in comments, which must be received by June 14, 1993. Those parties wishing to make statements for the record should have available a copy of their statements to be presented to the Service at the start of the hearing. Oral statements may be limited to 5 or 10 minutes, if necessary, to allow all parties time to speak. There are no limits to the length of written comments that are provided to the Service, either at this hearing or by mail.

Authority for this action is the Endangered Species Act of 1973.

Author

The author of this notice is Dennis Christopherson, U.S. Fish and Wildlife Service (see **FOR FURTHER INFORMATION CONTACT** above).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: April 30, 1993.

John L. Spinks, Jr.,

Deputy Regional Director.

[FR Doc. 93–10665 Filed 5–5–93; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 58, No. 86
Thursday, May 6, 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 Marketing Service

[DA-91-017-A]

Milk for Manufacturing Purposes and its Production and Processing; Requirements Recommended for Adoption by State Regulatory Agencies

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: This document changes the recommended manufacturing milk requirements (Recommended Requirements) by incorporating provisions for an expanded drug residue monitoring program. The changes provide State regulatory agencies and the dairy industry with guidance in carrying out sampling, testing and monitoring activities relating to drug residues in manufacturing grade milk. The changes include a provision for a State-sanctioned penalty to be imposed on a manufacturing grade milk producer who ships milk testing positive for drug residue. In addition, the changes provide guidelines for the storage and proper labeling of drugs used on the dairy farm.

The action to expand the drug residue monitoring program was initiated at the request of the National Association of State Departments of Agriculture (NASDA) and was developed in cooperation with NASDA, the Food and Drug Administration (FDA), dairy trade associations and producer groups.

EFFECTIVE DATE: May 6, 1993.

FOR FURTHER INFORMATION CONTACT: Duane R. Spomer, Chief, Dairy Standardization Branch, USDA/AMS/Dairy Division, Room 2750–S, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–7473.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA guidelines implementing Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "non-major" under the criteria contained therein.

Under the authority of the Agricultural Marketing Act of 1946, the U.S. Department of Agriculture maintains a set of model regulations or requirements relating to quality and sanitation in the production and processing of manufacturing grade milk. These recommended requirements are available for adoption by the various States. The purpose of the model requirements is to promote, through State adoption and enforcement, uniformity in State dairy laws and regulations relating to manufacturing grade milk.

In July 1991, the Dairy Division of NASDA passed a resolution recommending that the manufacturing grade milk drug residue monitoring program be revised using the Grade A drug residue monitoring program as a prototype. The Grade A program is based on the requirement that the milk on every bulk milk pickup tanker be sampled and tested, prior to processing, for the presence of beta lactam drugs. In addition, the Grade A program provides for the temporary suspension of a producer's Grade A permit, or an equivalent penalty, in the case of a producer who ships milk testing positive for beta lactam drugs.

In order to establish an expanded manufacturing grade milk drug residue monitoring program, as requested by NASDA, this document makes the following changes to the Recommended Requirements:

1. Provide That all Marketed Manufacturing Grade Milk be Sampled and Tested for the Presence of Beta Lactam Drugs

Previously, the Recommended Requirements provided for the testing of milk for antibiotics at a minimum frequency of four times in 6 months. This change specifies that all manufacturing grade milk intended for processing be sampled by the defined methods and tested for beta lactam drugs.

2. Provide That the Testing of all Marketed Manufacturing Grade Milk be Completed Prior to Processing

Previously, the Recommended Requirements did not provide guidelines for the timely completion and reporting of antibiotic tests. This change specifies that testing be completed prior to processing the load of milk.

3. Define State Regulatory Agency and Industry Responsibilities for the Implementation of the Expanded Drug Residue Monitoring Program.

The successful implementation of any regulatory program requires cooperation between State officials and industry personnel. In order for the State regulatory agency to adequately supervise and enforce the drug residue monitoring program, the dairy industry must maintain accurate records and follow uniform procedures. The revised model regulations define the responsibilities of each party in the execution of this program.

The adopted changes require the industry to notify the appropriate State regulatory agency of (a) each occurrence of a load sample testing positive for drug residue; (b) the identity of any producer whose milk causes a load sample to test positive for drug residue; and (c) the intended and final disposition of the load of milk represented in a sample testing positive for drug residue. Milk testing positive for beta lactams is to be disposed of in a manner that removes it from the human and animal food chain, unless reconditioned under FDA guidelines.

The changes also provide for the State regulatory agency to: (a) monitor the industry's sampling and testing methods for accuracy, consistency, and thoroughness; (b) perform comparison milk sample testing to evaluate the plant's recorded results; (c) review the industry's records of response to a positive drug residue test; and (d) sanction penalties on producers who have shipped milk testing positive for drug residue.

4. Provide for a State-sanctioned Penalty To Be Imposed on a Manufacturing Grade Milk Producer Who Ships Milk Testing Positive for Drug Residue

In order to emphasize the importance of utilizing milk production methods that prevent drug residues in milk, this change requires that there be a State-sanctioned penalty imposed on a producer for each occurrence of shipping milk testing positive for drug residue.

Additionally, following a third violation of shipping milk testing positive for drug residue within a 12-month period, the appropriate State agency will initiate administrative procedures to suspend the producer's milk shipping privileges, according to that State's policy.

5. Require a Producer Who Ships Milk Testing Positive To Participate in a Milk-quality Improvement Educational Program

After each occurrence of shipping milk testing positive for drug residue, a producer is required under this change to meet with a licensed veterinarian within 30 days to review the "Milk and Dairy Beef Quality Assurance Program." The "Quality Assurance Program" was developed by the Joint Liaison Committee of the American Veterinary Medical Association and the National Milk Producers Federation, with the cooperation and support of USDA, FDA, industry, and academia to help milk producers identify and eliminate the causes of drug residues in milk.

6. Provide Detailed Guidelines for the Labeling and Storage of Farm Chemicals and Animal Drugs

A central element of the "Milk and Dairy Beef Quality Assurance Program" is the proper labeling and storage of drugs located in the milk production areas. This change specifies that the labeling of animal drugs used on manufacturing grade farms shall conform to federal regulations and that the drugs be stored according to intended use.

7. Make Other Revisions and Editorial Changes in the Recommended Requirements To Reflect the Expansion of the Current Drug Residue Monitoring Program

These changes require dairy plants to: (a) test the milk of new and transfer producers for the presence of drug residues prior to acceptance of the milk at the plant; (b) retain drug residue test results for a minimum of 12 months; (c) include in a producer's records the results of drug residue tests for the preceding 12 months; and (d) provide field service assistance to farmers regarding drug residue issues.

8. Make Revisions in the Recommended Requirements to Update and Clarify Somatic Cell Testing Requirements

This change corrects the action level at which the Wisconsin Mastitis Test must be confirmed.

State regulatory agencies that are responsible for overseeing the sanitation requirements relating to the production and processing of farm-separated cream are strongly encouraged to include such cream in a drug residue monitoring program to sample and test for illegal levels of drug residue which could contaminate products made from this source of cream. The National Conference on Interstate Milk Shipments is developing a database intended to compile information concerning drug residue test results which are reflective of the national milk supply. The Department encourages participation in this voluntary program.

Public Comments

On July 27, 1992, the Department published a notice of intent to revise the Recommended Requirements [57 FR 33168]. The public comment period closed August 26, 1992. Comments were received from six commenters: two representing State regulatory agencies, one representing dairy producers, one representing dairy processors, one representing veterinarians, and one representing a dairy cooperative.

Discussion of Comments

1. One commenter was concerned that the proposal duplicated State drug residue monitoring programs and that it is not consistent with existing State requirements.

The Department advocates nationally uniform regulations for monitoring drug residue in the milk supply and has worked closely with the Dairy Division of NASDA to promote uniformity. During the development of the drug residue monitoring program, the Department consulted with NASDA representatives to provide a model program consistent with existing State laws. The Department believes the expanded drug residue monitoring program accomplishes this.

2. Two commenters requested that the minimum record retention time be reduced from 12 months to 6 months. These commenters felt the change would provide consistency with the Grade A milk program and reduce recordkeeping requirements.

The Department believes that accurate records detailing a 12-month history of drug residue test results are necessary since three occurrences of positive drug residue tests within a 12-month period will require that administrative procedures be initiated to suspend the producer's milk shipping privileges.

Provisions in the Grade A milk program require State regulatory agencies to maintain a history of drug residue test results. Similarly, the USDA recommended program has provided for many years that the dairy plant maintain these records and have them available for regulatory review.

3. One commenter suggested that State regulatory agencies not be required to monitor the industry's drug residue testing and sampling procedures nor collect samples for comparison drug residue testing. The commenter was concerned that these requirements were costly, time-consuming and created an unofficial certification.

The Department believes that compliance with the provisions of the drug residue monitoring program can best be established through active participation by the State regulatory agency. The Department believes the requirements are necessary to ensure that proper procedures are being followed and that accurate drug residue test results are being obtained.

4. One commenter recommended immediate suspension of a producer's license or permit each time a violative level of drug residue is confirmed.

The Department believes that the revised provisions of the Recommended Requirements will preclude the further marketing of milk from producers who have violated the drug residue requirements until that producer's milk is individually sampled and found not to contain violative levels of drug residues. Individual States have the ability to develop more stringent requirements if they so choose.

5. Two commenters recommended an increase in the number of days allowed for a producer to review the "Milk and Dairy Beef Quality Assurance Program" with a licensed veterinarian.

During the development of the expanded drug residue monitoring program, the Department provided as much consistency with the Grade A milk program as possible. When the notice of intent to amend the Recommended Requirements was published, 21 days was considered to be the timeframe allowed by the Grade A milk program. Since then, the Grade A program has established 30 days as the allowable timeframe. The Department concurs with this and has modified the Recommended Requirements accordingly.

6. There were several comments recommending changes outside the scope of the proposal. These comments suggested: changing the requirements for rejecting milk due to bacterial estimate, modifying the list of acceptable somatic cell tests, lowering the maximum allowable bacterial estimate, lowering the maximum allowable somatic cell limit, and using sani-guide discs to evaluate sediment content in milk.

Since the proposal did not request public comment concerning these topics, the Department elects not to make the requested changes at this time. These comments will be considered as future changes are proposed.

7. One commenter suggested limiting barn storage of drugs to those approved for dairy animals or those prescribed by a licensed veterinarian.

The adopted model regulations permit barn storage of drugs labeled for use in non-dairy animals only when these drugs are located in an area of the barn which is separate from the milking area. The Recommended Requirements disallow the storage of drugs labelled for use in non-dairy animals in the same storage unit used to store drugs approved for use in dairy animals. The Department believes that sufficient guidance is provided to safeguard against accidental contamination due to inadvertent use of improper drugs.

8. One commenter requested the deletion of the requirement that milk buyers obtain quality and drug residue test records for producers transferring milk shipments from another plant.

Since 1972, the USDA Recommended Requirements have specified the transfer of producer quality records when a milk producer changes milk buyers. This action expands the requirement to include a history of drug residue test results.

The Department recognizes the difficulties which occur when a new buyer requests quality records for a transfer producer. However, a producer's quality and drug residue test history is essential in establishing test frequency and determining sanctions.

9. One commenter suggested modifying the proposal to clarify actions required of plants. The commenter cited instances where manufacturing operations or plants may not be purchasing milk directly from the producer and therefore are not able to fulfill certain provisions of the Recommended Requirements.

The buyer who purchases milk from the producer is usually responsible for ensuring that quality and drug residue tests are being conducted, records are being maintained, and follow-up actions have taken place. In many instances, this is the responsibility of the dairy plant to which the producer ships milk. In other instances, processing operations or plants may purchase milk and have little or no responsibility to the milk producer. The intent of the Recommended Requirements is that when a plant is used to indicate the party responsible for tosting milk, maintaining quality and drug residue test records, and providing mandated follow-up actions with the milk producer, the responsible party may or may not be the manufacturing operation processing the milk. To clarify this, modifications in the proposal have been made accordingly.

For the reasons set forth in the preamble, the Recommended Requirements as published in the **Federal Register** on April 7, 1972 [37 FR 7046] and revised August 27, 1985 [50 FR 34726] are revised as follows:

1. In sec. B2., paragraphs (i), (j) and (p) are revised to read as follows:

Sec. B2. Terms Defined

* * * * *

(i) *Producer.* The person or persons who exercise control over the production of the milk delivered to a plant, and who receives payment for this product. A "new producer" is one who is initiating the shipment of milk from a farm. A "transfer producer" is one whose shipment of milk from a farm is shifted from one plant to another plant. A "producer/processor" is one who manufactures dairy products on the dairy farm entirely from his own milk, or from his own milk combined with milk from one or more other producers.

(j) *Dairy farm or farm.* A place or premise where one or more milking cows or goats are kept, and from which all or a portion of the milk produced thereon is delivered, sold, or offered for sale to a manufacturing plant.

* * * * *

(p) *Rejected milk.* Milk rejected from the market according to the provisions of sec. C5.

* * * * *

2. Sec. C1. is revised to read as follows:

Sec. C1. Basis

The quality classification of raw milk for manufacturing purposes from each producer shall be based on an organoleptic examination for appearance and odor, a drug residue test and quality control tests for sediment content, bacterial estimate and somatic cell count.

3. Sec. C5. is revised to read as follows:

Sec. C5. Rejected Milk

A plant shall reject specific milk from a producer if the milk fails to meet the requirements for appearance and odor (sec. C2.), if it is classified No. 4 for sediment content (sec. C3.), or if it tests positive for drug residue (sec. C12.).

4. Secs. C7. through C10. are revised to read as follows:

Sec. C7. Excluded Milk

A plant shall not accept milk from a producer if:

(a) The producer's initial milk shipment to a plant does not meet the requirements for acceptable milk (secs. C3. and C4.);

(b) The milk has been in a probational (No. 3) sediment content classification for more than 10 calendar days (sec. C3.);

(c) The milk has been classified "Undergrade" for bacterial estimate for more than 4 successive weeks (sec. C4.);

(d) Three of the last five milk samples have exceeded the maximum somatic cell count level of 1,000,000 per ml. (sec. C11.);

(e) The producer's milk shipments to either the Grade A or the manufacturing grade milk market currently are not permitted due to a positive drug residue test (sec. C12.); or

(f) The producer is delinquent in completing a review of the "Milk and Dairy Beef Quality Assurance Program" with a licensed veterinarian following an occurrence of shipping milk testing positive for drug residue (sec. C12.).

Sec. C8. Quality Testing of Milk From Producers.

(a) *New producers.*

(1) An examination and tests shall be made on the first shipment of milk from a new producer or from a producer resuming shipment after a period of non-shipment. The milk shall meet the requirements for:

(i) "Acceptable milk" (secs. C2., C3., and C4.);

(ii) Somatic cell count (sec. C11.); and

(iii) Drug residue level (sec. C12.).

(2) Thereafter, each milk shipment shall meet the requirements of sec. C2., and shall be tested in accordance with the provisions of secs. C3., C4., C11., and C12.

(b) *Transfer producers.*

(1) An examination and test shall be made by the new buyer on the first shipment of milk from a transfer producer. The milk shall meet the requirements for:

(i) "Acceptable milk" (secs. C2., C3., and C4.);

(ii) Somatic cell count (sec. C11.); and

(iii) Drug residue level (sec. C12.).

(2) Thereafter, each milk shipment shall meet the requirements of sec. C2., and shall be tested in accordance with the provisions of secs. C3., C4., C11., and C12.

(3) In addition, the new buyer shall determine from the producer's records that:

(i) The milk is currently classified "acceptable" for bacteria and sediment;

(ii) Three of the last five consecutive milk samples do not exceed the maximum somatic cell count level requirements;

(iii) The last shipment of milk received from the producer by the former plant did not test positive for drug residue; and

(iv) Milk shipments currently are not excluded from the market due to a positive drug residue test.

(4) When a producer discontinues milk delivery at one plant and begins delivery at another plant for any reason, the new buyer shall not accept the first milk delivery until he has requested from the previous buyer a copy of the record of:

(i) The producer's milk quality tests covering the preceding 90 days;

(ii) The producer's drug residue test results for the preceding 12-month period; and

(iii) A statement of the farm certification status and date of certification, if so provided under State regulations.

(5) The previous buyer shall furnish the new buyer with such information within 24 hours after receipt of the request. A new buyer may accept a transfer producer's milk after making the request for records, but before receiving them, if he first confirms the producer's records verbally from the previous buyer. If verbal communication is used to ascertain the status of quality records, the new buyer shall send to the previous buyer, as soon as possible, a written confirmation of the conversation.

(6) If the new buyer fails to receive the quality records from the previous buyer, he shall report this fact to the appropriate State regulatory agency. The new buyer may then, alternatively, obtain from the producer a copy of the test results for sediment content, bacterial estimate, and somatic cell count for the preceding 90-day period and a copy of the drug residue test results for the preceding 12-month period. A farm inspection shall then be made to confirm or establish certification of the transfer producer's farm.

Sec. C9. Record of Tests

Accurate records of the results of the milk quality and drug residue tests for each producer shall be kept on file for a period of not less than 12 months. The records shall be available for examination by the regulatory agency.

Sec. C10. Field Service

A representative of the plant shall arrange to promptly visit the farm of each producer whose milk tests positive for drug residue, exceeds the maximum somatic cell count level, or does not meet the requirements for acceptable milk. The purpose of the visit shall be to inspect the milking equipment and facilities and to offer assistance to improve the quality of the producer's milk and eliminate any potential causes of drug residues. A representative of the plant should routinely visit each producer as often as necessary to assist and encourage the production of high quality milk.

5. Sec. C11. is revised to read as follows:

Sec. C11. Somatic Cell Count

(a) A laboratory examination to determine the level of somatic cells shall be made on each producer's milk at least four times in each 6-month period at irregular intervals. Samples shall be analyzed at a laboratory approved by the State regulatory agency.

(b) A confirmatory test for somatic cells shall be done when a herd sample exceeds either of the following screening test results:

(1) California Mastitis Test - Weak Positive (CMT 1).

(2) Wisconsin Mastitis Test - WMT value of 18 mm.

(c) The confirmatory test for somatic cells shall be performed by using one of the following procedures:

(1) Direct Microscopic Somatic Cell Count (Single Strip Procedure). Pyronin Y-methyl green stain shall be used for goat milk.

(2) Electronic Somatic Cell Count.

(3) Optical Somatic Cell Count.

(d) The results of the confirmatory test for somatic cells shall be the official result.

(e) Whenever the confirmatory somatic cell count indicates the presence of more than 1,000,000 somatic cells per ml., the following procedures shall be applied:

(1) The producer shall be notified with a warning of the excessive somatic cell count.

(2) Whenever two of the last four consecutive somatic cell counts exceed 1,000,000 per ml., the appropriate regulatory authority shall be notified and a written warning notice given to the producer. The notice shall be in effect so long as two of the last four consecutive samples exceed 1,000,000 per ml.

(f) An additional sample shall be taken after a lapse of 3 days but within 21 days of the notice required in paragraph (e)(2) of this section. If this sample also exceeds 1,000,000 per ml., subsequent milkings shall be excluded from the market until satisfactory compliance is obtained. Shipment may be resumed and a temporary status assigned to the producer by the appropriate State regulatory agency when an additional sample of herd milk is tested and found satisfactory. The producer shall be assigned a full reinstatement status when three out of four consecutive somatic cell count tests do not exceed 1,000,000 per ml. The samples shall be taken at a rate of not more than two per week on separate days within a 3-week period.

6. New secs. C12., C13., C14., and C15. are added to read as follows:

Sec. C12. Drug Residue Level

(a) *Industry responsibilities.*

(1) *Sampling and testing program.*

(i) All milk shipped for processing or intended to be processed on the farm where it was produced shall be sampled and tested, prior to processing, for beta lactam drug residue. Collection, handling and testing of samples shall be done according to procedures established by the appropriate State regulatory agency.

(ii) When so specified by the U.S. Food and Drug Administration (FDA), all milk shipped for processing, or intended to be processed on the farm where it was produced, shall be sampled and tested, prior to processing, for other drug residues under a random drug sampling program. The random drug sampling program shall include at least four samples collected in at least 4 separate months during any 6-month period.

(iii) When the Commissioner of the FDA determines that a potential problem exists with an animal drug residue or other contaminant in the milk supply, a sampling and testing program shall be conducted, as determined by the FDA. The testing shall continue until such time that the Commissioner of the FDA determines with reasonable assurance that the potential problem has been remedied.

(iv) The dairy industry shall analyze samples for beta lactams and other drug residues by methods evaluated by the Association of Official Analytical Chemists (AOAC) and accepted by the FDA as effective in determining compliance with established "safe levels" or tolerances. "Safe levels" and tolerances for particular drugs are established and amended by the FDA. The industry may employ on a temporary basis other test methods evaluated by the Virginia Polytechnic Institute and State University, or by other institutions using equivalent evaluation procedures, and determined to demonstrate accurate compliance results. These test methods may be used

until they are evaluated by the AOAC and accepted or rejected by the FDA.

(2) *Individual producer sampling.*

(i) *Bulk milk.*

A milk sample for beta lactam drug residue testing shall be taken at each farm and shall include milk from each farm bulk tank.

(ii) *Can milk.*

A milk sample for beta lactam drug residue testing shall be formed separately at the receiving plant for each can milk producer included in a delivery, and shall be representative of all milk received from the producer.

(iii) *Producer/processor.*

A milk sample for beta lactam drug residue testing shall be formed separately according to paragraphs (a)(2)(i) and (ii) of this section for milk produced or received by a producer/processor.

(3) *Load sampling and testing.*

(i) *Bulk milk.*

A load sample shall be taken from the bulk milk pickup tanker after its arrival at the plant and prior to further commingling.

(ii) *Can milk.*

A load sample representing all of the milk received on a shipment shall be formed at the plant, using a sampling procedure that includes milk from every can on the vehicle.

(iii) *Producer/processor.*

A load sample shall be formed at the plant using a sampling procedure that includes all milk produced and received.

(4) *Sample and record retention.*

A load sample that tests positive for drug residue shall be retained according to guidelines established by the appropriate State regulatory agency. The records of all sample test results shall be retained for a period of not less than 12 months.

(5) *Industry follow-up.*

(i) When a load sample tests positive for drug residue, industry personnel shall notify the appropriate State regulatory agency immediately, according to State policy, of the positive test result and of the intended disposition of the shipment of milk containing the drug residue. All milk testing positive for drug residue shall be disposed of in a manner that removes it from the human or animal food chain, except when acceptably reconditioned under FDA compliance policy guidelines.

(ii) Each individual producer sample represented in the positive-testing load sample shall be singly tested as directed by the appropriate State regulatory agency to determine the producer of the milk sample testing positive for drug residue. Identification of the producer responsible for producing the milk testing positive for drug residue, and details of the final disposition of the shipment of milk containing the drug residue, shall be reported immediately to the appropriate agency, according to State policy.

(iii) Milk shipment from the producer identified as the source of milk testing positive for drug residue shall cease immediately and may resume only after a sample from a subsequent milking does not test positive for drug residue.

(b) *Regulatory agency responsibilities.*

(1) *Monitoring and surveillance.*

The appropriate State regulatory agency shall monitor the milk industry's drug residue program by conducting unannounced on-site inspections to observe testing and sampling procedures and to collect samples for comparison drug residue testing. In addition, the regulatory agency shall review industry records for compliance with State policy. The review shall seek to determine that:

(i) Each producer is included in a routine, effective drug residue milk monitoring program utilizing AOAC-evaluated and FDA-approved methods to test samples for the presence of drug residue;

(ii) The regulatory agency receives prompt notification from industry personnel of each occurrence of a sample testing positive for drug residue, and of the identity of each producer identified as a source of milk testing positive for drug residue;

(iii) The regulatory agency receives prompt notification from industry personnel of the intended and final disposition of milk testing positive for drug residue, and that disposal of the load is conducted in a manner that removes it from the human or animal food chain, except when acceptably reconditioned under FDA compliance policy guidelines; and

(iv) Milk shipment from a producer identified as a source of milk testing positive for drug residue completely and immediately ceases until a milk sample taken from the dairy herd does not test positive for drug residue.

(2) Enforcement.

(i) A penalty sanctioned by the State regulatory agency shall be imposed on the producer for each occurrence of shipping milk testing positive for drug residue.

(ii) The producer shall review the "Milk and Dairy Beef Quality Assurance Program" with a licensed veterinarian within 30 days after each occurrence of shipping milk testing positive for drug residue. A certificate confirming that the "Quality Assurance Program" has been reviewed shall be signed by the responsible producer and a licensed veterinarian. The appropriate State regulatory agency shall be notified after the program has been reviewed.

(iii) If a producer ships milk testing positive for drug residue three times within a 12-month period, the appropriate State agency shall initiate administrative procedures to suspend the producer's milk shipping privileges, according to State policy.

Sec. C13. Radionuclides

Composite milk samples from selected areas in each State should be tested for biologically significant radionuclides at a frequency which the regulatory agency determines to be adequate to protect the consumer.

Sec. C14. Pesticides and Herbicides

Composite milk samples should be tested for pesticides and herbicides at a frequency which the regulatory agency determines is adequate to protect the consumer. The test results from the samples shall not exceed established FDA limits.

Sec. C15. Added Water

Milk samples from each producer should be tested for added water at a frequency which the regulatory agency determines is adequate to prevent the addition of water to the milk.

7. Sec. D5.(e) is revised and D5.(f) is added to read as follows:

Sec. D5. Milkhouse or Milkroom

* * * * *

(e) The milkhouse or milkroom shall be kept clean and free of trash. Animals and fowl shall not be allowed access to the milkhouse or milkroom at any time.

(f) *Farm chemicals and animal drugs.*

(1) Animal biologics and other drugs intended for treatment of animals, and insecticides approved for use in dairy operations, shall be clearly labeled and used in accordance with label instructions, and shall be stored in a manner which will prevent accidental contact with milk and milk contact surfaces.

(2) Only drugs that are approved by the FDA or biologics approved by the USDA for use in dairy animals that are properly labeled according to FDA or USDA regulations shall be administered to such animals.

(3) When drug storage is located in the milkroom, milkhouse, or milking area, the drugs shall be stored in a closed, tight-fitting storage unit. Such drugs shall further be segregated in such a way so that drugs labeled for use in lactating dairy animals are separated from drugs labeled for use in non-lactating dairy animals.

(4) Drugs labeled for use in non-dairy animals shall not be stored with drugs labeled for use in dairy animals. When drugs labeled for use in non-dairy animals are stored in the barn, the drugs shall be located in an area of the barn separate from the milking area.

(5) Herbicides, fertilizers, pesticides, and insecticides that are not approved for use in dairy operations shall not be stored in the milkhouse, milkroom, or milking area.

(Agricultural Marketing Act of 1946, Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627, unless otherwise noted)

Dated: April 30, 1993.

L.P. Massaro,

Acting Administrator.

[FR Doc. 93–10725 Filed 5–5–93; 8:45 am]

BILLING CODE 3410–02–P

Forest Service

Exemption of Larry's Salvage Blowdown From Appeal

AGENCY: Forest Service, Northern Region, USDA.

ACTION: Notification that a timber salvage and rehabilitation project designed to recover blown down timber is exempt from provisions of 36 CFR part 217.

SUMMARY: In October 1991, unusually strong winds in localized areas across the Rexford Ranger District produced areas of wind-thrown timber. The Rexford District Ranger proposed a salvage timber sale to recover damaged sawtimber in the affected area.

The District Ranger has determined, through a Decision Memo and environmental analysis in the supporting project file, that there is good cause to expedite these actions in order to rehabilitate National Forest System lands and recover damaged resources. Salvage of commercial sawtimber within the area affected must be accomplished quickly to avoid further deterioration of sawtimber and reduce the risk of wildfire.

EFFECTIVE DATE: Effective May 6, 1993.

FOR FURTHER INFORMATION CONTACT: Drew Bellon; Rexford District Ranger; Kootenai National Forest; 1299 Highway 93 North; Eureka, MT 59917; 406–296–2536.

SUPPLEMENTARY INFORMATION: Severe windstorms on October 16, 1991, damaged approximately 25 acres of timber in the Lawrence Mountain area approximately 30 miles southwest of Eureka, Montana. The wind-thrown timber is located within lands designated as suitable for timber management and assigned to Management Area 12 (Kootenai Forest Plan, August 1987). In the winter of 1991, the Rexford District Ranger, Kootenai National Forest, proposed to salvage wind-damaged timber in the Lawrence Mountain area. This proposal is designed to meet the following needs: (1) Recover dead and dying timber before it loses its commercial value, (2) rehabilitate the affected timber stands, and (3) reduce the potential for wildfire by reducing fuel loading. An interdisciplinary team was convened, and scoping began in 1992. Two alternatives were analyzed; no treatment (no action) and a salvage and rehabilitation proposal (proposed action).

The selected alternative will salvage approximately 168 MBF of dead and damaged timber from approximately 25 acres. All salvage areas are accessible from existing roads; no road construction or reconstruction will occur.

The sale and accompanying work is designed to accomplish the objectives as quickly as possible to reduce the fuel accumulations and to recover merchantable sawtimber before it deteriorates and removal becomes infeasible. To expedite implementation of this decision, procedures outlined in 36 CFR part 2179(a)(11) are being followed. Under this Regulation the following may be exempt from appeal:

"Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as * * * severe wind * * * when the Regional Forester * * * determines and gives notice in the **Federal Register** that good cause exists to exempt such decisions from review under this part."

Based upon the information presented in the Larry's Blowdown Salvage Decision Memo, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: April 26, 1993.

Larry O. Gadt,

Acting Deputy Regional Forester, Northern Region.

[FR Doc. 93–10153 Filed 5–5–93; 8:45 am]

BILLING CODE 3410–11–M

Exemption From Appeal for Steen Creek Salvage Project, Payette National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of exemption from appeal.

SUMMARY: This is notification that timber salvage harvest and reforestation activities to recover and rehabilitate natural resources from recent wildfire on the Steen Creek Timber Salvage project, Council Ranger District, Payette National Forest, are exempt from appeal in accordance with 36 CFR 217.4(a)(11).

DATES: Effective on May 6, 1993.

FOR FURTHER INFORMATION CONTACT: Tracy Beck, Environmental Coordinator, Council Ranger District, Payette National Forest, P.O. Box 567, Council, ID 83612, telephone: 208–253–4215.

SUPPLEMENTARY INFORMATION: Several years of drought in southwest Idaho have reduced soil moisture, weakened conifer trees, and increased the fire danger. In August of 1992, a lightning-ignited fire burned 17,500 acres of National Forest between Hells Canyon and the community of Cuprum, about 26 miles northwest of the town of Council in southwest Idaho.

As part of the effort to recover and rehabilitate natural resources damaged by the wildfire, Council Ranger District personnel have developed a proposal to harvest burned timber and reforest damaged acres. The Forest Service has completed the Final Environmental Impact Statement (EIS) for the Steen Creek Timber Salvage project.

The analysis area for the Steen Creek Timber Salvage EIS is located 24 miles northwest of Council, Idaho. The Forest will salvage burned trees throughout the 6,650-acre project area and recover approximately 12.5 million board feet (MMBF) of timber. The Steen Creek Salvage Project will harvest only dead and dying trees using helicopter, tractor and skyline logging systems. Cutting areas average 16 acres in size and will not exceed 81 acres. Regional Forester approval has been given to the Payette National Forest to exceed the Forest Plan cutting unit size limit due to the catastrophic condition of the timber stands.

Cutover areas greater than 5 acres will be replanted, and smaller areas may be replanted depending on accessibility. Approximately 1334 acres damaged by fire would be replanted with conifer seedlings. There is 10.3 miles of road construction and 12.6 miles of road reconstruction proposed for the salvage operations.

Management direction for the project area is established in the Payette National Forest Land and Resource Management Plan (Forest Plan) of 1988. The Forest Plan provides for the removal of salvage timber from lands

within the project area. In addition, the Forest Plan prescribes standards to protect soil, water, wildlife, visual quality, and other affected resources. The proposed action for Steen Creek Salvage is consistent with standards and guidelines, objectives, and direction contained in the Forest Plan.

An interdisciplinary team of Forest Service rehabilitation specialists has studied the burned area and prescribed watershed stabilization measures. Payette Forest and Council District foresters have analyzed the burned area and have found that a salvage timber sale to be an economical and practical means to rehabilitate the burned area. The salvage project will: (1) Recover valuable timber that would otherwise deteriorate, (2) clean up burned trees that would otherwise become flammable fuels in the future, and (3) reforest those areas that have been left with little or no tree cover as a result of the fire. It is extremely important to remove the dead and dying timber before it deteriorates and loses its economic value. Through the timber salvage operations, Knutson-Vandenburg (K–V) funds can be generated for use to restore forest resources that have been damaged by the wildfire.

The Forest Supervisor has determined through preliminary scoping and environmental analysis that there is justification to expedite these projects.

The decision for the Steen Creek Salvage project may be implemented after publication of this notice in the **Federal Register** and after the decision document has been signed by the responsible official. If the project is delayed because of appeal, it is possible that the salvage harvest could not be implemented during the 1993 normal operating season. This would result in a loss of volume and value of the timber due to deterioration. The total estimated value of the merchantable dead and dying timber is $3,750,000. Of this, approximately $937,500 [that's 25%] would be returned to counties from 25 percent fund receipts. Delays resulting from appeals could cause the loss of up to two-thirds of this value and potentially make the salvage sale unattractive to timber purchasers. This would jeopardize the objectives of the recovery and rehabilitation project.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt Steen Creek Salvage Project, Council Ranger Districts, Payette National Forest, from appeal. The Final EIS addresses the effects and issues associated with the Steen Creek Salvage Project.

Dated: April 30, 1993.

Robert C. Joslin

Deputy Regional Forester, Intermountain Region, USDA Forest Service.

[FR Doc. 93–10662 Filed 5–5–93; 8:45 am]

BILLING CODE 3410–11–M

Exemption of the Horsefly Fire Salvage Project, Salmon National Forest, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of exemption from appeal.

SUMMARY: This is notification that timber salvage harvest and reforestation activities to recover and rehabilitate natural resources from the effects of catastrophic fire on the Horsefly Fire Salvage project area on the North Fork Ranger District, Salmon National Forest, are exempted from appeal in accordance with 36 CFR 217.4(a)(11).

DATES: Effective on May 6, 1993.

FOR FURTHER INFORMATION CONTACT: Rogers Thomas, District Ranger, North Fork Ranger District, Salmon National Forest, P.O. Box 180, North Fork, Idaho 83466, Telephone: 208–865–2383.

SUPPLEMENTARY INFORMATION: In early August 1992, the Horsefly Wildfire burned approximately 3,500 acres in the Boulder Creek, Spring Creek and McKay Creek drainages. Several years of drought in central Idaho contributed to extreme and rarely observed fire behavior. Immediately after the fire, an Interdisciplinary Team (IDT) of resource specialists, surveyed much of the burn area to identify emergency and long-term rehabilitation needs. From this preliminary analysis, it was found that in many places, the Horsefly fire burned hot enough to cause severe damage to forest and watershed resources. Damage to soils is of greatest concern because this damage will affect the length of time necessary to achieve revegetation, as well as the quantity and quality of water runoff from the area.

As part of the effort to recover and rehabilitate natural resources damaged by catastrophic fire, Forest personnel have developed a proposal to harvest fire-killed timber, and reforest suitable timberlands. Forest Service personnel have completed the Horsefly Fire Salvage Environmental Assessment (EA), identified issues, developed alternatives, and analyzed the affects of implementing timber salvage and other rehabilitation activities.

The analysis area for the Horsefly Fire Salvage EA is located approximately seventeen (17) miles west of North Fork, Idaho, and one (1) mile north of Shoup. The Forest will harvest burned, dead and dying timber over an 800 acre project area and recover approximately 3 MMBF.

Of the 800 acres that would be harvested, roughly 532 acres are located within the Sheepeater Roadless Area. Impacts to this roadless area entail, harvesting dead and dying trees using helicopter and cable logging systems. There is no road construction or reconstruction proposed for the salvage operations. Four existing helicopter landing and one service landing from previous logging activity would be used. One additional landing is proposed within the Roadless Area. Lands suited for timber management would be replanted, where natural regeneration is not expected to be successful.

Management direction for the analysis area is established in the Salmon National Forest Land and Resource Management Plan (Forest Plan). The Forest Plan describes standards which must be observed when harvesting timber to protect soil, water, wildlife, visuals, and other on site resources. The proposed action for the Horsefly Fire Salvage project is consistent with standards, objectives, and direction contained in the Forest Plan.

Emergency rehabilitation measures initiated during fall 1992 included: grass seeding for soil stabilization and silt fence construction above anadromous fisheries. These actions were needed immediately to mitigate fire effects and reduce potential for soil movement. This proposal would further contribute to area recovery by: (1) Capturing the economic value of fire-killed timber that would otherwise deteriorate, (2) reforesting suitable timberlands to restore sites to timber production prior to disadvantageous brush competition, and (3) rehabilitating fire damaged watersheds to protect water quality and long-term soil productivity.

It is important to remove the salvageable timber prior to deterioration and subsequent value losses. Delays in implementing the activities necessary to restore these damaged lands will result in unacceptable degradation of the physical and biological resources of National Forest System land. Through timber salvage operation, commercial product value of the fire-killed trees can be recovered, and a portion of the receipts from this sale will provide funding for other restoration activities through collection of Knutsen-Vanderburg (K–V) and Salvage Sale Funds.

The Forest Supervisor has determined through preliminary scoping and environmental analysis that there is good cause to expedite this project.

The decision for the Horsefly Fire Salvage project may be implemented after publication of this notice in the **Federal Register** and after the decision document has been signed by the responsible official. If the project is delayed because of an appeal (delays up to 150 days are possible), it is likely the salvage harvest could not be implemented until early summer 1993. This would result in a loss of volume and value due to deterioration. The total estimated value of the merchantable dead and dying timber is $500,000. Of this, approximately $125,000 would be returned to counties from 25 percent fund receipts. Delays resulting from appeals could cause the loss of up to half of this value and potentially make the salvage sale unattractive to timber purchasers. This would jeopardize the objectives of the recovery and rehabilitation project.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt the Horsefly Fire Salvage Project, North Fork Ranger District, Salmon National Forest, from appeal. The environmental assessment disclosed the affects of the proposed actions on the environment and addresses the issues resulting from the proposal.

Dated: April 30, 1993.

Robert C. Joslin,

Deputy Regional Forester, Intermountain Region, USDA Forest Service.

[FR Doc. 93–10663 Filed 5–5–93; 8:45 am]

BILLING CODE 3410–11–M

Exemption from Appeal for Fir Fly Salvage Timber Sale, Salmon National Forest, ID

AGENCY: Forest Service, USDA.

ACITON: Notice of exemption from appeal.

SUMMARY: This is notification that timber salvage harvest, pheromone baiting/trapping, and reforestation activities to recover and rehabilitate natural resources from the effects of an ongoing district wide insect infestation in the Fir Fly Salvage project area on the Cobalt Ranger District, Salmon National Forest, are exempted from appeal in accordance with 36 CFR 217.4(a)(11).

EFFECTIVE DATE: May 6, 1993.

FOR FURTHER INFORMATION CONTACT: Clinton Groll, District Ranger, Cobalt Ranger District, Salmon National Forest, P.O. Box 729, Salmon, Idaho, 83467, Telephone: 208–756–2240.

SUPPLEMENTARY INFORMATION: The Cobalt Ranger District of the Salmon National Forest has been under a district wide Douglas-fir and mountain pine beetle infestation for the last 3 years. The insect populations are presently at endemic levels in most areas but are approaching epidemic levels in some drainages. An interdisciplinary Team (IDT) of resource specialists surveyed the proposed analysis area to identify emergency and long-term rehabilitation needs. From this preliminary analysis, it was found that prompt salvage and rehabilitation efforts could protect resources from catastrophic damage.

As part of the effort to recover and rehabilitate natural resources damaged by insect infestations, Forest personnel have developed a proposal to harvest insect-killed timber and reforest suitable timberlands. Forest Service personnel have completed the Fir Fly Salvage Environmental Assessment (EA), identified issues, developed alternatives, and analyzed the effects of implementing timber salvage and other rehabilitation activities.

The 26,780 analysis area for the Fir Fly Salvage EA is located approximately thirty four (34) miles southwest of Salmon, Idaho. The forest will harvest dead and dying timber over an 1,120 acre project area and recover approximately 3–5 MMBF.

The 26,780 analysis area is comprised of portions of four roadless areas. 10,240 acres is roadless with 287 of these acres being impacted by the proposed salvage project or approximately 25% of the harvest occurring in roadless areas. Impacts to these roadless areas include harvesting dead and dying trees using a helicopter system and construction of approximately 12.5 acres of temporary landings. There is no road construction or reconstruction proposed for the salvage operation. Lands suited for timber management would be replanted where natural regeneration is not expected to be successful. A pheromone baiting/trapping program would be implemented in high risk areas to prevent endemic populations from reaching epidemic proportions.

Management direction for the analysis area is established in the Salmon National Forest Land and Resource Management Plan (Forest Plan). The Forest Plan describes standards which must be observed when harvesting timber to protect soil, water, wildlife, visuals, and other on site resources. The proposed action for the Fir Fly Salvage project is consistent with standards, objectives, and direction contained in the Forest Plan.

This proposal would further contribute to area recovery by:

(1) Capturing the economic value of insect-killed timber that would otherwise deteriorate,

(2) Revegetating suitable timberlands to restore sites to timber production prior to brush competition, and

(3) Preventing the spread of current insect populations in areas presently unaffected.

It is important to remove the salvageable timber prior to deterioration and subsequent value losses. Delays in implementing the activities necessary to restore these damaged lands will result in unacceptable degradation of the physical and biological resources of National Forest System land. Through timber salvage operation, commercial product value of the insect-killed trees can be recovered, and a portion of the receipts from this sale will provide funding for other restoration activities through collection of Knutsen-Vanderburg (K-V) and Salvage Sale Funds.

The Forest Supervisor has determined through preliminary scoping and environmental analysis that there is good cause to expedite this project.

The decision for the Fir Fly Salvage project will be implemented after publication of this notice in the **Federal Register.** If the project is delayed because of an appeal (delays up to 150 days are possible), it is likely the salvage harvest could not be implemented until early spring of 1994. This would result in a need to remark the sale so as to harvest new trees infested during the 1993 flight of the insect. It would also result in the loss of volume from dead trees that are currently merchantable but will lose their value by remaining on the stump for another year. Delays resulting from appeals could cause the loss of up to half of the value and potentially make the salvage sale unattractive to timber purchases. This would jeopardize the objectives of the recovery and rehabilitation project.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt the Fir Fly Salvage Project, Cobalt Ranger District, Salmon National Forest, from appeal. The environmental assessment disclosed the effects of the proposed actions on the environment and addresses the issues resulting from the proposal.

Dated: April 30, 1993.

Robert C. Joslin,

Deputy Regional Forester, Intermountain Region, USDA Forest Service.

[FR Doc. 93–10664 Filed 5–5–93; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Hearing on Racial and Ethnic Tensions in American Communities, Poverty, Inequality, and Discrimination—Los Angeles

Notice is hereby given pursuant to the provisions of the United States Commission on Civil Rights Act of 1983, Public Law 98–183, 97 Stat. 1301, as amended, that a three-day public hearing will commence on June 15, 1993, beginning at 8 a.m. at the Sheraton Grande Hotel, 333 S. Figuera Street, Los Angeles, California 90071.

The purpose of the hearing will be to collect information within the jurisdiction of the Commission, in order to examine the underlying causes of racial and ethnic tensions in the United States.

The Commission is an independent, bipartisan factfinding agency authorized to study, collect, and disseminate information and to appraise the laws and policies of the Federal Government, and to study and collect information concerning legal developments, with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice.

Hearing impaired persons who will attend the hearing and require the services of a sign language interpreter, should contact Betty Edmiston, Administrative Services and Clearinghouse Division (202) 376–8105, (TDD 202–376–8116), at least five (5) working days before the scheduled date of the meeting.

Dated at Washington, DC, May 3, 1993.

Arthur A. Fletcher,

Chairman.

[FR Doc. 93–10765 Filed 5–5–93; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Case No. 88–67]

Action Affecting Export Privileges; Applied Medical Systems, Inc.

Order

The Office of Antiboycott Compliance, Bureau of Export Administration, U.S. Department of Commerce ("Department"), having determined to initiate administrative proceedings pursuant to section 11(c) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. 2401–2420 (1991, supp. 1992, and Pub. L. 103–10, March 27, 1993)) (The "Act"), and part 788 of the Export Administration Regulations (currently codified at 15 CFR parts 768–799 (1992)) (the "Regulations"), against Applied Medical Systems, Inc. ("AMS"), resident in the United States, based on allegations set forth in the Proposed Charging Letter, dated March 9, 1993, incorporated herein by this reference, that between April 1987 and December 1987, AMS violated part 769 of the Regulations, promulgated to implement the Act, in that AMS, a United States person as defined in the Regulations, with respect to its activities in the interstate or foreign commerce of the United States, with intent to comply with, further or support an unsanctioned foreign boycott: (1) In one instance, knowingly agreed to refuse to do business with or in a boycotted country; (2) knowingly agreed to refuse to do business with six persons known or believed to be restricted from having any business relationship with or in a boycotting country pursuant to a requirement of, or a request from, or on behalf of, a boycotting country; (3) furnished one item of information about its business relationships with or in a boycotted country; and (4) furnished six items of information about its business relationship with persons known or believed to be restricted from having any business relationships with or in a boycotting country, activities prohibited by §§ 769.2(a) and 769.2(d) of the Regulations, and not excepted; and

The Department and AMS having entered into a Consent Agreement whereby AMS has agreed to settle this matter by the imposition by the Department of a civil penalty in the amount of $70,000 and by accepting a one year denial of its export privileges to Kuwait, Saudi Arabia, Bahrain, Iraq, Jordan, Lebanon, Oman, Qatar, the United Arab Emirates, Syria, the Yemen Arab Republic and the People's Democratic Republic of Yemen; and

The Assistant Secretary for Export Enforcement having approved the terms of the Consent Agreement;

It is therefore ordered that, First, a civil penalty in the amount of $70,000 is assessed against AMS.

Second, AMS shall pay the Department the sum $10,000 within 20 business days of its receipt of this Order. The remaining $60,000 of the civil penalty imposed shall be suspended for a period of two years from the date of the signing of this Order. The Department will waive payment of the remaining $60,000 civil penalty at the end of the two year period provided that AMS is in compliance with the Regulations and this Order. Payment shall be made in the manner specified in the attached instructions. Failure to pay the civil penalty in a timely manner constitutes a violation of this Order;

Third, all outstanding individual validated licenses to the countries referred to above in which AMS appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of AMS' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to distribution licenses, to the countries referred to above are hereby revoked.

Fourth, for a period ending one year from the date of the entry of this Order, AMS is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving commodities or technical data exported or to be exported from the United States, in whole or part, and subject to the Regulations, to the countries referred to above. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation, directly or indirectly in any manner or capacity:

(a) As a party of representative of a party to any export license application submitted to the Department;

(b) In the preparation of filing with the Department of any export license application or request for reexport authorization, or of any document to be submitted therewith;

(c) In obtaining from the Department of using any validated or general export license, reexport authorization or other export control document;

(d) In carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, to be exported from the United States and subject to the Regulations; and

(e) In the financing, forwarding, transporting, or other servicing of such commodities or technical data;

Fifth, for reasons of human health and safety, such denial shall not apply to, and have no effect whatsoever on, the export of replacement parts and consumable materials for medical systems sold and installed prior to the date of this Order, nor shall this Order apply to, or have any effect on, the conduct of service or maintenance of

medical systems sold and installed prior to the date of this Order;

Sixth, as provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Seventh, the Proposed Charging Latter, the Consent Agreement and this Order shall be made available to the public.

Eighth, a copy of this Order shall be served on AMS. This order shall be published in the **Federal Register.**

Entered this 15th day of April, 1993.

This Order is effective immediately.

Judy R. Reinke,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. 93–10695 Filed 5–5–93; 8:45 am]

BILLING CODE 3510–DT–M

Foreign-Trade Zones Board

[Docket 15–93]

Foreign-Trade Zone 89—Clark County, NV; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Nevada Development Authority (NDA), grantee of FTZ 89, requesting authority to expand its zone in Clark County, Nevada, within the Las Vegas Customs Port of Entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on April 20, 1993.

FTZ 89 was approved on November 7, 1983 (Board Order 227, 48 FR 51665; 11/10/83), and expanded on December 4, 1989 (Board Order 452, 54 FR 50787; 12/11/89). It currently consists of six sites in Clark County, Nevada: Site 1 (23 acres)—Las Vegas Convention Center, Clark County; Site 2 (100,000 sq. ft.)—Cashman Field Convention Center, Las Vegas; Site 3 two parcels (317 acres and 120,000 sq. ft.)—within the Hughes Airport Center industrial park, adjacent to McCarron International Airport; Site 4 (37 acres)—North Las Vegas Business Center, North Las Vegas; Site 5 (526 acres)—AMPAC Development Company Business Park, Clark County; and Site 6 (10 acres)—within the 160-acre Las Vegas International Air Cargo Center (LVIACC) at McCarran International Airport, Clark County (A–40–91, 1/13/92).

NDA is now requesting authority to expand its general-purpose zone Site 6 to include the entire 160-acre LVIACC. The center is owned by the county and the Nevada International Trade Corporation is the designated zone operator at this site. The proposal also includes a request to restore zone status to a parcel (10 acres) that was deleted from the AMPAC site (Site 5) in 1992.

No manufacturing requests are being made at this time. Such approvals would be requested from the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 6, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 20, 1993).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, International Arrivals Building, P.O. Box 11049, Las Vegas, Nevada 89111

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: April 21, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–10742 Filed 5–6–93; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 16–93]

Foreign-Trade Zone 41—Milwaukee, WI; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign-Trade Zone of Wisconsin, Ltd., grantee of FTZ 41, requesting authority to expand its zone in the Milwaukee, Wisconsin, area, within the Milwaukee Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on April 22, 1993.

FTZ 41 was approved in 1978 (Board Order 136, 43 FR 46887; 10/11/78), and expanded in 1981 (Board Order 178, 46 FR 40718; 8/11/81) and in 1985 (Board Order 315, 50 FR 43749, 10/29/85). The zone project currently consists of 4 sites (200 acres): Site 1 (78,000 sq. ft.)—within the Ace World Wide Industrial Park, Milwaukee; Site 2 (120 acres)—West Allis Industrial Center, West Allis; Site 3 (50 acres)—Northwestern Industrial Park, Milwaukee; and, Site 4 (30 acres)—at Milwaukee's Mitchell International Airport. An application is currently pending with the Board requesting authority to delete Sites 3 and 4, to relocate Site 1 to a warehouse facility (210,500 sq. ft.) located at 1925 East Kelly Lane, Cudahy, Wisconsin, and to add a site (300 acres) at the Port of Milwaukee (FTZ Doc. 69–91, 56 FR 5751, 57 FR 45606, 58 FR 4147).

The applicant is now requesting authority to further expand the general-purpose zone to include an additional site (proposed new Site 4)—Milwaukee County Research Park (166 acres). The park is located at U.S. Highway 45 and Watertown Plank Road, Wauwatosa (Milwaukee County), Wisconsin, some 10 miles west of downtown Milwaukee. The park is owned by Milwaukee County and operated by the Milwaukee County Research Park Corporation, a non-profit corporation affiliated with the County.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties.

Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 6, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 20, 1993.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, 517 East Wisconsin Avenue, Room 606, Milwaukee, Wisconsin 53202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: April 21, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–10741 Filed 5–5–93; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

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

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

EFFECTIVE DATE: May 6, 1993.

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

SUPPLEMENTARY INFORMATION:

Background

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

Initiation of Reviews

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

Antidumping duty proceedings and firms	Period to be reviewed
Bangladesh:	
Shop Towels:	
A–538–802	
Sonar Cotton Mills (Bangladesh) Ltd., Eagle Star Mills Ltd., Greyfab (Bangladesh) Ltd., Khaled Textile Mills Ltd., Shabnam Textiles, Hashem Int	9/12/91–2/28/93
Germany:	
Brass Sheet and Strip:	
A–428–602	
Wieland–Werke AG	3/1/92–2/28/93
Japan:	
Stainless Steel Butt Weld Pipe Fittings:	
A–588–702	
Benkan Corporation	3/1/92–2/28/93
Thailand:	
Circular Welded Pipes and Tubes:	
A–549–502	
Saha Thai Steel Pipe Co.	3/1/92–2/28/93
Canada:	
Iron Construction Castings:	
A–122–503	
LaPerle Foundry, Inc., Penticton Foundry Ltd., Titan Foundry Ltd., Associated Foundry, Bibby Foundry, Ltd., Bibby Ste-Croix, Trojan Industries Inc., Wotherspoon Foundry Ltd., Titan Supply Ltd., Dobney Foundry Ltd., McCoy Foundry Co	3/1/92–2/28/93

Countervailing duty proceedings	Period to be reviewed
Brazil:	
Certain Castor Oil Products C–351–029	1/1/92–12/31/92
Cotton Yarn C–351–037	1/1/92–12/31/92
Mexico:	
Certain Textile Mill Products C–201–405	1/1/92–12/31/92
Netherlands:	
Standard Chrysanthemums C–421–601	1/1/92–12/31/92
Pakistan:	
Cotton Shop Towels C–535–001	1/1/92–12/31/92
South Africa:	
Ferrochrome C–791–001	1/1/92–12/31/92

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

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

Dated: April 26, 1993.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 93–10739 Filed 5–5–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–570–820]

Preliminary Determination of Critical Circumstances: Certain Compact Ductile Iron Waterworks Fittings and Accessories Thereof From the People's Republic of China

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

EFFECTIVE DATE: May 6, 1993.

FOR FURTHER INFORMATION CONTACT: Kate Johnson, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230; telephone: (202) 482–4929.

Preliminary Determination

The Department of Commerce (the Department) preliminarily determines that critical circumstances exist in the investigation of certain compact ductile iron waterworks (CDIW) fittings and accessories thereof from the People's Republic of China (PRC) sold in the

United States, as provided in section 733(e) of the Tariff Act of 1930, as amended (the Act).

Case History

Since our affirmative preliminary determination of sales at less than fair value, on February 3, 1993, (58 FR 8930, February 18, 1993), the following events have occurred. On February 24, 1993, the U.S. Waterworks Fittings Producer's Council and its individual members (Clow Water Systems, Tyler Pipe Industries, Inc., and Union Foundry Company), petitioners, requested a public hearing. On February 23, 1993 the Department extended the deadline for the final determination in this investigation until June 18, 1993 (58 FR 12220, March 3, 1993).

On March 3, 1993, the Department presented China National Metals Products Import and Export Corporation (CMP), a Chinese exporter which accounted for a significant portion of exports from the PRC to the United States, with a verification outline and scheduled the following verifications: (1) From April 6 through April 8, 1993, CMP's exporter's sales price (ESP) responses at the offices of CMP's related importer, Sigma Corporation, in Cream Ridge, New Jersey, and (2) from April 22 through May 3, 1993, in Beijing, PRC of CMP's factors of production and separate rates responses.

On March 19, 1993, petitioners submitted scope clarification comments to the Department concerning gaskets and T-head bolts. On March 30, 1993, CMP submitted supplemental information on the Chinese CDIW industry and a list of Chinese CDIW exporters and quantities exported annually with regard to the issue of separate rates.

On March 31, 1993, petitioners alleged that critical circumstances exist with regard to CMP's exports. On April 2, 1993, the Department requested information on CMP's exports with regard to petitioners' allegation of critical circumstances. On April 14, 1993, CMP submitted a revised Section C computer tape to the Department correcting errors in its reporting of cash discounts. On April 16, 1993, CMP submitted its response to our request for monthly export data to evaluate petitioners' critical circumstances complaint.

Scope of Investigation

The products covered by this investigation are (1) certain compact ductile iron waterworks fittings of 3 to 16 inches nominal diameter regardless of shape, including bends, tees, crosses, wyes, reducers, adapters, and other shapes, whether or not cement line, and whether or not covered with bitumen or similar substance, conforming to AWWA/ANSI specification C153/A21.53, and rated for water working pressure of 350 PSI; and (2) certain CDIW fittings accessories which typically consist of a standard ductile iron gland, a styrene butadiene rubber (SBR) gasket, the requisite number of Cor-Ten steel or ductile iron T-head bolts, and hexagonal nuts, for fittings in sizes 3 to 16 inches, conforming to American Water Works Association/American National Standards Institute (AWWA/ANSI) specification C111/A21.11, and rated for water working pressure of 350 PSI. Gaskets, bolts and nuts are only included if they are imported as an accessory pack with a gland. However, glands imported separately are included in the scope of investigation.

The types of CDIW fittings covered by this investigation are compact ductile iron mechanical joint waterworks fittings and compact ductile iron push-on joint waterworks fittings, both of which are used for the same applications. CDIW fittings are used to join water main pressure pipes, valves, or hydrants in straight lines, and change, divert, divide, or direct the flow of raw and/or treated water in piping systems. CDIW fittings attach to the pipe, valve, or hydrant at a joint and are used principally for municipal water distribution systems.

CDIW fittings accessories are used to join mechanical joint CDIW fittings to pipes. The accessories ensure the completeness of the seal between the CDIW fitting and pipe. Mechanical joint fittings must be used with CDIW accessories. Push-on fittings do not require CDIW accessories other than a SBR gasket.

CDIW fittings with nominal diameters greater than 16 inches, and the accessories used with CDIW fittings with nominal diameters greater than 16 inches, are specifically excluded from the scope of the investigation. Nonmalleable cast iron fittings (also called gray iron fittings) and full-bodied ductile fittings are also specifically excluded from the scope of this investigation. Nonmalleable cast iron fittings have little ductility and are generally rated only 150 to 250 PSI. Full-bodied ductile fittings have a longer body design than a compact fitting because in the compact design the straight section of the body is omitted to provide a more compact and less heavy fitting without reducing strength or flow characteristics. In addition, the full-bodied ductile fittings are thicker walled than the compact fittings. Full-bodied fittings are made of either gray iron or ductile iron, in sizes of 3 to 48 inches, conform to AWWA/ANSI specification C110/C21.10, and are rated to a maximum of only 250 PSI. In addition, compact ductile iron flanged fittings are excluded from the scope of this investigation, as they have significantly different characteristics and uses than CDIW fittings.

CDIW fittings are classifiable under subheading 7307.19.30.00, of the Harmonized Tariff Schedule of the United States (HTSUS). Standard ductile iron glands are classifiable under HTSUS subheading 7325.99.10.00, styrene butadiene rubber gaskets are classifiable under HTSUS subheading 4016.93.00.90, T-Head bolts of steel or ductile iron are classifiable under HTSUS subheading 7318.15.20.90, and hexagonal nuts are classifiable under HTSUS subheading 7318.16.00.00. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Critical Circumstances

On March 31, 1993, petitioners alleged that "critical circumstances" exist with respect to imports of the subject merchandise from the PRC. Section 733(e)(1) of the Act provides that the Department will determine whether there is a reasonable basis to believe or suspect that:

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

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

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

Regarding requisite (A)(i) above, we normally consider whether there has been an antidumping order in the United States or elsewhere on the subject merchandise in determining whether there is a history of dumping. Regarding requisite (A)(ii) above, we normally consider margins of 25 percent or more for purchase price comparisons and 15 percent or more for exporter's sales price comparisons as sufficient to impute knowledge of dumping. Since the preliminary estimated dumping margin for all exporters of CDIW fittings and accessories from the PRC is in excess of 25 percent, we can impute

knowledge of dumping under section 733(e) (1)(A)(ii) of the Act.

For purposes of determining whether there have been massive imports over a relatively short period of time, the Department did not consider the company specific data submitted by CMP on April 16, 1993, because CMP has not demonstrated that it qualifies for a separate rate (58 FR 8930, February 18, 1993). The Department lacked monthly, country-wide shipment data, due to the PRC government's failure to provide an adequate consolidated questionnaire response on behalf of all PRC producers and exporters. As a result, the Department was forced to assume, as best information available (BIA), that there have been massive imports over a relatively short period of time. Accordingly, we preliminarily find that critical circumstances do exist in this investigation.

We will announce the final determination of critical circumstances along with the final antidumping determination in this investigation on June 18, 1993.

Suspension of Liquidation

In accordance with sections 733(d)(1) and 733(e)(2) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of CDIW fittings and accessories thereof from the PRC, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after November 20, 1992, the date which is 90 days prior to date of publication of the affirmative preliminary determination in this proceeding.

ITC Notification

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

Public Comment

In accordance with 19 CFR 353.38, written comments regarding this preliminary critical circumstances determination, if any, should be included in the case briefs, which must be submitted to the Assistant Secretary for Import Administration no later than June 1, 1993, and rebuttal briefs which are due no later than June 8, 1993. In addition, five copies of a public version of case or rebuttal briefs should be submitted by the appropriate date if the submission contains business proprietary information. In accordance with 19 CFR 353.38(b), we will hold a public hearing, which has been requested by interested parties to afford an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held at 9:30 a.m. on June 10, 1993, at the U.S. Department of Commerce, room 1412, 14th Street and Constitution Avenue NW., Washington DC, 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.16(b).

Dated: April 28, 1993.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–10740 Filed 5–5–93; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in China

April 30, 1993.

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

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

EFFECTIVE DATE: April 30, 1993.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6703. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

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

The current limits for Categories 611 and 835 are being increased for shift, reducing the limit for Categories 317/326 to account for the increases.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23 1992). Also see 57 FR 62304, published on December 30, 1992.

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

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 30, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 23, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on April 30, 1993, you are directed to amend further the directive dated December 23, 1993 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the People's Republic of China:

Category	Adjusted twelve-month limit [1]
Levels not in a group	
317/326	18,162,532 square meters of which not more than 3,560,468 square meters shall be in Category 326.
611	5,190,606 square meters.
835	118,599 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1992.

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

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–10618 Filed 5–6–93; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Hearing Schedule; Defense Base Closure and Realignment Commission

AGENCY: Defense Base Closure and Realignment Commission.

ACTION: Notice.

SUMMARY: Pursuant to Public Law 101–510, as amended, the Defense Base Closure and Realignment Commission publicly announces additions to the public hearing schedule.

The Commission will hold open, public hearings on Friday, May 21 and Saturday, May 22 to deliberate and vote on possible additional bases for consideration for closure and realignment. These hearings will be held in the Washington, DC area at a location and time to be determined. The May 22 hearing will be held only if all deliberations and votes could not be accomplished on May 21st.

The Commission may also deliberate and/or vote on one or more additional bases for consideration at any of the previously announced upcoming regional hearings at which there is a quorum.

FOR FURTHER INFORMATION: Mr. Tom Houston, Director of Communications at (703) 696–0504. Please contact the Commission to confirm any last-minute changes in dates, times and locations of all upcoming hearings.

Dated: May 3, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison, Department of Defense.

[FR Doc. 93–10678 Filed 5–5–93; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Tactical Aircraft Review

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Tactical Aircraft Review will meet in closed session on May 19, 1993 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Director, Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review and critique outputs generated by the USD(A) Bottoms-Up Tactical Aircraft Review, and provide advice, on an as-needed basis, to the USD(A) in the conduct of the overall Bottoms-Up Review.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: May 3, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–10675 Filed 5–5–93; 8:45 am]

BILLING CODE 5000–04–M

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

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Joint Precision Interdiction (JPI) will meet in closed session on May 20, 1993 at the Pentagon, Arlington, Virginia.

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

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: May 3, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–10676 Filed 5–5–93; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Defense Acquisition Reform (Phase I)

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Defense Acquisition Reform (Phase I) will meet in closed session on May 5, May 10, May 24–25, June 2, June 15–16, and June 29–30, 1993 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Director, Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will define the scope and method for proceeding with a comprehensive modification to the process by which the Department of Defense acquires goods and services.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: May 3, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–10677 Filed 5–5–93; 8:45 am]

BILLING CODE 5000–04–M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, June 1, 1993; Tuesday, June 8, 1993; Tuesday, June 15, 1993; Tuesday, June 22, 1993; and Tuesday, June 29, 1993, at 2 p.m. in room 800, Hoffman Building #1, Alexandria, Virginia.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of

an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy/Equal Opportunity) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, room 3D264, The Pentagon, Washington, DC 20310.

Dated: May 3, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–10673 Filed 5–5–93; 8:45 am]

BILLING CODE 5000–04–M

Per Diem, Travel and Transportation Allowance Committee; Changes in Per Diem Rates

AGENCY: Per Diem Rates, Per Diem, Travel and Transportation Allowance Committee, DOD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 168. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 168 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: 1 May 1993.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

Locality	Maximum lodging amount (A)	+	M&IE rate (B)	=	Maximum per diem rate (C)	Effective date
Alaska:						
Adak [5]	$10		$34		$44	10–01–91
Anaktuvuk Pass	83		57		140	12–01–90
Anchorage:						
05–15—09–15	174		71		245	05–15–93
09–16—05–14	81		66		147	12–01–92
Aniak	73		36		109	07–01–91
Atqasuk	129		86		215	12–01–90
Barrow	86		73		159	06–01–91
Bethel	82		64		146	01–01–93
Bettles	65		45		110	12–01–90
Cold Bay	71		54		125	12–01–90
Coldfoot	95		59		154	10–01–92
Cordova	66		77		143	12–01–92
Craig	67		35		102	07–01–91
Dillingham	76		38		114	12–01–90
Dutch Harbor-Unalaska	113		67		180	05–05–92
Elelson AFB:						
05–15—09–15	100		66		166	05–15–93
09–16—05–14	65		67		132	12–01–92
Elmendorf AFB:						
05–15—09–15	174		71		245	05–15–93
09–16—05–14	81		66		147	12–01–92
Fairbanks:						
05–15—09–15	100		66		166	05–15–93
09–16—05–14	65		67		132	12–01–92
False Pass	80		37		117	06–01–91
Ft. Richardson:						
05–15—09–15	174		71		245	05–15–93
09–16—05–14	81		66		147	12–01–92
Ft. Wainwright:						
05–15—09–15	100		66		166	05–15–93
09–16—05–14	65		67		132	12–01–92
Homer:						
05–01—09–30	71		60		131	05–01–93
10–01—04–30	53		62		115	12–01–92
Juneau:						
05–01—10–01	88		74		162	05–01–92

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES—Continued

Locality	Maximum lodging amount (A)	+	M&IE rate (B)	=	Maximum per diem rate (C)	Effective date
10–02—04–30	75		73		148	01–01–92
Katmai National Park	89		59		148	12–01–90
Kenai-Soldotna:						
04–02—09–30	94		68		162	04–02–93
10–01—04–01	57		66		123	12–01–92
Ketchikan:						
05–14—10–14	77		61		138	05–14–93
10–15—05–13	68		71		139	12–01–92
King Salmon[3]	75		59		134	12–01–90
Klawock	75		36		111	07–01–91
Kodiak	71		61		132	01–01–92
Kotzebue	133		87		220	05–01–93
Kuparuk Oilfield	75		52		127	12–01–90
Metlakatla	79		44		123	07–01–91
Murphy Dome:						
05–15—09–15	100		66		166	05–15–93
09–16—05–14	65		67		132	12–01–92
Nelson Lagoon	102		39		141	06–01–91
Noatak	133		87		220	05–01–93
Nome	71		58		129	01–01–93
Noorvik	133		87		220	05–01–93
Petersburg	72		64		136	05–01–92
Point Hope	99		61		160	12–01–90
Point Lay[6]	106		73		179	12–01–90
Prudhoe Bay-Deadhorse	64		57		121	12–01–90
Sand Point	75		36		111	07–01–91
Seward:						
05–01—09–30	107		53		160	05–01–92
10–01—04–30	61		48		109	01–01–92
Shungnak	133		87		220	05–01–93
Sitka-Mt. Edgecombe	72		69		141	01–01–92
Skagway:						
05–14—10–14	77		61		138	05–14–93
10–15—05–13	68		71		139	12–01–92
Spruce Cape	71		61		132	01–01–92
St. George	100		39		139	06–01–91
St. Paul Island	81		34		115	12–01–90
Tanana	71		58		129	01–01–93
Tok	48		55		103	12–01–92
Umiat	97		63		160	12–01–90
Valdez:						
05–01—09–01	98		53		151	05–01–93
09–02—04–30	82		70		152	12–01–92
Wainwright	90		75		165	12–01–90
Walker Lake	82		54		136	12–01–90
Wrangell:						
05–14—10–14	77		61		138	05–14–93
10–15—05–13	68		71		139	12–01–92
Yakutat	70		40		110	12–01–90
Other[3 4 6]	63		48		111	01–01–93
American Samoa	85		47		132	12–01–91
Guam	155		75		230	05–01–93
Hawaii:						
Island of Hawaii: Hilo	65		61		126	06–01–92
Island of Hawaii: Other	80		61		141	06–01–92
Island of Kauai	99		55		154	06–01–92
Island of Kure[1]	.....		13		13	12–01–90
Island of Maui	79		64		143	06–01–92
Island of Oahu	105		55		160	06–01–92
Other	59		47		106	12–01–90
Johnston Atoll[2]	20		20		40	10–01–92
Midway Islands[1]	.....		13		13	12–01–90
Northern Mariana Islands:						
Rota	68		55		123	01–01–93
Saipan	100		69		169	01–01–93
Tinian	50		55		105	01–01–93
Other	20		13		33	12–01–90

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES—Continued

Locality	Maximum lodging amount (A)	+	M&IE rate (B)	=	Maximum per diem rate (C)	Effective date
Puerto Rico:						
Bayamon:						
04–16—12–14	93		67		160	08–01–92
12–15—04–15	116		69		185	12–15–92
Carolina:						
04–16—12–14	93		67		160	08–01–92
12–15—04–15	116		69		185	12–15–92
Fajardo (including Luquillo):						
04–16—12–14	90		57		147	08–01–92
12–15—04–15	134		61		195	12–15–92
Ft. Buchanan (including GSA Service Center, Guaynabo):						
04–16—12–14	93		67		160	08–01–92
12–15—04–15	116		69		185	12–15–92
Mayaguez	85		65		150	08–01–92
Ponce	106		65		171	08–01–92
Roosevelt Roads:						
04–16—12–14	90		57		147	08–01–92
12–15—04–15	134		61		195	12–15–92
Sabana Seca:						
04–16—12–14	93		67		160	08–01–92
12–15—04–15	116		69		185	12–15–92
San Juan (including San Juan Coast Guard units):						
04–16—12–14	93		67		160	08–01–92
12–15—04–15	116		69		185	12–15–92
Other	63		52		115	08–01–92
Virgin Islands of the U.S.:						
05–02—12–15	100		68		168	08–01–92
12–16—05–01	144		73		217	12–16–92
Wake Island[2]	4		17		21	12–01–90
All other localities	20		13		33	12–01–90

Footnotes:

[1] Commercial facilities are not available. The meal and incidental expense rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

[3] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $19.65 is prescribed to cover meals and incidental expenses at Shemya AFB, Clear AFS, Galena APT and King Salmon APT. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[4] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[5] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $25 is prescribed instead of the rate prescribed in the table. This rate will be increased by the amount paid for U.S. Government or contractor quarters.

[6] The meal rates listed below are prescribed for the following locations in Alaska: Cape Lisburne RRL, Cape Newenham RRL, Cape Romanzof APT, Fort Yukon RRL, Indian Mtn RRL, Sparrevohn RRL, Tatalina RRL, Tin City RRL, Barter Island AFS, Point Barrow AFS, Point Lay AFS and Oliktok AFS. The amount to be added to the cost of government quarters in determining the per diem will be $3.50 plus the following amount:

	Daily rate
DOD Personnel	$13
Non-DOD Personnel	30

Dated: May 3, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–10674 Filed 5–5–93; 8:45 am]

BILLING CODE 5000–04–M

Government-Owned Invention; Availability for Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice of availability of invention for licensing.

SUMMARY: An undivided interest in the invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is made available for licensing by the Department of the Navy.

Request for copies of the patent application should be directed to the Office of Naval Research (Code OOCCIP), Ballston Tower 1, 800 North Quincy Street, Arlington, Virginia 22217–5660 and must include the application serial number.

DATES: May 6, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research (Code OOCCIP), 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

Patent Application Serial No. 08/018,394 entitled Titanium Alloy For Plate Applications, filed February 17, 1993.

Dated: April 28, 1993.

Michael P. Rummel,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93–10613 Filed 5–5–93; 8:45 am]

BILLING CODE 3810–AE–M

Department of the Navy

CNO Executive Panel; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Domestic Issues Task Force, will meet May 20-21, 1993, from 9 a.m. to 5 p.m., at Headquarters of U.S. Pacific Fleet Training Command, Point Loma, California, and the Navy Training Center/Recruit Training Command, San Diego, California.

The purpose of this meeting is to continue efforts to examine trends for future training of naval personnel, particularly in terms of managing the diversity of the future naval force. The agenda of the meeting will consist of visits to training centers in San Diego and discussions with key personnel in the training chain of command.

For further information concerning this meeting, contact: J. Kevin Mattonen, Executive Secretary to the CNO Executive Panel, 4401 Ford Avenue, room 601, Alexandria, VA 22302-0268, Telephone (703) 756-1205.

Dated: April 28, 1993.

Michael P. Rummel

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93-10617; Filed 5-5-93; 8:45 am]

BILLING CODE 3810-AE-F

CNO Executive Panel; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel National Security Task Force, will meet May 25-26, 1993, from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia.

The purpose of this meeting is to provide framework for the place of Naval Forces in U.S. national security in the future. The entire agenda for the meeting will consist of discussion of key issues regarding the future threat assessment.

For further information concerning this meeting, contact: J. Kevin Mattonen, Executive Secretary to the Executive Panel; 4401 Ford Avenue, suite 601, Alexandria, VA 22302-0268, Telephone (703) 756-1205.

Dated: April 28, 1993.

Michael P. Rummel

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93-10614 Filed 5-5-93; 8:45 am]

BILLING CODE 3810-AE-F

Naval Research Advisory Committee; Partially Closed Meeting

Notice was published April 20, 1993, at 58 FR 21297 that the Naval Research Advisory Committee on Defense Conversion will meet on May 6-7, 1993, at the Office of Naval Research, 800 North Quincy Street, Arlington, Virginia. The meeting has been canceled.

Dated: May 3, 1993.

Saundra K. Melancon,

Alternate Federal Register Liaison Officer.

[FR Doc. 93–10842 Filed 5–5–93; 8:45 am]

BILLING CODE 3810–AE–F

DEPARTMENT OF ENERGY

Federal Assistance Award to Air Products and Chemicals, Inc.

AGENCY: Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7, is announcing its intention to add additional effort to cooperative agreement DE–FC07–891D12779 currently in place with Air Products and Chemicals Inc. (AP) for development of an active transport membrane device for separation of industrial gasses.

ADDRESSES: Questions regarding this announcement may be addressed to the U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, Colorado 80401, Attention: M.A. Barron, Contract Specialist. The Contracting Officer is Dr. Paul K. Kearns.

SUPPLEMENTARY INFORMATION: DOE provided financial assistance to AP to develop active transport membranes for separation of specific industrial gasses. During the first phase, several active transport membranes were developed and tested at the coupon scale and in spiral wound configurations. DOE intends to provide assistance to AP to develop active transport membranes in the hollow fiber configuration. DOE intends to restrict eligibility to AP for this research through development of hollow fiber configurations.

DOE funding for the proposed activity is estimated to be $765,000 and AP's share is estimated to be $235,000 for a total of $1,000,000 over a one year project period.

Issued in Chicago, Illinois, on April 19, 1993.

Johnnie D. Greenwood,

Director, Contracts Division.

[FR Doc. 93–10737 Filed 5–5–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Assistance Award to Bariess Associates

AGENCY: Department of Energy.

ACTION: Notice of financial assistance award in response to an unsolicited financial assistance application.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.14, is announcing its intention to enter into a cooperative agreement with Bariess Associates for transfer of newly developed sensor technologies to the paper industry.

ADDRESSES: Questions regarding this announcement may be addressed to the U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, Colorado 80401, Attention: M. A. Barron, Contract Specialist. The Contracting Officer is Paul K. Kearns.

SUPPLEMENTARY INFORMATION: Over the past 12 years DOE's Office of Industrial Processes (OIP) and the Small Business Innovative Research (SBIR) programs have funded sensor and control development projects specific to the pulp and paper industry. Unfortunately, many are not being utilized or are underutilized by the paper industry. In most cases the principal reason for underutilization is that mill operators are unaware of potential improvements offered by the sensors. A demonstration program led by a recognized authority on sensors in the paper industry will gain the attention of the potential users.

The participant will select sensors, seek out users willing and able to undertake demonstration projects at their plant, monitor the demonstrations, note and correct any problems encountered in achieving meaningful evaluations, assist in documenting the demonstrations, and make results known to the broader user community.

The total project is estimated to cost $1,000,000 of which $150,000 will be provided by DOE and $850,000 will be provided by sensor manufacturers, pulp and paper companies, and suppliers of equipment to the paper industry.

Issued in Chicago, Illinois, on April 19, 1993.

Johnnie D. Greenwood,

Director, Contracts Division.

[FR Doc. 93–10731 Filed 5–5–93; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award Intent To Award A Noncompetitive Grant to Benedict College

AGENCY: Savannah River Operations Office, DOE.

ACTION: Notice.

SUMMARY: The DOE announces that it plans to accept an unsolicited proposal and award a grant to Benedict College, Harden and Blanding Streets, Columbia, South Carolina. The grant "Summer Mathematics and Science Enrichment Program," will be awarded for a six-month period with DOE support of $72,643, and cost sharing by Benedict $10,138. Pursuant to 10 CFR 600.7(b) and 600.14, eligibility for this award has been limited to Benedict College as a result of acceptance of their unsolicited proposal, and DOE has determined that award of a grant is appropriate.

FOR FURTHER INFORMATION CONTACT: Elizabeth T. Martin, Prime Contracts and Financial Assistance Branch, U.S. Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802, Telephone: (803) 725–2191.

SUPPLEMENTARY INFORMATION:

Procurement Request Number: 09–93SR18323.000

Project Scope: The objective of this program is to identify, motivate, and begin preparation of students for science-based careers. The proposed program will offer a six-week communication-based science and mathematics enrichment program for 60 youths in grades 4 through 8 during the summer 1993. The participants in this program will be among those underrepresented in science-based careers (minorities and females). This program will provide to participants and their parents assistance in acquiring basic communication, computation and reasoning skills, as well as exposure to a variety of science-based careers through field trips and the use of role models.

Benedict College is a Historically Black College or University (HBCU) and falls within the meaning and intent of Executive Orders 12320 and 12677 pertaining to Government assistance to HBCUs. The participation of HBCUs in federally supported programs is relatively limited. In order to overcome some of these limitations, the Executive Orders directed federal agencies to increase the participation of HBCUs in federally-funded programs and to strengthen their capabilities to provide quality education. This award represents an effort to strengthen the HBCU community. The program proposed in the application is considered meritorious, and the activities to be carried out under this award would not be eligible for financial assistance under any recent, current, or planned solicitation. Based on documentation presented and appropriate evaluation, it is determined to be in the best interest of DOE to award a grant to Benedict College.

Issued in Aiken, South Carolina, on April 27, 1993.

Robert E. Lynch,

DOE Savannah River Operations Office, Head of Contracting Activity.

[FR Doc. 93–10735 Filed 5–5–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Assistance Award to University of Florida

AGENCY: Department of Energy.

ACTION: Notice of financial assistance award in response to an unsolicited financial assistance application.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.14, is announcing its intention to enter into a cooperative agreement with the University of Florida for development of on-line viscometers for kraft black liquor in paper mills.

ADDRESSES: Questions regarding this announcement may be addressed to the U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, Colorado 80401, Attention: M. A. Barron, Contract Specialist. The Contracting Officer is Paul K. Kearns.

SUPPLEMENTARY INFORMATION: The project is aimed at improving the efficiency of recovery boilers which burn black liquor from the kraft pulping process in paper making.

The boilers recover chemicals and produce process steam or power for use in the plant. The University of Florida will be working with viscometer manufacturers, equipment manufacturers, and the paper industry to develop on-line viscometers and associated controls. The goal is to sufficiently increase system accuracy and reliability to allow recovery boiler operators to increase solids concentrations in the black liquor without danger of fouling the concentrator, evaporator, and boiler equipment. Success in the endeavor will allow an increase in the flow of black liquor through the recovery system and allow the boiler to deliver more heat and/or power to the mill.

The total project is estimated to cost $1,165,000 of which $315,000 will be provided by the participant and the paper industry, and $85,000 will be provided by DOE.

Issued in Chicago, Illinois, on April 19, 1993.

Johnnie D. Greenwood,

Director, Contracts Division.

[FR Doc. 93–10733 Filed 5–5–93; 8:45 am]

BILLING CODE 6450–01–M

Acceptance of an Unsolicited Application From the University of Maryland

AGENCY: Department of Energy.

ACTION: Notice of acceptance of an unsolicited application.

SUMMARY: The Department of Energy (DOE), DOE Chicago Operations Office, announces that pursuant to the DOE Financial Assistance Rule, 10 CFR 600.14(f), it intends to award a grant based on the acceptance of an unsolicited application to the University of Maryland at College Park. The objective of the work provided by this grant is to quantify the potential Electrohydrodynamic (EHD) technique for heat transfer enhancement of in-tube condensation and in-tube evaporation processes of selected ozone-safe refrigerants and refrigerant mixtures.

FOR FURTHER INFORMATION CONTACT: Esher R. Kweller, CE–422, Department of Energy, Office of Building Technologies, 1000 Independence Ave., SW., Washington, DC 20585, (202) 586–9136.

SUPPLEMENTARY INFORMATION: The University of Maryland at College Park has the necessary personnel, facilities, and other resources to fully perform the work set forth in the grant. Currently, this university is the only known group that has ongoing research specially in the EHD augmentation of heat transfers in heat exchanger. Within the last six years the university has maintained a comprehensive computer search of EHD-enhancement technology world-wide an the state-of-the-art equipment for use in EHD and Chlorofluorocarbons (CFC) substitute research. This University also developed a unique and innovative theoretical computer models to analyze the effects of new EHD configuration and effects. This application is meritorious based on the general evaluation that it will support a

DOE mission for the research and development of highly efficient alternatives to, and substitutes for, environmentally harmful CFC and CFC-dependent equipment used in refrigeration application and that it is relevant to the general public purpose of support in the areas of reducing the effects of stratospheric ozone depletion. This application represents unique and innovative idea, method and approach which would not be eligible for financial assistance under a recent, current, or planned solicitation, and, DOE has determined that, a competitive solicitation would be inappropriate. The project period for this grant is a one year period expected to begin May 1, 1993. DOE plans to provide funding in the amount of $115,000.00 for this project period.

Issued in Chicago, Illinois on April 20, 1993.

Johnnie D. Greenwood,

Director, Contracts Division.

[FR Doc. 93–10734 Filed 5–5–93; 8:45 am]

BILLING CODE 6450–01–M

Weatherization Assistance Program (WAP), Region VII Technical Working Group (TWG) Project; Availability of Funding

AGENCY: Department of Energy.

ACTION: Notice of availability of funding.

SUMMARY: This document announces the issuance of a Program Solicitation No. DE–FG47–93R701312 by the Department of Energy, Kansas City Support Office (KCSO). The solicitation invites grant application from State WAP grantees located in Federal Region VII (Iowa, Kansas, Missouri & Nebraska) for funding of a project in support of the WAP.

ADDRESSES: Department of Energy, Kansas City Support Office, 911 Walnut, 14th Floor, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Cynthia A. King, Grants Management Division, (816) 426–3815; Patrick G. Lana, Grants Management Division, (816) 426–3815.

SUPPLEMENTARY INFORMATION:

I. Background

The U.S. Department of Energy—Kansas City Support Office (KCSO) is making funds available as part of its Weatherization Assistance Program (WAT) Training and Technical Assistance (T&TA) Program.

The area for which the KCSO is seeking a grant proposal is the Region VII Technical Working Group project.

II. Eligible Grantees

Eligible grantee are the WAP state grantees located in the area serviced by the DOE-KCSO (Iowa, Kansas, Missouri & Nebraska).

III. Eligible Activities

The grant issued pursuant to this Notice is limited to the Technical Working Group Project.

Application Procedures

The Program Solicitation and Grant Applications have been provided to each state WAP grantee in the KCSO area and must be received no later than May 15, 1993. Application content and evaluation criteria are set forth in the Program Solicitation.

It is anticipated that the grant award will be issued by July 1, 1993.

Issued in Chicago, IL on April 26, 1993.

Timothy S. Crawford,

Assistant Manager for Administration.

[FR Doc. 93–10732 Filed 5–5–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project Nos. 2113–022, 2212–001, 2239–004, 2255–003, 2256–001, 2291–001, 2292–001, 2476–001, 2590–001 WI/MI]

Wisconsin Valley Improvement Co., et al.; Intent to Prepare an Environmental Impact Statement

April 30, 1993.

In the matter of: Wisconsin Valley Improvement Co., Weyerhaeuser Paper Co., Tomahawk Power & Pulp Co., Nekoosa Papers, Inc., Consolidated Water Power Co., Wisconsin Public Service Corp.

The Federal Energy Regulatory Commission (FERC) has received applications for new license for the Wisconsin Valley Project No. 2113, Rothschild Project No. 2212, Kings Dam Project No. 2239, Centralia Project No. 2255, Wisconsin Rapids Project No. 2256, Port Edwards Project No. 2291, Nekoosa Project No. 2292, Jersey Project No. 2476, and Wisconsin River Division Project No. 2590 located on the Wisconsin River and its tributaries in Vilas, Wood, Oneida, Forest, Portage, Marathon, and Lincoln Counties, Wisconsin, and Gogebic County, Michigan.

The FERC staff has determined that issuing new licenses for these projects would constitute a major federal action significantly affecting the quality of the human environment. Therefore, the staff intends to prepare an environmental impact statement (EIS) on the hydroelectric projects in accordance with the National Environmental Policy Act. The staff's EIS will objectively consider both site specific and cumulative environmental effects of the projects and reasonable alternatives, and will include an economic, financial and engineering analysis.

A draft EIS will be issued and circulated for review by all interested parties. All comments filed on the draft EIS will be analyzed by the staff and considered in a final EIS. The staff's conclusions and recommendations will then be presented for the consideration of the Commission in reaching its final licensing decisions. Pubic and agency scoping meetings will be held at a future date to be announced.

For further information, please contact Michael Dees at (202) 219–2807.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10639 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–45–004]

ANR Pipeline Co.; Report of Refunds

April 30, 1993.

Take notice that on April 7, 1993, ANR Pipeline Company (ANR) tendered for filing with the Federal Energy Regulatory Commission (Commission) its report of refunds made in compliance with Section 1. of the Offer of Settlement dated July 28, 1992, and approved by the Commission's October 26, 1992 Order issued in Docket No. RP92–45–001. ANR states that the report summarizes repayment amounts ANR made on March 9, 1993, to High Island Offshore System (HIOS).

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 7, 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 the file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10652 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–5–48–000]

ANR Pipeline Co.; Compliance Filing

April 30, 1993.

Take notice that on April 27, 1993, ANR Pipeline Company ("ANR") tendered for filing the following revised tariff sheets, to be effective April 1, 1993, to ANR's FERC Gas Tariff, First Revised Volume No. 1:

Second Revised Sheet No. 7
Second Revised Sheet No. 8
Second Revised Sheet No. 9
Second Revised Sheet No. 10
Second Revised Sheet No. 11
Second Revised Sheet No. 12
Second Revised Sheet No. 13
Second Revised Sheet No. 14
Second Revised Sheet No. 15

ANR states that the above-referenced tariff sheets are being submitted in compliance with the Commission's order on September 30, 1992, to show the monthly billing applicable to each eligible customer's allocable percentages of total effective transportation and sales entitlements, resulting from the Dakota Gasification Company capacity costs from ANR firm transportation and sales customers. ANR states that the revised tariff sheets reflect the percentages based on such entitlements in effect as of April 1, 1993.

ANR states that copies of the filing have been served to all parties in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 7, 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. 93–10640 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–316–000]

Arkla Energy Resources, a Division of Arkla, Inc.; Request Under Blanket Authorization

April 30, 1993.

Take notice that on April 26, 1993, Arkla Energy Resources (AER), a division of Arkla, Inc. (Arkla), Post Office Box 21734, Streveport, Louisiana 71151, filed a prior notice request with the Commission in Docket No. CP93–316-000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate two sales taps and related facilities for the delivery of natural gas to Arkansas Louisiana Gas Company (ALG), under AER's blanket certificates issued in Docket Nos. CP82–384–000 and CP82–384–001, all as more fully set forth in the application which is open to public inspection.

AER proposes to construct and operate a two-inch sales tap in Logan County, Arkansas, and a one-inch sales tap in Pope County, Arkansas, for initial service to six ALG domestic customers. AER would delivery up to 6 Mcf of natural gas per peak day and 505 Mcf annually for ALG's account via these taps. ALG would reimburse AER for the taps' estimated $5,700 construction costs.

AER states that it has adequate system gas supplies to provide the proposed service for ALG.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, 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 NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the date 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 NGA.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10649 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–306–000]

Caprock Pipeline Co.; Application

April 30, 1993.

Take notice that on April 20, 1993, Caprock Pipeline Company (Caprock), 333 Clay Street, suite 2000, Houston, Texas 77002–9817, filed in Docket No. CP93–306–000, an application requesting permission and approval to abandon certain facilities and services necessary to effectuate ultimate delivery of gas to Pioneer Natural Gas Company (Pioneer) and El Paso Natural Gas Company (El Paso), to construct and operate certain facilities necessary for the delivery of gas to Pioneer and El Paso, and to operate various NGPA section 311 facilities as NGA section 7(c) facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Caprock proposes to abandon certain facilities, including 4.2 miles of 3 and 4-inch pipeline and a compressor station, and specific transportation services in the Texas counties of Terry, Carson, Moore, Gaines, and Yoakum. Caprock indicates that the services have either ceased or the facilities used for the services are no longer required as the reason for abandoning these facilities and services.

Caprock also requests authorization to construct and operate approximately 240 feet of 10-inch pipeline and to install a tap and meter station on the western end of its system that connects with the facilities of El Paso. Caprock indicates that this construction is necessary to permit the reverse flow of gas from El Paso to the American Gas Storage, L.P. storage field.

Caprock also requests authorization to operate the Beckham-Wheeler pipeline facility originally constructed under section 311 (a)(1) of the NGPA in order to offer future services under Order No. 636.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 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 and 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 a grant of the certificate, and 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 Caprock to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10644 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TQ93–7–63–000, TM93–7–63–000]

Carnegie Natural Gas Co; Proposed Changes in FERC Gas Tariff

April 30, 1993.

Take notice that on April 28, 1993, Carnegie Natural Gas Company (Carnegie) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1, with a proposed effective date of May 1, 1993:

Forty-Third Revised Sheet No. 8
Forty-Third Revised Sheet No. 9

Carnegie states that pursuant to § 154.308 of the Commission's regulations and sections 23 and 26 of the General Terms and Conditions of its FERC Gas Tariff, it is filing a combined Out-of-Cycle Purchased Gas Adjustment ("PGA") and Transportation Cost Adjustment ("TCA") to reflect updated projections affecting the average commodity cost of purchased gas to be incurred by Carnegie for May 1993. Carnegie states that this filing was necessitated by a substantial and unanticipated increase in the price of spot gas supplies available during May 1993, as compared to the projected cost of purchased gas reflected in Carnegie's most recent PGA filed in Docket No. TQ93–6–63–000 on March 30, 1993.

Carnegie states that the above revised tariff sheets reflect a commodity rate increase of $0.5102 per Dth under Rate Schedules CDS, LVWS, and SEGSS, as compared to the rates filed in Carnegie's last fully-supported PGA in Docket No. TQ93–6–3–000, in March 30, 1993, reflecting an increase in Carnegie's average commodity cost of purchased gas from $2.2303 per Dth to $2.7405 per Dth. The revised tariff sheets also reflect a decrease in the TCA charge of $0.0421 per Dth, from $0.2033 per Dth to $0.1612 per Dth, as measured against Carnegie's last TCA in Docket No. TM93–6–63–000, filed on March 30, 1993.

Carnegie states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 7, 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. 93–10646 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–7–23–000]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 30, 1993.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on April 28, 1993 certain revised tariff sheets included in Appendix A attached to the filing. Such sheets are proposed to be effective May 1, 1993.

ESNG states that the tariff sheets are being filed pursuant to § 154.308 of the Commission's regulations and sections 21.2 and 21.4 of the General Terms and Conditions of ESNG's FERC Gas Tariff to reflect changes in ESNG's jurisdictional rates. The increased gas costs in this instant filing are a result of higher prices being paid to producers/suppliers under ESNG's market-responsive gas supply contracts.

The sales rates set forth in the above referenced tariff sheets reflect an increase of $.7413 per dt in the commodity rate.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR § 385.211 and § 385.214). All such motions or protests should be filed on or before May 7, 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. 93–10647 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–105–000]

National Fuel Gas Supply Corp.; Petition for Waiver of Certain Part 260 Reporting Requirements

April 30, 1993.

Take notice that on April 28, 1993, National Fuel Gas Supply Corporation ("National") filed a Petition For Waiver of Certain part 260 Reporting Requirements. National seeks a waiver of the requirement to file Forms 15 and 16 on an annual basis. National submits that, following the unbundling of pipeline services pursuant to Order No. 636, the information required by these forms will no longer be necessary.

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 20428, 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 May 7, 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. 93–10638 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–53–009]

Panhandle Eastern Pipe Line Co.; Report of Refunds

April 30, 1993.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on April 14, 1993, tendered for filing with the Federal Energy Regulatory Commission (Commission) a refund report in compliance with a Settlement Agreement (Settlement) dated July 10, 1991, which was approved by Commission orders dated August 2, 1991 and September 25, 1991.

Panhandle states that a Commission letter order dated June 11, 1992, permitted it to delay paying a refund due Columbia Gas Transmission Corporation (Columbia), until the effectiveness of the Settlement with respect to Columbia was confirmed by the Bankruptcy Court overseeing Columbia's Chapter 11 reorganization. Panhandle notes that on January 6, 1993, the Bankruptcy Court issued an order which established a Restricted Investment Account for refunds related to pre-petition periods.

Panhandle states that on April 14, 1993, it paid Columbia $17,194,033.68, which represents the amount which was not paid to Columbia on December 16, 1991 of $15,742,272.82 plus interest through April 14, 1993 calculated in accordance with § 154.67 of the Commission's regulations.

Panhandle states that copies of the letter has been sent to Columbia.

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 protest should be filed on or before May 7, 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. 93–10653 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP85–203–015]

Panhandle Eastern Pipe Line Co.; Refund Report

April 30, 1993.

Take notice that on April 14, 1993, Panhandle Eastern Pipe Line Company (Panhandle) filed a report of a refund paid to Columbia Gas Transmission Corporation (Columbia) in compliance with Commission order issued February 11, 1993, which approved a settlement dated February 6, 1992.

Panhandle states that on April 14, 1993, it paid Columbia $11,852,277, inclusive of principal and interest, representing the final resolution of any remaining disputed production-related costs applicable to Columbia under Commission Order Nos. 94 and 473.

Panhandle states that copies of the letter has been sent to Columbia.

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 7, 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. 93–10643 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–204–000]

South Georgia Natural Gas Co.; Technical Conference

April 30, 1993.

In the Commission's letter order issued on August 14, 1992, in the above-captioned proceeding, the Commission held that the filing raises issues for which a technical conference is to be convened. The conference to address the issues has been scheduled for Tuesday, May 18, 1993, at 11 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

The matters to be addressed at this conference include the following:

1. Explanation of the mechanics of the monthly tracking mechanism for fuel proposed by South Georgia.

2. Any proposed alternatives, such as a tracker, for changes in fuel/line loss reimbursement.

3. Discussion of the relationship between the tariffs of South Georgia and Southern Natural Gas Company related to penalties and fuel use.

4. Any considerations of a balancing agreement between South Georgia and Southern Natural to ameliorate potential for penalties.

All interested persons and Staff are permitted to attend. Any questions concerning this matter should be addressed to Harris Wood, (202) 208–0696.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10650 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–164–007]

Tarpon Transmission Co.; Compliance Tariff Filing

April 30, 1993.

Take notice that on April 7, 1993, Tarpon Transmission Company ("Tarpon") tendered for filing with the Commission as part of its FERC Gas Tariff, Original Volume No. 1, Tenth Revised Sheet No. 2A and Original Sheet No. 2E, proposed to be effective on November 1, 1992.

Tarpon states that these tariff sheets 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 filed by Tarpon on November 3, 1992. Tenth Revised Sheet No. 2A sets forth the settlement rates for Tarpon's Part 284 "open access" interruptible transportation service and Original Sheet No. 2E sets forth the settlement rates for Tarpon's Part 284 "open access" firm transportation service.

Tarpon has requested that the Commission waive its Regulations to the extent necessary to permit this compliance tariff filing to be come effective on 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 7, 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. 93–10642 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–164–006]

Tarpon Transmission Co.; Report of Refunds

April 30, 1993.

Take notice that on April 7, 1993, Tarpon Transmission Company (Tarpon) filed a refund report with the Federal Energy Regulatory Commission (Commission) in accordance with Section 2.5 of the Stipulation and Agreement (settlement) approved by the Commission's February 4, 1993 order, *Tarpon Transmission Co.*, 62 FERC ¶61,114 (1993).

Tarpon states that it has made refunds (with interest) to its customers of the difference between Tarpon's filed rate of 14.81 cents per Mcf and the settlement rate of 11.84 cents per Mcf, (both exclusive of the ACA charge) as approved by the Commission in the above-referenced order for the period from November 1, 1992 through December 31, 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 7, 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. 93–10654 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–319–000]

Tennessee Gas Pipeline Co.; Application

April 30, 1993.

Take notice that on April 28, 1993, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP93–319–000 an application pursuant to section 7(b) of the Natural Gas Act for Authorization to abandon a certificated transportation service for Columbia Gas Transmission Company (Columbia Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee seeks authorization to abandon a certificated transportation service for Columbia Gas currently on file as Tennessee's Rate Schedule T–71. Tennessee states that the service was authorized by order issued August 3, 1978, in Docket No. CP78–197 and provided that Tennessee transport gas attributable to Columbia Gas for redelivery to the system of Columbia Gulf Transmission Company at an existing point of interconnect with Tennessee's system near Chalkley, Cameron Parish, Louisiana. Tennessee indicates that Columbia Gas has requested that the service under Rate Schedule T–71 be terminated. No abandonment of facilities is proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 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 and 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 Tennessee to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10645 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–104–000]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 30, 1993.

Take notice that Texas Gas Transmission Corporation (Texas Gas), on April 27, 1993, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 2–A:

First Revised Sheet No. 104
Original Sheet No. 104–A

Texas Gas states that these proposed revised tariff sheets provide its Customers with an additional option, both during the term of a transportation agreement and at the termination of a transportation agreement, to eliminate transportation imbalances by electing to "trade" imbalances with another Customer. Such imbalance "trades" would be negotiated between Customers and would allow Customers having positive imbalances to trade their imbalances with a Customer having a negative imbalance.

Texas Gas submits that this additional option for alleviating imbalances will assist Texas Gas and its Customers in eliminating current transportation imbalances before the initiation of restructured services on its system under Order No. 636. Texas Gas requests a proposed effective date of June 1, 1993.

Texas Gas states that copies of the filing are being mailed to all Texas Gas's jurisdictional sales and transportation customers.

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 protests or motions should be filed on or before May 7, 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. 93–10641 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP91–126–000, CP91–1669–000, CP91–1670–000, CP91–1671–000, CP91–1672–000, and CP91–1673–000]

United Gas Pipe Line Co.; Technical Conference

April 30, 1993.

On October 22, 1991, the Commission issued an order approving with modifications United Gas Pipe Line's proposed settlement in this proceeding. The Settlement provides that United shall meet with the Commission staff and any other interested persons at a series of four conferences to evaluate United's experimental Market Responsive Storage and Delivery Service (MRSDS) in Docket No. CP91–1671–000.

Take notice that the fourth technical conference will be held on Thursday, May 13, 1993, at 10 a.m. to discuss United's MRSDS. The conference will be held in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–10651 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–183–047]

Williams Natural Gas Co.; Proposed Changes In FERC Gas Tariff

April 30, 1993.

Take notice that Williams Natural Gas Company (WNG) on April 27, 1993, tendered for filing Seventeenth Revised Sheet No. 9 to its FERC Gas Tariff, First Revised Volume No. 1.

WNG states that it filed a Stipulation and Agreement (Stipulation) on November 24, 1992 in Docket Nos. RP89–183–045, et al. Article I, Section 4, of the Stipulation requires WNG to file Revised Tariff Sheets within fifteen days after issuance of the Final Commission Order approving the Stipulation. Article I, Section 4 states that such Revised Tariff Sheets shall become effective on the first day of the billing month beginning after the date that the Commission's Order making the Stipulation effective becomes a Final Commission Order. A Commission Order was issued in this docket on March 12, 1993, and became final on April 12, 1993. The Revised Tariff Sheets to be effective May 1, 1993 are being filed in compliance with the Stipulation. WNG respectfully requests waiver of the Commission's regulations to permit such May 1 effective date.

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 § 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before May 7, 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 proceedings. 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. 93–10648 Filed 5–5–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 93–38–NG]

Pan-Alberta Gas (U.S.) Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Pan-Alberta Gas (U.S.) Inc. (PAG-US) blanket authorization to import up to 730 Bcf per day of natural gas over a two-year term beginning on the date of first delivery after July 3, 1993.

The order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. 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, April 30, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–10736 Filed 5–5–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4652–4]

Clean Air Act; Contractor Access to Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with 40 CFR 2.301(h)(2) EPA has determined that IOCAD Engineering Services requires access, on a need-to-know basis, to CBI materials submitted to EPA under title II, section 208, of the Clean Air Act (CAA). This access is necessary to this contractor's performance under EPA Contract Number 3A–0226–YASA.

DATES: The transfer of data to this EPA contractor will occur no sooner than May 12, 1993.

FOR FURTHER INFORMATION CONTACT: Clifford D. Tyree, Project Manager/ Freedom of Information Act Officer, Certification Division, Ann Arbor, MI, 48105, telephone (313) 668–4310.

SUPPLEMENTARY INFORMATION: Title II of the Clean Air Act (CAA) requires that manufacturers of light-duty vehicles, light-duty truck, heavy-duty engines, and motorcycles meet applicable exhaust emission standards. Section 208 of the CAA requires these manufacturers to provide such information as the Administrator may reasonably require. Because this information is collected under Section 208 of the Act, EPA possesses the authority to disclose said information to its authorized representatives. EPA provides a recommended application format identifying the information needed to support their assertions their vehicles/ engines comply with the applicable emission standards. Each manufacturer is required to submit an application for certification for a certificate of conformity to the applicable regulations. These data include vehicle descriptions, engine/vehicle descriptions, emission control system descriptions and calibrations, and sales information. EPA is required to provide information to sources both internally and externally by means of memoranda and letters.

Under Contract Number 3A–0226–YASA, IOCAD Engineering Services will provide word processing services for the Certification Division. This service includes mail handling, distribution of incoming mail, and typing letters in response to materials received. Much of the information and data will be classified as confidential by the submitters. Therefore, in order to perform the required clerical

responsibilities of this contract, the contractor will have access to CBI. This contractor's responsibility is to maintain confidentiality of all CBI. The contractor's address is: IOCAD Engineering Services, 20123 West Eight Mile Road, Detroit, MI 48219.

The contract with IOCAD Engineering Services will prohibit the use of the information for any purpose not specified in the contract; will prohibit the disclosure, in any form, to a third party; and will require that each official and employee of the contractor sign an agreement to protect the information from unauthorized release or access.

Dated: April 30, 1993.

Michael H. Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93–10713 Filed 5–5–93; 8:45 am]

BILLING CODE 6560–50–P

[OPP–66175; FRL–4583–5]

Arsenic Acid; Receipt of Request to Cancel; Cancellation Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This Notice, issued pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., announces EPA's receipt of voluntary requests from Elf Atochem North America, Inc. (Atochem) and Voluntary Purchasing Groups, Inc. (VPG) to cancel their registrations for products containing arsenic acid for use on cotton and to provide for existing stocks. EPA grants this voluntary cancellation effective May 6, 1993. Existing stocks will be permitted to be sold until October 31, 1993. Growers will be permitted to use existing stocks until December 31, 1993. Registrants will buy back from customers stocks remaining after the 1993 use season.

DATE: The cancellation order shall become effective May 6, 1993.

FOR FURTHER INFORMATION CONTACT: Regarding voluntary cancellation: Ann Sibold, Special Review and Reregistration Division (H7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, 3rd floor, 2800 Crystal Drive, Arlington, VA 22202 (703) 308–8033. Regarding recovered and converted product, notification of possession of canceled products, and compliance issues: David Stangel, Office of Compliance Monitoring (EN–342W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Office of Compliance Monitoring, 5th floor 2800 Crystal Drive Arlington, VA 22202 (703) 308–8295.

SUPPLEMENTARY INFORMATION: This Notice announces the receipt of a request for cancellation of arsenic acid used on cotton and the Agency's decision.

I. Request for Voluntary Cancellation

Arsenic acid is used as a desiccant on cotton in certain areas of Texas and Oklahoma to facilitate harvest by mechanical cotton strippers. EPA initiated a Rebuttable Presumption against Reregistration ((RPAR), now called a Special Review) on this chemical and other inorganic arsenicals on October 18, 1978 (43 FR 48267). That Notice was based on a determination that use of the inorganic arsenicals met or exceeded the risk criteria for carcinogenicity, teratogenicity, and mutagenicity under 40 CFR 162.11 (now 40 CFR 154.7). EPA issued a Notice of Preliminary Determination to Cancel Registration (PD 2/3) on October 7, 1991 (56 FR 50576), for arsenic acid registered for use as a desiccant on cotton. In the PD 2/3 EPA proposed to cancel all uses of arsenic acid with no provisions for the distribution, sale or use of existing arsenic acid stocks since arsenic acid is classified as a known human (Group A) carcinogen, and the cancer risks to workers outweighed the localized benefits. The comment period was extended until June 6, 1992, at the request of several grower groups and the registrants (57 FR 3755).

After the close of the comment period, the registrants initiated discussions with EPA regarding regulatory options for arsenic acid, including a voluntary cancellation conditioned upon provision for existing stocks through the 1993 use season. During the course of this discussion, the textile industry expressed concern about the costs incurred by the industry to dispose of arsenic acid contaminated waste. For this reason, the textile industry opposed permitting use of existing stocks for one more year. EPA considered these comments, determined that the textile industry's estimates of costs were not consistent with the relatively small percentage of the cotton crop treated with arsenic acid, and decided to continue the discussions with the registrants regarding voluntary cancellation. Copies of documents relating to the discussions with the registrants and the textile industry may be found in the public docket.

Atochem, in a letter dated January 8, 1993, and VPG, in letters dated February 19 and February 25, 1993, requested voluntary cancellation with the following conditions:

1. Existing stocks may be sold until October 31, 1993, and growers may use existing stocks until December 31, 1993.

2. "Existing stocks" include stocks already in the U.S., packaged, labeled, and released for shipment as of August 26, 1992, (Atochem) and October 31, 1992 (VPG).

3. Stocks remaining after the 1993 use season may be sold to the wood preservative industry for reformulation or repackaging into registered wood preservative products, or lawfully disposed.

4. Both registrants waived the 90–day comment period allowed by FIFRA Section 6(f). In addition to these conditions, each registrant described its buy back program. Atochem will buy back leftover product until March 31, 1994. VPG will notify customers by February 1, 1994, that they can return leftover product to VPG within 45 days for a refund. Both registrants agreed that repurchased stocks will be sold to the wood preservative industry for reformulation or repackaging into registered wood preservative products, or lawfully disposed.

II. Existing Stocks Determination

For purposes of this order, existing stocks are defined as those stocks of a previously existing arsenic acid cotton desiccant product which were in the U.S. and were packaged, labeled, and released for shipment prior to October 31, 1992. EPA determined that the date of October 31, 1992, would accommodate the dates specified by both registrants.

EPA grants Atochem's and VPG's requests to distribute and sell their existing stocks of arsenic acid for use on cotton through October 31, 1993. Retailers and distributors also may sell and distribute the product until October 31, 1993. After October 31, 1993, all sale and distribution of existing stocks will be prohibited unless such stocks are being sold or distributed as part of the registrants' buy back program for purposes of disposal or relabeling for wood preservative use. Existing stocks may be used on cotton until December 31, 1993, provided they are used in accordance with the products' existing EPA-approved labeling.

The registrants will buy back any stocks remaining after the 1993 use season in accordance with the plans they have filed with the Agency and which are described above. By April 30, 1994, the registrants will report to the contact listed in unit IV.D.1 how much recovered product was retrieved and the

amount converted to the wood preservative use. Due to the limited region where arsenic acid is used, EPA will not require the registrants to add stickers to remaining stocks, but will allow the National Cotton Council to work with Atochem to inform affected users of the existing stocks provisions.

III. EPA's Decision on Request for Voluntary Cancellation and Cancellation Order

EPA hereby grants Atochem and VPG's requests that the registration of their products Desiccant L-10 (EPA #4581–231) and Arsenic Acid, (EPA #7401–184, 7401–195, and 7401–200), respectively, all of which contain the active ingredient arsenic acid, be voluntarily canceled. Concurrently, EPA issues a Cancellation Order for arsenic acid registered for use as a desiccant on cotton.

Under section 6(f)(1) of FIFRA, a registrant may request at any time that EPA cancel any of its pesticide registrations. EPA must publish in the **Federal Register** a notice of receipt of the request and allow public comment before granting the request unless either the registrant requests a waiver of the comment period or the Administrator determines that the continued use of the pesticide would pose an unreasonable adverse effect on the environment. Both Atochem and VPG requested waiver of the comment period in their letters requesting voluntary cancellation. For this reason, this Cancellation order shall become effective on May 6, 1993. Accordingly, as of May 6, 1993, no person may distribute or sell arsenic acid for use as a pesticide, except existing stocks of the product as permitted in the Existing Stocks provision of this Order. Any distribution, sale or use of existing stocks of the product that is not consistent with the terms of the Existing Stocks Provision of this Order will be considered a violation of FIFRA section 12(a)(2)(K) and if distribution or sale, section 12(a)(1)(A).

EPA notes that the voluntary cancellation will affect the reregistration of arsenic acid that was underway when the registrants initiated discussions of voluntary cancellation of arsenic acid. As a result of this cancellation order, arsenic acid will be removed from List A in the Reregistration process. Once an active ingredient is removed from List A, any person wishing to bring the pesticide back on the market must apply to EPA for a "new chemical" registration. However, it is unlikely such registration would be approved because of the chemical's carcinogenic potential.

IV. Required Notification of Possession of Canceled Products

Pursuant to FIFRA section 6(g), any producer or exporter, registrant, applicant for a registration, applicant or holder of an experimental use permit, commercial applicator, or any person who distributes or sells any pesticide, who possesses any stocks of the pesticide products identified above (hereafter referred to as "affected persons", which includes affected individuals, partnerships, associations, corporations, or any organized group of person whether incorporated or not), must notify the EPA and appropriate State and local officials of (1) Such possession; (2) the quantity of canceled arsenic acid pesticide product possessed; and (3) the place at which the canceled arsenic acid pesticide product is stored. Notification by affected persons to EPA and designated State and local officials pursuant to FIFRA section 6(g) shall be in accordance with the procedures, timeframes, and requirements set out in this Unit. End-users, except commercial applicators, are not required to report their stocks of canceled arsenic acid products.

A. Pesticides Required to be Reported

Affected persons must report, pursuant to FIFRA section 6(g), the information described below for canceled arsenic acid pesticide products which are in the physical possession of that person in locations that the person owns, leases, or operates in the United States, regardless of the ownership of that canceled arsenic acid pesticide product. Canceled arsenic acid product which is owned by one affected person, but in the physical possession of another affected person, who is subject to section 6(g) reporting is to be reported by the person in physical possession of the pesticide.

Registrants and other affected persons are not to include in the FIFRA section 6(g) report the quantity of stocks already reported to the Agency.

The Office of Management and Budget (OMB) has given interim approval for the collection of information under FIFRA section 6(g) and has assigned the OMB control number 2070–0109.

B. Information Which Must be Included in the Submission

To be in compliance with FIFRA section 6(g), affected persons must submit to the designated EPA and State and local officials the following information certified by a responsible company official as true and correct:

1. The identity and address of the affected person (company).

2. Name and phone number of a contact person (in the company).

3. Indication that the FIFRA section 6(g) information is being submitted for canceled pesticide products containing arsenic acid.

4. The relationship of the affected person (company) to the canceled arsenic acid pesticide products being reported under FIFRA section 6(g) (i.e., exporter, producer, registrants, applicant for registration, applicant for, or holder of an experimental use permit, commercial applicator, distributor, retailer, etc.).

5. The street address of each location owned/leased or operated in the United States by the submitter where the canceled arsenic acid pesticide product is held.

6. For each location listed, the total quantity (pounds, gallons, or other appropriate measure) of canceled arsenic acid pesticide product, and the quantity of canceled arsenic acid pesticide product listed by the number of units of each size container (pounds, gallons, or other appropriate measure) and by EPA registration number (e.g., x units of 5 gallon containers of EPA registration number _____-_____).

C. When to Report

Affected persons are required to submit FIFRA section 6(g) information according to the following schedule:

1. Registrants of canceled arsenic acid must report by June 7, 1993.

2. Producers, exporters, applicants for a registration, applicants or holder of an experimental use permit, dealers, distributors, and retailers must report by June 21, 1993.

3. Commercial applicators must report by July 6, 1993.

4. Other end-users are not required to report their possession of canceled products containing arsenic acid.

D. Where to Submit Section 6(g) Information

The FIFRA section 6(g) information is to be sent to each of the following three locations:

1. EPA. Director, Compliance Division, Office of Compliance Monitoring (EN–342), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Envelopes must be marked: "Attention: FIFRA Section 6(g) Information."

2. State. Chief Pesticide Regulatory Official, of the agency in the State government which enforces the State pesticide lawns where the canceled arsenic acid pesticide product is stored. Envelopes must be marked "Attention FIFRA Section 6(g) Information."

Information on the appropriate officials to receive the FIFRA section

6(g) information in Texas and Oklahoma follows:

Oklahoma Department of Agriculture, Plant Industry Division, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105.

Texas Department of Agriculture, Pesticide Regulation Division, P.O. Box 12847, Austin, TX 78711.

Information for other States is available from the information contact listed at the beginning of this notice.

3. Local. Chair of the Local Emergency Planning Committee (LEPC), for the location where the canceled arsenic acid pesticide is stored. Envelopes should be marked, "Attention: Notification of Possession of Canceled Pesticides." To identify the name and address of the chair of the LEPC contact the State Emergency Response Commission or call the Emergency Planning and Community Right-to-Know (EPCRA) Information Hotline at 1–800–535–0202.

E. Confidentiality of FIFRA Section 6(g) Information

EPA does not consider FIFRA section 6(g) information to be confidential business information (CBI) under the provisions of FIFRA section 10. Such information may be made available by EPA to the public without further notice.

F. Enforcement

Failure to submit complete and accurate FIFRA section 6(g) information, and/or failure to submit accurate section 6(g) information in the required timeframes is a violation of FIFRA section 12(a)(2)(K) and violators may be subject to civil penalties up to $5,000 per offense. Affected persons who possess canceled pesticide in multiple locations may be fined up to $5,000 per offense for each location for which the FIFRA section 6(g) information is not submitted, or is submitted late, incomplete, or inaccurate. Persons who knowingly submit false section 6(g) reports are in violation of FIFRA section 12(a)(2)(M) and may also be subject to civil penalties up to $5,000 per offense. Knowing violations of the requirements of FIFRA section 6(g) may also result in criminal penalties under section 14(b) of FIFRA, or 18 U.S.C. 1001.

V. Availability of the Public Docket

Copies of documents referred to in this Notice are available in the Public Docket, located in CM #2, Rm. 1128, 1921 Jefferson Davis Highway, Arlington, VA 22202. Hours are from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Dated: April 28, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 93–10714 Filed 5–5–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4652–5]

Public Water System Supervision Program Revision for the State of Illinois

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Public notice is hereby given in accordance with the provisions of section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq., and 40 CFR part 142, subpart B, the National Primary Drinking Water Regulations (NPDWR), that the State of Illinois is revising its Public Water System Supervision (PWSS) primacy program. The Illinois Environmental Protection Agency (IEPA), has adopted: (1) Drinking water regulations for public notification that correspond to the NPDWR for public notification promulgated by the U. S. Environmental Protection Agency (U.S. EPA) on October 28, 1987, (52 FR 41534–41550), (2) drinking water regulations for total coliform that correspond to the NPDWR for total coliform promulgated by the U. S. EPA on June 29, 1989, (54 FR 27544–27568) and (3) drinking water regulations for the treatment of surface water that correspond to the NPDWR for surface water treatment promulgated by the U.S. EPA on June 29, 1989, (54 FR 27486–27541). The U.S. EPA has completed its review of Illinois' PWSS primacy program revision.

The U.S. EPA has determined that the Illinois Public Notification, Total Coliform and Surface Water Treatment rule revisions meet the requirements of the Federal rule. Therefore, the U.S. EPA is proposing to approve the Public Notification, Total Coliform and Surface Water Treatment rule revisions.

All interested parties are invited to submit written comments on these proposed determinations, and may request a public hearing on or before June 7, 1993. If a public hearing is requested and granted, the corresponding determination shall not become effective until such time, following the hearing, at which the Regional Administrator issues an order affirming or rescinding this action.

Requests for a public hearing should be addressed to: Rosemarie Karas (WD–17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

If no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a hearing on his own motion, these determinations shall become effective June 7, 1993.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determinations and of information that the requesting person intends to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the Federal Register and in newspapers of general circulation in the State of Illinois. A notice will also be sent to the person(s) requesting the hearing as well as to the State of Illinois. The hearing notice will include a statement of purpose, information regarding the time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

Should no timely and appropriate request for a hearing be received, and the Regional Administrator does not elect to hold a hearing on his own motion, these determinations shall become effective on June 7, 1993.

Please bring this notice to the attention of any persons known by you to have an interest in these determinations.

All documents relating to these determinations are available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Illinois Environmental Protection Agency, Division of Public Water Supplies, 2200 Churchill Road, Springfield, Illinois 62706, (217) 785–0561.

Safe Drinking Water Branch, Drinking Water Section, U.S. Environmental Protection Agency, Region 5, 77 West

Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Rosemarie Karas, Region 5, Drinking Water Section at the Chicago address given above, telephone 312/353–8652.

(Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Signed this 23 day of April, 1993.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region 5.

[FR Doc. 93–10715 Filed 5–5–93; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[PP Docket No. 92–234; FCC 93–175]

Encryption Technology for Satellite Cable Programming

AGENCY: Federal Communications Commission.

ACTION: Notice; Report.

SUMMARY: This report presents the findings of the Commission's inquiry into encryption technology for satellite cable programming. The Report examines the attempt of Titan Corporation to enter the market for decoders used in C-band home satellite dish systems and finds that programmers have failed to accept its product. Moreover, General Instrument Corporation (GIC), the primary patent holder and manufacturer of such decoders, has raised some legitimate questions about the difficulties of coexistence between its system and that of Titan. The Report finds that competition to the GIC encryption system might come from separate systems such as the DBS services scheduled for launch in early 1994. Additionally, the Report finds that access to the GIC Direct Broadcast Satellite (DBS) Center for authorization of decoders from a rival manufacturer is not an insurmountable barrier to entry.

With respect to other technological issues, the Report notes that, while most of the industry supports the concept of a standard decoder interface, there is little support for a mandatory standard. The Report also finds that the transition from analog to digital transmissions is likely to be gradual.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Levy, Office of Plans and Policy, (202) 653–5940.

SUPPLEMENTARY INFORMATION: The Commission initiated this examination of encryption technology in response to a Congressional request to: (1) Review efforts to develop an alternative source for decoder modules compatible with the industry standard for C-band use and (2) examine the feasibility of authorizing legal and compatible modules, regardless of manufacturer, through the GIC DBS Center. The inquiry also addressed related technological issues, such as the feasibility and utility of a standard decoder interface that would permit a single integrated receiver descrambler or IRD (a satellite receiver with a built-in decoder) to function with multiple encryption systems and the implications for encryption technology of the apparent trend toward digital transmission of video.

This inquiry is the Commission's third examination of encryption technology for satellite cable programming. Satellite cable programming is defined in the Communications Act as "video programming which is transmitted via satellite and which is primarily intended for direct receipt by cable operators for their retransmission to cable subscribers." The Commission's earlier encryption technology findings are in Report in General Docket No. 86–336, 2 FCC Rcd. 1669 (1987) 52 FR 10136, March 30, 1987, Second Report in Gen. Docket No. 86–336, 3 FCC Rcd. 1202 (1988) 53 FR 9701, March 24, 1988, and Report in General Docket No. 89–78, 5 FCC Rcd. 2710 (1990) 55 FR 18388, May 2, 1990.

With respect to competition in producing compatible decoders, the Report notes that GIC owns patents on the industry standard Videocipher technology and has developed several generations of decoder. The original was known as Videocipher II and the latest is known as Videocipher Renewable Security. Titan Corporation, the potential rival source, has rights to the basic Videocipher II patents.

The Report finds that programmers, who in the first instance are the consumers of encryption technology, have failed to accept the Titan product. GIC and Titan disagree about the Titan system's security, cost, and ability to coexist smoothly with the GIC system. The Report concludes that GIC raised legitimate questions concerning the impact of "sharing" with Titan on GIC's ability to respond to security breaches and to maintain the reliability and integrity of scrambling equipment at programmer uplink sites. The Report notes that Titan recently suspended its efforts to enter the consumer market. The complexity of the technical considerations involved prevented the Commission from coming to any definitive general conclusion about the prospects for competition in producing compatible Videocipher modules. Although GIC asserted that the presence of Channel Master as a second source of Videocipher modules means that there is competition in module supply, the Report finds that any such competition is limited by the requirement that Channel Master purchase key proprietary chips from GIC.

The Report notes that competition to the GIC Videocipher encryption system might come from completely separate systems such as the DBS services scheduled for launch in early 1994. Recent agreements for DBS carriage of Home Box Office and Showtime and other Viacom services lend credibility to the idea that delivery systems other than C-band will have comparable cable programming and hence that, for example, DBS, could exert competitive pressure on C-band equipment costs.

The Report finds that lack of access to the GIC DBS Center for authorizing Titan modules is not an insurmountable barrier to entry. Others have built or plan to build their own authorization centers for various other encryption systems. Moreover, Titan has constructed its own center and has concluded that business considerations make it undesirable to utilize an authorization center operated by a competitor. The Report also notes GIC's uncontested legal analysis suggesting that mandatory access to its DBS Center could not be required because the Center is not an essential facility.

With respect to other technological issues, most commenters supports the concept of a standard decoder interface, but generally agree that it should not be mandated by the government. The transition from analog to digital transmissions is expected to be gradual, with simulcasting of digital signals and C-band analog signals for the next nine to 12 years and the development of "hybrid" decoders having both analog and digital capacity.

The complete text of this Report is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., at 1919 M Street, NW., room 246, Washington, DC 20554 (telephone: (202) 857–3800).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–10679 Filed 5–5–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Club Med Sales, Inc., Services et Transports Cruise Lines and United Distillers Group, 40 West 57th Street, New York, NY 10019.

Club Med Sales, Inc., Services et Transports Cruise Lines and Prudential Securities, Inc. 40 West 57th Street, New York, NY 10019.

Vessel: Club Med 1.

Dated: May 3, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–10708 Filed 5–5–93; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Club Med Sales, Inc., Services et Transports Cruise Lines, Banque Nationale de Paris, Credit Lyonnais and Societe Generale, 40 West 57th Street, New York, NY 10019.

Vessel: Club Med 1.

Dated: May 3, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–10707 Filed 5–5–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Delegation of Authority Concerning Margins on Stock Index Futures and Options on Stock Index Futures

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: The Board has delegated its authority under the Futures Trading Practices Act of 1992 concerning margins on stock index futures and options thereon to the Commodity Futures Trading Commission.

FOR FURTHER INFORMATION CONTACT: Oliver Ireland, Associate General Counsel (202/452-3625), Legal Division; or Patrick Parkinson, Assistant Director (202/452-3526), Division of Research and Statistics, Board of Governors of the Federal Reserve System. For the hearing impaired *only*, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Street, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: By letter dated March 22, 1993, the Board has delegated its authority under Section 2(a)(1)(B)(vi)(I) and (II) of the Commodity Exchange Act concerning margins on stock index futures and options thereon to the Commodity Futures Trading Commission. The following is the text of the Board's letter delegating its authority and the Commission's letter of response.

March 22, 1993

Mr. William P. Albrecht
Acting Chairman
Commodity Futures Trading Commission
2033 K Street, N.W.
Washington, D.C. 20581

Dear Mr. Chairman:

Section 501 of the Futures Trading Practices Act of 1992 ("FTPA") amended section 2(a)(1)(B) of the Commodity Exchange Act to require any contract market in a stock index future contract (or option thereon) to file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for these futures contracts or options. The Board may at any time request any contract market to set margin levels on these futures contracts or options at such levels as the Board, in its judgment, determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement the rules of the contract market as specified in the request. Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority under this provision to the Commission.

The Board believes that levels of initial and maintenance margin set by contract markets generally are but one component of sophisticated risk control systems that may include frequent marking-to-market of customer and clearing member positions, participant criteria, standby liquidity arrangements, participant audits, market surveillance and active risk management, including the ability to raise levels of margins on short notice and to call for increased margin from specific customers or participants. Further, with the relatively rapid growth of stock index futures options at some contract markets, the determination of margins on such contracts has become an increasingly important issue.

The procedures for determining levels of margins on portfolios of stock index contracts are complex. The Board believes, furthermore, that the appropriateness of particular levels of initial and maintenance margin for meeting the criteria established by section 501 of the FTPA of preserving the financial integrity of contract markets or their clearing systems or preventing systemic risk can be evaluated only in the context of other credit and liquidity safeguards that are integral components of the overall risk control systems for these contract markets. Under section 5a of the Commodity Exchange Act, contract markets must submit rules, other than those relating to levels of margins, to the Commission for approval. Consequently, the Commission is both most familiar with the overall risk control systems of these contract markets and has the most comprehensive authority over these systems. This leads the Board to conclude that the Commission is the most appropriate entity to exercise the functions assigned to the Board under Section 501 of the FTPA.

Accordingly, under Section 2(a)(1)(B)(vi)(III) of the Commodity Exchange Act as added by Section 501 of the FTPA, the Board is hereby delegating its authority under Section 2(a)(1)(B)(vi)(I) and (II) of the Commodity Exchange Act to the Commodity Futures Trading Commission until further notice from the Board.

The Board would expect that, in reviewing such rules establishing or changing levels of margins (initial and maintenance) for stock index futures contracts (or options thereon), the Commission would consider the appropriateness of the margin levels in the context of the overall risk control system employed by the relevant exchange and its clearing system. Particular attention should be paid to the procedures used for determining margin levels on portfolios including futures options, and the ability of the exchange and its clearing system to cover any losses and meet financial obligations in a timely manner in the event of a default by a large participant. The Board expects the Commission to report to the Board annually on its experience in reviewing rules establishing or changing levels of initial and maintenance margins.

Very truly yours,
William W. Wiles
Secretary of the Board

April 14, 1993

Mr. William W. Wiles
Secretary of the Board
Board of Governors of the
Federal Reserve System
Washington, D.C. 20551

Dear Mr. Wiles:

The Commodity Futures Trading Commission hereby acknowledges the delegation by the Board of Governors of the Federal Reserve System to the Commission of the Board's authorities under Section 2(a)(1)(B)(vi)(I) and (II) of the Commodity Exchange Act, as amended by Section 501 of the Futures Trading Practices Act of 1992. The Commission understands that this delegation of authority to review margin levels on stock index futures, and options thereon, is effective beginning March 22, 1993, and that it remains in effect until further notice from the Board.

The Commission has notified all exchanges with stock index futures or option contracts of this delegation of authority. Copies of those notifications are attached.

In its review of the appropriateness of margin levels (initial and maintenance) for stock index futures, or options thereon, the Commission will take into consideration the overall risk control system employed by the relevant exchange and its clearing system as well as the historic and prospective price volatility of the particular stock indices. The Commission also will consider the portfolio margining procedures used by some exchanges.

The Commission will report to the Board annually each April on its experience in exercising this delegated authority. The Commission's staff will also maintain more frequent contact with the Board's staff as appropriate, to keep them advised of stock index margin developments. The Commission and our staff will welcome any counsel that the Board may wish to provide as we develop our policies and procedures for reviewing stock index margin levels.

Sincerely,
William P. Albrecht

Board of Governors of the Federal Reserve System, April 30, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-10670 Filed 5-5-93; 8:45 am]

BILLING CODE 6210-01-F

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board

AGENCY: General Accounting Office.

ACTION: May meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92-463), as amended, notice is hereby given that the monthly meeting the Federal Accounting Standards Advisory Board will be held on Monday, May 24, 1993 from 9 a.m. to 4 p.m. in room 7313 of the General Accounting Office, 441 G St., NW., Washington, DC.

The agenda for the meeting includes discussions of issues in the Exposure Drafts on Financial Reporting Objectives and Accounting for Direct Loans and Loan Guarantees, and the project on Accounting for Liabilities and Future Claims.

Other items may be added to the agenda; interested parties should contact the Staff Director for more specific information and to confirm the date of the meeting.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Staff Director, 750 First Street NE., suite 1001, Washington, DC 20002, or call (202) 512-7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92-463, Section 10(a/)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101-6.1015 (1990).

Dated: April 30, 1993.

Jimmie D. Brown,

Deputy Director.

[FR Doc. 93-10726 Filed 5-5-93; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

Performance Review Boards for Small Client Agencies Serviced by the General Services Administration, Names of Members

Section 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive. The Performance Review Board also shall make recommendations as to whether the career executive should be, conditionally recertified, or not recertified. As provided under section 601 of the Economy Act of 1932, amended 31 U.S.C. 1525, the General Services Administration through its External Services Staff, Personnel Division, provides various personnel management services to a number of diverse Presidential commissions, committees, boards, and other agencies through reimbursable administrative support agreements. This notice is processed on behalf of the client agencies, and it supersedes all other notices in the Federal Register on this subject.

Because of their small size, a Performance Review Board register has been established in which SES members from the client agencies participate. The Board is composed of SES members from various agencies. From this register of names, the head of each client agency will appoint executives to a specific board to serve a particular client agency.

The members whose names appear on the Performance Review Board standing roster to serve client agencies are:

Administrative Conference of the U.S.

William J. Olmstead, Executive Director
Gary J. Edles, General Counsel
Jeffrey S. Lubbers, Research Director

Arctic Research Commission

Philip L. Johnson, Executive Director

Barry M. Goldwater Scholarship and Excellence in Education Foundation

Gerald J. Smith, Executive Secretary

Board for International Broadcasting

Mark G. Pomar, Executive Director
Bruce D. Porter, Deputy Executive Director
John A. Lindburg, General Counsel
Patricia H. Schlueter, Director of Financial and Congressional Affairs

Committee for Purchase From People Who Are Blind or Severely Disabled

Beverly L. Milkman, Executive Director

Defense Nuclear Facilities Safety Board

Kenneth M. Pusateri, General Manager
Joseph R. Neubeiser, Deputy General Manager
Robert M. Andersen, General Counsel
Richard A. Azzaro, Deputy General Counsel for Policy and Litigation
George W. Cunningham, General Engineer
Joyce P. Davis, Chief, Health Physics Branch

Harry S. Truman Scholarship Foundation

Louis H. Blair, Executive Secretary

Japan-United States Friendship Commission

Eric J. Gangloff, Executive Director

Office of Navajo and Hopi Indian Relocation

Christopher J. Bavasi, Executive Director
Michael J. McAlister, Deputy Executive Director.

For further information contact: Robert A. Miller, Chief, External

Services Staff, (202–708–5370); General Services Administration, National Capital Region (WCPX), Washington, DC, 20407.

Dated: April 20, 1993.

Lenor Reese,

Acting Regional Personnel Officer.

[FR Doc. 93–10691 Filed 5–5–93; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

U.S. Advisory Board on Child Abuse and Neglect; Meeting

AGENCY: U.S. Advisory Board on Child Abuse and Neglect, Administration for Children and Families, ACF, Department of Health and Human Services, DHHS.

ACTION: Notice of the fourteenth meeting of the U.S. Advisory Board on Child Abuse and Neglect in McLean, Virginia from 9 a.m., May 25, 1993 to 3:30 p.m., May 27, 1993.

SUMMARY: The U.S. Advisory Board on Child Abuse and Neglect will hold a meeting in McLean, Virginia from 9 a.m., May 25, 1993 through 3:30 p.m., May 27, 1993. This meeting is open to the public.

ADDRESSES: The meeting will be held at: Ritz Carlton Hotel, 1700 Tyson Boulevard, McLean, Virginia 22102.

FOR FURTHER INFORMATION CONTACT: Joan M. Williams, Special Projects Specialist, U.S. Advisory Board on Child Abuse and Neglect, Room 303D, Humphrey Building, Washington, DC 20201, (202) 690–8178.

SUPPLEMENTARY INFORMATION: During this meeting, the Advisory Board will: Receive a presentation on confidentiality; receive an update on developments relevant to the Board within the National Center on Child Abuse and Neglect; and hold a mini hearing on religious exemption.

Dated: April 23, 1993.

Preston N. Bruce,

Acting Executive Director, U.S. Advisory Board on Child Abuse and Neglect.

[FR Doc. 93–10639 Filed 5–5–93; 8:45 am]

BILLING CODE 4184–01–M

Agency for Health Care Policy and Research

Meetings

In accordance with section 10(a) of the Federal Advisory Committee Act (title 5, U.S.C., appendix 2) announcement is made of the following advisory committees scheduled to meet during the month of June 1993:

Name: Health Services Developmental Grants Review Subcommittee.

Date and Time: June 9–11, 1993, 8 a.m.

Place: Hyatt Regency—Bethesda, One Metro Center, Conference Room TBA, Bethesda, Maryland 20814.

Open June 10, 1 p.m. to 2 p.m.

Closed for remainder of meeting.

Purpose

The Subcommittee is charged with the initial review of grant applications proposing experimental, analytical and theoretical research on costs, quality, access, effectiveness, and efficiency of the delivery of health services for the research grant program administered by the Agency for Health Care Policy and Research (AHCPR).

Agenda

The open session of the meeting on June 10 from 1 p.m. to 2 p.m. will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the Administrator, AHCPR. During the closed session, the Subcommittee will be reviewing research and demonstration grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, title 5, U.S.C., appendix 2 and title 5, U.S.C., 552b(c)(6), the Administrator, AHCPR, has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members, minutes of the meeting, or other relevant information should contact Gerald E. Calderone, Ph.D., Agency for Health Care Policy and Research, suite 602, Executive Office Center, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 227–8449.

Name: Health Care Technology Study Section.

Date and Time: June 14–16, 1993, 8:30 a.m.

Place: Marriott Residence Inn, 7335 Wisconsin Avenue, Montgomery II Room, Bethesda, Maryland 20814.

Open June 14, 8:30 a.m. to 9:30 a.m.

Closed for remainder of meeting.

Purpose

The Study Section is charged with conducting the initial review of health services research grant applications addressing the utilization and effects of health care technologies and procedures as well as applications in the area of information and decision sciences relating to health care delivery.

Agenda

The open session on June 14 from 8:30 a.m. to 9:30 a.m. will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the Deputy Administrator, AHCPR. The closed sessions of the meeting will be devoted to a review of health services research grant applications emphasizing medical care technologies and procedures, and relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, title 5, U.S.C., appendix 2 and title 5, U.S.C. 552b(c)(6), the Administrator, AHCPR, has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members, minutes of the meeting, or other relevant information should contact Alan E. Mayers, Ph.D., Agency for Health Care Policy and Research, Suite 602, Executive Office Center, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 227–8449.

Name: Health Services Research Review Subcommittee.

Date and Time: June 17–18, 1993, 8:30 a.m.

Place: Embassy Suites Hotel, 4300 Military Road, NW., Tenley Town I, Washington, DC 20015.

Open June 17, 8:30 a.m. to 9:15 a.m.

Closed for remainder of meeting.

Purpose

The Subcommittee is charged with the initial review of grant applications proposing analytical and theoretical research on costs, quality, access, and efficiency of the delivery of health services for the research grant program administered by AHCPR.

Agenda

The open session of the meeting on June 17 from 8:30 a.m. to 9:15 a.m. will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the Administrator, AHCPR. During the closed sessions, the Subcommittee will be reviewing analytical and theoretical research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, title 5, U.S.C., appendix 2 and title 5, U.S.C. 552b(c)(6), the Administrator, AHCPR, has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members, minutes of the meeting, or other relevant information should contact Patricia G. Thompson, Ph.D.,

Agency for Health Care Policy and Research, suite 602, Executive Office Center, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 227–8449.

Name: Health Services Research Dissemination Study Section.

Date and Time: June 24–25, 1993, 8:30 a.m.

Place: Marriott Residence Inn, 7335 Wisconsin Avenue, Calvert Room, Bethesda, Maryland 20814.

Open June 24, 8:30–9:15 a.m.

Closed for remainder of meeting.

Purpose

The Study Section is charged with the review of and making recommendations on grant applications for Federal support of conferences, workshops, meetings, or projects related to dissemination and utilization of research findings, and AHCPR liaison with health care policy makers, providers, and consumers.

Agenda

The open session of the meeting on June 24 from 8:30 a.m. to 9:15 a.m. will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the Deputy Administrator, AHCPR. During the closed portions of the meeting, the Study Section will be reviewing grant applications relating to the dissemination of research on the organization, costs, and efficiency of health care. In accordance with the Federal Advisory Committee Act, title 5, U.S.C., appendix 2 and title 5, U.S.C., 552b(c)(6), the Administrator, AHCPR, has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the grant applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members, minutes of the meeting, or other relevant information should contact Mrs. Linda Blankenbaker, Agency for Health Care Policy and Research, suite 602, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 227–8449.

Agenda items for all meetings are subject to change as priorities dictate.

Dated: April 27, 1993.

J. Jarrett Clinton,

Administrator.

[FR Doc. 93–10607 Filed 5–5–93; 8:45 am]

BILLING CODE 4160–90–U

Centers for Disease Control and Prevention

CDC Advisory Committee on the Prevention of HIV Infection (CDC ACPHI): Subcommittee on Developing Partnerships for HIV Prevention; 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 Developing Partnerships for HIV Prevention.

Time and Date: 8 a.m.–5 p.m., May 21, 1993.

Place: Marriott City Center, 30 South Seventh Street, Minneapolis, Minnesota 55402.

Status: Open to the public, limited only by the space available.

Purpose: The purpose of this meeting is for the subcommittee to review the type, extent, and quality of partnerships between CDC and nongovernmental organizations in the planning and implementation of a comprehensive HIV prevention program.

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: May 3, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–10806 Filed 5–5–93; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 93N–0046]

Westmar Oceanside, Inc.; Opportunity for Hearing on Proposal to Revoke U.S. License No. 828

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for a hearing on a proposal to revoke the establishment license (U.S. License No. 828) and the product license issued to Westmar Oceanside, Inc., for the manufacture of Source Plasma. The proposed revocation is based on significant noncompliance with certain provisions of the biologics regulations specified in this document.

DATES: The firm may submit a written request for a hearing to the Dockets Management Branch by June 7, 1993, and any information justifying a hearing by July 6, 1993. Other interested persons may submit written comments on the proposed revocation by July 6, 1993.

ADDRESSES: Submit a written request for a hearing, any information justifying a hearing, and any written comments on the proposed revocation to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Stephen Ripley, Center for Biologics Evaluation and Research (HFM–635), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–295–9074.

SUPPLEMENTARY INFORMATION: FDA is proposing to revoke the establishment license (U.S. License No. 828) and the product license issued to Westmar Oceanside, Inc., 1024 South Hill St., Oceanside, CA 92504, for the manufacture of Source Plasma.

FDA has determined that Westmar Oceanside, Inc., has failed to conform to the biologics regulations applicable to the manufacture of Source Plasma in 21 CFR parts 600 through 640 and the applicable standards in its license. This failure indicates serious noncompliance with those standards designed to assure the safety, purity, identity, and quality of Source Plasma, as well as the standards for donor protection, which are intended to assure a continuous and healthy donor population.

FDA conducted an inspection of Westmar Oceanside, Inc., from August 14 through September 20, 1991. This inspection and a concurrent investigation documented serious deviations from the Federal regulations. Deviations identified during the inspection included, but were not limited to, the following: (1) Failure to assure the phlebotomy site was prepared by a method that gave maximum assurance of sterility; (2) failure to provide donors with all required information regarding the plasmapheresis process, in that the hazards of the procedure were not explained to donors; and (3) failure to adequately explain acquired immunodeficiency educational materials to donors. In addition, FDA's investigation documented that deviations routinely occurred in areas of the plasmapheresis operation, such as determination of donor suitability and maintenance of Whole Blood weight logs. It was determined that on several occasions employees of the firm had: (1) Abbreviated or omitted donor screening procedures, such as questioning of donors regarding their medical history; (2) abbreviated or omitted predonation examinations, such as blood pressure and pulse; and (3) completed donor records with fabricated data when required screening procedures were not conducted to give the appearance that proper screening had been conducted. Also, evidence obtained in our investigation suggested that during busy

times, blood bags were not weighed and fictitious weights were written into the Whole Blood weight log. Based on the deviations noted, FDA concluded that personnel employed at the firm were inadequately trained and/or supervised to effectively and properly perform their assigned duties.

FDA determined that these deviations from Federal regulations constituted a danger to public health. In a letter to Westmar Oceanside, Inc., dated October 7, 1991, FDA suspended the firm's licenses pursuant to 21 CFR 601.6(a). In a letter to FDA dated October 16, 1991, the firm requested that revocation be held in abeyance pending resolution of the matter involved.

In a letter to FDA dated October 22, 1991, Westmar Oceanside, Inc., addressed the inspection and investigation findings outlined in FDA's October 7, 1991, letter. In a letter to the firm dated December 11, 1991, FDA denied the firm's request that license revocation be held in abeyance based on FDA's findings of the seriousness and willfulness of the deviations outlined above and the firm's inadequate response to those findings. In the same letter, FDA issued the firm notice of FDA's intent to revoke U.S. License No. 828 and announced its intent to offer an opportunity for a hearing pursuant to 21 CFR 601.5(b). In a letter to the legal representative of the firm dated September 25, 1992, FDA indicated that the firm had not responded to the December 11, 1991, letter, and the revocation process was still pending. In conversations with the legal representative of the firm on December 13, 1991, and October 20, 1992, no official response was given regarding the firm's intended action on this matter.

Accordingly, FDA is issuing a notice of an opportunity for a hearing pursuant to 21 CFR 12.21(b) on a proposal to revoke the licenses for Westmar Oceanside, Inc.

FDA has placed copies of documents supporting the proposed license revocation on file with the Dockets Management Branch (address above) under the docket number found in brackets in the heading of this notice. These documents include the following: The List of Observations (Form FDA–483) from the inspection of August 14 through September 20, 1991; FDA letters of October 7 and December 11, 1991, and September 25, 1992; the firm's letters of October 16 and October 22, 1991; and the conversation records of December 13, 1991, and October 20, 1992. These documents are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Westmar Oceanside, Inc., may submit a written request for a hearing to the Dockets Management Branch by June 7, 1993, and any data justifying a hearing must be submitted by July 6, 1993. Other interested persons may submit comments on the proposed license revocation to the Dockets Management Branch by July 6, 1993. The failure of a licensee to file a timely written request for a hearing constitutes an election by the licensee not to avail itself of the opportunity for a hearing concerning the proposed license revocation.

FDA procedures and requirements governing a notice of opportunity for a hearing, notice of appearance and request for a hearing, grant or denial of a hearing, and submission of data and information to justify a hearing on a proposed revocation of a license are contained in 21 CFR parts 12 and 601. A request for a hearing may not rest upon mere allegations or denials but must set forth a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the information and factual analyses submitted in support of the request for a hearing that there is no genuine and substantial issue of fact for resolution at a hearing, or if a request for a hearing is not made with required format or required analyses within the specified time, the Commissioner of Food and Drugs will deny the hearing request, making available the findings and conclusions that justify the denial.

Two copies of any submissions are to be provided to FDA, except that individuals may submit one copy. Submissions are to be identified with the docket number found in brackets in the heading of this document. Such submissions, except for information prohibited from public disclosure under 21 CFR 10.20(j)(2)(i), 21 U.S.C. 331(j), or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act (sec. 351 (42 U.S.C. 262)) and the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 701 (21 U.S.C. 321, 351, 352, 355, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Biologics Evaluation and Research (21 CFR 5.67).

Dated: April 19, 1993.

Kathryn C. Zoon,

Director, Center for Biologics Evaluation and Research.

[FR Doc. 93–10608 Filed 5–5–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93N–0163]

Drug Export; Botulinum Toxin Type A (BOTOX®)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Allergan, Inc., has filed an application requesting approval for the export of the biological product Botulinum Toxin Type A (BOTOX®) to Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Frederick W. Blumenschein, Center for Biologics Evaluation and Research (HFM–660), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–295–9070.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99–660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the Federal Register within 10 days of the filing of an application for export to facilitate public

participation in its review of the application. To meet this requirement, the agency is providing notice that Allergan, Inc., 2525 Dupont Dr., Irvine, CA 92715, has filed an application requesting approval for the export of the biological product, Botulinum Toxin Type A (BOTOX®), to Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. The Botulinum Toxin Type A (BOTOX®) is indicated for the treatment of strabismus and blepharospasm associated with dystonia, including benign essential blepharospasm or VII nerve disorders and spasmodic torticollis in patients 12 years of age and above. The application was received and filed in the Center for Biologics Evaluation and Research on March 23, 1993, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by May 17, 1993, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: April 21, 1993.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 93–10671 Filed 5–5–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

[Docket No. N–93–3558; FR–3428–N–05]

Task Force on Occupancy Standards in Public and Assisted Housing

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of location of subcommittee meetings.

SUMMARY: The Task Force on Occupancy Standards in Public and Assisted Housing was established on December 31, 1992 in accordance with the provisions of section 643 of the Housing and Community development Act of 1992 (Pub. L. 102–550) and the Federal Advisory Committee Act (FACA) (5 U.S.C. app 2). The Task Force's charter was published in the **Federal Register** on January 7, 1993 at 58 FR 3039. The Task Force was created to review all rules, policy statements, handbooks, and technical assistance memoranda issued by the Department on the standards and obligations governing residency in public and assisted housing and to make recommendations to the Secretary for the establishment of reasonable criteria for occupancy. The Task Force has established an Executive Committee and three additional subcommittees—Admissions, Occupancy and Evictions. This is a notice announcing the location of meetings for the subcommittees of the Task Force.

FOR FURTHER INFORMATION CONTACT: Laurence D. Pearl, Office of Fair Housing and Equal Opportunity, room 5226, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708–3727, (TDD) (202) 708–0113 (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Notice of Task Force Subcommittee meetings on May 12–14, 1993 was published in the **Federal Register** on February 25, 1993 at 58 FR 11415. These meetings will take place as follows:

Wednesday, May 12, 9 a.m. to 5 p.m., Occupancy.

Thursday, May 13, 9 a.m. to 5 p.m., Admissions.

Friday, May 14, 9 a.m. to 12 noon, Evictions.

Friday, May 14, 1 p.m. to 5 p.m., Executive.

These meetings will be held at the Georgetown University Law Center, 600 New Jersey Avenue, NW., Washington, DC, room 140 (Wednesday and Thursday) and room 106 (Friday). Please note that the starting time for Wednesday's meeting has been changed to 9 a.m. and that the Occupancy and Admissions Subcommittees will reverse meeting dates from those originally announced.

Agenda: The Admissions, Occupancy and Evictions Subcommittee meetings will consider drafts prepared by their members regarding the Department's occupancy standards in public and assisted housing, and develop proposals to be considered by the full Task Force, circulated to the public and considered at public hearings. The Executive Committee will recommend the time, place and logistics for the public hearings and make such other recommendations to the full Task Force as may be appropriate.

Public Participation: These are open meetings. The public is also invited to submit written comments on any aspect of the Task Force's mandate or activities to Ms. Bonnie Milstein, the Chair of the Task Force, at 1101 Fifteenth Street, NW., suite 1212, Washington, DC 20005–2765.

Dated: April 29, 1993.

Bonnie Milstein,

Chair, Task Force on Occupancy Standards in Public and Assisted Housing.

Leonora L. Guarraia,

General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 93–10610 Filed 5–5–93; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–065–03–4191–03]

Notice of Intent; Proposed Rand Project, Kern County, CA; Extension of Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension of comment period.

SUMMARY: Notice is hereby given that the Bureau of Land Management is extending the period for the notice of intent published on April 6, 1993 (58 FR 17905) to receive written comments until May 17, 1993. Written comments should be sent to the address below.

FOR FURTHER INFORMATION CONTACT: Dave Taylor, Project Manager, Bureau of Land Management, 300 S. Richmond

Rd., Ridgecrest, CA 93555, 619–375–7125.

Russell D. Miles,

Area Manager.

[FR Doc. 93–10666 Filed 5–5–93; 8:45 am]

BILLING CODE 4310–40–M

[ID–942–03–4730–02]

Idaho: Filing of Plats of Survey

The supplemental plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., April 27, 1993.

The supplemental plat prepared to correct certain lots in the SW¼ of section 33, Township 29 North, Range 8 East, Boise Meridian, Idaho, was accepted April 20, 1993.

The supplemental plat was prepared to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: April 27, 1993.

Duane E. Olsen,

Chief, Cadastral Surveyor for Idaho.

[FR Doc. 93–10612 Filed 5–5–93; 8:45 am]

BILLING CODE 4310–GG–M

National Park Service

Proposed Construction and Operation of a Stadium in Washington, DC; Supplemental Notice of Intent To Prepare an Environmental Impact Statement

In a Notice of Intent published in the Federal Register on March 15, 1993 (58 FR 13796), the National Park Service and the District of Columbia advised that they were conducting an Environmental Assessment for the proposed construction and operation of a new stadium in Anacostia Park in Washington, DC. The Notice stated that if it became apparent, either through the scoping process or during the analysis and documentation of environmental impacts, that an Environmental Impact Statement was the appropriate environmental document, a Supplemental Notice would be issued. As a result of public scoping meetings held on April 12 and April 16, 1993, as well as written comments received on the scoping issues, and pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality (40 CFR parts 1500–1508), and the District of Columbia Environmental Policy Act of 1989, the National Park Service and the District of Columbia Government now announce their intent to prepare an Environmental Impact Statement.

As indicated in the March 15, 1993 Notice, all comments and responses on the scope of alternatives and potential impacts received in response to that Notice as well as those received during the scoping process and by letters postmarked no later than April 19, 1993, will be considered in the EIS. The public is encouraged to provide additional comments once the Draft EIS is released.

A public meeting to present the significant issues related to the project and to solicit public comment on the findings of the Draft EIS will be held on Monday, June 14, 1993, at 6 p.m. at the D.C. Armory, 2001 East Capitol Street, Washington, DC 20003. Adequate signs will be posted to direct meeting participants. A short formal presentation will precede the request for public comments. National Park Service and District of Columbia representatives will be available to receive comments and questions from the public regarding issues of concern. It is important that Federal, regional and local agencies, and interested individuals and groups take this opportunity to comment on the environmental analysis contained in the Draft EIS. In the interest of available time, each speaker will be asked to limit oral comments to five minutes.

As indicated in the original Notice (and unchanged now), the proposed stadium would seat approximately 78,600 persons and would be located north of Robert F. Kennedy Stadium within an area currently designated as parking lot 6. Existing vehicular parking spaces would be reconfigured within the limits of the approximately 190-acre site area. Although previous proposals for a new stadium in this area sought to utilize portions of Langston Golf Course and Children's Island for parking, these properties are not included within the site of the current proposal. The proposed stadium is scheduled to be completed in time for the 1995 football season.

The site area can be generally defined by Oklahoma Avenue and Benning Road to the north; 21st Street, Constitution Avenue, and 19th Street on the west; the D.C. Armory, Independence Avenue, D.C. General Hospital, and the approximate extension of E Street, SE., to the south, and by Kingman Lake and the Anacostia River to the east.

The EIS will analyze impacts and mitigation options. In addition, the EIS will consider alternative actions. At present, those alternatives may include: (1) Construction of a new stadium substantially in parking lot 6; (2) the renovation and expansion of RFK Stadium; and (3) a No Action alternative, which would result in no new construction and would involve the continued use of RFK Stadium in its current configuration and capacity. Topics for environmental analysis may include short-term construction-related impacts; long-term changes in traffic, parking, socio-economic impacts, land use, and physical/biological conditions within the project area; historic and natural resource protection; and site operations and maintenance.

The responsible officials are: Mr. Robert Stanton, Regional Director, National Capital Region, National Park Service and Mr. George Brown, Assistant City Administrator for Economic Development.

Dated: April 30, 1993.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 93–10729 Filed 5–5–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32248]

Hanson Natural Resources Co.—Non-Common Carrier Status—Petition for a Declaratory Order

Decided: April 30, 1993.

By decision served March 1, 1993 (58 FR 12052, March 2, 1993), the Commission sought public comment by March 22, 1993, on a petition for declaratory order filed by Hanson Natural Resources Company (HNRC) that HNRC will not, upon consummation of certain anticipated transactions, become a common carrier by railroad. By subsequent decisions, the latest served April 23, 1993 (58 FR 25848, April 28, 1993), the Commission extended the comment due date to April 30, 1993.

By motion filed April 29, 1993, HNRC requests the proceeding be held in abeyance pending further developments in discussions among interested persons concerning the certain nonrail-related effects of the proposed transaction. HNRC also requests the Commission condition approval of the abeyance request on allowing interested persons to comment if and when the proposed transaction is ready to go forward. The requests will be granted.

It is ordered:

1. The proceeding is held in abeyance pending further order of the Commission.

2. HNRC shall notify the Commission immediately when it determines whether it wishes to go forward with or withdraw its Petition for Declaratory Order.

3. If a further procedural schedule is established, interested persons will have an opportunity to comment.

4. This decision is effective on April 30, 1993.

By the Commission, Sidney L. Strickland, Jr., Secretary.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–10706 Filed 5–5–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jefferson B. Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Don Wolfrey, on (202) 514–4115 or facsimile: (202) 514–1534. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Don Wolfrey, DOJ Clearance Officer, SPS/JMD/850 WCTR, Department of Justice, Washington, DC 20530.

New Collection

(1) Guidelines on producing master exhibits for asylum applications.

(2) Immigrations and Naturalization Service.

(3) As Requested.

(4) Non-profit institutions. The Immigration and Naturalization Service will use master exhibits as one means by which credible information on country conditions related to asylum applications are made available to Asylum and Immigration Officers for use in adjudicating cases.

(5) 20 annual responses at 80 hours per response.

(6) 1,700 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: April 30, 1993.

Don Wolfrey,

Department Clearance Officer, Department of Justice.

[FR Doc. 93–10605 Filed 5–5–93; 8:45 am]

BILLING CODE 4410–10–M

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Leith, Inc., d/b/a/ Leith Jeep-Eagle, Inc.*, Civil Action No. 92–314–CIV–5–BR, was lodged on April 26, 1993 with the United States District Court for the Eastern District of North Carolina (Raleigh Division).

The Consent Decree resolves the United States' civil claims against Leith, Inc., for violations of the Clean Air Act's automobile tampering provisions, 42 U.S.C. 7522(a)(3)(A), committed by its dealership, Leith Jeep-Eagle, located in Raleigh, North Carolina. The proposed consent decree requires that Leith pay the United States $15,000 in civil penalties for tampering with the emissions control equipment of three motor vehicles. The proposed consent decree also provides for injunctive relief by requiring Leith to recall and, if necessary, repair certain vehicles that it previously serviced.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Leith, Inc., d/b/a/ Leith Jeep-Eagle, Inc.*, DOJ Ref. #90–5–2–1–1658.

The proposed consent decree may be examined at the office of the United States Attorney, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27601–1461 and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed 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 refer to the referenced case and enclose a check in the amount of $6.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–10697 Filed 5–5–93; 8:45 am]

BILLING CODE 4410–01–M

Consent Decree in Action Under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, and Section 122(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that a Consent Decree in *United States* v. *Purolator Products Company*, Civil Action No. 93–CV6184T, was lodged with the United States District Court for the Western District of New York on April 26, 1993. The Consent Decree addresses the hazardous waste contamination at the Facet Enterprises, Inc. Superfund Site located in the Town of Horseheads, Chemung County, New York ("the Facet Site"). The Consent Decree requires the defendant to implement the remedial action selected and cleanup standards set forth in the Record of Decision and Scope of Work for the Facet Site. Additionally, the defendant is required to reimburse the United States for $625,174.09, plus interest, for the past costs which the United Environmental Protection Agency ("EPA") has incurred at the Facet Site.

The Department of Justice will receive for thirty (30) days from the date of

publication of this notice, written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530 and should refer to *United States* v. *Purolator Products Company*, D.O.J. Ref. No. 90–11–2–862.

The Consent Decree may be examined at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York; the Office of the United States Attorney, Federal Building, room 620, 100 State Street, Rochester, New York; and at the Consent Decree Library, 1120 G Street NW., 4th floor, Washington, DC 20005, (202) 642–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 601 Pennsylvania Avenue NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $26.50 (25 cents per page reproduction charge) payable to the Consent Decree Library.

Myles E. Flint,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–10696 Filed 5–5–93; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

Meeting

AGENCY: The National Commission on American Indian, Alaska Native, and Native Hawaiian Housing.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing announces the forthcoming meeting of the Commission.

DATES: May 19–21, 1993, 9 a.m. to 5 p.m.

ADDRESS: OMNI Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC 20008, (202) 234–0770.

FOR FURTHER INFORMATION CONTACT: Lois V. Toliver, Administrative Officer, (202) 275–0045.

SUPPLEMENTARY INFORMATION

TYPE OF MEETING: Open.

AGENDA: Call to Order.
Roll Call.
Chairman's Message.
Update of Commission Activities.
Committee Reports.
Commission Strategy Session on:
1. Native American Finance Authority.
2. Discussion on Programmatic Changes to Indian Housing Programs.
3. Report on the Assessment of American Indian Housing Needs and Programs by the Urban Institute.

Lois V. Toliver,

Administrative Officer.

[FR Doc. 93–10701 Filed 5–5–93; 8:45 am]

BILLING CODE 6820–07–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* 10 CFR part 31—General Domestic Licenses for Byproduct Material.
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* Reports are submitted as events occur. Registration certificates may be submitted at any time. Changes to the information on the Registration Certificate are submitted as they occur.
5. *Who will be required or asked to report:* Persons desiring to own byproduct material and persons desiring to possess and use byproduct material in certain items.
6. *An estimate of the number of annual responses:* 276.
7. *An estimate of the total number of hours needed annually to complete the requirement or request:* 3,159. (An average of 0.58 hours per response and 0.25 hours per recordkeeper).
8. *An indication of whether section 3504(h), Public Law 96–511 applies:* Not applicable.
9. *Abstract:* 10 CFR part 31 establishes general licenses for the possession and use of byproduct material in certain items and a general license for ownership of byproduct material. General licenses are required to keep records and submit reports identified in part 31 in order to permit NRC to determine with reasonable assurance that devices are operated safely and without radiological hazard to users or the public. The revision reflects an increase in burden primarily because of an increase in the number of general licensees.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW. (lower level), Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150–0016), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395–3084.

The NRC Clearance officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 28th day of April 1993.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official.

[FR Doc. 93–10683 Filed 5–5–93; 8:45 am]

BILLING CODE 7590–01–M

Correction to Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Consideration

On April 28, 1993 (58 FR 25851), the **Federal Register** published the Biweekly Notice of Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations. On page 25872, bottom of column 3, the notice entitled "Duquesne Light Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania," and ending in the middle of column 2, page 25873 "at the local public document rooms for the particular facilities involved" should be moved to the bottom of column 2 of page 25867.

Dated at Rockville, Maryland, this 29th day of April 1993.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–10681 Filed 5–5–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-298]

Cooper Nuclear Station; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: General notice; correction.

SUMMARY: This document corrects a general notice appearing in the Federal Register on April 30, 1993 (58 FR 26174), which considers issuance of an amendment to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District, for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. This action is necessary to correct an erroneous date.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-7758.

On page 26176, in the first sentence of the third full paragraph in the first column, the date "June 1, 1993" should be changed to read "May 17, 1993".

Dated at Bethesda, Maryland, this 3rd day of May 1993.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publication Services, Office of Administration.

[FR Doc. 93-10682 Filed 5-5-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-423]

Northeast Nuclear Energy Co.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-49, issued to Northeast Nuclear Energy Company (the licensee), for operation of the Millstone Nuclear Power Station, Unit No. 3 located in New London, Connecticut.

The licensee has requested that technical specifications be changed to extend the interval for surveillance testing of 42 instrumentation and control items presently required to be tested by June 13, 1993, or later, until the next refueling outage, but no later than September 30, 1993.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a SHC because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

The [surveillance test interval] STI increases, in theory, do cause a small increase in the unavailability of the [engineered safety feature actuation system] ESFAS, [reactor trip system] RTS, or other systems associated with the instruments and thereby a resultant small increase in the core damage frequency (CDF). Where quantifications were made, the maximum increase in CDF was found to be of the order of 10^{-7}/yr or less, which is below the level of concern. Furthermore, the small increase is a one-time change and not a permanent increase. Where qualitative assessments were made, a combination of one or more factors, such as: (a) Diverse signals; (b) redundant paths: (c) proven low failure rates based on plant-specific data; (d) relatively low risk significance of the function in core damage prevention/mitigation; and (e) other more frequent tests, were used to justify de minimus low risk increases. In addition, daily channel checks and analog channel operational tests will continue to be performed at the frequencies required by technical specifications. These surveillances will continue to assure that the instrument reliability assumed in the basis of technical specifications is maintained.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

There are no physical design changes in plant operating procedures. Therefore, there can be no impact on plant response to the point where a different accident is created.

3. Involve a significant reduction in a margin of safety.

The proposed changes do not involve a change in the safety limits, setpoints, or design margins. Also, the proposed changes do not significantly affect the consequences of an accident or any of the protective boundaries. Therefore, the proposed changes will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 7, 1993, the licensee may file a request for a hearing with respect to

issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700. The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Mr. John F. Stolz: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103–3499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 30, 1993, as supplemented April 20 and April 27, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut.

Dated at Rockville, Maryland, this 29th day of April 1993.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Senior Project Manager, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–10684 Filed 5–5–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–62; Facility Operating License No. R–66; Amendment No. 20]

University of Virginia (University of Virginia Pool Reactor); Order Modifying License

I

The University of Virginia (the licensee or UVA) is the holder of Facility Operating License R–66 issued on June 24, 1960, and subsequently renewed on November 4, 1971, by the

U.S. Atomic Energy Commission and by the U.S. Nuclear Regulatory Commission (the Commission or NRC) on September 30, 1982. The license authorizes operation of the UVA pool reactor at a power level up to 2 megawatts thermal (MWt). The research reactor is located at the UVA Nuclear Reactor Facility, which is about 700 meters west of the city limits of Charlottesville, Virginia. The mailing address is Nuclear Reactor Facility, Department of Mechanical, Aerospace, and Nuclear Engineering, University of Virginia, Charlottesville, Virginia 22903–2442.

II

On February 25, 1986, the Commission promulgated a final rule in § 50.64 of title 10 of the Code of Federal Regulations (10 CFR 50.64) limiting the use of high-enriched uranium (HEU) fuel in domestic research and test reactors (non-power reactors) (see 51 FR 6514). The rule, which became effective on March 27, 1986, requires that each licensee of a non-power reactor replace HEU fuel at its facility with low-enriched uranium (LEU) fuel acceptable to the Commission. This conversion, which is contingent on Federal Government funding for conversion-related costs, is required unless the Commission has determined that the reactor has a unique purpose. The rule is intended to promote the common defense and security by reducing the risk of theft and diversion of HEU fuel used in non-power reactors and the adverse consequences to public health and safety and the environment from such theft or diversion.

Sections 50.64(b)(2) (i) and (ii) require that a licensee of a non-power reactor (1) not initiate acquisition of additional HEU fuel, if LEU fuel that is acceptable to the Commission for that reactor is available when the licensee proposes that acquisition, and (2) replace all HEU fuel in its possession with available LEU fuel acceptable to the Commission for that reactor in accordance with a schedule determined pursuant to 10 CFR 50.64(c)(2).

Section 50.64(c)(2)(i) of the rule, among other things, requires each licensee of a non-power reactor, authorized to possess and to use HEU fuel, to develop and to submit to the Director of the Office of Nuclear Reactor Regulation (Director) by March 27, 1987, and at 12-month intervals thereafter, a written proposal (proposal) for meeting the rule requirements.

Section 50.64(c)(2)(i) also requires the licensee to include the following in its proposal: (1) A certification that Federal Government funding for conversion is available through the U.S. Department of Energy (DOE) or other appropriate Federal agency and (2) a schedule for conversion, based on availability of replacement fuel acceptable to the Commission for that reactor and upon consideration of other factors such as the availability of shipping casks, implementation of arrangements for the available financial support, and reactor usage.

Section 50.64(c)(2)(iii) requires the licensee to include in its proposal, to the extent required to effect conversion, all necessary changes to the license, to the facility, and to licensee procedures (all three types of changes hereafter called modifications). This paragraph also requires the licensee to submit supporting safety analyses so as to meet the schedule established for conversion.

Section 50.64(c)(2)(iii) also requires the Director to review the licensee proposal, confirm the status of Federal Government funding, and determine a final schedule if the licensee has submitted a schedule for conversion.

Section 50.64(c)(3) requires the Director to review the supporting safety analyses and issue an appropriate Enforcement Order directing both the conversion and any necessary modifications to the extent consistent with protection of the public health and safety. In the **Federal Register** notice of the final rule, the Commission explained that in most cases, if not all, the Enforcement Order would be an Order to modify the license.

Section 2.202, the current authority for issuing Orders of all types including Orders to modify licenses, provides, among other things, that the Commission may modify a license by serving an Order on the licensee. The licensee may demand a hearing concerning any part or all of the Order Modifying License within 20 days from the date of the notice or such longer period as the notice may provide. The Order will become effective on the expiration of this 20-day or longer period, unless the licensee requests a hearing during this period, in which case the Order will become effective on the date specified in an Order made after the hearing.

Section 2.714 gives the requirements for a person whose interest may be affected by any proceeding to initiate a hearing or to participate as a party.

III

On November 9, 1989, as supplemented on February 12, 1991, and December 14, 1992, the NRC staff received the licensee proposal, including its proposed modifications, supporting safety analyses, and schedule for conversion. The conversion consists of replacing high-enriched with low-enriched uranium fuel elements. The fuel elements contain materials testing reactor (MTR)-type fuel plates, with the fuel meat consisting of uranium silicide dispersed in an aluminum matrix. These plates contain an enrichment of less than 20 percent with the uranium-235 isotope. The attachments to this Order include (1) the changes to the licensing conditions and technical specifications that are needed to amend the facility license and (2) the outline of the startup report that is required to be submitted within six months following completion of LEU fuel loading. The NRC staff has reviewed the licensee submittals and the requirements of 10 CFR 50.64 and determined that the public health and safety and the common defense and security require the licensee to convert the facility from the use of HEU to LEU fuel, pursuant to the changes to the license and requirements for a startup report stated in the attachments to this Order, in accordance with the schedule included herein.

IV

Accordingly, pursuant to sections 51, 53, 57, 101, 104, 161b., 161i., and 161o. of the Atomic Energy Act of 1954, as amended, and to Commission regulations in 10 CFR 2.202 and § 50.64, *It is hereby ordered that:* On the later date of either receipt of the replacement core of LEU fuel elements by the licensee or 30 days following the date of publication of this Order in the **Federal Register**, Facility Operating License R–66 is modified by amending the license conditions and technical specifications as stated in the "Attachment to Order Modifying Facility Operator License R–66." The licensee shall submit the startup report as stated in the "Attachment to Order of the Outline of Reactor Startup Report" within six months following completion of LEU fuel loading.

V

Pursuant to the Atomic Energy Act of 1954, as amended, the licensee or any other person adversely affected by this Order may request a hearing within 30 days of the date of this Order. Any request for a hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, with a copy to the Assistant General Counsel for Hearings and Enforcement at the same address. If a person other than the licensee requests a hearing, that person shall set forth with particularity in accordance with 10

CFR 2.714 the manner in which their interest is adversely affected by this Order.

If a hearing is requested by the licensee or a person whose interest is adversely affected, the Commission shall issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing is whether this Order should be sustained.

This Order shall become effective on the later date of either the receipt of the replacement core of the LEU fuel elements by the licensee or 30 days following the date of publication of this Order in the Federal Register or, if a hearing is requested, on the date specified in an Order after further proceedings on this Order.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 29th day of April 1993.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 93-10685 Filed 5-5-93; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Identification of Priority Foreign Countries

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of identification of Brazil, India, and Thailand as priority foreign countries pursuant to section 182(a) of the Trade Act of 1974, as amended (Trade Act).

SUMMARY: Pursuant to section 182(a) of the Trade Act (19 U.S.C. 2242), the USTR has identified Brazil, India and Thailand as priority foreign countries that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to persons relying on intellectual property protection. The USTR must decide no later than May 30, 1993, whether to initiate an investigation, pursuant to section 302(b)(2)(A) of the Trade Act, of the acts, policies and practices that led to the identification of these countries.

EFFECTIVE DATE: The USTR's identification was made on April 30, 1993.

FOR FURTHER INFORMATION CONTACT: Jon Huenemann, Director for Southern Cone Affairs (Brazil) (202) 395-5190, Nancy Adams, Deputy Assistant USTR for Asia and the Pacific (India) (202) 395-4755, Robert Godec, Director for Southeast Asian Affairs (Thailand) (202) 395-6813, Gilbert Donahue, Director for Intellectual Property (202) 395-6864, or Catherine Field, Associate General Counsel (202) 395-3432.

SUPPLEMENTARY INFORMATION: Section 182(a) of the Trade Act requires the USTR to identify foreign countries that deny adequate and effective protection or enforcement of intellectual property rights or that deny fair and equitable market access for persons that rely on intellectual property protection. The USTR must then identify as priority foreign countries, Those trading partners that have the most onerous or egregious acts, policies and practices, that have the greatest adverse impact (actual or potential) on relevant U.S. products Countries are not to be identified as priority foreign countries if they are engaged in good faith negotiations, or making significant progress in multilateral or bilateral negotiations to provide adequate and effective protection or enforcement of intellectual property rights. The USTR has identified Brazil, India and Thailand as priority foreign countries.

The Brazilian patent law is deficient in several areas including the scope of patentable subject matter, inclusion of overly broad compulsory licensing provisions and working requirements, and a short term of protection. Brazil is one of only a few countries that does not provide either product or process patent protection for chemical compounds, foodstuffs, or chemical/pharmaceutical substances. Product patent protection is not available for metal alloys or for new uses of products, including species of microorganisms. Brazil requires a patent owner to "work" (i.e., locally produce) the patented invention in that country. A third party may request a compulsory license if a patent owner has failed to work the patent within three years of issuance, or if exploitation has been discontinued for more than one year, unless working is prevented by *force majeure*. The patent term is only 15 years from the date of filing an application.

With respect to copyright protection, computer software is not protected as a literary work, the term of protection for software it too short (only 25 years) and penalties for copyright infringement are insufficient to deter piracy.

Brazil does not provide adequate protection for trade secrets and provides no protection for semi-conductor mask works. Finally, there are high levels of copyright piracy and trademark counterfeiting which require improved enforcement efforts.

India also has a patent law with numerous deficiencies, including the failure to provide product patent protection for a wide range of products, an inadequate term of protection, and overly broad involuntary licensing provisions. India's Patent Act prohibits grant of patents for any invention claiming substances intended for use or capable of being used as a food, medicine or drug or relating to substances prepared or produced by chemical processes.

Processes for making such substances are patentable subject matter but the patent term for these processes is limited to the shorter of five years from patent grant or seven years from patent application filing. This is usually less than the time needed to obtain regulatory approval to market the product. Where available, product patents expire 14 years from the date of patent filing. Stringent compulsory licensing provisions have the potential to render patent protection virtually meaningless. There are broad "licenses of right" that automatically apply to patents for food and drugs.

Copyright enforcement, which is the responsibility of the state governments, is ineffective. Piracy of copyrighted materials (particularly popular fiction works and certain textbooks) is a significant problem for U.S. and Indian producers. Video, record and tape piracy are also widespread.

In Thailand, serious problems exist with respect to enforcement of copyrights. Although the Thai Government has recently conducted raids and taken other steps that have had a dramatic effect on the availability of pirated goods on the market, prosecution of pirates of U.S. works in the Thai courts has not yet been successful. Although cases have been filed, some of those cases have been pending for nearly 2 years with little result. Evidentiary requirements, limits on raids and other problems make enforcement difficult.

The Thai copyright law does not provide adequate and effective protection. Computer software is not expressly protected and problems exist with respect to unauthorized public performances, limitations on the translation right, inadequate penalties and other areas.

Although Thailand passed a Patent law in February 1992, that law contains extremely broad authority to issue compulsory licenses and the law establishes a Pharmaceutical Patent Board with unique and extraordinarily broad authority to require owners of pharmaceutical patents to provide sensitive cost and pricing information and draconian fines for failure to provide such information. In addition,

the law does not allow importation to satisfy the "working" requirement, and does not provide any pipeline protection for pharmaceuticals.

Ira S. Shapiro,
General Counsel.
[FR Doc. 93–10727 Filed 5–93; 8:45 am]
BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–32237; File No. SR–Amex–92–30]

Self-Regulatory Organizations; American Stock Exchange, Inc.

April 29, 1993.

In the matter of Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 1 to a Proposed Rule Change by the American Stock Exchange, Inc. Relating to the Listing of Options on the Amex Retail Index and Long-Term Options on a Reduced-Value Retail Index.

I. Introduction

On August 27, 1992, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide for the listing and trading of Index options on the Amex Retail Index ("Retail Index" or "Index"). This order approves the Exchange's proposal.

The proposed rule change was published for comment in Securities Exchange Act Release No. 31255, 57 FR 46205 (October 7, 1992).[3] No comment letters were received on the proposed rule change.

II. Description of Proposal

A. General

The Amex proposes to trade options on the retail Index, a new stock Index developed by the Amex based on retail industry stocks or American Depositary receipts thereon ("ADRs") which are traded on the Amex, the New York Stock Exchange, Inc. ("NYSE"), or are national market system securities traded through the facilities of the National Association of Securities Dealers Automated Quotation System ("NASDAQ–NMS"). The Amex also proposes to list either long-term options on the full-value Index or long-term options on a reduced-value Index that will be computed at one-tenth of the value of the Retail Index ("Retail LEAPS" or "Index LEAPS").[4] Retail LEAPS will trade independent of and in addition to regular Retail Index options traded on the Exchange.

B. Composition of the Index

The Index contains securities of highly-capitalized companies in the retail industry. The retail industry includes companies whose primary business involves merchandising. The Index will include companies which own and/or operate department stores, apparel retail outlets, specialty stores (e.g., toy stores, electronic stores, retail building supply stores, etc.), general merchandise chain, drugstores, and discount retail outlets. The Exchange will use an "equal" dollar-weighted method to calculate the Index.[5] As of July 31, 1992, the Index was at 210.95.

As of July 31, 1992, the market capitalizations of the individual stocks in the Index ranged from a high of $64.29 billion to a low of $1.43 million, with the mean and median being $11.11 billion and $7.39 million, respectively. The market capitalization of all the stocks in the Index was $166.5 billion. The total number of shares outstanding for the stocks in the Index ranged from a high of 1.15 billion shares to a low of 69.82 million shares. The average price per share of the stocks in the Index, for a six-month period between February and July 1992, ranged from a high of $65.86 to a low of $17.78. In addition, the average daily trading volume of the stocks in the Index, for the same six-month period, ranged from a high of 1.26 million shares per day to a low of 147,800 shares per day, with the mean and median being 603,100 and 410,500 shares, respectively. Lastly, no one stock comprised more than 6.99% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for 34.38% of the Index's value. The percentage weighting of the lowest weighted stock was 6.19% of the Index and the percentage weighting of the five smallest issues in the Index accounted for 32.24% of the Index's value.

C. Maintenance

The Index will be maintained by the Amex. The Amex may change the composition of the Index at any time to reflect the conditions in the retail sector and to ensure that the component securities continue to represent the retail industry. At any time when it is necessary to replace a stock or stocks in the Index, the Exchange represents that it will make every effort to add new stocks that are representative of the retail sector and will take into account a stock's capitalization, liquidity, volatility and name recognition. Further, stocks may be replaced in the event of certain corporate events, such as takeovers or mergers, that change the nature of the security. If, however, the Exchange determines to increase the number of Index component stocks to greater than twenty or reduce the number of component stocks to fewer than ten, the Amex will submit a rule filing with the Commission pursuant to section 19(b) of the Act.

D. Eligibility Standards for the Inclusion of Component Stocks in the Index

Exchange Rule 901C specifies criteria for the inclusion of stocks in an index on which options will be traded on the Exchange. Specifically, Rule 901C states that an index must have a minimum of five stocks, and any index with less than 25 component stocks may not include stocks traded on the Amex.[6] In addition, the Exchange will require, as reflected in amended Commentary .01 to Exchange Rule 901C, that at least 90% of the Index's numerical value, after the Index's quarterly rebalancing, be

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] The Amex submitted a letter to the staff clarifying that if the Exchange determines to increase the number of Retail Index component stocks to greater than twenty or reduce the number to fewer than ten the Exchange will give prior written notice to the Commission in the form of a filing pursuant to Rule 19b–4 of the Act. *See* letter from Claire P. McGrath, Senior Counsel, Legal & Regulatory Policy Division, Amex, to Thomas Gira, Branch Chief, Options Regulation, Division of Market Regulation, dated September 30, 1992. The Amex also filed a letter amendment on December 15, 1992 amending the filing to require that no stock will be included in the Index unless it has an average trading volume in the U.S. markets over the prior six month period of at least 500,000 shares. The original filing contained a standard, but not requirement, of trading volume of at least 1,000,000 shares over the prior six month period. The Amex also amended a standard relating to the minimum market value (in U.S. dollars) of Index stocks, changing the minimum amount from $100 million to $75 million. *See* letter from Ellen T. Kander, Special Counsel, Derivative Securities, Amex, to Thomas Gira, Branch Chief, Options Regulation, SEC, dated December 14, 1992 ("Amendment No. 1").

[4] LEAPS is an acronym for Long-Term Equity Anticipation Securities.

[5] *See infra* Section E entitled "Calculation of the Index" for a description of this calculation method.

[6] Accordingly, the Retail Index as currently constituted does not include Amex-traded stocks. The Amex, however, has submitted a proposal, that, among other things, revises Amex Rule 901C to remove the limitation on the number of Amex stocks that can be included in an index which underlies a stock index option traded on the Exchange. Specifically, the proposal would allow, among other things, Amex-listed stocks to be included in Amex-traded index options that are comprised of less than 25 stocks. See Securities Exchange Act Release No. 30356 (February 10, 1992), 57 FR 5497.

accounted for by stocks that meet the Exchange's options listing standards.

In choosing among retail industry stocks that meet the minimum criteria set forth in Rule 901C, the Exchange will focus only on stocks that are traded on either the NYSE, Amex (subject to the limitations of Rule 901C) or traded through NASDAQ–NMS. In addition, the proposal requires that the stocks included in the Index have an average monthly trading volume of not less than 500,000 (or ADRs) in the U.S. market over the previous six-month period. Further, the Exchange intends, as an additional listing criteria standard, to focus on stocks that have a minimum market value (in U.S. dollars) of at least $75 million.[7] Although the stocks currently selected for inclusion in the Index meet or surpass the above additional listing criteria standard, the Exchange intends for this standard to be used as a guideline only and reserves the right to include stocks in the Index that may not meet this guideline, but, nevertheless, meet the minimum requirements set forth in Amex Rule 901C.[8]

E. Calculation of the Index

The Index will be calculated using an "equal-dollar weighting" methodology designed to ensure that each of the component securities are represented in approximately "equal" dollar amounts in the Index. The Exchange believes that this method of calculation is important since even among the largest companies in the retail industry there is a great disparity in size. For example, although the stocks included in the Index represent many of the most highly capitalized companies in the retail industry, Wal-Mark Stores, Inc. currently represent over 35% of the aggregate market value of the Index. In addition, while currently there is not as much disparity in the prices of the stocks included in the Index, using a price-weighted method to calculate the Index's value is not the Exchange's preferred method since the prices of such stocks can fluctuate significantly as a result of a corporate action (*e.g.*, a stock split or distribution), rather than as a result of stock performance, causing the relative weightings of the stocks within the Index to fluctuate significantly.

In calculating the "equal dollar weighting " of component stocks, the Amex, using closing prices on July 17, 1992, calculated the number of shares that would represent an investment of $10,000 in each of the stocks contained in the Index (to the nearest whole share). The value of the Index equals the current market value (i.e., based on U.S. primary market prices) of the assigned number of shares of each of the stocks in the Index portfolio divided by the current Index divisor. The Index divisor was initially calculated to yield a benchmark value of $200.00 at the close of trading on July 17, 1992. Each quarter thereafter, following the close of trading on the third Friday of January, April, July and October, the Index portfolio is adjusted by changing the number of shares of each component stock so that each company is again represented in $10,000 "equal" dollar amounts. If necessary, a divisor adjustment is made to ensure continuity of the Index's value. The newly adjusted portfolio becomes the basis for the Index's value on the first trading day following the quarterly adjustment.

The number of shares of each component stock in the Index portfolio will remain fixed between quarterly reviews except in the event of certain types of corporate actions, such as the payment of a dividend, other than an ordinary cash dividend, stock distributions, stock splits, reverse stock splits, rights offerings, or a distribution, reorganization, recapitalization, or some such similar event with respect to an Index component stock. The number of share will also be adjusted in the event of a merger, consolidation, dissolution or liquidation of an issuer of a component stock. When the Index is adjusted between quarterly reviews, the number of shares of the relevant security in the portfolio will be adjusted, to the nearest whole share, to maintain the component's relative weight in the Index at the level immediately prior to the corporate action. In the event of a stock replacement, the average dollar value of the remaining portfolio components will be calculated and that amount invested in the new component stock to the nearest whole share. In both cases, the divisor will be adjusted, if necessary, to ensure Index continuity.

Similar to other stock index values published by the Exchange, the value of the Index will be calculated continuously and disseminated on a real-time basis to market information vendors via the Options Price Reporting Authority.

The Index value for purposes of settling outstanding Index options contracts upon expiration will be calculated based upon the regular way opening sale prices for each of the Index's component stocks in their primary market on the last trading day prior to expiration. In the case of securities traded through the NASDAQ–NMS system, the first reported sale price will be used. Once all of the component stocks have opened, the value of the Index will be determined and that value will be used as the final settlement value for expiring Index options contracts. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (i.e., Thursday's) last sale price will be used in the Index calculation. In this regard, before deciding to use Thursday's closing value of a component stock for purposes of determining the settlement value of the Index, the Amex will wait until the end of the trading day on expiration Friday.[9]

F. Contract Specifications

The proposed options on the Index will be cash-settled, European-style options.[10] Standard options trading hours (9:30 a.m. to 4:10 p.m. New York time) will apply to the contracts. Under Amex Rule 903C, the Exchange intends to list up to three near-term calendar months and two additional calendar months in three month intervals in the January cycle. The Exchange also intends to list long-term options series, having up to thirty-six months to expiration, on either the full-value Retail Index or on a reduced-value Retail Index. Strike price interval, bid/ask differential and price continuity rules will not apply to the trading of Retail LEAPS until their time to expiration is less than twelve months.[11]

The options on the Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). Since options on the Index will settle based upon the opening prices of the component stocks on the last trading day before expiration (normally a Friday), the last trading day for an expiring Index option series will normally be the second to the last business day before expiration (normally a Thursday).

G. Listing of Long-Term Options on the Full Value or Reduced Value Retail Index

The proposal provides that the Exchange may list long-term index options that expire from 12 to 36

[7] See Amendment No. 1, *supra* note 3.

[8] *Id.*

[9] For purposes of the daily dissemination of the Index value, if a stock included in the Index has not opened for trading, the Amex will use the closing value of that stock on the prior trading day when calculating the value of the Index, until the stock opens for trading.

[10] A European-style option can be exercised only during a specified period before the option expires.

[11] *See* Securities Exchange Act Release No. 25041 (October 16, 1987), 52 FR 40008 (October 26, 1987) (order approving SR–Amex–87–22).

months from listing on the full-value Retail Index or a reduced-value Index that will be computed at one-tenth the value of the full-value Index. The current and closing Index value for reduced-value Retail LEAPS will be computed by dividing the value of the full-value Index by 10 and rounding the resulting figure to the nearest one-hundredth. For example, an Index value of 185.46 would be 18.55 for the Index LEAPS and 185.43 would become 18.54. The reduced-value LEAPS will have a European-style exercise and will be subject to the same rules that govern the trading of all the Exchange's index options, including sales practice rules, margin requirements and floor trading procedures. The strike price interval for the reduced value Index LEAPS will be no less than $2.50 instead of $5.00.

In addition, the proposal provides that full-value or reduced-value Retail LEAPS will be issued at no less than six month intervals and that new strike prices will either be near or bracketing the current Index value.

H. Position and Exercise Limits, Margin Requirements, and Trading Halts

Because the Index is a Stock Index Option under Amex Rule 901C(a) and a Stock Index Industry Group under Rule 900C(b)(1), the proposal provides that Exchange rules that are applicable to the trading of narrow-based index options will apply to the trading of options on the Index. Specifically, Exchange rules governing margin requirements,[12] position and exercise limits,[13] and trading halt procedures[14] that are applicable to the trading of narrow-based index options will apply to options traded on the Index. The proposal further provides that positions in full-value and reduced-value Index options will be aggregated for position and exercise limit purposes. Specifically, under the proposal, ten reduced-value contracts will equal one full-value contract.

[12] Pursuant to Amex Rule 462(d)(2)(D)(iv), the margin requirements for the Index options will be: (1) For each short options positions, 100% of the current market value of the options contract plus 20% of the underlying aggregate Index value, less any out-of-the-money amount, with a minimum requirement of the options premium plus 10% of the underlying Index value; and(2) for long options positions, 100% of the options premium paid.

[13] Pursuant to Amex Rules 904C and 905C, respectively, the position and exercise limits for the Index options will be 8,000 contracts, unless the Exchange determines, pursuant to Rules 904C and 905C, that a lower limit is warranted.

[14] Pursuant to Amex Rule 918C, the trading of Index options will be halted or suspended whenever trading in underlying securities whose weighted value represents more than 20% of the Index value are halted or suspended.

I. Surveillance

Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in full value and reduced value Index options. These procedures include complete access to trading activity in the underlying securities. Further, the Intermarket Surveillance Group Agreement, dated July 14, 1983, as amended on January 29, 1990, will be applicable to the trading of options on the Index.[15]

III. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[16] Specifically, the Commission finds that the trading Retail Index options, including full value and reduced value Retail LEAPS, will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with securities in the retail industry.[17]

[15] ISG was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. See Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement, which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. See Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990.

[16] 15 U.S.C. 78f(b)(5) (1988).

[17] Pursuant to section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed options on the Retail Index will provide investors with a hedging vehicle that should reflect the overall movement of the stocks comprising the retail industry in the U.S. stock markets. The Commission also believes that these Index options will provide investors with a means by which to make investment decisions in the retail industry sector of the U.S. stock markets, allowing them to establish positions or increase existing positions in such markets in a cost effective manner. The Commission also believes that the trading of the Index options and Index LEAPS will allow investors holding positions in some or all of the underlaying securities in the Index to hedge the risks associated with their portfolios more efficiently and effectively. Moreover, the Commission believes that the reduced-value Index LEAPS, that will be traded on an index computed at one-tenth the value of the Retail Index, will serve the needs of retail investors by providing them with the opportunity to use a long-term option to hedge their portfolios from long-term market moves at a reduced cost.

The trading of options on the Retail Index and on a reduced-value Index, however, raises several concerns, namely issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the Amex adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the Retail Index and reduced-value Retail Index are narrow-based indices. The Retail Index is comprised of only fifteen stocks, all of which are within one industry—the retail industry. In addition, the basic character of the reduced-value Retail, which is comprised of the same component securities as the Retail Index and calculated by dividing the Retail Index value by ten, is essentially identical to the Retail Index.[18] Accordingly, the Commission believes it is appropriate for the Amex to apply its rules governing narrow-based index options to trading in the Index options.[19]

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index. First, the overwhelming majority of the stocks that comprise the Index are actively traded, with a mean and median average daily trading volume of 603,100 and 410,500 shares, respectively.[20] Second, the market capitalizations of the stocks in the Index are very large, ranging from a high of $64.29 billion to a low of $1.43 million as of July 31, 1992, with the mean and median being $11.11 billion and $7.39 million, respectively. Third, although the Index is only comprised of fifteen stocks, no one particular stock or group of stocks dominates the Index. Specifically, no one stock comprises more than 6.99% of the Index's total value and the percentage weighting of the three largest issues in the Index accounts for 20.64% of the Index's value.[21] Fourth, all of the component

[18] See generally Securities Exchange Act Release No. 29994, 56 FR 63536 (December 4, 1991) (order designating the PSE Technology Index as a broad-based index rather than a narrow-based index).

[19] See *supra* notes 12 through 14, and accompanying text.

[20] In addition, for the six-month period between February and July 1992, all of companies within the Index had an average daily trading volume greater than 147,800 shares per day.

[21] For an index with a significantly greater number of stocks than fifteen issues, the Commission might come to a different conclusion

stocks in the Index currently are eligible for options trading.[22] Fifth, the Amex, prior to increasing the number of component stocks to more than twenty or decreasing that number to less than ten, will be required to seek Commission approval pursuant to section 19(b)(2) of the Act before effecting such change. This will help protect against material changes in the composition and design of the Index that might adversely affect the Amex's obligations to protect investors and to maintain fair and orderly markets in Retail Index options. Finally, the Commission believes that the expense of attempting to manipulate the value of the Retail Index in any significant way through trading in component stocks (or options on those stocks) coupled with, as discussed below, existing mechanisms to monitor trading activity in those securities, will help deter such illegal activity.

In addition, the Commission does not believe that the fact that the Index is equal dollar-weighted instead of market-weighted or price-weighted results in the Index being readily susceptible to manipulation. Because the use of an equal dollar-weighting method could give securities with relatively small floats or prices a greater weight in the Index than if the Index were capitalization weighted or price weighted, the Commission is concerned that this calculation method could make the Index more readily susceptible to manipulation. The Amex, however, has developed several composition and maintenance criteria for the Index that the Commission believes will minimize the possibility that the Index could be manipulated through trading in less actively traded securities or securities with smaller prices or floats. First, after each quarterly rebalancing, the Amex proposal requires that 90% of the weighting of the Index be accounted for by stocks that are eligible for standardized options trading. The Commission believes that this requirement will ensure that the Index will be almost entirely made up of stocks with large public floats that are actively traded, thus reducing the likelihood that the Index could be manipulated by abusive trading in the smaller stocks contained in the Index. Second, the proposal provides that only stocks with an average monthly trading volume of not less than 500,000 shares over the previous six months will be eligible for inclusion in the Index. This trading volume requirement is considerably higher than the requirement contained in the options listing standards for individual equity options. Third, the Commission believes that the quarterly rebalancing of the Index will further serve to reduce the susceptibility of the Index to manipulation. Through the quarterly rebalancing, any "overweight" stock[23] will be brought back into line with the other stocks, thus ensuring that less capitalized stocks do not become excessively weighted. Fourth, because the Index is narrow-based, the applicable position and exercise limits and margin requirements will further reduce the susceptibility of the Index to manipulation. Lastly, the Amex represents that it will make every effort to add new stocks to the Index that are representative of the retail sector and will take into account a stock's capitalization, liquidity, and volatility.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Retail Index options including full-value and reduced-value Retail LEAPS), can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Index LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the Amex, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Retail Index options and Index LEAPS.

The Commission also has some concern that the quarterly rebalancing of the Index could result in investor confusion because the number of stocks of each issuer in the Index could fluctuate each quarter. Such fluctuation, among other things, could make it difficult for investors to maintain any corresponding cash positions in the stocks underlying the Index. The Commission does not believe that the quarterly rebalancing will result in dramatic changes in the weightings of the component securities. Moreover, the Commission believes the benefits to be derived from using a quarterly rebalancing will more than offset the potential confusion for investors. Specifically, the Commission believes that quarterly rebalancing will ensure that no stock or group of stocks will have a disproportionate impact on the Index.

Finally, the Amex has developed procedures to ensure that investors are adequately notified of any changes due to the quarterly rebalancing of the Index. In particular, the Amex represents that it will send informational circulars to its members notifying them of any changes to the Index as a result of the quarterly rebalancing. In addition, the Amex has stated that it will include a description of the equal dollar weighting methodology in all its promotional and marketing materials for the Index. The Commission believes these procedures should help to avoid any investor confusion, while providing important information about the special characteristics of the Index.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation.[24] In this regard, the NYSE, which currently is the primary market for all of the Index's component stocks, is a member of the Intermarket Surveillance Group ("ISG"), which

if only three stocks accounted for more than 55% of the index's weighting. Further, if an index contained only a few stocks, the Commission might question whether it can be traded as an index product.

[22] The Amex's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) The public float must be at least 7,000,000; (2) there must be a minimum of 2,000 stockholders; (3) trading volume must have been at least 2.4 million over the preceding twelve months; and (4) the market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. *See* Amex Rule 915.

[23] A stock would be "overweight" if its weight in the Index were greater than the average weight of all of the stocks in the Index. This would occur, for example, if the price of a component stock significantly increased relative to the other stocks in the Index during a particular quarter and prior to the rebalancing.

[24] *See* Securities Exchange Act Release No. 31243, 57 FR 45849 (October 5, 1992).

provides for the exchange of all necessary surveillance information.[25]

D. Market Impact

The Commission believes that the listing and trading of Retail Index options, including full value and reduced value Index LEAPS on the Amex will not adversely impact the underlying securities markets. First, as described above, due to the "equal-dollar" weighting method, no one stock or group of stocks dominates the Index. Second, because 90% of the numerical value of the Index must be accounted for by stocks that meet the options listing standards, the component securities generally will be actively-traded, highly-capitalized stocks. Third, the 8,000 contract position and exercise limits will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contra-party non-performance will be minimized because the Index options and Index LEAPS will be issued and guaranteed by the Options Clearing Corporation just like any other standardized option traded in the United States.

Lastly, the Commission believes that settling expiring Retail Index options (including full-value and reduced-value Index LEAPS) based on the opening prices of component securities is reasonable and consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[26]

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Amendment No. 1 provides for a requirement to the proposal that stocks comprising the Index must have an average trading volume in the U.S. markets over the prior six month period of at least 500,000 shares. Amendment No. 1 also reduces the minimum market value (in U.S. dollars) requirement for stocks comprising the Index from $100 million to $75 million. The Commission believes that the new trading volume requirement strengthen the integrity of the Index and does not raise new issues. Although Amendment No. 1 reduced the necessary market capitalization for stocks comprising the Index from the originally proposed level, the $75 million requirement is an adequately high level to protect investor and market concerns. Moreover, the Commission finds that both modifications to the proposal are designed to reduce the likelihood that the Index could be susceptible to manipulation. Therefore, the Commission believes it is consistent with section 6(b)(5) of the Act to approve Amendment No. 1 to the Amex's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1 to the proposed rule change. 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 27, 1993.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[27] that the proposed rule change (SR–Amex–92–30), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[28]

Jonathan G. Katz,

Secretary.

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[25] See *supra* note 15. Although the Index currently does not contain ADRs, the proposal provides that the Index could contain ADRs representing retail industry stocks. If the Amex were to change the composition of the Index so that greater than 20% of the Index was represented by ADRs whose underlying securities were not subject to an effective surveillance sharing arrangement with the Amex, then it would be difficult for the Commission to reach the conclusions reached in this order and the Commission would have to determine whether it would be suitable to continue to trade options on the Index.

[26] Securities Exchange Act Release No. 30944, 57 FR 33376 (July 28, 1992).

[27] 15 U.S.C. 78s(b)(2) (1988).

[28] 17 CFR 200.30–3(a)(12) (1993).

[Release No. 34–32243; File No. SR–CBOE–92–29]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.

April 29, 1993.

In the matter of Self-Regulatory Organizations; Order Approving and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 3 to a Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Listing of Options and Long-Term Options on the CBOE Environmental Index and Long-Term Options on a Reduced-Value Environmental Index.

I. Introduction

On September 18, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide for the listing and trading of index options on the CBOE Environmental Index ("Environmental Index" or "Index").

Notice of the proposal, as amended through November 9, 1992,[3] appeared in the Federal Register on December 23, 1992.[4] No comment letters were received on the proposed rule change. Thereafter, the CBOE amended the proposal to clarify, among other things, the proposed maintenance listing standards.[5] This order approves the proposal as amended.

II. Description of Proposal

A. General

Pursuant to Exchange Rule 24.2, the CBOE proposes to list and trade cash-

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] On September 28, 1992, the CBOE amended the proposal to amend Exchange Rule 24.9 to provide that Environmental Index options will be A.M.-settled options ("Amendment No. 1"). See File No. SR–CBOE–92–29, Amendment No. 1. On November 9, 1992, the CBOE submitted an amendment to the proposal that made clarifying, non-substantive changes to conform the proposal to existing Exchange rules ("Amendment No. 2"). See File No. SR–CBOE–92–29, Amendment No. 2.

[4] See Securities Exchange Act Release No. 31618 (December 17, 1992), 57 FR 61133 (December 23, 1992).

[5] More specifically, on April 7, 1993, the proposal was amended to require that at least 90% of the Index's numerical value be accounted for by stocks that meet the options listing standards enumerated in CBOE Rule 5.3 and that the CBOE submit a rule filing pursuant to section 19(b) of the Act if the number of component securities in the Index changes to either less than 10 or more than 20. This amendment also provided for the listing of long-term, reduced-value Index options that will be computed at one-tenth the value of the Environmental Index.

settled, European-style[6] stock index options on an industry index, the Environmental Index. The CBOE also proposes to amend Exchange Rule 24.9 to provide for the listing of long-term, reduced-value index options that will be computed at one-tenth of the value of the Environmental Index ("Environment LEAPS").[7] Environment LEAPS will trade independent of and in addition to regular Environmental Index options traded on the Exchange.[8]

B. Composition of the Index

The Index is based on 15 stocks in the environmental industry sector that trade on the American Stock Exchange, Inc. ("Amex") or the New York Stock Exchange, Inc. ("NYSE"), or through the facilities of the National Association of Securities Dealers Automated Quotation System and are reported national market system securities ("NASDAQ/NMS").[9] Currently, eleven of the stocks are listed on the NYSE, three trade on the NASDAQ/NMS and the remaining one is listed on the Amex. The Index is price-weighted[10] and will be calculated real time using last sales prices. As of August 31, 1992, the Index was at 160.99.

As of September 16, 1992, the market capitalizations of the individual stocks in the Index ranged from a high of $17.6 billion to a low of $89 million, with the mean and median being $2.3 billion and $663 million, respectively. The market capitalization of all the stocks in the Index was $34.8 billion. The total number of shares outstanding for the stocks in the Index ranged from a high of 495.5 million shares to a low of 7.9 million shares. The average price per share of the stocks in the Index, for a six-month period between March and August 1992, ranged from a high of $37.12 to a low of $6.31. In addition, the average daily trading volume of the stocks in the Index, for the same six-month period, ranged from a high of 1.1 million shares per day to a low of 22,000 shares per day, with the mean and median being 219.067 and 107,000 shares, respectively. Lastly, no one stock comprised more than 13.73% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for 53.13% of the Index's value. The percentage weighting of the lowest weighted stock was 2.12% of the Index and the percentage weighting of the five smallest issues in the Index accounted for 16.38% of the Index's value.[11]

C. Maintenance

The Index will be maintained by the CBOE. The CBOE may change the composition of the Index at any time to reflect the conditions in the environmental industry. If it becomes necessary to replace a stock in the Index, the Exchange represents that it will make every effort to add new stocks that are representative of the environmental industry and will take into account a stock's capitalization, liquidity, volatility, and name recognition. Further, stocks may be replaced in the event of certain corporate events, such as takeovers or mergers, that change the nature of the security. If, however, the Exchange determines to increase the number of Index component stocks to greater than twenty or reduce the number of component stocks to fewer than ten, the proposal provides that the CBOE will submit a rule filing with the Commission pursuant to section 19(b) of the Act.[12] In addition, in choosing replacement stocks for the Index, the CBOE will be required to ensure that at least 90% of the weight of the Index continues to be made up of stocks that are eligible for standardized options trading.[13]

D. Applicability of CBOE Rules Regarding Index Options

Except as modified by this order, the rules in chapter XXIV of the CBOE Rules will be applicable to Environmental Index options. Those rules address, among other things, the applicable position and exercise limits, policies regarding trading halts and suspensions, and margin treatment for narrow based index options.

In addition, the CBOE is amending Rule 24.1 to make clear that a "market index," a term which includes the S&P 500, S&P 100, the FT–SE (U.K.) 100, and the FT–SE Eurotrack 200 indexes, also is a "broad-based index" within the meaning of the rules in chapter XXIV of the CBOE Rules, including Rule 24.4 which relates to position limits for broad-based index options. The amendment to Rule 24.1 further provides that the terms "narrow-based index" and the previously defined "industry index" both mean an index designed to be representative of a particular industry or a group of related industries. An industry index contract such as the Environmental Index option will, therefore, be deemed to be "narrow-based" for purposes of the position limit requirements of Rule 24.4A.

E. Calculation of the Index

The Index will be calculated continuously and disseminated to the Options Price Reporting Authority ("OPRA") every 15 seconds by the CBOE or a designated agent of the CBOE, based on the last-sale prices of the component stocks. OPRA, in turn, will disseminate the Index value to other financial vendors such as Reuters, Telerate, and Quotron.[14]

The Index is price-weighted and reflects changes in the prices of the component stocks relative to the base date. Specifically, the Index value is calculated by adding the prices of the component stocks and then dividing this summation by a divisor that is equal to the number of stocks in the Index to get the average price. To maintain the continuity of the Index, the divisor will be adjusted to reflect non-market changes in the prices of the component securities as well as changes in the composition of the Index. Changes which may result in divisor adjustments include, but are not limited to, stock splits and dividends, spin-offs,

[6] A European-style option can be exercised only during a specified period before the option expires.

[7] LEAPS is an acronym for Long-Term Equity Anticipation Securities.

[8] Although the CBOE, at this time, intends to list Environmental Index LEAPS only on a reduced value Index ("Environmental LEAPS"), CBOE Rule 24.9 would permit the listing of full value Environmental Index LEAPS.

[9] Real-time last sale reporting recently, has been extended to all securities traded over NASDAQ, however, NASDAQ/NMS securities, among other things, are subject to higher listing standards.

[10] The calculation of a price-weighted index involves taking the summation of the prices of the stocks in the index. In contrast, the calculation of a capitalization-weighted index involves taking the summation of the product of the price of each stock in the index and the shares outstanding for each issue.

[11] The six highest weighted securities in the Index, as of September 16, 1992, were: Waste Management, Inc.; Whelabrator Technologies, Inc.; Safety-Kleen Corp.; Browning-Ferris Industries, Inc.; Mid-American Waste Systems, Inc.; and Groundwater Technology, Inc. (the last two companies each represent 6.65% of the value of the Index). The five least weighted securities in the Index were: Allwaste, Inc.; Chambers Development Co., Inc.; Clean Harbors, Inc.; Laidlaw Inc.; and Rollins Environmental Services, Inc.

[12] See Amendment No. 3, supra note 5.

[13] See Amendment No. 3, *supra* note 5. The CBOE's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) The Public float must be at least 7,000,000; (2) there must be a minimum of 2,000 stockholders; (3) trading volume must have been at least 2.4 million over the preceding twelve months; and (4) the market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. See CBOE Rule 5.3.

[14] For purposes of the daily dissemination of the Index value, if a stock included in the Index has not opened for trading, the CBOE will use the closing value of that stock on the prior trading day when calculating the value of the Index, until the stock opens for trading.

certain rights issuances, and mergers and acquisitions.

The Index value for the purpose of settling outstanding Index options contracts upon expiration will be calculated based upon the regular way opening sale prices for each of the Index's component stocks in their primary market on the last trading day prior to expiration.[15] In the case of securities traded through the NASDAQ–NMS system, the first reported sale price will be used. Once all of the component stocks have opened, the value of the Index will be determined and that value will be used as the settlement value for the options. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (*i.e.*, Thursday's) last sale price will be used in the Index calculation. In this regard, before deciding to use Thursday's closing value of a component stock for the purpose of determining the settlement value of the Index, the CBOE will wait until the end of the trading day on expiration Friday.[16]

F. Contract Specifications

The proposed options on the Index will be cash-settled, European-style options. Standard index options trading hours (8:30 a.m. to 3:15 p.m. Central Time) will apply to the contracts. The Index multiplier will be 100. The strike price interval will be $5.00 for full-value Index options with a duration of one year or less to expiration.[17] In addition, pursuant to CBOE Rule 24.9, there will be five expiration months outstanding at any given time. Specifically, there will be three expiration months from the March, June, September, and December cycle plus two additional near-term months so that the two nearest term months will always be available. As described in more detail below, the Exchange also intends to list several additional reduced-value long-term options series with up to three years to expiration ("LEAPS").

Lastly, the options on the Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). Accordingly, since options on the Index will settle based upon opening prices of the component stocks on the last trading day before expiration (normally a Friday), the last trading day for an expiring Index option series will normally be the second to last business day before expiration (normally a Thursday).

G. Listing of Options on a Reduced-Value Environmental Index

The proposal further provides for the listing of long-term index options that expire from 12 to 36 months from listing, on a reduced-value Environmental Index that will be computed at one-tenth the value of the Index. The current and closing index value for reduced-value Environment LEAPS will be computed by dividing the Index value by ten and rounding the resulting figure to the nearest one-hundredth. For example, an Environmental Index value of 185.46 would be 18.55 for the reduced-value LEAPS and 185.43 would become 18.54. Other than the reduced value, all other specifications and calculations for reduced-value Environment LEAPS will remain the same.[18] Pursuant to Exchange Rule 24.3, the reduced-value Index will be continuously calculated and disseminated.

Under the proposal, the same rules which are applicable to the trading of long-term, reduced-value Standard & Poor's 100 and 500 Indexes ("OEX" and "SPX," respectively) [19] will be applicable to the trading of reduced-value Environment LEAPS. For example, Environment LEAPS may expire from 12 to 36 months from the date of listing, and there may be up to six expiration months beyond one year to expiration. Specifically, the proposal provides that reduced-value Environment LEAPS may be issued at six month intervals and that new strike prices will either be near or bracketing the current Index value. Strike price interval, bid/ask differential, and continuity rules will not apply to the trading of reduced-value Environment LEAPS (or long-term, full-value Index options) until their time to expiration is less than 12 months. The strike price interval for reduced-value Environment LEAPS will be no less than $2.50, instead of $5.00. Lastly, the proposal provides that additional long-term options series may be added when the value to the underlying Index increases or decreases by ten to fifteen percent. These provisions currently apply to the listing and trading of reduced-value DEX and SPX LEAPS.

H. Position and Exercise Limits, Margin Requirements, and Trading Halts

Because the Index is classified as an Industry Index under CBOE rules, Exchange rules that are applicable to the trading of options on narrow-based indexes will apply to the trading of Environmental Index options and Environment LEAPS. Specifically, Exchange rules governing margin requirements,[20] position and exercise limits,[21] and trading halt procedures[22] that are applicable to the trading of narrow-based index options will apply to options traded on the Index. The proposal further provides that, for purposes of determining whether a given position in Environment LEAPS complies with applicable position and exercise limits, positions in reduced-value Environment LEAPS will be aggregated with positions in the Index options. Under the proposal, ten reduced-value contracts will equal one full-value contract for purposes of aggregating these positions.

I. Surveillance

Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will be used to monitor trading in options on the Index. These procedures include complete access to trading activity in the underlying securities. In addition, the Intermarket Surveillance Group Agreement ("ISG Agreement"), dated July 14, 1983, as amended on January 29, 1990, will be applicable to the trading of options on the Index.[23]

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[15] The last trading day prior to expiration is the third Friday of the expiration month. For a more detailed discussion of the trading days for the Index options, see *infra* section II, F.

[16] See *supra* note 14.

[17] For a description of the strike price intervals for reduced-value Index options and long-term Index options, see *infra* section II, G.

[18] See discussion below, at section H, for position and exercise limit adjustments for reduced-value Environment Leaps.

[19] See Securities Exchange Act Release No. 28686, 55 FR 51517 (December 14, 1990).

[20] Pursuant to CBOE Rule 24.11, the margin requirements for the Index options will be: (1) For each short options positions, 100% of the current market value of the options contract plus 20% of the underlying aggregate Index value, less any out-of-the-money amount, with a minimum requirement of the options premium plus 10% of the underlying Index value; and (2) for long options positions, 100% of the options premium paid.

[21] Pursuant to CBOE Rules 24.4A and 24.5, respectively, the position and exercise limits for the Index options will be 6,000 contracts, unless the Exchange determines, pursuant to Rules 24.4A and 24.5 that a lower limit is warranted.

[22] Pursuant to CBOE Rule 24.7, the trading on the CBOE of Index options may be halted or suspended whenever trading in underlying securities whose weighted value represents more than 20% of the Index value are halted or suspended.

[23] ISG was formed on July 14, 1983, to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. See Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement, which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. See Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990.

III. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[24] Specifically, the Commission finds that the trading of Environmental Index options, including full-value and reduced-value LEAPS options,[25] will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with securities in the Environmental industry.[26] The trading of options on the Environmental Index and LEAPS on a reduced-value Environmental Index, however, raises several concerns, namely issues related to index design, customer production, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the CBOE adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the Index and the reduced-value Index are narrow-based because the Environmental Index is only comprised of 15 stocks, all of which are within one industry—the Environmental industry.[27] Accordingly, the Commission believes it is appropriate for the CBOE to apply its rules governing narrow-based index options to trading in the Index options and reduced-value Environment LEAPS.[28]

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index. First, the overwhelming majority of the stocks that comprise the Index are actively traded, with a mean and median average daily trading volume of 621,867 and 471,000 shares respectively.[29] Second, the market capitalizations of the stocks in the Index are very large, ranging from a high of $21.7 billion to a low of $122 million, with the mean and median being $2.7 billion and $754 million, respectively. Third, no particular stock dominates the Index, in that no one stock comprises more than 18.02% of the Index's total value. Although the percentage weighting of the three largest issues in the Index accounts for 37% of the Index's value, this is not unreasonable given the nature of the environmental industry, the limited number of stocks in the Index, and the large capitalization active trading markets of the three stocks.[30] Fourth, fourteen of the fifteen component stocks in the Index currently are eligible for options trading.[31]

Fifth, if the CBOE increases the number of component stocks to more than twenty or decreases that number to less than ten, the CBOE will be required to seek Commission approval, pursuant to section 19(b)(2) of the Act, before listing new strike price or expiration month series of the Environmental Index. This will help protect against material changes in the composition and design of the Index that might adversely affect the CBOE's obligations to protect investors and to maintain fair and orderly markets in Environmental Index options. Finally, the Commission believes that the expense of attempting to manipulate the value of the Environmental Index in any significant way through trading in component stocks (or options on those stocks) coupled with, as discussed below, existing mechanisms to monitor trading activity in those securities, will help deter such illegal activity.

In addition, the Commission does not believe that the fact that the Index is price-weighted instead of market-weighted results in the Index being readily susceptible to manipulation. Because the use of price-weighting could give securities with relatively small floats or prices a greater weight in the Index than if the Index were capitalization weighted, the Commission is concerned that this calculation method could make the Index more readily susceptible to manipulation. The CBOE, however, has developed several composition and maintenance criteria for the Index that the Commission believes will minimize the possibility that the Index could be manipulated through trading in less actively traded securities or securities with smaller prices or smaller floats. First, the CBOE proposal requires that 90% of the weighting of the Index be comprised of stocks that are eligible for standardized options trading. The Commission believes that this requirement will ensure that the Index will be almost entirely made up of stocks with large public floats that are actively traded, thus reducing the likelihood that the Index could be manipulated by abusive trading in the smaller stocks contained in the Index. Second, because the Index is narrow-based, the applicable position and exercise limits and margin requirements will further reduce the susceptibility of the Index to manipulation. Lastly, the CBOE represents that it will make every effort to add new stocks to the Index that are representative of the environmental industry sector and will take into account a stock's capitalization, liquidity, and volatility.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Environmental Index options and Environment LEAPS, can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only

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[24] 15 U.S.C. 78f(b)(5) (1988).

[25] See supra note 8.

[26] Pursuant to section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed options on the Environmental Index will provide investors with a hedging vehicle that should reflect the overall movement of the stocks comprising the environmental industry in the U.S. stock markets. The Commission also believes that these Index options will provide investors with a means by which to make investment decisions in the environmental industry sector of the U.S. stock markets, allowing them to establish positions or increase existing positions in such markets in a cost effective manner. The Commission also believes that the trading of Environmental Index options and Environment LEAPS will allow investors holding positions in some or all of the underlying securities in the Index to hedge the risks associated with their portfolios more efficiently and effectively. Moreover, the Commission believes that Environment LEAPS, which will be traded on an index computed at one-tenth the value of the Environmental Index, will serve the needs of retail investors by providing them with the opportunity to use a long-term option to hedge their portfolios from long-term market moves at a reduced cost.

[27] See Securities Exchange Act Release No. 29994 (November 26, 1991), 56 FR 63536 (December 4, 1991) (order designating the PSE Technology Index as a broad-based index, rather than a narrow-based index).

[28] See *supra* notes 20 through 22 and accompanying text.

[29] In addition, for the six-month period between March and August 1992, all of the companies within the Index had an average daily trading volume greater than 22,000 shares per day.

[30] For an index with a significantly greater number of stocks than 15 issues, the Commission might come to a different conclusion if only three stocks accounted for more than 55% of the index's weighting. Further, if an index contained only a few stocks, the Commission might question whether it can be traded as an index product.

[31] For a description of the options listing standards, see *supra* note 13.

investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Environment LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the CBOE, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Environmental Index options and Environment LEAPS.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities market.[32] Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation. In this regard, the CBOE, the NYSE, and the NASD are members of the Intermarket Surveillance Group ("ISG"), which provides for the exchange of all necessary surveillance information.[33]

D. Market Impact

The Commission believes that the listing and trading of Environmental Index options and Environment LEAPS on the CBOE will not adversely impact the underlying securities markets.[34] First, because 90% of the numerical value of the Index must be accounted for by stocks that meet the options listing standards, the component securities generally will be actively-traded, highly-capitalized stocks. Second, existing CBOE stock index options rules and surveillance procedures will apply to the Index options and Environment Leaps. Third, the 6,000 contract position and exercise limits will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contraparty non-performance will be minimized because the Index options and Environment LEAPS will be issued and guaranteed by the Options Clearing Corporation just like any other standardized option traded in the United States.

Lastly, the Commission believes that settling expiring Environmental Index options and reduced-value Environment LEAPS based on the opening prices of component securities is consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[35]

The Commission finds good cause for approving Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 3 provides for the listing of reduced-value Environment LEAPS. Because the index underlying Environment LEAPS is identical to the Index and Environment LEAPS will be subject to the same rules that apply to other index LEAPS traded on the Exchange, the Commission believes the CBOE's Environment LEAPS proposal raises no new regulatory issues. Amendment No. 3 also requires that at least 90% of the Index's numerical value be accounted for by stocks that meet the options listing standards and that the CBOE submit a rule filing pursuant to section 19(b) of the Act if the number of component securities in the Index changes to either less than 10 or more than 20. The Commission believes that these modifications strengthen the integrity of the Index and do not raise new issues. Moreover, the Commission finds that these modifications to the proposal are designed to reduce the likelihood that the Index could be susceptible to manipulation. Therefore, the Commission believes it is consistent with section 6(b)(5) of the Act to approve Amendment No. 3 to the CBOE's proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 3 to the proposed rule change. 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 27, 1993.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[36] that the proposed rule change (SR–92–29), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[37]

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10632 Filed 5–5–93; 8:45 am]

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[Release No. 34–32242; File No. SR–CBOE–92–30]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.

April 29, 1993.

In the matter of Self-Regulatory Organizations; Order Approving and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 3 to a Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Listing of Options on the CBOE Computer Software Index and Long-Term Options on a Reduced-Value Computer Software Index.

I. Introduction

On September 18, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide for the listing and trading of index options on the CBOE

[32] See eg. Securities Exchange Act Release No. 31243 (September 28, 1992), 57 FR 45849 (October 5, 1992).

[33] See *supra* note 23.

[34] In addition, the CBOE has represented that the CBOE and the Options Price Reporting Authority ("OPRA") have the necessary systems capacity to support those new series of index options that would result from the introduction of Index options and reduced-value Environment LEAPS. See Letter from Charles J. Henry, President and Chief Operating Officer, CBOE, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated March 22, 1992 and memorandum from Joe Corrigan, Executive Director, OPRA, to Eileen Smith, CBOE, dated March 19, 1993.

[35] See Securities Exchange Act Release No. 30944 (July 21, 1992), 57 FR 33376 (July 28, 1992).

[36] 15 U.S.C. 78s(b)(2) (1988).

[37] 17 CFR 200.30–3 (a)(12) (1992).

[1] 15 U.S.C. 78s(b)(1) (1998).

[2] 17 CFR 240.19b–4 (1992).

Computer Software Index ("Computer Software Index" or "Index").

Notice of the proposal, as amended through November 9, 1992,[3] appeared in the Federal Register on December 23, 1992.[4] No comment letters were received on the proposed rule change. Thereafter, the CBOE amended the proposal to clarify, among other things, the proposed maintenance listing standards.[5] This order approves the proposal as amended.

II. Descripton of Proposal

A. General

Pursuant to Exchange Rule 24.2, the CBOE proposes to list and trade cash-settled, European-style[6] stock index options on an industry index, the Computer Software Index. The CBOE also proposes to amend Exchange Rule 24.9 to provide for the listing of long-term, reduced-value index options that will be computed at one-tenth of the value of the Computer Software Index ("Computer LEAPS").[7] Computer LEAPS will trade independent of and in addition to regular Computer Software Index options traded on the Exchange.[8]

B. Composition of the Index

The Index is based on 15 stocks in the computer software sector that trade on the New York Stock Exchange, Inc. ("NYSE") or through the facilities of the National Association of Securities Dealers Automated Quotation System and are reported national market system securities ("NASDAQ/NMS").[9] Currently, fourteen of the stocks trade on NASDAQ/NMS and the remaining stock is listed on the NYSE. The Index is price-weighted[10] and will be calculated real time using last sales prices. As of August 31, 1992, the Index was at 143.80.

As of September 16, 1992, the market capitalizations of the individuals stocks in the Index ranged from a high of $21.7 billion to a low of $122 million, with the mean and median being $2.8 billion and $754 million, respectively. The market capitalization of all the stocks in the Index was $41.5 billion. The total number of shares outstanding for the stocks in the Index ranged from a high of 269.5 million shares to a low of 9.3 million shares. The average price per share of the stocks in the Index, for a six-month period between March and August 1992, ranged from a high of $51.64 to a low of $13.85. In addition, the average daily trading volume of the stocks in the Index, for the same six-month period, ranged from a high of 1.5 million shares per day to a low of 160,000 shares per day, with the mean and median being 621,867 and 471,000 shares, respectively. Lastly, no one stock comprised more than 18.02% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for 61.61% of the Index's value. The percentage weighting of the lowest weighted stock was 2.18% of the Index and the percentage weighting of the five smallest issues in the Index accounted for 13.24% of the Index's value.[11]

C. Maintenance

The Index will be maintained by the CBOE. The CBOE may change the composition of the Index at any time to reflect the conditions in the computer software industry. If it becomes necessary to replace a stock in the Index the Exchange represents that it will make every effort to add new stocks that are representative of the computer software industry and will take into account a stock's capitalization, liquidity, volatility and name recognition. Further, stocks may be replaced in the event of certain corporate events, such as takeovers or mergers, that change the nature of the security. If, however, the Exchange determines to increase the number of Index component stocks to greater than twenty or reduce the number of component stocks to fewer than ten, the proposal provides that the CBOE will submit a rule filing with the Commission pursuant to section 19(b) of the Act.[12] In addition, in choosing replacement stocks for the Index, the CBOE will be required to ensure that at least 90% of the weight of the Index continues to be made up of stocks that are eligible for standardized options trading.[13]

D. Applicability of CBOE Rules Regarding Index Options

Except as modified by this order, the rules in chapter XXIV of the CBOE Rules will be applicable to Computer Software Index options. Those rules address, among other things, the applicable position and exercise limits, policies regarding trading halts and suspensions, and margin treatment for both broad and narrow based index options.

The CBOE is amending Rule 24.1 to make clear that a "market index," a term which includes the S&P 500, S&P 100, the FT-SE (U.K.) 100, and the FT-SE Eurotrack 200 indexes, also is a "broad-based index" within the meaning of the rules in chapter XXIV of the CBOE Rules, including Rule 24.4 which relates to position limits for broad-based index options. The amendment to Rule 24.1 further provides that the terms "narrow-based index" and the previously defined "industry index" both mean an index designed to be representative of a particular industry or a group of related industries. An industry index contract such as the Computer Software Index option will, therefore, be deemed to be "narrow-based" for purposes of the position limit requirements of Rule 24.4A.

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[3] On September 28, 1992, the CBOE amended the proposal to amend Exchange Rule 24.9 to provide that Computer Software Index options will be A.M.-settled options ("Amendment No. 1"). See File No. SR-CBOE-92-30, Amendment No. 1. On November 9, 1992, the CBOE submitted an amendment to the proposal that made clarifying, non-substantive changes to conform the proposal to existing Exchange rules ("Amendment No. 2"). See File No. SR-CBOE-92-30, Amendment No. 2.

[4] See Securities Exchange Act Release No. 31617 (December 17, 1992), 57 FR 61135 (December 23, 1992).

[5] More specifically, on April 7, 1993, the proposal was amended to require that at least 90% of the Index's numerical value be accounted for by stocks that meet the options listing standards enumerated in CBOE Rule 5.3 and that the CBOE submit a rule filing pursuant to Section 19(b) of the Act if the number of component securities in the Index changes to either less than 10 or more than 20. This amendment also provided for the listing of long-term, reduced-value Index options that will be computed at one-tenth the value of the Computer Software Index.

[6] A European-style option only can be exercised during a limited period of time before the option expires.

[7] LEAPS is an acronym for Long-Term Equity Anticipation Securities.

[8] Although the CBOE, at this time, intends to list Computer Software Index LEAPS only on a reduced value Index ("Computer LEAPS"), CBOE Rule 24.9 permit the listing of full value Computer Software Index LEAPS.

[9] Real-time last sale reporting recently has been extended to all securities traded over NASDAQ, however, NASDAQ/NMS securities, among other things, are subject to higher listing standards.

[10] The calculation of a price-weighted index involves taking the summation of the prices of the stocks in the index. In contrast, the calculation of a capitalization-weighted index involves taking the summation of the product of the price of each stock in the index and the shares outstanding for each issue.

[11] The five highest weighted securities in the Index, as of September 16, 1992, were: Microsoft Corporation; BMC-Software, Inc.; Novell, Inc.; Borland International, Inc.; and Adobe Systems, Inc. The five least weighted securities in the Index were: American Software, Iac.; Software Publishing Corp.; Symantec; Aldus Corporation; and Computer Associates International, Inc.

[12] See Amendment No. 3, supra note 5.

[13] See Amendment No. 3, *supra* note 5. The CBOE's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) The public float must be at least 7,000,000; (2) there must be a minimum of 2,000 stockholders; (3) trading volume must have been at least 2.4 million over the preceding twelve months; and (4) the market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. See CBOE Rule 5.3.

E. Calculation of the Index

The Index will be calculated continuously and disseminated to the Options Price Reporting Authority ("OPRA") every 15 seconds by the CBOE or a designated agent of the CBOE, based on the last-sale prices of the component stocks. OPRA, in turn, will disseminate the Index value to other financial vendors such as Reuters, Telerate, and Quotron.[14]

The Index is price-weighted and reflects changes in the prices of the component stocks relative to the base date. Specifically, the Index value is calculated by adding the prices of the component stocks and then dividing this summation by a divisor that is equal to the number of stocks in the Index to get the average price. To maintain the continuity of the Index, the divisor will be adjusted to reflect non-market changes in the prices of the component securities as well as changes in the composition of the Index. Changes which may result in divisor changes include, but are not limited to, stock splits and dividends, spin-offs, certain rights issuances, and mergers and acquisitions.

The Index value for purposes of settling outstanding Index options contracts upon expiration will be calculated based upon the regular way opening sale prices for each of the Index's component stocks in their primary market on the last trading day prior to expiration.[15] In the case of securities traded through the NASDAQ–NMS system, the first reported sale price will be used. Once all of the component stocks have opened, the value of the Index will be determined and that value will be used as the settlement value for the options. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (*i.e.*, Thursday's) last sale price will be used in the Index calculation. In this regard, before deciding to use Thursday's closing value of a component stock for the purpose of determining the settlement value of the Index, the CBOE will wait until the end of the trading day on expiration Friday.[16]

F. Contract Specifications

The proposed options on the Index will be cashed-settled, European-style options. Standard index options trading hours (8:30 a.m. to 3:15 p.m. Central Time) will apply to the contracts. The Index multiplier will be 100. The strike price interval will be $5.00 for full-value Index options with a duration of one year or less to expiration.[17] In addition, pursuant to CBOE Rule 24.9, there will be five expiration months outstanding at any given time. Specifically, there will be three expiration months from the March, June, September, and December cycle plus two additional near-term months so that the two nearest term months will always be available. As described in more detail below, the Exchange also intends to list several additional reduced-value long-term options series with up to three years to expiration ("LEAPS").

Lastly, the options on the Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). Accordingly, since options on the Index will settle based upon opening prices of the component stocks on the last trading day before expiration (normally a Friday), the last trading day for an expiring Index option series will normally be the second to the last business day before expiration (normally a Thursday).

G. Listing of Options on a Reduced-Value Computer Software Index

The proposal further provides for the listing of long-term index options that expire from 12 to 36 months from listing, on a reduced-value Computer Software Index that will be computed at one-tenth the value of the Index. The current and closing index value for reduced-value Computer LEAPS will be computed by dividing the Index value by ten and rounding the resulting figure to the nearest one-hundredth. For example, a Computer Software Index value of 185.46 would be 18.55 for the reduced-value LEAPS and 185.43 would become 18.54. Other than the reduced-value, all other specifications and calculations for reduced-value Computer LEAPS will remain the same.[18] Pursuant to Exchange Rule 24.3, the reduced-value Index will be continuously calculated and disseminated.

Under the proposal, the same rules which are applicable to the trading of long-term, reduced-value Standard & Poor's 100 and 500 Indexes ("OEX" and "SPX," respectively)[19] will be applicable to the trading of reduced-value Computer LEAPS. For example, Computer LEAPS may expire from 12 to 36 months from the date of listing, and there may be up to six expiration months beyond one year to expiration. Specifically, the proposal provides that reduced-value Computer LEAPS may be issued at six month intervals and that new strike prices will either be near or bracketing the current Index value. Strike price interval, bid/ask differential and continuity rules will not apply to the trading of reduced-value Computer LEAPS (or long-term, full-value Index options) until their time to expiration is less than 12 months. The strike price interval for reduced-value Computer LEAPS will be no less than $2.50, instead of $5.00. Lastly, the proposal provides that additional long-term options series may be added when the value of the underlying Index increases or decreases by ten to fifteen percent. These provisions currently apply to the listing and trading of reduced-values OEX and SPX LEAPS.

H. Position and Exercise Limits, Margin Requirements, and Trading Halts

Because the Index is classified as an Industry Index under CBOE rules, Exchange rules that are applicable to the trading of options on narrow-based indexes will apply to the trading of Computer Software Index options and Computer LEAPS. Specifically, Exchange rules governing margin requirements,[20] position and exercise limits,[21] and trading halt procedures[22] that are applicable to the trading of narrow-based index options will apply to options traded on the Index. The proposal further provides that, for the purpose of determining whether a given position in Computer LEAPS complies

[14] For purpose of the daily dissemination of the Index value, if a stock included in the Index has not opened for trading, the CBOE will use the closing value of that stock on the prior trading days when calculating the value of the Index, until the stock opens for trading.

[15] The last trading day prior to expiration is the third Friday of the expiration month. For a more detailed discussion of the trading days for the Index options, see *infra* section II, F.

[16] See *supra* note 14.

[17] For a description of the strike price intervals for reduced-value Index options and long-term Index options, see *infra* section II, G.

[18] See discussion below, at Section H, for position and exercise limit adjustments for reduced-value Computer Leaps.

[19] See Securities Exchange Act Release No. 28686, 55 FR 51517 (December 14, 1990).

[20] Pursuant to CBOE Rule 24.11, the margin requirements for the Index options will be: (1) For each short options positions, 100% of the current market value of the options contract plus 20% of the underlying aggregate Index value, less any out-of-the-money amount, with a minimum requirement of the options premium plus 10% of the underlying Index value; and (2) for long options positions, 100% of the options premium paid.

[21] Pursuant to CBOE Rules 24.4A and 24.5, respectively, the position and exercise limits for the Index options will be 6,000 contracts, unless the Exchange determines, pursuant to Rules 24.4A and 24.5 that a lower limit is warranted.

[22] Pursuant to CBOE Rule 24.7, the trading on the CBOE of Index options may be halted or suspended whenever trading in underlying securities whose weighted value represents more than 20% of the Index value are halted or suspended.

with applicable position and exercise limits, positions in reduced-value Computer LEAPS will be aggregated with positions in the Index options. Under the proposal, ten reduced-value contracts will equal one full-value contract for purposes of aggregating these positions.

I. Surveillance

Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in options on the Index. These procedures include complete access to trading activity in the underlying securities. In addition, the Intermarket Surveillance Group Agreement ("ISG Agreement"), dated July 14, 1983, as amended on January 29, 1990, will be applicable to the trading of options on the Index.[23]

III. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[24] Specifically, the Commission finds that the trading of Computer Software Index options, including full-value and reduced-value LEAPS on the Index,[25] will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with securities in the computer software industry.[26] The trading of options on the Computer Software Index and LEAPS on a reduced-value Computer Software Index, however, raises several concerns, namely issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the CBOE adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the Index and the reduced-value Index are narrow-based because the Computer Software Index is only comprised of 15 stocks, all of which are within one industry—the computer software industry.[27] Accordingly, the Commission believes it is appropriate for the CBOE to apply its rules governing narrow-based Index options to trading in the Index options and reduced-value Computer LEAPS.[28]

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index. First, the overwhelming majority of the stocks that comprise the Index are actively traded, with a mean and median average daily trading volume of 621,867 and 471,000 shares, respectively.[29] Second, the market capitalizations of the stocks in the Index are very large, ranging from a high of $21.7 billion to a low of $122 million, with the mean and median being $2.7 billion and $754 million, respectively. Third, no particular stock dominates the Index, in that no one stock comprises more than 18.02% of the Index's total value. Although the percentage weighting of the three largest issues in the Index accounts for 43% of the Index value, this is not unreasonable given the nature of the computer software industry, the limited number of stocks in the Index, and the large capitalization and active trading markets of the three stocks.[30] Fourth, fourteen of the fifteen component stocks in the Index currently are eligible for options trading.[31] Fifth, if the CBOE increases the number of component stocks to more than twenty or decreases that number to less than ten, the CBOE will be required to seek Commission approval, pursuant to section 19(b)(2) of the Act, before listing new strike prior or expiration month series of the Computer Software Index. This will help protect against material changes in the composition and design of the Index that might adversely affect the CBOE's obligations to protect investors and to maintain fair and orderly markets in Computer Software Index options. Finally, the Commission believes that the expense of attempting to manipulate the value of the Computer Software Index in any significant way through trading in component stocks (or options on those stocks) coupled with, as discussed below, existing mechanisms to monitor trading activity in those securities, will help deter such illegal activity.

In addition, the Commission does not believe that the fact that the Index is price-weighted instead of market-weighted results in the Index being readily susceptible to manipulation. Because the use of price-weighting could give securities with relatively small floats or prices a greater weight in the Index than if the Index were capitalization weighted, the Commission is concerned that this calculation method could make the Index more readily susceptible to manipulation. The CBOE, however, has developed several composition and maintenance criteria for the Index that the Commission believes will minimize the possibility that the Index could be manipulated through trading in less actively traded securities or securities with smaller prices or smaller floats. First, the CBOE proposal requires that 90% of the weighting of the Index be comprised of stocks that are eligible for standardized options trading. The Commission believes that this requirement will ensure that the Index will be almost entirely made up of stocks with large public floats that are

[23] ISG was formed on July 14, 1983, to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. See Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement, which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. See Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990.

[24] 15 U.S.C. 78f(b)(5) (1988).

[25] See supra note 8.

[26] Pursuant to section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed options on the Computer Software Index will provide investors with a hedging vehicle that should reflect the overall movement of the stocks comprising the computer software industry in the U.S. stock markets. The Commission also believes that these Index options will provide investors with a means by which to make investment decisions in the computer software industry sector of the U.S. stock markets, allowing them to establish positions or increase existing positions in such markets in a cost effective manner. The Commission also believes that the trading of Computer Software Index options and Computer LEAPS will allow investors holding positions in some or all of the underlying securities in the Index to hedge the risks associated with their portfolios more efficiently and effectively. Moreover, the Commission believes the Computer LEAPS, which will be traded on an index computed at one-tenth the value of the Computer Software Index, will serve the needs of retail investors by providing them with the opportunity to use a long-term option to hedge their portfolios from long-term market moves at a reduced cost.

[27] See Securities Exchange Act Release No. 29994 (November 26, 1991), 56 FR 63536 (December 4, 1991) (order designating the PSE Technology Index as a broad-based index, as opposed to narrow).

[28] See *supra* notes 20 through 22 and accompanying text.

[29] In addition, for the six-month period between March and August 1992, all of the companies within the Index had an average daily trading volume greater than 160,000 shares per day.

[30] For an index with a significantly greater number of stocks than 15 issues, the Commission might come to a different conclusion if only three stocks accounted for more than 55% of the index's weighting. Further, if an index contained only a few stocks, the Commission might question whether it can be traded as an index product.

[31] For a description of the options listing standards, see *supra* note 13.

actively traded, thus reducing the likelihood that the Index could be manipulated by abusive trading in the smaller stocks contained in the Index. Second, because the Index is narrow-based, the applicable position and exercise limits and margin requirements will further reduce the susceptibility of the Index to manipulation. Lastly, the CBOE represents that it will make every effort to add new stocks to the Index that are representative of the computer software sector and will take into account a stock's capitalization, liquidity, and volatility.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Computer Software Index options and Computer LEAPS, can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Computer LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the CBOE, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Computer Software Index options and Computer LEAPS.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities market.[32] Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation. In this regard, the CBOE, the NYSE, and the NASD are members of the Intermarket Surveillance Group ("ISG"), which provides for the exchange of all necessary surveillance informations.[33]

D. Market Impact

The Commission believes that the listing and trading of Computer Software Index options and Computer LEAPS on the CBOE will not adversely impact the underlying securities markets.[34] First, because 90% of the numerical value of the Index must be accounted for by stocks that meet the options listing standards, the component securities generally will be actively-trade, highly-capitalized stocks. Second, existing CBOE stock index options rules and surveillance procedures will apply to the Index options and Computer Leaps. Third, the 6,000 contract position and exercise limits will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contraparty non-performance will be minimized because the Index options and Computer LEAPS will be issued and guaranteed by the Options Clearing Corporation just like any other standardized option traded in the United States.

Lastly, the Commission believes that setting expiring Computer Software Index options and reduced-value Computer LEAPS based on the opening prices of component securities is consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[35]

The Commission finds good cause for approving Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Amendment No. 3 provides for the listing of reduced-value Computer LEAPS. Because the index underlying Computer LEAPS is identical to the Index and Computer LEAPS will be subject to the same rules that apply to other index LEAPS traded on the Exchange, the Commission believes the CBOE's Computer LEAPS proposal raises no new regulatory issues. Amendment No. 3 also requires that at least 90% of the Index's numerical value be accounted for by stocks that meet the options listing standards and that the CBOE submit a rule filing pursuant to section 19(b) of the Act if the number of component securities in the Index changes to either less than 10 or more than 20. The Commission believes that these modifications strengthen the integrity of the Index and do not raise new issues. Moreover, the Commission finds that these modifications to the proposal are designed to reduce the likelihood that the Index could be susceptible to manipulation. Therefore, the Commission believes it is consistent with section 6(b)(5) of the Act to approve Amendment No. 3 to the CBOE's proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 3 to the proposed rule change. 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 27, 1993.

It is therefore, ordered, pursuant to Section 19(b)(2) of the Act[36], that the proposed rule change (SR-CBOE-92-30), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[37]

[32] See eg. Securities Exchange Act Release No. 31243 (September 28, 1992), 57 FR 45849 (October 5, 1992).

[33] See *supra* note 23.

[34] In addition, the CBOE has represented that the CBOE and the Options Price Reporting Authority ("OPRA") have the necessary systems capacity to support those new series of index options that would result from the introduction of Index options and reduced-value Computer LEAPS. See Letter from Charles J. Henry, President and Chief Operating Officer, CBOE, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated March 22, 1992 and memorandum from Joe Corrigan, Executive Director, OPRA, to Eileen Smith, CBOE, dated March 19, 1993.

[35] See Securities Exchange Act Release No. 30944 (July 21, 1992), 57 FR 33376 (July 28, 1992).

[36] 15 U.S.C. 78s(b)(2)(1988).

[37] 17 U.S.C. 200.30-3(a)(12)(1992).

Jonathan G. Katz,
Secretary.
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BILLING CODE 8010–01–M

[Release No. 34–32244; File No. SR–CBOE–92–27]

Self-Regulatory Organizations; Chicago Board Options Exchange

April 29, 1993.

In the Matter of Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 3 to a Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Listing of Options and Long-Term Options on the S&P Chemicals Index and Long-Term Options on a Reduced-Value Chemicals Index.

I. Introduction

On September 18, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide for the listing and trading of index options on the Standard & Poor's Corporation ("S&P") Chemicals Index ("Chemicals Index" or "Index"). Notice of the proposal, as amended through November 9, 1992,[3] appeared in the **Federal Register** on November 20, 1992.[4] No comment letters were received on the proposed rule change.

Thereafter, the CBOE amended the proposal to clarify, among other things, several proposal listing and maintenance standards.[5] This order approves the Exchange's proposal, as amended.

II. Description of Proposal

A. General

The CBOE proposes to list and trade options on the Chemicals Index, an index developed by S&P. The CBOE also proposes to list either long-term options on the full-value Index or long-term options on a reduced-value Index that will be computed at one-tenth of the value of the Chemicals Index ("Chemicals LEAPS" or "Index LEAPS").[6] Chemicals LEAPS will trade independent of and in addition to regular Chemicals Index options traded on the Exchange.[7]

B. Composition of the Index

The Index is based on twenty-two diversified and specialty chemical industry stocks that are included in the S&P 500 Index. All twenty-two of those stocks currently trade on the New York Stock Exchange ("NYSE"). The Index is capitalization-weighted, meaning that the price of each stock is multiplied by that company's shares outstanding in order to calculate the current Index level. The Index will be calculated on a real-time basis using last sale prices.

As of August 31, 1992, the Index was at 207. As of August 31, 1992, the market capitalizations of the individual stocks in the Index ranged from a high of $33.14 billion to a low of $169.71 million, with the mean and median being $4.61 billion and $2.5 billion, respectively. The market capitalization of all the stocks in the Index was $101.409 billion. The total number of shares outstanding for the stocks in the Index ranged from a high of 672.242 million shares to a low of 19.676 million shares. The average price per share of the stocks in the Index, for a six-month period between March and August 1992, ranged from a high of $61.66 to a low of $8.04. In addition, the average daily trading volume of the stocks in the Index, for the same six-month period, ranged from a high of 750,546 shares per day to a low of 22,848 shares per day, with the mean and median being 226,411 and 154,558 shares, respectively. Lastly, no one stock comprised more than 32.68% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for 65.06% of the Index's value. The percentage weighting of the lowest weighted stock was .17% of the Index and the percentage weighting of the five smallest issues in the Index accounted for 3.57% of the Index's value.

C. Maintenance

The Index will be maintained by S&P and the CBOE has represented that it will not influence any S&P decisions concerning maintenance of the Index. To maintain continuity in the Index following an adjustment to a component security, the divisor will be adjusted. Changes which may result in divisor adjustments include, but are not limited to, spin-offs, certain rights issuances, mergers, and acquisitions involving component securities.

If it becomes necessary for S&P to remove a Chemicals Index component stock from the S&P 500 Index (generally due to a takeover or merger), the stock will also be removed from the Chemicals Index. Because the S&P is not required to replace the stock chosen as a replacement for the S&P 500 Index with another chemicals industry, the replacement stock may or may not be in the chemicals industry. As a result, the number of stocks in the S&P Chemicals Index may increase or decrease due to changes in the composition of the S&P 500.[8]

D. Applicability of CBOE Rules Regarding Index Options

Except as modified by this rule filing, the rules in Chapter XXIV of the CBOE Rules will be applicable to S&P Chemicals Index options. Those rules address, among other things, the

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] On September 28, 1992 the CBOE amended the proposal to clarify and confirm that S&P Chemicals Index options will be A.M. settled options subject to the provisions of CBOE Rule 24.9(e) ("Amendment No. 1"). *See* File No. SR–CBOE–92–27, Amendment No. 1. On November 9, 1992, the proposal was amended to reflect changes to the CBOE rules made by the effectiveness of SR–CBOE–91–51 (CBOE Biotech Index, approved September 28, 1992) and SR–CBOE–92–32 (non-substantive amendments to Chapter XXIV of the CBOE rules, effective upon filing) ("Amendment No. 2"). *See* File No. SR–CBOE–92–27, Amendment No. 2. *See infra* note 5.

[4] *See* Securities Exchange Act Release No. 31448, 57 FR 54867 (November 20, 1992).

[5] More specifically, on April 20, 1993 the proposal was amended to: (1) Require as a maintenance standard that, if the Index increases to more than twenty-nine stocks or decreases to less than fifteen stocks, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to Section 19(b) of the Act reflecting such change; (2) require as a maintenance standard that, if less than 90% of the Index's weighting becomes comprised of stocks that are not eligible for standardized options trading on the CBOE pursuant to CBOE Rule 5.3, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to Section 19(b) of the Act reflecting such change; and (3) clarify that the current and closing Index value for reduced-value long-term options based on the Index will be computed by dividing the value of the full-value Index by ten and rounding the resulting figure to the nearest one-hundredth ("Amendment No. 3"). See File No. SR–CBOE–92–27, Amendment No. 3.

[6] LEAPS is an acronym for Long-Term Equity Anticipation Securities. LEAPS are long term index option series that expire from twelve to thirty-six months from their date of issuance. See CBOE Rule 24.9(b)(1).

[7] According to the CBOE, the S&P Chemicals Index represents a segment of the U.S. equity market that is not currently represented in the derivative markets and, as such, the CBOE concludes, should offer investors a low-cost means to achieve diversification of their portfolios toward or away from the chemicals industry. The CBOE believes that Index will provide retail and institutional investors with a means to benefit from their forecasts of that industry's market performance. Options on the Index also can be utilized by portfolio managers and investors to provide a performance measure and evaluation guide for passively or actively managed chemicals industry funds, as well as a means of hedging the risks of investing in the chemicals industry.

[8] *See supra* note 5. If the Index increases to more than twenty-nine stocks or decreases to less than fifteen stocks, no new series of Index options will be listed for trading unless and until the Commission approves a rule filing pursuant to Section 19(b) of the Act reflecting such change.

applicable position and exercise limits, policies regarding trading halts and suspensions, and margin treatment for both broad and narrow based index options.

The CBOE is amending Rule 24.1 to make clear that a "market index," a term which includes the S&P 500, S&P 100, the FT–SE (U.K.) 100, and the FT–SE Eurotrack 200 indexes, also is a "broad-based index" within the meaning of the rules in Chapter XXIV of the CBOE Rules, including Rule 24.4 which relates to position limits for broad-based index options. The amendment to Rule 24.1 further provides that the terms "narrow-based index" and the previously defined "industry index" both mean an index designed to be representative of a particular industry or a group of related industries. An industry index contract such as the S&P Chemicals Index option will, therefore, be deemed to be "narrow-based" for purposes of the position limit requirements of Rule 24.4A.

E. Calculation of the Index

Similar to the broad-based S&P 500 Stock Index, the S&P Chemicals Index is capitalization-weighted and reflects changes in the total capitalization of the component stocks relative to the capitalization of the Index on the base date. The Index is calculated by taking the summation of capitalizations of the component stocks (share price multiplied by the number of shares outstanding) and dividing the result by the divisor.

The Index will be calculated continuously by S&P or its designee and will be disseminated to the Options Price Reporting Authority ("OPRA") every fifteen seconds by the CBOE. If a component stock is not currently being traded, the most recently traded price will be used in the Index calculation.[9]

The Index value for purposes of setting outstanding Index options contracts upon expiration will be calculated based upon the regular way opening sale prices for each of the Index's component stocks in their primary market on the last trading day prior to expiration. Once all of the component stocks have opened, the value of the Index will be determined and that value will be used as the final settlement value for expiring Index options contracts. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (*i.e.*, Thursday's) last sale price will be used in the Index calculation. In this regard, before deciding to use Thursday's closing value of a component stock for purposes of determining the settlement value of the Index, the CBOE will wait until the end of the trading day on expiration Friday.[10]

F. Contract Specifications

The proposed options on the Index will be cash-settled, European-style options.[11] Standard options trading hours (8:30 a.m. to 3:10 p.m. Central Standard time) will apply to the contracts. The Index multiplier will be 100. The strike price interval will be $5.00 for full-value Index options with a duration of one year or less to expiration.[12] In addition, pursuant to CBOE Rule 24.9 there will be five expiration months outstanding at any given time. Specifically, there will be three expiration months from the March, June, September, and December cycle plus two additional near-term months so that the two nearest term months will always be available. As described in more detail below, the Exchange also intends to list several Index LEAP series that expire from twelve to thirty-six months from the date of issuance.

Lastly, the options on the Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). Accordingly, since options on the Index will settle based upon prices of the component stocks on the last trading day before expiration (normally a Friday), the last trading day for an expiring Index option series will normally be the second to the last business day before expiration (normally a Thursday).

G. Listing of Long-Term Options on the Full-Value or Reduced-Value Chemicals Index

The proposal provides that the Exchange may list long-term Index options that expire from 12 to 36 months from listing on the full-value Chemicals Index or a reduced-value Chemicals Index that will be computed at one-tenth the value of the full-value Index. The current and closing Index value for reduced-value Chemicals LEAPS will be computed by dividing the value of the full-value Index by 10 and rounding the resulting figure to the nearest one-hundredth. For example, a Index value of 185.46 would be 18.55 for the Index LEAPS and 185.43 would become 18.54. The reduced value LEAPS will have a European-style exercise and will be subject to the same rules that govern the trading of all the Exchange's index options, including sales practice rules, margin requirements and floor trading procedures. The strike price interval for the reduced-value Index LEAPS will be no less than $2.50 instead of $5.00.

Under the proposal, the same rules which are applicable to the trading of long-term, reduced-value S&P 100 and 500 Indexes ("OEX" and "SPX," respectively)[13] will be applicable to the trading of reduced-value Index LEAPS. For example, Index LEAPS may expire from 12 to 36 months from the date of listing, and there may be up to six expiration months beyond one year to expiration. Moreover, the proposal provides that either full-value or reduced-value Index LEAPS may be issued at six month intervals and that new strike prices will either be near or bracketing the current Index value. Strike price interval, bid/ask differential and continuity rules will not apply to the trading of the full-value or reduced-value Index LEAPS until their time to expiration is less than 12 months. The strike price interval for reduced-value Index LEAPS will be no less than $2.50, instead of $5.00. Lastly, the proposal provides that additional LEAPS series may be added when the value of the underlying Index increases or decreases by ten to fifteen percent. These provisions currently apply to the listing and trading of reduced-value OEX and SPX LEAPS.

H. Position and Exercise Limits, Margin Requirements, and Trading Halts

Because the Index is classified as an Industry Index under CBOE rules, Exchange rules that are applicable to the trading of options on narrow-based indexes will apply to the trading of Chemicals Index options and reduced-value Chemicals Index options. Specifically, Exchange rules governing margin requirements,[14] position and exercise limits,[15] and trading halt

[9] For purposes of the daily dissemination of the Index value, if a stock included in the Index has not opened for trading, S&P will use the closing value of that stock on the prior trading day when calculating the value of the Index, until the stock opens for trading

[10] *See supra* note 9.

[11] A European-style option can be exercised only during a specified period before the option expires.

[12] For a description of the strike price intervals for reduced-value Index options and long-term Index options, See Section G, *infra*.

[13] *See* Securities Exchange Act Release No. 28686, 55 FR 51517 (December 14, 1990).

[14] Pursuant to CBOE Rule 24.11, the margin requirements for the Index options will be: (1) for short options positions, 100% of the current market value of the options contract plus 20% of the underlying aggregate Index value, less any out-of-the-money amount, with a minimum requirement of the options premium plus 10% of the underlying Index value; and (2) for long term options positions, 100% of the options premium paid.

[15] Pursuant to CBOE Rules 24.4A and 24.5, respectively, the position and exercise limits for the

procedures[16] that are applicable to the trading of narrow-based index options will apply to options on the Index. The proposal further provides that, for purposes of determining whether a given position in reduced-value Index options complies with applicable position and exercise limits, positions in reduced-value Index options will be aggregated with positions in the full-value Index options. For these purposes, ten reduced-value contracts will equal one full-value contract for purposes of aggregating these positions.

I. Surveillance

Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in full-value and reduced-value Index options. These procedures include complete access to trading activity in the underlying securities. Further, the Intermarket Surveillance Group Agreement, dated July 14, 1983, as amended on January 29, 1990, will be applicable to the trading of options on the Index.[17]

III. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[18] Specifically, the Commission finds that the trading of Chemicals Index options, including full-value and reduced-value Chemicals LEAPS, will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with securities in the chemicals industry.[19]

The trading of options on the Chemicals Index, including full-value and reduced-value LEAPS on the Index, however, raises several concerns, namely issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the CBOE adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the Chemicals Index and reduced-value Chemicals Index are narrow-based indices. The Chemicals Index is comprised of only twenty-two stocks, all of which are within one industry—the chemicals industry. In addition, the basic character of the reduced-value Chemicals Index, which is comprised of the same component securities as the Chemicals Index and calculated by dividing the Chemicals Index value by ten, is essentially identical to the Chemicals Index.[20] Accordingly, the Commission believes it is appropriate for the CBOE to apply its rules governing narrow-based index options to trading in the Index options.[21]

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index. First, the overwhelming majority of the stocks that comprise the Index are actively traded, with a mean and median average daily trading volume of 226,411 and 154,558 shares, respectively.[22] Second, the market capitalizations of the stocks in the Index are very large, ranging from a high of $33.14 billion to a low of $169.71 million as of August 31, 1992, with the mean and median being $4,61 billion and $2.5 billion, respectively. Third, although the Index is only comprised of twenty-two stocks, for the most part, no one particular stock or group of stocks dominates the Index. Although one stock in the Index comprises approximately 32.68% of the Index's total value, the Index is comprised of a total of twenty-two stocks with the percentage weighting of the three largest issues in the Index accounting for 54.05% of the Index's value.[23] Fourth, all of the component stocks in the Index currently are eligible for options trading.[24] The proposed CBOE maintenance requirement that 90% of the weighting of the Index be comprised of stocks that are eligible for options trading will ensure that the Index is almost completely comprised of options eligible stocks. Fifth if S&P increases the number of component stocks to more than twenty-nine or decreases that number to less than fifteen the CBOE will be required to seek Commission approval pursuant to Section 19(b)(2) of the Act before listing new strike price or expiration month series of Chemicals Index options. This will help protect against material changes in the composition and design of the Index that might adversely affect the CBOE's obligations to protect investors and to maintain fair and orderly markets in Chemicals Index options. Finally, the Commission believes that the expense of attempting to manipulate the value of the Chemicals Index in any significant way through trading in component stocks (or options on those stocks) coupled with, as discussed below, existing mechanisms to monitor trading activity in those securities, will help deter such illegal activity.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Chemicals Index options (including full-value and reduced-value Chemicals LEAPS), can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) the special risks of options are disclosed to public customers; (2) only investors capable of

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Index options will be 4,000 contracts, unless the Exchange determines, pursuant to Rules 24.4A and 24.5 that a lower limit is warranted.

[16] Pursuant to CBOE Rule 24.7, the trading on the CBOE of Index options may be halted or suspended whenever trading in underlying securities whose weighted value represents more than 20% of the Index value are halted or suspended.

[17] ISG was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. See Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement, which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. See Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990.

[18] 15 U.S.C. 78f(b)(5) (1988).

[19] The Commission also believes that the trading of the Index options and Index LEAPS will allow investors holding positions in some or all of the underlying securities in the Index to hedge the risks associated with their portfolios more efficiently and effectively. Moreover, the Commission believes that the reduced-value Index LEAPS, that will be traded on an index computed at one-tenth the value of the Chemicals Index, will serve the needs of retail investors by providing them with the opportunity to use a long-term option to hedge their portfolios from long-term market moves at a reduced cost.

[20] *See generally* Securities Exchange Act Release No. 29994, 56 FR 63536 (December 4, 1991).

[21] *See supra* notes 14 through 16, and accompanying text.

[22] In addition, for the six-month period between March and August 1992, all of the companies comprising the Index had an average daily trading volume greater than 22,848 shares per day.

[23] For an index with a significantly greater number of stocks than fifteen issues, the Commission might come to a different conclusion if only three stocks accounted for more than 55% of the index's weighting. Further, if an index contained only a few stocks, the Commission might question whether it can be traded as an index product.

[24] The CBOE's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) The public float must be at least 7,000,000; (2) there must be a minimum of 2,000 stockholders; (3) trading volume must have been at least 2.4 million over the preceding twelve months; and (4) the market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. *See* CBOE Rule 5.3.

evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Index LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the CBOE, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Chemicals Index options and Chemicals Index LEAPS.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation.[25] In this regard, both the CBOE and NYSE are members of the Intermarket Surveillance Group ("ISG"), which provides for the exchange of all necessary surveillance information.[26]

D. Market Impact

The Commission believes that the listing and trading of Chemicals Index options, including full-value and reduced-value Index LEAPS on the CBOE will not adversely impact the underlying securities markets.[27] First, as described above, for the most part, no one stock or group of stocks dominates the Index.[28] Second, because 90% of the numerical value of the Index must be accounted for by stocks that meet the options listing standards, the component securities generally will be actively-traded, highly-capitalized stocks. Third, the 4,000 contract position and exercise limits will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contra-party non-performance will be minimized because the Index options and Index LEAPS will be issued and guaranteed by the Options Clearing Corporation just like any other standardized option traded in the United States.

Lastly, the Commission believes that settling expiring Chemicals Index options (including full-value and reduced-value Index LEAPS) based on the opening prices of component securities is consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[29]

The Commission finds good cause for approving Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 3 provides for the rounding of the current and closing Index value for purposes of Index LEAPS trading to the nearest one-hundredth. Amendment No. 3 also requires that at least 90% of the Index's numerical value be accounted for by stocks that meet the options listing standards and that the CBOE submit a rule filing pursuant to Section 19(b)(2) of the Act if the number of component securities in the Index changes to either greater than twenty-nine or fewer than fifteen. The Commission believes that these modifications strengthen the integrity of the Index and do not raise new issues. Moreover, the Commission finds that these modifications to the proposal are designed to reduce the likelihood that the Index could be susceptible to manipulation. Therefore, the Commission believes it is consistent with section 6(b)(5) of the Act to approve Amendment No. 3 to the CBOE's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 3 to the proposed rule change. 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 27, 1993.

It is Therefore Ordered, Pursuant to section 19(b)(2) of the Act,[30] that the proposed rule change (SR–CBOE–92–27), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[31]

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10709 Filed 5–5–93; 8:45 am]

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[25] *See* Securities Exchange Act Release No. 31243, 57 FR 45849 (October 5, 1992).

[26] *See supra* note 17. Although the Index currently does not contain ADRs, the proposal provides that the Index could contain ADRs representing the chemicals industry stocks. If the composition of the Index would change so that greater than 20% of the Index was represented by ADRs whose underlying securities were not subject to a comprehensive surveillance sharing arrangement, then it would be difficult for the Commission to reach the conclusions reached in this order and the Commission would have to determine whether it would be suitable to continue to trade options on the Index. The CBOE should, accordingly, notify the Commission immediately if more than twenty percent of the numerical value of the Index is represented by ADRs whose underlying securities are not subject to a comprehensive surveillance sharing agreement, so that the Commission can decide whether trading on the Index should be ceased or phased out.

[27] In addition, the CBOE has represented that the CBOE and the Options Price Reporting Authority ("OPRA") have the necessary systems capacity to support those new series of index options that would result from the introduction of Index options and Index LEAPS. *See* Letter from Charles J. Henry, President and Chief Operating Officer, CBOE, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated March 22, 1993 and memorandum from Joe Corrigan, Executive Director, OPRA, to Eileen Smith, CBOE, dated March 19, 1993.

[28] As noted above, one stock in the Index represents approximately 32.68% of the Index value. The Index, however, is comprised of twenty-two highly capitalized and actively traded stocks.

[29] See Securities Exchange Act Release No. 30944, 57 FR 33376 (July 28, 1992).

[30] 15 U.S.C. 78s(b)(2) (1988).

[31] 17 CFR 200.30–3(a)(12) (1993).

[Release No. 34–32236; File No. SR–CBOE–92–22]

Self-Regulatory Organizations; Chicago Board Options Exchange

April 29, 1993.

In the matter of Self-Regulatory Organizations; Order Approving and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 3 to a Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Listing of Options and Long-Term Options on the S&P Transportation Index and Long-Term Options on a Reduced-Value Transportation Index.

I. Introduction

On September 18, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission

("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide for the listing and trading of index options on the Standard & Poor's Corporation ("S&P") Transportation Index ("Transportation Index" or "Index"). Notice of the proposal, as amended through November 9, 1992,[3] appeared in the Federal Register on November 20, 1992.[4] No comment letters were received on the proposed rule change. Thereafter, the CBOE amended the proposal to clarify, among other things, several proposed listing and maintenance standards.[5] This order approves the Exchange's proposal, as amended.

II. Description of Proposal

A. General

The CBOE proposes to list and trade options on the Transportation Index, an index developed by S&P. The CBOE also proposes to list either long-term options on the full-value Index or long-term, options on a reduced-value Index that will be computed at one-tenth of the value of the Transportation Index ("Transportation LEAPS" or "Index LEAPS").[6] Transportation LEAPS will trade independent of and in addition to regular Transportation Index options traded on the Exchange.[7]

B. Composition of the Index

The Index is based on fifteen airline, railroad, trucking, and miscellaneous transportation industry stocks that are included in the S&P 500 Index. Thirteen of those stocks currently trade on the New York Stock Exchange ("NYSE") and two are national market system ("NMS") securities that currently trade through the facilities of the National Association of Securities Dealers Automated Quotation System ("NASDAQ–NMS"). The Index is capitalization-weighted, meaning that the price of each stock is multiplied by that company's shares outstanding in order to calculate the current Index level. The Index will be calculated on a real-time basis using last sale prices.

As of August 31, 1992, the Index was at 313.21. As of August 31, 1992, the market capitalizations of the individual stocks in the Index ranged from a high of $10.5 billion to a low of $447 million, with the mean and median being $3.3 billion and $2.5 billion, respectively. The market capitalization of all the stocks in the Index was $49.743 billion. The total number of shares outstanding for the stocks in the Index ranged from a high of 202.844 million shares to a low of 23.758 million shares. The average price per share of the stocks in the Index, for a six-month period between March and August 1992, ranged from a high of $122.90 to a low of $12.11. In addition, the average daily trading volume of the stocks in the Index, for the same six-month period, ranged from a high of 581,527 shares per day to a low of 75,148 shares per day, with the mean and median being 242,727 and 180,521 shares, respectively. Lastly, no one stock comprised more than 21.1% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for 63.84% of the Index's value. The percentage weighting of the lowest weighted stock was .9% of the Index and the percentage weighting of the five smallest issues in the Index accounted for 11.11% of the Index's value.

C. Maintenance

The Index will be maintained by S&P and the CBOE has represented that it will not influence any S&P decisions concerning maintenance of the Index. To maintain continuity in the Index following an adjustment to a component security, the divisor will be adjusted. Changes which may result in divisor adjustments include, but are not limited to, spin-offs, certain rights issuances, mergers, and acquisitions involving component securities.

If it becomes necessary for S&P to remove a Transportation Index component stock from the S&P 500 Index (generally due to a takeover or merger), the stock will also be removed form the Transportation Index. Because the S&P is not required to replace the stock chosen as a replacement for the S&P 500 Index with another transportation industry, the replacement stock may or may not be in the transportation industry. As a result, the number of stocks in the S&P Transportation Index may increase or decrease due to changes in the composition of the S&P 500.[8]

D. Applicability of CBOE Rules Regarding Index Options

Except as modified by this rule filing, the rules in chapter XXIV of the CBOE Rules will be applicable to S&P Transportation Index options. Those rules address, among other things, the applicable position and exercise limits, policies regarding trading halts and suspensions, and margin treatment for both broad and narrow based index options.

The CBOE is amending Rule 24.1 to make clear that a "market index," a term which includes the S&P 500, S&P 100, the FT–SE (U.K) 100, and the FT–SE Eurotrack 200 indexes, also is a "broad-based index" within the meaning of the rules in Chapter XXIV of the CBOE Rules, including Rule 24.4 which relates to position limits for broad-based index options. The amendment to Rule 24.1 further provides that the terms "narrow-based index" and the previously defined "industry index" both mean an index designed to be representative of a particular industry or a group of related

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] On September 28, 1992 the CBOE amended the proposal to clarify and confirm that S&P Transportation Index options will be A.M. settled options subject to the provisions of CBOE Rule 24.9(e) ("Amendment No. 1"). See File No. SR–CBOE–92–22, Amendment No. 1. On November 9, 1992, the proposal was amended to reflect changes to the CBOE rules made by the effectiveness of SR–CBOE–91–51 (CBOE Biotech Index, approved September 28, 1992) and SR–CBOE–92–32 (nonsubstantive amendments to Chapter XXIV of the CBOE rules, effective upon filing) ("Amendment No. 2"). See File No. SR–CBOE–92–22, Amendment No. 2. See *infra* note 5.

[4] *See* Securities Exchange Act Release No. 31443, 57 FR 54867 (November 20, 1992).

[5] More specifically, on April 20, 1993 the proposal was amended to: (1) Require as a maintenance standard that, if the Index increases to more than twenty stocks or decreases to less than ten stocks, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change; (2) require as a maintenance standard that, if less than 90% of the Index's weighting becomes comprised of stocks that are not eligible for standardized options trading on the CBOE pursuant to CBOE Rule 5.3, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change; and (3) clarify that the current and closing Index value for reduced-value long-term options based on the Index will be computed by dividing the value of the full-value Index by ten and rounding the resulting figure to the nearest one-hundredth ("Amendment No. 3"). See File No. SR–CBOE–92–22, Amendment No. 3.

[6] LEAPS is an acronym for Long-Term Equity Anticipation Securities. LEAPS are long term index option series that expire from twelve to thirty-six months from their date of issuance. See CBOE Rule 24.9(b)(1).

[7] According to the CBOE, the S&P Transportation Index represents a segment of the U.S. equity market that is not currently represented in the derivative markets and, as such, the CBOE concludes, should offer investors a low-cost means to achieve diversification of their portfolios toward or away from the transportation industry. The CBOE believes the Index will provide retail and institutional investors with a means to benefit from their forecasts of that industry's market performance. Options on the Index also can be utilized by portfolio managers and investors to provide a performance measure and evaluation guide for passively or actively managed transportation industry funds, as well as a means of hedging the risks of investing in the transportation industry.

[8] *See supra* note 5. If the Index increases to more than twenty stocks or decreases to less than ten stocks, no new series of Index options will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change.

industries. An industry index contract such as the S&P Transportation Index option will, therefore, be deemed to be "narrow-based" for purposes of the position limit requirements of Rule 24.4A.

E. Calculation of the Index

Similar to the broad-based S&P 500 Stock Index, the S&P Transportation Index is capitalization-weighted and reflects changes in the total capitalization of the component stocks relative to the capitalization of the Index on the base date. The Index is calculated by taking the summation of capitalizations of the component stocks (share price multiplied by the number of shares outstanding) and dividing the result by the divisor.

The Index will be calculated continuously by S&P or its designee and will be disseminated to the Options Price Reporting Authority ("OPRA") every fifteen seconds by the CBOE. If a component stock is not currently being traded, the most recently traded price will be used in the Index calculation.[9]

The Index value for purposes of settling outstanding Index options contracts upon expiration will be calculated based upon the regular way opening sale prices for each of the Index's component stocks in their primary market on the last trading day prior to expiration. In the case of securities traded through the NASDAQ–NMS system, the first reported sale price will be used. Once all of the component stocks have opened, the value of the Index will be determined and that value will be used as the final settlement value for expiring Index options contracts. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (i.e., Thursday's) last sale price will be used in the Index calculation. In this regard, before deciding to use Thursday's closing value of a component stock for purposes of determining the settlement value of the Index, the CBOE will wait until the end of the trading day on expiration Friday.[10]

F. Contract Specifications

The proposed options on the Index will be cash-settled, European-style options.[11] Standard options trading hours (8:30 a.m. to 3:10 p.m. Central Standard time) will apply to the contracts. The Index multiplier will be 100. The strike price interval will be $5.00 for full-value Index options with a duration of one year or less to expiration.[12] In addition, pursuant to CBOE Rule 24.9, there will be five expiration months outstanding at any given time. Specifically, there will be three expiration months from the March, June, September, and December cycle plus two additional near-term months so that the two nearest term months will always be available. As described in more detail below, the Exchange also intends to list several Index LEAP series that expire from twelve to thirty-six months from the date of issuance.

Lastly, the options on the Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). Accordingly, since options on the Index will settle based upon opening prices of the component stocks on the last trading day before expiration (normally a Friday), the last trading day for an expiring Index option series will normally be the second to the last business day before expiration (normally a Thursday).

G. Listing of Long-Term Options on the Full-Value or Reduced-Value Transportation Index

The proposal provides that the Exchange may list long-term Index options that expire from 12 to 36 months from listing on the full-value Transportation Index or a reduced-value Transportation Index that will be computed at one-tenth the value of the full-value Index. The current and closing Index value for reduced-value Transportation LEAPS will be computed by dividing the value of the full-value Index by 10 and rounding the resulting figure to the nearest one-hundredth. For example, an Index value of 185.46 would be 18.55 for the Index LEAPS and 185.43 would become 18.54. The reduced-value LEAPS will have a European-style exercise and will be subject to the same rules that govern the trading of all the Exchange's index options, including sales practice rules, margin requirements and floor trading procedures. The strike price interval for the reduced-value Index LEAPS will be no less than $2.50 instead of $5.00.

Under the proposal, the same rules which are applicable to the trading of long-term, reduced-value S&P 100 and 500 Indexes ("OEX" and "SPX," respectively)[13] will be applicable to the trading of reduced-value Index LEAPS. For example, Index LEAPS may expire from 12 to 36 months from the date of listing, and there may be up to six expiration months beyond one year to expiration. Moreover, the proposal provides that either full-value or reduced-value Index LEAPS may be issued at six month intervals and that new strike prices will either be near or bracketing the current Index value. Strike price interval, bid/ask differential, and continuity rules will not apply to the trading of the full-value or reduced-value Index LEAPS until their time to expiration is less than 12 months. The strike price interval for reduced-value Index Leaps will be no less than $2.50, instead of $5.00. Lastly, the proposal provides that additional LEAPS series may be added when the value of the underlying Index increases or decreases by ten to fifteen percent. These provisions currently apply to the listing and trading of reduced-value OEX and SPX LEAPS.

H. Position and Exercise Limits, Margin Requirements, and Trading Halts

Because the Index is classified as an Industry Index under CBOE rules, Exchange rules that are applicable to the trading of options on narrow-based indexes will apply to the trading of Transportation Index options and reduced-value Transportation Index options. Specifically, Exchange rules governing margin requirements,[14] position and exercise limits,[15] and trading halt procedures[16] that are applicable to the trading of narrow-based index options will apply to options traded on the Index. The proposal further provides that, for purposes of determining whether a given position in reduced-value Index

[9] For purposes of the daily dissemination of the Index value, if a stock included in the Index has not opened for trading, S&P will use the closing value of that stock on the prior trading day when calculating the value of the Index, until the stock opens for trading.

[10] *see supra* note 9.

[11] A European-style option can be exercised only during a specified period before the option expires.

[12] For a description of the strike price intervals for reduced-value Index options and long-term Index options, See Section G, *infra*.

[13] See Securities Exchange Act Release No. 28686, 55 FR 51517 (December 14, 1990.

[14] Pursuant to CBOE Rule 24.11, the margin requirements for the Index options will be: (1) For short options positions, 100% of the current market value of the options contract plus 20% of the underlying aggregate Index value, less any out-of-the-money amount, with a minimum requirement of the options premium plus 10% of the underlying Index value; and (2) for long term options positions, 100% of the options premium paid.

[15] Pursuant to CBOE Rules 24.4A and 24.5, respectively, the position and exercise limits for the Index options will be 6,000 contracts, unless the Exchange determines, pursuant to Rules 24.4A and 24.5 that lower limit is warranted.

[16] Pursuant to CBOE Rule 24.7, the trading on the CBOE of Index options may be halted or suspended whenever trading in underlying securities whose weighted value represents more than 20% of the Index value are halted or suspended.

options complies with applicable position and exercise limits, positions in reduced-value Index options will be aggregated with positions in the full-value Index options. For these purposes, ten reduced-value contracts will equal one full-value contract for purposes of aggregating these positions.

I. Surveillance

Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in full-value and reduced-value Index options. These procedures include complete access to trading activity in the underlying securities. Further, the Intermarket Surveillance Group Agreement, dated July 14, 1983, as amended on January 29, 1990, will be applicable to the trading of options on the Index.[17]

III. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[18] Specifically, the Commission finds that the trading of Transportation Index options, including full-value and reduced-value Transportation LEAPS, will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with securities in the transportation industry.[19] The trading of options on the Transportation Index, including full-value and reduced-value LEAPS on the Index, however, raises several concerns, namely issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the CBOE adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the Transportation Index and reduced-value Transportation Index are narrow-based indices. The Transportation Index is comprised of only fifteen stocks, all of which are within one industry—the transportation industry. In addition, the basic character of the reduced-value Transportation Index, which is comprised of the same component securities as the Transportation Index and calculated by dividing the Transportation Index value by ten, is essentially identical to the Transportation Index.[20] Accordingly, the Commission believes it is appropriate for the CBOE to apply its rules governing narrow-based index options to trading in the Index options.[21]

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index. First, the overwhelming majority of the stocks that comprise the Index are actively traded, with a mean and median average daily trading volume of 242,727 and 180,521 shares, respectively.[22] Second, the market capitalizations of the stocks in the Index are very large, ranging from a high of $10.5 billion to a low of $447 million as of August 31, 1992, with the mean and median being $3.3 billion and $2.5 billion, respectively. Third, although the Index is only comprised of fifteen stocks, no one particular stock or group of stocks dominates the Index. Specifically, no one stock comprises more than 21.1% of the Index's total value and the percentage weighting of the three largest issues in the Index accounting for 49.05% of the Index's value.[23] Fourth, all of the component stocks in the Index currently are eligible for options trading.[24] The proposed CBOE maintenance requirement that 90% of the weighting of the Index be comprised of stocks that are eligible for options trading will ensure that the Index is almost completely comprised of options eligible stocks. Fifth, if S&P increases the number of component stocks to more than twenty or decreases that number to less than ten, the CBOE will be required to seek Commission approval pursuant to section 19(b)(2) of the Act before listing new strike price or expiration month series of Transportation Index options. This will help protect against material changes in the composition and design of the Index that might adversely affect the CBOE's obligations to protect investors and to maintain fair and orderly markets in Transportation Index options. Finally, the Commission believes that the expense of attempting to manipulate the value of the Transportation Index in any significant way through trading in component stocks (or options on those stocks) coupled with, as discussed below, existing mechanisms to monitor trading activity in those securities, will help deter such illegal activity.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Transportation Index options (including full-value and reduced-value Transportation LEAPS), can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is

[17] ISG was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. *See* Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement, which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. *See* Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990.

[18] 15 U.S.C. 78f(b)(5) (1988).

[19] Pursuant to section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed options on the Transportation Index will provide investors with a hedging vehicle that should reflect the overall movement of the stocks comprising the transportation industry in the U.S. stock markets. The Commission also believes that these Index options will provide investors with a means by which to make investment decisions in the transportation industry sector of the U.S. stock markets, allowing them to establish positions or increase existing positions in such markets in a cost effective manner. Moreover, the Commission believes that the reduced-value Index LEAPS, that will be traded on an index computed at one-tenth the value of the Transportation Index, will serve the needs of retail investors by providing them with the opportunity to use a long-term option to hedge their portfolios from long-term market moves at a reduced cost.

[20] See generally Securities Exchange Act Release No. 29994, 56 FR 63536 (December 4, 1991) (order designating the PSE Technology Index as a broad-based index rather than a narrow-based index).

[21] See *supra* notes 14 through 16, and accompanying text.

[22] In addition, for the six-month period between March and August 1992, all of the companies comprising the Index had an average daily trading volume greater than 75,148 shares per day.

[23] For an index with a significantly greater number of stocks than fifteen issues, the Commission might come to a different conclusion if only three stocks accounted for more than 55% of the index's weighting. Further, if an index contained only a few stocks, the Commission might question whether it can be traded as an index product.

[24] The CBOE's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) The public float must be at least 7,000,000; (2) there must be a minimum of 2,000 stockholders; (3) trading volume must have been at least 2.4 million over the preceding twelve months; and (4) the market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. *See* CBOE Rule 5.3.

designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Index LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the CBOE, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Transportation Index options and Transportation Index LEAPS.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation.[25] In this regard, the CBOE, NYSE, and NASD are all members of the Intermarket Surveillance Group ("ISG"), which provides for the exchange of all necessary surveillance information.[26]

D. Market Impact

The Commission believes that the listing and trading of Transportation Index options, including full-value and reduced-value Index LEAPS on the CBOE will not adversely impact the underlying securities markets.[27] First, as described above, no one stock or group of stocks dominates the Index. Second, because 90% of the numerical value of the Index must be accounted for by stocks that meet the options listing standards, the component securities generally will be actively-traded, highly-capitalized stocks. Third, the 6,000 contract position and exercise limits will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contra-party non-performance will be minimized because the Index options and Index LEAPS will be issued and guaranteed by the Options Clearing Corporation just like any other standardized option traded in the United States.

Lastly, the Commission believes that settling expiring Transportation Index options (including full-value and reduced-value Index LEAPS) based on the opening prices of component securities is consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[28]

The Commission finds good cause for approving Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Amendment No. 3 provides for the rounding of the current and closing Index value for purposes of Index LEAPS trading to the nearest one-hundredth. Amendment No. 3 also requires that at least 90% of the Index's numerical value be accounted for by stocks that meet the options listing standards and that the CBOE submit a rule filing pursuant to Section 19(b) of the Act if the number of component securities in the Index changes to either greater than twenty or fewer than ten. The Commission believes that these modifications strengthen the integrity of the Index and do not raise new issues. Moreover, the Commission finds that these modifications to the proposal are designed to reduce the likelihood that the Index could be susceptible to manipulation. Therefore, the Commission believes it is consistent with section 6(b)(5) of the Act to approve Amendment No. 3 to the CBOE's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 3 to the proposed rule change. Persons making written submission 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 27, 1993.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[29] that the proposed rule change (SR–CBOE–92–22), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10718 Filed 5–5–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32241; File No. SR–CBOE–92–24]

Self-Regulatory Organizations; Chicago Board Options Exchange

April 29, 1993.

In the matter of Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 3 to a Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Listing of Options and Long-Term Options on the S&P Health Care Index and Long-Term Options on a Reduced-Value Health Care Index.

I. Introduction

On September 18, 1992, the Chicago Board Options Exchange, Inc. ("CBOE"

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[25] See Securities Exchange Act Release No. 31243, 57 FR 45849 (October 5, 1992).

[26] See *supra* note 17. Although the Index currently does not contain ADRs, the proposal provides that the Index could contain ADRs representing transportation industry stocks. If the composition of the Index would change so that greater than 20% of the Index was represented by ADRs whose underlying securities were not subject to a comprehensive surveillance sharing arrangement, then it would be difficult for the Commission to reach the conclusions reached in this order and the Commission would have to determine whether it would be suitable to continue to trade options on the Index. The CBOE should, accordingly, notify the Commission immediately if more than twenty percent of the numerical value of the Index is represented by ADRs whose underlying securities are not subject to a comprehensive surveillance sharing agreement, so that the Commission can decide whether trading on the Index should be ceased or phased out.

[27] In addition, the CBOE has represented that the CBOE and the Options Price Reporting Authority ("OPRA") have the necessary systems capacity to support those new series of index options that would result from the introduction of Index options and Index LEAPS. See Letter from Charles J. Henry, President and Chief Operating Officer, CBOE, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated March 22, 1993 and memorandum from Joe Corrigan, Executive Director, OPRA, to Eileen Smith, CBOE, dated March 19, 1993.

[28] See Securities Exchange Act Release No. 30944, 57 FR 33376 (July 28, 1992).

[29] 15 U.S.C. 78s(b)(2) (1988).

[30] 17 CFR 200.30–3(a)(12) (1993).

or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide for the listing and trading of index options on the Standard & Poor's Corporation ("S&P") Health Care Index ("Health Care Index" or "Index"). Notice of the proposal, as amended through November 9, 1992,[3] appeared in the **Federal Register** on November 20, 1992.[4] No comment letters were received on the proposed rule change. Thereafter, the CBOE amended the proposal to clarify, among other things, several proposed listing and maintenance standards.[5] This order approves the Exchange's proposal, as amended.

II. Description of Proposal

A. General

The CBOE proposes to list and trade options on the Health Care Index, an index developed by S&P. The CBOE also proposes to list either long-term options on the full-value Index or long-term options on a reduced-value Index that will be computed at one-tenth of the value of the Health Care Index ("Health Care LEAPS" or "Index LEAPS").[6]

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] On September 28, 1992 the CBOE amended the proposal to clarify and confirm that S&P Health Care Index options will be A.M. settled options subject to the provisions of CBOE Rule 24.9(e) ("Amendment No. 1"). See File No. SR–CBOE–92–24, Amendment No. 1. On November 9, 1992, the proposal was amended to reflect changes to the CBOE rules made by the effectiveness of SR–CBOE–91–51 (CBOE Biotech Index, approved September 28, 1992) and SR–CBOE–92–32 (non-substantive amendments to Chapter XXIV of the CBOE rules, effective upon filing) ("Amendment No. 2"). See File No. SR–CBOE–92–24, Amendment No. 2. See *infra* note 5.

[4] See Securities Exchange Act Release No. 31445, 57 FR 54871 (November 20, 1992).

[5] More specifically, on April 20, 1993 the proposal was amended to: (1) Require as a maintenance standard that, if the Index increases to more than thirty-seven stocks or decreases to less than nineteen stocks, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change; (2) require as a maintenance standard that, if less than 90% of the Index's weighting becomes comprised of stocks that are not eligible for standardized options trading on the CBOE pursuant to CBOE Rule 5.3, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to Section 19(b) of the Act reflecting such change; and (3) clarify that the current and closing Index value for reduced-value long-term options based on the Index will be computed by dividing the value of the full-value Index by ten and rounding the resulting figure to the nearest one-hundredth ("Amendment No. 3"). See File No. SR–CBOE–92–24, Amendment No. 3.

[6] LEAPS is an acronym for Long-Term Equity Anticipation Securities. LEAPS are long term index option series that expire from twelve to thirty-six months from their date of issuance. See CBOE Rule 24.9(b)(1).

Health Care LEAPS will trade independent of and in addition to regular Health Care Index options traded on the Exchange.[7]

B. Composition of the Index

The Index is based on twenty-eight management, drug, medical product, diversified, and miscellaneous health care industry stocks that are included in the S&P 500 Index. Twenty-five of those stocks currently trade on the New York Stock Exchange, Inc. ("NYSE") and three are national market system ("NMS") securities that currently trade through the facilities of the National Association of Securities Dealers Automated Quotation System ("NASDAQ–NMS"). The Index is capitalization-weighted, meaning that the price of each stock is multiplied by that company's shares outstanding in order to calculate the current Index level. The Index will be calculated on a real-time basis using last sale prices.

As of August 31, 1992, the Index was at 229.76. As of August 31, 1992, the market capitalizations of the individual stocks in the Index ranged from a high of $56.38 billion to a low of $438.81 million, with the mean and median being $10.98 billion and $5 billion, respectively. The market capitalization of all the stocks in the Index was $307.49 billion. The total number of shares outstanding for the stocks in the Index ranged from a high of 1.159 billion shares to a low of 46.19 million shares. The average price per share of the stocks in the Index, for a six-month period between March and August 1992, ranged from a high of $100.08 to a low of $8.40. In addition, the average daily trading volume of the stocks in the Index, for the same six-month period, ranged from a high of 1,210,116 shares per day to a low of 77,346 shares per day, with the mean and median being 446,487 and 419,146 shares, respectively. Lastly, no one stock comprised more than 18.34% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for 56.97% of the Index's value. The percentage weighting of the lowest weighted stock was .14% of the Index and the percentage weighting of the five smallest issues in the Index accounted for 1.76% of the Index's value.

[7] According to the CBOE, the S&P Health Care Index represents a segment of the U.S. equity market that is not currently represented in the derivative markets and, as such, the CBOE concludes, should offer investors a low-cost means to achieve diversification of their porfolios toward or away from the health care industry. The CBOE believes the Index will provide retail and institutional investors with a means to benefit from their forecasts of that industry's market performance. Options on the Index also can be utilized by portfolio managers and investors to provide a performance measure and evaluation guide for passively or actively managed health care industry funds, as well as a means of hedging the risks of investing in the health care industry.

C. Maintenance

The Index will be maintained by S&P and the CBOE has represented that it will not influence any S&P decisions concerning maintenance of the Index. To maintain continuity in the Index following an adjustment to a component security, the divisor will be adjusted. Changes which may result in divisor adjustments include, but are not limited to, spin-offs, certain rights issuances, mergers, and acquisitions involving component securities.

If it becomes necessary for S&P to remove a Health Care Index component stock from the S&P 500 Index (generally due to a takeover or merger), the stock will also be removed from the Health Care Index. Because the S&P is not required to replace the stock chosen as a replacement for the S&P 500 Index with another health care industry, the replacement stock may or may not be in the health care industry. As a result, the number of stocks in the S&P Health Care Index may increase or decrease due to changes in the composition of the S&P 500.[8]

D. Applicability of CBOE Rules Regarding Index Options

Except as modified by this rule filing, the rules in Chapter XXIV of the CBOE Rules will be applicable to S&P Health Care Index options. Those rules address, among other things, the applicable position and exercise limits, policies regarding trading halts and suspensions, and margin treatment for both broad and narrow based index options.

The CBOE is amending rule 24.1 to make clear that a "market index," a term which includes the S&P 500, S&P 100, the FT–SE (U.K.) 100, and the FT–SE Eurotrack 200 indexes, also is a "broad-based index" within the meaning of the rules in Chapter XXIV of the CBOE Rules, including Rule 24.4 which relates to position limits for broad-based index options. The amendment to Rule 24.1 further provides that the terms "narrow-based index" and the previously defined "industry index" both mean an index designed to be representative of a

[8] See *supra* note 5. If the Index increases to more than thirty-seven stocks or decreases to less than nineteen stocks, no new series of Index options will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change.

particular industry or a group of related industries. An industry index contract such as the S&P Health Care Index option will, therefore, be deemed to be "narrow-based" for purposes of the position limit requirements of Rule 24.4A.

E. Calculation of the Index

Similar to the broad-based S&P 500 Stock Index, the S&P Health Care Index is capitalization-weighted and reflects changes in the total capitalization of the component stocks relative to the capitalization of the Index on the base date. The Index is calculated by taking the summation of capitalizations of the component stocks (share price multiplied by the number of shares outstanding) and dividing the result by the divisor.

The Index will be calculated continuously by S&P or its designee and will be disseminated to the Options Price Reporting Authority ("OPRA") every fifteen seconds by the CBOE. If a component stock is not currently being traded, the most recently traded price will be used in the Index calculation.[9]

The Index value for purposes of settling outstanding Index options contracts upon expiration will be calculated based upon the regular way opening sale prices for each of the Index's component stocks in their primary market on the last trading day prior to expiration. In the case of securities traded through the NASDAQ–NMS system, the first reported sale price will be used. Once all of the component stocks have opened, the value of the Index will be determined and that value will be used as the final settlement value for expiring Index options contracts. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (*i.e.*, Thursday's) last sale price will be used in the Index calculation. In this regard, before deciding to use Thursday's closing value of a component stock for purposes of determining the settlement value of the Index, the CBOE will wait until the end of the trading day on expiration Friday.[10]

F. Contract Specifications

The proposed options on the Index will be cashed-settled, European-style options.[11] Standard options trading hours (8:30 a.m. to 3:10 p.m. Central Standard time) will apply to the contracts. The Index multiplier will be 100. The strike price interval will be $5.00 for full-value Index options with a duration of one year or less to expiration.[12] In addition, pursuant to CBOE Rule 24.9, there will be five expiration months outstanding at any given time. Specifically, there will be three expiration months from the March, June, September, and December cycle plus two additional near-term months so that the two nearest term months will always be available. As described in more detail below, the Exchange also intends to list several Index LEAP series that expire from twelve to thirty-six months from the date of issuance.

Lastly, the options on the Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). Accordingly, since options on the Index will settle based upon opening prices of the component stocks on the last trading day before expiration (normally a Friday), the last trading day for an expiring Index option series will normally be the second to the last business day before expiration (normally a Thursday).

G. Listing of Long-Term Options on the Full-Value or Reduced-Value Health Care Index

The proposal provides that the Exchange may list long-term Index options that expire from 12 to 36 months from listing on the full-value Health Care Index or a reduced-value Health Care Index that will be computed at one-tenth the value of the full-value Index. The current and closing Index value for reduced-value Health Care LEAPS will be computed by dividing the value of the full-value Index by 10 and rounding the resulting figure to the nearest one-hundredth. For example, a Index value of 185.46 would be 18.55 for the Index LEAPS and 185.43 would become 18.54. The reduced-value LEAPS will have a European-style exercise and will be subject to the same rules that govern the trading of all the Exchange's index options, including sales practice rules, margin requirements and floor trading procedures. The strike price interval for the reduced-value Index LEAPS will be no less than $2.50 instead of $5.00.

Under the proposal, the same rules which are applicable to the trading of long-term, reduced-value S&P 100 and 500 Indexes ("OEX" and "SPX," respectively)[13] will be applicable to the trading of reduced-value Index LEAPS. For example, Index LEAPS may expire from 12 to 36 months from the date of listing, and there may be up to six expiration months beyond one year to expiration. Moreover, the proposal provides that either full-value or reduced-value Index LEAPS may be issued at six month intervals and that new strike prices will either be near or bracketing the current Index value. Strike price interval, bid/ask differential and continuity rules will not apply to the trading of the full-value or reduced-value Index LEAPS until their time to expiration is less than 12 months. The strike price interval for reduced-value Index LEAPS will be no less than $2.50, instead of $5.00. Lastly, the proposal provides that additional LEAPS series may be added when the value of the underlying Index increases or decreases by ten to fifteen percent. These provisions currently apply to the listing and trading of reduced-value OEX and SPX LEAPS.

H. Position and Exercise Limits, Margin Requirements, and Trading Halts

Because the Index is classified as an Industry Index under CBOE rules, exchange rules that are applicable to the trading of options on narrow-based indexes will apply to the trading of Health Care Index options and reduced-value Health Care Index options. Specifically, Exchange rules governing margin requirements,[14] position and exercise limits,[15] and trading halt procedures[16] that are applicable to the trading of narrow-based index options will apply to options traded on the Index. The proposal further provides that, for purposes of determining whether a given position in reduced-value Index options complies with

[9] For purposes of the daily dissemination of the Index value, if a stock included in the Index has not opened for trading, S&P will use the closing value of that stock on the prior trading day when calculating the value of the Index, until the stock opens for trading.

[10] See *supra* note 9.

[11] A European-style option can be exercised only during a specified period before the option expires.

[12] For a description of the strike price intervals for reduced-value Index options and long-term Index options, See Section G, *infra*.

[13] See Securities Exchange Act Release No. 28686, 55 FR 51517 (December 14, 1990).

[14] Pursuant to CBOE Rule 24.11, the margin requirements for the Index options will be: (1) For short options positions, 100% of the current market value of the options contract plus 20% of the underlying aggregate Index value, less any out-of-the-money amount, with a minimum requirement of the options premium plus 10% of the underlying Index value; and (2) for long term options positions, 100% of the options premium paid.

[15] Pursuant to CBOE Rules 24.4A and 24.5, respectively, the position and exercise limits for the Index options will be 6,000 contracts, unless the Exchange determines, pursuant to Rules 24.4A and 24.5 that a lower limit is warranted.

[16] Pursuant to CBOE Rule 24.7, the trading on the CBOE of Index options may be halted or suspended whenever trading in underlying securities whose weighted value represents more than 20% of the Index value are halted or suspended.

applicable position and exercise limits, positions in reduced-value Index options will be aggregated with positions in the full-value Index options. For these purposes, ten reduced-value contracts will equal one full-value contract for purposes of aggregating these positions.

I. Surveillance

Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in full-value and reduced-value Index options. These procedures include complete access to trading activity in the underlying securities. Further, the Intermarket Surveillance Group Agreement, dated July 14, 1983, as amended on January 29, 1990, will be applicable to the trading of options on the Index.[17]

III. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[18] Specifically, the Commission finds that the trading of Health Care Index options, including full-value and reduced-value Health Care LEAPS, will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with securities in the health care industry.[19] The trading of options on the Health Care Index, including full-value and reduced-value LEAPS on the Index, however, raises several concerns, namely issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the CBOE adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the Health Care Index and reduced-value Health Care Index are narrow-based indices. The Health Care Index is comprised of only twenty-eight stocks, all of which are within one industry—the health care industry. In addition, the basic character of the reduced-value Health Care Index, which is comprised of the same component securities as the Health Care Index and calculated by dividing the Health Care Index value by ten, is essentially identical to the Health Care Index.[20] Accordingly, the Commission believes it is appropriate for the CBOE to apply its rules governing narrow-based index options to trading in the Index options.[21]

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index. First, the overwhelming majority of the stocks that comprise the Index are actively traded, with a mean and median average daily trading volume of 446,487 and 419,146 shares, respectively.[22] Second, the market capitalizations of the stocks in the Index are very large, ranging from a high of $56.38 billion to a low of $438.81 million as of August 31, 1992, with the mean and median being $10.98 billion and $5 billion, respectively. Third, although the Index is only comprised of twenty-eight stocks, no one particular stock or group of stocks dominates the Index. Specifically, no one stock comprises more than 18.34% of the Index's total value and the percentage weighting of the three largest issues in the Index account for 40.25% of the Index's value.[23] Fourth, all of the component stocks in the Index currently are eligible for options trading. The proposed CBOE maintenance requirement that 90% of the weighting of the Index be comprised of stocks that are eligible for options trading will ensure that the Index is almost completely comprised of options eligible stocks.[24] Fifth, if S&P increases the number of component stocks to more than thirty-seven or decreases that number to less than nineteen, the CBOE will be required to seek Commission approval pursuant to section 19(b)(2) of the Act before listing new strike price or expiration month series of Health Care Index options. This will help protect against material changes in the composition and design of the Index that might adversely affect the CBOE's obligations to protect investors and to maintain fair and orderly markets in Health Care Index options. Finally, the Commission believes that the expense of attempting to manipulate the value of the Health Care Index in any significant way through trading in component stocks (or options on those stocks) coupled with, as discussed below, existing mechanisms to monitor trading activity in those securities, will help deter such illegal activity.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Health Care Index options (including full-value and reduced-value Health Care LEAPS), can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-

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[18] 15 U.S.C. 78f(b)(5) (1988).

[19] Pursuant to section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed options on the Health Care Index will provide investors with a hedging vehicle that should reflect the overall movement of the stocks comprising the health care industry in the U.S. stock markets. The Commission also believes that these Index options will provide investors with a means by which to make investment decisions in the health care industry sector of the U.S. stock markets, allowing them to establish positions or increase existing positions in such markets in a cost effective manner. The Commission also believes that the trading of the Index options and Index LEAPS will allow investors holding positions in some or all of the underlying securities in the Index to hedge the risks associated with their portfolios more efficiently and effectively. Moreover, the Commission believes that the reduce-value Index LEAPS, that will be traded on an index computed at one-tenth the value of the Health Care Index, will serve the needs of retail investors by providing them with the opportunity to use a long-term option to hedge their portfolios form long-term market moves at a reduced cost.

[20] See generally Securities Exchange Act Release No. 29994, 56 FR 63536 (December 4, 1991) (order designating the PSE Technology Index as a broad-based index rather than a narrow-based index).

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[22] In addition, for the six-month period between March and August 1992, all of the companies comprising the Index had an average daily trading volume greater than 77,346 shares per day.

[23] For an index with a significantly greater number of stocks than fifteen issues, the Commission might come to a different conclusion if only three stocks accounted for more than 55% of the index's weighting. Further, if an index contained only a few stocks, the Commission might question whether it can be traded as an index product.

[24] The CBOE's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) The public float must be at least 7,000,000; (2) there must be a minimum of 2,000 stockholders; (3) trading volume must have been at least 2.4 million over the preceding twelve months; and (4) the market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. See CBOE Rule 5.3.

traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Index LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the CBOE, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Health Care Index options and Health Care Index LEAPS.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation.[25] In this regard, the CBOE, NYSE, and NASD are all members of the Intermarket Surveillance Group ("ISG"), which provides for the exchange of all necessary surveillance information.[26]

D. Market Impact

The Commission believes that the listing and trading of Health Care Index options, including full-value and reduced value Index LEAPS on the CBOE will not adversely impact the underlying securities markets.[27] First, as described above, no one stock or group of stocks dominates the Index. Second, because 90% of the numerical value of the Index must be accounted for by stocks that meet the options listing standards, the component securities generally will be actively-traded, highly-capitalized stocks. Third, the 6,000 contract position and exercise limits will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contraparty non-performance will be minimized because the Index options and Index LEAPS will be issued and guaranteed by the Options Clearing Corporation just like any other standardized option traded in the United States.

Lastly, the Commission believes that settling expiring Health Care Index options (including full-value and reduced-value Index LEAPS) based on the opening prices of component securities is consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[28]

The Commission finds good cause for approving Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 3 provides for the rounding of the current and closing Index value, for purposes of Index LEAPS trading, to the nearest one-hundredth. Amendment No. 3 also requires that at least 90% of the Index's numerical value be accounted for by stocks that meet the options listing standards and that the CBOE submit a rule filing pursuant to section 19(b)(2) of the Act if the number of component securities in the Index changes to either greater than thirty-seven or fewer than nineteen. The Commission believes that these modifications strengthen the integrity of the Index and do not rise new issues. Moreover, the Commission finds that these modifications to the proposal are designed to reduce the likelihood that the Index could be susceptible to manipulation. Therefore, the Commission believes it is consistent with section 6(b)(5) of the Act to approve Amendment No. 3 to the CBOE's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 3 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities an 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 27, 1993.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[29] that the proposed rule change (SR–CBOE–92–24), as amended, is approved.

For the Commission, by the Division of market Regulation, pursuant to delegated authority.[30]

Jonathan G. Katz,

Secretary.

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[Release No. 34–32240; File No. SR–CBOE–92–23]

Self-Regulatory Organizations; Chicago Board Options Exchange

April 29, 1993.

In the Matter of Self-Regulatory Organizations; Order Approving and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 3 to a Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Listing of Options and Long-Term Options on the S&P Retail Index and Long-Term Options on a Reduced-Value Retail Index.

I. Introduction

On September 18, 1992, the Chicago Board Options Exchange, Inc. ("CBOE"

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[25] Securities Exchange Act Release No. 31243, 57 FR 45849 (October 5, 1992).

[26] See *Supra* note 17. Although the Index currently does not contain ADRs, the proposal provides that the Index could contain ADRs representing health care industry stocks. If the composition of the index would change so that greater than 20% of the index was represented by ADRs whose underlying securities were not subject to a comprehensive surveillance sharing arrangement, then it would be difficult for the Commission to reach the conclusions reached in this order and the commission would have to determine whether it would be suitable to continue to trade options on the Index. The CBOE should accordingly, notify the Commission immediately if more than twenty percent of the numerical value of the Index is represented by ADRs whose underlying securities are not subject to a comprehensive surveillance sharing agreement, so to that the Commission can decide whether trading on the Index should be ceased or phased out.

[27] In addition, the CBOE has represented that the CBOE and the Options Price Reporting Authority ("OPRA") have the necessary systems capacity to support those new series of index options that would result from the introduction of Index options and Index LEAPS. See Letter from Charles J. Henry, President and Chief Operating Officer, CBOE, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated March 22, 1993 and memorandum from Joe Corrigan, Executive Director, OPRA, to Eileen Smith, CBOE, dated March 19, 1993.

[28] See Securities Exchange Act Release No. 30944, 57 FR 33376 (July 28, 1992).

[29] 15 U.S.C. 78s(b)(2) (1988)

[30] 17 CFR 200.30–3(a)(12) (1993).

on "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide for the listing and trading of index options on the Standard & Poor's Corporation ("S&P") Retail Index ("Retail Index" or "Index"). Notice of the proposal, as amended through November 9, 1992,[3] appeared in the **Federal Register** on November 20, 1992.[4] No comment letters were received on the proposed rule change. Thereafter, the CBOE amended the proposal to clarify, among other things, several proposed listing and maintenance standards.[5] This order approves the Exchange's proposal, as amended.

II. Description of Proposal

A. General

The CBOE proposes to list and trade options of the Retail Index, an index developed by S&P. The CBOE also proposes to list either long-term options on the full-value Index or long-term options on a reduced-value Index that will be computed at one-tenth of the value of the Retail Index ("Retail LEAPS" or "Index LEAPS").[6] Retail LEAPS will trade independent of and in addition to regular Retail Index options traded on the Exchange.[7]

B. Composition of the Index

The index is based on thirty-three department, drug and food store, general merchandise, specialty, and specialty apparel industry stocks that are included in the S&P 500 Index. Twenty-eight of those stocks currently trade on the New York Stock Exchange, Inc. ("NYSE"), one trades on the American Stock Exchange, Inc. ("Amex") and four are national market system ("NMS") securities that currently trade through the facilities of the National Association of Securities Dealers Automated Quotation System ("NASDAQ–NMS"). The Index is capitalization-weighted, meaning that the price of each stock is multiplied by that company's shares outstanding in order to calculate the current Index level. The Index will be calculated on a real-time basis using last sale prices.

As of August 31, 1992, the Index was at 589.85.[8] As of August 31, 1992, the market capitalizations of the individual stocks in the Index ranged from a high of $65.501 billion to a low of $728.21 million, with the mean and median being $6.14 billion and $2.55 billion, respectively. The market capitalization of all the stocks in the Index was $202.776 billion. The total number of shares outstanding for the stocks in the Index ranged from a high of 1.149 billion shares to a low of 20.441 million shares. The average price per share of the stocks in the Index, for a six-month period between March and August 1992, ranged from a high of $82.52 to a low of $13.53. In addition, the average daily trading volume of the stocks in the Index, for the same six-month period, ranged from a high of 1,077,222 shares per day to a low of 28,025 shares per day, with the mean and median being 324,119 and 216,643 shares, respectively. Lastly, no one stock comprised more than 32.3% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for 57.74% of the Index's value. The percentage weighting of the lowest weighted stock was .36% of the Index and the percentage weighting of the five smallest issues in the Index accounted for 2.52% of the Index's value.

C. Maintenance

The Index will be maintained by S&P and the CBOE has represented that it will not influence any S&P decisions concerning maintenance of the Index. To maintain continuity in the Index following an adjustment to a component security, the divisor will be adjusted. Changes which may result in divisor adjustments include, but are not limited to, spin-offs, certain rights issuances, mergers, and acquisitions involving component securities.

If it becomes necessary for S&P to remove a Retail index component stock from the S&P 500 Index (generally due to a takeover or merger), the stock will also be removed from the Retail Index. Because the S&P is not required to replace the stock chosen as a replacement for the S&P 500 Index with another retail industry, the replacement stock may or may not be in the retail industry. As a result, the number of stocks in the S&P Retail Index may increase or decrease due to changes in the composition of the S&P 500.[9]

D. Applicability of CBOE Rules Regarding Index Options

Except as modified by this rule filing, the rules in Chapter XXIV of the CBOE Rules will be applicable to S&P Retail Index options. Those rules address, among other things, the applicable position and exercise limits, policies regarding trading halts and suspensions, and margin treatment for both broad and narrow based index options.

The CBOE is amending Rule 24.1 to make clear that a "market index," a term which includes the S&P 500, S&P 100, the FT–SE (U.K.) 100, and the FT–SE Eurotrack 200 indexes, also is a "broad-based index" within the meaning of the rules in Chapter XXIV of the CBOE Rules, including Rule 24.4 which relates to position limits for broad-based index

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] On September 28, 1992 the CBOE amended the proposal to clarify and confirm that S&P Retail Index options will be A.M. settled options subject to the provisions of CBOE Rule 24.9(e) ("Amendment No. 1"). See File No. SR–CBOE–92–23, Amendment No. 1. On November 9, 1992, the proposal was amended to reflect changes to the CBOE rules made by the effectiveness of SR–CBOE–91–51 (CBOE Biotech Index, approved September 28, 1992) and SR–CBOE–92–32 (non-substantive amendments to Chapter XXIV of the CBOE rules, effective upon filing) ("Amendment No. 2"). See File No. SR–CBOE–92–23, Amendment No. 2. See *infra* note 5.

[4] See Securities Exchange Act Release No. 31444, 57 FR 54869 (November 20, 1992).

[5] More specifically, on April 20, 1993 the proposal was amended to: (1) Require as a maintenance standard that, if the Index increases to more than forty-four stocks or decreases to less than twenty-two stocks, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change; (2) require as a maintenance standard that, if less than 90% of the Index's weighting becomes comprised of stocks that are not eligible for standardized options trading on the CBOE pursuant to CBOE Rule 5.3, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to Section 19(b) of the Act reflecting such change; and (3) clarify that the current and closing Index value for reduced-value long-term options based on the Index will be computed by dividing the value of the full-value Index by ten and rounding the resulting figure to the nearest one-hundredth ("Amendment No. 3"). See File No. SR–CBOE–92–23, Amendment No. 3.

[6] LEAPS is an acronym for Long-Term Equity Anticipation Securities. LEAPS are long term index option series that expire from twelve to thirty-six months from their date of issuance. See CBOE Rule 24.9(b)(1).

[7] According to the CBOE, the S&P Retail Index represents a segment of the U.S. equity market that is not currently represented in the derivative markets and, as such, the CBOE concludes, should offer investors a low-cost means to achieve diversification of their portfolios toward or away from the retail industry. The CBOE believes the Index will provide retail and institutional investors with a means to benefit from their forecasts of that industry's market performance. Options on the Index also can be utilized by portfolio managers and investors to provide a performance measure and evaluation guide for passively or actively managed retail industry funds, as well as a means of hedging the risks of investing in the retail industry.

[8] The CBOE believes that a lower Index level is necessary for successful trading of Retail Index options. Therefore, the CBOE intends to base trading on Retail Index options at one-half the value calculated by S&P or its designee. Thus, for purposes of trading Retail Index options, as of August 31, 1992, the Index level was 294.93.

[9] See *supra* note 5. If the Index increases to more than forty-four stocks or decreases to less than twenty-two stocks, no new series of Index options will be listed for trading unless and until the Commission approves a rule filing pursuant to Section 19(b) of the Act reflecting such change.

options. The amendment to Rule 24.1 further provides that the terms "narrow-based index" and the previously defined "industry index" both mean an index designed to be representative of a particular industry or a group of related industries. An industry index contract such as the S&P Retail Index option will, therefore, be deemed to be "narrow-based" for purposes of the position limit requirements of Rule 24.4A.

E. Calculation of the Index

Similar to the broad-based S&P 500 Stock Index, the S&P Retail Index is capitalization-weighted and reflects changes in the total capitalization of the component stocks relative to the capitalization of the Index on the base date. The Index is calculated by taking the summation of capitalizations of the component stocks (share price multiplied by the number of shares outstanding) and dividing the result by the divisor.

The Index will be calculated continuously by S&P or its designee and will be disseminated to the Options Price Reporting Authority ("OPRA") every fifteen seconds by the CBOE. If a component stock is not currently being traded, the most recently traded price will be used in the Index calculation.[10]

The Index value for purposes of settling outstanding Index options contracts upon expiration will be calculated based upon the regular way opening sale prices for each of the Index's component stocks in their primary market on the last trading day prior to expiration. In the case of securities traded through the NASDAQ–NMS system, the first reported sale price will be used. Once all of the component stocks have opened, the value of the Index will be determined and that value will be used as the final settlement value for expiring Index options contracts. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (*i.e.*, Thursday's) last sale price will be used in the Index calculation. In this regard, before deciding to use Thursday's closing value of a component stock for purposes of determining the settlement value of the Index, the CBOE will wait until the end of the trading day on expiration Friday.[11]

F. Contract Specifications

The proposed options on the Index will be cash-settled, European-style options.[12] Standard options trading hours (8:30 a.m. to 3:10 p.m. Central Standard time) will apply to the contracts. The Index multiplier will be 100. The strike price interval will be $5.00 for full-value Index options with a duration of one year or less to expiration.[13] In addition, pursuant to CBOE Rule 24.9, there will be five expiration months outstanding at any given time. Specifically, there will be three expiration months from the March, June, September, and December cycle plus two additional near-term months so that the two nearest term months will always be available. As described in more detail below, the Exchange also intends to list several Index LEAP series that expire from twelve to thirty-six months from the date of issuance.

Lastly, the options on the Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). Accordingly, since options on the Index will settle based upon opening prices of the component stocks on the last trading day before expiration (normally a Friday), the last trading day for an expiring Index option series will normally be the second to the last business day before expiration (normally a Thursday).

G. Listing of Long-Term Options on the Full-Value or Reduced-Value Retail Index

The proposal provides that the Exchange may list long-term Index options that expire from 12 to 36 months from listing on the full-value Retail Index or a reduced-value Retail Index that will be computed at one-tenth the value of the full-value Index. The current and closing Index value for reduced-value Retail LEAPS will be computed by dividing the value of the full-value Index by 10 and rounding the resulting figure to the nearest one-hundredth. For example, a Index value of 185.46 would be 18.55 for the Index LEAPS and 185.43 would become 18.54. The reduced-value LEAPS will have a European-style exercise and will be subject to the same rules that govern the trading of all the Exchange's index options, including sales practice rules, margin requirements and floor trading procedures. The strike price interval for the reduced-value Index LEAPS will be no less than $2.50 instead of $5.00.

Under the proposal, the same rules which are applicable to the trading of long-term, reduced-value S&P 100 and 500 Indexes ("OEX" and "SPX," respectively)[14] will be applicable to the trading of reduced-value Index LEAPS. For example, Index LEAPS may expire from 12 to 36 months from the date of listing, and there may be up to six expiration months beyond one year to expiration. Moreover, the proposal provides that either full-value or reduced-value Index LEAPS may be issued at six month intervals and that new strike prices will either be near or bracketing the current Index value. Strike price interval, bid/ask differential, and continuity rules will not apply to the trading of the full-value or reduced-value Index LEAPS until their time to expiration is less than 12 months. The strike price interval for reduced-value Index LEAPS will be no less than $2,50, instead of $5.00. Lastly, the proposal provides that additional LEAPS series may be added when the value of the underlying Index increases or decreases by ten to fifteen percent. These provisions currently apply to the listing and trading of reduced-value OEX and SPX LEAPS.

H. Position and Exercise Limits, Margin Requirements, and Trading Halts

Because the Index is classified as an Industry Index under CBOE rules, Exchange rules that are applicable to the trading of options on narrow-based indexes will apply to the trading of Retail Index options and reduced-value Retail Index options. Specifically, Exchange rules governing margin requirements,[15] position and exercise limits,[16] and trading halt procedures[17] that are applicable to the trading of narrow-based index options will apply to options traded on the Index. The proposal further provides that, for purposes of determining whether a

[10] For purposes of the daily dissemination of the Index value, if a stock included in the Index has not opened for trading, S&P will use the closing value of that stock on the prior trading day when calculating the value of the Index, until the stock opens for trading.

[11] See supra note 10.

[12] A European-style option can be exercised only during a specified period before the option expires.

[13] For a description of the strike price intervals for reduced-value Index options and long-term Index options, See Section G, *infra*.

[14] See Securities Exchange Act Release No. 28686, 55 FR 51517 (December 14, 1990).

[15] Pursuant to CBOE Rule 24.11, the margin requirements for the Index options will be: (1) for short options positions, 100% of the current market value of the options contract plus 20% of the underlying aggregate Index value, less any out-of-the-money amount, with a minimum requirement of the options premium plus 10% of the underlying Index value; and (2) for long-term options positions, 100% of the options premium paid.

[16] Pursuant to CBOE Rules 24.4A and 24.5, respectively, the position and exercise limits for the Index options will be 4,000 contracts, unless the Exchange determines, pursuant to Rules 24.4A and 24.5 that a lower limit is warranted.

[17] Pursuant to CBOE Rule 24.7, the trading on the CBOE of Index options may be halted or suspended whenever trading in underlying securities whose weighted value represents more than 20% of the Index value are halted or suspended.

given position in reduced-value Index options complies with applicable position and exercise limits, positions in reduced-value Index options will be aggregated with positions in the full-value Index options. For these purposes, ten reduced-value contracts will equal one full-value contract for purposes of aggregating these positions.

I. Surveillance

Surveillance procedures currently used to monitor trading in each of the exchange's other index options will also be used to monitor trading in full-value and reduced-value Index options. These procedures include complete access to trading activity in the underlying securities. Further, the Intermarket Surveillance Group Agreement, dated July 14, 1983, as amended on January 29, 1990, will be applicable to the trading of options on the Index.[18]

III. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5)[19] Specifically, the Commission finds that the trading of Retail Index options, including full-value and reduced-value Retail LEAPS, will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with securities in the retail industry.[20] The trading of options on the Retail Index, including full-value and reduced-value LEAPS on the Index, however, raises several concerns, namely issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the CBOE adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the Retail Index and reduced-value Retail Index are narrow-based indices. The Retail Index is comprised of only thirty-three stocks, all of which are within one industry—the retail industry. In addition, the basic character of the reduced-value Retail Index, which is comprised of the same component securities as the Retail Index and calculated by dividing the Retail Index value by ten, is essentially identical to the Retail Index.[21] Accordingly, the Commission believes it is appropriate for the CBOE to apply its rules governing narrow-based index options to trading in the Index options.[22]

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index. First, the overwhelming majority of the stocks that comprise the Index are actively traded, with a mean and median average daily trading volume of 324,119 and 216,643 shares, respectively.[23] Second, the market capitalizations of the stocks in the Index are very large, ranging from a high of $65.501 billion to a low of $728.21 million as of August 31, 1992, with the mean and median being $6.14 billion and $2.55 billion, respectively. Third, although the Index is only comprised of thirty-three stocks, for the most part, no none particular stock or group of stocks dominates the Index. Although one stock in the Index comprises approximately 32.3% of the Index's total value, the Index is comprised of a total of thirty-three stocks with the percentage weighting of the three largest issues in the Index accounting for 47.63% of the Index's value.[24] Fourth, thirty-one of the thirty-three stocks in the Index (representing 99.1% of the weighting of the Index) currently are eligible for options trading.[25] The proposed CBOE maintenance requirement that 90% of the weighting of the Index be comprised of stocks that are eligible for options trading will ensure that the Index is almost completely comprised of options eligible stocks. Fifth, if S&P increases the number of component stocks to more than forth-four or decreases that number to less than twenty-two, the CBOE will be required to seek Commission approval pursuant to Section 19(b)(2) of the Act before listing new strike price or expiration month series of Retail Index options. This will help protect against material changes in the composition and design of the Index that might adversely affect the CBOE's obligations to protect investors and to maintain fair and orderly markets in Retail Index options. Finally, the Commission believes that the expense of attempting to manipulate the value of the Retail Index in any significant way through trading in component stocks (or options on those stocks) coupled with, as discussed below, existing mechanisms to monitor trading activity in those securities, will help deter such illegal activity.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Retail Index options (including full-value and reduced-value Retail LEAPS), can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an

[18] ISG was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stork and options markets. *See* Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement, which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. *See* Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990.

[19] 15 U.S.C. 78f(b)(5) (1988).

[20] Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed options on the Retail Index will provide investors with a hedging vehicle that should reflect the overall movement of the stocks comprising the retail industry in the U.S. stock markets. The Commission also believes that these Index options will provide investors with a means by which to make investment decisions in the retail industry sector of the U.S. stock markets, allowing them to establish positions or increase existing positions in such markets in a cost effective manner. Moreover, the Commission believes that the reduced-value Index LEAPS, that will be traded on an index computed at one-tenth the value of the Retail Index, will serve the needs of retail investors by providing them with the opportunity to use a long-term option to hedge their portfolios from long-term market moves at a reduced cost.

[21] See generally Securities Exchange Act Release No. 29994, 56 FR 63536 (December 4, 1991) (order designating the PSE Technology Index as a broad-based index rather than a narrow-based index).

[22] See *supra* notes 15 through 17, and accompanying text.

[23] In addition, for the six-month period between March and August 1992, all of the companies comprising the Index had an average daily trading volume greater than 28,025 shares per day.

[24] For an index with a significantly greater number of stocks than fifteen issues, the Commission might come to a different conclusion if only three stocks accounted for more than 55% of the index's weighting. Further, if an index contained only a few stocks, the Commission might question whether it can be traded as an index product.

[25] The CBOE's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) the public float must be at least 7,000,000; (2) there must be a minimum of 2,000 stockholders; (3) trading volume must have been at least 2.4 million over the preceding twelve months; and (4) the market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. *See* CBOE Rule 5.3.

environment that is designed to ensure, among other things, that: (1) the special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Index LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the CBOE, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Retail Index options and Retail Index LEAPS.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation.[26] In this regard, the CBOE, NYSE, Amex, and NASD are all members of the Intermarket Surveillance Group ("ISG"), which provides for the exchange of all necessary surveillance information.[27]

D. Market Impact

The Commission believes that the listing and trading of Retail Index options, including full-value and reduced-value Index LEAPS on the CBOE will not adversely impact the underlying securities markets.[28] First, as described above, for the most part, no one stock or group of stocks dominates the Index.[29] Second, because 90% of the numerical value of the Index must be accounted for by stocks that meet the options listing standards, the component securities generally will be actively-traded, highly-capitalized stocks.[30] Third, the 4,000 contract position and exercise limits will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contra-party nonperformance will be minimized because the Index options and Index LEAPS will be issued and guaranteed by the Options Clearing Corporation just like any other standardized option traded in the United States.

Lastly, the Commission believes that settling expiring Retail Index options (including full-value and reduced-value Index LEAPS) based on the opening prices of component securities is consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[31]

The Commission finds good cause for approving Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Amendment No. 3 provides for the rounding of the current and closing Index value for purposes of Index LEAPS trading to the nearest one-hundredth. Amendment No. 3 also requires that at least 90% of the Index's numerical value be accounted for by stocks that meet the options listing standards and that the CBOE submit a rule filing pursuant to Section 19(b) of the Act if the number of component securities in the Index changes to either greater than forty-four or fewer than twenty-two. The Commission believes that these modifications strengthen the integrity of the Index and do not raise new issues. Moreover, the Commission finds that these modifications to the proposal are designed to reduce the likelihood that the Index could be susceptible to manipulation. Therefore, the Commission believes it is consistent with Section 6(b)(5) of the Act to approve Amendment No. 3 to the CBOE's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 3 to the proposed rule change. 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 27, 1993.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[32] that the proposed rule change (SR–CBOE–92–23), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[33]

Jonathan G. Katz,

Secretary.

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[26] Securities Exchange Act Release No. 31243, 57 FR 45849 (October 5, 1992).

[27] *See supra* note 18. Although the Index currently does not contain ADRs, the proposal provides that the Index could contain ADRs representing retail industry stocks. If the composition of the Index would change so that greater than 20% of the Index was represented by ADRs whose underlying securities were not subject to a comprehensive surveillance sharing arrangement, then it would be difficult for the Commission to reach the conclusions reached in this order and the Commission would have to determine whether it would be suitable to continue to trade options on the Index. The CBOE should, accordingly, notify the Commission immediately if more than twenty percent of the numerical value of the Index is represented by ADRs whose underlying securities are not subject to a comprehensive surveillance sharing agreement, so that the Commission can decide whether trading on the Index should be ceased or phased out.

[28] In addition, the CBOE has represented that the CBOE and the Options Price Reporting Authority ("OPRA") have the necessary systems capacity to support those new series of index options that would result from the introduction of Index options and Index LEAPS. *See* Letter from Charles J. Henry, President and Chief Operating Officer, CBOE, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated March 22, 1993 and memorandum from Joe Corrigan, Executive Director, OPRA, to Eileen Smith, CBOE, dated March 19, 1993.

[29] As noted above, one stock in the Index represents approximately 32.3% of the Index value. The Index is, however, comprised of thirty-three highly capitalized and actively traded stocks.

[30] The CBOE's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) The public float must be at least 7,000,000; (2) there must be a minimum of 2,000 stockholders; (3) trading volume must have been at least 2.4 million over the preceding twelve months; and (4) the market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. *See* CBOE Rule 5.3.

[31] *See* Securities Exchange Act Release No. 30944, 57 FR 33376 (July 28, 1992).

[32] 15 U.S.C. 78s(b)(2) (1988).

[33] 17 CFR 200.30–3(a)(12) (1993).

[Release No. 34–32238; File No. SR–CBOE–92–25]

Self-Regulatory Organizations; Chicago Board Options Exchange

April 29, 1993.

In the matter of Self-Regulatory Organizations; Chicago Board Options

Exchange, Inc.; Order Approving and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 3 to a Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Listing of Options and Long-Term Options on the S&P Banking Index and Long-Term Options on a Reduced-Value Banking Index.

I. Introduction

On September 18, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide for the listing and trading of index options on the Standard & Poor's Corporation ("S&P") Banking Index ("Banking Index" or "Index"). Notice of the proposal, as amended through November 9, 1992,[3] appeared in the **Federal Register** on November 20, 1992.[4] No comment letters were received on the proposed rule change. Thereafter, the CBOE amended the proposal to clarify, amount other things, several proposed listing and maintenance standards.[5] This order approves the Exchange's proposal, as amended.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] On September 28, 1992 the CBOE amended the proposal to clarify and confirm that S&P Banking Index options will be A.M. settled options subject to the provisions of CBOE Rule 24.9(e) ("Amendment No. 1"). See File No. SR–CBOE–92–25, Amendment No. 1. On November 9, 1992, the proposal was amended to reflect changes to the CBOE rules made by the effectiveness of SR–CBOE–91–51 (CBOE Biotech Index, approved September 28, 1992) and SR–CBOE–92–32 (non-substantive amendments to Chapter XXIV of the CBOE rules, effective upon filing) ("Amendment No. 2"). See File No. SR–CBOE–92–25, Amendment No. 2. See *infra* note 5.

[4] See Securities Exchange Act Release No. 31446, 57 FR 54872 (November 20, 1992).

[5] More specifically, on April 20, 1993 the proposal was amended to: (1) Require as a maintenance standard that, if the Index increases to more than thirty-three stocks or decreases to less than seventeen stocks, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change; (2) require as a maintenance standard that, if less than 90% of the Index's weighting becomes comprised of stocks that are not eligible for standardized options trading on the CBOE pursuant to CBOE Rule 5.3, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to Section 19(b) of the Act reflecting such change; and (3) clarify that the current and closing Index value for reduced-value long-term options based on the Index will be computed by dividing the value of the full-value Index by ten and rounding the resulting figure to the nearest one-hundredth ("Amendment No. 3"). *See* File No. SR–CBOE–92–25, Amendment No. 3.

II. Description of Proposal

A. General

The CBOE proposes to list and trade options on the Banking Index, an index developed by S&P. The CBOE also proposes to list either long-term options on the full-value Index or long-term options on a reduced-value Index that will be computed at one-tenth of the value of the Banking Index ("Banking LEAPS" or "Index LEAPS").[6] Banking LEAPS will trade independent of and in addition to regular Banking Index options traded on the Exchange.[7]

B. Composition of the Index

The Index is based on twenty-five money center, major regional, and other major banking industry stocks that are included in the S&P 500 Index. Twenty-two of those stocks currently trade on the New York Stock Exchange ("NYSE") and three are national market system ("NMS") securities that currently trade through the facilities of the National Association of Securities Dealers Automated Quotation System ("NASDAQ–NMS"). The Index is capitalization-weighted, meaning that the price of each stock is multiplied by that company's shares outstanding in order to calculate the current Index level. The Index will be calculated on a real-time basis using last sale prices.

As of August 31, 1992, the Index was at 187.20. As of August 31, 1992, the market capitalizations of the individual stocks in the Index ranged from a high of $14.75 billion to a low of $1.25 billion, with the mean and median being $4.79 billion and $3.55 billion respectively. The market capitalization of all the stocks in the Index was $119.841 billion. The total number of shares outstanding for the stocks in the Index ranged from a high of 346.25 million shares to a low of 40.261 million shares. The average price per share of the stocks in the Index, for a six-month period between March and August 1992, ranged from a high of $72.53 to a low of $15.91. In addition, the average daily trading volume of the stocks in the Index, for the same six-month period, ranged from a high of 1,228,379 shares per day to a low of 104,390 shares per day, with the mean and median being 371,314 and 339,521 shares, respectively. lastly, no one stock comprised more than 12.31% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for 44.18% of the Index's value. The percentage weighing of the lowest weighted stock was 1.05% of the Index and the percentage weighting of the five smallest issues in the Index accounted for 7.77% of the Index's value.

[6] LEAPS is an acronym for Long-Term Equity Anticipation Securities. LEAPS are long term index option series that expire from twelve to thirty-six months from their date of issuance. *See* CBOE Rule 24.9(b)(1).

[7] According to the CBOE the S&P Banking Index represents a segment of the U.S. equity market that is not currently represented in the derivative markets and, as such, the CBOE concludes, should offer investors a low-cost means to achieve diversification of their portfolios toward or away from the banking industry. The CBOE believes the Index will provide retail and institutional investors with a means to benefit from their forecasts of that industry's market performance. Options on the Index also can be utilized by portfolio managers and investors to provide a performance measure and evaluation guide for passively or actively managed banking industry funds, as well as a means of hedging the risks of investing in the banking industry.

C. Maintenance

The Index will be maintained by S&P and the CBOE has represented that it will not influence any S&P decisions concerning maintenance of the Index. To maintain continuity in the Index following an adjustment to a component security, the divisor will be adjusted. Changes which may result in divisor adjustments include, but are not limited to, spin-offs, certain rights issuances, mergers, and acquisitions involving component securities.

If it becomes necessary for S&P to remove a Banking Index component stock from the S&P 500 Index (generally due to a takeover or merger), the stock will also be removed from the Banking Index. Because the S&P is not required to replace the stock chosen as a replacement for the S&P 500 Index with another banking industry, the replacement stock may or may not be in the banking industry. As a result, the number of stocks in the S&P Banking Index may increase or decrease due to changes in the composition of the S&P 500.[8]

D. Applicability of CBOE Rules Regarding Index Options

Except as modified by this rule filing, the rules in chapter XXIV of the CBOE Rules will be applicable to S&P Banking Index options. Those rules address, among other things, the applicable position and exercise limits, policies regarding trading halts and suspensions, and margin treatment for both broad and narrow based index options.

The CBOE is amending Rule 24.1 to make clear that a "market index," a term which includes the S&P 500, S&P 100,

[8] *See supra* note 5. If the Index increases to more than thirty-three stocks or decreases to less than seventeen stocks, no new series of Index options will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change.

the FT–SE (U.K.) 100, and the FT–SE Eurotrack 200 indexes, also is a "broad-based index" within the meaning of the rules in Chapter XXIV of the CBOE Rules, including Rule 24.4 which relates to position limits for broad-based index options. The amendment to Rule 24.1 further provides that the terms "narrow-based index" and the previously defined "industry index" both mean an index designed to be representative of a particular industry or a group of related industries. An industry index contract such as the S&P Banking Index option will, therefore, be deemed to be "narrow-based" for purposes of the position limit requirements of Rule 24.4A.

E. Calculation of the Index

Similar to the broad-based S&P 500 Stock Index, the S&P Banking Index is capitalization-weighted and reflects changes in the total capitalization of the component stocks relative to the capitalization of the Index on the base date. The Index is calculated by taking the summation of capitalizations of the component stocks (share price multiplied by the number of shares outstanding) and dividing the result by the divisor.

The Index will be calculated continuously by S&P or its designee and will be disseminated to the Options Price Reporting Authority ("OPRA") every fifteen seconds by the CBOE. If a component stock is not currently being traded, the most recently traded price will be used in the index calculation.[9]

The Index value for purposes of settling outstanding Index options contracts upon expiration will be calculated based upon the regular way opening sale prices for each of the Index's component stocks in their primary market on the last trading day prior to expiration. In the case of securities traded through the NASDAQ–NMS system, the first reported sale price will be used. Once all of the component stocks have opened, the value of the Index will be determined and that value will be used as the final settlement value for expiring Index options contracts. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (i.e., Thursday's) last sale price will be used in the Index calculation. In this regard, before deciding to use Thursday's closing value of a component stock for purposes of determining the settlement value of the Index, the CBOE will wait until the end of the trading day on expiration Friday.[10]

F. Contract Specifications

The proposed options on the Index will be cash-settled, European-style options.[11] Standard options trading hours (8:30 a.m. to 3:10 p.m. Central Standard time) will apply to the contracts. The Index multiplier will be 100. The strike price interval will be $5.00 for full-value Index options with a duration of one year or less to expiration.[12] In addition, pursuant to CBOE Rule 24.9, there will be five expiration months outstanding at any given time. Specifically, there will be three expiration months from the March, June, September, and December cycle plus two additional near-term months so that the two nearest term months will always be available. As described in more detail below, the Exchange also intends to list several index LEAP series that expire from twelve to thirty-six months from the date of issuance

Lastly, the options on the Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). Accordingly, since options on the Index will settle based upon opening prices of the component stocks on the last trading day before expiration (normally a Friday), the last trading day for an expiring Index option series will normally be the second to the last business day before expiration (normally a Thursday).

G. Listing of Long-Term Options on the Full-Value or Reduced-Value Banking Index

The proposal provides that the Exchange may list long-term Index options that expire from 12 to 36 months from listing on the full-value Banking Index or a reduced-value Banking Index that will be computed at one-tenth the value of the full-value Index. The current and closing Index value for reduced-value Banking LEAPS will be computed by dividing the value of the full-value Index by 10 and rounding the resulting figure to the nearest one-hundredth. For example, an Index value of 185.46 would be 18.55 for the Index LEAPS and 185.43 would become 18.54. The reduced-value LEAPS will have a European-style exercise and will be subject to the same rules that govern the trading of all the Exchange's index options, including sales practice rules, margin requirements and floor trading procedures. The strike price interval for the reduced-value Index LEAPS will be no less than $2.50 instead of $5.00.

Under the proposal, the same rules which are applicable to the trading of long-term, reduced-value S&P 100 and 500 Indexes ("OEX" and "SPX," respectively)[13] will be applicable to the trading of reduced-value Index LEAPS For example, Index LEAPS may expire from 12 to 36 months from the date of listing, and there may be up to six expiration months beyond one year to expiration. Moreover, the proposal provides that either full-value or reduced-value Index LEAPS may be issued at six month intervals and that new strike prices will either be near or bracketing the current Index value. Strike price interval, bid/ask differential and continuity rules will not apply to the trading of the full-value or reduced-value Index LEAPS until their time to expiration is less than 12 months. The strike price interval for reduced-value Index LEAPS will be no less than $2.50, instead of $5.00. Lastly, the proposal provides that additional LEAPS series may be added when the value of the underlying Index increases or decreases by ten to fifteen percent. These provisions currently apply to the listing and trading of reduced-value OEX and SPX LEAPS.

H. Position and Exercise Limits, Margin Requirements, and Trading Halts

Because the Index is classified as an Industry Index under CBOE rules, Exchange rules that are applicable to the trading of options on narrow-based indexes will apply to the trading of Banking Index options and reduced-value Banking Index options. Specifically, Exchange rules governing margin requirements,[14] position and exercise limits,[15] and trading halt

[9] For purposes of the daily dissemination of the Index value, if a stock included in the Index has not opened for trading, S&P will use the closing value of that stock on the prior trading day when calculating the value of the Index, until the stock opens for trading.

[10] See *supra* note 9.

[11] A European-style option can be exercised only during a specified period before the option expires.

[12] For a description of the strike price intervals for reduced value Index options and long-term Index options, see section G, *infra*.

[13] See Securities Exchange Act Release No. 28686, 55 FR 51517 (December 14, 1990).

[14] Pursuant to CBOE Rule 24.11, the margin requirements for the Index options will be: (1) For short options positions, 100% of the current market value of the options contract plus 20% of the underlying aggregate Index value, less any out-of-the-money amount, with a minimum requirement of the options premium plus 10% of the underlying Index value; and (2) for long term options positions, 100% of the options premium paid.

[15] Pursuant to CBOE Rules 24.4A and 24.5, respectively, the position and exercise limits for the Index options will be 8,000 contracts, unless the Exchange determines, pursuant to Rules 24.4A and 24.5, that a lower limit is warranted.

procedures [16] that are applicable to the trading of narrow-based index options will apply to options traded on the Index. The proposal further provides that, for purposes of determining whether a given position in reduced-value Index options complies with applicable position and exercise limits, positions in reduced-value Index options will be aggregated with positions in the full-value Index options. For these purposes, ten reduced-value contracts will equal one full-value contract for purposes of aggregating these positions.

I. Surveillance

Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in full-value and reduced-value Index options. These procedures include complete access to trading activity in the underlying securities. Further, the Intermarket Surveillance Group Agreement, dated July 14, 1983, as amended on January 29, 1990, will be applicable to the trading of options on the Index.[17]

III. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[18] Specifically, the Commission finds that the trading of Banking Index options, including full-value and reduced-value Banking LEAPS, will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with securities in the banking industry.[19] The trading of options on the Banking Index, including full-value and reduced-value LEAPS on the Index, however, raises several concerns, namely issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the CBOE adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the Banking Index and reduced-value Banking Index are narrow-based indices. The Banking Index is comprised of only twenty-five stocks, all of which are within one industry—the banking industry. In addition, the basic character of the reduced-value Banking Index, which is comprised of the same component securities as the Banking Index and calculated by dividing the Banking Index value by ten, is essentially identical to the Banking Index.[20] Accordingly, the Commission believes it is appropriate for the CBOE to apply its rules governing narrow-based index options to trading in the Index options.[21]

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index. First, the overwhelming majority of the stocks that comprise the Index are actively traded, with a mean and median average daily trading volume of 371,314 and 339,521 shares, respectively.[22] Second, the market capitalizations of the stocks in the Index are very large, ranging from a high of $14.75 billion to a low of $1.25 billion as of August 31, 1992, with the mean and median being $4.79 billion and $3.55 billion, respectively. Third, although the Index is only comprised of twenty-five stocks, no one particular stock or group of stocks dominates the Index. Specifically, no one stock comprises more than 12.31% of the Index's total value and the percentage weighting of the three largest issues in the Index account for 30.41% of the Index's value.[23] Fourth, all of the component stocks in the Index currently are eligible for options trading.[24] The proposed CBOE maintenance requirement that 90% of the weighting of the Index be comprised of stocks that are eligible for options trading will ensure that the Index is almost completely comprised of options eligible stocks. Fifth, if S&P increases the number of component stocks to more than thirty-three or decreases that number to less than seventeen, the CBOE will be required to seek Commission approval pursuant to section 19(b)(2) of the Act before listing new strike price or expiration month series of Banking Index options. This will help protect against material changes in the composition and design of the Index that might adversely affect the CBOE's obligations to protect investors and to maintain fair and orderly markets in Banking Index options. Finally, the Commission believes that the expense of attempting to manipulate the value of the Banking Index in any significant way through trading in component stocks (or options on those stocks) coupled with, as discussed below, existing mechanisms to monitor trading activity in those securities, will help deter such illegal activity.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Banking Index options (including full-value and reduced-value Banking LEAPS), can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of

[16] Pursuant to CBOE Rule 24.7, the trading on the CBOE of Index options may be halted or suspended whenever trading in underlying securities whose weighted value represents more than 20% of the Index value are halted or suspended.

[17] ISG was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. See Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. See Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990.

[18] 15 U.S.C. 78f(b)(5) (1988).

[19] The Commission also believes that the trading of the Index options and Index LEAPS will allow investors holding positions in some or all of the underlying securities in the Index to hedge the risks associated with their portfolios more efficiently and effectively. Moreover, the Commission believes that the reduced-value Index LEAPS, that will be traded on an index computed at one-tenth the value of the Banking Index, will serve the needs of retail investors by providing them with the opportunity to use a long-term option to hedge their portfolios from long-term market moves at a reduced cost.

[20] See generally Securities Exchange Act Release No. 29994, 56 FR 63536 (December 4, 1991) (order designating the PSE Technology Index as a broad-based index rather than a narrow-based index).

[21] See *supra* notes 14 through 16, and accompanying text.

[22] In addition, for the six-month period between March and August 1992, all of the companies comprising the Index had an average daily trading volume greater than 104,390 shares per day.

[23] For an index with a significantly greater number of stocks than fifteen issues, the Commission might come to a different conclusion if only three stocks accounted for more than 55% of the Index's weighting. Further, if an index contained only a few stocks, the Commission might question whether it can be traded as an index product.

[24] The CBOE's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) The public float must be at least 7,000,000; (2) there must be a minimum of 2,000 stockholders; (3) trading volume must have been at least 2.4 million over the preceding twelve months; and (4) the market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. See CBOE Rule 5.3.

options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Index LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the CBOE, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Banking Index options and Banking Index LEAPS.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation.[25] In this regard, the CBOE, NYSE, and NASD are all members of the Intermarket Surveillance Group ("ISG"), which provides for the exchange of all necessary surveillance information.[26]

D. Market Impact

The Commission believes that the listing and trading of Banking Index options, including full-value and reduced-value Index LEAPS on the CBOE will not adversely impact the underlying securities markets.[27] First, as described above, no one stock or group of stocks dominates the Index. Second, because 90% of the numerical value of the Index must be accounted for by stocks that meet the options listing standards, the component securities generally will be actively-traded, highly-capitalized stocks. Third, the 8,000 contract position and exercise limits will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contra-party non-performance will be minimized because the Index options and Index LEAPS will be issued and guaranteed by the Options Clearing Corporation just like any other standardized option traded in the United States.

Lastly, the Commission believes that settling expiring Banking Index options (including full-value and reduced-value Index LEAPS) based on the opening prices of component securities is consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[28]

The Commission finds good cause for approving Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 3 provides for the rounding of the current and closing Index value for purposes of Index LEAPS trading to the nearest one-hundredth. Amendment No. 3 also requires that at least 90% of the Index's numerical value be accounted for by stocks that meet the options listing standards and that the CBOE submit a rule filing pursuant to section 19(b)(2) of the Act if the number of component securities in the Index changes to either greater than thirty-three or fewer than seventeen. The Commission believes that these modifications strengthen the integrity of the Index and do not raise new issues. Moreover, the Commission finds that these modifications to the proposal are designed to reduce the likelihood that the Index could be susceptible to manipulation. Therefore, the Commission believes it is consistent with section 6(b)(5) of the Act to approve Amendment No. 3 to the CBOE's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 3 to the proposed rule change. 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 27, 1993.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[29] that the proposed rule change (SR–CBOE–92–25), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10721 Filed 5–5–93; 8:45 am]

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[Release No. 34–32239; File No. SR–CBOE–92–28]

Self-Regulatory Organizations; Chicago Board Options Exchange

April 29, 1993.

In the Matter of Self–Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 3 to a Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Listing of Options and Long-Term Options on the S&P Insurance Index and Long-Term Options on a Reduced-Value Insurance Index.

I. Introduction

On September 18, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule

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[25] See Securities Exchange Act Release No. 31243, 57 FR 45849 (October 5, 1992).

[26] See *supra* note 17. Although the Index currently does not contain ADRs, the proposal provides that the Index could contain ADRs representing banking industry stocks. If the composition of the Index would change so that greater than 20% of the Index was represented by ADRs whose underlying securities were not subject to a comprehensive surveillance sharing arrangement, then it would be difficult for the Commission to reach the conclusions reached in this order and the Commission would have to determine whether it would be suitable to continue to trade options on the Index. The CBOE should, accordingly, notify the Commission immediately if more than twenty percent of the numerical value of the Index is represented by ADRs whose underlying securities are not subject to a comprehensive surveillance sharing agreement, so that the Commission can decide whether trading on the Index should be ceased or phased out.

[27] In addition, the CBOE has represented that the CBOE and the Options Price Reporting Authority ("OPRA") have the necessary systems capacity to support those new series of index options that would result from the introduction of Index options and Index LEAPS. See Letter from Charles J. Henry, President and Chief Operating Officer, CBOE, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated March 22, 1993 and memorandum from Joe Corrigan, Executive Director, OPRA, to Eileen Smith, CBOE, dated March 19, 1993.

[28] See Securities Exchange Act Release No. 30944, 57 FR 33376 (July 28, 1992).

[29] 15 U.S.C. 78s(b)(2) (1988).

[30] 17 CFR 200.30–3(a)(12) (1993).

[1] 15 U.S.C. 78s(b)(1) (1988).

19b–4 thereunder,[2] a proposed rule change to provide for the listing and trading of index options on the Standard & Poor's Corporation ("S&P") Insurance Index ("Insurance Index" or "Index"). Notice of the proposal, as amended through November 9, 1992,[3] appeared in the **Federal Register** on November 20, 1992.[4] No comment letters were received on the proposed rule change. Thereafter, the CBOE amended the proposal to clarify, among other things, several proposed listing and maintenance standards.[5] This order approves the Exchange's proposal, as amended.

II. Description of Proposal

A. General

The CBOE proposes to list and trade options on the Insurance Index, an index developed by S&P. The CBOE also proposes to list either long-term options on the full-value Index or long-term options on a reduced-value Index that will be computed at one-tenth of the value of the Insurance Index ("Insurance LEAPS" or "Index LEAPS").[6] Insurance LEAPS will trade independent of and in addition to regular Insurance Index options traded on the Exchange.[7]

B. Composition of the Index

The Index is based on sixteen life, property and casualty, and multiline insurance industry stocks that are included in the S&P 500 Index. Fifteen of those stocks currently trade on the New York Stock Exchange ("NYSE") and one is a national market system ("NMS") security that currently trades through the facilities of the National Association of Securities Dealers Automated Quotation System ("NASDAQ–NMS"). The Index is capitalization-weighted, meaning that the price of each stock is multiplied by that company's shares outstanding in order to calculate the current Index level. The Index will be calculated on a real-time basis using last sale prices.

As of August 31, 1992, the Index was at 197.43. As of August 31, 1992, the market capitalizations of the individual stocks in the Index ranged from a high of $20.43 billion to a low of $715 million, with the mean and median being $4.45 billion and $3.26 billion, respectively. the market capitalization of all the stocks in the Index was $71.166 billion. The total number of shares outstanding for the stocks in the Index ranged from a high of 212.270 million shares to a low of 15.025 million shares. The average price per share of the stocks in the Index, for a six-month period between March and August 1992, ranged from a high of $88.59 to a low of $11.56. In addition, the average daily trading volume of the stocks in the Index, for the same six-month period, ranged from a high of 287,928 shares per day to a low of 15,388 shares per day, with the mean and median being 140,159 and 177,613 shares, respectively. Lastly, no one stock comprised more than 28.71% of the Index's total value and the percentage weighting of the five largest issues in the Index accounted for 62.8% of the Index's value. The percentage weighting of the lowest weighted stock was 1.01% of the Index and the percentage weighing of the five smallest issues in the Index accounted for 10.58% of the Index's value.

C. Maintenance

The Index will be maintained by S&P and the CBOE has represented that it will not influence any S&P decisions concerning maintenance of the Index. To maintain continuity in the Index following an adjustment to a component security, the divisor will be adjusted. Changes which may result in divisor adjustments include, but are not limited to, spin-offs, certain rights issuances, mergers, and acquisitions involving component securities.

If it becomes necessary for S&P to remove a Insurance Index component stock from the S&P 500 Index (generally due to a takeover or merger), the stock will also be removed from the Insurance Index. Because the S&P is not required to replace the stock chosen as a replacement for the S&P 500 Index with another insurance industry, the replacement stock may or may not be in the insurance industry. As a result, the number of stocks in the S&P Insurance Index may increase or decrease due to changes in the composition of the S&P 500.[8]

D. Applicability of CBOE Rules Regarding Index Options

Except as modified by this rule filing, the rules in chapter XXIV of the CBOE Rules will be applicable to S&P Insurance Index options. Those rules address, among other things, the applicable position and exercise limits, policies regarding trading halts and suspensions, and margin treatment for both broad and narrow based index options.

The CBOE is amending Rule 24.1 to make clear that a "market index," a term which includes the S&P 500, S&P 100, the FT–SE (U.K.) 100, and the FT–SE Eurotrack 200 indexes, also is a "broad-based index" within the meaning of the rules in Chapter XXIV of the CBOE Rules, including Rule 24.4 which relates to position limits for broad-based index options. The amendment to Rule 24.1 further provides that the terms "narrow-based index" and the previously defined "industry index" both mean an index designed to be representative of a particular industry or a group of related industries. An industry index contract such as the S&P Insurance Index option will, therefore, be deemed to be "narrow-based" for purposes of the

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[2] 17 CFR 240.19b–4 (1992).

[3] On September 28, 1992 the CBOE amended the proposal to clarify and confirm that S&P Insurance Index options will be A.M. settled options subject to the provisions of CBOE Rule 24.9(e) ("Amendment No. 1"). See File No. SR–CBOE–92–28, Amendment No. 1. On November 9, 1992, the proposal was amended to reflect changes to the CBOE rules made by the effectiveness of SR–CBOE–91–51 (CBOE Biotech Index, approved September 28, 1992) and SR–CBOE–92–32 (non-substantive amendments to Chapter XXIV of the CBOE rules, effective upon filing) ("Amendment No. 2"). See File No. SR–CBOE–92–28, Amendment No. 2. See *infra* note 5.

[4] See Securities Exchange Act Release No. 31449, 57 FR 54877 (November 20, 1992).

[5] More specifically, on April 20, 1993 the proposal was amended to: (1) Require as a maintenance standard that, if the Index increases to more than twenty-one stocks or decreases to less than eleven stocks, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change; (2) require as a maintenance standard that, if less than 90% of the Index's weighting becomes comprised of stocks that are not eligible for standardized options trading on the CBOE pursuant to CBOE Rule 5.3, no new series of options based on the Index will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change; and (3) clarify that the current and closing Index value for reduced-value long-term options based on the Index will be computed by dividing the value of the full-value Index by ten and rounding the resulting figure to the nearest one-hundredth ("Amendment No. 3"). See File No. SR–CBOE–92–28, Amendment No. 3.

[6] LEAPS in an acronym for Long-Term Equity Anticipation Securities. LEAPS are long term index option series that expire from twelve to thirty-six months from their date of issuance. See CBOE Rule 24.9(b)(1).

[7] According to the CBOE, the S&P Insurance Index represents a segment of the U.S. equity market that is not currently represented in the derivative markets and, as such, the CBOE concludes, should offer investors a low-cost means to achieve diversification of their portfolios toward or away from the insurance industry. The CBOE believes the Index will provide retail and institutional investors with a means to benefit from their forecasts of that industry's market performance. Options on the Index also can be utilized by portfolio managers and investors to provide a performance measure and evaluation guide for passively or actively managed insurance industry funds, as well as a means of hedging the risks of investing in the insurance industry.

[8] See *supra* note 5. If the Index increases to more than twenty-one stocks or decreases to less than eleven stocks, no new series of Index options will be listed for trading unless and until the Commission approves a rule filing pursuant to section 19(b) of the Act reflecting such change.

position limit requirements of Rule 24.4A.

E. Calculation of the Index

Similar to the broad-based S&P 500 Stock Index, the S&P Insurance Index is capitalization-weighted and reflects changes in the total capitalization of the component stocks relative to the capitalization of the Index on the base date. The Index is calculated by taking the summation of capitalizations of the component stocks (share price multiplied by the number of shares outstanding) and dividing the result by the divisor.

The Index will be calculated continuously by S&P or its designee and will be disseminated to the Options Price Reporting Authority ("OPRA") every fifteen seconds by the CBOE. If a component stock is not currently being traded, the most recently traded price will be used in the Index calculation.[9]

The Index value for purposes of settling outstanding Index options contracts upon expiration will be calculated based upon the regular way opening sale prices for each of the Index's component stocks in their primary market on the last trading day prior to expiration. In the case of securities traded through the NASDAQ–NMS system, the first reported sale price will be used. Once all of the component stocks have opened, the value of the Index will be determined and that value will be used as the final settlement value for expiring Index options contracts. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (*i.e.*, Thursday's) last sale price will be used in the Index calculation. In this regard, before deciding to use Thursday's closing value of a component stock for purposes of determining the settlement value of the Index, the CBOE will wait until the end of the trading day on expiration Friday.[10]

F. Contract Specifications

The proposed options on the Index will be cashed-settled, European-style options.[11] Standard options trading hours (8:30 a.m. to 3:10 p.m. Central Standard time) will apply to the contracts. The Index multiplier will be 100. The strike price interval will be $5.00 for full-value Index options with a duration of one year or less to expiration.[12] In addition, pursuant to CBOE Rule 24.9, there will be five expiration months outstanding at any given time. Specifically, there will be three expiration months from the March, June, September, and December cycle plus two additional near-term months so that the two nearest term months will always be available. As described in more detail below, the Exchange also intends to list several Index LEAP series that expire from twelve to thirty-six months from the date of issuance.

Lastly, the options on the Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). Accordingly, since options on the Index will settle based upon opening prices of the component stocks on the last trading day before expiration (normally a Friday), the last trading day for an expiring Index option series will normally be the second to the last business day before expiration (normally a Thursday).

G. Listing of Long-Term Options on the Full-Value or Reduced-Value Insurance Index

The proposal provides that the Exchange may list long-term Index options that expire from 12 to 36 months from listing on the full-value Insurance Index or a reduced-value Insurance Index that will be computed at one-tenth the value of the full-value Index. The current and closing Index value for reduced-value Insurance LEAPS will be computed by dividing the value of the full-value Index by 10 and rounding the resulting figure to the nearest one-hundredth. For example, an Index value of 185.46 would be 18.55 for the Index LEAPS and 185.43 would become 18.54. The reduced-value LEAPS will have a European-style exercise and will be subject to the same rules that govern the trading of all the Exchange's index options, including sales practice rules, margin requirements and floor trading procedures. The strike price interval for the reduced-value Index LEAPS will be no less than $2.50 instead of $5.00.

Under the proposal, the same rules which are applicable to the trading of long-term, reduced-value S&P 100 and 500 Indexes ("OEX" and "SPX," respectively)[13] will be applicable to the trading of reduced-value Index LEAPS. For example, Index LEAPS may expire from 12 to 36 months from the date of listing, and there may be up to six expiration months beyond one year to expiration. Moreover, the proposal provides that either full-value or reduced-value Index LEAPS may be issued at six month intervals and that new strike prices will either be near or bracketing the current Index value. Strike price interval, bid/ask differential and continuity rules will not apply to the trading of the full-value or reduced-value Index LEAPS until their time to expiration is less than 12 months. The strike price interval for reduced-value Index LEAPS will be no less than $2.50, instead of $5.00. Lastly, the proposal provides that additional LEAPS series may be added when the value of the underlying Index increases or decreases by ten to fifteen percent. These provisions currently apply to the listing and trading of reduced-value OEX and SPX LEAPS.

H. Position and Exercise Limits, Margin Requirements, and Trading Halts

Because the Index is classified as an Industry Index under CBOE rules, Exchange rules that are applicable to the trading of options on narrow-based indexes will apply to the trading of Insurance Index options and reduced-value Insurance Index options. Specifically, Exchange rules governing margin requirements,[14] position and exercise limits,[15] and trading halt procedures[16] that are applicable to the trading of narrow-based index options will apply to options traded on the Index. The proposal further provides that, for purposes of determining whether a given position in reduced-value Index options complies with applicable position and exercise limits, positions in reduced-value Index options will be aggregated with positions in the full-value Index options. For these purposes, ten reduced-value contracts will equal one

[9] For purposes of the daily dissemination of the Index value, if a stock included in the Index has not opened for trading, S&P will use the closing value of that stock on the prior trading day when calculating the value of the Index, until the stock opens for trading.

[10] See *supra* note 9.

[11] A European-style option can be exercised only during a specified period before the option expires.

[12] For a description of the strike price intervals for reduced-value Index options and long-term Index options, See Section G, *infra*.

[13] See Securities Exchange Act Release No. 28686, 55 FR 51517 (December 14, 1990).

[14] Pursuant to CBOE Rule 24.11, the margin requirements for the Index options will be: (1) For short options positions, 100% of the current market value of the options contract plus 20% of the underlying aggregate Index value, less any out-of-the-money amount, with a minimum requirement of the options premium plus 10% of the underlying Index value; and (2) for long term options positions, 100% of the options premium paid.

[15] Pursuant to CBOE Rules 24.4A and 24.5, respectively, the position and exercise limits for the Index options will be 6,000 contracts, unless the Exchange determines, pursuant to Rules 24.4A and 24.5 that a lower limit is warranted.

[16] Pursuant to CBOE Rule 24.7, the trading on the CBOE of Index options may be halted or suspended whenever trading in underlying securities whose weighted value represents more than 20% of the Index value are halted or suspended.

full-value contract for purposes of aggregating these positions.

I. Surveillance

Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in full-value and reduced-value Index options. These procedures include complete access to trading activity in the underlying securities. Further, the Intermarket Surveillance Group Agreement, dated July 14, 1983, as amended on January 29, 1990, will be applicable to the trading of options on the Index.[17]

III. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[18] Specifically, the Commission finds that the trading of Insurance Index options, including full-value and reduced-value Insurance LEAPS, will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with securities in the insurance industry.[19] The trading of options on the Insurance Index, including full-value and reduced-value LEAPS on the Index, however, raises several concerns, namely issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the CBOE adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the Insurance Index and reduced-value Insurance Index are narrow-based indices. The Insurance Index is comprised of only sixteen stocks, all of which are within one industry—the insurance industry. In addition, the basic character of the reduced-value Insurance Index, which is comprised of the same component securities as the Insurance Index and calculated by dividing the Insurance Index value by ten, is essentially identical to the Insurance Index.[20] Accordingly, the Commission believes it is appropriate for the CBOE to apply its rules governing narrow-based index options to trading in the Index options.[21]

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index. First, the overwhelming majority of the stocks that comprise the Index are actively traded, with a mean and median average daily trading volume of 140,159 and 177,613 shares, respectively.[22] Second, the market capitalizations of the stocks in the Index are very large, ranging from a high of $20.43 billion to a low of $715 million as of August 31, 1992, with the mean and median being $4.45 billion and $3.26 billion, respectively. Third, although the Index is only comprised of sixteen stocks, no one particular stock or group of stocks dominates the Index. Specifically, no one stock comprises more than 28.71% of the Index's total value and the percentage weighting of the three largest issues in the Index account for 49.16% of the Index's value.[23] Fourth, fifteen of the sixteen stocks in the Index (representing 99% of the weighting of the Index) currently are eligible for options trading.[24] The proposed CBOE maintenance requirement that 90% of the weighting of the Index be comprised of stocks that are eligible for options trading will ensure that the Index is almost completely comprised of options eligible stocks. Fifth, if S&P increases the number of component stocks to more than twenty-one or decreases that number to less than eleven, the CBOE will be required to seek Commission approval pursuant to section 19(b)(2) of the Act before listing new strike price or expiration month series of Insurance Index options. This will help protect against material changes in the composition and design of the Index that might adversely affect the CBOE's obligations to protect investors and to maintain fair and orderly markets in Insurance Index options. Finally, the Commission believes that the expense of attempting to manipulate the value of the Insurance Index in any significant way through trading in component stocks (or options on those stocks) coupled with, as discussed below, existing mechanisms to monitor trading activity in those securities, will help deter such illegal activity.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Insurance Index options (including full-value and reduced-value Insurance LEAPS), can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of

[17] ISG was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. See Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement, which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. See Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990.

[18] 15 U.S.C. 78f(b)(5) (1988).

[19] Pursuant to section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed options on the Insurance Index will provide investors with a hedging vehicle that should reflect the overall movement of the stocks comprising the insurance industry in the U.S. stock markets. The Commission also believes that these Index options will provide investors with a means by which to make investment decisions in the insurance industry sector of the U.S. stock markets, allowing them to establish positions or increase existing positions in such markets in a cost effective manner. The Commission also believes that the trading of the Index options and Index LEAPS will allow investors holding positions in some or all of the underlying securities in the Index to hedge the risks associated with their portfolios more efficiently and effectively. Moreover, the Commission believes that the reduced-value Index LEAPS, that will be traded on an index computed at one-tenth the value of the Insurance Index, will serve the needs of retail investors by providing them with the opportunity to use a long-term option to hedge their portfolios from long-term market moves at a reduced cost.

[20] See generally Securities Exchange Act Release No. 29994, 56 FR 63536 (December 4, 1991) (order designating the PSE Technology Index as a broad-based index rather than a narrow-based index).

[21] See *supra* notes 14 through 16, and accompanying text.

[22] In addition, for the six-month period between March and August 1992, all of the companies comprising the Index had an average daily trading volume greater than 15,388 shares per day.

[23] For an index with a significantly greater number of stocks than fifteen issues, the Commission might come to a different conclusion if only three stocks accounted for more than 55% of the index's weighting. Further, if an index contained only a few stocks, the Commission might question whether it can be traded as an index product.

[24] The CBOE's options listing standards, which are uniform among the options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) The public float must be at least 7,000,000; (2) there must be a minimum of 2,000 stockholders; (3) trading volume must have been at least 2.4 million over the preceding twelve months; and (4) the market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. See CBOE Rule 5.3.

options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Index LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the CBOE, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Insurance Index options and Insurance Index LEAPS.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation.[25] In this regard, the CBOE, NYSE, and NASD are all members of the Intermarket Surveillance Group ("ISG"), which provides for the exchange of all necessary surveillance information.[26]

D. Market Impact

The Commission believes that the listing and trading of Insurance Index options, including full-value and reduced-value Index LEAPS on the CBOE will not adversely impact the underlying securities markets.[27] First, as described above, no one stock or group of stocks dominates the Index. Second, because 90% of the numerical value of the Index must be accounted for by stocks that meet the options listing standards, the component securities generally will be actively-traded, highly-capitalized stocks. Third, the 6,000 contract position and exercise limits will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contra-party non-performance will be minimized because the Index options and Index LEAPS will be issued and guaranteed by the Options Clearing Corporation just like any other standardized option traded in the United States.

Lastly, the Commission believes that settling expiring Insurance Index options (including full-value and reduced-value Index LEAPS) based on the opening prices of component securities is consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[28]

The Commission finds good cause for approving Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Amendment No. 3 provides for the rounding of the current and closing Index value, for purposes of Index LEAPS trading, to the nearest one-hundredth. Amendment No. 3 also requires that at least 90% of the Index's numerical value be accounted for by stocks that meet the options listing standards and that the CBOE submit a rule filing pursuant to section 19(b)(2) of the Act if the number of component securities in the Index changes to either greater than twenty-one or fewer than eleven. The Commission believes that these modifications strengthen the integrity of the Index and do not raise new issues. Moreover, the Commission finds that these modifications to the proposal are designed to reduce the likelihood that the Index could be susceptible to manipulation. Therefore, the Commission believes it is consistent with section 6(b)(5) of the Act to approve Amendment No. 3 to the CBOE's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 3 to the proposed rule change. 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 27, 1993.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[29] that the proposed rule change (SR–CBOE–92–28), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10723 Filed 5–5–93; 8:45 am]

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[25] See Securities Exchange Act Release No. 31243, 57 FR 45849 (October 5, 1992).

[26] See supra note 17. Although the Index currently does not contain ADRs, the proposal provides that the Index could contain ADRs representing insurance industry stocks. If the composition of the Index would change so that greater than 20% of the Index was represented by ADRs whose underlying securities were not subject to a comprehensive surveillance sharing arrangement, then it would be difficult for the Commission to reach the conclusions reached in this order and the Commission would have to determine whether it would be suitable to continue to trade options on the Index. The CBOE should, accordingly, notify the Commission immediately if more than twenty percent of the numerical value of the Index is represented by ADRs whose underlying securities are not subject to a comprehensive surveillance sharing agreement, so that the Commission can decide whether trading on the Index should be ceased or phased out.

[27] In addition, the CBOE has represented that the CBOE and the Options Price Reporting Authority ("OPRA") have the necessary systems capacity to support those new series of index options that would result from the introduction of Index options and Index LEAPS. *See* Letter from Charles J. Henry, President and Chief Operating Officer, CBOE, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated March 22, 1993 and memorandum from Joe Corrigan, Executive Director, OPRA, to Eileen Smith, CBOE, dated March 19, 1993.

[28] See Securities Exchange Act Release No. 30944, 57 FR 33376 (July 28, 1992).

[29] 15 U.S.C. 78s(b)(2) (1988).

[30] 17 CFR 200.30–3(a)(12) (1993).

[Release No. 34–32230; File No. SR–PHILADEP–92–04]

Self-Regulatory Organizations; Philadelphia Depository Trust Company; Proposed Rule Change Relating to Definition of Signature Guarantee

April 27, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on December 22, 1992, the Philadelphia Depository Trust Company ("PHILADEP") 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 PHILADEP. PHILADEP amended the filing to correct citations contained in the original filing, to revise the language of its Rule 1

[1] 15 U.S.C. 78s(b)(1).

describing an acceptable signature guarantee, and to provide additional information regarding the purpose of certain amendments.[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

PHILADEP proposes to amend PHILADEP Rule 1 to define "signature guarantee" as a medallion or stamp of a "signature guarantee program" as defined in Rule 17Ad–15 under the Act.[3] The rule change also would clarify the language in PHILADEP Rule 1 regarding the warranties provided by a signature guarantee.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, PHILADEP 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. PHILADEP 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 the Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend the definition of "signature guarantee" so that a medallion imprint or stamp evidencing participation or membership in a "signature guarantee program" as defined by Rule 17Ad–15 will constitute a signature guarantee acceptable to PHILADEP. Such programs are being offered by entities unaffiliated with PHILADEP or its parent corporation, the Philadelphia Stock Exchange, Inc. ("PHLX").

In addition, the proposed rule change adds language, based on the Uniform Commercial Code Section 8–312, stating that a signature guarantee is a warranty of the genuineness of the signature, the appropriateness of the endorser, and the legal capacity of the endorser. This addition is made in an effort to create a more uniform standard in the securities industry.[4]

Philadep believes the proposed rule change is consistent with the Act, in general, and with section 17A(b)(3)(F) of the Act, in particular, because it is designed to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, and to remove impediments and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

The proposed rule change also is consistent with the requirements of section 17A(a)(1) of the Act because it should foster the prompt and accurate clearance and settlement of securities transactions by facilitating the signature guarantee process and related activities. In addition, the proposal is consistent with section 17A(d)(5) of the Act, which requires transfer agents to comply with Commission rules regarding the acceptance or rejection of signature guarantees and Rule 17Ad–15 thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

PHILADEP does not believe that the proposed rule change would 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

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been 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 date if it finds such longer period: (i) As the Commission may designate up to ninety days of such date if it finds 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 submission 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 also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR-PHILADEP-92–04 and should be submitted by May 27, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

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[Release No. 34–32228; File No. SR–PHLX–92–39]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Proposed Rule Change Relating to Requirement that Members Become Participants in a "Signature Guarantee Program"

April 27, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on December 21, 1992, the Philadelphia Stock Exchange, Inc. ("PHLX") filed with the Securities and Exchange Commission ("Commission") a proposed rule change that requires members to participate in a "signature guarantee program" and defined in Rule 17Ad–15(g)(3) under the Act[2] and

[2] Letter from Murray Ross, Secretary, PHILADEP, to Christine Sibille, Attorney, Commission (January 26, 1993); and Letter from Murray Ross, Secretary, PHILADEP, to Christine Sibille, Attorney, Commission (February 9, 1993).

[3] 17 CFR 240.17Ad–15(g)(3).

[4] The New York Stock Exchange has adopted similar language in its Rule 210. The Midwest Stock Exchange is considering adding a corresponding provision to its rules. Conversation between Murray Ross, Secretary, PHILADEP, and Christine Sibille, Staff Attorney, Division of Market Regulation, Commission (January 12, 1993).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.17Ad–15(g)(3).

eliminates PHLX's existing signature guarantee program. Subsequently, PHLX amended the filing to eliminate two additional sections deemed obsolete, to correct citations contained in the original filing, to provide a description of the existing signature guarantee program and to provide additional information regarding the purpose of certain amendments.[3] The proposed rule change, as amended, is described in Items I, II, and III below, which Items have been prepared primarily by PHLX. 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

PHLX proposes to amend PHLX Rules 325 through 331 and 338 through 340 in order to comply with the requirements of Rule 17Ad–15 adopted under the Act pertaining to signature guarantees. The proposed rule change also deletes as obsolete or unnecessary PHLX Rules 334 through 336 and corollary forms 9 and 10.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, PHLX 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. PHLX 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 the Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to eliminate PHLX's signature guarantee program and to enable PHLX to convert its Rules respecting signatures effecting assignments, powers of substitutions, signature guarantees, and other certifications and guarantees incident to the transfer, payment, exchange, purchase or delivery of certificates representing securities (including, but not limited to, erasure guarantees, one-and-the-same guarantees and situs certifications) to require members and member organizations to use a medallion imprint or stamp which signifies their participation in a "signature guarantee program" as defined by Rule 17Ad–15 (a "Rule 17Ad–15 Signature Guarantee Program"). Such programs are being offered and administered by entities unaffiliated with PHLX.

In order to facilitate compliance with transfer agents' requirements for verification of signatures on guarantees made by member organizations, PHLX and its subsidiary, the Stock Clearing Corporation of Philadelphia ("SCCP"), jointly administered a signature guarantee program for their members. PHLX and SCCP members could subscribe to the joint PHLX/SCCP signature guarantee program, in an arrangement under which PHLX and SCCP provided sample signatures to transfer agents of certain authorized officers and/or employees under powers of attorney filed with PHLX and SCCP under PHLX Rules 327 and 340 and guaranteed the signature to any assignment or power of substitution executed by such authorized persons. The Offices of the Secretary of PHLX and SCCP required each member of the program to execute and submit an Agreement regarding Signature Guarantees, a power of attorney providing the name and sample signature of each authorized signatory, and certified resolutions of the Board of Directors appointing its authorized signatory. Under the Agreement regarding Signature Guarantees, the participant agrees to indemnify and hold harmless PHLX and SCCP for any loss resulting from its guarantee. The power of attorney remained in effect until written notice of revocation was received by SCCP. SCCP maintained an extensive file of sample authorized signatures provided by participating organizations and made these samples available to transfer agents. The SCCP transfer department notified issuers and transfer agents of changes in authorized signatories on behalf of member organizations. This program enabled members to send listed or over the counter securities directly to transfer agents without having each certificate individually guaranteed by a New York Stock Exchange member organization, a national bank, or the SCCP transfer department. PHLX's signature guarantee program had been approved by the Stock Transfer Association. Additional insurance coverage was maintained by PHLX under a separate binder to its blanket bond coverage for SCCP for signature guarantee purposes in the amount of 25 million dollars for a single loss and 50 million dollars aggregate to cover certificates on which the signature (or authorized power of attorney) was guaranteed by a participating member of the signature guarantee program.

Pursuant to Rule 17Ad–15, recently adopted under the Act, transfer agents were empowered to establish guidelines for acceptable signature guarantee programs as contemplated by that Rule. Non-participants in such a signature guarantee program risk rejection of transfers. PHLX does not desire to administer a Rule 17Ad–15 Signature Guarantee Program and has determined that its signature guarantee program would not qualify under Rule 17Ad–15. PHLX has notified all members and participants in its signature guarantee program that as of October 26, 1992, the PHLX administered program would no longer be in compliance with Rule 17Ad–15 and PHLX was therefore discontinuing the program. It should be noted that PHLX's signature guarantee program was not documented in PHLX's rules. The references to the former signature guarantee program were contained in Rule 1 of the SCCP's Rules and Rule 1 of the Philadelphia Depository Trust Company's ("Philadep") Rules. Each of these organizations have filed with the Commission proposals to amend their respective Rule 1.

Incidental to the foregoing, the rule change also reflects the restatement of certain PHLX rules relating to guarantees, transfers and deliveries of securities. Specifically, PHLX Rules 327, 338 and 339 have been amended to require members to use a medallion or stamp of a Rule 17Ad–15 Signature Guarantee Program to guarantee signatures, and to define a signature guarantee acceptable to PHLX as a medallion or stamp of a Rule 17Ad–15 Signature Guarantee Program. PHLX Rules 325, 328, 329, 330 and 331 have been amended to add cross references to the PHLX rules defining an acceptable signature guarantee or to substitute language regarding the use of a medallion or stamp of a Rule 17Ad–15 Signature Guarantee Program. In addition, the proposal eliminates certain unnecessary or obsolete rules[4] and, where necessary in the interests of uniformity in the industry, amends certain PHLX rules in this area to conform to the corresponding rules of

[3] Letter from Murray Ross, Secretary, Philadelphia Stock Exchange, to Christine Sibille, Attorney, Commission (January 26, 1993); Letter from Murray Ross, Secretary, Philadelphia Stock Exchange, to Christine Sibille, Attorney, Commission (February 9, 1993).

[4] PHLX Rules 334 through 336 and corollary forms 9 and 10, which are designed to require a married woman to obtain the consent of her husband to the transfer of her property, are being deleted as obsolete.

the New York Stock Exchange ("NYSE").[5]

The proposed rule change is consistent with the Act, in general, and in furtherance of section 6(b)(5), in particular, in that it generally is designed to prevent fraudulent and manipulative acts and practices, to foster coordination among persons engaged in regulating, clearing, settling, and processing information with respect to transactions in securities, and to remove impediments and perfect the mechanism of a free and open market.

The proposed rule change also is consistent with the requirements of section 17A of the Act in that it fosters the prompt and accurate clearance and settlement of securities transactions by facilitating the signature guarantee process and related activities. In addition, the proposal is consistent with section 17A(d)(5) of the Act and rule 17Ad–15 thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

PHLX doe not believe that the proposed rule change would 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

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been 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 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.

[5] PHLX Rule 326 is being amended, consistent with NYSE Rule 201, to permit an assignment or power of substitution to be executed by a domestic executor, trustee or guardian, without additional documentation. PHLX Rule 340 is being amended, consistent with NYSE Rule 210 and the Uniform Commercial Code Section 8–312, to define the warranties provided by a signature guarantee.

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 than 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 the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–PHLX–92–39 and should be submitted by May 27, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10630 Filed 5–5–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32229; File No. SR–SCCP–92–03]

Self-Regulatory Organizations; Stock Clearing Corporation of Philadelphia; Proposed Rule Change Relating to Definition of Signature Guarantee

April 27, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on December 28, 1992, the Stock Clearing Corporation of Philadelphia ("SCCP") 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 SCCP. SCCP amended the filing to correct citations contained in the original filing, to provide a description of its current signature guarantee program and to provide additional information regarding the purpose of certain amendments.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

SCCP proposes to amend SCCP Rule 1 to define a "signature guarantee" as a medallion or stamp of a "signature guarantee program" under Rule 17Ad–15 adopted under the Act.[3] The rule change also would clarify the language in SCCP Rule 1 regarding the warranties provided by a signature guarantee and would eliminate SCCP's existing signature guarantee program.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, SCCP 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. SCCP 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 the Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to eliminate SCCP's existing signature guarantee program and amend the definition of "signature guarantee" so that a medallion imprint or stamp evidencing participation in a "signature guarantee program" as defined by Rule 17Ad–15 will constitute a signature guarantee acceptable to SCCP. Such programs are being offered by entities unaffiliated with SCCP or its parent corporation, the Philadelphia Stock Exchange, Inc. ("PHLX").

In order to facilitate compliance with transfer agents' requirements for verification of signatures on guarantees made by member organizations, SCCP and PHLX jointly administered a signature guarantee program for their members. PHLX and SCCP members could subscribe to the joint PHLX/SCCP signature guarantee program, in an arrangement under which PHLX and SCCP provided sample signatures to

[2] Letter from Murray Ross, Secretary, SCCP, to Christine Sibille, Attorney, Commission (January 26, 1993); Letter from Murray Ross, Secretary, SCCP, to Christine Sibille, Attorney, Commission (February 9, 1993).

[3] 17 CFR 240.17Ad–15(g)(3).

transfer agents of certain authorized officers and/or employees under powers of attorney filed with PHLX and SCCP under PHLX Rules 327 and 340 and guaranteed the signature to any assignment or power of substitution executed by such authorized persons. The Offices of the Secretary of PHLX and SCCP required each member of the program to execute and submit an Agreement regarding Signature Guarantees, a power of attorney providing the name and sample signature of each authorized signatory, and certified resolutions of the Board of Directors appointing its authorized signatory. Under the Agreement regarding Signature Guarantees, the participant agrees to indemnify and hold harmless PHLX and SCCP for any loss resulting from its guarantee. The power of attorney remained in effect until written notice of revocation was received by SCCP. SCCP maintained an extensive file of sample authorized signatures provided by participating organizations and made these samples available to transfer agents. The SCCP transfer department notified issuers and transfer agents of changes in authorized signatories on behalf of member organizations. This program enabled members to send listed or over the counter securities directly to transfer agents without having each certificate individually guaranteed by a New York Stock Exchange member organization, a national bank, or the SCCP transfer department. SCCP's signature guarantee program had been approved by the Stock Transfer Association. Additional insurance coverage was maintained by PHLX under a separate binder to its blanket bond coverage for SCCP for signature guarantee purposes in the amount of 25 million dollars for a single loss and 50 million dollars aggregate to cover certificates on which the signature (or authorized power of attorney) was guaranteed by a participating member of the signature guarantee program.

Pursuant to Rule 17Ad–15, transfer agents were empowered to establish guidelines for acceptable "signature guarantee programs" as contemplated by Rule 17Ad–15. Non-participants in such a "signature guarantee program" risk rejection of transfers. SCCP does not desire to administer a "signature guarantee program" as contemplated by Rule 17Ad–15 on SCCP's own or PHLX's behalf. Instead, SCCP proposes to eliminate its existing signature guarantee program, and accept guarantees from a guarantor institution that is in a signature guarantee program as defined in Rule 17Ad–15 and has attached a medallion or stamp evidencing participation in such a signature guarantee program on the certificate or other documentation.

In addition, the proposed rule change adds language, based on the Uniform Commercial Code Section 8–312, stating that a signature guarantee is a warranty of the genuineness of the signature, the appropriateness of the endorser, and the legal capacity of the endorser. This addition is made in an effort to create a more uniform standard in the securities industry.[4]

The proposed rule change is consistent with the Act, in general, and in furtherance of section 17A(b)(3)(F) of the Act, in particular, in that it generally is designed to foster cooperation and coordination with persons engaged in clearance and settlement of securities transactions, and to remove impediments and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

The proposed rule change also is consistent with the requirements of section 17A(a)(1) of the Act in that it fosters the prompt and accurate clearance and settlement of securities transactions by facilitating the signature guarantee process and related activities. In addition, the proposal is consistent with section 17A(d)(5) of the Act and Rule 17Ad–15 thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not believe that the proposed rule change would 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

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been 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 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 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 also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–SCCP–92–03 and should be submitted by May 27, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10629 Filed 5–5–93; 8:45 am]

BILLING CODE 8010–01–M

[4] The New York Stock Exchange has adopted similar language in its Rule 210. The Midwest Stock Exchange is considering adding a corresponding provision to its rules. Conversation between Murray Ross, Secretary, SCCP, and Christine Sibille, Staff Attorney, Division of Market Regulation, Commission (January 12, 1993).

[Rel. No. IC–19443; File No. 812–8336]

ITT Life Insurance Corp., et al.; Applications

April 29, 1993.

AGENCY: Securities and Exchange Commission (the "Commission" or the "SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: ITT Life Insurance Corporation ("ITT Life"), ITT Life Insurance Corporation Separate Account Two (the "Separate Account") and Hartford Equity Sales Company, Inc.

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) for exemptions from sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit the deduction of a mortality and expense risk charge from the assets of the Separate Account under a flexible premium deferred variable annuity contract (the "Contract").

FILING DATE: The application was filed on April 1, 1993 and amended on April 23, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 24, 1993, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Kathleen McGah, Esq., Hartford Life Insurance Companies, 200 Hopmeadow Street, Simsbury, CT 06070.

FOR FURTHER INFORMATION CONTACT: Thomas Bisset, Senior Attorney, at (202) 272–2058, or Wendell Faria, Deputy Chief, at (202) 272–2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch.

APPLICANTS' REPRESENTATIONS

1. ITT Life is a stock life insurance company engaged in the business of writing individual and group life insurance and annuities in the District of Columbia and all states except New York.

2. The Separate Account was established by ITT Life and has filed a registration statement under the 1940 Act as a unit investment trust. It will issue only flexible premium deferred variable annuity contracts (the "Contracts"). The Separate Account will initially be the variable option for certain contract owners who previously purchased fixed annuity contracts from Fidelity Bankers Life Insurance Company ("FBL Contract Owners"). On May 13, 1991, a receiver was appointed for Fidelity Bankers Life Insurance Company, an insurer domiciled in Virginia. The receiver selected Hartford Life Insurance Company, an affiliated insurer of ITT Life, to assume and reinsure certain FBL contracts. FBL Contract Owners may select a fixed annuity option sponsored by the Hartford Life Insurance Company. On or after May 15, 1993, the FBL Contract Owners may transfer into the Separate Account.

The Separate Account invests in the following Putnam Capital Manager ("PCM") Funds: PCM Voyager Fund, PCM Growth and Income Fund, PCM High Yield Fund, PCM Money Market Fund, PCM U.S. Government and High Quality Bond Fund, PCM Multi-Strategy Fund, PCM Global Growth Fund and PCM Utilities Growth and Income Fund.

3. Hartford Equity Sales Company, Inc., the principal underwriter for the Contracts, is a broker-dealer registered under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc.

4. There is no deduction for sales expenses from purchase payments when made, but a contingent deferred sales charge ("CDSC") may be assessed when a Contract is surrendered. CDSCs are assessed first from purchase payments in the order received and then from other Contract values. The CDSC is a percentage of the amount withdrawn (not to exceed the aggregate amount of the purchase payments made), as follows:

Charge	Number of years from purchase payment
7 percent	1
6 percent	2
5 percent	3
4 percent	4
3 percent	5
2 percent	6
1 percent	7
0 percent	8 or more

5. An annual maintenance fee of $25 is deducted from Contract values each Contract year. ITT Life also assesses a daily charge at the rate of .15% per annum against all Contracts held in the Separate Account during both the accumulation and annuity phases of the Contracts. ITT Life guarantees that it will not increase the annual maintenance fee of $25.00 and the administrative fee of .15% per annum. In addition, Applicants represent that the annual maintenance fee and the daily administrative charge will not be more than the actual cost of the administrative services provided.

6. For assuming mortality and expense risks under the Contracts, ITT Life will make a daily charge at the annual rate of 1.25% against all Contract values held in the Separate Account. Approximately 0.90% of that charge is for assuming mortality risks and 0.35% is for assuming expense risks. The rate of the mortality and expense risk charge cannot be increased. ITT Life assumes mortality risks by undertaking to make annuity payments under the Contract option selected by the Contract owner regardless of how long an annuitant may live, and regardless of how long all annuitants as a group may live. ITT Life also assumes mortality risks by undertaking payment of a minimum death benefit under the Contract. ITT Life assumes the expense risk that administrative fees may be insufficient to cover the actual expenses. If the mortality and expense risk charge is insufficient to cover the actual cost of the expense risk undertaking, ITT Life will bear the loss. Conversely, if the charge proves more than sufficient, the excess will be surplus to ITT Life and will be available for any proper corporate purpose. ITT Life expects a reasonable profit from the mortality and expense risk charge.

Applicants' Legal Analysis and Conditions

1. Section 6(c) of the 1940 Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any persons, securities, or transactions from any provision of the 1940 Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants request an order under section 6(c) for exemptions from sections 26(a)(2)(C) and 27(c)(2) to deduct a mortality and expense risk charge from the assets of the Separate Account. Section 27(c)(2) of the 1940 Act prohibits the sale of periodic payment plan certificates unless the proceeds of all payments (except such amounts as are deducted for sales load) are held under an indenture or agreement containing in substance the provisions required by sections 26(a) (2) and (3). Section 26(a)(2)(C) provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust shall be allowed the trustee or custodian as an expense

(except that provision may be made for the payment to any such person of a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping or other administrative services).

3. Applicants represent that the mortality and expense risk charge of 1.25% is within the range of industry practice for comparable annuity contracts as determined by a survey of comparable contracts issued by other insurance companies. Applicants' Contract is comparable to the Contracts of other insurance companies in that (i) current charge levels are approximately the same; (ii) all provide minimum death benefit guarantees the same or lower than Applicants' Contracts; (iii) all have guaranteed annuity purchase rates; (iv) all have the same special accounting system for separate account unit value administration; and (v) all are offered in the same market. ITT Life undertakes to maintain at its home office, available to the Commission upon request, a memorandum setting forth in detail the methodology underlying this representation and the contracts analyzed.

4. Applicants state that there is a likelihood that the proceeds from explicit sales loads will be insufficient to cover the expected costs of distributing the Contracts. Any shortfall will be covered from the assets of ITT Life's general account, which may include profit from the mortality and expense risk charge. Therefore, Applicants have concluded that there is a reasonable likelihood that the Separate Account's distribution financing arrangement will benefit the Separate Account and Contract owners. ITT Life undertakes to maintain at its home office, and make available to the Commission upon request a memorandum setting forth the basis of this representation.

5. Applicants represent that the Separate Account will invest only in open-end management investment companies that have undertaken to have a board of directors, a majority of whom are not interested persons of the company, formulate and approve any plan to finance distribution expenses pursuant to Rule 12b–1 under the 1940 Act.

Conclusion

Applicants assert that, for the reasons and upon the facts set forth above, the requested exemption from sections 26(a)(2)(C) and 27(c)(2) of the 1840 Act to deduct the mortality and expense risk charge from the assets of the Separate Account under the Contract meets the standards in section 6(c) of the 1940 Act. Applicants assert that the exemption requested is necessary and appropriate in the public interest and consistent with the protection of investors and the policies and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–10631 Filed 5–5–93; 8:45am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 1778]

Participation of Private-sector Representatives on U.S. Delegations

As announced in Public Notice No. 655 (44 FR 17846), March 23, 1979, the Department is submitting its January 14, 1992–January 26, 1993 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article III (c) of the guidelines published in the **Federal Register** on March 23, 1979.

Dated: March 9, 1993.

Frank R. Provyn,

Managing Director, Office of International Conferences.

United States Delegation to the 3rd Meeting of the Aeronautical Fixed Service Systems Planning for Data Interchange Panel International Civil Aviation Organization (ICAO) Montreal, January 14–January 30, 1992

Representative

Cindy J.H. Peak, Manager, Communications Systems Engineering Division, Federal Aviation Administration, Department of Transportation

Alternate Representative

Terence B. Wendel, General Engineer, Communications Systems Engineering Division, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Forrest W. Colliver, Jr., Lead Engineer, Aeronautical Telecommunications, MITRE Corp, McLean, Virginia
Donald L. Trombley, Director, Communications and Meteorology, Air Transport Association, Washington, DC
Valgene E. White, Telecommunications Consultant, Network Management Service Inc, Annapolis Maryland

United States Delegation to the Group of Rapporteurs and Pollution and Energy, Twenty-Third Session, Economic Commission for Europe (ECE) Geneva, January 20–22, 1992

Representative

Thomas Baines, Senior Project Director, Office of Mobile Sources, Environmental Protection Agency, Ann Arbor, Michigan

Private Sector Advisers

Louis Broering, Cummings Engine Company, Columbus, Indiana
Marcel Halberstadt, Motor Vehicle Manufacturers Association, Detroit, Michigan

United States Delegation to the Working Party on Gas, Second Session, Economic Commission for Europe (ECE) Geneva, January 20–22, 1992

Representative

Jeffrey P. Hardy, Office of International Affairs, Department of Energy

Alternate Representative

Ralph Anske, Office of Global Energy, Bureau of Economic and Business Affairs, Department of State

Private Sector Adviser

Stewart B. Kean, President, Utility Propane, Elizabeth, New Jersey

United States Delegation to the Meeting of Study Group III and Working Party 4 of the International Telegraph and Telephone Consultative Committee, International Telecommunication Union, Geneva, Switzerland, January 21–23, 1992

Representative

Earl S. Barbely, Director, Telecommunications and Information Standards, Department of State

Advisers

William Kirsch, Deputy Assistant Bureau Chief/International, Federal Communications Commission
Suzanne Settle, Program Manager, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Beverly Andrews, COMSAT, WSD, Washington, DC
Donald P. Casey, Director Regulatory, Western Union Corporation, Upper Saddle River, New Jersey
Kenneth Leeson, Telecommunications Advisor, International Business Machines, Purchase, New York
Robert Madden, Manager, American Telephone & Telegraph Co., Morristown, New Jersey

Mark Niebert, COMSAT, Washington, DC
Philip Onstad, Consultant, International Communications Association, Washington, DC
Marcel E. Scheidegger, MCI International, Rye Brook, New York
Richard W. Stone, Cable and Wireless Communications, Ltd., Vienna, Virginia
Carmine Taglialatela, Jr., Advisory Engineer, MCI Telecommunications, Inc., Washington, DC

United States Delegation to the Technical Subgroup on Controls (January 25–26), Technical Subgroup on Indicator Prices (January 27–29), International Coffee Organization Council and Negotiating Session (February 1–5), International Coffee Organization (ICO), London, January 25–February 5, 1992

Technical Subgroup on Controls (January 25–26)

Representative

Ralph Ives, Director for Andean Affairs, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Michael Glover, Economic Officer, United States Embassy, London

Technical Subgroup on Indicator Prices (January 27–29)

Representative

Ralph Ives, Director for Andean Affairs, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Thomas L. Robinson, Director, Office of Food Policy Programs, Bureau of Economic and Business Affairs, Department of State

Adviser

Michael Glover, Economic Officer, United States Embassy, London

International Coffee Organization Council and Negotiating Session (February 1–5)

Representative

Myles R. R. Frechette, Assistant United States Trade Representative, Latin America, Caribbean, and Africa, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Ralph Ives, Director for Andean Affairs, Office of the United States Trade Representative, Executive Office of the President

Advisers

Michael Glover, Economic Officer, United States Embassy, London
Thomas L. Robinson, Director, Office of Food Policy Programs, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

George E. Boecklin, President, National Coffee Association, U.S.A., New York, New York
David A. Brown, Maxwell House Coffee Company, White Plains, New York
Richard Emanuelle, Tardivat International Coffee Corporation, New York, New York
Stephen H. Gluck, Cargill Coffee PLC, Surrey, United Kingdom
James P. McCrea, Louis Dreyfus Coffee Company, Wilton, Connecticut
Howard C. Katz, J. Aron and Company, New York, New York
John Sutherland, Continental Coffee Products, Chicago, Illinois
Richard L. Thompson, Nestle Beverages, San Francisco, California
Gregory W. White, Folger Coffee Company, Chicago, Illinois

United States Delegation to the 43rd Session of the Subcommittee on the Carriage of Dangerous Goods (CDG), International Maritime Organization (IMO), London, January 27–31, 1992

Representative

Kevin J. Eldridge, Commander, Chief, Hazardous Materials Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

P.C. Olenik, Lieutenant Commander, Packaged Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

E.P. Pfersich, Chief, Packaged Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation
F. Wybenga, International Standards Coordinator, Office of Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation,
S.C. Hunt, Lieutenant, Packaged Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Adviser

R.F. Bohn, Hazardous Materials Coordinator, National Cargo Bureau, Inc., New York, NY

United States Delegation to the Forty-Eighth Session of the Human Rights Commission, United Nations Economic and Social Council (ECOSOC), Geneva, January 27–March 6, 1992

Representative

The Honorable J. Kenneth Blackwell, Ambassador, United States Representative to the United Nations Human Rights Commission

Alternate Representatives

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The Honorable Otto J. Reich, Washington, DC
The Honorable Richard Schifter, Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs, Department of State

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Marc E. Northern, United States Embassy, Copenhagen
David Pitts, Press Service/Europe, Bureau of Policy and Programs, United States Information Agency
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Kerstin G. Le Maire, University of Cincinnati Law School, Cincinnati, Ohio
Clyde Collins Snow, Norman, Oklahoma

United States Delegation to the World Administrative Radio Conference (WARC) 1992 of the International Radio Consultative Committee (CCIR) of the International Telecommunication Union (ITU), Torremolinas, Spain, February 3–March 3, 1992

Representative

The Honorable Jan Witold Baran, Ambassador, Chairman, United States Delegation

Alternate Representatives

Michael Fitch, Department of State, Vice Chairman and Executive Director, United States Delegation
The Honorable Gerald B. Helman, Ambassador, Vice Chairman, United States Delegation
Walda Roseman, Federal Communications Commission, Vice Chairman, United States Delegation
Charles Rush, Department of Commerce, Vice Chairman, United States Delegation
The Honorable Harrison Schmitt, Vice Chairman, United States Delegation
Francis S. Urbany, Bell South, Vice Chairman, United States Delegation

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John Gilsenan, International Communications and Information Policy, Department of State
William Hatch, National Telecommunications and Information Agency, Department of Commerce
Ann O. Heyward, Office of Commercial Programs, National Aeronautics and Space Administration
Karyl Irion, National Aeronautics and Space Administration
Edward Jacobs, Deputy Chief, Land, Mobile and Microwave Division, Private Radio Bureau, Federal Communications Commission
Harold Kimball, International Regulation and Technology, Division Director, National Telecommunications and Information Administration, Department of Commerce
William Luther, International Adviser, Field Operations Bureau, Federal Communications Commission
Niels Marquardt, First Secretary, American Embassy, Paris
Robert May, HQAF SMA/CA, United States Air Force, Department of Defense
Robert McIntyre, Private Radio Bureau, Federal Communications Commission
H. Donald Messer, Voice of America, United States Information Agency
Larry Olson, Chief, International Branch Negotiations, Federal Communications Commission
Lawrence Palmer, National Telecommunications and Information Agency, Department of Commerce
Steve R. Ratner, Economic, Business and Communications Affairs, Office of the Legal Adviser, Department of State
Warren Richards, International Communication and Information Policy, Department of State
Alan Rinker, National Aeronautics and Space Administration
Reynold L. Rose, OASD, Department of Defense
Robert M. Taylor, Office of Space Operations, National Aeronautics and Space Administration
Tom Tycz, Deputy Chief, Domestic Facilities Division, Federal Communications Commission
James Vorhies, National Telecommunications and Information Administration, Department of Commerce
Tom Walsh, International Engineer, Office of International Communications, Federal Communications Commission
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Ben C. Fisher, Fisher, Wayland, Cooper & Leader, Washington, DC
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Stanley Leinwoll, RE/RL, Incorporated, New York Programming Center, New York, New York
Ronald Lepkowski, Alexandria, Virginia
Lon Levin, American Mobile Satellite Corporation, Washington, DC
John Miller, Systems Engineering Division, Stanford Telecom, Seabrook, Maryland
Walter Pappas, Falls Church, Virginia
Leonard R. Raish, Fletcher, Heald & Hildreth, Washington, DC
Eugene Rappoport, AT&T, Bedminster, New Jersey
Edward E. Reinhart, McLean, Virginia
Paul Rinaldo, Manager, Technical Development, American Radio Relay

League, Incorporated, Newington, Connecticut
Paul R. Rodriguez, Leventhal, Senter & Lerman, Washington, DC
Leslie A. Taylor, President, Leslie Taylor Associates, Bethesda, Maryland
Roman Zaputowycz, Bell Atlantic, Bedminster, New Jersey

United States Delegation to the International Coffee Organization (ICO), London, February 4–7, 1992

Representative

Myles Frechette, Assistant United States Trade Representative for Latin America, Africa and the Caribbean, Executive Office of the President

Alternate Representative

Dan Cruz-DePaula, Deputy Director for Commodities, Office of the United States Trade Representative, Executive Office of the President

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Robert Windsor, Resources Officer, United States Mission, London

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United States Delegation to the Meeting of Study Group II (Network Operations and ISDN), International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, February 4–14, 1992

Representative

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Ben Levitan, Principal Engineer, ARINC, Annapolis, Maryland
James Longua, Ameritech Services, Hoffman Estates, Illinois
Robert W. Madden, Manager, American Telephone and Telegraph Company, Morristown, New Jersey
Gayle Murdock, Manager, U.S. West Communications, Seattle, Washington

United States Delegation to the 6th Negotiating Session of the Biological Diversity Convention, United Nations Environmental Program (UNEP), Nairobi, February 6–15, 1992

Representative

Eleanor W. Savage, Director, Office of Ecology, Health and Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

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Peter Jutro, Envirnonmental Protection Agency
Robert Szaro Forest Service Research, Department of Agriculture

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United States Delegation to the North American Forestry Commission, 16th Session, Food and Agriculture Organization (FAO), Cancun, Mexico, February 10–14, 1992

Representative

F. Dale Robertson, Chief, Forest Service, Department of Agriculture

Alternate Representative

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Forest Carpenter, Deputy Regional Forester, Southwestern Region, Forest Service, Department of Agriculture, Albuquerque, NM
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Olin D. White, Jr., President, National Association of State Foresters, Washington, DC

United States Delegation to the Accident Investigation Divisional Meeting, International Civil Aviation Organization (ICAO), Montreal, February 11–28, 1992

Representative

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Alternate Representative

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James Danaher, Chief, Operational Factors and Human Performance Division, Office of Aviation Safety, National Transportation Safety Board
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William Hendricks, Director, Office of Accident Investigation, Federal Aviation Administration
Bernard Loeb, Director, Office of Research and Engineering, National Transportation Safety Board
Monty Montgomery, Advisor on Flight Recorder Issues, Chief, Engineering Services Division, Office of Research and Engineering, National Transportation Safety Board
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Frank Rock, Avionics Engineer, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration
Stan Smith, Advisor on ADREP Issues, Chief, Data and Analysis Division, Office of Research and Engineering, National Transportation Safety Board
James P. Witeck, International Programs Officer, Programs and Plans Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration

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Director, Air Safety Investigation, Flight Operations, Boeing Commercial Airplane Group, Seattle, Washington 98124–2207

Paul McCarthy, Participation in Aircraft Accident Investigations, Air Line Pilots Association (ALPA) Representative, Marblehead, Massachusetts

United States Delegation to the 23rd Session of the Subcommittee on Standards of Training and Watchkeeping, International Maritime Organization (IMO), London, February 24–28, 1992

Representative

Christopher M. Young, Merchant Vessel Personnel Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Myles S. Boothe, Commander, Chief, Vessel Manning Branch, Merchant Vessel Personnel Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

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Edward V. Kelly, Vice President, Marine Engineers Beneficial Association, Washington, DC

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United States Delegation to the Meeting of Study Group III and Working Group for Question 33/III of the International Telegraph and Telephone Consultative Committee, International Telecommunication Union, Geneva, Switzerland, February 28–29 and March 2–6, 1992

Representative

Earl S. Barbely, Director, Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

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William Kirsch, Deputy Assistant Bureau Chief/International, Federal Communications Commission

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United States Delegation to the 32nd Session of the Marine Environment Protection Committee, International Maritime Organization (IMO), London, March 2–6, 1992

Representative

Rear Admiral Arthur E. Henn, Chief, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

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Margo Jackson, Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, Department of Commerce

Marion Mlay, Director, Oceans and Coastal Protection Division, Environmental Protection Agency

Steven Shapiro, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation

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Sally Ann Lentz, Oceanic Society, Washington, DC

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John Tucker, Vice President of Engineering, National Steel and Shipbuilding Co., San Diego, CA

David Usher, President, Spill Control Association of America, Detroit, MI

United States Delegation to the 1st Meeting of the Joint Global Investigation of Pollution in the Marine Environment, Intergovernmental Oceanographic Commission (IOC), United Nations Environmental Program (UNEP), Paris, March 4–7, 1992

Representative

Neil Andersen, Director, Chemical Oceanography Program, National Science Foundation

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United States Delegation to the Study Group XI Switching and Signalling Meeting of the International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, March 9–20, 1992

Representative

Otto J. Gusella, Executive Director, Exchange Carrier Standards Association, Washington, DC

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United States Delegation to the Study Group XI Switching and Signalling Meeting of the International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, March 9–20, 1992

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Anthony Toubassi, MCI, Richardson, Texas
Roger Wilmot, Computer Sciences Corporation, Falls Church, Virginia

United States Delegation to the Thirty-Sixth Session of the Commission on the Status of Women, United Nations Economic and Social Council (ECOSOC), Vienna, March 11–20, 1992

Representative

The Honorable Juliette Clagett McLennan, Ambassador, United States Representative to the United Nations Commission on the Status of Women

Alternate Representatives

The Honorable Jane E. Becker, Ambassador, United States Representative to International Organizations, Vienna
Gwendolyn Marie Boeke, Crescow, Iowa
Patricia S. Harrison, Arlington, Virginia
Gwendolyn S. King, Commissioner for Social Security, Social Security Administration, Department of Health and Human Services
Elsie Vartanian, Director, Women's Bureau, Department of Labor

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Mary Fran Freedman, Director, Office of Women in Development, Agency for International Development
Richard W. Hoover, United States Mission, Vienna
Sura R. Johnson, United States Mission, Vienna
John Knox, Office of United Nations Legal Affairs, Office of the Legal Adviser, Department of State
Sharon Kotok, Office of Human Rights and Women's Affairs, Bureau of International Organization Affairs, Department of State
Gregory B. Sprow, United States Mission, Vienna

Public Member

Esther Coopersmith, Potomac, Maryland

United States Delegation to the 66th Session of the Legal Committee, International Maritime Organization (IMO), London, March 16–20, 1992

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United States Delegation to the Working Party on the Facilitation of International Trade Procedures, 35th Session, and its Subgroups (ECE), Geneva, March 16–20, 1992

Representative

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Carrie L. Spencer, PAEB Database, Publications and Maintenance Administrator, Edifact Technical Assessment, Group Secretary/ Secretariat, Alexandria, Virginia

Jeffrey Sturrock, Chairman, ASCX12, Ernst & Young, Irving, Texas

Jeffrey B. Ritter, Legal Adviser and Co-rapporteur on Legal Questions, Vorys, Sater, Seymour and Pease, Columbus, Ohio

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United States Delegation to the 35th Session of the Subcommittee on Ship Design and Equipment, International Maritime Organization (IMO), London, March 23–27, 1992

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United States Delegation to the Final Meeting of the Plenary Period of Study Group I (Services) of the International Telegraph and Telephone Consultative Committee, International Telecommunication Union (ITU), Geneva, Switzerland, March 24–April 3, 1992

Representative

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Robert Madden, Manager, AT&T, Morristown, New Jersey

Herman R. Silbiger, Communications Consultant, Applicom, Tinton Falls, New Jersey

Blake Wattenbarger Engineering Supervisor, AT&T Bell Laboratories, Holmdel, New Jersey

United States Delegation to the Committee on Commodity Problems, Intergovernmental Group on Wine and Vine Products, 5th Session, Siena, Italy, March 30–April 3, 1992

Representative

Katherine Nishiura, Agricultural Economist, Horticultural and Tropical Products Division, Foreign Agricultural Service, Department of Agriculture

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United States Delegation to the 3rd Meeting of the Special Committee for the Monitoring and Coordination of the Development of Transition Planning for the Future Air Navigation Systems (FANS), International Civil Aviation Organization (ICAO), Montreal, March 30–April 14, 1992

Representative

Martin T. Pozesky, Associate Administrator, System Engineering and Development, Federal Aviation Administration

Alternate Representative

Norman Solat, Research and Development Service, Federal Aviation Administration

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Frank Colson, Director, Transportation and Federal Aviation, Office of the Secretary, United States Air Force, Department of Defense

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David DeCarme, Manager, International Organizations Branch, Office of International Aviation, Federal Aviation Administration

Joseph Dorfler, Manager, Satellite Navigation and Communication Program, Federal Aviation Administration

Joseph 0. Pitts, Manager, NAS Programs and Future Systems Branch, Advanced Systems and Facilities Division, Federal Aviation Administration

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United States Delegation to the Americas Regional Telecommunications Development Conference of the International Telecommunication Union (ITU), Acapulco, Mexico, March 31–April 4, 1992

Representative

The Honorable Bradley P. Holmes, United States Coordinator and Director, Bureau of International Communications and Information Policy, Department of State

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Ann LaFrance, Partner, Squire, Sanders and Dempsey, Washington, DC
Travis Marshall, Vice President, Motorola Corporation, Washington, DC
Judith O'Neill, Attorney, Steptoe & Johnson, Washington, DC
Aileen Pisciotta, International Communications Counsel, Latham & Watkins, Washington, DC

United States Delegation to the International Coffee Organization (ICO) Working Group (April 2–3) and International Coffee Organization Council Meeting (April 6–10), London, April 2–10, 1992

Representative

Myles Frechette, Assistant United States Trade Representative for Latin America, Africa and the Caribbean, Executive Office of the President

Alternate Representative

Dan Cruz-DePaula, Deputy Director for Commodities, Office of the United States Trade Representative, Executive Office of the President

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John Sutherland, Division of Quaker Oats Corp., Continental Coffee, Chicago, Il.
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Gregory W. White, Folgers Coffee, Cincinati, Ohio

United States Delegation to the 60th Session of the Maritime Safety Committee (MSC), International Maritime Organization (IMO), London, April 6–10, 1992

Representative

A.E. Henn, Rear Admiral, Chief, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

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Marvin J. Pontiff, Lieutenant Commander, Chief, Compliance and Enforcement Branch, United States Coast Guard, Department of Transportation
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United States Delegation to the Fifth Meeting of Study Group VII (Data Networks) of the International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, April 6–16, 1992

Representative

Gary M. Fereno, Senior Telecommunications Policy Specialist, Bureau of International Communications and Information Policy, Department of State

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Mark Neibert, Manager, International Digital and Protocol Standards, COMSAT, Washington, DC
Joel M. Snyder, Consultant, Tucson, Arizona

United States Delegation to the Meeting of Study Group 7 (Science Services) of the International Radio Consultative Committee (CCIR), International Telecommunication Union (ITU), Geneva, Switzerland, April 7–9, 1992

Representative

Robert M. Taylor, Spectrum Management Specialist, NASA Spectrum Management Program, National Aeronautics & Space Administration

Advisers

Roger E. Beehler, Manager, NBS Broadcast Services, National Institute of Standards and Technology, Department of Commerce
Harold G. Kimball, Chairman CCIR Study Group 7, Deputy Associate Administrator, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Roger Andrews, Atlantic Research Corporation, Professional Services Group, Sterling, Virginia
Alan Rinker, Atlantic Research Corporation, Professional Services Group, Sterling, Virginia

United States Delegation to the 30th Session of the Administrative and Legal Committee, International Union for the Protection of New Varieties of Plants (UPOV), Geneva, April 8–9, 1992

Representative

Lee J. Schroeder, United States Alternate Representative to the UPOV Council, Patent and Trademark Office, Department of Commerce

Adviser

Alan Atchly, Examiner, Plant Variety Protection Office, Department of Agriculture

Private Sector Adviser

Michael Roth, Chief Patent Counsel, Pioneer Hi Bred International, Inc., Des Moines, Iowa

United States Delegation to the Working Group/Technical Sessions and the Steel Committee, 40th Meeting, Organization for Economic Cooperation and Development (OECD), Paris, April 9–10, 1992

Representative to the Working Group Technical Sessions and Alternate Representative to the Policy Sessions

Robert Reiley, Director, Office of Metals, Minerals, and Commodities, Department of Commerce

Advisers

Margaret Jones, Office of Special Trade Activities, Bureau of Economic and Business Affairs, Department of State
Jane Richards, International Economist, Office of International Labor, Department of Labor
Arthur N. Stern, Acting Program Manager for Europe, Office of Agreements Compliance, Department of Commerce
Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frank Fenton, Vice President, American Iron and Steel Institute, Washington, DC
Peter Mulloney, Vice President, United States Steel Corporation
John Sheehan, Director of Legislative Affairs, United Steel Workers of America, Washington, DC

United States Delegation to the Working Group of the Maritime Transport Committee, Organization for Economic Cooperation and Development (OECD), Paris, April 9–10, 1992

Representative

Stephen M. Miller, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Ralph Edwards, Office of International Affairs, Maritime Administration, Department of Transportation

Adviser

Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Philip J. Loree, Chairman, Federation of American Controlled Shipping, New York, NY
Donald L. O'Hare, Sea-Land Corporation, Iselin, NJ
Peter Prowitt, American President Corporation, Washington, DC

United States Delegation to the Study Group VIII Terminals for Telematic Services Meeting of the International Telegraph and Telephone Consultative Committee (CCCITT), International Telecommunication Union (ITU), Geneva, Switzerland, April 22–30, 1992

Representative

Dennis Bodson, Deputy Director, National Communications Systems

Alternate Representative

Gary Fereno, Director of CITEL and CCITT, Standards and Policy, Bureau of International Communications and Information Policy, Department of State

Adviser

Steven Perschau, Senior Engineer, National Communications Systems

Private Sector Advisers

Bruce J. DeGrasse, Consultant, B.J. Communications, Dallas, Texas
Michael C. Nier, Senior Engineer, Eastman Kodak Company, Rochester, New York
Herman R. Silbiger, Communications Consultant, APPLICOM, Tinton Falls, New Jersey
Cornelius J. Starkey, Vice President, Data Beam Corporation, Lexington, Kentucky
Charles Touchton, Standards Engineer, IBM Corporation, Tampa, Florida

Steven Urban, Senior Engineer, Delta Information Systems, Horsham, Pennsylvania

United States Delegation to the 45th World Health Assembly, World Health Organization (WHO), Geneva, May 4–16, 1992

Delegates

James O. Mason, M.D. (Chief Delegate), Assistant Secretary for Health, United States Public Health Service, Department of Health and Human Services

Antonia C. Novello, M.D., Surgeon General, United States Public Health Service, Department of Health and Human Services

Alternate Delegates

The Honorable Morris B. Abram, Ambassador, United States Permanent Representative to the European Office of the United Nations, Geneva

Neil A. Boyer, Director, Health and Transportaton Programs, Bureau of International Organization Affairs, Department of State

James Sarn, M.D., Deputy Assistant Secretary for International Health, United States Public Health Service, Department of Health and Human Services

Advisers

Kenneth Bernard, M.D., Associate Director for Medical and Scientific Affairs, Office of International Health, United States Public Health Service, Department of Health and Human Services

John R. Crook, Counselor for Legal Affairs, United States Mission, Geneva

Joe H. Davis, M.D., Assistant Director for International Health, Centers for Disease Control, United States Public Health Service, Department of Health and Human Services

Peter D. Eicher, Counselor for Political Affairs, United States Mission, Geneva

Elizabeth A. Kimber, United States Mission, Geneva

Melinda L. Kimble, Deputy Assistant Secretary for International Development and Technical Specialized Agency Affairs, Bureau of International Organization Affairs, Department of State

Stuart Nightingale, M.D., Associate Commissioner for Health Affairs, Food and Drug Administration, United States Public Health Service, Department of Health and Human Services

Thomas E. Park, Deputy Director, Office of Health, Bureau for Research and Development, Agency for International Development

Vivian W. Pinn, M.D., Director, Office of Research on Women's Health, National Institutes of Health, United States Public Health Service, Department of Health and Human Services

Donald L. Pressley, Development Attache, United States Mission, Geneva

H. Clarke Rodgers, Deputy Chief of Mission, United States Mission, Geneva

Clayton F. Rubensaal, Jr., United States Mission, Geneva

Harold P. Thompson, Internatioal Health Attache, United States Mission, Geneva—

Private Sector Advisers

Tenley Albright, M.D., Chairman of the Board, Institute for Clinical Applications, Inc., Boston, Massachusetts

Alma Rose George, M.D., President, National Medical Association, Washington, DC

Eric Munoz, M.D., Medical Director, University Hospital, Associate Dean for Clinical Affairs and Associate Professor of Surgery, New Jersey Medical School, Newark, New Jersey

Margaretta Madden Styles, American Nurses Association, Livingston Professor of Nursing, University of California at San Francisco, San Francisco, Callifornia

William Walsh, M.D., Director, Project Hope, Washington, DC

United States Delegation to the Chemicals Group and Management Committee, 18th Joint Meeting, Organization for Economic Cooperation and Development (OECD) Paris, May 11–14, 1992

Representative

Linda J. Fisher, Assistant Administrator, Office of Pesticides and Toxic Substances, Environmental Protection Agency

Advisers

Charles Auer, Director, Existing Chemicals Assessment Division, Environmental Protection Agency

Mark A. Greenwood, Director, Office of Toxic Substances, Environmental Protection Agency

Breck Milroy, Office of Environmental Protection, Bureau of Oceans and International Environmental and Scientific Affairs, State Department

David A. Ogden, Office of International Activities, Environmental Protection Agency

Private Sector Advisers

Kenneth Murray, Exxon Corporation, East Brunswick, New Jersey

Polly Hopkin Thomas, World Wildlife Fund, Washington DC

United States Delegation to the Study Group II (Broadcasting Services—Television), International Radio Consultative Committee (CCIR), International Telecommunication Union (ITU), Geneva, Switzerland, May 11–14, 1992

Representative

Warren G. Richards, Standards and International Organizations, Bureau of International Communications and Information Policy, Department of State

Adviser

John Reiser, Electronics Engineer, Mass Media Bureau, Federal Communications Commission

Private Sector Adviser,

Edward E. Reinhart, Consultant, McLean, Virginia

United States Delegation to the CMTT Joint Study Group for Television and Sound Transmission, International Radio Consultative Committee, International Telegraph and Telephone Consultative Committee (CCIR/CCITT), International Telecommunication Union (ITU), Geneva, Switzwerland, May 11–14, 1992

Representative

John McGrath, GE Americom Inc., Princeton, New Jersey

Private Sector Adviser

Bruce Gravens, ABL Engineering, Mentor, Ohio

William P. Kinsella, GTE-Spacenet Corp., Engineering Department, McLean, Virginia

United States Delegation to the XXIV Meeting of the Permanent Executive Committee (COM/CITEL), Inter-American Telecommunications Conference (CITEL), Organization of American States (OAS), Santiago, Chile, May 11–15, 1992

Representative

Gary M. Fereno, Director for CITEL AND CCITT Policy, Bureau of International Communications and Information Policy, Department of State

Advisers

Douglas V. Davis, Attorney-Advisor, Common Carrier Bureau, Federal Communications Commission

William F. Moran, Program Director, National Telecommunication and

Information Administration, Department of Commerce

Private Sector Advisers

Raymond Crowell, Director, Strategic Planning, COMSAT Corporation, Washington, DC
Cecil Crump, Director, International Organizations and Standards, AT&T, Morristown, New Jersey
Thomas Plevyak, Manager, International Standards, Bell Atlantic Corporation, Arlington, Virginia

United States Delegation to the XXIV Meeting of the Permanent Executive Committee (COM/CITEL), Inter-American Telecommunications Conference (CITEL), Organization of American States (OAS), Santiago, Chile, May 11–15, 1992

Representative

Gary M. Fereno, Director for CITEL AND CCITT Policy, Bureau of International Communications and Information Policy, Department of State

Advisers

Douglas V. Davis, Attorney-Advisor, Common Carrier Bureau, Federal Communications Commission
William F. Moran, Program Director, National Telecommunication and Information Administration, Department of Commerce

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Raymond Crowell, Director, Strategic Planning, COMSAT Corporation, Washington, DC
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Thomas Plevyak, Manager, International Standards, Bell Atlantic Corporation, Arlington, Virginia

United States Delegation to the 7th Negotiating Session of the Biological Diversity Convention, United Nations Environmental Program (UNEP), Nairobi, May 11–21, 1992

Representative

Eleanor W. Savage, Director, Office of Ecology, Health and Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

John D. Buffington, Director of Research and Development, Fish and Wildlife Service, Department of Interior

Advisers

Melinda Chandler, Office of the Legal Advisor, Department of State
Luther V. Giddings, Staff Geneticist, Animal and Plant Health Inspection Service, Department of Agriculture
Henry Shands, National Program Leader for Plant Germ Plasm, Agricultural Research Service, Department of Agriculture
Merrit Sprague, Deputy Director, Office of Program Analysis, Department of Interior
Robert Szaro, Forest Service Research, Department of Agriculture
Bob Ward, Attorney, Office of the General Counsel, International Activities Division, Environmental Protection Agency

Private Sector Adviser

Don Maclauchlen, International Association of Fish and Wildlife Agencies, Annapolis, Maryland

United States Delegation to the 37th Session of the Subcommittee on Fire Protection, International Maritime Organization (IMO), London, May 18–22, 1992

Representative

Marjorie Murtaugh, Chief, Fire Protection Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Joseph Westwood-Booth, Fire Protection Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

Roy A. Nash, Lieutenant Commander, Fire Protection Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation
Stephen J. Ohnstad, Lieutenant, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation
Klaus Wahle, Survival Systems Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Advisors

Rupert Chandler, Hopeman Brothers Inc., Waynesboro, Virginia
Charles J. Dorchak, Jr., Head, SOLAS/IMO Group, Ship Engineering Department, American Bureau of Shipping, Houston, Texas
Russell P. Fleming, Vice President, National Fire Sprinkler Association, Paterson, New York
John Kimble, Chevron Shipping Co., San Francisco, California
William L. Testa, General Manager, Grinnell Corporation, Providence, Rhode Island

United States Delegation to the Office of International Epizootics, 60th General Session Paris, May 18–22, 1992

Representative

James W. Glosser, Special Assistant to the Administrator, Animal and Plant Health Inspection Service (APHIS), Department of Agriculture

Alternate Representative

Lonnie J. King, Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service (APHIS), Department of Agriculture

Advisers

Mark Dulin, Animal and Plant Health Inspection Service (APHIS), Department of Agriculture
James Smith, Animal and Plant Health Inspection Service (APHIS), Department of Agriculture
Alex B. Thiermann, Deputy Administrator, International Services, Department of Agriculture

Private Sector Adviser

James Steel, Professor Emeritus, University of Texas School of Medicine, Houston, Texas

United States Delegation to the ITU/CCIR Study Group 8 (Mobile, Radiodetermination, Amateur and Related Satellite Services), International Radio Consultative Committee (CCIR), International Telecommunication Union (ITU), Geneva, Switzerland, May 18–22, 1992

Representative and Chairman

Robert C. McIntyre, International Advisor, Private Radio Bureau, Federal Communications Commission

Advisers

Frank Rose, Private Radio Bureau, Federal Communications Commission
Richard L. Swanson, International Advisor, Private Radio Bureau, Federal Communications Commission
James T. Vorhees, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

William M. Borman Vice President, Government Relations, Motorola Inc., Washington, D. C.
Paul Rinaldo, American Radio Relay League, Newington, Connecticut

United States Delegation to the 28th Meeting of North Atlantic Systems Planning Group, International Civil Aviation Organization (ICAO), Paris, May 18–29, 1992

Representative

Gerald L. Richard, International Procedures Branch, Federal Aviation Administration, Department of Transportation

Advisers

Jeri K. Carson, International Operations Specialist, Federal Aviation Administration, Department of Transportation
Drazen T. Gardilcic, International Procedures Specialist, Federal Aviation Administration, Department of Transportation
Roy Grimes, Aviation Safety Inspector, Federal Aviation Administration, Department of Transportation
Dale Livingston, Technical Program Manager, Atlantic City Airport Technical Center, Federal Aviation Administration, Department of Transportation
Michael Pumphrey, Assistant Manager, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Richard Covell, Manager, Air Ground Operations Aeronautical Radio Inc., Annapolis, Maryland
William Russell, Director, Flight Technology, Air Transport Association of America, Washington, DC

United States Delegation to the Council of the International Natural Rubber Organization (INRO), Kuala Lumpur, Malaysia, May 19–27, 1992

Representative

Daniel Cruz-DePaula, Deputy Director for Commodity, Policy and North South Affairs, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

David Giesler, Economic Officer, United States Embassy, Kuala Lumpur

Private Sector Advisers

Mark Blitstein, Goodyear Tire and Rubber Company, Akron, Ohio
Harold Ross Miller, Managing Director, Goodrich Co. Pvt. Ltd, Singapore
Stanley Malcom Schultz, The Firestone Tire and Rubber Company, Akron, Ohio
Richard Alan Stauffer, Director, Cargill, Inc., Minnetonka, Minnesota
Peter W. C. Tan, Managing Director, Goodyear Orient Private Ltd., Singapore

United States Delegation to the First Meeting of Study Group 12, International Radio Consultative Committee (CCIR), International Telecommunication Union (ITU), Geneva, Switzerland, May 25–27, 1992

Representative and Chairman

William T. Hatch, National Telecommunications and Information Administration, Department of Commerce

Advisers

Robert Hinkle, National Telecommunications and Information Administration, Department of Commerce
William A. Luther, Field Operations Bureau, Federal Communications Commission

Private Sector Adviser and Vice Chairman

Hans J. Weiss, Vice President, Technical Policy, COMSAT Laboratories, Clarksburg, Maryland

Private Sector Adviser

William Rummler, AT&T Bell Laboratories, Crawfords Corner Road, Holmdel, New Jersey

United States Observer Delegation to the Commodities: International Olive Oil Council, 65th Session, Madrid, May 25–29, 1992

Principal Observer

Richard T. McDonnell, Agricultural Counselor, American Embassy, Madrid

Observer

Donald J. Mergen, Agricultural Attache, American Embassy, Madrid

Private Sector Adviser

David Daniels, Manager, California Olive Committee, Fresno, California

United States Delegation to the Maritime Transport Committee (MTC), June 1 and 3–4 and Informal Meeting Between Members of the Maritime Transport Committee and Representatives of the Central and Eastern European Countries (June 1–3), Organization for Economic Cooperation and Development (OECD), Paris, June 1–4, 1992

Representative

Geoffrey Ogden, Director, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of the State

Alternate Representative

Ralph Edwards, Office of International Affairs, Martitime Administration, Department of Transportation

Adviser

Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Philip J. Loree, Chairman, Federation of American Controlled Shipping, New York, New York
Donald L. O'Hare, Sea-Land Corporation, Iselin, New Jersey
Peter Prowitt, American President Corporation, Washington, DC

United States Delegation to the Antarctic Treaty Consultative Meeting, Buenos Aires, June 1–4, 1992

Representative

Raymond Arnaudo, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of the State

Advisers

John Bengtson, Chief, Marine Mammal Division, National Marine Fisheries Service, Department of Commerce
Sidney Draggan, Division of Polar Programs, National Science Foundation
Robert Hofman, Scientific Program Director, Marine Mammal Commission
Thomas Laughlin, National Oceanic and Atmospheric Administration, Department of Commerce
Carol Roberts, Deputy Director, Division of Polar Programs, National Science Foundation

Private Sector Adviser

Bruce Wiersma, Dean, College of Resources, University of Maine, Bangor, Maine

United States Delegation to the 49th Session of the Joint Working Group of the Committee on Capital Movements and Invisible Transactions (CMIT) and the Insurance Committee Organization for Economic Cooperation and Development (OECD), Paris, June 1–5, 1992

Representative

Bruce McAdam, Office of Service Industries, International Trade Administration, Department of Commerce

Adviser

James Heg, United States Mission to the Organization for Economic Cooperation and Development, Paris

Private Sector Advisers

Janet Belkin, Chairperson, International Committee, American Council of Life Insurance, Merrick, New York
Kevin T. Cronin, Washington Counsel, National Association of Insurance Commissioners, Washington, DC
Hans Miller, Hartford International Insurance Company, SA–NV, Brussels, Belgium
David Walsh, Director, Insurance Division, Department of Commerce, State of Alaska, Anchorage, Alaska

United States Delegation to the Ninth Annual Meeting of the North Atlantic Salmon Conservation Organization (NASCO), Washington, DC, June 8–12, 1992

Commissioners

Allen E. Peterson, Jr., Head of the United States Delegation to NASCO, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
David F Egan, United States Commissioner to NASCO, Guilford, Connecticut
Clinton B. Townsend, United States Commissioner to NASCO, Skowhegan, Maine

Advisers

Vaughn C. Anthony, Fishery Biologist, Northeast Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Jennifer L. Bailey, Office of International Affairs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Kevin Friedland, Fishery Biologist, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Arthur William Neill, Fishery Biologist, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Richard G. Seamans, Jr., Fishing Conservation and Management Division, Northeast Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Larry Snead, Director, Office of Fisheries Affairs, Bureau of Oceans and International Environment and Scientific Affairs, Department of State
H. Stetson Tinkham, Office of Fisheries Affairs, Bureau of Oceans and International Environment and Scientific Affairs, Department of State
James Weaver, Fishery Biologist, Fish and Wildlife Service, Department of the Interior

Private Sector Advisers

Edward T. Baum, Fishery Scientist, State of Maine, Atlantic Sea Run Salmon Commission, Bangor, Maine
Jane M. Cleaves, New England Regional Coordinator, Atlantic Salmon Federation, Bowdoinham, Maine
Robert A. Jones, Director, DEP, Bureau of Fisheries, Hartford, Connecticut
Henry Lyman, Publisher Emeritus, Salt Water Sportsman, Inc., Boston, Massachusetts
John C. Phillips, Commissioner, Massachusetts Department of Fisheries, Wildlife Environmental and Law Enforcement, Boston, Massachusetts
Gilbert C. Radonski, President, Sport Fishing Institute, Washington, DC
Andrew V. Stout, Executive Director, New England Atlantic Salmon Association, Newburyport, Massachusetts

United States Delegation to the Study Group XVII Working Parties (Data Transmission Over the Public Telephone Network), International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, June 8–12, 1992

Representative

Gary M. Fereno, Director, CITEL and CCITT Standards Policy, Bureau of International Communications and Information Policy, Department of State

Adviser

Robert Fenischel, Electronics Engineer, National Communication System

Private Sector Adviser

Richard Brandt, President, D.B. Consultants, Annandale, New Jersey

United States Delegation to the Permanent Technical Committee-1 (PTC–1) and Working Groups and Ad Hoc Groups of the Organization of American States (OAS), Inter-American Telecommunication Conference (CITEL), San Pedro Sula, Honduras, June 8–16, 1992

Representative

Earl S. Barbely, Director for Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

Advisers

Douglas V. Davis, Senior Attorney/Advisor, Federal Communications Commission
David Long, Director, Telecom Trade Policy, Office of the United States Trade Representative, Executive Office of the President
William Moran, Program Manager, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

William Borman, Vice President and Director of Global Spectrum, Motorola, Inc., Washington, DC
Raymond B. Crowell, Director, Strategic Planning, COMSAT, Washington, DC
Cecil Crump, District Director, International Organization and Standards, AT&T, Morristown, New Jersey

United States Delegation to the Committee for Information, Computer and Communications Policy (ICCP), Working Party on Telecommunications and Information Services Policies (TISP), Organization for Economic Cooperation and Development (OECD), 9th Session, Paris, June 9–10, 1992

Representative

Helen A. Shaw, Director, Division of International Communications, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce

Alternate Representative

Amy Winton, Economist, Office of Trade, Bureau of Economic and Business Affairs, Department of State

Adviser

Mary Inoussa, Office of Service Industries, International Trade

Administration, Department of Commerce

Private Sector Advisers

David N. Porter, AT&T, Basking Ridge, New Jersey
Leland W. Schmidt, GTE Telephone Operations, Irving, Texas

United States Delegation to the Study Group XVIII and its Working Parties Meeting, International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, June 9–19, 1992

Representative

William F. Utlaut, Director, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce

Alternate Representative

Gary M. Fereno, Director for CITEL and CCITT Standards Policy, Bureau of International Communications and Information Policy, Department of State

Advisers

Wendell R. Harris, Assistant Bureau Chief, Common Carrier Bureau, Federal Communications Commission
Richard O. Savoye, Defense Information System Agency
Neil Seitz, Deputy Director, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

William J. Buckley, Vice President, Technical Development, Verilink, San Jose, California
William L. Edwards, Standards Engineer, Sprint, Overland Park, Kansas
Gary Fishman, Technical Industry Standards, AT&T, Bedminster, New Jersey
Demosthenes Kostas, Manager, Standards Development, GTE Telephone Operations, Irving, Texas
Thomas L. Lyon, Computer Engineer, Sun Microsystems, Inc., Mountain View, California
Amitabha Sen, Technical Staff, Motorola, Inc., Washington, DC
Randall Spusta, Standards Engineer, BELLCORE, Red Bank, New Jersey
John A. Strand III, Director, Sprint, Overland Park, Kansas
Anthony Toubassi, Advisory Engineer, MCI, Richardson, Texas
Melvin Woinsky, Manager, Technology Planning, Northern Telecom, Inc., Morristown, New Jersey

United States Delegation to the First Session of the Committee of Experts on a Model Law on the Protection of the Intellectual Property Rights of Producers of Sound Recordings, World Intellectual Property Organization (WIPO), Geneva, Switzerland, June 15–19, 1992

Representative

Larry A. Nelsen, Director, Office of Intellectual Property and Competition, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Lewis Flacks, Policy Planning Advisor, Copyright Office, Library of Congress

Private Sector Advisers

Jason Berman, President, Recording Industry Association of America, Washington, DC
Reed Farrell, President, American Federation of Television and Radio Artists
John Golodnar, President, American Federation of Musicians, Chevy Chase, Maryland
Bruce York, National Executive Director, American Federation of Television and Radio Artists

United States Delegation to the Executive Board Meeting of the United Nations Children's Fund (UNICEF), New York, June 15–26, 1992

Representative

Mary Ann Stewart [Mrs. Potter Stewart], United States Alternate Representative to the United Nations Children's Fund, Washington, DC

Alternate Reresentative

The Honorable Jonthan Moore, Ambassador, United States Representative to the Economic and Social Council of the United Nations, New York

Advisers

Thomas G. Beck, Office of International Donor Programs, Policy Directorate, Agency for International Development
Stanley J. Bennett, United States Mission to the United Nations, New York
Kimberly J. DeBlauw, Office of International Development Assistance, Bureau of International Organization Affairs, Department of State,
Russell F. Graham, United States Mission to the United Nations, New York
Teresa D. Hobgood, Office of United Nations System Budgets, Bureau of International Organization Affairs, Department of State
Dr. Audrey P. Manley, Deputy Assistant Secretary for Health, Department of Health and Human Services
The Honorable Edward Marks, Minister-Counselor, Deputy United States Representative to the Economic and Social Council of the United Nations
Thomas E. Park, Deputy Director, Office of Health, Research and Development Bureau, Agency for International Development
Margaret J. Pollack, Chief, Economic and Humanitarian Assistance, Office of International Development Assistance, Bureau of International Organization Affairs, Department of State
Susan Shearouse, United States Mission to the United Nations, New York
Linda Vogel, Office of International Health, Department of Health and Human Services

Private Sector Adviser

Lawrence E. Bruce, Jr., President, United States Committee for the United Nations Children's Fund, New York

United States Delegation to the Commodities: International Wheat Council (IWC); 117th Session, London, June 22–24, 1992

Representative

Donald J. Novotny, Director, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture

Alternate Representative

Thomas L. Robinson, Director-Designate, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State

Advisers

Leslie Berger, Agricultural Attache, American Embassy, London
Tim Power, Grain and Food Division, Foreign Agricultural Service, Department of Agriculture
Jim Rudbeck, Agricultural Counselor, American Embassy, London, England

Private Sector Adviser

Winston Wilson, President, U.S. Wheat Association, Washington, DC

United States Delegation to the Study Group III (Charging and Accounting Principles), Working Party 4 for Telephone Accounting Principles of the International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, June 22–25, 1992

Representative

Earl S. Barbely, Director, Telecommunications and

Informational Standards, Bureau of International Communications and Information Policy, Department of State

Advisers

William Kirsch, Deputy Assistant Bureau Chief/International, Federal Communications Commission
Suzanne Settle, Program Manager, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Donald P. Casey, Director, Regulatory, Western Union Corporation, Upper Saddle River, New Jersey
Robert Madden, Manager, American Tetephone & Telegraph, Morristown, New Jersey
Mark Niebert, Manager, COMSAT, Washington, DC
Philip Onstad, Consultant, International Communications Association, Washington, DC
Marcel E. Scheidegger, MCI International, Rye Brook, New York
Richard W. Stone, Cable and Wireless Communications, Ltd., Vienna, Virginia
Carmine Taglialatela, Jr., Advisory Engineer, MCI Telecommunications, Inc., Washington, DC

United States Delegation to the Negotiating Group for a New International Coffee Agreement, International Coffee Organization (ICO) London, June 22–26, 1992

Representative

Myles R.R. Frechette, Assistant United States Trade Representative, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

William A. Weingarten, Director, Office of Food Policy Programs, Bureau of Economic and Business Affairs, Department of State

Advisers

Ralph Ives, Director for Andean Affairs, Office of the United States Trade Representative, Executive Office of the President
Robert Windsor, United States Embassy, London

Private Sector Advisers

David A. Brown Maxwell House Coffee Company, Division of Kraft General Foods, White Plains, New York
Richard Emanuele, Tardivat International Coffee Corporation, New York, New York
Stephen H. Gluck, Vice President, Cargill Coffee PLC, Surrey, United Kingdom
James P. McCrea, Louis Dreyfus Coffee Company, Wilton, Connecticut
John Sutherland, Continental Coffee, Division of Quaker Oats Corporation, Chicago, Illinois
Richard L. Thompson, Vice President, Commodities, Nestle Beverage Company, San Francisco, California
Gregory W. White, Folgers Coffee Company, Cincinnati, Ohio

United States Delegation to the International Copper Study Group (ICSG), United Nations Conference on Trade and Development (UNCTAD), Geneva, June 22–26, 1992

Representative

Robert Reiley, Director, Office of Metals, Chemicals and Commodities, Department of Commerce

Alternate Representative

Robert MacSwain, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

Advisers

Brian Duggan, Copper Industry Specialist, Office of Metals, Chemicals and Commodities, Department of Commerce
Janice Jolly, Copper Commodity Specialist, Bureau of Mines, Department of Interior

Private Sector Advisers

David Litvin, Director, Government Affairs, Kennecot Corporation, Washington, DC
W. Stuart Lyman, Senior Vice President, Copper Development Association, Greenwich, Connecticut
Arthur Meile, Vice President, Marketing, Phelps Dodge Corporation, Phoenix, Arizona
Robert Payne, President, Copper Development Association, Greenwich, Connecticut

Unted States Delegation to the 2nd Meeting of the Automatic Dependent Surveillance Panel (ADSP), International Civil Aviation Organization (ICAO), Montreal, June 22–July 10, 1992

Representative

W. Frank Price, Manager, International Procedures Branch, Federal Aviation Administration, Department of Transportation

Alternate Representative

Peter Massoglia, Research and Development Service, Federal Aviation Administration, Department of Transportation

Advisers

Brian Colamosca, Operations, Research and Analysis Branch, Federal Aviation Administration, Department of Transportation
Steve Creamer, International Procedures Specialist, ATP–145, Federal Aviation Administration, Department of Transportation
Bennett Flax, Operations, Research and Analysis Branch, Federal Aviation Administration, Department of Transportation
Elbert Henry, NAS Plans and Future Systems Branch, Federal Aviation Administration, Department of Transportation
Frank Lorge, Electronics Engineer, Federal Aviation Administration, Department of Transportation
Hal Ludwig, NAS System Engineering Service, Federal Aviation Administration, Department of Transportation
Jeffrey Williams, International Procedures Specialist, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Lonnie H. Bowlin, Aerospace Engineering and Research Association, Inc., Landover, Maryland
Faye Francy, Aerospace Engineering and Research Association, Inc., Landover, Maryland
Jane Hamelink, MITRE Corporation, McLean, Virgina
Ray Hilton, Director, Air Traffic Management, Air Transport Association of America, Washington, DC
Beth Van Houtte, Aeronautical Radio, Inc., Annapolis, Maryland

United States Delegation to the 44th Annual Meeting of the International Whaling Commission (IWC), Glasgow, Scotland, June 23–July 3, 1992

Representative

John Knauss, United States Commissioner, Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce

Alternate Representative

Sylvia Earle, United States Deputy Commissioner, Chief Scientist, National Oceanic and Atmospheric Administration, Department of Commerce

Congressional Staff Advisers

Jill Brady, Staff Member, Committee on the Merchant Marine and Fisheries,

United States House of Representatives
Earl W. Comstock, Staff Member, Committee on Science, Commerce and Transportation, United States House of Representatives

Advisers

David Balton, Office of the Legal Adviser, Department of State
James Brennan, Deputy General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce
Robert Brownell, Office of Oceans Affairs, Bureau of Oceans and International Environment and Scientific Affairs, Department of State
Kevin Chu, Office of Oceans Affairs, Bureau of Oceans and International Environment and Scientific Affairs, Department of State
Anne Crichton, Office of the Solicitor, Department of Interior
Becky Rootes, Office of International Affairs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Eileen Sobeck, Land and Natural Resources Division, Department of Justice
Michael Tillman, Deputy Assistant Administrator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Nancy Azzam, Windstar Foundation, Golden Valley, Minnesota
Nancy Daves, Animal Protection Institute of America, Washington, DC
William Evans, President, Texas Institute of Oceanography, Texas A&M University, Galveston, Texas
John Prescott, American Association of Zoological Parks and Aquariums, Boston, Massachusetts
Burton Rexford, Chairman, Alaskan Eskimo Whaling Commission

United States Delegation to the Study Group II (Network Operation) of the International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, June 26, 1992

Representative

Earl S. Barbely, Director, Telecommunications and Informational Standards, Bureau of International Communications and Information Policy, Department of State

Private Sector Advisers

Ivor Knight, Vice President, Business Technology and Standards, COMSAT, Washington, DC
Robert Madden, Manager, American Telephone & Telegraph, Morristown, New Jersey

United States Delegation to the Working Group on Controls (July 27–28), Negotiating Group for a New Agreement (July 29–31), International Coffee Organization (ICO), London, July 27–31, 1992

Working Group on Controls (July 27–28)

Representative

Ralph Ives, Director for Andean Affairs, Office of the United States Trade Representative, Executive Office of the President

Private Sector Advisers

David A. Brown, Maxwell House Coffee Company, White Plains, New York
Stephen H. Gluck, Vice President, Cargill Coffee PLC, Surrey, United Kingdom
James P. McCrea, Louis Dreyfus Coffee Company, Wilton, Connecticut
John Sutherland, Continental Coffee Products, Division of Quaker Oats Corporation, Chicago, Illinois
Richard L. Thompson, Vice President, Commodities, Nestle Beverages, San Francisco, California
Gregory W. White, Folgers Coffee Company, Chicago, Illinois

Negotiating Group for a New Agreement (July 29–31)

Representative

Myles R. R. Frechette, Assistant United States Trade Representative, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Ralph Ives, Director for Andean Affairs, Office of the United States Trade Representative, Executive Office of the President

Adviser

Thomas L. Robinson, Director, Office of Food Policy Programs, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

David A. Brown, Maxwell House Coffee Company, White Plains, New York
Stephen H. Gluck, Vice President, Cargill Coffee PLC, Surrey, United Kingdom
James P. McCrea, Louis Dreyfus Coffee Company, Wilton, Connecticut
John Sutherland, Continental Coffee Products, Division of Quaker Oats Corporation, Chicago, Illinois
Richard L. Thompson, Vice President, Commodities, Nestle Beverages, San Francisco, California
Gregory W. White, Folgers Coffee Company, Chicago, Illinois

United States Delegation to the Fourth Asian and Pacific Population Conference, Economic and Social Commission for Asia and the Pacific (ESCAP), Bali, Indonesia, August 19–27, 1992

Representative

The Honorable Robert L. Barry, United States Ambassador, Jakarta

Alternate Representative

Nancy O'Carter, Coordinator for Population Affairs, Bureau of Oceans and International, Environmental and Scientific Affairs, Department of State

Advisers

Richard Bash, Economic Counselor, United States Embassy, Jakarta
Richard Cornelius, Deputy Chief, Policy and Evaluation Division, Office of Population, Agency for International Development
Frank Hobbs, Chief, Population Studies Branch, Center for International Research, Bureau of the Census, Department of Commerce
John Rogosh, Director, Office of Human and Institutional Resources and Development, Agency for International Development, United States Embassy, Jakarta
Charles Weden, Director, Agency for International Development Mission, United States Embassy, Jakarta

Private Sector Adviser

Adienne Allison, Vice President, Center for Development and Population Activities (CEDPA), Washington, DC

United States Delegation to the 22nd Session of the Subcommittee on Bulk Chemicals, International Maritime Organization (IMO), London, September 7–11, 1992

Representative

Kevin J. Eldridge, Commander, Chief, Hazardous Materials Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Michael C. Parnarouskis, Chief, Bulk Cargo Section, Marine Technical and Hazardous Materials Division, Office

of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisors

Wayne Lundy, Marine Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Michael D. Morrissette, Chief, Hazard Evaluation Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Adviser

Robert J. Lakey, Robert J. Lakey & Associates Inc., Houston, Texas

United States Delegation to the Third Session of the Regional Committee for the Northern and Central Western Indian Ocean (IOCINCWIO), Intergovernmental Oceanographic Commission (IOC), Port Louis, Mauritius, September 14–18, 1992

Head of Delegation

William Erb, Director, Marine Science and Technology Division, Office of Ocean Affairs, Bureau of Oceans and International Environmental Scientific Affairs, Department of State

Private Sector Adviser

Eric Jon Lindstrom, World Ocean Circulation Experiment, Washington, DC

United States Delegation to Council Working Party Six on Shipbuilding, Subgroup on Supply and Demand, Organization for Economic Cooperation and Development (OECD), Paris, September 21–22, 1992

Representatives

Geoffrey Ogden, Director, Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State

David Morrissy, Director, Capital Goods Trade Policy, Office of the United States Trade Representative, Executive Office of the President

Private Sector Adviser

John J. Stocker, President, Shipbuilders Council of America, Arlington, Virginia

United States Delegation to the International Coffee Council 59th Session and Working Committee of the Negotiating Group for a New International Coffee Agreement, London, September 21–30, 1992

Representative

Myles R. R. Frechette, Assistant United States Trade Representative, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Ralph Ives, Director for Andean Affairs, Office of the United States Trade Representative, Executive Office of the President

Advisers

Thomas Robinson, Director, Office of Food Policy Programs, Bureau of Economic and Business Affairs, Department of State

Duane Sams, Deputy Director for Commodity Policy, Office of the United States Trade Representative, Executive Office of the President

Robert Windsor, United States Embassy, London

Private Sector Advisers

George E. Boecklin, President, National Coffee Association, New York, New York

David A. Brown, Maxwell House Coffee Company, White Plains, New York

Richard Emanuele, Tardivat International Coffee Corporation, New York, New York

Stephen H. Gluck, Vice President, Cargill Coffee PLC, Surrey, United Kingdom

John T. Hays, Founder/Director, Coffees of Hawaii, Incorporated, Honolulu, Hawaii

Howard C. Katz, J. Aron and Company, New York, New York

James P. McCrea, Louis Dreyfus Coffee Company, Wilton, Connecticut

John Sutherland, Continental Coffee, Chicago, Illinois

Richard L. Thompson, Vice President, Commodities, Nestle Beverage Company, San Francisco, California

Gregory W. White, Folger Coffee Company, Cincinnati, Ohio

United States Delegation to the 80th Meeting of the International Council for the Exploration of the Sea (ICES), Rostock, Germany, September 23–October 2, 1992

Representative

Michael P. Sissenwine, Senior Scientist, Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce

Alternate Representative

John H. Steele, President Emeritus, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts

Advisers

Stephen Clark, Deputy Chief, Conservation and Utilization Division, Northeast Fisheries Center, National Marine Fisheries Service, Department of Commerce

Michael Fogarty, National Marine Fisheries Service, Department of Commerce

Kevin Friedland, Principal Investigator, Atlantic Salmon Program, Northeast Fisheries Science Center, National Marine Fisheries Service, Department of Commerce

James L. Ludke, Director, National Fisheries Research Center Leetown, Fish and Wildlife Service, Department of Interior

Robert V. Miller, Deputy Director, National Marine Mammal Laboratory, National Marine Fisheries Service, Department of Commerce

Steven A. Murawski, Supervisory Fishery Biologist, Northeast Fisheries Center, National Marine Fisheries Service, Department of Commerce

Michael Reeve, Ocean Science Division, National Science Foundation

Frederick M. Serchuk, Supervisory Fishery Biologist, Northeast Fisheries Center, National Marine Fisheries Service, Department of Commerce

Kenneth Sherman, Chief, Fisheries Ecology Division, Northeast Fisheries Center, National Marine Fisheries Service, Department of Commerce

Tim Smith, Chief, Marine Mammals Investigations, Woods Hole Laboratory, National Marine Fisheries Service, Department of Commerce

James J. Traynor, Alaska Fisheries Science Center, National Marine Fisheries Service, Department of Commerce

Private Sector Advisers

Vance Holliday, Tracor Inc., San Diego, California

Edward D. Houde, Chesapeake Biological Laboratory, University of Maryland, Solomons, Maryland

Thomas Osborne, The John Hopkins University, Baltimore, Maryland

Charles H. Peterson, Institute Of Marine Sciences, University of North Carolina, Chapel Hill, Morehead City, North Carolina

Brian J. Rothschild, Chesapeake Biological Laboratory, University of Maryland, Solomons, Maryland

Herbert L. Windom, Skidaway Institute of Oceanography, Savannah, Georgia

United States Delegation to the International Cotton Advisory Committee (ICAC), 51st Plenary Meeting, Liverpool, September 28–October 2, 1992

Representative

Dean Ethridge, Deputy Administrator for Program Planning and Development, Agricultural Stabilization and Conservation Service, Department of Agriculture

Alternate Representative

Kenneth E. Howland, Director, Tobacco, Cotton and Seeds Division, Foreign Agricultural Service, Department of Agriculture

Advisers

Lana Bennett, Marketing Specialist, Tobacco, Cotton and Seeds Division, Foreign Agricultural Service, Department of Agriculture

Carol J. Skelly, Agricultural Economist, Fiber and Rice Analysis Division, Agricultural Stabilization and Conservation Service, Department of Agriculture

Carolyn L. Whitton, Section Leader, Commodity and Trade Analysis Branch, Economic Research Service, Department of Agriculture

Private Sector Advisors

Jesse S. Barr, Assistant Director of Economic Services, National Cotton Council, Memphis, Tennessee

James E. Echols, President, American Cotton Shippers Association, Memphis, Tennessee

Neal P. Gillen, Executive Vice President and General Counsel, American Cotton Shippers Association Washington, DC

John K. Henley, Director, Cotlook Ltd., Memphis, Tennessee

William E. May, Vice President for Foreign Operations and Administration, American Cotton Shippers Association, Memphis, Tennessee

Joseph J. O'Neill, President, New York Cotton Exchange, New York, New York

United States Delegation to the 67th Session of the Legal Committee, International Maritime Organization (IMO), London, September 28–October 2, 1992

Representative

David J. Kantor, Captain, Chief, Maritime & International Law Division, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Alternate Representative

Mark J. Yost, Lieutenant Commander, Maritime & International Law Division, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Advisers

Melinda Chandler, Attorney, Office of the Legal Adviser, Department of State

Bruce B. Davidson, Commander, Deputy Director, International Law Division, United States Navy, Department of Defense

Michael D. Morrissette, Chief, Hazard Evaluation Section, Hazardous Materials Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security & Environmental Protection, United States Coast Guard, Department of Transportation

Kim G. Santos, Branch Chief, Office of Automated Commercial Systems, Customs Service, Treasury Department

Private Sector Advisers

Ernest J. Corrado, President, American Institute of Merchant Shipping, Washington, DC

Neil D. Hobson, Chairman, Maritime Law Association Committee on Transportation of Hazardous Substances, Milling, Benson, Woodward, Hillyer, Pierson & Miller, New Orleans, Louisiana

Michael P. Walls, Assistant General Counsel, Chemical Manufacturers Association, Washington, DC

United States Delegation to the First Annual Meeting of the North Pacific Marine Science Organization (PICES), Victoria British Columbia, Canada, October 12–17, 1992

Representative

William Aron, Director, Alaska Fisheries Science Center, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce

Alternate Representative

Vera Alexander, Dean, School of Fisheries and Ocean Sciences, University of Alaska, Fairbanks, Alaska

Advisers

William A. Erb, Office of Ocean Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Glenn A. Flittner, Director, Office of Research and Environmental Information, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce

John Hunter, Chief, Coastal Fisheries Resource Division, Southwest Fisheries Science Center, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce

Linda Jones, Deputy Director, Northwest Fisheries Science Center, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce

James E. Overland, Leader, Coastal and Arctic Research Division, Oceanic and Atmospheric Research, Pacific Marine Environmental Laboratory, National Oceanic and Atmospheric Administration, Department of Commerce

Gary Stauffer, Director, Resource Assessment and Conservation Engineering Division, Alaska Fisheries Science Center, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce

Sidney D. Stillwaugh, National Oceanographic Data Center Liaison Office, National Oceanic and Atmospheric Administration, National Environmental Satellite, Data, and Information Service, Department of Commerce

William L. Sullivan, Jr., Office of Ocean Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Robin L. Tuttle, Office of International Affairs, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce

Usha Varanasi, Director, Environmental Conservation Division, Northwest Fisheries Science Center, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce

C. Michael Watson, Regional Toxicologist, Health and Environmental Assessment Section, Environmental Protection Agency

Private Sector Advisers

Douglas M. Eggers, Chief Fisheries Scientist, Division of Commercial Fisheries, Alaska Department of Fish and Game

Michael M. Mullin, Marine Life Research Program, Scripps Institution of Oceanography, University of California, La Jolla, California

David L. Musgrave, Institute of Marine Science, University of Alaska, Fairbanks, Alaska

William S. Reeburgh, Institute of Marine Science, University of Alaska, Fairbanks, Alaska

Stephen C. Riser, School of Oceanography, University of Washington, Seattle, Washington

Albert Tyler, Associate Dean, School of Fisheries and Ocean Sciences, University of Alaska, Fairbanks, Alaska

United States Delegation to the 44th Session of the Subcommittee on the Carriage of Dangerous Goods, International Maritime Organization (IMO), London, October 19–23, 1992

Representative

Kevin J. Eldridge, Commander, Chief, Hazardous Materials Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Phillip C. Olenik, Lieutenant Commander, Packaged Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

Emmanuel P. Pfersich, Chief, Packaged Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Frits Wybenga, International Standards Coordinator, Office of Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation

Steven C. Hunt, Lieutenant, Packaged Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Adviser

Ronald F. Bohn, Hazardous Materials Coordinator, National Cargo Bureau, Inc., New York, New York

United States Delegation to the General Working Party, First Session, Maritime Transport Committee, Organization for Economic Cooperation and Development (OECD), Paris, October 23–24, 1992

Representative

Stephen M. Miller, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

Philip J. Loree, Chairman, Federation of American Controlled Shipping, New York, New York

Donald L. O'Hare, Sea-Land Corporation, Iselin, New Jersey

United States Delegation to the 33rd Session of the Marine Environment Protection Committee (MEPC), International Maritime Organization (IMO), London, October 26–30, 1992

Representative

Robert T. Nelson, Vice Admiral, Vice Commandant, United States Coast Guard, Department of Transportation

Alternate

Arthur E. Henn, Rear Admiral, Chief, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

Joseph J. Angelo, Chief, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation

Brian Berringer, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation

Robert Blumberg, Office of Marine Law and Policy, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

William Chubb, Commander, Assistant Chief, Marine Environmental Protection Division, United States Coast Guard, Department of Transportation

Michael J. Donohoe, Captain, Chief, Marine Environmental Protection Division, United States Coast Guard, Department of Transportation

John Holmes, Lieutenant Commander, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation

Margo Jackson, Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, Department of Commerce

Marion Mlay, Director, Oceans and Coastal Protection Division, Environmental Protection Agency

Peter Popko, Commander, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation

Sidney A. Wallace, Rear Admiral (retired), Chairman, Marine Environment Protection Committee, United States Coast Guard, Department of Transportation

Private Sector Advisers

Joseph Cox, American Institute of Merchant Shipping, Washington, DC

James Dolan, Executive Vice President, American Bureau of Shipping, New York, New York

Sally Ann Lentz, Ocean's Advocates, Washington, DC

R. Keith Michel, President, Herbert Engineering Corp., San Francisco, California

Richard Thorpe, Vice President, Exports and Technical Research, Shipbuilders Council of America, Fairfax, Virginia

United States Delegation to the 31st Session of the Administrative and Legal Committee, October 26–27, 45th Session of the Consultative Committee, October 28, 26th Session of the Council, October 29, 6th International Union for the Protection of New Varieties of Plants With International Organizations, October 30, Geneva, October 26–October 30, 1992

Representative

H. Dieter Hoinkes, International Intellectual Specialist, Patent and Trademark Office, Department of Commerce

Alternative Representative

Kenneth Evans, Commissioner, Plant Variety Protection Office, Department of Agriculture

Private Sector Advisers

Michael Roth, Patent Counsel, Pioneer Hi-Bred International, Inc., Des Moines, Iowa

Edward Robinson, Chairman, Intellectual Property Rights Committee, American Seed Trade Association, Waterloo, Nebraska

United States Delegation to the Meeting of the Financial and Administrative Committee, International North Pacific Fisheries Commission (INPFC), Vancouver, Canada, November 2–3, 1992

Commissioners

The Honorable Richard B. Lauber (Head of Delegation), United States Commissioner, International North

Pacific Fisheries Commission, Juneau, Alaska
The Honorable Steven Pennoyer, United States Commissioner, International North Pacific Fisheries Commission, Regional Director, National Marine Fisheries Service, Department of Commerce

Adviser

A. George Herrfurth, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
James C. Lewis, Budget Officer, Office of the Executive Director, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Private Sector Adviser

David Benton, Director, External and International Fisheries Affairs, Office of the Commissioner, Alaska Department of Fish and Game, Juneau, Alaska

United States Delegation to the International Tropical Timber Council (ITTC), 13th Session, November 16–21, 1992, and Preparatory Committee for the Renegotiation of the International Tropical Timber Agreement (ITTA), First Session, November 11–13 and November 23–24, International Tropical Timber Organization (ITTO), Yokohama, November 13–24, 1992

Representative

Milton Drucker, Deputy Director, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Duane Sams, Director, Commodity Policy, Office of the United States Trade Representative, Executive Office of the President

Advisers

Stephanie Caswell, Office of the Environment, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Robert Mowbray, Senior Natural Resources Management Specialist, United States Agency for International Development
David Harcharik, United States Forest Service, Department of Agriculture
Michael Martin, United States Forest Service, Department of Agriculture
Franklyn Moore, Environmental Protection Agency
Michael Hicks, Foreign Agricultural Service, Department of Agriculture
Kathy McNamara, Office of Materials, Machinery, and Chemicals, Department of Commerce

Private Sector Advisers

Mark Dillenbeck, World Conservation Union, Washington, DC
Robert Johnson, Herman Miller, Inc., Zeeland, Michigan

United States Delegation to the International Coffee Organization Council and Working Committee for a New International Coffee Agreement (ICA), International Coffee Organization (ICO), London, November 23–December 1, 1992

Representative

Myles R.R. Frechette, Assistant United States Trade Representative, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Ralph Ives, Director for Andean Affairs, Office of the United States Trade Representative, Executive Office of the President

Advisers

Michael Glover, Economics Officer, United States Embassy, London
Thomas Robinson, Director, Office of Food Policy Programs, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

George E. Boecklin, President, National Coffee Association, U.S.A., New York, New York
Howard C. Katz, J. Aron and Company, New York, New York
John Sutherland, Continental Coffee Products, Chicago, Illinois

United States Delegation to the Negotiations Working Group (November 23–24), and Council and Committees (November 25–December 2), International Natural Rubber Organization (INRO), Kuala Lumpur, November 23–December 2, 1992

Representative

Duane Sams, Director, Commodity Policy, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Daniel L. Holtzman, International Economist, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

Mark R. Blitstein, Director, Goodyear Tire and Rubber Company, Akron, Ohio
Patricia A. Bovino, Cargill, Inc., New York, New York
Harold Ross Miller, Manager, Uniroyal-Goodrich Tire Company, Akron, Ohio
Stanley M. Schultz, Operations Director, Bridgestone/Firestone Inc., Singapore
Richard A. Stauffer, Manager, World Rubber Operations, Cargill, Inc., Singapore
Peter Tan, Purchasing Director, Goodyear Orient Company, Singapore

United States Delegation to the Intergovernmental Group of Experts on Tungsten, First Session, Standing Committee on Commodities, Trade and Development Board, United Nations Conference on Trade and Development (UNCTAD), Geneva, December 7–11, 1992

Representative

David Cammarota, Acting Chief, Metals Branch, Department of Commerce

Private Sector Adviser

Peter K. Johnson, Vice President, Refractory Metals Association, Princeton, New Jersey

United States Delegation to the Ad Hoc Group Under Resolution No. 18, International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, January 19–26, 1993

Representative

Earl S. Barbely, Director, Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

Adviser

Douglas V. Davis, Attorney-Advisor, Common Carrier Bureau, Federal Communications Commission

Private Sector Advisers

Herbert Bertine, Department Head, AT&T Bell Laboratories, Holmdel, New Jersey
Gary Fishman, Technical Standards Director, AT&T, Bedminster, New Jersey
Otto J. Gusella, Executive Director, ECSA, Washinton, DC
George Helder, Consultant, Moraga, California
Richard Holleman, Director, Standards Practices, IBM Corporation, Purchase, New York
Ivor Knight, Vice President, Business Technology and Standards, Washington, DC
Henry Marchese, Consultant, Bedminster, New Jersey
Robert J. Smith, Director, Science and Technology, NYNEX Corporation, Cambridge, Massachusetts
Martin Sullivan, Director, BELLCORE, Red Bank, New Jersey

Mel Woinsky, Senior Manager, Technical Industry Standards, Northern Telecom, Inc., Morristown, New Jersey

United States Delegation to the Study Group XVIII, ISDN Experts Meeting, International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, January 19–29, 1993

Representative

William F. Utlaut, Director, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce

Advisers

Frank McLeland, Senior Engineer, National Communication Systems
Neil Seitz, Deputy Director, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

William J. Buckley, Vice President, Technology, Verilink, San Jose, California
Donald Chislow, Product Manager, Telecom Solutions, San Jose, California
William L. Edwards, Engineer, Sprint Communications, Overland Park, Kansas
Gary Fishman, Engineer, AT&T, Bedminster, New Jersey
Paul Redman, Senior Scientist, COMSAT Labor, Clarksburg, Maryland
Anthony Toubassi, Advisory Engineer, MCI, Richardson, Texas
Stephan Walters, Bellcore, Morristown, New Jersey
Melvin Woinsky, Manager, Technology Planning, Northern Telecom, Inc., Morristown, New Jersey

United States Delegation to the XXVI Com/Citel Meeting and the II Extraordinary Meeting of Citel Permanent Executive Committee (Com/Citel), Inter-American Telecommunications Conference (Citel), Organization of American States (OAS), Santiago, Chile, January 25–29, 1993

Representative

Gary M. Fereno, Director or CITEL and CCITT Standards Policy, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

William F. Moran, Policy Specialist, National Telecommunication and Information Administration, Department of Commerce

Advisers

Rudolfo M. Baca, Attorney/Adviser, Federal Communications Commission
Doreen Bogdan, Telecommunications Policy Specialist, National Telecommunication and Information Administration, Department of Commerce

Private Sector Advisers

Raymond Crowell, Director, Strategic Planning, COMSAT Corporation, Washington, DC
Cecil Crump, Manager, International Development, AT&T, Morristown, New Jersey
David Fine, Manager, Standards & Development, Southwest Bell Corporation, Washington, DC
Thomas J. Plevyak, Manager, International Standards, Bell Atlantic Corporation, Arlington, Virginia

[FR Doc. 93–10560 Filed 5–5–93; 8:45 am]
BILLING CODE 4710–19–M

[Public Notice No. 1802]

United States Organization for the International Telegraph & Telephone Consultative Committee Study Group D; Meetings

The U.S. Department of State announces that the US Organization for the International Telegraph Telephone Consultative Committee Study Group D will meet on June 7, and on August 16, 1993, at 9:30 a.m., in room 1205 at the Department of State, 2201 C Street NW., Washington, DC 20520.

The agenda of the June 7 meeting will include the review of U.S. contributions for the meetings of Study Group 7 and 14, and discussion of the results of the April meeting of Study Group 8, and to consider any other business within the scope of Study Group D. The meeting of August 16 will consider contributions to the September meeting of Study Group 14.

In the case of each meeting, other matters within the jurisdiction of Study Group D, including reviews and discussions of the results of past meetings, may be considered.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Persons who plan to attend should so advise the Office of Gary Fereno, Department of State, (202) 647–0201, FAX (202) 647–7407. The above includes government and non-government attendees. Public visitors will be asked to provide their date of birth and Social Security number at the time they register their intention to attend and must carry a photo ID with them to the meeting in order to be admitted. All attendees must use the C Street entrance.

Dated: April 20, 1993.

Earl S. Barbely,

Director, Telecommunications and Information Standards, Chairman U.S. CCITT National Committee.

[FR Doc. 93–10700 Filed 5–5–93; 8:45 am]
BILLING CODE 4710–45–M

[Public Notice 1804]

Secretary of State's Panel on El Salvador; Closed Meeting

The Department of State announces a meeting of the Secretary of State's Panel on El Salvador on Tuesday, May 18, at 1:30 p.m. in room 1406, Department of State, Washington, DC. Pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(1), it has been determined the meeting will be closed to the public. The agenda calls for a review of the materials gathered from document searches and interviews and a discussion of those materials as they relate to the report to be prepared by the Panel. A substantial portion of this material consists of classified national security information.

Due to the exceptional circumstances created by the short duration of the Panel and the members' scheduling conflicts, the Panel's first meeting will occur before 15 days have elapsed from the date of this notice. For more information, contact Edward Pope, Secretary's Panel on El Salvador, Department of State, Washington, DC 20520, phone: 202/736–4517.

Dated: May 4, 1993.

B. Lynn Pascoe,

Executive Director, Secretary's Panel on El Salvador.

[FR Doc. 93–10799 Filed 5–5–93; 8:45 am]
BILLING CODE 4710–10–M

[Public Notice 1797]

Shipping Coordinating Committee, Subcommittee for the Prevention of Marine Pollution; Meeting

The Subcommittee for the Prevention of Marine Pollution (SPMP), a subcommittee of the Shipping Coordinating Committee, will conduct

an open meeting on June 30, 1993, at 9:30 a.m. in room 2415 of U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The purpose of this meeting will be to review the agenda items to be considered at the thirty-fourth session of the Marine Environment Protection Committee (MEPC 34) of the International Maritime Organization (IMO). MEPC 34 will be held from July 5–9, 1993. Proposed U.S. positions on the agenda items for MEPC 34 will be discussed.

The major items for discussion will be the following:

1. Prevention of oil pollution. Work will continue on guidelines for implementation of Regulations 13F and 13G to Annex I of The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). This will include guidelines for structural and operational requirements for existing ships, equivalences for double-hulls for new ships, and guidelines for enhanced inspections.

2. Implementation of the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC). The working group will be addressing a variety of topics including practical application of OPRC to hazardous and noxious substances, development of model pollution response courses, promotion of research and development under OPRC, and industry cooperation in OPRC implementation.

3. Comprehensive Manual on Reception Facilities. The MEPC hopes to complete work on revision of the MARPOL 73/78 reception facility guidance that began at MEPC 32.

4. Revision of the Prevention section of the IMO Anti-Pollution Manual.

5. Follow-up action to the United States Conference on Environment and Development (UNCED) of June 1992. IMO is examining its role in implementation of Chapter 17 of Agenda 21 of UNCED.

6. Harmful marine organisms in ballast water. This subject covers control measures against the introduction of exotic species into coastal and internal waters through discharge of ballast water.

7. Enforcement of Pollution Conventions. This group will continue work on the new reporting format for MARPOL 73/78 enforcement actions.

8. The future work program of the MEPC.

Members of the public may attend these meetings up to the seating capacity of the room.

For further information or documentation pertaining to the SPMP meeting, contact Lieutenant Commander M. L. McEwen, U.S. Coast Guard Headquarters (G–MEP–3), 2100 Second Street, SW., Washington, DC 20593–0001, Telephone: (202) 267–0419.

Dated: April 16, 1993.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committee.

[FR Doc. 93–10699 Filed 5–5–93; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice No. 1801]

Shipping Coordinating Committee Council and Associated Bodies; Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Thursday, June 3, 1993, in room 2415, at US Coast Guard Headquarters, 2100 Second Street SW., Washington, DC to finalize preparations for the 70th Session of Council and 38th Session of the Technical Cooperation Committee of the International Maritime Organization (IMO) which are scheduled for June 14–18, 1993, at IMO Headquarters in London. The purpose of the meeting is to discuss the papers received and the draft US positions. Among other things, the items of particular interest are:

a. Reports of the IMO committees and training institutions

b. Review of the IMO technical cooperation activities

c. Report on the International Conference on the Revision of the 1969 Civil Liability Convention and the 1971 Fund Convention

d. Report on the International Conference on Safety of Fishing Vessels

e. Report on the UN/IMO Conference of Plenipotentiaries on a Convention on Maritime Liens and Mortgages

f. Report on the outcome of the Fifteenth Consultative Meeting of Contracting Parties to the 1972 London Dumping Convention

g. Relations with the United Nations and other organizations

h. Preparations for the 18th Assembly including the provisional agenda and report of the Council to the Assembly

i. Administrative and financial matters

Members of the public may attend these meetings up to the seating capacity of the room. Interested persons may seek information by writing: Gene F. Hammel, US Coast Guard (G-CI), room 2114, 2100 Second Street SW., Washington, DC 20593–0001 or by calling: (202) 267–2548/2280.

Dated: April 26, 1993.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committe.

[FR Doc. 93–10611 Filed 5–5–93; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 93–4–50; Docket 48780]

Application of Friendship Airlines, Inc. For Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order Instituting the Friendship Airlines, Inc., Fitness Investigation.

SUMMARY: The Department of Transportation is instituting an investigation into the fitness of Friendship Airlines, Inc., to conduct interstate and overseas air transportation operations and is setting the matter for hearing before an administrative law judge of the Department.

DATES: Petitions for leave to intervene shall be filed by May 6, 1993. Answers to those petitions shall be filed by May 13, 1993.

ADDRESSES: Petitions and answers to petitions should be filed in Docket 48780 and addressed to the Documentary Services Division (C–55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in the order.

FOR FURTHER INFORMATION CONTACT: Patricia T. Szrom, Chief, Air Carrier Fitness Division (P–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9721.

Dated: April 29, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–10710 Filed 5–5–93; 8:45 am]

BILLING CODE 4910–62–M

Federal Highway Administration

Environmental Impact Statement: Prince of Wales Island, AK

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be

prepared for a proposed highway construction project on the Prince of Wales Island in Alaska.

FOR FURTHER INFORMATION CONTACT: Allan Stockman, Environmental Engineer, or Jody Thomas, Staff Environmental Engineer, Federal Highway Administration/Western Federal Lands Division, 610 East Fifth Street, Vancouver, Washington 98661. Telephone: (206) 696–7751.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the U.S. Forest Service and the Alaska Department of Transportation and Public Facilities, will prepare an Environmental Impact Statement (EIS) on a proposal to construct the North Prince of Wales highway in the Tongass National Forest from the Coffman Cove junction to Twin Island junction near the town of Whale Pass. The proposed improvements would provide year-round state highway access to these remote communities on Prince of Wales Island. This could involve new road construction, as well as reconstruction of portions of existing Forest Development Roads (FDR) that run north and south on the east side of Prince of Wales Island. Total distance of construction is estimated to be 28.5 to 31.0 miles.

The highway improvement is considered necessary to provide the north island communities with year-round access with a state (public) highway. This would also permanently connect the communities to the other towns and activity centers on Prince of Wales Island. The existing roads on the north end of the island are currently under Forest Service (FS) jurisdiction, and were primarily built to serve timber haul. The roads are narrow and sometimes dangerous, and they are not always accessible or safe for public travel as a primary access route. Also, the FS does not have the money or authority to plow snow on their roads. Therefore snow plowing only occurs when some resource activity has need for access such as a timber sale. This can result in unreliable and inconsistent year-round access.

Alternatives under consideration are the following: (1) Taking no action in which island access and the existing roads remain status quo, (2) upgrading existing FDR 20 on the west side of Prince of Wales Island to a state highway, and (3) constructing/reconstructing a road on new alignment along the east side of the island utilizing portions of FDR 23 and 30. Under alternatives 2 and 3, ownership and maintenance of the road would be transferred to the Alaska Department of Transportation and Public Facilities who has the authority to snow plow roads for year-round public access. Incorporated and analyzed with the build alternatives will be design variations of grade and alignment.

Announcements describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies. These will also be sent to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Public scoping meetings will be held during the week of May 24, 1993 in the communities of Coffman Cove and Craig on the Prince of Wales Island. A public meeting is also being planned in Ketchikan, Alaska. Public notices will be given of the times and places of all these meetings.

It is important that the full range of issues related to this proposed action be addressed and that all significant issues be identified. To ensure this, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address and phone number provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: April 27, 1993.

James N. Hall,

Division Engineer, Vancouver, Washington.

[FR Doc. 93–10698 Filed 5–5–93; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Customs Service

Electronic Data Interchange for Global Trade

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of conference.

SUMMARY: This document advises the public that the Customs Service is presenting a conference entitled "EDIFACT: Technology for Global Trade" to be held in Dallas, Texas. The primary focus of the conference will be on present and future electronic data interchange applications in the area of international trade. Attendance at the conference is open to the general public.

DATES: The conference will take place on June 2–3, 1993, in the Loews Anatole Hotel, Dallas Texas. Registration requests for the conference should be received before May 20, 1993.

FOR FURTHER INFORMATION CONTACT: The EDIFACT Conference Hotline (703–440–6587), for information regarding the conference and registration procedures; the Loews Anatole Hotel (214–748–1200), for hotel reservations.

SUPPLEMENTARY INFORMATION: The rapid expansion of international trade in recent decades, coupled with the concurrent growth in electronic data processing and transmission capabilities, has given rise to the development of electronic data interchange (EDI) as a means for cutting through the jungle of paperwork and thus facilitating the unhindered flow of information which is vital to international trade transactions. EDI, which is defined internationally as "the transfer of structured data by commonly agreed message standards, from computer to computer, by electronic means", enables parties in a national or international commercial transaction to transmit all their documents (for example, invoices, purchase orders, contractual information, and shipping and payment instructions) instantly and directly to the desired location, thereby removing barriers of time and distance and resulting in significant cost savings and increased efficiency. Thus, the ultimate goal of EDI is to facilitate trade by creation of a paperless environment.

In order to realize the long-term objectives of EDI, it has been recognized that common international EDI standards must be developed with regard to data elements, syntax rules and message content. To this end, government and commercial representatives, operating under the auspices of the United Nations, have studied different existing EDI standards with a view to converging them into a single international standard. As a result of these efforts, international agreement has been reached on a converged standard called EDI for Administration, Commerce and Transport (EDIFACT) which has been published by the International Standards Organization as ISO 9735.

The U.S. Customs Service has long been committed to the principle and practice of paperless commercial entry and for this reason has recognized the importance of EDIFACT to global trade in a paperless environment. In furtherance of its pioneering role in the use of EDIFACT, Customs is presenting a conference entitled "EDIFACT: Technology for Global Trade" to be held at the Loews Anatole Hotel in Dallas, Texas, on June 2–3, 1993. The

conference is intended to foster an exchange of views and ideas on a variety of complex issues involving international trade, with an emphasis on communications and EDIFACT. Speakers and panelists from industry and various government agencies who are versed in the use of EDIFACT will be featured, as well as individuals who will provide useful information regarding the North American Free Trade Agreement and the Customs Modernization Act.

Attendance at the conference is open to members of the general public at a registration fee of $550 per person, and exhibitors desiring to demonstrate their products or services may do so at a cost of $700 per booth. Since space at the conference may be limited and only a limited number of hotels room at a reduced conference rate are available, persons wishing to attend the conference are encouraged to register and obtain their hotel reservations at an early date.

Dated: April 30, 1993.

Michael H. Lane,

Acting Commissioner of Customs.

[FR Doc. 93–10604 Filed 5–5–93; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special-Disabilities Programs; Availability of Annual Report

Under section 10(d) of Public Law 92–463 (Federal Advisory Committee Act) notice is hereby given that the Annual Report of the Department of Veterans Affairs' Advisory Committee on Prosthetics and Special-Disabilities Programs for Fiscal Year 1992 has been issued. The Report summarizes activities of the Committee on matters relative to special disability programs, prosthetic rehabilitation technology, accomplishments which have been made, and the identification of areas where further study and improvements are required. It is available for public inspection at two locations:

Federal Documents Section, Exchange and Gift Division, LM 632, Library of Congress, Washington, DC 20540.

and

Department of Veterans Affairs, Prosthetic and Sensory Aids Service, Techworld Room 542, 801 I Street, NW., Washington, DC 20001.

Dated: April 27, 1993.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 93–10724 Filed 5–5–93; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 86
Thursday, May 6, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEPARTMENT OF AGRICULTURE

Rural Telephone Bank

Correction

FR Doc. 93–10197 was published beginning on page 26181 in the issue of Friday, April 30, 1993. This document was a notice of Sunshine Act meetings to be held on May 6, and May 7, 1993. It was published in the Notices section of the **Federal Register**. It should have appeared in the Sunshine Act Meetings section.

BILLING CODE 1505–01–D

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, May 11, 1993, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Matters relating to the Corporation's contracting activities.

Memorandum and resolution re: Study of savings bank life insurance which makes a finding whether savings bank life insurance activities of insured banks pose or may pose any significant risk to the insurance fund of which such banks are members.

Discussion Agenda

Memorandum and resolution re: Proposed amendments to Part 325 of the Corporation's rules and regulations, entitled "Capital Maintenance," which would implement the portions of Section 305 of the Federal Deposit Insurance Corporation Improvement Act of 1991 that require the Federal banking agencies to revise their risk-based capital standards for insured depository institutions to ensure that those standards take adequate account of concentration of credit risk and the risks of nontraditional activities.

Memorandum and resolution re: Final amendments to Part 330 of the Corporation's rules and regulations, entitled "Deposit Insurance Coverage," which amendments govern the extent of insurance coverage provided by the Corporation for deposits in Corporation-insured depository institutions.

Memorandum and resolution re: Final amendments to the Corporation's rules and regulations in the form of a new Part 363 regarding independent annual audits and reporting requirements.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 898–6745 (Voice); (202) 898–3509 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898–6757.

Dated: May 4, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–10925 Filed 5–4–93; 4:00 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Tuesday, May 11, 1993, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Reports of the Office of Inspector General.

Matters relating to the Corporation's corporate and supervisory activities.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured depository institutions or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of depository institutions authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Matters relating to the Corporation's delegations of authority.

Discussion Agenda

Matters relating to the possible closing of certain insured depository institutions:

Names and locations of depository institutions authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898–6757.

Dated: May 4, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–10927 Filed 5–4–93; 4:00 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5

U.S.C. 552b), notice is hereby given that at 10:43 a.m. on Tuesday, May 4, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the probable failure of a certain insured bank.

Recommendation concerning an administrative enforcement proceeding.

Matters relating to an assistance agreement with an insured bank.

In calling the meeting, the Board determined, on motion of Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), seconded by Director Eugene A. Ludwig (Comptroller of the Currency), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: May 4, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–10928 Filed 5–4–93; 4:00 pm]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, May 11, 1993 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, May 13, 1993 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Report from FEC Public Disclosure Division.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 93–10910 Filed 5–4–93; 3:47 pm]

BILLING CODE 6715–01–M

FEDERAL HOUSING FINANCE BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 58 FR 21331, April 20, 1993.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:00 a.m., Monday, April 26, 1993.

CHANGES IN THE MEETING: The following changes were made to the closed portion of the meeting. Items deleted from the Summary Agenda portion of the meeting and placed in the discussion portion.

1. FHLBank of Pittsburgh AHP
2. Dividend rate swap issue disclosed in the San Francisco examination, and approval of EROD/OL&EA analysis and approach to its resolution
3. Approval of the March Board Minutes

The following item was added to the closed portion of the meeting.

- Federal Home Loan Bank Presidents' 1992 Incentive Compensation Awards

The above matters are exempt under one or more of sections 552b(c), (6), (8), and (9) (A) and (B) of title 5 of the United States Code.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408–2837.

Philip L. Conover,

Managing Director.

[FR Doc. 93–10810 Filed 5–4–93; 9:54 am]

BILLING CODE 6725–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–93–14]

Emergency Notice

TIME AND DATE: May 11, 1993 at 9:30 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

1. Agenda
2. Minutes
3. Ratification List
4. Inv. No. 731–TA–645 (Certain Calcium Aluminate Cement and Cement Clinker from France)—briefing and vote.
5. Outstanding action jacket requests
   1. EC–93–006, East Asia Integration.
6. Any items left over from previous agenda

In conformity with 19 CFR § 201.37(b), Commissioners Nuzum, Crawford, Brunsdale, Rohr, Watson, and Newquist determined that Commission business required a meeting of May 11, 1993, and affirmed that no earlier announcement of the meeting was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Paul R. Bardos, Acting Secretary, (202) 205–2000.

Issued: May 4, 1993.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–10869 Filed 5–4–93; 3:26 pm]

BILLING CODE 7020–02–P

Corrections

Federal Register
Vol. 58, No. 86
Thursday, May 6, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER93-429-000]

South Carolina Electric & Gas Co.; Filing

Correction

In notice document 93-9912 appearing on page 25829 in the issue of Wednesday, April 28, 1993, the docket number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6964

[AK-932-4210-06; AA-5961]

Partial Revocation of Executive Order Dated January 4, 1901, for Selection of Land by the State of Alaska; Alaska

Correction

In rule document 93-8561 beginning on page 19212 in the issue of Tuesday, April 13, 1993, in the second column, the public land order should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 26344; Amendment No. 23-43]
RIN 2120-AD30

Small Airplane Airworthiness Review Program Amendment No. 3

Correction

In rule document 93-7737 beginning on page 18958 in the issue of Friday, April 9, 1993, make the following corrections:

1. On page 18958, in the third column, in the fourth paragraph, in the sixth line, "Once" should read "One".

2. On page 18960, in the first column, in the first full paragraph, in the ninth line, "than" should read "then".

3. On the same page, in the 2d column, in the 2d full paragraph, in the 13th line, "disagrees" should read "agrees".

4. On the same page, in the same column, in the third full paragraph, in the third line, "change" should read "changes".

5. On page 18961, in the 1st column, in the 13th line, "replace" should read "replaced".

6. On page 18966, in the first column, in the fifth full paragraph, in the seventh line, delete "and".

7. On page 18967, in the third column, in the fifth full paragraph, in the fourth line, "FAA" should read "JAA".

8. On page 18968, in the second column, in the second full paragraph, in the first line, "had" should read "has".

9. On page 18969, in the second column, in the last paragraph, in the seventh line, "If" should read "It".

§ 23.961 [Corrected]

10. On page 18972, in the second column, in § 23.961, in the eighth line, "100 °F," should read "110 °F,".

§ 23.971 [Corrected]

11. On the same page, in the third column, in § 23.971(a), in the third line, insert a comma after "capacity".

§ 23.1091 [Corrected]

12. On page 18973, in the third column, in the section heading, "§ 23.109" should read "§ 23.1091", and in § 23.1091(c)(2), in the sixth line, "with" should read "unit".

§ 23.1191 [Corrected]

13. On page 18975, in the first column, in amendatory instruction 50., in the tenth line, " "2000 ± 50° F" " should read " "2000 ± 150° F" ".

§ 23.1305 [Corrected]

14. On page 18976, in the first column, in § 23.1305(d)(1), in the third line, "than" should read "that".

BILLING CODE 1505-01-D

federal register

Thursday
May 6, 1993

Part II

Department of Housing and Urban Development

Office of the Secretary

24 CFR Part 888
Proposed Fair Market Rents

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 888

[Docket No. N–93–3616; FR–3510–N–01]

Section 8 Housing Assistance Payments Program—Fair Market Rent Schedules for Use in the Rental Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Rental Voucher Program

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed Fair Market Rents.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents (FMRs) periodically, but not less frequently than annually, to be effective October 1 of each year. The Department's regulations at 24 CFR part 888 provide a notice and comment process for developing FMRs. Today's document proposes the FMRs for Fiscal Year 1994 (FY 1994). The proposal would amend FMR schedules for the section 8 Rental Certificate program (part 882, subparts A and B), including space rentals by owners of manufactured homes under the section 8 Rental Certificate program (part 882, subpart F); the section 8 Moderate Rehabilitation program (part 882, subparts D and E); and housing assisted under the Loan Management and Property Disposition programs (part 886, subparts A and C). In addition, FMRs are used to determine payment standard schedules in the Rental Voucher program.

DATES: Comments are due July 6, 1993.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Office of the General Counsel, Rules Docket Clerk, room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title. To expedite processing, each commenter is requested to simultaneously submit a copy of its comments to the Economic and Market Analysis Staff in the appropriate HUD Field Office. A copy of each communication submitted will be available for public inspection and copying during regular business hours (7:30 a.m.–5:30 p.m. Eastern Time) at the above address.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Rental Assistance Division, Office of Public and Indian Housing (202) 708–0477 (TDD: (202) 708–0850), for questions relating to the Section 8 Voucher, Certificate, and Moderate Rehabilitation programs; James Tahash, Program Planning Division, Office of Multifamily Housing Management (202) 708–3944 (TDD: (202) 708–4594), for questions relating to all other Section 8 programs; for technical information regarding the development of the schedules for specific areas or the method used for calculating the FMRs, Michael R. Allard, Economic and Market Analysis Division, Office of Policy Development and Research (202) 708–0577 (TDD: (202) 708–0770). Mailing address for above persons: Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. (Telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Background

Section 8 of the U.S. Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes a housing assistance program to aid low-income families in renting decent, safe, and sanitary housing. Assistance payments are limited by Fair Market Rents (FMRs) (or payment standards, established by local housing authorities, based on FMRs in the Rental Voucher program) established by HUD for different areas. In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

The FMRs proposed in this Notice govern the following Section 8 Housing Assistance Payments programs: the Section 8 Rental Certificate program under part 882 (subparts A and B), including space rentals by owners of manufactured homes (subpart F), the Moderate Rehabilitation program under part 882 (subparts D and E), housing assistance for projects with HUD-insured or HUD-held mortgages under part 886 (subpart A), as well as the Property Disposition program under part 886 (subpart C). In addition, FMRs are used to establish payment standards for the Rental Voucher program (part 887).

II. Procedures for the Development of FMRs

Section 8(c) of the Act requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. The Department's regulations provide that HUD will develop FMRs by publishing proposed FMRs for public comment, analyzing the public comment, and publishing final FMRs. (See 24 CFR 888.115.) Final FY–1994 FMRs will be published on or before October 1, 1993, as required by section 8(c)(1) of the Act.

III. Fair Market Rent Schedules

This notice proposes revised FMRs for FY 1994. For the first time, 1990 Census data on rental housing were used to revise the FMRs. This revision process, which the Department refers to as "re-benchmarking," occurs once every ten years and involves replacing the base-year rent FMR estimates with those developed from the new Census data and updating the new base-year estimates from the date of the Census to the mid-point of the program year the FMRs will be in effect. All FMR areas in the country have now been re-benchmarked, either with Census data or with American Housing Surveys or Random Digit Dialing surveys conducted after the date of the 1990 Census. Because of the re-benchmarking, many areas have proposed FMRs that differ from those that would have resulted from the normal updating of last year's FMRs.

Schedules at the end of this document list the FMR levels for rental housing (Schedule B) and for manufactured home spaces in the Section 8 Certificate program (Schedule D). FMRs for the Moderate Rehabilitation program are 120 percent of the Schedule B Fair Market Rents (see 24 CFR 882.408(a) and 888.113(e)(1)). The FMR for a Single Room Occupancy (SRO) unit in the Rental Certificate program is 75 percent of the efficiency (EFF) unit FMR listed in Schedule B. The FMR for an SRO unit in the Moderate Rehabilitation program is 75 percent of the Moderate Rehabilitation FMR for the EFF unit. The payment standard amount for an SRO Unit in the Rental Voucher program is 75 percent of the EFF FMR listed in Schedule B.

IV. Metropolitan Area Definitions

With several exceptions discussed in the following paragraphs, the proposed FMRs incorporate the recent changes in the definitions of metropolitan areas made by the Office of Management and Budget contained in the OMB Bulletin No. 93–05, released on December 28, 1992. HUD uses the OMB Metropolitan Statistical Area (MSA) and Primary Metropolitan Statistical Area (PMSA) definitions because of the close correspondence that typically exists between these definitions and housing market area definitions. FMRs are intended to be housing market-wide rent estimates that provide housing opportunities throughout the geographic

area in which rental housing units are in direct competition.

The exceptions have been made for a number of large metropolitan areas whose revised OMB definitions encompass areas that have been determined to be larger than HUD's definitions of the housing market areas. For the Boston and New York-Northern New Jersey metropolitan areas, the proposed FMRs continue to use the OMB definitions of the MSA/PMSAs that were in effect prior to the December 28, 1992, OMB Bulletin. The affected areas are as follows:

For the Boston area—the Boston, MA; Lawrence-Haverhill, MA–NH; Lowell, MA–NH; and Salem-Gloucester, MA PMSAs and the Fitchburg-Leominster, MA; Manchester, NH; New Bedford, MA; Portsmouth-Dover-Rochester, NH–ME; and Worcester, MA MSAs.

For the New York-Northern New Jersey area—the New York, NY; Nassau-Suffolk, NY; Bergen-Passaic, NJ; Jersey City, NJ; Middlesex-Somerset-Hunterdon, NJ; Monmouth-Ocean, NJ; and Newark, NJ PMSAs.

The metropolitan area definitions for both the Boston and New York areas are still under review by OMB. HUD will evaluate changes that result from this review and may change the FMR areas shown in this publication as a result of OMB's final decision expected in June of this year. If HUD changes the FMR area definitions after the proposed publication of this year's FMRs, there will be an additional comment period for the affected areas.

In addition, the FMR area definitions for the following areas have been modified by deleting counties that were added to the revised OMB definitions. The decision to delete these counties was based on an evaluation conducted by HUD headquarters and field staff which determined that the revised metropolitan area definitions are larger than the current housing market areas. The counties deleted from the FMR areas are those that are the most remote from the central cities/counties of the metropolitan area and have the lowest rents, in most cases significantly below the FMR area rent averages. The proposed FMRs for the counties deleted from the OMB definitions have been calculated separately based on the Census data for each individual county. They are shown in Schedule B within their respective States under the "Metropolitan FMR Areas" listing.

FMR area	Changes in previous FMR area
Atlanta, GA.	Deleted Carroll, Pickens, Spalding, and Walton Counties.
Chicago, IL.	Deleted DeKalb, Grundy and Kendall Counties.
Cincinnati-Hamilton, OH-KY-IN.	Deleted Brown County, Ohio; Gallatin, Grant and Pendleton Counties in Kentucky; and Ohio County, Indiana.
Dallas, TX	Deleted Henderson County.
Lafayette, LA.	Deleted St. Landry and Arcadia Parishes.
New Orleans, LA.	Deleted St. James Parish.
Washington, DC.	Deleted Berkeley and Jefferson Counties in West Virginia; and Clarke, Culpeper, King George and Warren Counties in Virginia.

The FMRs for the following FMR areas in Virginia were calculated by combining the 1990 Census data for the counties with the independent cities located within the borders of the counties. Because of space limitations, the FMR listing in Schedule B includes only the name of the nonmetropolitan County. The full definitions of these FMR areas including the independent cities are as follows:

FMR area (county)	Independent cities included
Allegheny	Clifton Forge and Covington.
Augusta	Staunton and Waynesboro.
Carroll	Galax.
Frederick	Winchester.
Greensville ..	Emporia.
Halifax	South Boston.
Henry	Martinsville.
Montgomery	Radford.
Rockbridge ..	Buena Vista and Lexington.
Rockingham	Harrisonburg.
Wise	Norton.

V. Method Used to Develop FMRs

FMR Standard: FMRs are gross rent estimates; they include shelter rent and the cost of utilities, except telephone. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. To accomplish this objective, FMRs must be both high enough to permit a selection of units and neighborhoods and low enough to serve as many families as possible. The level at which FMRs are set is expressed as a percentile point within the rent distribution of standard quality rental housing units. The current definition used is the 45th percentile rent, the dollar amount below which 45 percent of the standard quality rental housing units rent. The 45th percentile rent is drawn from the distribution of rents of units which are occupied by recent movers (renter households who moved into their unit within the past 15 months). Public housing units and newly built units less than two years old are excluded.

Data Sources: HUD uses the most accurate and current data available to develop the FMR estimates. Three sources of survey data have been used as the basis for making base-year estimates of the FMRs. They are: (1) The 1990 Census; (2) the Random Digit Dialing (RDD) telephone surveys conducted since the Census; and (3) the post-1990 Census American Housing Surveys available up to the time the FMR estimates were prepared. The base-year FMRs have been updated using Consumer Price Index (CPI) data for rents and utilities or the HUD Regional rent change factors developed from RDD surveys. Annual average CPI data are available individually for 95 metropolitan FMR areas. RDD Regional rent change factors are developed annually for the metropolitan and nonmetropolitan parts of each of the 10 HUD Regions (a total of 20 separate factors). The RDD factors are used to update the base year estimates for all FMR areas that do not have their own local CPI survey.

The decennial Census provides statistically reliable rent data for use in establishing base-year FMRs. AHS's are conducted by the Bureau of the Census for HUD and have comparable accuracy to the decennial Census. These surveys enable HUD to develop between-census revisions for 44 of the largest metropolitan areas on revolving schedule of 11 areas annually. The RDD telephone survey technique is based on a sampling procedure that uses computers to select statistically random samples of rental housing, dial and keep track of the telephone numbers and tabulate the responses. HUD uses a contractor to conduct RDD surveys. RDD surveys are conducted for two purposes: (1) For developing the FMR estimates for selected individual FMR areas; and (2) for developing the HUD Regional gross rent change factors. The HUD Regional surveys are conducted annually. Approximately 60 individual FMR areas are revised each year on the basis of RDD surveys.

Areas With FMRs Based on 1990 Census Data

1. For FMR areas where the base-year estimates were developed from the 1990 Census, the 45th percentile gross rent of standard quality units occupied by recent movers was calculated separately for each bedroom size. HUD's use of the full Census for the first time resulted in improved accuracy over FMR estimates previously developed using the 1980 Census Public Use Sample. Census data on rent levels are now available for all

counties and for minor civil divisions, which are the component parts of metropolitan areas in the New England states. This level of geographic detail enabled direct calculation of FMR estimates for all MSA/PMSA, metropolitan county and nonmetropolitan county FMR areas. The 1980 Public Use Sample was not large enough to permit calculation of the local bedroom-size rent differentials, and it was aggregated into county groupings for counties with less than 100,000 population.

For lightly populated nonmetropolitan counties, exceptions were made to the above procedure to protect against unrealistically low FMRs being set as the result of insufficient sample sizes. The first type of exception involved areas with less than 100 two-bedroom cases that had a 45th percentile rent below the state-wide minimum comparable rent of areas with 100 or more cases. The base-year FMR estimates for these areas were set at the lower of the state-wide minimum or the upper end of the confidence interval of the census-based rent for the area. The second exception was for areas with local bedroom-size intervals below the normal range. For these areas, the bedroom intervals selected were the minimums determined after excluding outlyers from the bedroom ratio distributions of all metropolitan areas. The selected minimums were: efficiency units can be no lower than 55 percent of the two-bedroom FMR; one-bedroom units no lower than 75 percent; three-bedroom units no lower than 125 percent; and four-bedroom units no lower than 140 percent. The ratios for the large-size units (those with three or more bedrooms) continue to reflect HUD's policy to use higher ratios than would be the result of using normal market relationships. The large-size unit adjustment, which adds about eight percent to the FMRs for large size units, is made to increase the likelihood that the largest, most difficult to place families will be successful in finding program-eligible units.

2. The base-year rent estimates were next increased by an adjustment factor which was developed from national AHS data to account for the additional housing quality measures available in the AHS and for the public housing units that are included in the Census counts. The housing quality adjustment factor is calculated separately for each FMR area. While it varies from area to area, the FMRs, on average, have been increased by about two percent as a result. This adjustment applies only to FMR areas without a local AHS. The rental housing samples for AHS areas are adjusted individually to delete both substandard and public housing units.

3. The final step was to update the base-year rent estimates to April 1, 1994, the mid-point of FY 1994 when the FMRs will be in effect.

For areas with local CPI surveys, the CPI data on rents and utilities was used to update the Census rent estimates from April 1990 through 1992, the most recent data available when the estimates were prepared. An annual rent increase of 3.0 percent was used as a projection factor for the 15-month period from January 1993 to April 1994. In previous years, an annual rent increase factor of 4.8 percent was used.

For areas without local CPI surveys, a 3.0 percent factor based on the national CPI was used to update from April 1990 through December 1990. RDD rent survey data became available in 1991, and these data for the respective HUD Region metropolitan or nonmetropolitan area in which the FMR area is located were used to update the estimates for 1991 and 1992. The 3.0 percent annual projection factor used for CPI areas was also used for non-CPI areas for the 15 months from January 1993 to April 1994.

4. The use of the full Census and other changes in the calculation procedures have resulted in significant revisions for a large number of FMR areas this year. For example, where all nonmetropolitan counties in a county group previously had the same FMRs, each county now has a separate FMR. At least half, and often more, of these counties have proposed decreases in their FMRs. The availability of data samples that are large enough to calculate the bedroom-size rent differentials on the basis of local rather than national data also has had a major impact on the one-bedroom FMRs. Because a majority of FMR areas have one-bedroom to two-bedroom ratios that are less than the national average of 85 percent, many have proposed reductions in their one-bedroom FMRs. Finally, the rent inflation factors developed from recent years' CPI and RDD surveys are much lower than those for previous years. This has resulted in smaller rent increases since the 1990 Census and led to the decision to use the 3.0 percent annual rent change projection factor in place of the 4.8 percent factor previously used.

Areas With FMRs Based on Local RDD Survey Data

1. HUD uses the RDD surveys to obtain statistically reliable FMR estimates for selected areas. The RDD technique involves drawing large, random samples of one- and two-bedroom renter units occupied by recent movers. Both one- and two-bedroom units are used because there are consistent relationships between the 45th percentile one- and two-bedroom rents in local housing markets and a more accurate two-bedroom FMR estimate can be obtained by expanding the sample base to include information on one-bedroom rents. The one-bedroom rents are adjusted by the average two-bedroom to one-bedroom ratio for the area being surveyed in order to convert the one-bedroom survey rents into two-bedroom equivalent rents.

2. RDD surveys exclude public housing units, newly built units and non-cash rental units. They do not exclude substandard units because there is no practical way to determine housing quality from telephone interviews. A HUD analysis conducted specifically to address this issue, however, has shown that the slightly downward RDD survey bias caused by including some rental units that are in substandard condition is almost exactly offset by the slightly upward bias that results from surveying only units with telephones. The small net bias results in FMRs which are slightly higher than they should be.

3. On average, about 8,000 telephone numbers need to be contacted to achieve the target survey sample level of at least 400 eligible responses. The RDD surveys have a high degree of statistical accuracy. There is a 95 percent likelihood that the 45th percentile recent mover rent estimates developed using this approach are within 3 to 4 percent of the actual 45th percentile rent value. Virtually all of the estimates will be within five percent of the actual 45th percentile value.

4. The RDD base-year 45th percentile rent estimates obtained from the surveys conducted in preparation for the FY 1994 proposed FMRs were trended to the mid-point of FY 1994 using essentially the same procedure as described in step 3 of the preceding section on Census-based FMR calculations. Either CPI or RDD data are used (depending on whether a local CPI survey is available) to update the estimates through 1992. The 15-month rent change projection factor is added to being the FMR estimates to April 1994.

5. The proposed FMRs include RDD surveys completed this year for nine FMR areas.

Three areas—the Dubuque, IA and Manchester, NH MSAs and Marshall County, a nonmetropolitan FMR area in Iowa—have proposed decreases in their FMRs for all unit sizes.

The Orlando, FL MSA has a larger than normal increase proposed for all unit sizes.

Five areas have a mixture of proposed increases and decreases for the various bedroom-size categories. The Denver, CO PMSA has decreases in the efficiency and one-bedroom unit sizes and increases in the remaining unit sizes. The Richland-Kennewick-Pasco, WA MSA and the San Antonio, TX MSA have increases for all unit sizes except for the one-bedroom units. The Yuma, AZ MSA has decreases for all unit sizes except for the three bedroom size. Cherokee County, NC has proposed decreases in the one-, two- and three-bedroom categories and increases in the efficiency and four-bedroom units.

Areas With FMRs Based on Metropolitan Area AHS Data

1. American Housing Surveys cover 44 of the largest metropolitan areas, which contain half of the nation's rental housing stock. The surveys are conducted on a four-year cycle, 11 areas each year. HUD used the AHS data to calculate the 45th percentile rent from the distribution of two-bedroom units occupied by recent movers. The bedroom size differentials for other size units were based on the decennial Census intervals for the area. Public housing units, newly constructed units and units that fail a housing quality test were excluded from the distribution before the calculation. The resulting estimate became the base-year rent for the area. The FY 1994 FMRs incorporated the results of the 1991 AHSs. The 1990 AHSs were included in last year's FMRs. All of the pre-1990 Census AHSs were revised with the Census.

2. The areas with base-year rent estimates based on AHS data were trended to the mid-point of Fiscal Year 1994 using either CPI or RDD survey data on rent changes through 1992 and the 15-month rent change projection factor to bring them to April 1994.

3. The proposed FMRs include AHSs for 10 FMR areas.

Atlanta, GA and the Houston, TX PMSA have increases proposed for all unit sizes.

The St. Louis, MO–IL MSA and the Chicago, IL PMSA have decreases proposed for all unit sizes.

Seven areas have a mixture of proposed increases and decreases for the various bedroom size categories. The Baltimore, MD, Columbus, OH, Seattle, WA and Tacoma, WA FMR areas have decreases in the efficiency and one-bedroom categories and increases in the two-, three- and four-bedroom categories. The San Diego, CA MSA has decreases in the efficiency, one- and two-bedroom categories and increases in the three- and four-bedroom unit categories. The Brazoria, TX PMSA has a decrease in the one-bedroom unit size, but increases in all other bedroom sizes.

The following is a list of the HUD regions showing the states included in each:

RDD rent change factors			
HUD region	Metro part (percent)	Nonmetro part (percent)	States included
I	1.0	1.0	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
II	2.1	1.6	New Jersey, New York
III	.5	.6	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
IV	2.1	2.1	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, Virgin islands.
V	2.3	.9	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
VI	2.1	1.9	Arkansas, Louisiana, Oklahoma, New Mexico, Texas.
VII ...	1.4	2.3	Iowa, Kansas, Missouri, Nebraska.
VIII ..	4.0	2.9	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
IX	1.1	1.5	Arizona, California, Hawaii, Nevada, Pacific Islands.
X	2.7	.3	Alaska, Idaho, Oregon, Washington.

The proposed FMRs for the Pacific Islands and the Virgin Islands have been adjusted using the respective nonmetropolitan RDD rent change factors indicated in the table above. For FMR purposes, the Pacific Islands include Guam, the Mariana Islands, and the Trust Territories. Based on a prior consultation with the Caribbean office of HUD, the FMRs in Puerto Rico will remain at the current levels.

Manufactured Home Space Rents

The proposed FMRs for Manufactured Home Spaces have been updated for one more year to April 1, 1994, using the respective HUD Regional RDD adjustment factors, which were adjusted to exclude the major part of the cost of utilities contained in these estimates. The FMRs have not been re-benchmarked because no data are available in the 1990 Census on manufactured home space rentals, and no other source of reliable data has been found that can be used for this purpose.

The Manufactured Home Owners Assistance program was established in 1978 to provide assistance to families who owned a manufactured home but were unable to meet the rising costs of space rentals. Originally, the Manufactured Home Space FMRs were established based on AHS data for the nonmetropolitan parts of states and HUD field office surveys of the metropolitan areas. Over the years, the FMRs for many of these areas were revised and those for additional individual areas were established on the basis of local surveys submitted as public comments. Because the very small amount of program activity does not justify the expected costs to obtain survey data, HUD is considering alternatives to establishing FMRs for this program. One alternative being considered is to replace the FMRs with a rent reasonableness test that assures that the Manufactured Home Space rental does not exceed that required to rent a space in a modest, nonluxury park. Modest rent would be defined within the context of the local FMR area in which the park is located. Implementation of this proposal would require a legislative change, since the current law requires that FMRs, including those for Manufactured Home Spaces, be established and published in the Federal Register. HUD invites comments on this proposal and other suggestions on whether Manufactured Home Space FMRs are needed and how they might be established.

V. Request for Comments

The Department seeks public comment on FMR levels for specific areas. Comments on FMR levels must include sufficient information (including local data and a full description of the methodology used) to

justify any proposed changes. Changes may be proposed in all or any of the bedroom-size categories on the schedule. Recommendations and supporting data must reflect the rent levels that exist within the entire FMR area.

PHAs that plan to use the RDD survey technique may obtain a copy of the "PHA Guide to Conducting a Fair Market Rent (FMR) Telephone Survey" by calling HUD USER on 1–800–245–2691. This package contains information on: (1) How to decide whether to conduct a rent survey; (2) selecting a contractor; and (3) monitoring the contract. In addition, there are example copies of a request for bids letter and a contract package, the survey questionnaire and interviewer training manual, and a detailed explanation of the methodology. After a contract is awarded, these surveys can normally be completed within two to three months. The hardware and the timing of staff utilization require that these surveys be conducted by contractors staffed with professional statisticians experienced in this field.

Well-constructed RDD surveys are the preferred method; however, they are not mandated where not cost effective or where alternative surveys with comparable reliability are available and have been determined to be representative of prevailing rent levels in the FMR area. The survey samples must be representative of rental housing stock of the entire FMR area. Preferably, samples should be randomly drawn. If this is not a feasible alternative, care should be taken to ensure that the selected sample is not biased toward units of a particular type, age or geographic location. The decennial Census should be used as a starting point guide and as a means of verification for determining whether non-randomly drawn samples are representative of the FMR area rental housing stock.

Local rental housing surveys must show the 45th percentile gross rent (rent including the cost of utilities) and the actual distribution (or distributions if more than one bedroom size is surveyed) of the surveyed units rank ordered by gross rent. An explanation of how contract rents were converted to gross rents needs to be included. The surveys must exclude units built within two years prior to the survey date and samples must not be drawn solely from vacant units. Since the FMR standard data base uses only standard quality units and units occupied by recent movers, both of which are difficult to identify and survey, the Department will accept surveys of all units and apply an appropriate adjustment.

Commenters must specify the date the rent data were collected so that the Department can apply a trending factor to update the estimate to April 1, 1994. Survey data that are trended to the April 1, 1994 "as of date" of the FMRs must include information on the date the survey was conducted, the amount of the trending factor and the source of the trending data. The Department will evaluate all information provided with the comments before making a final decision on the trending adjustment.

Rent surveys that cover only two-bedroom units are acceptable if rent proposals for other size units are consistent with the HUD differentials established on the basis of the 1990 Census data for the area. When three- and four-bedroom units are surveyed, the following procedure must be used to determine appropriate FMR proposals:

(1) Determine the 45th percentile rents for the three- and four-bedroom units surveyed, (2) multiply the 45th percentile three-bedroom rent by 1.087 to determine the three-bedroom FMR, and (3) multiply the four-bedroom rent by 1.077 to determine the four-bedroom FMR. The use of these factors will produce the same upward adjustments in the rent differentials by bedroom size as those applied to the rent differentials for three- and four-bedroom units in the HUD methodology.

VI. Other Matters

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the statutorily required establishment and review of fair market rents is categorically excluded from the Department's regulations implementing the National Environment Policy Act at 24 CFR 50.20(1).

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this document before publication and by approving it certifies that the Notice does not have a significant economic impact on a substantial number of small entities, because FMRs reflect the rents for similar quality units in the area. Therefore, FMRs do not change the rent from that which would be charged if the unit were not in the Section 8 program.

The General Counsel, as the Designated Official under Executive Order No. 12606, The Family, has determined that this proposal would not have a significant impact on family formation, maintenance, or well-being. The proposal would amend Fair Market Rent schedules for various Section 8 assisted housing programs, and does not affect the amount of rent a family receiving rental assistance pays, which is based on a percentage of the family's income.

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12611, Federalism, has determined that this proposal would not involve the preemption of State law by Federal Statue or regulation and would not have Federalism implications. The Fair Market Rent schedules do not have any substantial direct impact on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibility among the various levels of government.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (section 8).

Accordingly, the Fair Market Rent Schedules, which will not be codified in the Code of Federal Regulations, are proposed to be amended as follows:

Dated: April 28, 1993.

Henry G. Cisneros,

Secretary.

Section 8 Fair Market Rent Schedules, for Use in the Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program, and Housing Voucher Program Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. FMRs for the Section 8 Certificate program (Schedule B) are established, for Metropolitan Statistical Areas (MSAs), Primary Metropolitan Statistical Areas (PMSAs), other HUD-designated metropolitan FMR areas, for nonmetropolitan counties and county equivalents in the United States, Puerto Rico, the Virgin Islands and the Pacific Islands. FMRs also are established for nonmetropolitan parts of counties in the New England states.

b. FMRs for the areas in Virginia shown in the table below are established by combining the 1990 Census data for the nonmetropolitan counties with the data for the independent cities that are located within the county borders. Because of space limitations, the FMR listing in Schedule B includes only the name of the nonmetropolitan County. The full definitions of these areas including the independent cities are as follows:

Virginia nonmetropolitan county FMR area	Virginia independent cities included with county
Allegheny	Clifton Forge and Covington.
Augusta	Staunton and Waynesboro.
Carroll	Galax.
Frederick	Winchester.
Greensville	Emporia.
Halifax	South Boston.
Henry	Martinsville.
Montgomery	Radford.
Rockbridge	Buena Vista and Lexington.
Rockingham	Harrisonburg.
Wise	Norton.

d. FMRs for Manufactured Home spaces in the Section 8 Certificate program (Schedule D) are established for MSAs, PMSAs, HUD-designated metropolitan counties, and for selected nonmetropolitan counties and the residual nonmetropolitan part of each State.

2. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedules B and D are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each State.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

e. The FMRs are listed by dollar amount on the first line beginning with the FMR area name.

BILLING CODE 4210-32-M

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

A L A B A M A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anniston, AL MSA	208	279	352	490	555	Calhoun
Birmingham, AL MSA	335	378	440	595	661	Blount, Jefferson, St. Clair, Shelby
Columbus, GA-AL MSA	324	362	431	565	613	Russell
Decatur, AL MSA	312	315	398	514	614	Lawrence, Morgan
Dothan, AL MSA	292	299	370	510	518	Dale, Houston
Florence, AL MSA	270	281	375	491	525	Colbert, Lauderdale
Gadsden, AL MSA	232	294	330	430	542	Etowah
Huntsville, AL MSA	327	384	474	630	749	Limestone, Madison
Mobile, AL MSA	303	334	388	521	611	Baldwin, Mobile
Montgomery, AL MSA	361	387	456	621	748	Autauga, Elmore, Montgomery
Tuscaloosa, AL MSA	309	331	441	605	640	Tuscaloosa

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Barbour	159	227	290	402	475
Bullock	173	188	218	273	358
Chambers	167	268	304	387	499
Chilton	246	249	320	400	448
Clarke	223	225	296	391	486
Cleburne	163	224	299	400	419
Conecuh	146	199	265	332	372
Covington	215	242	272	378	446
Cullman	230	272	324	437	531
Dekalb	163	223	297	373	489
Fayette	213	236	289	371	404
Geneva	209	211	265	369	435
Hale	146	236	265	332	372
Jackson	259	273	329	411	540
Lee	248	346	444	577	729
Macon	259	291	388	485	543
Marion	146	199	265	369	372
Monroe	161	220	293	408	410
Pickens	228	231	307	385	431
Randolph	207	210	281	351	460
Talladega	217	243	315	438	442
Walker	189	272	344	445	566
Wilcox	153	199	265	369	372

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Bibb	182	248	331	454	543
Butler	177	218	291	376	407
Cherokee	160	244	291	399	448
Choctaw	164	225	265	337	372
Clay	192	195	259	336	426
Coffee	235	330	428	595	669
Coosa	162	223	296	400	415
Crenshaw	199	201	265	332	372
Dallas	231	244	326	436	456
Escambia	224	233	284	395	398
Franklin	217	220	293	367	410
Greene	164	185	208	290	294
Henry	229	232	308	386	433
Lamar	146	199	265	369	372
Lowndes	144	203	228	317	374
Marengo	209	236	265	369	425
Marshall	271	278	342	476	562
Perry	173	236	265	369	390
Pike	243	265	324	404	507
Sumter	222	224	295	369	414
Tallapoosa	239	254	314	394	440
Washington	146	236	265	369	372
Winston	171	233	311	389	436

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

ALASKA

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anchorage, AK MSA	439	516	687	953	1126	Anchorage

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Aleutian East	482	543	611	763	1001
Bethel	621	778	984	1232	1379
Dillingham	601	610	812	1016	1138
Haines	448	555	632	859	885
Kenai Peninsula	352	449	541	752	887
Kodiak Island	647	711	923	1154	1496
Matanuska-Susitna	346	398	516	718	847
North Slope	718	737	910	1265	1474
Pr.Wales-Outer Ketchikan	337	533	613	851	901
Skagway-Yakutat-Angoon	412	418	542	678	760
Valdez-Cordova	503	589	662	874	1040
Wrangell-Petersburg	366	534	600	835	840

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Aleutian West	408	459	516	646	723
Bristol Bay	498	575	648	900	978
Fairbanks North Star	376	496	661	919	1085
Juneau	569	628	837	1114	1197
Ketchikan Gateway	479	597	785	1092	1147
Lake & Peninsula	384	622	699	874	979
Nome	633	783	879	1223	1380
Northwest Arctic	760	856	961	1337	1577
Sitka	529	629	706	981	1158
Southeast Fairbanks	422	443	534	668	749
Wade Hampton	359	542	610	762	854
Yukon-Koyukuk	480	541	609	761	882

ARIZONA

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Las Vegas, NV-AZ MSA	438	519	618	858	1014	Mohave
Phoenix-Mesa, AZ MSA	331	400	502	697	822	Maricopa, Pinal
Tucson, AZ MSA	301	365	486	676	798	Pima
Yuma, AZ MSA	334	397	529	737	742	Yuma

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Apache	247	278	312	425	512
Coconino	397	430	558	749	899
Graham	264	292	360	501	552
La Paz	295	333	374	520	613
Santa Cruz	323	385	475	594	717
Cochise	316	350	433	595	710
Gila	250	324	431	540	707
Greenlee	186	255	339	427	502
Navajo	256	302	360	501	534
Yavapai	361	377	502	699	770

ARKANSAS

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fayetteville-Springdale-Rogers, AR MSA	255	318	419	566	586	Benton, Washington
Fort Smith, AR-OK MSA	275	279	367	491	514	Crawford, Sebastian
Little Rock-North Little Rock, AR MSA	343	380	452	624	728	Faulkner, Lonoke, Pulaski, Saline
Memphis, TN-AR-MS MSA	337	392	462	642	674	Crittenden
Pine Bluff, AR MSA	261	311	409	515	670	Jefferson
Texarkana, TX-Texarkana, AR MSA	282	344	420	555	588	Miller

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

A R K A N S A S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Arkansas	251	254	339	473	495
Baxter	217	296	393	504	614
Bradley	210	222	297	413	487
Carroll	266	292	337	439	546
Clark	250	253	337	431	553
Cleburne	258	261	326	453	519
Columbia	189	258	343	434	481
Craighead	291	307	369	514	543
Dallas	170	232	310	412	434
Drew	171	234	312	430	437
Fulton	235	238	302	377	492
Grant	236	281	315	438	517
Hempstead	182	249	332	441	491
Howard	186	254	339	425	476
Izard	169	226	302	401	423
Johnson	224	227	303	422	445
Lawrence	171	233	311	388	511
Lincoln	246	263	351	470	491
Logan	238	251	302	377	423
Marion	171	234	312	434	512
Monroe	231	234	312	390	512
Nevada	211	256	340	474	477
Ouachita	264	268	342	477	562
Phillips	195	231	309	411	476
Poinsett	184	251	335	419	469
Pope	213	297	375	521	600
Randolph	166	260	302	386	489
Scott	166	263	302	380	495
Sevier	249	252	336	420	471
Stone	213	217	288	401	474
Van Buren	189	258	343	443	565
Woodruff	218	226	302	377	423

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Ashley	184	248	330	427	542
Boone	263	268	356	495	584
Calhoun	166	269	302	419	495
Chicot	168	228	305	388	427
Clay	206	235	302	377	495
Cleveland	163	223	298	372	488
Conway	206	281	375	469	526
Cross	236	287	334	465	547
Desha	196	245	326	453	457
Franklin	238	265	302	384	489
Garland	213	290	388	540	637
Greene	239	243	315	413	474
Hot Spring	189	258	343	430	481
Independence	239	277	312	434	512
Jackson	235	238	318	430	445
Lafayette	238	269	302	419	438
Lee	252	256	340	426	477
Little River	193	262	350	486	573
Madison	260	263	351	438	491
Mississippi	259	281	375	494	555
Montgomery	166	226	302	419	495
Newton	166	269	302	377	423
Perry	166	226	302	377	495
Pike	166	226	302	377	495
Polk	199	226	302	417	429
Prairie	163	223	298	414	440
St. Francis	184	275	336	468	549
Searcy	162	224	296	411	414
Sharp	173	236	315	435	441
Union	288	303	365	489	598
White	190	256	340	474	477
Yell	236	268	334	418	468

C A L I F O R N I A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bakersfield, CA MSA	363	409	511	710	787	Kern
Chico-Paradise, CA MSA	309	394	525	720	862	Butte
Fresno, CA MSA	379	425	507	704	811	Fresno, Madera

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

C A L I F O R N I A continued

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Los Angeles-Long Beach, CA PMSA	570	683	864	1167	1391	Los Angeles
Merced, CA MSA	368	409	499	693	818	Merced
Modesto, CA MSA	424	457	557	776	914	Stanislaus
Oakland, CA PMSA	538	651	815	1117	1337	Alameda, Contra Costa
Orange County, CA PMSA	653	714	882	1227	1367	Orange
Redding, CA MSA	348	386	483	672	792	Shasta
Riverside-San Bernardino, CA PMSA	467	518	632	879	1038	Riverside, San Bernardino
Sacramento, CA PMSA	440	496	620	862	1016	El Dorado, Placer, Sacramento
Salinas, CA MSA	542	633	764	1061	1114	Monterey
San Diego, CA MSA	486	556	695	966	1139	San Diego
San Francisco, CA PMSA	613	794	1004	1376	1456	Marin, San Francisco, San Mateo
San Jose, CA PMSA	678	773	954	1308	1469	Santa Clara
San Luis Obispo-Atascadero-Paso Robles, CA PMSA	478	540	684	950	1121	San Luis Obispo
Santa Barbara-Santa Maria-Lompoc, CA MSA	592	658	834	1160	1310	Santa Barbara
Santa Cruz-Watsonville, CA PMSA	589	701	936	1301	1525	Santa Cruz
Santa Rosa, CA PMSA	538	610	791	1100	1299	Sonoma
Stockton-Lodi, CA MSA	393	445	569	791	934	San Joaquin
Vallejo-Fairfield-Napa, CA PMSA	507	577	704	978	1155	Napa, Solano
Ventura, CA PMSA	626	717	909	1209	1409	Ventura
Visalia-Tulare-Porterville, CA MSA	344	367	477	664	759	Tulare
Yolo, CA PMSA	443	506	624	868	1024	Yolo
Yuba City, CA MSA	307	352	452	629	633	Sutter, Yuba

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alpine	271	437	492	685	689
Calaveras	359	415	554	770	908
Del Norte	298	408	543	755	891
Humboldt	277	383	503	700	827
Inyo	302	407	522	684	731
Lake	332	421	562	708	921
Mariposa	314	377	484	673	793
Modoc	317	322	429	536	601
Nevada	376	513	685	952	1103
San Benito	437	514	643	895	1049
Siskiyou	306	334	444	577	729
Trinity	327	331	430	551	705

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Amador	402	443	590	821	916
Colusa	317	322	429	566	704
Glenn	289	355	438	562	614
Imperial	326	407	501	697	703
Kings	334	387	484	673	793
Lassen	356	360	469	629	676
Mendocino	414	486	608	846	852
Mono	445	532	708	984	1162
Plumas	321	344	458	628	641
Sierra	265	389	480	668	787
Tehama	304	322	429	597	704
Tuolumne	326	444	592	823	971

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C O L O R A D O.

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boulder-Longmont, CO PMSA	366	439	563	782	923	Boulder
Colorado Springs, CO MSA	307	353	472	657	776	El Paso
Denver, CO PMSA	332	408	544	755	891	Adams, Arapahoe, Denver, Douglas, Jefferson
Fort Collins-Loveland, CO MSA	311	383	472	657	776	Larimer
Greeley, CO PMSA	269	327	420	583	689	Weld
Pueblo, CO MSA	242	304	404	522	639	Pueblo

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alamosa	251	329	371	478	607
Baca	224	227	303	422	497
Chaffee	287	291	388	532	587
Clear Creek	345	411	466	649	765
Costilla	205	331	373	519	563
Custer	205	328	373	514	611
Dolores	202	326	365	457	512
Elbert	390	434	493	617	810
Garfield	385	412	521	651	854
Grand	423	428	542	678	820
Hinsdale	331	374	419	584	587
Jackson	205	279	373	466	522
Kit Carson	213	290	387	485	542
La Plata	331	365	481	669	790
Lincoln	276	279	373	466	611
Mesa	216	299	373	519	611
Moffat	192	302	351	488	575
Montrose	255	297	376	523	617
Otero	235	279	373	466	560
Park	279	391	509	707	804
Pitkin	530	724	965	1274	1447
Rio Blanco	276	279	373	519	570
Routt	331	427	563	783	923
San Juan	214	345	388	540	556
Sedgwick	164	224	299	374	471
Teller	307	418	558	775	781
Yuma	198	270	360	500	503

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Archuleta	272	384	432	601	709
Bent	205	280	374	476	523
Cheyenne	205	280	374	467	614
Conejos	172	278	312	391	485
Crowley	172	269	312	415	512
Delta	276	279	373	499	522
Eagle	491	534	712	991	1169
Fremont	229	301	401	558	658
Gilpin	328	470	596	786	871
Gunnison	317	334	428	596	703
Huerfano	219	279	373	481	611
Kiowa	192	312	351	446	501
Lake	328	332	444	554	692
Las Animas	256	318	365	509	600
Logan	205	279	373	499	522
Mineral	258	290	327	413	537
Montezuma	235	302	373	519	570
Morgan	272	276	369	500	604
Ouray	254	348	463	588	750
Phillips	229	233	310	413	453
Prowers	248	251	337	457	552
Rio Grande	205	279	373	496	522
Saguache	201	295	364	456	529
San Miguel	463	559	735	919	1184
Summit	414	496	636	885	1044
Washington	260	306	373	466	611

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR; and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

CONNECTICUT

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bridgeport, CT PMSA	533	692	833	1042	1300	Fairfield county towns of Bridgeport, Easton, Fairfield Monroe, Shelton, Stratford, Trumbull New Haven county towns of Ansonia, Beacon Falls, Derby Milford, Oxford, Seymour
Danbury, CT PMSA	631	754	942	1244	1433	Fairfield county towns of Bethel, Brookfield, Danbury New Fairfield, Newtown, Redding, Ridgefield, Sherman Litchfield county towns of Bridgewater, New Milford Washington New Haven county towns of Southbury
Hartford, CT PMSA	446	554	709	887	1078	Hartford county towns of Avon, Berlin, Bloomfield Bristol, Burlington, Canton, East Granby, East Hartford East Windsor, Enfield, Farmington, Glastonbury, Granby Hartford, Manchester, Marlborough, New Britain Newington, Plainville, Rocky Hill, Simsbury, Southington South Windsor, Suffield, West Hartford, Wethersfield Windsor, Windsor Locks Litchfield county towns of Barkhamsted, Harwinton New Hartford, Plymouth, Winchester Middlesex county towns of Cromwell, Durham, East Haddam East Hampton, Haddam, Middlefield, Middletown, Portland New London county towns of Colchester, Lebanon Tolland county towns of Andover, Bolton, Columbia Coventry, Ellington, Hebron, Mansfield, Somers, Stafford Tolland, Vernon, Willington Windham county towns of Ashford, Chaplin, Windham
New Haven-Meriden, CT PMSA	518	636	786	1007	1165	Middlesex county towns of Clinton, Killingworth New Haven county towns of Bethany, Branford, Cheshire East Haven, Guilford, Hamden, Madison, Meriden New Haven, North Branford, North Haven, Orange Wallingford, West Haven, Woodbridge
New London-Norwich, CT-RI MSA	476	575	700	876	1001	New Haven county towns of New London county towns of Bozrah, East Lyme, Franklin Griswold, Groton, Ledyard, Lisbon, Montville, New London North Stonington, Norwich, Old Lyme, Preston, Salem Sprague, Stonington, Waterford Windham county towns of Canterbury, Plainfield
Stamford-Norwalk, CT PMSA	784	918	1119	1500	1657	Fairfield county towns of Darien, Greenwich, New Canaan Norwalk, Stamford, Weston, Westport, Wilton
Waterbury, CT MSA	401	540	668	834	934	Litchfield county towns of Bethlehem, Thomaston Watertown, Woodbury New Haven county towns of Middlebury, Naugatuck, Prospect Waterbury, Wolcott

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 7

C O N N E C T I C U T continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Hartford	343	555	625	868	1024	Hartland
Litchfield	398	542	723	904	1028	Canaan, Colebrook, Cornwall, Goshen, Kent, Litchfield Morris, Norfolk, North Canaan, Roxbury, Salisbury Sharon, Torrington, Warren
Middlesex	589	668	892	1240	1463	Chester, Deep River, Essex, Westbrook
New London	500	612	695	897	1139	Lyme, Voluntown
Tolland	343	555	625	868	874	Union
Windham	394	482	625	782	981	Brooklyn, Eastford, Hampton, Killingly, Pomfret, Putnam Scotland, Sterling, Woodstock, Thompson

D E L A W A R E

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Dover, DE MSA	398	444	503	669	760	Kent
Wilmington-Newark, DE-MD PMSA	407	538	626	851	1026	New Castle

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Sussex	357	361	483	643	676

D I S T . O F C O L U M B I A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Washington, DC-MD-VA	633	719	844	1149	1385	District of Columbia

F L O R I D A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Daytona Beach, FL MSA	347	430	551	732	777	Flagler, Volusia
Fort Lauderdale, FL PMSA	475	559	690	960	1132	Broward
Fort Myers-Cape Coral, FL MSA	411	474	571	795	830	Lee
Fort Pierce-Port Lucie, FL MSA	420	462	600	779	840	Martin, St. Lucie
Fort Walton Beach, FL MSA	351	391	444	618	729	Okaloosa
Gainesville, FL MSA	314	371	481	670	790	Alachua
Jacksonville, FL MSA	369	413	498	658	731	Clay, Duval, Nassau, St. Johns
Lakeland-Winter Haven, FL MSA	329	370	452	578	663	Polk
Melbourne-Titusville-Palm Bay, FL MSA	350	438	548	734	855	Brevard
Miami, FL PMSA	471	590	737	1011	1173	Dade
Naples, FL MSA	394	555	668	928	1036	Collier
Ocala, FL MSA	313	354	433	599	703	Marion
Orlando, FL MSA	447	509	606	795	971	Lake, Orange, Osceola, Seminole

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

F L O R I D A continued

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Panama City, FL MSA	318	343	419	582	624	Bay
Pensacola, FL MSA	330	372	418	580	685	Escambia, Santa Rosa
Punta Gorda, FL MSA	345	417	556	772	911	Charlotte
Sarasota-Bradenton, FL MSA	370	470	596	768	835	Manatee, Sarasota
Tallahassee, FL MSA	378	417	549	719	867	Gadsden, Leon
Tampa-St. Petersburg-Clearwater, FL MSA	369	439	543	722	874	Hernando, Hillsborough, Pasco, Pinellas
West Palm Beach-Boca Raton, FL MSA	487	572	707	940	1160	Palm Beach

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Baker	209	339	382	478	565
Calhoun	159	217	290	400	475
Columbia	260	288	330	458	541
Dixie	232	260	293	408	481
Gilchrist	195	270	355	445	583
Gulf	205	280	374	468	523
Hardee	235	382	428	535	600
Highlands	304	337	448	562	628
Indian River	343	461	592	741	829
Jefferson	184	246	328	449	538
Levy	260	264	330	412	535
Madison	229	257	290	402	449
Okeechobee	244	395	444	555	622
Sumter	296	324	376	470	527
Taylor	208	291	388	485	617
Wakulla	185	280	337	469	552
Washington	161	256	294	368	412

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Bradford	196	314	356	482	532
Citrus	301	324	431	546	602
Desoto	310	314	414	542	579
Franklin	217	348	396	550	554
Glades	340	384	431	539	602
Hamilton	208	217	290	362	475
Hendry	311	400	471	589	660
Holmes	213	217	290	402	475
Jackson	159	257	290	386	475
Lafayette	239	242	323	402	529
Liberty	169	276	308	386	433
Monroe	528	595	765	1055	1254
Putnam	271	304	342	461	525
Suwannee	273	277	346	433	484
Union	247	251	335	438	469
Walton	183	295	332	438	545

G E O R G I A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany, GA MSA	272	288	383	532	536	Dougherty, Lee
Athens, GA MSA	340	364	473	643	775	Clarke, Madison, Oconee
Atlanta, GA	454	506	589	784	949	Barrow, Bartow, Cherokee, Clayton, Cobb, Coweta, Dekalb Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry Newton, Paulding, Rockdale
Augusta-Aiken, GA-SC MSA	325	389	458	623	738	Columbia, Richmond
Carroll County, GA	303	307	410	570	673	Carroll
Chattanooga, TN-GA MSA	316	370	444	573	654	Catoosa, Dade, Walker
Columbus, GA-AL MSA	324	362	431	565	613	Chattahoochee, Harris, Muscogee
Macon, GA MSA	336	375	435	602	618	Bibb, Houston, Jones, Peach, Twiggs

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

G E O R G I A continued

METROPOLITAN FMR AREAS.	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Pickens County, GA.	211	287	384	533	538	Pickens
Savannah, GA MSA.	338	421	489	657	685	Bryan, Chatham, Effingham
Spalding County, GA.	329	333	445	560	623	Spalding
Walton County, GA.	317	342	440	612	721	Walton

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Appling	174	259	317	422	444
Bacon	174	269	317	396	444
Baldwin	228	339	414	530	579
Ben Hill	177	247	317	396	520
Bleckley	174	237	317	408	485
Brooks	234	237	317	408	520
Burke	210	213	285	397	399
Calhoun	162	177	216	271	303
Candler	249	282	317	440	444
Chattooga	184	275	335	419	529
Clinch	167	228	303	422	425
Colquitt	234	237	317	408	444
Crawford	264	268	335	425	469
Dawson	255	348	464	580	716
Dodge	234	237	317	440	463
Early	234	237	317	415	466
Elbert	245	277	311	389	510
Evans	249	263	317	427	444
Floyd	259	307	399	528	558
Gilmer	253	256	342	428	480
Glynn	379	422	480	642	787
Grady	249	269	317	411	520
Habersham	291	320	368	512	592
Hancock	199	293	362	453	530
Hart	192	303	349	436	489
Irwin	174	237	317	396	444
Jasper	220	300	399	543	558
Jefferson	216	243	273	380	448
Johnson	177	237	317	396	444
Lanier	174	282	317	440	444
Liberty	333	373	423	588	592
Long	215	348	391	490	547
Lumpkin	223	361	406	544	666
McIntosh	176	285	321	401	449

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Atkinson	216	243	273	363	383
Baker	175	215	265	369	379
Banks	183	293	333	464	546
Berrien	174	237	317	440	444
Brantley	188	257	343	430	481
Bulloch	330	335	430	554	704
Butts	248	340	453	606	634
Camden	372	420	471	654	772
Charlton	254	257	343	430	512
Clay	153	209	279	366	390
Coffee	174	253	317	402	520
Cook	174	282	317	440	520
Crisp	249	282	317	440	520
Decatur	174	282	317	402	444
Dooly	175	206	275	382	384
Echols	249	282	317	440	444
Emanuel	244	276	308	426	433
Fannin	177	237	317	440	444
Franklin	192	248	331	431	543
Glascock	148	201	269	336	440
Gordon	321	326	407	526	669
Greene	216	294	392	491	550
Hall	281	427	502	628	702
Haralson	256	259	347	475	503
Heard	257	260	348	435	487
Jackson	284	289	385	481	631
Jeff Davis	174	282	317	440	520
Jenkins	174	282	317	440	520
Lamar	212	319	367	467	602
Laurens	275	303	352	440	578
Lincoln	174	282	317	440	444
Lowndes	276	332	404	564	624
Mcduffie	246	249	333	447	546
Macon	252	258	319	399	446

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

GEORGIA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Marion	171	233	311	389	510
Miller	174	282	317	440	444
Monroe	198	288	360	501	504
Morgan	212	291	388	485	543
Oglethorpe	218	282	317	440	491
Pike	300	325	410	571	575
Pulaski	239	269	302	421	495
Quitman	163	266	299	416	419
Randolph	223	227	301	419	494
Screven	210	268	335	419	469
Stephens	264	268	356	493	582
Sumter	203	302	368	464	516
Taliaferro	145	234	263	329	432
Taylor	222	249	281	390	394
Terrell	175	268	319	411	523
Tift	218	263	337	451	526
Towns	177	242	323	448	529
Troup	244	369	415	519	581
Union	228	310	412	517	578
Ware	262	294	331	414	543
Washington	249	282	317	415	520
Webster	249	282	317	440	520
White	199	323	362	504	594
Wilcox	160	258	291	367	478
Wilkinson	178	288	324	404	515
Meriwether	185	287	337	428	472
Mitchell	217	221	294	409	483
Montgomery	232	235	313	391	438
Murray	207	310	378	476	530
Pierce	234	256	317	411	444
Polk	210	291	384	533	538
Putnam	215	270	359	499	589
Rabun	189	303	344	431	544
Schley	174	237	317	440	444
Seminole	174	263	317	440	444
Stewart	174	237	317	440	520
Talbot	173	236	314	437	516
Tattnall	234	237	317	440	444
Telfair	211	279	317	396	444
Thomas	195	315	354	457	496
Toombs	240	243	324	404	531
Treutlen	139	189	253	341	415
Turner	186	254	339	431	475
Upson	265	269	358	447	501
Warren	249	282	317	396	444
Wayne	245	277	311	433	510
Wheeler	207	280	314	394	453
Whitfield	243	347	419	535	631
Wilkes	174	282	317	408	494
Worth	197	273	359	449	503

HAWAII

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Honolulu, HI MSA	760	909	1069	1445	1563	Honolulu

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Hawaii	460	598	687	914	1126
Maui	733	910	1110	1433	1622
Kauai	580	866	1056	1395	1510

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

I D A H O

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boise City, ID MSA	317	351	440	612	722	Ada, Canyon

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	162	262	295	383	412
Bear Lake	174	239	318	442	522
Bingham	254	270	321	447	527
Boise	207	335	376	470	526
Bonneville	239	308	411	554	675
Butte	162	221	295	410	412
Caribou	157	216	288	400	471
Clark	167	268	305	423	427
Custer	180	247	328	443	538
Franklin	167	247	305	420	499
Gem	222	224	299	394	472
Idaho	239	258	310	387	434
Jerome	164	240	300	418	493
Latah	219	285	370	503	607
Lewis	222	225	300	375	480
Madison	254	258	339	471	513
Nez Perce	266	277	368	486	516
Owyhee	226	252	287	384	441
Power	176	281	323	403	451
Teton	282	286	376	523	618
Valley	270	274	365	507	540

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Bannock	196	259	345	479	565
Benewah	162	258	296	382	414
Blaine	399	440	586	816	962
Bonner	238	299	365	507	584
Boundary	195	282	344	430	481
Camas	162	239	295	368	412
Cassia	173	221	295	394	462
Clearwater	221	244	295	406	427
Elmore	241	244	309	430	507
Fremont	167	263	296	387	485
Gooding	190	225	297	398	487
Jefferson	266	299	336	467	527
Kootenai	262	302	403	560	661
Lemhi	168	231	307	384	503
Lincoln	182	224	299	374	476
Minidoka	229	231	300	418	493
Oneida	259	262	349	440	552
Payette	222	224	299	415	490
Shoshone	187	221	295	368	482
Twin Falls	222	272	358	472	502
Washington	231	260	292	392	409

I L L I N O I S

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington-Normal, IL MSA	292	358	478	664	702	Mclean
Champaign-Urbana, IL MSA	315	385	499	684	819	Champaign
Chicago, IL	461	553	658	823	928	Cook, Dupage, Kane, Lake, Mchenry, Will
Davenport-Moline-Rock Island, IA-IL MSA	246	306	405	543	570	Henry, Rock Island
Decatur, IL MSA	247	320	411	554	576	Macon
De Kalb County, IL	376	438	554	770	892	Dekalb
Grundy County, IL	328	379	505	667	708	Grundy
Kankakee, IL PMSA	295	352	469	609	657	Kankakee
Kendall County, Il	453	516	622	865	871	Kendall
Peoria-Pekin, IL MSA	288	319	426	566	596	Peoria, Tazewell, Woodford
Rockford, IL MSA	295	358	454	580	676	Boone, Ogle, Winnebago

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

ILLINOIS continued

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
St. Louis, MO-IL MSA	295	361	468	609	674	Clinton, Jersey, Madison, Monroe, St. Clair
Springfield, IL MSA	286	352	470	624	710	Menard, Sangamon

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	196	267	336	446	585
Bond	244	248	330	413	462
Bureau	237	314	369	466	517
Carroll	171	241	314	401	439
Christian	263	266	355	465	498
Clay	236	238	314	398	514
Crawford	177	248	321	447	450
De Witt	254	257	343	477	487
Edgar	185	249	319	399	447
Effingham	215	289	357	451	529
Ford	177	246	320	446	449
Fulton	181	246	329	428	510
Greene	226	251	314	401	514
Hancock	232	236	315	393	441
Henderson	171	236	314	392	442
Jackson	258	292	375	521	615
Jefferson	250	294	367	500	514
Johnson	219	231	308	429	505
La Salle	215	292	390	527	590
Lee	279	287	382	478	537
Logan	277	294	391	489	614
Macoupin	217	274	351	450	491
Marshall	192	257	326	408	456
Massac	245	276	311	431	435
Montgomery	193	245	327	418	457
Moultrie	207	263	351	485	491
Piatt	217	304	394	538	553
Pope	143	196	261	327	428
Putnam	190	281	317	441	444
Richland	239	242	311	388	435
Schuyler	184	281	317	416	466
Shelby	188	255	340	426	489
Stephenson	263	302	381	477	535
Vermilion	226	306	382	486	537
Warren	263	266	355	448	504
Wayne	163	231	296	379	486

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alexander	171	236	314	392	514
Brown	177	241	321	401	527
Calhoun	151	244	275	382	385
Cass	251	255	340	426	476
Clark	171	236	314	430	439
Coles	260	310	413	549	648
Cumberland	182	254	314	437	471
Douglas	266	273	337	468	472
Edwards	232	236	314	392	514
Fayette	207	254	314	437	439
Franklin	179	248	326	434	456
Gallatin	161	240	292	406	425
Hamilton	171	279	314	392	439
Hardin	171	236	314	408	439
Iroquois	215	265	331	431	464
Jasper	167	272	306	426	489
Jo Daviess	277	299	351	442	491
Knox	189	257	343	490	543
Lawrence	158	224	289	397	405
Livingston	221	302	402	518	564
Mcdonough	221	286	345	450	567
Marion	255	272	332	455	465
Mason	180	245	328	447	538
Mercer	190	258	345	432	504
Morgan	241	312	416	553	583
Perry	233	253	295	401	466
Pike	205	211	280	370	406
Pulaski	161	219	292	366	434
Randolph	236	269	337	462	472
Saline	231	241	321	418	450
Scott	182	248	330	413	462
Stark	171	234	313	435	438
Union	178	229	302	419	423
Wabash	188	266	341	454	560
Washington	219	299	398	498	646
White	171	256	302	392	423

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

I L L I N O I S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Whiteside	258	294	391	489	549
Williamson	202	275	366	509	516

I N D I A N A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington, IN MSA	299	387	516	716	845	Monroe
Cincinnati, OH-KY-IN	282	364	485	651	703	Dearborn
Elkhart-Goshen, IN MSA	342	391	495	634	728	Elkhart
Evansville-Henderson, IN-KY MSA	265	324	421	527	589	Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA	294	377	466	601	653	Adams, Allen, De Kalb, Huntington, Wells, Whitley
Gary, IN PMSA	313	411	513	642	718	Lake, Porter
Indianapolis, IN MSA	336	416	502	632	703	Boone, Hamilton, Hancock, Hendricks, Johnson, Madison Marion, Morgan, Shelby
Kokomo, IN MSA	273	323	420	542	588	Howard, Tipton
Lafayette, IN MSA	294	373	497	692	816	Clinton, Tippecanoe
Louisville, KY-IN MSA	269	345	420	583	614	Clark, Floyd, Harrison, Scott
Muncie, IN MSA	265	319	390	542	640	Delaware
Ohio County, IN	188	272	341	473	491	Ohio
South Bend, IN MSA	295	392	517	645	723	St. Joseph
Terre Haute, IN MSA	236	292	388	485	542	Clay, Vermillion, Vigo

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Bartholomew	374	403	486	608	798
Blackford	218	298	396	495	554
Carroll	240	262	349	471	488
Crawford	178	242	323	403	503
Decatur	218	299	397	516	556
Fayette	212	288	385	481	582
Franklin	204	278	370	464	608
Gibson	203	263	333	450	467
Greene	243	246	325	405	454
Jackson	307	311	388	524	563
Jay	254	261	323	449	452
Jennings	279	283	368	493	515
Kosciusko	250	352	425	552	595
La Porte	274	332	443	567	621
Marshall	318	323	430	542	602
Miami	216	255	332	416	491
Newton	279	282	377	472	529
Orange	248	251	323	426	457
Benton	185	296	337	454	472
Brown	255	353	465	647	671
Cass	221	273	345	453	543
Daviess	219	275	366	459	513
Dubois	238	282	372	487	559
Fountain	255	258	332	416	465
Fulton	294	308	372	516	521
Grant	285	289	386	502	541
Henry	224	270	335	465	468
Jasper	214	323	362	492	506
Jefferson	266	298	338	469	473
Knox	277	299	397	497	556
Lagrange	272	312	399	518	603
Lawrence	238	282	377	498	529
Martin	181	244	323	449	477
Montgomery	311	327	408	517	572
Noble	305	310	386	498	549
Owen	256	260	347	448	568

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

I N D I A N A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Parke	192	262	350	462	567
Pike	178	264	323	426	452
Putnam	279	327	399	555	560
Ripley	239	272	362	503	568
Spencer	180	255	328	456	504
Steuben	326	369	440	550	615
Switzerland	181	273	329	457	477
Wabash	219	291	343	477	522
Washington	191	261	348	463	490
White	266	285	365	456	599

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Perry	178	244	323	449	506
Pulaski	214	295	339	424	475
Randolph	236	257	323	442	452
Rush	275	278	349	485	568
Starke	233	292	370	464	518
Sullivan	192	262	350	438	525
Union	178	248	323	449	455
Warren	177	279	321	447	527
Wayne	245	287	373	466	541

I O W A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cedar Rapids, IA MSA	249	352	451	628	673	Linn
Davenport-Moline-Rock Island, IA-IL MSA	246	306	405	543	570	Scott
Des Moines, IA MSA	338	400	513	683	718	Dallas, Polk, Warren
Dubuque, IA MSA	257	305	406	517	631	Dubuque
Iowa City, IA MSA	301	385	494	687	811	Johnson
Omaha, NE-IA MSA	284	388	491	643	721	Pottawattamie
Sioux City, IA-NE MSA	237	301	402	532	615	Woodbury
Waterloo-Cedar Falls, IA MSA	227	303	379	528	620	Black Hawk

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adair	195	262	349	443	489
Allamakee	198	249	307	426	503
Audubon	170	257	309	387	454
Boone	250	284	378	496	588
Buchanan	264	267	348	435	493
Butler	257	260	324	431	454
Carroll	192	262	349	481	505
Cedar	195	313	355	444	497
Cherokee	210	210	284	395	398
Clarke	258	262	349	484	516
Clayton	224	249	315	406	517
Crawford	232	249	327	426	458
Decatur	199	227	303	420	424
Des Moines	220	296	393	500	562
Emmet	197	228	304	407	499
Floyd	272	275	349	437	505

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	189	289	346	460	483
Appanoose	246	250	333	456	546
Benton	258	262	349	437	492
Bremer	206	262	349	440	572
Buena Vista	265	276	368	461	516
Calhoun	232	235	314	409	440
Cass	186	269	340	425	476
Cerro Gordo	219	292	391	540	547
Chickasaw	165	225	301	412	420
Clay	192	262	350	448	490
Clinton	226	274	365	461	512
Davis	192	262	349	437	489
Delaware	192	278	349	437	495
Dickinson	193	263	351	439	491
Fayette	185	253	337	452	474
Franklin	258	262	349	437	489

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

I O W A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Fremont	275	278	349	443	572
Grundy	226	235	314	435	515
Hamilton	285	288	386	482	540
Hardin	206	269	349	446	492
Henry	202	284	369	474	570
Humboldt	180	262	327	423	458
Iowa	200	300	365	467	512
Jasper	205	278	371	464	520
Jones	238	241	318	420	450
Kossuth	201	275	367	460	514
Louisa	192	278	349	484	489
Lyon	165	225	301	410	420
Mahaska	223	262	349	484	489
Marshall	252	272	345	436	483
Mitchell	163	235	298	372	416
Monroe	198	265	349	437	572
Muscatine	241	308	410	545	574
Osceola	186	256	340	425	476
Palo Alto	162	240	289	394	452
Pocahontas	228	232	309	399	432
Ringgold	163	223	298	390	443
Shelby	189	270	346	452	483
Story	325	395	465	646	739
Taylor	182	249	332	439	544
Van Buren	197	246	324	451	454
Washington	216	269	349	446	572
Webster	196	269	358	468	533
Winneshiek	192	262	349	437	489
Wright	192	262	349	437	489

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Greene	182	249	332	462	465
Guthrie	187	270	342	465	560
Hancock	222	261	348	465	487
Harrison	196	267	356	445	513
Howard	189	259	346	432	567
Ida	258	262	349	437	489
Jackson	190	270	303	420	497
Jefferson	231	315	420	547	691
Keokuk	170	232	310	397	435
Lee	199	273	364	455	509
Lucas	198	262	336	467	522
Madison	222	302	403	516	565
Marion	223	305	406	512	569
Mills	237	321	377	491	529
Monona	192	262	349	437	489
Montgomery	275	297	349	484	489
O'Brien	167	247	302	377	423
Page	209	226	302	419	456
Plymouth	205	278	372	465	521
Poweshiek	265	292	391	489	547
Sac	198	225	291	406	446
Sioux	228	249	332	439	489
Tama	235	281	374	467	525
Union	198	262	349	467	572
Wapello	230	265	353	455	494
Wayne	167	226	302	411	432
Winnebago	182	296	332	415	465
Worth	195	262	349	437	551

K A N S A S

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Kansas City, MO-KS MSA	316	398	478	661	732	Johnson, Leavenworth, Miami, Wyandotte
Lawrence, KS MSA	321	384	493	686	789	Douglas
Topeka, KS MSA	305	351	455	615	694	Shawnee
Wichita, KS MSA	298	360	481	649	702	Butler, Harvey, Sedgwick

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

K A N S A S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Allen	215	219	276	385	453
Atchison	190	261	348	438	570
Barton	180	251	326	431	469
Brown	177	241	322	403	529
Chautauqua	177	286	322	448	529
Cheyenne	210	213	273	376	381
Clay	177	241	322	403	451
Coffey	264	277	339	423	555
Cowley	272	275	367	489	526
Decatur	177	241	322	403	451
Doniphan	179	244	325	406	455
Elk	153	225	277	377	431
Ellsworth	232	235	314	437	440
Ford	273	322	402	506	571
Geary	310	326	407	526	571
Graham	194	214	246	343	404
Gray	177	258	322	403	451
Greenwood	177	241	322	448	451
Harper	173	243	315	439	489
Hodgeman	177	241	322	403	451
Jefferson	208	283	377	499	529
Kearny	283	286	381	512	562
Kiowa	238	241	322	441	529
Lane	157	257	287	400	403
Linn	207	241	322	448	451
Lyon	213	272	362	475	572
Marion	241	244	322	403	451
Meade	237	240	321	430	527
Montgomery	208	256	340	462	509
Morton	190	261	348	435	487
Neosho	177	276	322	444	454
Norton	177	276	322	403	451
Osborne	130	185	235	327	387
Pawnee	177	241	322	448	529
Pottawatomie	182	272	332	418	544
Rawlins	164	243	283	354	407
Republic	149	205	272	340	443
Riley	312	344	458	573	693
Rush	153	209	277	359	403
Saline	279	283	377	526	529

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Anderson	177	241	322	448	451
Barber	169	231	308	427	431
Bourbon	212	241	322	444	487
Chase	177	286	322	415	451
Cherokee	175	253	320	418	448
Clark	192	276	350	438	490
Cloud	223	252	283	354	397
Comanche	148	219	270	348	377
Crawford	214	286	381	478	535
Dickinson	237	256	340	425	476
Edwards	177	241	322	448	490
Ellis	238	241	322	448	529
Finney	311	333	426	554	700
Franklin	276	281	374	467	584
Gove	168	272	305	424	427
Grant	234	300	365	507	552
Greeley	177	286	322	448	451
Hamilton	177	241	322	403	529
Haskell	186	295	339	433	488
Jackson	177	283	322	438	451
Jewell	142	193	258	322	368
Kingman	180	254	326	435	457
Labette	237	256	340	425	476
Lincoln	153	209	277	348	389
Logan	218	245	275	366	432
Mcpherson	258	262	349	478	489
Marshall	188	232	310	403	508
Mitchell	168	228	304	380	436
Morris	177	241	322	405	451
Nemaha	169	239	308	385	431
Ness	238	241	322	448	451
Osage	238	241	322	429	451
Ottawa	193	269	316	395	443
Phillips	177	254	322	403	529
Pratt	202	276	368	487	516
Reno	196	267	356	481	584
Rice	236	254	299	415	420
Rooks	148	202	271	358	444
Russell	184	270	328	456	460
Scott	207	262	350	487	559

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

KANSAS continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Seward	286	312	415	520	582
Sherman	177	244	322	432	451
Stafford	167	226	302	387	423
Stevens	183	289	333	463	546
Thomas	177	241	322	441	529
Wabaunsee	238	241	322	448	451
Washington	150	206	274	380	385
Wilson	174	243	316	440	519

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Sheridan	141	220	256	355	418
Smith	156	213	284	387	398
Stanton	177	259	323	449	491
Sumner	197	269	359	499	502
Trego	177	241	322	448	451
Wallace	170	274	309	429	506
Wichita	210	286	381	478	592
Woodson	189	241	322	403	451

KENTUCKY

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cincinnati, OH-KY-IN	282	364	485	651	703	Boone, Campbell, Kenton
Clarksville-Hopkinsville, TN-KY MSA	303	335	398	542	558	Christian
Evansville-Henderson, IN-KY MSA	265	324	421	527	589	Henderson
Gallatin County, KY	212	317	387	484	634	Gallatin
Grant County, KY	207	284	377	525	620	Grant
Huntington-Ashland, WV-KY-OH MSA	240	283	359	478	510	Boyd, Greenup
Lexington, KY MSA	304	369	455	631	714	Bourbon, Clark, Fayette, Jessamine, Madison, Scott Woodford
Louisville, KY-IN MSA	269	345	420	583	614	Bullitt, Jefferson, Oldham
Owensboro, KY MSA	265	271	362	485	507	Daviess
Pendleton County, KY	239	276	368	461	516	Pendleton

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adair	160	244	291	404	407
Anderson	265	272	358	447	501
Barren	242	245	327	408	457
Bell	180	244	326	407	456
Bracken	162	222	295	410	414
Breckinridge	157	213	285	356	414
Caldwell	146	199	265	366	427
Carlisle	230	233	294	368	445
Carter	176	272	320	400	474
Clay	151	215	276	344	386
Crittenden	145	197	263	366	368
Edmonson	145	198	264	333	371
Estill	177	242	323	402	451
Floyd	228	277	311	433	497
Fulton	240	253	338	423	493
Graves	183	249	332	416	472

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Allen	168	260	306	399	430
Ballard	145	198	264	367	401
Bath	157	215	287	358	401
Boyle	284	288	384	480	538
Breathitt	148	207	270	338	443
Butler	145	197	263	329	368
Calloway	185	252	336	467	470
Carroll	236	266	299	374	491
Casey	145	197	263	329	368
Clinton	148	201	269	336	376
Cumberland	155	197	263	366	382
Elliott	195	197	263	329	432
Fleming	164	225	300	375	421
Franklin	232	342	423	550	694
Garrard	223	251	282	392	463
Grayson	151	209	276	369	438

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

KENTUCKY continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Green	178	243	325	406	454
Hardin	301	308	386	518	614
Harrison	185	252	336	430	551
Henry	217	221	294	409	483
Hopkins	209	249	307	388	505
Johnson	178	243	324	427	453
Knox	185	240	320	400	499
Laurel	243	249	315	438	442
Lee	145	198	264	330	371
Letcher	216	218	284	355	398
Lincoln	175	239	318	403	445
Logan	191	259	347	458	485
Mccracken	269	279	362	464	594
Mclean	145	197	263	366	376
Marion	148	239	269	374	440
Martin	163	223	297	396	489
Meade	249	310	356	471	586
Mercer	182	275	330	458	461
Monroe	204	230	258	329	380
Morgan	159	221	290	362	406
Nelson	259	263	351	439	492
Ohio	233	236	314	409	503
Owsley	152	208	278	347	389
Pike	259	263	351	446	531
Pulaski	243	246	328	439	463
Rockcastle	200	203	271	374	379
Russell	158	216	288	360	402
Simpson	194	303	352	450	493
Taylor	241	272	305	425	483
Trigg	161	260	293	408	481
Union	236	240	319	444	446
Washington	211	285	321	401	449
Webster	230	233	311	389	436
Wolfe	145	227	263	366	368

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Hancock	171	233	310	428	508
Harlan	145	234	263	366	432
Hart	157	246	287	358	401
Hickman	144	196	260	362	428
Jackson	151	207	277	346	387
Knott	145	234	263	366	416
Larue	153	209	279	349	390
Lawrence	200	241	283	394	397
Leslie	195	197	263	329	368
Lewis	146	199	265	353	435
Livingston	278	281	375	521	525
Lyon	175	239	318	397	445
Mccreary	139	196	254	353	355
Magoffin	145	218	263	329	432
Marshall	181	246	329	419	540
Mason	230	265	328	449	459
Menifee	145	197	263	366	368
Metcalfe	145	227	263	329	368
Montgomery	241	244	326	424	456
Muhlenberg	215	242	272	378	446
Nicholas	186	254	339	424	482
Owen	174	236	315	438	518
Perry	269	272	362	453	507
Powell	160	220	292	380	442
Robertson	145	197	263	348	368
Rowan	237	247	321	440	527
Shelby	243	318	356	496	499
Spencer	187	287	341	444	478
Todd	159	217	290	402	475
Trimble	155	249	281	390	394
Warren	229	306	408	510	600
Wayne	153	209	280	373	391
Whitley	171	268	311	433	436

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

LOUISIANA

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Alexandria, LA MSA	257	319	403	558	566	Rapides
Acadia Parishes, LA	206	209	279	369	452	Acadia
Baton Rouge, LA MSA	275	342	423	588	694	East Baton Rouge, Livingston, West Baton Rouge
Houma, LA MSA	242	296	379	527	622	Lafourche, Terrebonne
Lafayette, LA MSA	266	301	364	505	597	Lafayette, St. Martin
Lake Charles, LA MSA	285	331	420	550	688	Calcasieu
Monroe, LA MSA	277	311	414	559	580	Ouachita
New Orleans, LA	322	368	460	626	756	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles St. John the Baptist, St. Tammany
St. James Parish, LA	213	290	387	483	541	St. James
St. Landry Parish, LA	170	240	307	385	467	St. Landry
Shreveport-Bossier City, LA MSA	293	334	419	561	687	Bossier, Caddo, Webster

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Allen	225	227	304	423	438
Assumption	278	297	353	441	494
Beauregard	309	336	400	521	573
Caldwell	167	271	304	423	426
Catahoula	173	227	304	423	426
Concordia	234	237	317	397	444
East Carroll	116	173	211	292	302
Evangeline	203	248	278	348	404
Grant	227	231	304	423	466
Iberville	246	254	311	398	511
Jefferson Davis	244	256	308	385	504
Lincoln	297	300	375	514	615
Morehouse	223	250	333	416	466
Pointe Coupee	200	247	328	411	539
Richland	167	227	304	398	499
St. Helena	160	260	291	393	410
Tangipahoa	272	283	363	476	507
Union	225	227	304	380	499
Vernon	288	322	366	473	559
West Carroll	168	228	305	381	427
Winn	167	227	304	423	426

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Ascension	302	309	381	481	534
Avoyelles	199	201	269	374	441
Bienville	239	244	324	450	532
Cameron	167	271	304	423	426
Claiborne	174	237	317	397	444
De Soto	167	268	304	423	499
East Feliciana	181	248	329	413	462
Franklin	179	271	304	423	499
Iberia	270	273	341	427	479
Jackson	167	227	303	379	425
La Salle	167	237	304	423	499
Madison	159	257	288	401	407
Natchitoches	271	278	358	496	500
Red River	167	227	304	423	499
Sabine	174	283	318	442	522
St. Mary	253	257	333	463	482
Tensas	200	203	271	377	379
Vermilion	239	247	304	396	426
Washington	156	212	283	393	396
West Feliciana	243	330	441	552	619

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

MAINE

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bangor, ME MSA	340	415	531	692	744	Penobscot county towns of Bangor, Brewer, Eddington Glenburn, Hampden, Hermon, Holden, Kenduskeag, Old Town Orono, Orrington, Penobscot Indian I, Veazie, Milford Waldo county towns of Winterport
Lewiston-Auburn, ME MSA	267	378	485	606	679	Androscoggin county towns of Auburn, Greene, Lewiston Lisbon, Mechanic Falls, Poland, Sabattus, Turner, Wales
Portland, ME MSA	398	514	676	845	947	Cumberland county towns of Cape Elizabeth, Casco Cumberland, Falmouth, Freeport, Gorham, Gray North Yarmouth, Portland, Raymond, Scarborough South Portland, Standish, Westbrook, Windham, Yarmouth York county towns of Buxton, Hollis, Limington Old Orchard Beach
Portsmouth-Dover-Rochester, NH-ME MSA	439	527	676	866	1062	York county towns of North Berwick, Wells, Berwick, Eliot Kittery, Ogunquit Town, South Berwick, York

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Androscoggin	292	378	503	629	705	Durham, Leeds, Livermore, Livermore Falls, Minot
Aroostook	267	317	423	529	593	
Cumberland	450	457	609	829	951	Baldwin, Bridgton, Brunswick, Harpswell, Harrison Naples, New Gloucester, Powhal, Sebago
Franklin	314	357	436	581	612	
Hancock	330	406	501	631	702	
Kennebec	320	398	479	600	671	
Knox	282	395	513	683	719	
Lincoln	399	445	505	703	829	
Oxford	254	356	446	558	625	
Penobscot	290	334	446	562	625	Alton, Argyle, Bradford, Bradley, Burlington, Carmel Carroll, Charleston, Chester, Clifton, Corinna, Corinth Dexter, Dixmont, Drew, East Central Penob East Millinocket, Edinburg, Enfield, Etna, Exeter Garland, Grand Falls, Greenbush, Greenfield, Howland Hudson, Kingman, Lagrange, Lakeville, Lee, Levant Lincoln, Lowell, Mattawamkeag, Maxfield, Medway Millinocket, Mount Chase, Newburgh, Newport North Penobscot, Passadumkeag, Patten, Plymouth Prentiss, Seboeis, Springfield, Stacyville, Stetson Summit, Twombly, Webster, Whitney, Winn, Woodville
Piscataquis	236	352	430	537	602	
Sagadahoc	432	494	609	811	999	
Somerset	322	366	435	544	693	
Waldo	250	359	455	569	646	Belfast, Belmont, Brooks, Burnham, Frankfort, Freedom Islesboro, Jackson, Knox, Liberty, Lincolnville, Monroe Montville, Morrill, Northport, Palermo, Prospect Searsmont, Searsport, Stockton Springs, Swanville Thorndike, Troy, Unity, Waldo

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

M A I N E continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Washington	242	331	442	552	619	
York	378	435	581	726	813	Acton, Alfred, Arundel, Biddeford, Cornish, Dayton Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman Newfield, Parsonsfield, Saco, Sanford, Shapleigh Waterboro

M A R Y L A N D

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baltimore, MD	404	494	603	796	911	Anne Arundel, Baltimore, Carroll, Harford, Howard Queen Anne's, Baltimore city
Columbia, MD	523	703	818	1081	1350	Columbia
Cumberland, MD-WV MSA	228	287	374	493	541	Allegany
Hagerstown, MD PMSA	260	359	473	591	700	Washington
Washington, DC-MD-VA	633	719	844	1149	1385	Calvert, Charles, Frederick, Montgomery, Prince George's
Wilmington-Newark, DE-MD PMSA	407	538	626	851	1026	Cecil

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Caroline	322	339	435	570	610
Garrett	229	286	353	442	579
St. Mary's	439	534	600	835	955
Talbot	408	431	576	720	944
Worcester	258	375	470	653	657
Dorchester	292	391	456	570	638
Kent	312	384	512	640	772
Somerset	337	380	427	593	700
Wicomico	346	402	517	657	723

M A S S A C H U S E T T S

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Barnstable-Yarmouth, MA MSA	450	603	805	1007	1127	Barnstable county towns of Barnstable, Brewster, Chatham Dennis, Eastham, Harwich, Mashpee, Orleans, Sandwich Yarmouth
Boston, MA PMSA	565	637	796	995	1169	Bristol county towns of Mansfield, Norton Essex county towns of Lynn, Lynnfield, Nahant, Saugus Middlesex county towns of Acton, Arlington, Ashland, Ayer Bedford, Belmont, Boxborough, Burlington, Cambridge Carlisle, Concord, Everett, Framingham, Groton Holliston, Hopkinton, Hudson, Lexington, Lincoln Littleton, Malden, Marlborough, Maynard, Medford Melrose, Natick, Newton, North Reading, Reading Sherborn, Shirley, Somerville, Stoneham, Stow, Sudbury Townsend, Wakefield, Waltham, Watertown, Wayland, Weston Wilmington, Winchester, Woburn Norfolk county towns of Bellingham, Braintree, Brookline Canton, Cohasset, Dedham, Dover, Foxborough, Franklin Holbrook, Medfield, Medway, Millis, Milton, Needham

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Norfolk, Norwood, Plainville, Quincy, Randolph, Sharon Stoughton, Walpole, Wellesley, Westwood, Weymouth Wrentham
						Plymouth county towns of Carver, Duxbury, Hanover Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke Plympton, Rockland, Scituate
						Suffolk county towns of Boston, Chelsea, Revere, Winthrop
						Worcester county towns of Berlin, Blackstone, Bolton Harvard, Hopedale, Lancaster, Mendon, Milford, Millville Southborough, Upton
Brockton, MA PMSA	408	520	658	821	935	Bristol county towns of Easton, Raynham
						Norfolk county towns of Avon
						Plymouth county towns of Abington, Bridgewater, Brockton East Bridgewater, Halifax, Hanson, Lakeville Middleborough, Plymouth, West Bridgewater, Whitman
Fitchburg-Leominster, MA MSA	372	522	677	874	948	Middlesex county towns of Ashby
						Worcester county towns of Ashburnham, Fitchburg Leominster, Lunenburg, Westminster
Lawrence-Haverhill, MA-NH PMSA	419	488	635	794	978	Essex county towns of Amesbury, Andover, Boxford Georgetown, Groveland, Haverhill, Lawrence, Merrimac Methuen, Newbury, Newburyport, North Andover, Salisbury West Newbury
Lowell, MA-NH PMSA	428	535	668	836	937	Middlesex county towns of Billerica, Chelmsford, Dracut Dunstable, Lowell, Pepperell, Tewksbury, Tyngsborough Westford
New Bedford, MA MSA	400	489	555	694	778	Bristol county towns of Acushnet, Dartmouth, Fairhaven Freetown, New Bedford
						Plymouth county towns of Marion, Mattapoisett, Rochester
Pittsfield, MA MSA	330	469	579	724	898	Berkshire county towns of Adams, Cheshire, Dalton Hinsdale, Lanesborough, Lee, Lenox, Pittsfield, Richmond Stockbridge
Providence-Fall River-Warwick, RI-MA PMSA	396	539	649	813	1001	Bristol county towns of Attleboro, Fall River North Attleborough, Rehoboth, Seekonk, Somerset, Swansea Westport
						Norfolk county towns of
						Worcester county towns of
Salem-Gloucester, MA PMSA	455	558	734	919	1197	Essex county towns of Beverly, Danvers, Essex, Gloucester Hamilton, Ipswich, Manchester, Marblehead, Middleton Peabody, Rockport, Rowley, Salem, Swampscott, Topsfield Wenham
						Essex county towns of Beverly, Danvers, Essex, Gloucester Hamilton, Ipswich, Manchester, Marblehead, Middleton Peabody, Rockport, Rowley, Salem, Swampscott, Topsfield Wenham
Springfield, MA MSA	375	451	586	732	897	Franklin county towns of Sunderland
						Hampden county towns of Agawam, Chicopee, East Longmeadow Hampden, Holyoke, Longmeadow, Ludlow, Monson, Montgomery

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Palmer, Russell, Southwick, Springfield, Westfield West Springfield, Wilbraham Hampshire county towns of Amherst, Belchertown Easthampton, Granby, Hadley, Hatfield, Huntington Northampton, Southampton, South Hadley, Ware Williamsburg
Worcester, MA MSA	461	558	697	871	976	Worcester county towns of Auburn, Barre, Boylston Brookfield, Charlton, Clinton, Douglas, Dudley East Brookfield, Grafton, Holden, Leicester, Millbury Northborough, Northbridge, North Brookfield, Oxford Paxton, Princeton, Rutland, Shrewsbury, Spencer Sterling, Sutton, Uxbridge, Webster, Westborough West Boylston, Worcester

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Barnstable	437	598	797	996	1115	Bourne, Falmouth, Provincetown, Truro, Wellfleet
Berkshire	360	438	516	708	847	Alford, Becket, Clarksburg, Egremont, Florida Great Barrington, Hancock, Monterey, Mount Washington New Ashford, New Marlborough, North Adams, Otis, Peru Sandisfield, Savoy, Sheffield, Tyringham, Washington West Stockbridge, Williamstown, Windsor
Bristol	487	572	696	870	1086	Berkley, Dighton, Taunton
Dukes	578	587	782	977	1095	
Franklin	388	481	616	770	930	Ashfield, Bernardston, Buckland, Charlemont, Colrain Conway, Deerfield, Erving, Gill, Greenfield, Hawley Heath, Leverett, Leyden, Monroe, Montague, New Salem Northfield, Orange, Rowe, Shelburne, Shutesbury, Warwick Wendell, Whately
Hampden	392	534	712	948	1169	Blandford, Brimfield, Chester, Granville, Tolland, Wales Holland
Hampshire	549	556	743	929	1041	Chesterfield, Cummington, Goshen, Middlefield, Pelham Plainfield, Westhampton, Worthington
Nantucket	694	929	1239	1549	1735	
Worcester	437	455	607	759	850	Athol, Hardwick, Hubbardston, New Braintree, Petersham Phillipston, Royalston, Sturbridge, Warren, Gardner Oakham, Southbridge, Templeton, West Brookfield Winchendon

M I C H I G A N

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ann Arbor, MI PMSA	431	522	644	845	947	Lenawee, Livingston, Washtenaw
Benton Harbor, MI MSA	347	352	462	578	648	Berrien
Detroit, MI PMSA	342	466	562	703	787	Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR 042893

M I C H I G A N continued

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Flint, MI PMSA	326	372	465	595	651	Genesee
Grand Rapids-Muskegon-Holland, MI MSA	354	409	505	632	707	Allegan, Kent, Muskegon, Ottawa
Jackson, MI MSA	254	365	462	578	648	Jackson
Kalamazoo-Battle Creek, MI MSA	321	386	487	610	682	Calhoun, Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA	342	403	518	678	783	Clinton, Eaton, Ingham
Saginaw-Bay City-Midland, MI MSA	315	347	462	578	648	Bay, Midland, Saginaw

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alcona	263	286	381	508	535
Alpena	199	307	361	459	592
Arenac	252	298	366	459	539
Barry	270	339	452	565	633
Branch	318	326	402	548	564
Charlevoix	333	338	428	582	603
Chippewa	237	299	382	478	586
Crawford	302	305	406	554	578
Dickinson	229	338	417	521	584
Gladwin	273	277	369	484	540
Grand Traverse	364	390	520	651	728
Hillsdale	209	300	374	498	523
Huron	190	303	344	448	483
Iosco	260	308	376	500	617
Isabella	311	332	443	598	727
Keweenaw	185	258	337	431	472
Leelanau	373	405	472	617	774
Mackinac	261	294	363	454	508
Marquette	267	303	388	501	587
Mecosta	264	313	400	556	658
Missaukee	290	305	367	466	514
Montmorency	211	287	382	478	560
Oceana	294	313	372	473	521
Ontonagon	217	254	311	431	453
Oscoda	260	305	342	441	538
Presque Isle	266	273	341	440	477
St. Joseph	245	320	396	518	554
Schoolcraft	245	252	337	448	472
Tuscola	296	323	430	538	602

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alger	276	279	373	466	522
Antrim	214	333	375	506	555
Baraga	169	248	310	387	457
Benzie	288	291	384	535	538
Cass	276	305	405	552	568
Cheboygan	287	303	364	502	597
Clare	286	294	363	468	515
Delta	236	295	347	481	520
Emmet	308	369	435	570	608
Gogebic	245	262	337	422	481
Gratiot	291	296	389	487	546
Houghton	212	282	337	422	552
Ionia	337	341	427	534	598
Iron	185	252	337	428	472
Kalkaska	263	304	399	518	655
Lake	279	282	367	511	525
Luce	276	279	373	466	522
Manistee	190	278	344	444	483
Mason	237	286	353	442	579
Menominee	263	266	351	488	491
Montcalm	283	304	389	487	546
Newaygo	316	339	399	499	560
Ogemaw	287	314	364	505	510
Osceola	206	291	374	478	523
Otsego	280	337	426	591	686
Roscommon	305	308	390	488	547
Sanilac	219	323	384	518	576
Shiawassee	274	345	416	578	620
Wexford	274	320	416	545	644

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

MINNESOTA

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Duluth-Superior, MN-WI MSA	222	298	382	508	593	St. Louis
Fargo-Moorhead, ND-MN MSA	260	329	432	601	644	Clay
Grand Forks, ND-MN MSA	277	330	434	598	668	Polk
La Crosse, WI-MN MSA	242	318	419	566	687	Houston
Minneapolis-St. Paul, MN-WI MSA	370	466	597	819	926	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey Scott, Sherburne, Washington, Wright
Rochester, MN MSA	287	401	522	725	813	Olmsted
St. Cloud, MN MSA	308	367	459	593	753	Benton, Stearns

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Aitkin	196	253	338	423	473
Beltrami	243	320	427	560	598
Blue Earth	307	362	459	591	752
Carlton	245	295	378	473	530
Chippewa	166	228	304	416	429
Cook	299	303	403	549	570
Crow Wing	223	304	404	505	644
Douglas	227	262	344	478	548
Fillmore	173	236	315	435	441
Goodhue	246	319	426	553	596
Hubbard	258	287	364	466	510
Jackson	218	257	304	406	426
Kandiyohi	240	313	380	476	593
Koochiching	306	311	414	516	678
Lake	179	269	325	405	533
Le Sueur	202	275	367	481	602
Lyon	223	269	360	475	590
Mahnomen	166	228	304	419	438
Martin	183	249	332	416	546
Mille Lacs	269	294	391	545	641
Mower	217	276	350	452	490
Nicollet	316	338	451	596	631
Norman	166	228	304	379	426
Pennington	190	258	344	478	483
Pipestone	169	231	308	416	505
Red Lake	192	244	326	406	456
Renville	236	239	318	398	446
Rock	166	228	304	379	474
Sibley	228	231	296	412	427
Stevens	283	320	360	450	590
Todd	185	228	304	414	426

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Becker	200	267	356	446	499
Big Stone	166	228	304	379	468
Brown	189	274	342	428	479
Cass	207	281	376	471	526
Clearwater	184	251	335	418	468
Cottonwood	181	246	329	412	461
Dodge	236	283	327	425	534
Faribault	179	252	308	400	435
Freeborn	221	303	403	529	565
Grant	170	232	311	388	435
Itasca	277	280	365	461	511
Kanabec	226	317	412	514	576
Kittson	170	233	312	434	437
Lac qui Parle	170	232	311	388	435
Lake of the Woods	191	260	347	434	485
Lincoln	140	192	255	319	419
Mcleod	223	304	404	517	603
Marshall	173	228	304	379	426
Meeker	261	264	352	440	492
Morrison	263	266	355	444	498
Murray	168	230	307	408	430
Nobles	207	276	363	454	508
Otter Tail	202	275	367	460	514
Pine	280	283	369	491	551
Pope	166	228	304	379	426
Redwood	182	231	308	385	431
Rice	264	361	481	602	675
Roseau	306	311	408	526	572
Steele	273	315	420	525	588
Swift	225	228	304	391	426
Traverse	166	228	304	379	426

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

M I N N E S O T A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Wabasha	195	266	355	479	498
Waseca	280	285	379	475	531
Wilkin	167	229	306	386	429
Yellow Medicine	166	228	304	389	426
Wadena	209	245	304	398	453
Watonwan	166	252	304	423	438
Winona	253	332	416	578	583

M I S S I S S I P P I

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Biloxi-Gulfport-Pascagpula, MS MSA	284	334	384	534	630	Hancock, Harrison, Jackson
Jackson, MS MSA	353	404	491	654	689	Hinds, Madison, Rankin
Memphis, TN-AR-MS MSA	337	392	462	642	674	Desoto

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	212	277	354	454	578
Amite	203	273	306	396	503
Benton	168	273	306	426	430
Calhoun	168	248	306	384	430
Chickasaw	209	212	283	394	397
Claiborne	178	276	324	404	453
Clay	194	266	313	403	515
Copiah	191	271	335	419	469
Forrest	234	287	350	486	575
George	186	260	339	424	498
Grenada	191	266	347	482	509
Humphreys	171	224	299	395	419
Itawamba	233	236	306	424	430
Jefferson	168	273	306	426	463
Jones	228	230	306	426	430
Lafayette	247	337	449	563	629
Lauderdale	228	293	386	505	540
Leake	168	240	306	426	454
Leflore	236	253	329	450	540
Lowndes	300	303	379	474	542
Marshall	233	236	315	438	518
Montgomery	168	230	306	384	503
Newton	193	196	260	362	366
Oktibbeha	295	307	375	521	615
Pearl River	253	256	338	456	473
Pike	245	277	311	430	510
Prentiss	231	259	292	380	453

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alcorn	173	235	313	436	438
Attala	231	234	296	412	469
Bolivar	275	278	371	463	530
Carroll	160	218	291	363	428
Choctaw	176	240	320	400	448
Clarke	168	242	306	396	503
Coahoma	279	283	377	472	528
Covington	168	273	306	408	430
Franklin	242	273	306	426	430
Greene	168	230	306	411	430
Holmes	168	230	306	384	430
Issaquena	253	346	460	576	645
Jasper	159	217	290	402	438
Jefferson Davis	205	230	306	384	463
Kemper	242	273	306	426	438
Lamar	207	336	377	472	528
Lawrence	168	264	306	421	494
Lee	305	318	387	492	542
Lincoln	168	273	306	426	430
Marion	221	233	306	418	503
Monroe	168	273	306	408	430
Neshoba	212	220	292	391	409
Noxubee	195	220	246	332	403
Panola	248	254	314	437	440
Perry	168	257	306	426	503
Pontotoc	196	248	306	426	430
Quitman	168	230	306	426	454

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

MISSISSIPPI continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Scott	168	273	306	387	430
Simpson	242	252	306	426	467
Stone	168	273	306	384	503
Tallahatchie	201	205	273	341	426
Tippah	171	262	294	368	412
Tunica	168	230	306	426	460
Walthall	184	252	306	426	430
Washington	257	306	408	527	580
Webster	230	249	291	378	407
Winston	227	230	305	425	501
Yazoo	245	248	331	414	464
Sharkey	205	231	259	330	426
Smith	228	230	306	384	503
Sunflower	265	289	336	423	541
Tate	206	324	376	470	617
Tishomingo	139	191	254	353	355
Union	168	273	306	384	430
Warren	217	306	388	540	637
Wayne	224	230	306	384	430
Wilkinson	228	230	306	392	503
Yalobusha	233	240	295	369	414

MISSOURI

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Columbia, MO MSA	240	336	437	608	717	Boone
Joplin, MO MSA	234	270	359	472	507	Jasper, Newton
Kansas City, MO-KS MSA	316	398	478	661	732	Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
St. Joseph, MO MSA	205	274	366	462	513	Andrew, Buchanan
St. Louis, MO-IL MSA	295	361	468	609	674	Crawford, Franklin, Jefferson, Lincoln, St. Charles St. Louis, Warren, St. Louis city
Springfield, MO MSA	246	305	398	553	577	Christian, Greene, Webster

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adair	220	284	378	474	569
Audrain	243	246	328	456	527
Barton	167	215	286	359	469
Benton	258	261	348	435	487
Butler	184	238	318	407	446
Callaway	269	272	363	461	595
Cape Girardeau	232	285	379	505	619
Carter	211	237	267	372	374
Chariton	195	200	267	369	406
Cole	211	288	385	534	557
Dade	147	200	267	356	439
Daviess	162	222	296	411	484
Dent	216	219	291	403	479
Dunklin	182	202	267	366	393
Gentry	150	207	275	361	386
Harrison	201	206	273	342	381
Atchison	209	239	278	356	390
Barry	180	247	326	417	457
Bates	172	234	312	435	512
Bollinger	154	222	281	351	393
Caldwell	187	256	341	426	478
Camden	296	300	400	555	652
Carroll	149	205	272	378	446
Cedar	181	215	287	400	471
Clark	150	206	274	343	403
Cooper	170	234	309	429	476
Dallas	213	225	288	361	474
Dekalb	236	239	320	444	448
Douglas	221	223	286	399	401
Gasconade	179	244	325	437	455
Grundy	210	235	313	423	489
Henry	261	265	353	442	580

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

MISSOURI continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Hickory	172	235	313	392	439
Howard	209	231	308	394	504
Iron	165	236	285	397	456
Knox	149	206	273	379	381
Lawrence	241	245	314	437	440
Linn	167	227	303	420	497
Mcdonald	218	220	282	392	414
Madison	182	232	309	387	444
Marion	193	233	311	432	469
Miller	251	283	317	442	521
Moniteau	208	220	292	399	413
Montgomery	180	245	327	413	458
New Madrid	216	235	314	393	440
Oregon	201	223	257	336	359
Ozark	147	200	267	372	374
Perry	265	269	359	478	502
Phelps	234	265	354	486	539
Polk	176	240	321	426	527
Putnam	150	206	274	343	385
Randolph	180	252	327	410	489
Ripley	153	209	278	351	457
Ste. Genevieve	188	261	343	446	564
Saline	189	259	346	439	501
Scotland	161	219	291	406	417
Shannon	147	200	267	351	374
Stoddard	206	218	289	362	455
Sullivan	197	200	267	351	374
Texas	179	213	284	366	398
Washington	267	321	361	451	505
Worth	142	209	258	358	422

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Holt	147	201	269	373	376
Howell	212	215	286	387	401
Johnson	273	291	379	528	623
Laclede	193	247	317	442	444
Lewis	208	227	281	360	450
Livingston	211	236	315	439	463
Macon	184	251	334	417	467
Maries	153	209	277	369	389
Mercer	197	200	267	372	439
Mississippi	156	214	285	397	400
Monroe	162	222	296	411	413
Morgan	193	256	312	435	465
Nodaway	238	249	330	450	543
Osage	156	214	285	397	400
Pemiscot	214	218	278	388	390
Pettis	247	289	387	487	583
Pike	210	241	322	403	529
Pulaski	220	301	337	469	523
Ralls	161	233	291	406	409
Reynolds	198	201	269	363	441
St. Clair	156	213	284	369	398
St. Francois	238	300	379	476	623
Schuyler	207	212	283	393	411
Scott	273	276	368	497	572
Shelby	148	201	270	375	386
Stone	265	269	349	446	489
Taney	254	265	353	491	580
Vernon	195	244	325	449	455
Wayne	206	209	277	359	455
Wright	179	202	271	376	444

MONTANA

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Billings, MT MSA	250	307	410	549	667	Yellowstone
Great Falls, MT MSA	217	295	394	504	615	Cascade

Note The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

MONTANA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Beaverhead	243	275	352	486	579
Blaine	219	275	365	457	512
Carbon	230	306	359	470	502
Chouteau	204	278	371	486	549
Daniels	205	332	374	493	614
Deer Lodge	183	250	334	424	503
Fergus	201	274	364	456	598
Gallatin	250	313	418	539	687
Glacier	216	295	393	491	551
Granite	195	279	353	443	495
Jefferson	288	292	390	514	546
Lake	267	280	338	468	506
Liberty	177	241	322	448	529
Mccone	187	304	342	476	479
Meagher	205	332	374	520	523
Missoula	266	311	415	535	680
Park	219	289	385	482	632
Phillips	209	280	374	467	614
Powder River	191	295	348	434	493
Prairie	162	226	293	409	424
Richland	173	257	314	437	440
Rosebud	266	288	374	467	614
Sheridan	233	235	313	414	514
Stillwater	277	280	374	520	614
Teton	190	264	346	482	486
Treasure	205	299	374	520	523
Wheatland	154	214	282	379	395

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Big Horn	199	272	363	455	596
Broadwater	226	309	412	527	675
Carter	165	268	301	418	492
Custer	202	258	337	434	470
Dawson	195	266	354	464	553
Fallon	163	222	296	406	475
Flathead	237	286	382	531	626
Garfield	189	258	344	431	564
Golden Valley	180	291	328	411	459
Hill	280	284	374	517	531
Judith Basin	205	332	374	467	523
Lewis and Clark	255	300	398	555	655
Lincoln	295	310	374	512	523
Madison	277	280	374	493	523
Mineral	216	296	394	493	646
Musselshell	251	255	340	427	476
Petroleum	197	269	359	449	502
Pondera	189	307	344	479	564
Powell	261	266	354	444	582
Ravalli	205	280	374	520	580
Roosevelt	269	272	354	482	496
Sanders	205	280	374	467	523
Silver Bow	205	280	374	470	523
Sweet Grass	244	256	312	434	456
Toole	277	280	374	520	523
Valley	170	258	308	427	431
Wibaux	246	332	374	520	614

NEBRASKA

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Lincoln, NE MSA	268	341	453	600	699	Lancaster
Omaha, NE-IA MSA	284	388	491	643	721	Cass, Douglas, Sarpy, Washington
Sioux City, IA-NE MSA	237	301	402	532	615	Dakota

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

NEBRASKA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	202	276	368	468	604
Arthur	202	276	368	461	516
Blaine	106	145	194	243	272
Box Butte	238	241	322	448	529
Brown	170	238	310	388	508
Burt	167	227	303	394	466
Cedar	167	201	269	352	376
Cherry	183	297	333	463	546
Clay	179	243	324	435	454
Cuming	174	283	317	416	444
Dawes	232	249	330	460	543
Deuel	159	216	288	395	442
Dodge	198	272	362	500	506
Fillmore	196	256	340	429	476
Frontier	216	219	291	386	409
Gage	188	252	336	427	470
Garfield	144	197	263	365	424
Grant	186	256	340	425	476
Hall	215	278	371	464	520
Harlan	186	262	340	471	476
Hitchcock	180	245	326	409	457
Hooker	186	302	340	471	476
Jefferson	184	251	334	417	467
Kearney	186	282	340	452	557
Keya Paha	186	256	340	425	476
Knox	141	225	257	323	381
Logan	161	220	292	366	481
Mcpherson	186	256	340	471	476
Merrick	165	225	300	414	453
Nance	154	215	279	350	392
Nuckolls	163	223	298	372	416
Pawnee	157	241	287	400	403
Phelps	251	256	340	471	557
Platte	207	277	369	514	529
Red Willow	188	258	343	469	545
Rock	151	246	276	385	412
Saunders	190	261	348	452	522
Seward	278	282	376	470	528
Sherman	153	236	277	348	455
Stanton	186	256	340	445	476

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Antelope	136	221	249	346	349
Banner	186	256	340	471	476
Boone	163	222	297	371	487
Boyd	148	240	271	339	379
Buffalo	214	291	390	506	624
Butler	185	252	336	420	470
Chase	167	270	303	378	497
Cheyenne	251	256	340	449	476
Colfax	213	261	297	409	415
Custer	230	233	311	389	509
Dawson	247	285	340	442	476
Dixon	241	245	327	416	514
Dundy	186	256	340	425	476
Franklin	150	212	275	384	386
Furnas	164	193	258	329	422
Garden	137	220	250	348	410
Gosper	182	249	330	460	543
Greeley	151	232	276	351	453
Hamilton	180	261	326	454	457
Hayes	145	236	265	368	436
Holt	195	247	325	430	462
Howard	181	246	328	411	460
Johnson	186	291	340	425	476
Keith	180	245	326	448	535
Kimball	186	278	340	471	557
Lincoln	228	257	342	444	516
Loup	122	167	222	277	364
Madison	228	285	380	506	625
Merrill	188	263	310	415	508
Nemaha	186	256	340	425	493
Otoe	209	276	342	444	560
Perkins	207	254	339	448	519
Pierce	174	238	317	403	444
Polk	173	238	314	393	458
Richardson	176	240	321	401	450
Saline	224	302	340	471	476
Scotts Bluff	186	256	340	468	557
Sheridan	184	251	334	417	526
Sioux	186	256	340	452	557
Thayer	162	262	295	367	412

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Thomas	186	259	340	425	476
Valley	186	256	340	425	476
Webster	156	213	284	355	426
York	206	281	374	467	525
Thurston	155	231	282	353	443
Wayne	247	251	326	451	535
Wheeler	186	256	340	471	476

N E V A D A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Las Vegas, NV-AZ MSA	438	519	618	858	1014	Clark, Nye
Reno, NV MSA	394	458	587	817	965	Washoe

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Churchill	414	419	560	773	918
Elko	377	429	572	756	939
Eureka	301	487	548	685	766
Lander	240	372	436	546	716
Lyon	299	358	459	638	754
Pershing	423	429	572	716	818
White Pine	304	416	554	748	786
Douglas	376	548	685	951	1060
Esmeralda	342	428	481	602	674
Humboldt	448	470	566	742	794
Lincoln	212	317	386	483	541
Mineral	309	422	562	737	922
Storey	429	435	572	796	939
Carson City	322	440	587	816	964

N E W H A M P S H I R E

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Lawrence-Haverhill, MA-NH PMSA	419	488	635	794	978	Rockingham county towns of Atkinson, Brentwood, Danville Derry, East Kingston, Hampstead, Kingston, Newton Plaistow, Salem, Sandown, Seabrook, Windham
Lowell, MA-NH PMSA	428	535	668	836	937	Hillsborough county towns of Pelham
Manchester, NH MSA	347	494	617	772	864	Hillsborough county towns of Bedford, Goffstown Manchester Merrimack county towns of Allenstown, Hooksett Rockingham county towns of Auburn, Candia
Nashua, NH PMSA	408	549	704	958	1140	Hillsborough county towns of Amherst, Brookline Greenville, Hollis, Hudson, Litchfield, Mason, Merrimack Milford, Mont Vernon, Nashua, New Ipswich, Wilton Rockingham county towns of
Portsmouth-Dover-Rochester, NH-ME MSA	439	527	676	866	1062	Rockingham county towns of Exeter, Greenland, Hampton New Castle, Newfields, Newington, Newmarket North Hampton, Portsmouth, Rye, Stratham Strafford county towns of Barrington, Dover, Durham Farmington, Lee, Madbury, Milton, Rochester, Rollinsford Somersworth

Note The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom For example, the FMR for a 5 BR unit is 1 15 times the 4BR FMR, and the FMR for a 6 BR unit is 1 30 times the 4 BR FMR 042893

NEW HAMPSHIRE continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Belknap	413	476	626	845	1027	
Carroll	345	472	629	787	982	
Cheshire	427	507	649	844	999	
Coos	271	353	410	558	673	
Grafton	378	457	609	787	994	
Hillsborough	405	505	674	890	1071	Antrim, Bennington, Deering, Francestown, Greenfield Hancock, Hillsborough, Lyndeborough, New Boston Peterborough, Sharon, Temple, Windsor, Weare
Merrimack	425	508	634	812	907	Andover, Boscawen, Bow, Bradford, Canterbury, Chichester Concord, Danbury, Dunbarton, Epsom, Franklin, Henniker Hill, Hopkinton, Loudon, Newbury, New London, Northfield Pembroke, Pittsfield, Salisbury, Sutton, Warner, Webster Wilmot
Rockingham	442	517	691	959	1106	Deerfield, Northwood, Nottingham, Chester, Epping Fremont, Hampton Falls, Kensington, Raymond South Hampton
Strafford	390	530	708	886	992	Middleton, New Durham, Strafford
Sullivan	412	418	542	711	759	

NEW JERSEY

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Atlantic-Cape May, NJ PMSA	510	579	772	965	1104	Atlantic, Cape May
Bergen-Passaic, NJ PMSA	631	767	902	1200	1481	Bergen, Passaic
Jersey City, NJ PMSA	583	687	800	1015	1119	Hudson
Middlesex-Somerset-Hunterdon, NJ PMSA	684	749	936	1272	1469	Hunterdon, Middlesex, Somerset
Monmouth-Ocean, NJ PMSA	569	680	862	1146	1345	Monmouth, Ocean
Newark, NJ PMSA	546	697	840	1059	1336	Essex, Morris, Sussex, Union
Philadelphia, PA-NJ PMSA	453	558	688	861	1080	Burlington, Camden, Gloucester, Salem
Trenton, NJ PMSA	455	634	773	1045	1261	Mercer
Vineland-Millville-Bridgeton, NJ PMSA	439	535	645	806	904	Cumberland
Warren County, NJ	519	585	722	1004	1184	Warren

NEW MEXICO

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albuquerque, NM MSA	336	396	495	688	812	Bernalillo, Sandoval, Valencia
Las Cruces, NM MSA	279	344	411	571	673	Dona Ana
Santa Fe, NM MSA	358	502	627	841	954	Los Alamos, Santa Fe

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

NEW MEXICO continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Catron	189	299	342	477	562
Cibola	235	257	299	415	490
Curry	230	290	383	482	536
Eddy	262	265	354	475	581
Guadalupe	190	260	346	432	568
Hidalgo	189	264	342	429	480
Lincoln	291	297	394	518	647
Mckinley	253	323	409	511	572
Otero	221	284	369	514	518
Rio Arriba	299	307	378	474	530
San Juan	287	308	384	533	630
Sierra	212	258	342	477	480
Taos	351	356	475	593	780
Union	189	258	342	436	562
Chaves	251	292	386	529	541
Colfax	215	269	309	429	506
Debaca	189	258	342	477	480
Grant	236	268	353	463	557
Harding	156	213	284	392	398
Lea	236	258	342	477	536
Luna	264	268	342	477	562
Mora	183	251	334	418	468
Quay	253	258	342	477	562
Roosevelt	240	254	322	447	528
San Miguel	285	288	385	481	539
Socorro	194	289	353	490	579
Torrance	282	304	358	447	529

NEW YORK

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA	382	468	578	723	809	Albany, Montgomery, Rensselaer, Saratoga, Schenectady Schoharie
Binghamton, NY MSA	296	373	478	608	670	Broome, Tioga
Buffalo-Niagara Falls, NY PMSA	326	405	487	609	682	Erie, Niagara
Dutchess County, NY PMSA	498	632	780	1014	1186	Dutchess
Elmira, NY MSA	279	356	450	568	680	Chemung
Glens Falls, NY MSA	327	440	536	671	752	Warren, Washington
Jamestown, NY MSA	226	298	397	513	557	Chautauqua
Nassau-Suffolk, NY PMSA	684	824	1005	1397	1497	Nassau, Suffolk
New York, NY PMSA	647	721	819	1025	1147	Bronx, Kings, New York, Putnam, Queens, Richmond Rockland
Westchester County, NY	615	801	976	1269	1513	Westchester
Orange County, NY PMSA	495	645	787	999	1141	Orange
Rochester, NY MSA	364	473	577	738	807	Genesee, Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	349	422	521	667	739	Cayuga, Madison, Onondaga, Oswego
Utica-Rome, NY MSA	323	363	453	567	635	Herkimer, Oneida

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

NEW YORK continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Allegany	239	295	363	457	508
Chenango	335	339	424	543	601
Columbia	420	442	567	743	794
Delaware	321	370	435	575	714
Franklin	283	345	415	524	587
Greene	326	431	518	669	815
Jefferson	362	427	503	629	704
Otsego	312	394	453	585	744
Schuyler	318	338	402	560	660
Steuben	316	351	400	540	608
Tompkins	439	474	608	846	998
Wyoming	248	347	408	510	571

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Cattaraugus	239	293	380	475	586
Clinton	280	370	494	618	692
Cortland	274	398	498	623	737
Essex	262	380	475	595	665
Fulton	244	350	444	556	622
Hamilton	307	346	389	487	544
Lewis	285	364	439	549	614
St. Lawrence	252	322	420	524	603
Seneca	356	383	462	596	647
Sullivan	445	499	609	841	853
Ulster	413	574	691	898	1133
Yates	325	346	433	540	606

NORTH CAROLINA

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Asheville, NC MSA	277	342	445	579	624	Buncombe, Madison
Charlotte-Gastonia-Rock Hill, NC-SC MSA	400	452	508	670	802	Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union
Fayetteville, NC MSA	343	387	435	602	715	Cumberland
Goldsboro, NC MSA	199	300	362	503	594	Wayne
Greensboro--Winston-Salem--High Point, NC MSA	341	387	462	637	647	Alamance, Davidson, Davie, Forsyth, Guilford, Randolph Stokes, Yadkin
Greenville, NC MSA	338	342	444	596	729	Pitt
Hickory-Morganton, NC MSA	317	332	400	502	597	Alexander, Burke, Caldwell, Catawba
Jacksonville, NC MSA	321	376	423	588	695	Onslow
Norfolk-Virginia Beach-Newport News, VA-NC MSA	409	458	545	758	890	Currituck
Raleigh-Durham-Chapel Hill, NC MSA	381	462	543	728	858	Chatham, Durham, Franklin, Johnston, Orange, Wake
Rocky Mount, NC MSA	301	314	382	523	577	Edgecombe, Nash
Wilmington, NC MSA	362	400	488	669	797	New Hanover

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alleghany	227	230	305	397	501
Ashe	162	231	295	399	485
Beaufort	232	281	331	424	464
Bladen	218	222	295	369	414
Camden	265	361	482	602	675
Caswell	176	241	321	401	449
Chowan	193	311	350	486	491
Cleveland	217	324	395	537	565
Craven	231	340	421	558	589
Duplin	233	263	295	392	414

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Anson	200	326	366	494	512
Avery	262	288	331	414	464
Bertie	189	254	295	369	420
Brunswick	319	359	403	533	663
Carteret	317	347	423	588	654
Cherokee	233	263	295	369	476
Clay	162	263	295	410	414
Columbus	239	269	302	396	423
Dare	291	460	530	726	742
Gates	162	222	295	410	414

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

N O R T H C A R O L I N A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Graham	148	211	269	352	440
Greene	178	289	325	406	478
Harnett	278	282	376	507	556
Henderson	329	338	418	558	642
Hoke	198	300	361	467	506
Iredell	340	344	459	575	644
Jones	176	284	320	400	448
Lenoir	183	258	332	416	466
Macon	266	319	376	485	527
Mitchell	191	305	347	482	503
Moore	287	348	415	569	681
Pamlico	188	304	342	442	490
Pender	242	342	385	481	624
Person	233	323	424	555	648
Richmond	245	280	373	467	522
Rockingham	272	294	383	479	535
Sampson	252	255	336	420	470
Stanly	239	297	397	537	555
Swain	233	257	295	392	423
Tyrrell	173	236	314	394	440
Warren	175	240	319	399	446
Watauga	310	372	470	639	770
Wilson	296	301	401	502	563

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Granville	299	321	378	526	593
Halifax	271	305	343	430	481
Haywood	277	281	369	514	517
Hertford	259	263	351	439	492
Hyde	195	291	354	444	496
Jackson	245	248	331	414	543
Lee	227	312	411	543	577
Mcdowell	176	262	320	445	526
Martin	183	252	332	416	466
Montgomery	283	287	368	460	516
Northampton	156	253	284	395	398
Pasquotank	327	348	435	604	610
Perquimans	192	303	349	485	489
Polk	273	358	402	503	564
Robeson	243	279	328	416	459
Rutherford	279	283	362	453	507
Scotland	264	307	372	497	520
Surry	242	290	337	466	508
Transylvania	314	319	403	562	601
Vance	297	336	377	475	528
Washington	241	244	326	449	456
Wilkes	263	296	333	464	520
Yancey	165	269	302	421	495

N O R T H D A K O T A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bismarck, ND MSA	271	304	404	562	663	Burleigh, Morton
Fargo-Moorhead, ND-MN MSA	280	329	432	601	644	Cass
Grand Forks, ND-MN MSA	277	330	434	598	668	Grand Forks

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	162	234	295	390	485
Benson	240	244	324	406	500
Bottineau	167	229	306	425	427
Burke	229	258	290	372	477
Dickey	229	249	290	386	407
Dunn	161	259	291	364	408
Emmons	127	205	230	320	377
Golden Valley	198	270	360	450	503

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Barnes	182	248	331	460	503
Billings	229	258	290	404	407
Bowman	160	241	290	404	424
Cavalier	198	271	361	451	556
Divide	189	221	295	390	414
Eddy	161	266	292	407	422
Foster	166	228	302	377	465
Grant	138	205	250	349	361

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

NORTH DAKOTA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Griggs	160	241	290	363	477
Kidder	160	217	290	370	407
Logan	146	201	268	373	434
Mcintosh	160	217	290	363	407
Mclean	223	233	290	392	477
Mountrail	234	251	296	409	465
Oliver	160	226	290	363	475
Pierce	180	246	328	456	502
Ransom	214	239	319	398	447
Richland	226	266	354	444	524
Sargent	161	219	292	372	411
Sioux	124	201	225	282	316
Stark	170	232	309	429	506
Stutsman	251	255	341	475	559
Traill	221	281	330	419	466
Ward	209	286	382	516	615
Williams	190	233	302	419	496

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Hettinger	165	217	290	379	470
Lamoure	229	258	290	363	407
Mchenry	160	217	290	404	454
Mckenzie	142	211	259	361	411
Mercer	171	239	311	432	511
Nelson	160	217	290	363	477
Pembina	184	257	335	449	535
Ramsey	216	289	386	483	630
Renville	244	246	320	446	526
Rolette	189	241	290	363	477
Sheridan	160	258	290	372	477
Slope	160	258	290	384	407
Steele	154	211	281	383	448
Towner	241	270	360	450	591
Walsh	280	285	360	465	503
Wells	224	227	300	375	491

OHIO

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Akron, OH PMSA	324	395	507	634	711	Portage, Summit
Brown County, OH	262	279	363	498	508	Brown
Canton-Massillon, OH MSA	235	321	428	536	599	Carroll, Stark
Cincinnati, OH-KY-IN	282	364	485	651	703	Clermont, Hamilton, Warren
Cleveland-Lorain-Elyria, OH PMSA	322	407	503	640	720	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH MSA	315	374	479	608	699	Delaware, Fairfield, Franklin, Licking, Madison, Pickaway
Dayton-Springfield, OH MSA	347	388	496	640	719	Clark, Greene, Miami, Montgomery
Hamilton-Middletown, OH PMSA	282	394	511	644	716	Butler
Huntington-Ashland, WV-KY-OH MSA	240	283	359	478	510	Lawrence
Lima, OH MSA	251	313	412	524	577	Allen, Auglaize
Mansfield, OH MSA	218	313	398	497	556	Crawford, Richland
Parkersburg-Marietta, WV-OH MSA	240	294	364	494	509	Washington
Steubenville-Weirton, OH-WV MSA	195	288	357	450	501	Jefferson
Toledo, OH MSA	327	380	481	625	673	Fulton, Lucas, Wood
Wheeling, WV-OH MSA	271	288	356	452	498	Belmont
Youngstown-Warren, OH MSA	274	323	404	509	578	Columbiana, Mahoning, Trumbull

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

O H I O continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	182	239	319	399	456
Athens	315	357	420	551	677
Clinton	225	339	408	567	572
Darke	291	296	394	493	553
Erie	239	348	435	587	712
Gallia	189	257	343	429	480
Hancock	335	339	429	549	600
Harrison	173	236	315	438	500
Highland	260	263	351	453	491
Holmes	232	280	342	428	489
Jackson	184	274	335	442	468
Logan	310	313	396	547	554
Meigs	189	239	300	389	491
Monroe	175	239	319	405	447
Morrow	206	301	375	469	529
Noble	230	258	344	431	565
Paulding	250	256	325	429	533
Pike	183	286	321	447	469
Putnam	275	278	372	468	521
Sandusky	239	339	435	548	608
Seneca	263	281	361	498	505
Tuscarawas	207	286	377	472	529
Van Wert	209	317	381	477	535
Wayne	250	335	424	547	592
Wyandot	241	270	361	451	505

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Ashland	234	310	413	515	577
Champaign	228	319	415	518	580
Coshocton	256	263	325	405	454
Defiance	277	311	414	521	579
Fayette	288	300	365	489	511
Guernsey	177	240	320	426	474
Hardin	182	294	330	436	462
Henry	286	289	366	509	579
Hocking	261	275	353	469	579
Huron	307	332	416	549	583
Knox	276	279	373	503	556
Marion	237	308	376	489	546
Mercer	206	281	375	499	574
Morgan	175	283	319	399	466
Muskingum	256	286	362	453	506
Ottawa	248	391	450	612	653
Perry	236	239	319	443	495
Preble	281	285	361	487	552
Ross	304	316	385	481	539
Scioto	185	274	330	419	462
Shelby	241	329	439	549	614
Union	262	363	477	597	692
Vinton	217	277	319	418	447
Williams	285	296	361	487	505

O K L A H O M A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Enid, OK MSA	271	275	366	509	581	Garfield
Fort Smith, AR-OK MSA	275	279	367	491	514	Sequoyah
Lawton, OK MSA	332	335	425	591	647	Comanche
Oklahoma City, OK MSA	305	331	430	598	670	Canadian, Cleveland, Logan, Mcclain, Oklahoma Pottawatomie
Tulsa, OK MSA	253	306	397	553	652	Creek, Osage, Rogers, Tulsa, Wagoner

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

OKLAHOMA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adair	215	218	290	405	419
Atoka	160	248	290	384	448
Beckham	239	247	328	411	461
Bryan	231	253	316	440	487
Carter	198	273	341	476	517
Choctaw	152	213	277	386	388
Coal	223	234	283	393	465
Craig	181	248	329	458	541
Delaware	222	237	317	441	521
Ellis	175	262	320	399	448
Grady	257	261	347	473	570
Greer	183	263	307	383	469
Harper	160	259	290	384	407
Hughes	215	218	290	364	407
Jefferson	157	203	271	338	436
Kay	265	281	369	514	602
Kiowa	160	218	290	384	407
Le Flore	215	231	309	429	432
Love	186	254	339	425	476
Mcintosh	170	232	310	387	471
Marshall	181	248	330	417	464
Murray	160	218	290	364	407
Noble	228	232	310	430	434
Okfuskee	215	218	290	364	407
Ottawa	224	235	290	392	437
Payne	271	315	405	564	632
Pontotoc	185	261	326	409	487
Roger Mills	158	215	287	399	403
Stephens	239	265	324	438	532
Tillman	217	245	274	381	450
Washita	230	238	290	405	477
Woodward	171	269	312	434	437

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alfalfa	160	218	290	364	419
Beaver	169	273	308	427	504
Blaine	160	218	290	405	477
Caddo	166	235	302	384	423
Cherokee	247	278	316	409	519
Cimarron	138	224	252	335	414
Cotton	224	227	303	422	464
Custer	224	254	339	473	546
Dewey	145	235	264	367	371
Garvin	172	235	314	409	516
Grant	160	259	290	405	477
Harmon	168	228	305	381	427
Haskell	230	232	290	398	477
Jackson	203	304	371	486	549
Johnston	156	253	284	394	466
Kingfisher	189	277	342	449	480
Latimer	167	227	303	403	496
Lincoln	252	261	318	437	488
Mccurtain	230	235	290	405	477
Major	184	282	335	466	469
Mayes	202	275	367	463	515
Muskogee	257	289	337	469	473
Nowata	170	232	310	387	474
Okmulgee	244	247	328	411	461
Pawnee	266	270	351	452	491
Pittsburg	218	236	315	438	517
Pushmataha	212	234	312	390	437
Seminole	215	224	290	405	442
Texas	197	279	322	447	450
Washington	218	325	396	524	614
Woods	222	225	301	403	422

OREGON

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Eugene-Springfield, OR MSA	292	392	521	726	841	Lane
Medford-Ashland, OR MSA	287	378	504	701	781	Jackson
Portland-Vancouver, OR-WA PMSA	349	429	529	736	800	Clackamas, Columbia, Multnomah, Washington, Yamhill

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

O R E G O N continued

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Salem, OR PMSA	323	372	483	672	705	Marion, Polk

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Baker	225	252	336	467	470
Clatsop	262	334	444	605	685
Crook	220	300	400	499	560
Deschutes	328	378	504	702	812
Gilliam	233	364	423	529	592
Harney	181	260	329	458	510
Jefferson	236	323	430	576	646
Klamath	258	301	402	554	660
Lincoln	326	330	440	612	665
Malheur	225	269	336	433	487
Sherman	184	299	336	467	470
Umatilla	258	268	353	490	518
Wallowa	192	291	327	455	494
Wheeler	168	231	307	384	430

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Benton	276	357	452	630	743
Coos	224	290	386	537	541
Curry	253	345	459	588	722
Douglas	277	301	401	557	618
Grant	193	264	352	440	555
Hood River	318	342	455	632	746
Josephine	248	346	449	607	711
Lake	220	300	337	451	553
Linn	255	324	425	579	630
Morrow	220	288	359	496	528
Tillamook	223	324	404	554	603
Union	257	261	347	482	569
Wasco	266	290	363	504	562

P E N N S Y L V A N I A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA MSA	355	481	573	745	837	Carbon, Lehigh, Northampton
Altoona, PA MSA	198	284	360	468	551	Blair
Erie, PA MSA	233	318	389	506	544	Erie
Harrisburg-Lebanon-Carlisle, PA MSA	321	411	527	664	738	Cumberland, Dauphin, Lebanon, Perry
Johnstown, PA MSA	225	264	331	415	463	Cambria, Somerset
Lancaster, PA MSA	348	428	534	695	748	Lancaster
Philadelphia, PA-NJ PMSA	453	558	688	861	1080	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pike County, PA	377	563	663	921	928	Pike
Pittsburgh, PA PMSA	310	380	458	574	641	Allegheny, Beaver, Butler, Fayette, Washington Westmoreland
Reading, PA MSA	290	428	528	661	745	Berks
Scranton--Wilkes-Barre--Hazleton, PA MSA	250	368	438	547	662	Columbia, Lackawanna, Luzerne, Wyoming
Sharon, PA MSA	290	316	368	460	537	Mercer
State College, PA MSA	381	467	577	756	809	Centre
Williamsport, PA MSA	227	342	411	514	576	Lycoming
York, PA MSA	292	401	496	621	694	York

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

PENNSYLVANIA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	259	355	473	611	775
Bedford	177	283	322	418	464
Cameron	238	278	326	408	457
Clearfield	201	265	348	443	495
Crawford	238	287	350	487	491
Forest	198	258	336	420	471
Fulton	225	247	322	411	451
Huntingdon	182	279	332	414	465
Jefferson	183	252	333	416	473
Lawrence	196	282	357	472	500
Mifflin	268	287	338	471	474
Montour	313	322	422	588	694
Potter	213	268	343	428	518
Snyder	297	312	376	523	527
Susquehanna	317	329	401	503	623
Union	261	325	433	551	608
Warren	243	292	369	462	517
Armstrong	224	294	334	423	548
Bradford	214	291	382	498	536
Clarion	256	293	337	421	509
Clinton	193	284	338	471	474
Elk	194	265	353	449	540
Franklin	229	332	409	561	573
Greene	204	259	292	406	455
Indiana	304	338	385	482	539
Juniata	198	284	342	427	478
Mc Kean	194	301	354	443	496
Monroe	422	504	622	851	951
Northumberland	231	292	356	474	527
Schuylkill	205	294	373	466	521
Sullivan	201	275	367	460	514
Tioga	176	281	315	439	447
Venango	224	296	344	444	482
Wayne	267	411	484	615	790

RHODE ISLAND

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
New London-Norwich, CT-RI MSA	476	575	700	876	1001	Washington county towns of Hopkinton, Westerly
Providence-Fall River-Warwick, RI-MA PMSA	396	539	649	813	1001	Bristol county towns of Barrington, Bristol, Warren Kent county towns of Coventry, East Greenwich, Warwick West Greenwich, West Warwick Newport county towns of Jamestown, Little Compton Tiverton Providence county towns of Burrillville, Central Falls Cranston, Cumberland, East Providence, Foster, Glocester Johnston, Lincoln, North Providence, North Smithfield Pawtucket, Providence, Scituate, Smithfield, Woonsocket Washington county towns of Charlestown, Exeter Narragansett, North Kingstown, Richmond, South Kingstown

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Newport	534	621	797	996	1115	Middletown, Newport, Portsmouth
Washington	593	668	750	968	1066	New Shoreham

Note The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1 15 times the 4BR FMR, and the FMR for a 6 BR unit is 1 30 times the 4 BR FMR 042893

SOUTH CAROLINA

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Augusta-Aiken, GA-SC MSA	325	389	458	623	738	Aiken, Edgefield
Charleston-North Charleston, SC MSA	365	423	486	647	754	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Rock Hill, NC-SC MSA	400	452	508	670	802	York
Columbia, SC MSA	392	431	496	656	754	Lexington, Richland
Florence, SC MSA	299	334	433	542	607	Florence
Greenville-Spartanburg-Anderson, SC MSA	311	374	424	535	628	Anderson, Cherokee, Greenville, Pickens, Spartanburg
Myrtle Beach, SC MSA	385	391	501	626	702	Horry
Sumter, SC MSA	313	348	395	542	641	Sumter

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Abbeville	180	244	326	433	534
Bamberg	173	235	313	391	438
Beaufort	397	487	561	700	784
Chester	188	256	342	428	486
Clarendon	188	256	342	428	480
Darlington	203	277	368	460	516
Fairfield	233	373	424	530	593
Greenwood	279	283	377	472	528
Jasper	254	257	343	430	564
Lancaster	292	326	371	485	558
Lee	253	256	342	428	562
Marion	243	246	329	457	540
Newberry	188	304	342	428	480
Orangeburg	223	297	342	428	534
Union	185	295	336	443	470

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Allendale	171	277	311	389	436
Barnwell	293	296	396	495	554
Calhoun	207	243	325	450	454
Chesterfield	188	271	342	451	562
Colleton	192	310	348	435	487
Dillon	246	278	312	409	437
Georgetown	218	353	397	496	603
Hampton	188	304	342	428	499
Kershaw	206	281	375	469	525
Laurens	196	296	356	485	499
Mccormick	206	282	376	470	617
Marlboro	254	295	348	435	487
Oconee	270	301	346	481	484
Saluda	157	248	285	397	469
Williamsburg	253	256	342	428	499

SOUTH DAKOTA

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Rapid City, SD MSA	285	339	452	614	742	Pennington
Sioux Falls, SD MSA	271	364	468	599	687	Lincoln, Minnehaha

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Aurora	146	237	267	371	402
Bennett	212	307	360	500	544
Brookings	215	278	365	509	600
Brule	186	281	340	455	558
Butte	198	270	360	500	591
Charles Mix	165	248	285	356	398
Clay	215	293	392	493	643
Beadle	230	277	360	493	591
Bon Homme	238	241	322	448	529
Brown	204	279	372	490	565
Buffalo	204	278	371	463	607
Campbell	184	251	337	434	514
Clark	164	223	297	372	447
Codington	199	272	362	497	507

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

SOUTH DAKOTA continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Corson	159	215	287	369	402
Davison	226	270	360	482	522
Deuel	184	251	337	421	470
Douglas	225	229	306	418	427
Fall River	267	270	360	454	591
Grant	198	270	360	493	503
Haakon	198	320	360	500	591
Hand	171	225	301	396	424
Harding	198	320	360	450	503
Hutchinson	164	233	287	364	470
Jackson	180	291	328	426	474
Jones	191	260	348	469	487
Lake	206	278	312	434	481
Lyman	186	255	341	426	478
Mcpherson	185	221	295	411	414
Meade	255	277	360	500	591
Miner	149	243	272	364	433
Perkins	172	235	312	434	512
Roberts	161	245	291	364	408
Shannon	171	276	310	431	434
Stanley	198	320	360	500	522
Todd	260	266	353	443	495
Turner	167	244	304	398	426
Walworth	234	317	360	497	591
Ziebach	198	270	360	450	591

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Custer	199	272	363	505	596
Day	239	243	323	450	505
Dewey	198	277	360	450	519
Edmunds	198	270	360	500	503
Faulk	226	310	413	517	579
Gregory	218	248	327	409	458
Hamlin	166	226	302	377	426
Hanson	240	328	437	548	614
Hughes	261	293	392	545	643
Hyde	182	295	331	437	534
Jerauld	145	235	265	366	433
Kingsbury	218	243	300	375	461
Lawrence	209	286	381	529	597
Mccook	153	218	280	390	459
Marshall	222	239	285	364	405
Mellette	255	287	322	423	451
Moody	194	254	318	423	522
Potter	194	265	352	476	493
Sanborn	198	288	360	450	503
Spink	216	250	334	417	467
Sully	172	264	313	405	439
Tripp	190	259	346	444	486
Union	241	258	345	432	483
Yankton	198	310	360	490	591

TENNESSEE

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Chattanooga, TN-GA MSA	316	370	444	573	654	Hamilton
Clarksville-Hopkinsville, TN-KY MSA	303	335	398	542	558	Montgomery
Johnson City-Kingsport-Bristol, TN-VA MSA	246	286	363	472	537	Carter, Hawkins, Sullivan, Unicoi, Washington
Knoxville, TN MSA	267	330	423	576	691	Anderson, Blount, Knox, Loudon, Sevier, Union
Memphis, TN-AR-MS MSA	337	392	462	642	674	Fayette, Shelby, Tipton
Nashville, TN MSA	348	415	512	697	784	Cheatham, Davidson, Dickson, Robertson, Rutherford Sumner, Williamson, Wilson

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

T E N N E S S E E continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Bedford	199	297	362	457	507
Bledsoe	163	223	297	373	418
Campbell	233	236	299	416	419
Carroll	163	266	299	391	419
Claiborne	176	258	297	414	489
Cocke	173	239	297	399	489
Crockett	163	249	297	373	444
Decatur	210	227	301	377	494
Dyer	288	292	389	486	606
Franklin	242	263	337	469	552
Giles	199	294	363	455	508
Greene	185	265	336	420	470
Hamblen	209	270	355	473	498
Hardeman	184	234	312	422	437
Haywood	243	281	375	469	525
Henry	182	231	303	422	492
Houston	221	223	297	382	418
Jackson	163	223	297	373	418
Johnson	157	213	285	386	420
Lauderdale	188	257	343	433	481
Lewis	161	262	294	409	412
Mcminn	207	253	325	450	454
Macon	171	254	310	388	434
Marion	246	256	342	428	480
Maury	331	337	448	562	628
Monroe	163	223	297	401	418
Morgan	169	264	307	385	431
Overton	163	241	297	373	489
Pickett	102	148	183	254	300
Putnam	280	283	363	498	538
Roane	248	253	337	458	552
Sequatchie	163	265	297	382	418
Stewart	221	223	297	390	489
Van Buren	150	205	273	375	383
Wayne	162	264	296	388	415
White	235	265	297	404	489

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Benton	248	280	314	428	466
Bradley	212	291	388	525	637
Cannon	165	227	301	377	422
Chester	163	249	297	373	489
Clay	235	258	297	373	489
Coffee	198	321	361	502	571
Cumberland	244	265	353	492	495
Dekalb	181	246	329	411	494
Fentress	217	221	294	409	412
Gibson	175	248	319	408	446
Grainger	235	265	297	382	489
Grundy	147	239	268	373	412
Hancock	144	213	260	362	428
Hardin	163	265	297	401	435
Henderson	169	240	307	385	431
Hickman	271	275	366	483	512
Humphreys	215	281	331	414	464
Jefferson	252	255	340	432	557
Lake	227	241	297	414	426
Lawrence	222	225	300	375	421
Lincoln	189	258	344	431	483
Mcnairy	183	207	277	385	418
Madison	239	314	420	583	587
Marshall	270	296	386	486	540
Meigs	165	227	301	419	494
Moore	230	233	311	433	436
Obion	266	270	346	459	484
Perry	167	271	304	418	499
Polk	184	251	335	419	469
Rhea	180	288	327	454	460
Scott	163	223	297	373	418
Smith	176	246	320	400	448
Trousdale	207	283	377	472	618
Warren	257	260	348	435	487
Weakley	249	258	320	438	468

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

T E X A S

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Abilene, TX MSA	255	275	366	493	600	Taylor
Amarillo, TX MSA	254	323	403	561	662	Potter, Randall
Austin-San Marcos, TX MSA	316	381	509	707	835	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	289	350	426	564	598	Hardin, Jefferson, Orange
Brazoria, TX PMSA	397	442	553	770	907	Brazoria
Brownsville-Harlingen-San Benito, TX MSA	276	308	412	515	676	Cameron
Bryan-College Station, TX MSA	330	384	486	676	797	Brazos
Corpus Christi, TX MSA	295	353	454	631	745	Nueces, San Patricio
Dallas, TX	386	443	567	788	931	Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall
El Paso, TX MSA	352	386	465	646	763	El Paso
Fort Worth-Arlington, TX PMSA	370	402	522	726	857	Hood, Johnson, Parker, Tarrant
Galveston-Texas City, TX PMSA	403	414	518	720	849	Galveston
Henderson County, TX	275	327	398	545	653	Henderson
Houston, TX PMSA	381	426	553	769	907	Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller
Killeen-Temple, TX MSA	293	298	387	538	591	Bell, Coryell
Laredo, TX MSA	294	339	445	557	624	Webb
Longview-Marshall, TX MSA	291	320	395	549	601	Gregg, Harrison, Upshur
Lubbock, TX MSA	276	349	454	631	699	Lubbock
Mc Allen-Edinburg-Mission, TX MSA	251	306	387	484	542	Hidalgo
Odessa-Midland, TX MSA	261	301	402	560	649	Ector, Midland
San Angelo, TX MSA	225	310	388	539	636	Tom Green
San Antonio, TX MSA	338	389	504	701	827	Bexar, Comal, Guadalupe, Wilson
Sherman-Denison, TX MSA	249	350	422	540	646	Grayson
Texarkana, TX-Texarkana, AR MSA	282	344	420	555	588	Bowie
Tyler, TX MSA	320	354	432	601	635	Smith
Victoria, TX MSA	319	323	409	568	641	Victoria
Waco, TX MSA	279	342	450	599	630	Mclennan
Wichita Falls, TX MSA	308	329	396	552	650	Archer, Wichita

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Anderson	316	356	400	556	561
Angelina	288	334	375	521	615
Armstrong	219	299	398	498	557
Austin	210	271	362	503	561
Bandera	283	304	359	498	502
Bee	205	268	353	490	546
Borden	169	274	309	429	432
Brewster	257	271	362	495	593
Brooks	156	205	230	320	322
Burleson	201	282	366	494	601

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Andrews	225	300	336	468	552
Aransas	237	324	432	601	605
Atascosa	180	247	328	457	539
Bailey	169	274	309	429	432
Baylor	169	262	309	386	432
Blanco	214	291	389	541	569
Bosque	199	292	362	478	543
Briscoe	192	261	348	461	488
Brown	247	276	368	493	604
Burnet	206	281	374	520	609

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Calhoun	282	300	366	508	601
Camp	356	361	450	564	631
Cass	227	231	309	429	506
Cherokee	294	305	373	488	522
Clay	192	310	348	485	572
Coke	173	237	316	396	519
Collingsworth	172	235	314	392	468
Comanche	227	231	309	411	450
Cooke	286	290	387	524	581
Crane	206	271	362	452	506
Crosby	244	274	309	419	506
Dallam	192	261	348	457	488
Deaf Smith	232	284	347	482	570
Dewitt	239	250	316	396	442
Dimmit	212	258	300	417	419
Duval	244	259	309	429	466
Edwards	176	278	321	401	449
Falls	215	237	317	397	444
Fayette	251	254	339	428	556
Floyd	236	239	320	399	474
Franklin	199	271	362	503	506
Frio	227	231	309	429	496
Garza	161	245	294	368	412
Glasscock	169	274	309	386	432
Gonzales	222	231	309	391	493
Grimes	196	268	356	495	584
Hall	148	201	269	374	441
Hansford	263	281	351	488	576
Hartley	173	237	316	440	442
Hemphill	209	338	380	529	533
Hockley	268	314	358	496	546
Houston	182	265	332	462	465
Hudspeth	317	358	401	502	658
Irion	210	302	339	425	476
Jackson	250	292	329	458	541
Jeff Davis	198	296	361	451	504
Jim Wells	190	281	346	481	568
Karnes	195	249	300	417	491
Kenedy	169	274	309	386	432
Kerr	251	340	426	592	698

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Callahan	238	243	318	439	445
Carson	197	298	359	448	502
Castro	264	288	335	455	550
Childress	245	275	310	387	507
Cochran	202	230	259	360	425
Coleman	160	203	271	377	444
Colorado	203	231	309	429	506
Concho	176	240	322	447	450
Cottle	159	218	289	403	476
Crockett	244	257	309	429	432
Culberson	172	274	309	407	432
Dawson	169	274	309	429	506
Delta	169	274	309	429	432
Dickens	173	218	289	383	476
Donley	186	256	340	474	477
Eastland	244	274	309	386	506
Erath	272	309	400	517	561
Fannin	266	276	355	493	561
Fisher	226	256	287	399	403
Foard	171	264	311	388	435
Freestone	210	247	328	457	490
Gaines	268	274	342	460	480
Gillespie	258	332	430	590	603
Goliad	179	271	326	418	536
Gray	289	294	391	490	580
Hale	238	271	358	486	500
Hamilton	244	274	309	429	503
Hardeman	169	231	309	429	506
Haskell	162	254	296	411	414
Hill	240	265	354	471	495
Hopkins	304	327	385	536	575
Howard	281	285	356	495	499
Hutchinson	235	301	380	529	624
Jack	167	227	304	423	499
Jasper	258	296	374	498	613
Jim Hogg	169	231	309	417	506
Jones	172	235	314	396	440
Kendall	237	385	432	601	709
Kent	145	234	263	366	414
Kimble	220	301	400	501	561

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

T E X A S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
King	189	258	343	430	481
Kleberg	320	332	405	564	664
Lamar	256	324	381	531	627
Lampasas	197	283	359	498	588
Lavaca	164	224	299	410	453
Leon	194	275	353	448	579
Lipscomb	180	246	327	454	458
Llano	248	338	451	565	741
Lynn	169	253	309	426	506
Mcmullen	169	274	309	386	432
Marion	195	283	354	467	581
Mason	162	221	296	369	485
Maverick	246	263	351	438	491
Menard	227	231	309	429	432
Mills	172	231	309	386	493
Montague	227	231	309	429	506
Morris	180	290	327	416	465
Nacogdoches	278	335	435	543	640
Newton	181	248	330	424	542
Ochiltree	174	283	318	442	522
Palo Pinto	198	276	360	478	583
Parmer	185	271	338	443	474
Polk	294	321	373	503	611
Rains	225	340	411	571	575
Real	169	252	308	427	430
Reeves	169	274	309	417	432
Roberts	189	307	343	430	481
Runnels	244	253	309	429	491
Sabine	232	235	314	392	508
San Jacinto	276	311	350	476	573
Schleicher	169	272	309	429	432
Shackelford	169	231	309	429	506
Sherman	249	281	315	438	441
Starr	232	272	305	381	427
Sterling	174	238	318	417	445
Sutton	173	282	316	440	442
Terrell	169	274	309	407	506
Throckmorton	224	266	300	417	419
Trinity	273	309	346	481	557
Upton	227	231	309	386	506

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Kinney	169	231	309	429	503
Knox	163	245	298	398	417
Lamb	244	262	309	414	469
La Salle	166	244	301	418	493
Lee	298	335	377	525	589
Limestone	251	298	334	465	468
Live Oak	169	274	309	429	503
Loving	169	231	309	386	432
Mcculloch	253	257	341	427	479
Madison	185	301	338	470	555
Martin	169	274	309	429	432
Matagorda	304	333	411	571	575
Medina	239	284	334	448	547
Milam	183	253	333	463	546
Mitchell	169	274	309	429	506
Moore	225	309	347	482	570
Motley	169	274	309	419	506
Navarro	315	332	399	506	558
Nolan	270	274	365	464	544
Oldham	219	299	398	498	582
Panola	236	310	348	470	527
Pecos	203	268	356	495	584
Presidio	226	256	286	359	401
Reagan	335	340	453	568	744
Red River	169	231	309	391	506
Refugio	243	274	323	429	530
Robertson	213	266	355	443	496
Rusk	274	277	347	482	528
San Augustine	183	251	334	418	468
San Saba	132	214	240	335	396
Scurry	210	286	381	531	627
Shelby	243	273	307	383	429
Somervell	301	338	380	521	533
Stephens	179	254	326	453	536
Stonewall	169	234	309	429	506
Swisher	169	274	309	429	506
Terry	180	290	327	454	498
Titus	277	343	390	539	546
Tyler	215	294	392	491	644
Uvalde	183	282	317	441	444

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

T E X A S continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Val Verde	250	348	410	513	606
Walker	355	378	462	614	646
Washington	328	334	444	556	730
Wheeler	244	274	309	429	441
Willacy	160	219	291	406	410
Wise	203	307	369	514	536
Yoakum	234	345	426	532	698
Zapata	169	257	309	386	506
Van Zandt	282	286	381	519	627
Ward	244	274	309	429	506
Wharton	250	301	363	490	507
Wilbarger	261	264	353	490	579
Winkler	228	232	310	403	507
Wood	244	285	380	529	624
Young	257	260	346	481	568
Zavala	163	214	286	398	470

U T A H

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Provo-Orem, UT MSA	297	314	388	539	636	Utah
Salt Lake City-Ogden, UT MSA	297	345	438	608	713	Davis, Salt Lake, Weber

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Beaver	184	251	337	421	552
Cache	265	293	377	524	607
Daggett	297	406	541	677	759
Emery	261	300	337	454	538
Grand	216	295	355	448	584
Juab	233	236	314	437	517
Millard	248	251	335	419	550
Piute	170	275	309	386	506
San Juan	266	300	337	421	552
Sevier	277	280	359	449	502
Tooele	248	330	388	513	637
Wasatch	215	348	391	544	642
Wayne	209	286	381	477	533
Box Elder	293	297	382	531	596
Carbon	277	280	350	487	573
Duchesne	183	250	334	464	549
Garfield	245	267	355	445	498
Iron	239	304	406	507	596
Kane	215	292	391	489	548
Morgan	214	291	388	540	637
Rich	184	251	337	431	470
Sanpete	184	292	337	440	507
Summit	405	498	623	840	1021
Uintah	174	244	317	440	520
Washington	288	354	471	628	770

V E R M O N T

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Burlington, VT MSA	393	483	644	877	1057	Chittenden county towns of Burlington, Charlotte Colchester, Essex, Hinesburg, Jericho, Milton, Richmond St. George, Shelburne, South Burlington, Williston Winooski Franklin county towns of Fairfax, Georgia, St. Albans St. Albans, Swanton Grand Isle county towns of Grand Isle, South Hero

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

V E R M O N T continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Addison	374	453	527	733	823	
Bennington	349	439	564	717	836	
Caledonia	313	377	423	541	593	
Chittenden	323	524	589	819	965	Bolton, Buels, Huntington, Underhill, Westford
Essex	309	314	419	524	587	
Franklin	332	375	421	586	674	Bakersfield, Berkshire, Enosburg, Fairfield, Fletcher Franklin, Highgate, Montgomery, Richford, Sheldon
Grand Isle	234	319	425	531	617	Alburg, Isle La Motte, North Hero
Lamoille	310	423	510	704	806	
Orange	274	407	497	660	740	
Orleans	206	293	377	471	617	
Rutland	348	453	553	693	775	
Washington	332	409	546	683	770	
Windham	373	430	574	728	803	
Windsor	401	452	565	724	860	

V I R G I N I A

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Charlottesville, VA MSA	350	415	531	706	793	Albemarle, Fluvanna, Greene, Charlottesville city
Clarke County, VA	285	401	520	713	728	Clarke
Culpeper County, VA	351	512	595	785	941	Culpeper
Danville, VA MSA	263	273	343	428	479	Pittsylvania, Danville city
Johnson City-Kingsport-Bristol, TN-VA MSA	246	286	363	472	537	Scott, Washington, Bristol city
King George County, VA	348	462	519	722	727	King George
Lynchburg, VA MSA	306	325	388	512	594	Amherst, Bedford, Campbell, Bedford city, Lynchburg city
Norfolk-Virginia Beach-Newport News, VA-NC MSA	409	458	545	758	890	Gloucester, Isle of Wight, James City, Mathews, York Chesapeake city, Hampton city, Newport News city Norfolk city, Poquoson city, Portsmouth city Suffolk city, Virginia Beach city, Williamsburg city
Richmond-Petersburg, VA MSA	403	455	529	736	869	Charles City, Chesterfield, Dinwiddie, Goochland, Hanover Henrico, New Kent, Powhatan, Prince George Colonial Heights city, Hopewell city, Petersburg city Richmond city
Roanoke, VA MSA	272	333	439	563	703	Botetourt, Roanoke, Roanoke city, Salem city
Warren County, VA	284	388	518	679	849	Warren
Washington, DC-MD-VA	630	719	844	1149	1385	Arlington, Fairfax, Loudoun, Prince William, Spotsylvania Stafford, Alexandria city, Fairfax city Falls Church city, Fauquier, Fredericksburg city Manassas city, Manassas Park city

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom For example, the FMR for a 5 BR unit is 1 15 times the 4BR FMR, and the FMR for a 6 BR unit is 1 30 times the 4 BR FMR 042893

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING

V I R G I N I A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Accomack	322	346	407	509	570
Amelia	182	295	332	462	520
Augusta	237	325	416	561	683
Bland	169	274	308	386	431
Buchanan	203	283	317	398	444
Caroline	384	389	519	690	727
Charlotte	239	270	303	420	497
Cumberland	237	371	431	539	604
Essex	247	382	451	626	739
Franklin	263	276	333	416	466
Giles	215	258	336	420	471
Greensville	216	350	393	513	646
Henry	261	290	367	460	566
King and Queen	240	389	438	547	630
Lancaster	339	381	429	571	696
Louisa	239	353	435	604	610
Madison	273	405	455	569	746
Middlesex	265	343	385	535	539
Nelson	209	338	380	476	625
Northumberland	193	313	352	489	493
Orange	301	410	547	760	892
Patrick	214	216	274	343	384
Pulaski	196	282	356	481	498
Richmond	222	361	406	516	666
Rockingham	257	360	468	652	768
Shenandoah	357	366	452	624	709
Southampton	187	273	317	431	444
Sussex	196	286	357	447	586
Westmoreland	269	366	488	611	792
Wythe	284	295	359	450	504
Clifton Forge city	232	272	305	381	427
Emporia city	216	350	393	513	646
Galax city	238	264	318	417	446
Lexington city	211	305	386	537	540
Norton city	251	282	376	471	601
South Boston city	214	292	388	498	606
Waynesboro city	237	325	416	561	683

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Alleghany	283	318	358	487	502
Appomattox	261	264	334	438	467
Bath	209	338	380	491	533
Brunswick	209	283	318	443	446
Buckingham	259	286	328	410	460
Carroll	238	264	318	417	446
Craig	174	238	317	442	520
Dickenson	174	283	317	442	520
Floyd	231	235	314	436	487
Frederick	367	423	510	699	837
Grayson	162	263	295	386	484
Halifax	187	279	317	431	444
Highland	174	283	317	419	444
King William	229	371	417	521	643
Lee	238	240	317	397	520
Lunenburg	173	281	315	393	485
Mecklenburg	211	269	353	442	526
Montgomery	280	366	430	598	706
Northampton	195	267	355	455	497
Nottoway	271	274	356	446	498
Page	315	355	399	499	574
Prince Edward	304	343	385	535	539
Rappahannock	275	445	499	695	819
Rockbridge	211	305	386	537	540
Russell	177	241	323	449	529
Smyth	230	232	292	406	478
Surry	282	317	356	445	498
Tazewell	252	284	320	444	524
Wise	251	282	376	471	601
Buena Vista city	211	305	386	537	540
Covington city	232	272	305	381	427
Franklin city	229	314	418	527	586
Harrisonburg city	257	360	468	652	768
Martinsville city	261	290	367	460	566
Radford city	280	366	430	598	706
Staunton city	237	325	416	561	683
Winchester city	367	423	510	699	837

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

WASHINGTON

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bellingham, WA MSA	313	405	540	746	886	Whatcom
Bremerton, WA PMSA	376	432	561	757	921	Kitsap
Olympia, WA PMSA	361	437	547	760	896	Thurston
Portland-Vancouver, OR-WA PMSA	349	429	529	736	800	Clark
Richland-Kennewick-Pasco, WA MSA	367	388	503	699	821	Benton, Franklin
Seattle-Bellevue-Everett, WA PMSA	424	516	653	908	1072	Island, King, Snohomish
Spokane, WA MSA	260	323	432	587	657	Spokane
Tacoma, WA PMSA	350	417	555	773	872	Pierce
Yakima, WA MSA	275	321	418	560	586	Yakima

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	254	274	338	440	490
Chelan	226	311	404	537	565
Columbia	176	287	323	448	451
Douglas	342	355	432	562	649
Garfield	176	242	323	403	451
Grays Harbor	240	286	381	510	593
Kittitas	209	285	378	518	614
Lewis	261	310	408	537	594
Mason	276	313	417	550	591
Pacific	233	287	382	512	534
San Juan	361	493	657	867	1031
Skamania	268	302	339	471	556
Wahkiakum	211	293	357	447	543
Whitman	286	325	433	603	712

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Asotin	214	268	356	495	573
Clallam	297	356	457	604	659
Cowlitz	291	320	422	585	590
Ferry	199	308	362	452	506
Grant	249	252	323	439	528
Jefferson	249	362	452	630	634
Klickitat	239	293	362	459	521
Lincoln	183	242	323	432	513
Okanogan	204	260	329	455	461
Pend Oreille	199	279	362	477	593
Skagit	334	390	513	708	718
Stevens	196	269	358	466	502
Walla Walla	236	286	381	529	626

WEST VIRGINIA

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Berkeley County, WV	353	375	447	559	626	Berkeley
Charleston, WV MSA	224	322	408	560	613	Kanawha, Putnam
Cumberland, MD-WV MSA	228	287	374	493	541	Mineral
Huntington-Ashland, WV-KY-OH MSA	240	283	359	478	510	Cabell, Wayne
Jefferson County, WV	349	386	478	620	703	Jefferson
Parkersburg-Marietta, WV-OH MSA	240	294	364	494	509	Wood
Steubenville-Weirton, OH-WV MSA	195	288	357	450	501	Brooke, Hancock
Wheeling, WV-OH MSA	271	288	356	452	498	Marshall, Ohio

Note: The PMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

W E S T V I R G I N I A continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Barbour	178	242	324	405	454
Braxton	156	241	284	386	466
Clay	232	263	295	369	438
Fayette	161	259	292	406	439
Grant	174	252	316	395	443
Hampshire	188	257	343	453	481
Harrison	243	265	344	441	534
Lewis	163	221	296	408	414
Logan	245	271	318	443	523
Marion	211	269	353	459	579
Mercer	195	250	331	413	509
Monongalia	300	332	405	562	665
Morgan	296	334	375	470	525
Pendleton	162	229	295	380	412
Pocahontas	165	252	301	376	420
Raleigh	248	280	314	430	515
Ritchie	224	252	284	358	397
Summers	209	213	284	395	466
Tucker	156	213	284	395	429
Upshur	238	240	305	423	427
Wetzel	263	267	355	444	582
Wyoming	210	229	306	382	428
Boone	215	243	317	397	444
Calhoun	156	213	284	355	397
Doddridge	246	265	312	389	436
Gilmer	265	279	335	418	470
Greenbrier	224	258	344	430	482
Hardy	174	259	316	395	443
Jackson	185	300	336	467	481
Lincoln	198	213	284	395	406
Mcdowell	160	207	276	345	387
Mason	176	263	321	400	526
Mingo	173	239	315	428	517
Monroe	162	220	294	367	453
Nicholas	208	248	331	413	463
Pleasants	236	239	320	406	524
Preston	237	268	301	376	430
Randolph	183	275	327	419	459
Roane	209	213	284	395	397
Taylor	254	278	323	403	452
Tyler	197	270	359	450	504
Webster	199	239	285	356	399
Wirt	167	228	305	423	427

W I S C O N S I N

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Appleton-Oshkosh-Neenah, WI MSA	288	356	451	569	655	Calumet, Outagamie, Winnebago
Duluth-Superior, MN-WI MSA	222	298	382	508	598	Douglas
Eau Claire, WI MSA	283	308	405	519	584	Chippewa, Eau Claire
Green Bay, WI MSA	316	347	445	619	623	Brown
Janesville-Beloit, WI MSA	294	345	459	575	643	Rock
Kenosha, WI PMSA	331	397	502	682	778	Kenosha
La Crosse, WI-MN MSA	242	318	419	566	687	La Crosse
Madison, WI MSA	366	460	554	771	910	Dane
Milwaukee-Waukesha, WI PMSA	336	439	551	689	770	Milwaukee, Ozaukee, Washington, Waukesha
Minneapolis-St. Paul, MN-WI MSA	370	466	597	819	926	Pierce, St. Croix
Racine, WI PMSA	295	366	483	623	681	Racine
Sheboygan, WI MSA	276	355	433	541	670	Sheboygan
Wausau, WI MSA	336	350	437	594	660	Marathon

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

WISCONSIN continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adams	189	285	343	477	556
Barron	202	275	366	465	524
Buffalo	206	258	344	431	483
Clark	166	239	303	409	466
Crawford	207	256	329	415	461
Door	234	324	404	517	627
Florence	240	261	348	484	487
Forest	175	241	318	398	446
Green	267	301	376	523	526
Iowa	272	287	378	511	530
Jackson	206	257	323	419	452
Juneau	268	278	340	452	476
Lafayette	266	270	361	455	505
Lincoln	242	258	345	480	550
Marinette	206	257	343	460	480
Menominee	229	232	310	387	434
Oconto	175	261	318	430	477
Pepin	173	237	316	434	517
Portage	318	336	436	545	675
Richland	246	280	338	456	473
Sauk	307	316	422	526	590
Shawano	267	275	366	459	513
Trempealeau	211	260	333	420	520
Vilas	244	292	370	464	535
Washburn	258	262	350	444	490
Waushara	209	291	343	432	480

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Ashland	286	316	372	465	521
Bayfield	184	265	336	427	469
Burnett	253	301	362	453	506
Columbia	245	311	409	537	601
Dodge	331	336	442	553	619
Dunn	261	302	401	535	659
Fond du Lac	264	344	420	576	588
Grant	265	268	349	437	488
Green Lake	226	290	359	460	516
Iron	169	236	303	412	497
Jefferson	261	347	451	582	636
Kewaunee	178	242	324	404	453
Langlade	248	252	336	460	497
Manitowoc	264	287	335	425	512
Marquette	184	280	335	465	529
Monroe	261	300	378	518	530
Oneida	214	307	388	501	598
Polk	241	298	396	495	554
Price	187	267	339	427	550
Rusk	178	244	323	436	452
Sawyer	258	290	350	438	490
Taylor	233	273	333	437	467
Vernon	193	240	312	434	437
Walworth	274	384	499	650	728
Waupaca	209	286	381	496	588
Wood	285	313	401	502	562

WYOMING

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Casper, WY MSA	195	266	342	476	562	Natrona
Cheyenne, WY MSA	271	339	452	578	701	Laramie

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

WYOMING continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Albany	248	310	414	575	678
Campbell	291	296	380	528	623
Converse	180	271	327	455	537
Fremont	190	258	345	459	560
Hot Springs	238	271	361	502	593
Lincoln	238	299	379	519	530
Park	205	279	373	519	611
Sheridan	246	279	373	499	611
Sweetwater	280	285	380	528	623
Uinta	282	290	387	527	636
Weston	254	257	343	443	546

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Big Horn	180	246	328	453	459
Carbon	217	255	340	471	558
Crook	268	302	340	425	486
Goshen	232	285	340	471	558
Johnson	251	255	340	471	520
Niobrara	185	253	338	422	544
Platte	186	257	340	425	476
Sublette	299	337	379	488	530
Teton	359	457	608	816	889
Washakie	199	272	362	454	595

GUAM

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Pacific Islands	648	779	922	1155	1299

NONMETROPOLITAN COUNTIES EFF 1 BR 2 BR 3 BR 4 BR

PUERTO RICO

METROPOLITAN FMR AREAS	EFF	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Aguadilla, PR MSA	225	275	325	405	455	Aguada, Aguadilla, Moca
Arecibo, PR PMSA	330	400	470	590	660	Arecibo, Camuy, Hatillo
Caguas, PR PMSA	275	330	390	490	545	Caguas, Cayey, Cidra, Gurabo, San Lorenzo
Mayaguez, PR MSA	225	275	325	405	455	Anasco, Cabo Rojo, Hormigueros, Mayaguez, Sabana Grand San German
Ponce, PR MSA	320	390	460	575	645	Guayanilla, Juana Diaz, Penuelas, Ponce, Villalba, Yauco
San Juan-Bayamon, PR PMSA	320	390	460	575	645	Aguas Buenas, Barceloneta, Bayamon, Canovanas, Carolina Catano, Ceiba, Comerio, Corozal, Dorado, Fajardo, Florida Guaynabo, Humacao, Juncos, Las Piedras, Loiza, Luquillo Manati, Morovis, Naguabo, Naranjito, San Juan, Toa Alta Toa Baja, Trujillo Alt, Vega Alta, Vega Baja, Yabucoa

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Adjuntas	215	265	310	390	435
Arroyo	215	265	310	390	435
Ciales	215	265	310	390	435
Culebra	215	265	310	390	435
Guayama	215	265	310	390	435
Jayuya	215	265	310	390	435
Lares	215	265	310	390	435
Maricao	215	265	310	390	435

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Aibonito	215	265	310	390	435
Barranquitas	215	265	310	390	435
Coamo	215	265	310	390	435
Guanica	215	265	310	390	435
Isabela	225	275	325	405	455
Lajas	215	265	310	390	435
Las Marias	215	265	310	390	435
Maunabo	215	265	310	390	435

Note The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 042893

PUERTO RICO continued

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Orocovis	215	265	310	390	435
Quebradillas	330	400	470	590	660
Rio Grande	320	390	460	575	645
San Sebastia	215	265	310	390	435
Utuado	215	265	310	390	435

VIRGIN ISLANDS

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Virgin Isl	439	533	629	785	880

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR
Patillas	215	265	310	390	435
Rincon	215	265	310	390	435
Salinas	215	265	310	390	435
Santa Isabel	215	265	310	390	435
Vieques	215	265	310	390	435

NONMETROPOLITAN COUNTIES	EFF	1 BR	2 BR	3 BR	4 BR

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

042893

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM). PAGE 55

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: ALABAMA	73	
MSA: Anniston, AL	76	86
MSA: Birmingham, AL	110	121
MSA: Columbus, GA-AL	100	110
MSA: Decatur, AL	73	85
MSA: Dothan, AL	71	81
MSA: Florence, AL	86	93
MSA: Gadsden, AL	76	86
MSA: Huntsville, AL	110	121
MSA: Mobile, AL	87	94
MSA: Montgomery, AL	87	93
MSA: Tuscaloosa, AL	103	117
EXCEPTION COUNTY: LIMESTONE	81	89
EXCEPTION COUNTY: MARSHALL	81	89
NON METRO STATE: ALASKA	173	
MSA: Anchorage, AK	204	204
EXCEPTION COUNTY: KETCHIKAN	173	182
NON METRO STATE: ARIZONA	109	
MSA: Phoenix-Mesa, AZ	153	183
MSA: Tucson, AZ	109	153
MSA: Yuma, AZ	109	140
NON METRO STATE: ARKANSAS	39	
MSA: Fayetteville-Springdale-Rogers, AR	68	73
MSA: Fort Smith, AR-OK	37	40
MSA: Little Rock-North Little Rock, AR	58	60
MSA: Memphis, TN-AR-MS	102	102
MSA: Pine Bluff, AR	28	31
MSA: Texarkana, TX-Texarkana, AR	120	135
EXCEPTION COUNTY: BENTON	53	55
EXCEPTION COUNTY: LITTLE RIVER	88	99
NON METRO STATE: CALIFORNIA	173	
MSA: Bakersfield, CA	161	247
MSA: Chico-Paradise, CA	172	226
MSA: Fresno, CA	247	280
PMSA: Los Angeles-Long Beach, CA	204	344
MSA: Merced, CA	172	226
MSA: Modesto, CA	258	280

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: Oakland, CA	286	376
PMSA: Orange County, CA	422	422
MSA: Redding, CA	172	226
PMSA: Riverside-San Bernardino, CA	173	284
PMSA: Sacramento, CA	199	237
MSA: Salinas, CA	247	312
MSA: San Diego, CA	317	346
PMSA: San Francisco, CA	307	400
PMSA: San Jose, CA	365	426
PMSA: San Luis Obispo-Atascadero-Paso Robles, CA	172	226
MSA: Santa Barbara-Santa Maria-Lompoc, CA	203	312
PMSA: Santa Cruz-Watsonville, CA	267	334
PMSA: Santa Rosa, CA	267	320
MSA: Stockton-Lodi, CA	258	280
PMSA: Vallejo-Fairfield-Napa, CA	278	317
MSA: Visalia-Tulare-Porterville, CA	172	226
PMSA: Yolo, CA	172	226
MSA: Yuba City, CA	172	226
EXCEPTION COUNTY: SAN LUIS OBI	238	282
NON METRO STATE: COLORADO	N/A	N/A
PMSA: Boulder-Longmont, CO	231	252
MSA: Colorado Springs, CO	169	190
PMSA: Denver, CO	263	284
MSA: Fort Collins-Loveland, CO	159	179
PMSA: Greeley, CO	159	179
MSA: Pueblo, CO	159	179
EXCEPTION COUNTY: ALAMOSA	132	159
EXCEPTION COUNTY: ARCHULETA	159	177
EXCEPTION COUNTY: BACA	132	159
EXCEPTION COUNTY: BENT	132	159
EXCEPTION COUNTY: CHAFFEE	159	177
EXCEPTION COUNTY: CHEYENNE	132	159
EXCEPTION COUNTY: CLEAR CREEK	159	177
EXCEPTION COUNTY: CONEJOS	132	159
EXCEPTION COUNTY: COSTILLA	132	159
EXCEPTION COUNTY: CROWLEY	132	159
EXCEPTION COUNTY: CUSTER	159	177
EXCEPTION COUNTY: DELTA	159	177
EXCEPTION COUNTY: DELORES	159	177
EXCEPTION COUNTY: EAGLE	257	289
EXCEPTION COUNTY: ELBERT	132	159
EXCEPTION COUNTY: FREMONT	159	177
EXCEPTION COUNTY: GARFIELD	257	289
EXCEPTION COUNTY: GILPIN	164	189

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 57

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: GRAND	159	177
EXCEPTION COUNTY: GUNNISON	159	177
EXCEPTION COUNTY: HINSDALE	159	177
EXCEPTION COUNTY: HUERFANO	132	159
EXCEPTION COUNTY: JACKSON	159	177
EXCEPTION COUNTY: KIOWA	132	159
EXCEPTION COUNTY: KIT CARSON	132	159
EXCEPTION COUNTY: LAKE	159	177
EXCEPTION COUNTY: LA PLATA	159	177
EXCEPTION COUNTY: LAS ANIMAS	132	159
EXCEPTION COUNTY: LINCOLN	132	159
EXCEPTION COUNTY: LOGAN	132	159
EXCEPTION COUNTY: MESA	159	177
EXCEPTION COUNTY: MINERAL	132	159
EXCEPTION COUNTY: MOFFAT	257	289
EXCEPTION COUNTY: MONTEZUMA	159	177
EXCEPTION COUNTY: MONTROSE	159	177
EXCEPTION COUNTY: MORGAN	132	159
EXCEPTION COUNTY: OTERO	132	159
EXCEPTION COUNTY: OURAY	159	177
EXCEPTION COUNTY: PARK	159	177
EXCEPTION COUNTY: PHILLIPS	132	159
EXCEPTION COUNTY: PITKIN	257	289
EXCEPTION COUNTY: PROWERS	132	159
EXCEPTION COUNTY: RIO BLANCO	257	289
EXCEPTION COUNTY: RIO GRANDE	132	159
EXCEPTION COUNTY: ROUTT	257	289
EXCEPTION COUNTY: SAGUACHE	132	159
EXCEPTION COUNTY: SAN JUAN	159	177
EXCEPTION COUNTY: SAN MIGUEL	159	177
EXCEPTION COUNTY: SEDGWICK	132	159
EXCEPTION COUNTY: SUMMIT	257	289
EXCEPTION COUNTY: TELLER	132	159
EXCEPTION COUNTY: WASHINGTON	132	159
EXCEPTION COUNTY: YUMA	132	159
NON METRO STATE: CONNECTICUT	168	
PMSA: Bridgeport, CT	225	225
PMSA: Danbury, CT	172	172
PMSA: Hartford, CT	185	185
PMSA: New Britain, CT	185	185
PMSA: New Haven-Meriden, CT	167	167
MSA: New London-Norwich, CT-RI	158	158
PMSA: Stamford-Norwalk, CT	211	211
MSA: Waterbury, CT	171	171

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: DELAWARE	74	
MSA: Dover, DE	160	160
PMSA: Wilmington-Newark, DE-MD	153	153
EXCEPTION COUNTY: DE SUSSEX	115	115
NON METRO STATE: DIST. OF COLUMBIA	N/A	N/A
PMSA: Washington, DC-MD-VA-WV	209	209
NON METRO STATE: FLORIDA	92	
MSA: Daytona Beach, FL	120	120
PMSA: Fort Lauderdale, FL	196	196
MSA: Fort Myers-Cape Coral, FL	126	126
MSA: Fort Pierce-Port Lucie, FL	90	90
MSA: Fort Walton Beach, FL	93	93
MSA: Gainesville, FL	93	93
MSA: Jacksonville, FL	86	102
MSA: Lakeland-Winter Haven, FL	93	93
MSA: Melbourne-Titusville-Palm Bay, FL	110	110
PMSA: Miami, FL	154	154
MSA: Naples, FL	93	93
MSA: Ocala, FL	93	93
MSA: Orlando, FL	110	110
MSA: Panama City, FL	93	93
MSA: Pensacola, FL	93	93
MSA: Punta Gorda, FL	92	92
MSA: Sarasota-Bradenton, FL	126	126
MSA: Tallahassee, FL	86	86
MSA: Tampa-St. Petersburg-Clearwater, FL	126	126
MSA: West Palm Beach-Boca Raton, FL	161	161
EXCEPTION COUNTY: BAKER	83	99
EXCEPTION COUNTY: COLUMBIA	92	92
EXCEPTION COUNTY: WAKULLA	83	99
NON METRO STATE: GEORGIA	67	
MSA: Albany, GA	59	63
MSA: Athens, GA	67	67
MSA: Atlanta, GA	106	114
MSA: Augusta-Aiken, GA-SC	90	93
MSA: Chattanooga, TN-GA	59	86
MSA: Columbus, GA-AL	100	110
MSA: Macon, GA	60	66
MSA: Savannah, GA	74	86

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 59

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: BRYAN	67	67
EXCEPTION COUNTY: CARROLL	67	67
EXCEPTION COUNTY: PICKENS	67	67
EXCEPTION COUNTY: SPALDING	106	114
EXCEPTION COUNTY: TWIGGS	59	65
EXCEPTION COUNTY: WALTON	106	114
NON METRO STATE: HAWAII	N/A	N/A
MSA: Honolulu, HI	N/A	N/A
NON METRO STATE: IDAHO	129	
MSA: Boise City, ID	143	167
NON METRO STATE: ILLINOIS	119	
MSA: Bloomington-Normal, IL	137	137
MSA: Champaign-Urbana, IL	111	111
PMSA: Chicago, IL	268	287
MSA: Davenport-Moline-Rock Island, IA-IL	150	158
MSA: Decatur, IL	150	150
PMSA: Kankakee, IL	108	108
MSA: Peoria-Pekin, IL	205	224
MSA: Rockford, IL	202	214
MSA: St. Louis, MO-IL	109	126
MSA: Springfield, IL	131	140
EXCEPTION COUNTY: DE KALB	119	128
EXCEPTION COUNTY: GRUNDY	268	287
EXCEPTION COUNTY: KENDALL	268	287
NON METRO STATE: INDIANA	65	
MSA: Bloomington, IN	69	69
PMSA: Cincinnati, OH-KY-IN	132	139
MSA: Elkhart-Goshen, IN	96	96
MSA: Evansville-Henderson, IN-KY	88	94
MSA: Fort Wayne, IN	81	111
PMSA: Gary, IN	129	149
MSA: Indianapolis, IN	104	120
MSA: Kokomo, IN	96	109
MSA: Lafayette, IN	89	132
MSA: Louisville, KY-IN	94	103
MSA: Muncie, IN	70	79
MSA: South Bend, IN	109	115
MSA: Terre Haute, IN	69	86

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: ADAMS	65	84
EXCEPTION COUNTY: BLACKFORD	73	84
EXCEPTION COUNTY: GIBSON	65	84
EXCEPTION COUNTY: GRANT	73	84
EXCEPTION COUNTY: HENRY	73	84
EXCEPTION COUNTY: JAY	73	84
EXCEPTION COUNTY: MARSHALL	74	84
EXCEPTION COUNTY: OHIO	65	84
EXCEPTION COUNTY: RANDOLPH	73	84
EXCEPTION COUNTY: SULLIVAN	66	78
EXCEPTION COUNTY: VERMILLION	66	78
EXCEPTION COUNTY: WAYNE	73	84
EXCEPTION COUNTY: WELLS	65	84
NON METRO STATE: IOWA	103	
MSA: Cedar Rapids, IA	120	139
MSA: Davenport-Moline-Rock Island, IA-IL	151	158
MSA: Des Moines, IA	128	136
MSA: Dubuque, IA	120	150
MSA: Iowa City, IA	120	136
MSA: Omaha, NE-IA	112	131
MSA: Sioux City, IA-NE	116	116
MSA: Waterloo-Cedar Falls, IA	120	139
NON METRO STATE: KANSAS	91	
MSA: Kansas City, MO-KS	104	127
MSA: Lawrence, KS	94	107
MSA: Topeka, KS	92	104
MSA: Wichita, KS	107	115
EXCEPTION COUNTY: JEFFERSON	87	100
EXCEPTION COUNTY: OSAGE	87	100
NON METRO STATE: KENTUCKY	80	
PMSA: Cincinnati, OH-KY-IN	132	138
MSA: Clarksville-Hopkinsville, TN-KY	86	93
MSA: Evansville-Henderson, IN-KY	87	93
MSA: Huntington-Ashland, WV-KY-OH	99	99
MSA: Lexington, KY	103	118
MSA: Louisville, KY-IN	93	102
MSA: Owensboro, KY	94	113
EXCEPTION COUNTY: GALLATIN	80	88
EXCEPTION COUNTY: GRANT	80	88
EXCEPTION COUNTY: PENDLETON	30	88

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 6

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: LOUISIANA	86	
MSA: Alexandria, LA	86	102
MSA: Baton Rouge, LA	102	120
MSA: Houma, LA	85	100
MSA: Lafayette, LA	93	111
MSA: Lake Charles, LA	100	118
MSA: Monroe, LA	86	102
MSA: New Orleans, LA	108	124
MSA: Shreveport-Bossier City, LA	93	111
EXCEPTION COUNTY: ACADIA	86	101
EXCEPTION COUNTY: GRANT	82	97
EXCEPTION COUNTY: ST JAMES	86	101
EXCEPTION COUNTY: ST LANDRY	86	101
EXCEPTION COUNTY: WEBSTER	86	101
NON METRO STATE: MAINE	149	
MSA: Bangor, ME	150	174
MSA: Lewiston-Auburn, ME	114	114
MSA: Portland, ME	188	215
MSA: Portsmouth-Dover-Rochester, NH-ME	150	174
NON METRO STATE: MARYLAND	135	
PMSA: Baltimore, MD	219	219
MSA: Cumberland, MD-WV	136	136
PMSA: Hagerstown, MD	208	208
PMSA: Washington, DC-MD-VA-WV	209	209
PMSA: Wilmington-Newark, DE-MD	153	153
EXCEPTION COUNTY: ST MARYS	248	248
NON METRO STATE: MASSACHUSETTS	183	
MSA: Barnstable-Yarmouth, MA	184	184
PMSA: BOSTON, MA	177	191
PMSA: Brockton, MA	177	177
PMSA: Fall River, MA-RI	114	114
MSA: Fitchburg-Leominster, MA	136	136
PMSA: Lawrence-Haverhill, MA-NH	168	179
PMSA: Lowell, MA-NH	168	179
MSA: New Bedford, MA	158	158
MSA: Pittsfield, MA	172	172
PMSA: Salem-Gloucester, MA	177	191
MSA: Springfield, MA	134	134
MSA: Worcester, MA	117	117

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: MICHIGAN	128	
PMSA: Ann Arbor, MI	191	206
MSA: Benton Harbor, MI	131	146
PMSA: Detroit, MI	185	200
PMSA: Flint, MI	160	160
MSA: Grand Rapids-Muskegon-Holland, MI	120	129
MSA: Jackson, MI	131	131
MSA: Kalamazoo-Battle Creek, MI	138	142
MSA: Lansing-East Lansing, MI	154	179
MSA: Saginaw-Bay City-Midland, MI	140	140
EXCEPTION COUNTY: BARRY	104	122
EXCEPTION COUNTY: IONIA	128	142
EXCEPTION COUNTY: OCEANA	111	113
EXCEPTION COUNTY: SHIAWASSEE	149	149
EXCEPTION COUNTY: VAN BUREN	128	132
NON METRO STATE: MINNESOTA	91	
MSA: Duluth-Superior, MN-WI	96	108
MSA: Fargo-Moorhead, ND-MN	149	168
MSA: Minneapolis-St. Paul, MN-WI	223	238
MSA: Rochester, MN	135	135
MSA: St. Cloud, MN	119	119
EXCEPTION COUNTY: POLK	140	158
NON METRO STATE: MISSISSIPPI	86	
MSA: Biloxi-Gulfport-Pascagpula, MS	102	120
MSA: Jackson, MS	110	135
MSA: Memphis, TN-AR-MS	102	102
EXCEPTION COUNTY: STONE	86	103
NON METRO STATE: MISSOURI	72	
MSA: Columbia, MO	104	112
MSA: Joplin, MO	73	80
MSA: Kansas City, MO-KS	104	127
MSA: St. Joseph, MO	107	116
MSA: St. Louis, MO-IL	109	126
MSA: Springfield, MO	75	81
EXCEPTION COUNTY: ANDREW	101	108
NON METRO STATE: MONTANA	N/A	N/A
MSA: Billings, MT	200	223

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 63

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: Great Falls, MT	169	190
EXCEPTION COUNTY: BEAVERHEAD	159	177
EXCEPTION COUNTY: BIG HORN	159	177
EXCEPTION COUNTY: BLAINE	112	132
EXCEPTION COUNTY: BROADWATER	159	177
EXCEPTION COUNTY: CARBON	159	177
EXCEPTION COUNTY: CARTER	112	132
EXCEPTION COUNTY: CHOUTEAU	112	132
EXCEPTION COUNTY: CUSTER	159	177
EXCEPTION COUNTY: DANIELS	112	132
EXCEPTION COUNTY: DAWSON	159	177
EXCEPTION COUNTY: DEER LODGE	159	177
EXCEPTION COUNTY: FALLON	112	132
EXCEPTION COUNTY: FERGUS	112	132
EXCEPTION COUNTY: FLATHEAD	159	177
EXCEPTION COUNTY: GALLATIN	159	177
EXCEPTION COUNTY: GARFIELD	112	132
EXCEPTION COUNTY: GLACIER	112	132
EXCEPTION COUNTY: GOLDEN VALLE	112	132
EXCEPTION COUNTY: GRANITE	159	177
EXCEPTION COUNTY: HILL	112	132
EXCEPTION COUNTY: JEFFERSON	159	177
EXCEPTION COUNTY: JUDITH BASIN	112	132
EXCEPTION COUNTY: LAKE	159	177
EXCEPTION COUNTY: LEWIS+ CLARK	159	177
EXCEPTION COUNTY: LIBERTY	112	132
EXCEPTION COUNTY: LINCOLN	159	177
EXCEPTION COUNTY: MCCONE	112	132
EXCEPTION COUNTY: MADISON	159	177
EXCEPTION COUNTY: MEAGHER	159	177
EXCEPTION COUNTY: MINERAL	159	177
EXCEPTION COUNTY: MISSOULA	159	177
EXCEPTION COUNTY: MUSSELSHELL	159	177
EXCEPTION COUNTY: PARK	159	177
EXCEPTION COUNTY: PETROLEUM	112	132
EXCEPTION COUNTY: PHILLIPS	112	132
EXCEPTION COUNTY: PONDERA	112	132
EXCEPTION COUNTY: POWDER RIVER	159	177
EXCEPTION COUNTY: POWELL	159	177
EXCEPTION COUNTY: PRAIRIE	112	132
EXCEPTION COUNTY: RAVALLI	159	177
EXCEPTION COUNTY: RICHLAND	112	132
EXCEPTION COUNTY: ROOSEVELT	112	132
EXCEPTION COUNTY: ROSEBUD	159	177
EXCEPTION COUNTY: SANDERS	159	177
EXCEPTION COUNTY: SHERIDAN	112	132

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 64

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: Grand Forks, ND	169	190
EXCEPTION COUNTY: BENSON	159	177
EXCEPTION COUNTY: BOTTINEAU	159	177
EXCEPTION COUNTY: BOWMAN	159	177
EXCEPTION COUNTY: BURKE	159	177
EXCEPTION COUNTY: BURLEIGH	159	177
EXCEPTION COUNTY: CAVALIER	159	177
EXCEPTION COUNTY: DICKEY	159	177
EXCEPTION COUNTY: DIVIDE	159	177
EXCEPTION COUNTY: DUNN	159	177
EXCEPTION COUNTY: EDDY	159	177
EXCEPTION COUNTY: EMMONS	159	177
EXCEPTION COUNTY: FOSTER	159	177
EXCEPTION COUNTY: GOLDEN VALLE	159	177
EXCEPTION COUNTY: GRANT	159	177
EXCEPTION COUNTY: GRIGGS	159	177
EXCEPTION COUNTY: HETTINGER	159	177
EXCEPTION COUNTY: KIDDER	159	177
EXCEPTION COUNTY: LAMOURE	159	177
EXCEPTION COUNTY: LOGAN	159	177
EXCEPTION COUNTY: MCHENRY	159	177
EXCEPTION COUNTY: MCINTOSH	159	177
EXCEPTION COUNTY: MCKENZIE	159	177
EXCEPTION COUNTY: MCLEAN	159	177
EXCEPTION COUNTY: MERCER	159	177
EXCEPTION COUNTY: MORTON	159	177
EXCEPTION COUNTY: MOUNTRAIL	159	177
EXCEPTION COUNTY: NELSON	159	177
EXCEPTION COUNTY: OLIVER	159	177
EXCEPTION COUNTY: PEMBINA	159	177
EXCEPTION COUNTY: PIERCE	159	177
EXCEPTION COUNTY: RAMSEY	159	177
EXCEPTION COUNTY: RANSOM	159	177
EXCEPTION COUNTY: RENVILLE	159	177
EXCEPTION COUNTY: ROLETTE	159	177
EXCEPTION COUNTY: SARGENT	159	177
EXCEPTION COUNTY: SHERIDAN	159	177
EXCEPTION COUNTY: SIOUX	159	177
EXCEPTION COUNTY: SLOPE	159	177
EXCEPTION COUNTY: STARK	159	177
EXCEPTION COUNTY: STEELE	159	177
EXCEPTION COUNTY: STUTSMAN	159	177
EXCEPTION COUNTY: TOWNER	159	177
EXCEPTION COUNTY: TRAILL	159	177
EXCEPTION COUNTY: WALSH	159	177
EXCEPTION COUNTY: WARD	159	177
EXCEPTION COUNTY: WELLS	159	177
EXCEPTION COUNTY: WILLIAMS	159	177

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: SILVER BOW	159	177
EXCEPTION COUNTY: STILLWATER	112	132
EXCEPTION COUNTY: SWEET GRASS	112	132
EXCEPTION COUNTY: TETON	112	132
EXCEPTION COUNTY: TOOLE	112	132
EXCEPTION COUNTY: TREASURE	159	177
EXCEPTION COUNTY: VALLEY	112	132
EXCEPTION COUNTY: WHEATLAND	112	132
EXCEPTION COUNTY: WIBAUX	112	132
EXCEPTION COUNTY: YL-ST-NT-PK	159	177
NON METRO STATE: NEBRASKA	94	
MSA: Lincoln, NE	129	136
MSA: Omaha, NE-IA	112	131
MSA: Sioux City, IA-NE	116	116
NON METRO STATE: NEVADA	122	
MSA: Las Vegas, NV-AZ	258	288
MSA: Reno, NV	258	288
NON METRO STATE: NEW HAMPSHIRE	134	
PMSA: Lawrence-Haverhill, MA-NH	168	179
PMSA: Lowell, MA-NH	168	179
MSA: Manchester, NH	154	171
PMSA: Nashua, NH	191	191
MSA: Portsmouth-Dover-Rochester, NH-ME	150	174
NON METRO STATE: NEW JERSEY	143	
MSA: Allentown-Bethlehem-Easton, PA	139	139
PMSA: Atlantic-Cape May, NJ	219	219
PMSA: Bergen-Passaic, NJ	302	304
PMSA: Jersey City, NJ	293	293
PMSA: Middlesex-Somerset-Hunterdon, NJ	344	344
PMSA: Monmouth-Ocean, NJ	263	319
PMSA: Newark, NJ	283	293
PMSA: Philadelphia, PA-NJ	243	243
PMSA: Trenton, NJ	213	213
PMSA: Vineland-Millville-Bridgeton, NJ	188	188
PMSA: Wilmington-Newark, DE-MD	153	153
NON METRO STATE: NEW MEXICO	112	

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 65

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: Las Cruces, NM	115	133
MSA: Albuquerque, NM	129	151
MSA: Santa Fe, NM	115	133
EXCEPTION COUNTY: SANDOVAL	121	137
NON METRO STATE: NEW YORK	167	
MSA: Albany-Schenectady-Troy, NY	207	207
MSA: Binghamton, NY	124	124
PMSA: Buffalo-Niagara Falls, NY	150	150
PMSA: Dutchess County, NY	316	316
MSA: Elmira, NY	132	132
MSA: Glens Falls, NY	166	166
MSA: Jamestown, NY	167	167
PMSA: Nassau-Suffolk, NY	230	298
PMSA: NEW YORK, NY	239	239
PMSA: Orange County, NY	165	165
MSA: Rochester, NY	189	189
MSA: Syracuse, NY	152	152
MSA: Utica-Rome, NY	154	154
EXCEPTION COUNTY: WESTCHESTER	281	281
NON METRO STATE: NORTH CAROLINA	60	
MSA: Asheville, NC	86	102
MSA: Charlotte-Gastonia-Rock Hill, NC-SC	86	102
MSA: Fayetteville, NC	86	102
MSA: Goldsboro, NC	60	74
MSA: Greensboro--Winston-Salem--High Point, NC	86	102
MSA: Greenville, NC	60	74
MSA: Hickory-Morganton, NC	60	74
MSA: Jacksonville, NC	60	74
MSA: Raleigh-Durham-Chapel Hill, NC	86	102
MSA: Rocky Mount, NC	60	74
MSA: Wilmington, NC	86	102
EXCEPTION COUNTY: BRUNSWICK	64	76
EXCEPTION COUNTY: CURRITUCK	101	101
EXCEPTION COUNTY: HAYWOOD	77	77
EXCEPTION COUNTY: MADISON	64	76
NON METRO STATE: NORTH DAKOTA	120	
MSA: Bismarck, ND	174	192
MSA: Fargo-Moorhead, ND-MN	153	173
MSA: Grand Forks, ND-MN	132	164
NON METRO STATE: OHIO	83	

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: Akron, OH	126	126
MSA: Canton-Massillon, OH	92	92
PMSA: Cincinnati, OH-KY-IN	132	139
PMSA: Cleveland-Lorain-Elyria, OH	134	134
MSA: Columbus, OH	120	140
MSA: Dayton-Springfield, OH	92	92
PMSA: Hamilton-Middletown, OH	107	110
MSA: Huntington-Ashland, WV-KY-OH	100	100
MSA: Lima, OH	120	120
MSA: Mansfield, OH	112	112
MSA: Parkersburg-Marietta, WV-OH	100	100
MSA: Steubenville-Weirton, OH-WV	89	89
MSA: Toledo, OH	151	205
MSA: Wheeling, WV-OH	92	92
MSA: Youngstown-Warren, OH	112	112
EXCEPTION COUNTY: BROWN	83	83
EXCEPTION COUNTY: CHAMPAIGN	83	83
EXCEPTION COUNTY: OTTAWA	100	134
EXCEPTION COUNTY: PREBLE	83	83
EXCEPTION COUNTY: PUTNAM	83	83
EXCEPTION COUNTY: VAN WERT	83	83
NON METRO STATE: OKLAHOMA	82	
MSA: Enid, OK	84	90
MSA: Fort Smith, AR-OK	37	40
MSA: Lawton, OK	85	93
MSA: Oklahoma City, OK	87	96
MSA: Tulsa, OK	93	102
EXCEPTION COUNTY: LE FLORE	35	38
EXCEPTION COUNTY: MAYES	82	89
NON METRO STATE: OREGON	165	
MSA: Eugene-Springfield, OR	199	206
MSA: Medford-Ashland, OR	169	179
PMSA: Portland-Vancouver, OR-WA	228	252
PMSA: Salem, OR	199	206
NON METRO STATE: PENNSYLVANIA	98	
MSA: Allentown-Bethlehem-Easton, PA	139	139
MSA: Altoona, PA	128	128
MSA: Erie, PA	128	128
MSA: Harrisburg-Lebanon-Carlisle, PA	146	146
MSA: Johnstown, PA	128	128

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 67

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: Lancaster, PA	132	132
PMSA: Philadelphia, PA-NJ	241	241
PMSA: Pittsburgh, PA	102	102
MSA: Reading, PA	132	132
MSA: Scranton--Wilkes-Barre--Hazleton, PA	117	117
MSA: Sharon, PA	98	98
MSA: State College, PA	98	98
MSA: Williamsport, PA	98	98
MSA: York, PA	132	132
EXCEPTION COUNTY: MONROE	117	117
EXCEPTION COUNTY: PIKE	98	98
EXCEPTION COUNTY: SUSQUEHANNA	98	98
NON METRO STATE: RHODE ISLAND	149	
PMSA: Fall River, MA-RI	114	114
MSA: New London-Norwich, CT-RI	158	158
PMSA: Providence-Fall River-Warwick, RI-MA	158	158
NON METRO STATE: SOUTH CAROLINA	67	
MSA: Augusta-Aiken, GA-SC	90	93
MSA: Charleston-North Charleston, SC	86	86
MSA: Charlotte-Gastonia-Rock Hill, NC-SC	86	102
MSA: Columbia, SC	74	86
MSA: Florence, SC	67	67
MSA: Greenville-Spartanburg-Anderson, SC	74	74
MSA: Myrtle Beach, SC	67	67
MSA: Sumter, SC	67	67
NON METRO STATE: SOUTH DAKOTA	103	
MSA: Rapid City, SD	104	122
MSA: Sioux Falls, SD	147	165
NON METRO STATE: TENNESSEE	67	
MSA: Chattanooga, TN-GA	59	86
MSA: Clarksville-Hopkinsville, TN-KY	86	93
MSA: Johnson City-Kingsport-Bristol, TN-VA	93	93
MSA: Knoxville, TN	74	74
MSA: Memphis, TN-AR-MS	102	102
MSA: Nashville, TN	102	120
NON METRO STATE: TEXAS	71	

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: TEXAS	71	
MSA: Abilene, TX	63	70
MSA: Amarillo, TX	118	124
MSA: Austin-San Marcos, TX	108	126
MSA: Beaumont-Port Arthur, TX	111	126
PMSA: Brazoria, TX	118	137
MSA: Brownsville-Harlingen-San Benito, TX	86	102
MSA: Bryan-College Station, TX	108	120
MSA: Corpus Christi, TX	90	120
PMSA: Dallas, TX	84	109
MSA: El Paso, TX	122	138
PMSA: Fort Worth-Arlington, TX	84	109
PMSA: Galveston-Texas City, TX	114	127
PMSA: Houston, TX	121	141
MSA: Killeen-Temple, TX	111	120
MSA: Laredo, TX	75	93
MSA: Longview-Marshall, TX	102	117
MSA: Lubbock, TX	117	120
MSA: Mc Allen-Edinburg-Mission, TX	100	120
MSA: Odessa-Midland, TX	120	126
MSA: San Angelo, TX	102	111
MSA: San Antonio, TX	86	102
MSA: Sherman-Denison, TX	93	111
MSA: Texarkana, TX-Texarkana, AR	120	135
MSA: Tyler, TX	93	99
MSA: Victoria, TX	73	90
MSA: Waco, TX	96	111
MSA: Wichita Falls, TX	67	75
EXCEPTION COUNTY: CALLAHAN	61	67
EXCEPTION COUNTY: CLAY	65	71
EXCEPTION COUNTY: HENDERSON	70	89
EXCEPTION COUNTY: HOOD	71	89
EXCEPTION COUNTY: JONES	61	67
EXCEPTION COUNTY: WISE	71	89
NON METRO STATE: UTAH	N/A	N/A
MSA: Provo-Orem, UT	159	179
MSA: Salt Lake City-Ogden, UT	179	200
EXCEPTION COUNTY: BEAVER	112	132
EXCEPTION COUNTY: BOX ELDER	112	132
EXCEPTION COUNTY: CACHE	112	132
EXCEPTION COUNTY: CARBON	159	177
EXCEPTION COUNTY: DAGGETT	112	132
EXCEPTION COUNTY: DUCHESNE	112	132

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 69

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: EMERY	159	177
EXCEPTION COUNTY: GARFIELD	112	132
EXCEPTION COUNTY: GRAND	159	177
EXCEPTION COUNTY: IRON	112	132
EXCEPTION COUNTY: JUAB	112	132
EXCEPTION COUNTY: KANE	112	132
EXCEPTION COUNTY: MILLARD	112	132
EXCEPTION COUNTY: MORGAN	112	132
EXCEPTION COUNTY: PIUTE	112	132
EXCEPTION COUNTY: RICH	112	132
EXCEPTION COUNTY: SAN JUAN	112	132
EXCEPTION COUNTY: SANPETE	112	132
EXCEPTION COUNTY: SEVIER	112	132
EXCEPTION COUNTY: SUMMIT	112	132
EXCEPTION COUNTY: TOOELE	108	120
EXCEPTION COUNTY: UINTAH	159	177
EXCEPTION COUNTY: WASATCH	112	132
EXCEPTION COUNTY: WASHINGTON	112	132
EXCEPTION COUNTY: WAYNE	112	132
NON METRO STATE: VERMONT	139	
MSA: Burlington, VT	171	195
EXCEPTION COUNTY: CHITTENDEN	169	197
EXCEPTION COUNTY: FRANKLIN	144	166
EXCEPTION COUNTY: GRAND ISLE	158	181
EXCEPTION COUNTY: ORANGE	156	180
EXCEPTION COUNTY: WASHINGTON	172	200
EXCEPTION COUNTY: WINDHAM	208	240
EXCEPTION COUNTY: WINDSOR	224	256
NON METRO STATE: VIRGINIA	96	
MSA: Charlottesville, VA	96	96
MSA: Danville, VA	96	96
MSA: Johnson City-Kingsport-Bristol, TN-VA	93	93
MSA: Lynchburg, VA	86	86
MSA: Norfolk-Virginia Beach-Newport News, VA-NC	137	137
MSA: Richmond-Petersburg, VA	135	135
MSA: Roanoke, VA	93	93
PMSA: Washington, DC-MD-VA-WV	209	209
EXCEPTION COUNTY: APPOMATTOX	83	83
EXCEPTION COUNTY: CLARKE	96	96
EXCEPTION COUNTY: CRAIG	90	90
EXCEPTION COUNTY: CULPEPER	96	96
EXCEPTION COUNTY: KING GEORGE	96	96

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: WARREN	96	96
NON METRO STATE: WASHINGTON	142	
MSA: Bellingham, WA	145	189
PMSA: Bremerton, WA	145	189
PMSA: Olympia, WA	145	189
PMSA: Portland-Vancouver, OR-WA	228	252
MSA: Richland-Kennewick-Pasco, WA	199	199
PMSA: Seattle-Bellevue-Everett, WA	193	273
MSA: Spokane, WA	160	179
PMSA: Tacoma, WA	172	204
MSA: Yakima, WA	160	168
NON METRO STATE: WEST VIRGINIA	93	
MSA: Charleston, WV	101	101
MSA: Cumberland, MD-WV	136	136
MSA: Huntington-Ashland, WV-KY-OH	98	98
MSA: Parkersburg-Marietta, WV-OH	98	98
MSA: Steubenville-Weirton, OH-WV	88	88
MSA: Wheeling, WV-OH	90	90
EXCEPTION COUNTY: BERKELEY	133	133
EXCEPTION COUNTY: JEFFERSON	133	133
EXCEPTION COUNTY: MORGAN	133	133
EXCEPTION COUNTY: WIRT	90	90
NON METRO STATE: WISCONSIN	101	
MSA: Appleton-Oshkosh-Neenah, WI	131	140
MSA: Duluth-Superior, MN-WI	96	108
MSA: Eau Claire, WI	122	132
MSA: Green Bay, WI	128	137
MSA: Janesville-Beloit, WI	128	137
PMSA: Kenosha, WI	146	158
MSA: La Crosse, WI-MN	115	126
MSA: Madison, WI	193	204
PMSA: Milwaukee-Waukesha, WI	152	163
MSA: Minneapolis-St. Paul, MN-WI	223	238
PMSA: Racine, WI	144	151
MSA: Sheboygan, WI	104	112
MSA: Wausau, WI	104	112
NON METRO STATE: WYOMING	N/A	N/A
MSA: Casper, WY	269	291

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) PAGE 71

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: Cheyenne, WY	159	192
EXCEPTION COUNTY: ALBANY	159	191
EXCEPTION COUNTY: BIG HORN	159	191
EXCEPTION COUNTY: CAMPBELL	266	289
EXCEPTION COUNTY: CARBON	266	289
EXCEPTION COUNTY: CONVERSE	266	289
EXCEPTION COUNTY: CROOK	159	191
EXCEPTION COUNTY: FREMONT	266	289
EXCEPTION COUNTY: GOSHEN	159	191
EXCEPTION COUNTY: HOT SPRINGS	159	191
EXCEPTION COUNTY: JOHNSON	159	191
EXCEPTION COUNTY: LARAMIE	159	191
EXCEPTION COUNTY: LINCOLN	159	191
EXCEPTION COUNTY: PARK	159	191
EXCEPTION COUNTY: PLATTE	159	191
EXCEPTION COUNTY: SHERIDAN	266	289
EXCEPTION COUNTY: SUBLETTE	159	191
EXCEPTION COUNTY: SWEETWATER	266	289
EXCEPTION COUNTY: TETON	159	191
EXCEPTION COUNTY: UINTA	159	191
EXCEPTION COUNTY: WASHAKIE	159	191
EXCEPTION COUNTY: WESTON	159	191

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

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[FR Doc. 93–10536 Filed 5–5–93; 8:45 am]
BILLING CODE 4210–32–C

federal register

Thursday
May 6, 1993

Part III

Department of Education

34 CFR Part 612

Prevention Programs in Higher Education; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 612

RIN: 1840–AB11

Drug Prevention Programs in Higher Education

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Drug Prevention Programs in Higher Education. These final regulations permit an eligible applicant to receive more than one current grant for an Analysis project. This is accomplished by removing a reporting requirement as an element of eligibility. The Secretary makes this change to increase the number of applications for Analysis projects.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Donald Fischer, Drug Prevention Programs in Higher Education, Fund for the Improvement of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW. (ROB–3, room 3100), Washington, DC. 20202–5175. Telephone: (202) 708–5771. Individuals who are hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Drug Prevention Programs in Higher Education provide assistance to institutions of higher education (IHEs) and consortia of IHEs for projects designed to develop, implement, operate, and improve educational programs in drug abuse prevention (including rehabilitation referral) for students enrolled in IHEs. The programs support National Education Goal 6 that specifically calls for every school in America to be free of drugs and violence and to offer a disciplined environment conducive to learning.

Under Analysis and Dissemination competitions, the Secretary funds projects to analyze and disseminate successful project designs, policies, and results of projects funded under Institution-Wide Program competitions and Special Focus Program competitions. More specifically, Analysis projects have been funded to analyze overall results of Institution-Wide projects and cross-cutting features of Institution-Wide projects. Institution-Wide projects are comprehensive in scope. They are designed to prevent or eliminate the use of illegal drugs and alcohol by students in institutions of higher education. To that end, they provide training in drug abuse education and prevention to students, faculty, and staff. Special Focus projects address one or more specific approaches or problem areas related to drug abuse education and prevention for students enrolled in institutions of higher education.

The Secretary makes revisions to existing regulations because of the low number of applications received under three previous competitions for Analysis awards, and the desirability of increasing the number of applications submitted by knowledgeable applicants with previous experience in conducting Institution-Wide or Special Focus projects.

Under the previous § 612.2(c), an applicant that had received an award in a competition for Analysis projects was not eligible to receive a subsequent award in that competition until the applicant had submitted every report required under the prior project. These final regulations remove the reporting requirement as an element of eligibility for subsequent Analysis projects.

Note, however, that under 34 CFR 75.217(d)(3) the Secretary determines the order in which applications are selected for grants by considering, among other factors, information concerning the applicant's use of funds under a previous award under this program. In applying this provision, the Secretary intends to ensure that an applicant that has an award for an existing Analysis project does not receive a new award for an identical Analysis project. However, in the case of an applicant conducting an Analysis project in which, for example, the final reports of a cohort of Institution-Wide projects are being analyzed, the Secretary's application of this provision will not prohibit the applicant from receiving a new award to analyze the final reports of a different cohort of Institution-Wide projects. The difference in cohorts will render these projects separate and distinct and, therefore, allowable.

On September 25, 1992, the Secretary published a notice of proposed rulemaking for this program in the **Federal Register** (57 FR 44350).

There are no differences between the NPRM and these final regulations.

Public Comment

In the NPRM the Secretary invited comments on the proposed regulations; however, no comments were received. The Secretary has made no changes in these regulations since publication of the NPRM.

Executive Order 12291

These final regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 612

Colleges and universities, Drug abuse, Grant programs—education, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Number: Drug Prevention Programs in Higher Education, 84.183)

Dated: April 29, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary amends part 612 of chapter VI of title 34 of the Code of Federal Regulations as follows:

PART 612—DRUG PREVENTION PROGRAMS IN HIGHER EDUCATION

1. The authority citation for part 612 continues to read as follows:

Authority: 20 U.S.C. 3211, unless otherwise noted.

2. Section 612.2 is amended by revising paragraph (c) to read as follows:

§ 612.2 Who is eligible to receive an award?

* * * * *

(c) If an applicant has received an award in a competition, the applicant may not receive a new award in that competition in a subsequent year until—

(1) The Secretary determines that the applicant will satisfactorily complete the project previously supported; and

(2) Except for Analysis projects as described in § 612.21(d), the applicant has submitted every report that it must submit in connection with the prior project.

* * * * *

[FR Doc. 93–10657 Filed 5–5–93; 8:45 am]

BILLING CODE 4000–01–U

federal register

Thursday
May 6, 1993

Part IV

Department of Education

34 CFR Part 630
Fund for the Improvement of Postsecondary Education; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 630

RIN: 1840–AB75

Fund for the Improvement of Postsecondary Education

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Fund for the Improvement of Postsecondary Education. These amendments are needed to implement provisions of the Higher Education Amendments of 1992. These amendments conform the existing regulations to the new statutory requirements and make minor technical changes.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: John E. Donahue, U.S. Department of Education, 400 Maryland Avenue, SW., room 3100, ROB–3, Washington, DC 20202–5175. Telephone: (202) 708–5750. Deaf and hearing impaired individuals may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: These regulations implement the Higher Education Amendments of 1992 (Pub. L. 102–325), enacted July 23, 1992. The amendments revise the Innovative Projects for Community Service Program by removing the focus on student financial assistance and emphasizing creative ways to involve college students in community service. The authorization for the program was moved from title X to title XI, part B, subpart 1. The amendments also authorize planning grants to develop and test innovative techniques in postsecondary education as well as a program of special projects in areas of national need, including international exchanges, campus climate and culture, and evaluation and dissemination. In describing eligible parties, the amendments change the term "institutions of postsecondary education" to "institutions of higher education."

Planning grants are available only to institutions of higher education. Eligible parties for the other programs include institutions of higher education, combinations of those institutions, and other public and private nonprofit institutions and agencies.

Two of the three exceptions to the Education Department General Administrative Regulations (EDGAR) listed in § 630.4 have been deleted because they are no longer applicable.

This program supports the National Education Goals through awards for teacher education, curriculum reform, lifelong learning, and student volunteerism. It particularly addresses Goal 2 (High School Completion), Goal 3 (Student Achievement and Citizenship), Goal 4 (Science and Mathematics), and Goal 5 (Adult Literacy and Lifelong Learning).

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. These amendments, however, merely incorporate required statutory changes into the existing regulations and make minor technical changes. They do not establish substantive policy. Therefore, the Secretary has determined, pursuant to 5 U.S.C. 553(b)(B), that public comment on the regulations is unnecessary and contrary to the public interest.

Executive Order 12291

These final regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act

The Secretary certifies that these regulations would not have significant economic impact on a substantial number of small entities. The small entities that would be affected by these regulations are small nonprofit institutions of higher education and other small public and private nonprofit institutions and agencies. The regulations will impose only the minimal requirements necessary to ensure the proper expenditure of program funds. The regulations will not impose excessive regulatory burden and will not have a significant economic impact on the small entities affected.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

Based on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 630

Colleges and universities, Education, Grant programs—education.

(Catalog of Federal Domestic Assistance Number 84.116 Fund for the Improvement of Postsecondary Education)

Dated: April 29, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary amends part 630 of title 34 of the Code of Federal Regulations as follows:

PART 630—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

1. The authority citation for part 630 is revised to read as follows:

Authority: 20 U.S.C. 1135–1135a–2, 1135a–11, 1137–1137a, unless otherwise noted.

2. Section 630.2 is revised to read as follows:

§ 630.2 Eligible parties.

Institutions of higher education, combinations of institutions of higher education, and other public and private nonprofit institutions and agencies are eligible to receive an award, except planning grants. Only institutions of higher education may receive a planning grant award.

(Authority: 20 U.S.C. 1135–1135a–2, 1135a–11, 1137–1137a)

3. Section 630.4 is revised to read as follows:

§ 630.4 Regulations that apply to this program.

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs), except for § 75.201(a) (Unweighted Selection Criteria).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 82 (New Restrictions on Lobbying).

(6) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 630.

(Authority: 20 U.S.C. 1135–1135a–2, 1135a–11, 1137–1137a, 3474; 41 U.S.C. 505)

4. Section 630.5 is amended by revising the definitions of "Combination of institutions of postsecondary education" and "Community service" in paragraph (b) and the authority citation to read as follows:

§ 630.5 Definitions that apply to this program.

* * * * *

(b) * * *

Combination of institutions of higher education means a group of institutions of higher education that have entered into a joint agreement for the purpose of carrying out a common objective, or a public or nonprofit private agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

Community service means planned, supervised services designed to improve the quality of life for community residents, particularly community residents with low income, or to assist in the solutions of particular problems related to the needs of those residents. This term does not include partisan or non-partisan political activity, lobbying, direct solicitation of donations, religious proselytizing, conduct of religious services or instruction, pro-union or anti-union activity, or activities that result in the displacement of employed workers or impair existing contracts for service.

* * * * *

(Authority: 20 U.S.C. 1135–1135a–2, 1135a–11, 1137–1137a, 1141)

5. Section 630.11 is amended by revising paragraph (c), adding new paragraphs (d) and (e), and revising the authority citation to read as follows:

§ 630.11 Types of competitions.

* * * * *

(c) *Innovative Projects for Community Service competition.* In this competition the Secretary supports innovative projects to encourage student participation in community service projects, including literacy projects.

(d) *Planning Grants competition.* In this competition the Secretary supports projects to develop and test innovative techniques in postsecondary education. No grant may exceed $20,000.

(e) *Special Projects competition.* In this competition the Director of the Fund supports innovative projects concerning one or more areas of particular national need identified by the Director.

(Authority: 20 U.S.C. 1135–1135a–2, 1135a–11, 1137–1137a)

[FR Doc. 93–10656 Filed 5–5–93; 8:45 am]
BILLING CODE 0400–01–U

federal register

Thursday
May 6, 1993

Part V

United States Sentencing Commission

Amendments to the Sentencing Guidelines for United States Courts; Notice

UNITED STATES SENTENCING COMMISSION

Amendments to the Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of submission to Congress of amendments to the sentencing guidelines.

SUMMARY: Pursuant to its authority under section 994(p) of title 28, United States Code, the Commission on April 29, 1993, submitted to the Congress for review a report containing amendments to the sentencing guidelines, policy statements, and official commentary together with reasons for the amendments.

DATES: Pursuant to 28 U.S.C. 994(p), as amended by section 7109 of the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690, Nov. 18, 1988), the Commission has specified an effective date of November 1, 1993, for these amendments. Comments regarding amendments that the Commission should specify for retroactive application to previously sentenced defendants should be received no later than July 31, 1993.

ADDRESSES: Comments should be sent to: United States Sentencing Commission, One Columbus Circle NE., suite 2–500, South Lobby, Washington, DC 20002–8002, Attn: Public Information.

FOR FURTHER INFORMATION CONTACT: Mike Courlander, Public Information Specialist, telephone: (202) 273–4590.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission, an independent agency in the judicial branch of the U.S. Government, is empowered by 28 U.S.C. 994(a) to promulgate sentencing guidelines and policy statements for federal sentencing courts. The statute further directs the Commission to review periodically and revise guidelines previously promulgated and authorizes it to submit guideline amendments to the Congress no later than the first day of May each year. See 28 U.S.C. 994(o), (p). Absent action of Congress to the contrary, the amendments become effective on the date specified by the Commission (i.e., November 1, 1993) by operation of law.

Notice of the amendments submitted to the Congress on April 29, 1993, was published in the **Federal Register** of December 31, 1992 (57 FR 62832). A public hearing on the proposed amendments was held in Washington, DC, on March 22, 1993. After review of the hearing testimony and additional public comment, the Commission promulgated the amendments, each having been approved by at least four voting Commissioners.

In connection with its ongoing process of guideline review, the Commission welcomes comment on any aspect of the sentencing guidelines, policy statements, and official commentary. Specifically, the Commission solicits comment on which, if any, of the amendments submitted to the Congress that may result in a lower guideline range should be made retroactive to previously sentenced defendants under Policy Statement 1B1.10.

Authority: 28 U.S.C. 994 (a), (o), (p); sec. 7109 of the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690).

William W. Wilkins, Jr.,

Chairman.

Amendments to the Sentencing Guidelines

Pursuant to section 994(p) of title 28, United States Code, as amended by section 7109 of the Anti-Drug Abuse Act of 1988 [Pub. L. 100–690, Nov. 18, 1988], the United States Sentencing Commission reports to the Congress the following amendments to the sentencing guidelines, and the reasons therefor. As authorized by this section, the Commission specifies an effective date of November 1, 1993, for these amendments.

Amendments to the Sentencing Guidelines, Policy Statements, and Official Commentary

1. Amendment: Section 1B1.11(b) is amended by inserting the following additional subdivision:

"(3) If the defendant is convicted of two offenses, the first committed before, and the second after, a revised edition of the Guidelines Manual became effective, the revised edition of the Guidelines Manual is to be applied to both offenses.".

The Commentary to section 1B1.11 captioned "Application Note" is amended by inserting the following additional note:

"2. Under subsection (b)(1), the last date of the offense of conviction is the controlling date for ex post facto purposes. For example, if the offense of conviction (i.e., the conduct charged in the count of the indictment or information of which the defendant was convicted) was determined by the court to have been committed between October 15, 1991 and October 28, 1991, the date of October 28, 1991 is the controlling date for ex post facto purposes. This is true even if the defendant's conduct relevant to the determination of the guideline range under § 1B1.3 (Relevant Conduct) included an act that occurred on November 2, 1991 (after a revised Guideline Manual took effect).";

and in the caption by deleting "Note" and inserting in lieu thereof "Notes".

The Commentary to § 1B1.11 captioned "Background" is amended by inserting the following additional sentence as the first sentence of the first paragraph:

"Subsections (a) and (b)(1) provide that the court should apply the Guidelines Manual in effect on the date the defendant is sentenced unless the court determines that doing so would violate the ex post facto clause in Article I, section 9 of the United States Constitution.";

and by inserting the following additional paragraphs at the end:

"Subsection (b)(2) provides that the Guidelines Manual in effect on a particular date shall be applied in its entirety.

Subsection (b)(3) provides that where the defendant is convicted of two offenses, the first committed before, and the second after, a revised edition of the Guidelines Manual became effective, the revised edition of the Guidelines Manual is to be applied to both offenses, even if the revised edition results in an increased penalty for the first offense. Because the defendant completed the second offense after the amendment to the guidelines took effect, the ex post facto clause does not prevent determining the sentence for that count based on the amended guidelines. For example, if a defendant pleads guilty to a single count of embezzlement that occurred after the most recent edition of the Guidelines Manual became effective, the guideline range applicable in sentencing will encompass any relevant conduct (e.g., related embezzlement offenses that may have occurred prior to the effective date of the guideline amendments) for the offense of conviction. The same would be true for a defendant convicted of two counts of embezzlement, one committed before the amendments were enacted, and the second after. In this example, the ex post facto clause would not bar application of the amended guideline to the first conviction; a contrary conclusion would mean that such defendant was subject to a lower guideline range than if convicted only of the second offense. Decisions from several appellate courts addressing the analogous situation of the constitutionality of counting pre-guidelines criminal activity as relevant conduct for a guidelines sentence support this approach. See United States v. Ykema, 887 F.2d 697 (6th Cir. 1989) (upholding inclusion of pre-November 1, 1987, drug quantities as relevant conduct for the count of conviction, noting that habitual offender statutes routinely augment punishment for an offense of conviction based on acts committed before a law is passed), cert. denied, 493 U.S 1062 (1990); United States v. Allen, 886 F.2d 143 (8th Cir. 1989) (similar); see also United States v. Cusack, 901 F.2d 29 (4th Cir. 1990) (similar).

Moreover, the approach set forth in subsection (b)(3) should be followed regardless of whether the offenses of conviction are the type in which the conduct is grouped under § 3D1.2(d). The ex post facto clause does not distinguish between

groupable and nongroupable offenses, and unless that clause would be violated, Congress' directive to apply the sentencing guidelines in effect at the time of sentencing must be followed. Under the guideline sentencing system, a single sentencing range is determined based on the defendant's overall conduct, even if there are multiple counts of conviction (see §§ 3D1.1–3D1.5, 5G1.2). Thus, if a defendant is sentenced in January 1992 for a bank robbery committed in October 1988 and one committed in November 1991, the November 1991 Guidelines Manual should be used to determine a combined guideline range for both counts. See generally United States v. Stephenson, 921 F.2d 438 (2d Cir. 1990) (holding that the Sentencing Commission and Congress intended that the applicable version of the guidelines be applied as a "cohesive and integrated whole" rather than in a piecemeal fashion).

Consequently, even in a complex case involving multiple counts that occurred under several different versions of the Guidelines Manual, it will not be necessary to compare more than two manuals to determine the applicable guideline range—the manual in effect at the time the last offense of conviction was completed and the one in effect at the time of sentencing.".

Reason for Amendment: This amendment expands policy statement § 1B1.11 (Use of Guidelines Manual in Effect on Date of Sentencing) to address what has become a frequently asked hotline question and troublesome application issue—the application of amended guidelines to multiple count cases in which the effective date of guideline revision(s) occur between offenses of conviction. The issue has also produced litigation before several appellate courts. See *United States* v. *Castro*, 972 F.2d 1107 (9th Cir. 1992), cert. denied, 113 S. Ct. 1350 (1993); *United States* v. *Seligsohn*, 981 F.2d 1418 (3d Cir. 1992), reh'g denied (1993); *United States* v. *Hartzog*, 983 F.2d 604 (4th Cir. 1993). This amendment extends the Commission's "one book" rule to multiple count cases and provides a basic rationale for the policy.

2. Amendment: Chapter One, part B, is amended by inserting at the end:

"§ 1B1.12. Persons Sentenced Under the Federal Juvenile Delinquency Act (Policy Statement)

The sentencing guidelines do not apply to a defendant sentenced under the Federal Juvenile Delinquency Act (18 U.S.C. 5031–5042). However, the sentence imposed upon a juvenile delinquent may not exceed the maximum of the guideline range applicable to an otherwise similarly situated adult defendant unless the court finds an aggravating factor sufficient to warrant an upward departure from that guideline range. *United States* v. *R.L.C.*, 112 S. Ct. 1329 (1992). Therefore, a necessary step in ascertaining the maximum sentence that may be imposed upon a juvenile delinquent is the determination of the guideline range that would be applicable to a similarly situated adult defendant.".

Section 5H1.1 is amended by deleting the last paragraph as follows:

"The guidelines are not applicable to a person sentenced as a juvenile delinquent under the provisions of 18 U.S.C. 5037.".

Reason for Amendment: This amendment adds a policy statement to Chapter One, Part B (Application Instructions) addressing the determination of the maximum imposable sentence in the case of a juvenile delinquent. The United States Supreme Court's decision in *United States* v. *R.L.C.*, 112 S. Ct. 1329 (1992), requires calculation of the guideline range in order to determine the maximum sentence imposable on a juvenile delinquent.

3. Amendment: The Commentary to § 2A1.1 captioned Background is deleted as follows:

"Background: The maximum penalty authorized by 18 U.S.C. 1111 for first degree murder is death or life imprisonment. Whether a mandatory minimum term of life imprisonment is applicable to every defendant convicted of first degree murder under 18 U.S.C. 1111 is a matter of statutory interpretation for the courts. The discussion in application Note 1, supra, regarding circumstances in which a downward departure may be warranted is relevant in the event the penalty provisions of 18 U.S.C. 1111 are construed to permit a sentence less than life imprisonment, or in the event the defendant is convicted under a statute that expressly authorizes a sentence of less than life imprisonment (e.g., 18 U.S.C. 2113(e), 2118(c)(2), 21 U.S.C. 848(e)).

The maximum penalty authorized under 21 U.S.C. 848(e) is death or life imprisonment. If a term of imprisonment is imposed, the statutorily required minimum term is twenty years.".

Reason for Amendment: This amendment deletes commentary that highlighted the question of whether 18 U.S.C. 1111 provides a mandatory minimum term of life imprisonment. Since this commentary was written, appellate courts uniformly have held that 18 U.S.C. 1111 does provide a mandatory minimum term of life imprisonment. See *United States* v. *Sands*, 968 F.2d 1058 (10th Cir. 1992), cert. denied, 113 S. Ct. 987 (1993); *United States* v. *LaFleur*, 952 F.2d 1537 (9th Cir. 1991); *United States* v. *Gonzalez*, 922 F.2d 1044 (2d Cir.), cert. denied, 112 S. Ct. 660 (1991); *United States* v. *Donley*, 878 F.2d 735 (3d Cir. 1989), cert. denied, 494 U.S. 1058 (1990). In addition, this amendment deletes, as unnecessary, several sentences of commentary that merely recite statutory penalties.

4. Amendment: Section 2A3.1 is amended by redesignating subsection (c) as subsection (d); and by inserting the following additional subsection:

"(c) Cross Reference

(1) If a victim was killed under circumstances that would constitute murder under 18 U.S.C. 1111 had such killing taken place within the territorial or maritime jurisdiction of the United States, apply section 2A1.1 (First Degree Murder).".

Section 2A3.1(b)(2) is amended by deleting "otherwise, (B) if the victim was under the age of sixteen" and inserting in lieu thereof "or (B) if the victim had attained the age of twelve years but had not attained the age of sixteen years".

Section 2A4.2 is amended by inserting the following additional subsection:

"(b) Cross Reference

(1) If the defendant was a participant in the kidnapping offense, apply § 2A4.1 (Kidnapping; Abduction; Unlawful Restraint).".

The Commentary to § 2A4.2 is amended by inserting the following immediately before "Background".

"Application Note:

1. A 'participant' is a person who is criminally responsible for the commission of the offense, but need not have been convicted.".

Section 2B3.1 is amended by inserting the following additional subsection:

"(c) Cross Reference

(1) If a victim was killed under circumstances that would constitute murder under 18 U.S.C. 1111 had such killing taken place within the territorial or maritime jurisdiction of the United States, apply section 2A1.1 (First Degree Murder).".

The Commentary to section 2B3.1 captioned "Application Notes" is amended by deleting Note 6 as follows:

"6. If the defendant was convicted under 18 U.S.C. 2113(e) and in committing the offense or attempting to flee or escape, a participant killed any person, apply section 2A1.1 (First Degree Murder). Otherwise, if death results, see Chapter Five, Part K (Departures).";

and by renumbering the remaining notes accordingly.

Section 2B3.2(c) is amended by deleting "Reference" and inserting in lieu thereof "References"; by renumbering subdivision (1) as subdivision (2); and by inserting the following additional subdivision:

"(1) If a victim was killed under circumstances that would constitute murder under 18 U.S.C. 1111 had such killing taken place within the territorial or maritime jurisdiction of the United States, apply section 2A1.1 (First Degree Murder).".

Section 2B3.3 is amended by inserting the following additional subsection:

"(c) Cross References

(1) If the offense involved extortion under color of official right, apply section 2C1.1 (Offering, Giving, Soliciting, or Receiving a Bribe; Extortion Under Color of Official Right).

(2) If the offense involved extortion by force or threat of injury or serious damage, apply section 2B3.2 (Extortion by Force or Threat of Injury or Serious Damage).".

Section 2D1.1 is amended by inserting the following additional subsection:

"(c) Cross Reference

(1) If a victim was killed under circumstances that would constitute murder under 18 U.S.C. 1111 had such killing taken place within the territorial or maritime jurisdiction of the United States, apply section 2A1.1 (First Degree Murder).".

Section 2E2.1 is amended by inserting the following additional subsection:

"(c) Cross Reference

(1) If a victim was killed under circumstances that would constitute murder under 18 U.S.C. 1111 had such killing taken place within the territorial or maritime jurisdiction of the United States, apply section 2A1.1 (First Degree Murder).".

Reason for Amendment: This amendment adds cross references to sections 2A3.1, 2B3.1, 2B3.2, 2D1.1, and 2E2.1 to address the circumstance in which a victim is murdered during the offense. In addition, an editorial change in section 2A3.1(b)(2) is made to conform the phraseology used in this subsection to that used elsewhere in the guidelines. Furthermore, a cross reference is added to section 2A4.2 to address the circumstance in which the defendant was a participant in the underlying kidnapping offense. Finally, cross references are added to section 2B3.3 to ensure the selection of the appropriate guideline for the offenses covered by the statutes referenced to this section.

5. Amendment: The Commentary to section 2A3.1 captioned "Application Notes" is amended by inserting the following additional note:

"5. If the defendant was convicted (A) of more than one act of criminal sexual abuse and the counts are grouped under section 3D1.2 (Groups of Closely-Related Counts), or (B) of only one such act but the court determines that the offense involved multiple acts of criminal sexual abuse of the same victim or different victims, an upward departure would be warranted.".

Reason for Amendment: This amendment authorizes an upward departure where the offense involved multiple acts of criminal sexual abuse that do not result in an increase in offense level under the multiple count rules in Chapter Three, Part D (Multiple Counts).

6. Amendment: The Commentary to section 2A4.1 captioned "Background" is amended in the third paragraph by deleting:

"or to facilitate the commission of another offense. Should the application of this guideline result in a penalty less than the result achieved by applying the guideline for the underlying offense, apply the guideline for the underlying offense (e.g., § 2A3.1, Criminal Sexual Abuse).",

and inserting in lieu thereof:

"(subsection (b)(1)) or involves another federal, state, or local offense that results in a greater offense level (subsections (b)(7) and (c)(1)).".

The Commentary to Section 2K1.3 captioned "Application Notes" is amended in Note 4 by inserting "(federal, state, or local)" immediately following "offense".

The Commentary to Section 2K1.3 captioned "Application Notes" is amended in Note 8 by inserting "(which may be a federal, state, or local offense)" immediately before "is".

The Commentary to Section 2K2.1 captioned "Application Notes" is amended in Note 7 by inserting "(federal, state, or local)" immediately following "offense".

The Commentary to Section 2K2.1 captioned "Application Notes" is amended in Note 14 by inserting "(which may be a federal, state, or local offense)" immediately before "is".

The Commentary to Section 2K2.1 captioned "Application Notes" is amended by inserting the following additional note:

"19. The enhancement under subsection (b)(4) for a stolen firearm or a firearm with an altered or obliterated serial number applies whether or not the defendant knew or had reason to believe that the firearm was stolen or had an altered or obliterated serial number.".

Reason for Amendment: This amendment clarifies that the references to "other offense" and "another offense" in Section 2A4.1 (b)(7), and to "felony offense," "another offense," and "other offense" in Sections 2K1.3 and 2K2.1, refer to federal, state, or local offenses. In addition, this amendment clarifies that the enhancement in Section 2K2.1 (b)(4) applies whether or not the defendant knew or had reason to believe the firearm was stolen or had an altered or obliterated serial number.

7. Amendment: Section 2A5.2(a)(1) is amended by deleting "defendant intentionally endangered" and inserting in lieu thereof "offense involved intentionally endangering".

Section 2A5.2(a)(2) is amended by deleting "defendant recklessly endangered" and inserting in lieu thereof "offense involved recklessly endangering".

Section 2A6.1(b)(1) is amended by deleting "defendant engaged in" and inserting in lieu thereof "offense involved".

Section 2A6.1(b)(2) is amended by deleting "defendant's conduct" and inserting in lieu thereof "offense".

Reason for Amendment: This amendment deletes language that could be construed as a limitation on the scope of conduct for which a defendant is accountable under Section1B1.3 (Relevant Conduct) and replaces it with terminology consistent with that used in other offense guidelines.

8. Amendment: Section 2B1.1 is amended in the title by inserting "; Receiving, Transporting, Transferring, Transmitting, or Possessing Stolen Property" at the end thereof.

Section 2B1.1(b)(2) is amended by inserting "(A)" immediately following "If"; and by inserting "or the taking of such item was an object of the offense; or (B) the stolen property received, transported, transferred, transmitted, or possessed was a firearm, destructive device, or controlled substance," immediately following "taken,".

Section 2B1.1(b)(4) is amended by inserting "(A)" immediately following "If"; and by inserting "or the taking of such item was an object of the offense; or (B) the stolen property received, transported, transferred, transmitted, or possessed was undelivered United States mail," immediately following "taken,".

Section 2B1.1(b)(5) is amended by inserting "(A)" immediately before "If"; and by inserting "; or (B) If the offense involved receiving stolen property, and the defendant was a person in the business of receiving and selling stolen property, increase by 4 levels;" immediately following "levels".

The Commentary to Section 2B1.1 captioned "Statutory Provisions" is amended by inserting "553(a)(1)," immediately following "225,"; by inserting "662, 664," immediately before "1702"; and by deleting ", 2317" and inserting in lieu thereof "–2317; 29 U.S.C. 501(c)".

The Commentary to Section 2B1.1 captioned "Application Notes" is amended by inserting the following additional note:

"14. If the offense involved theft or embezzlement from an employee pension or welfare benefit plan (a violation of 18 U.S.C. 664) and the defendant was a fiduciary of the benefit plan, an adjustment under Section 3B1.3 (Abuse of Position of Trust or Use

of Special Skill) will apply. "Fiduciary of the benefit plan" is defined in 29 U.S.C. 1002(21)(A) to mean a person who exercises any discretionary authority or control in respect to the management of such plan or exercises authority or control in respect to management or disposition of its assets, or who renders investment advice for a fee or other direct or indirect compensation with respect to any moneys or other property of such plan, or has any authority or responsibility to do so, or who has any discretionary authority or responsibility in the administration of such plan.

If the offense involved theft or embezzlement from a labor union (a violation of 29 U.S.C. 501(c)) and the defendant was a union officer or occupied a position of trust in the union as set forth in 29 U.S.C. 501(a), an adjustment under 3B1.3 (Abuse of Position of Trust or Use of Special Skill) will apply.".

Section 2B2.1 is amended in the title by inserting "or a Structure Other than a Residence" at the end thereof.

Section 2B2.1(a) is amended by deleting "17" and inserting in lieu thereof "(1) 17, if a residence; or (2) 12, if a structure other than a residence.".

The Commentary to Section 2B2.1 captioned "Statutory Provision" is amended by deleting "Provision: 18 U.S.C. 1153" and inserting in lieu thereof "Provisions: 18 U.S.C. 1153, 2113(a), 2115, 2117, 2118(b). For additional statutory provision(s), see appendix A (Statutory Index)".

Section 2B5.3 is amended in the title by inserting "or Trademark" at the end thereof.

The Commentary to Section 2B5.3 captioned "Statutory Provisions" is amended by deleting "2319" and inserting in lieu thereof "2318–2320".

The Commentary to Section 2B5.3 captioned "Background" is amended by inserting "and trademark" immediately following "copyright".

Section 2D3.2 is amended in the title by deleting "Manufacture of Controlled Substances in Excess of or Unauthorized by Registration Quota; Attempt or Conspiracy" and inserting in lieu thereof "Regulatory Offenses Involving Controlled Substances; Attempt or Conspiracy".

The Commentary to Section 2D3.2 captioned "Statutory Provisions" is amended by deleting "842(b), 843(a)(3)" and inserting in lieu thereof "842(a)(2), (a)(9), (a)(10), (b), 843(a)(3), 954, 961".

The Commentary to Section 2D3.2 captioned "Background" is amended by deleting "This offense is a misdemeanor" and inserting in lieu thereof "These offenses are misdemeanors".

Section 2E3.1 is amended in the title by deleting "Engaging in a Gambling Business" and inserting in lieu thereof "Gambling Offenses".

Section 2E3.1(a) is amended by deleting "12" and inserting in lieu thereof:

"(1) 12, if the offense was (A) engaging in a gambling business; (B) transmission of wagering information; or (C) committed as part of, or to facilitate, a commercial gambling operation; or

(2) 6, otherwise.".

The Commentary to section 2E3.1 captioned "Statutory Provision" is amended by deleting "Provision: 18 U.S.C. 1955" and inserting in lieu thereof "Provisions: 15 U.S.C. 1172–1175; 18 U.S.C. 1082, 1301–1304, 1306, 1511, 1953, 1955. For additional statutory provision(s), see appendix A (Statutory Index)".

Section 2E5.1 is amended in the title by inserting "; Prohibited Payments or Lending of Money by Employer or Agent to Employees, Representatives, or Labor Organizations" at the end thereof.

Section 2E5.1(b)(1) is amended by inserting "or labor organization" immediately following "plan".

The Commentary to section 2E5.1 captioned "Statutory Provision" is amended by deleting "Provision: 18 U.S.C. 1954" and inserting in lieu thereof "Provisions: 18 U.S.C. 1954; 29 U.S.C. 186".

The Commentary to section 2E5.1 captioned "Background" is amended by inserting ", or labor organizations" immediately following "plans"; and by deleting the last sentence as follows:

"A more severe penalty is warranted in a bribery where the payment is the primary motivation for an action to be taken, as opposed to graft, where the prohibited payment is given because of a person's actions, duties, or decisions without a prior understanding that the recipient's performance will be directly influenced by the gift.".

Section 2E5.3 is amended in the title by inserting "; Failure to Maintain and Falsification of Records Required by the Labor Management Reporting and Disclosure Act" at the end thereof.

Section 2E5.3(a)(2) is amended by deleting "relating to the operation of an employee benefit plan, apply section 2E5.2" and inserting in lieu thereof "apply 2B1.1".

The Commentary to section 2E5.3 captioned "Statutory Provision" is amended by deleting "Provision: 18 U.S.C. 1027" and inserting in lieu thereof "Provisions: 18 U.S.C. 1027; 29 U.S.C. 439, 461, 1131. For additional statutory provision(s), see appendix A (Statutory Index).".

The Commentary to section 2E5.3 captioned "Background" is amended by inserting the following additional sentence as the second sentence:

"It also covers failure to maintain proper documents required by the LMRDA or falsification of such documents.".

Section 2F1.1 is amended in the title by inserting "; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States" at the end thereof.

The Commentary to section 2F1.1 captioned "Statutory Provisions" is amended by inserting "471–473, 500, 510," immediately following "289,"; and by inserting ", 2314, 2315" immediately following "1344".

Section 2J1.3 is amended in the title by inserting "; Bribery of Witness" at the end thereof.

Section 2J1.3(b)(2) is amended by deleting "perjury or subornation of perjury" and inserting in lieu thereof "perjury, subornation of perjury, or witness bribery".

Section 2J1.3(c)(1) is amended by deleting "perjury or subornation of perjury" and inserting in lieu thereof "perjury, subornation of perjury, or witness bribery".

The Commentary to section 2J1.3 captioned "Statutory Provisions" is amended by inserting "201 (b)(3), (4)," immediately before "1621".

The Commentary to section 2J1.3 captioned "Application Notes" is amended in Note 3 by inserting ", subornation of perjury, or witness bribery" immediately following "perjury".

The Commentary to section 2J1.3 captioned "Background" is amended by deleting "perjury and subornation of perjury" and inserting in lieu thereof "perjury, subornation of perjury, and witness bribery".

Section 2K1.1 is amended in the title by inserting "; Improper Storage of Explosive Materials" at the end thereof.

The Commentary to section 2K1.1 captioned "Statutory Provisions" is amended by deleting "842(k), 844(b)" and inserting in lieu thereof "842(j), (k), 844(b). For additional statutory provision(s), see appendix A (Statutory Index)".

Section 2K2.4 is amended in the title by deleting "Firearms or" and inserting "Firearm," in lieu thereof; and by inserting ", or Explosive" immediately following "Ammunition".

Section 2K2.4(a) is amended by inserting "section 844(h)," immediately before "section 924(c)"; and by inserting a comma immediately following "section 924(c)".

The Commentary to section 2K2.4 captioned "Statutory Provisions" is

amended by inserting "844(h)," immediately before "924(c)".

The Commentary to section 2K2.4 captioned "Application Notes" is amended in Note 2 in the first paragraph by deleting "a firearm" and inserting in lieu thereof "an explosive or firearm".

The Commentary to section 2K2.4 captioned "Application Notes" is amended in Note 4 by deleting "section 924(c)" wherever it occurs and inserting in lieu thereof in each instance "section 844(h), section 924(c),".

The Commentary to section 2K2.4 captioned "Background" is amended by deleting "924(c)" and inserting in lieu thereof "844(h), 924(c),"; and by inserting "explosive or" immediately before "firearm".

Section 2L2.1 is amended in the title by deleting "Documents" and inserting in lieu thereof "a Document"; and by inserting ", or a United States Passport" immediately following "Status".

Section 2L2.1(b)(2) is amended by inserting "or passports" immediately following "documents" and by inserting "/Passports" immediately following "Documents".

The Commentary to section 2L2.1 captioned "Statutory Provisions" is amended by inserting "1542, 1544," immediately following "1427,".

The Commentary to section 2L2.1 captioned "Application Notes" is amended by deleting "set as one document" and inserting in lieu thereof "documents as one set".

Section 2L2.2 is amended in the title by inserting "; Fraudulently Acquiring or Improperly Using a United States Passport" at the end thereof.

The Commentary to section 2L2.2 captioned "Statutory Provisions" is amended by deleting "1546" and inserting in lieu thereof "1543, 1544, 1546. For additional statutory provision(s), see appendix A (Statutory Index)".

Section 2M2.1 is amended in the title by inserting "or Production" immediately following "Destruction".

The Commentary to section 2M2.1 captioned "Statutory Provisions" is amended by inserting ", 2154" immediately following "2153".

Section 2M2.3 is amended in the title by inserting "or Production" immediately following "Destruction".

The Commentary to section 2M2.3 captioned "Statutory Provisions" is amended by inserting ", 2156" immediately following "2155".

Section 2M3.3 is amended in the title by inserting "; Disclosure of Classified Cryptographic Information; Unauthorized Disclosure to a Foreign Government or a Communist Organization of Classified Information by Government Employee; Unauthorized Receipt of Classified Information" at the end thereof.

The Commentary to section 2M3.3 captioned "Statutory Provisions" is amended by inserting "783(b), (c)," immediately before 793(d)"; and by inserting ", 798" immediately following "(g)".

The Commentary to section 2M3.3 captioned "Background" is amended by inserting the following additional paragraph at the end:

"This section also covers statutes that proscribe the disclosure of classified information concerning cryptographic or communication intelligence to the detriment of the United States or for the benefit of a foreign government, the unauthorized disclosure to a foreign government or a communist organization of classified information by a government employee, and the unauthorized receipt of classified information.".

Section 2Q1.2 is amended in the title by inserting "; Unlawfully Transporting Hazardous Materials in Commerce" at the end thereof.

The Commentary to section 2Q1.2 captioned "Statutory Provisions" is amended by inserting "; 49 U.S.C. 1809(b)" immediately following "1822(b)".

The Commentary to section 2X1.1 captioned "Application Notes" is amended in Note 1 in the second paragraph by deleting "(Manufacture of Controlled Substance in Excess of or Unauthorized by Registration Quota; Attempt or Conspiracy); § 2D3.3 (Illegal Use of Registration Number to Distribute or Dispense a Controlled Substance to Another Registrant or Authorized Person; Attempt or Conspiracy); section 2D3.4 (Illegal Transfer or Transshipment of a Controlled Substance; Attempt or Conspiracy); and section 2D3.5 (Violation of Recordkeeping or Reporting Requirements for Listed Chemicals and Certain Machines; Attempt or Conspiracy)" and inserting in lieu thereof "(Regulatory Offenses Involving Controlled Substances; Attempt or Conspiracy)".

The Commentary to section 2X1.1 captioned "Application Notes" is amended in Note 1 in the third paragraph by deleting "(Manufacture of Controlled Substance in Excess of or Unauthorized by Registration Quota; Attempt or Conspiracy); section 2D3.3 (Illegal Use of Registration Number to Distribute or Dispense a Controlled Substance to Another Registrant or Authorized Person; Attempt or Conspiracy); section 2D3.4 (Illegal Transfer or Transshipment of a Controlled Substance; Attempt or Conspiracy); and section 2D3.5 (Violation of Recordkeeping or Reporting Requirements for Listed Chemicals and Certain Machines; Attempt or Conspiracy)" and inserting in lieu thereof "(Regulatory Offenses Involving Controlled Substances; Attempt or Conspiracy)".

Section 3D1.2 is amended in the second paragraph by deleting "2B1.2,", "2B5.2,", "2B5.4,", "2E5.2, 2E5.4, 2E5.6", and ", 2L2.3"; and in the third paragraph by deleting "2B2.2,", "2E1.5,", "2L2.4,", and "2M3.6, 2M3.7, 2M3.8,".

Appendix A (Statutory Index) is amended in the lines referenced to 15 U.S.C. 1172, 1173, 1174, 1175, and 1176 by deleting "2E3.3" and inserting in lieu thereof "2E3.1";

in the lines referenced to 18 U.S.C. 201(b)(3) and 201(b)(4) by deleting "2J1.8" and inserting in lieu thereof "2J1.3";

in the lines referenced to 18 U.S.C. 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 488, 493, 494, 497, 498, 499, 500, 502, 503, 505, 506, 507, 508, 509, 510, and 513 by deleting "2B5.2" and inserting in lieu thereof "2F1.1";

in the lines referenced to 18 U.S.C. 18 U.S.C. 553(a)(1) and 553(a)(2) by deleting "2B1.2" and inserting in lieu thereof "2B1.1";

in the line referenced to 18 U.S.C. 641 by deleting ", 2B1.2";

in the line referenced to 18 U.S.C. 642 by deleting "2B5.2" and inserting in lieu thereof "2F1.1";

in the line referenced to 18 U.S.C. 659 by deleting ", 2B1.2";

in the line referenced to 18 U.S.C. 662 by deleting "2B1.2" and inserting in lieu thereof "2B1.1";

in the line referenced to 18 U.S.C. 664 by deleting "2E5.2" and inserting in lieu thereof "2B1.1";

in the line referenced to 18 U.S.C. 667 by deleting ", 2B1.2";

in the line referenced to 18 U.S.C. 798 by deleting ", 2M3.6";

in the line referenced to 18 U.S.C. 842(j) by deleting "2K1.2" and inserting in lieu thereof "2K1.1";

in the line referenced to 18 U.S.C. 844(h) by deleting "2K1.7" and inserting in lieu thereof "2K2.4";

in the lines referenced to 18 U.S.C. 1003 and 1010" by deleting "2B5.2,";

in the line referenced to 18 U.S.C. 1024 by deleting "2B1.2" and inserting in lieu thereof "2B1.1";

in the line referenced to 18 U.S.C. 1028 by deleting ", 2L2.3, 2L2.4";

in the line referenced to 18 U.S.C. 1082 by deleting "2E3.3" and inserting in lieu thereof "2E3.1";

in the line referenced to 18 U.S.C. 1084 by deleting "2E3.2" and inserting in lieu thereof "2E3.1";

in the line referenced to 18 U.S.C. 1153 by deleting "2B2.2,";
in the line referenced to 18 U.S.C. 1163 by deleting ", 2B1.2";
in the lines referenced to 18 U.S.C. 1301, 1302, 1303, 1304, 1306, and 1511 by deleting "2E3.3" and inserting in lieu thereof "2E3.1";
in the line referenced to 18 U.S.C. 2154 by deleting "2M2.2" and inserting in lieu thereof "2M2.1";
in the line referenced to 18 U.S.C. 2156 by deleting "2M2.4" and inserting in lieu thereof "2M2.3";
in the line referenced to 18 U.S.C. 2197 by deleting "2B5.2,";
in the line referenced to 18 U.S.C. 2276 by deleting "2B2.2" and inserting in lieu thereof "2B2.1";
in the lines referenced to 18 U.S.C. 2312 and 2313 by deleting ", 2B1.2";
in the lines referenced to 18 U.S.C. 2314 and 2315 by deleting "2B1.2, 2B5.2,";
in the lines referenced to 18 U.S.C. 2316 and 2317 by deleting ", 2B1.2";
in the lines referenced to 18 U.S.C. 2318 and 2320 by deleting "2B5.4" and inserting in lieu thereof "2B5.3";
in the line referenced to 18 U.S.C. 1541 by deleting "2L2.3" and inserting in lieu thereof "2L2.1";
in the lines referenced to 18 U.S.C. 1542, 1543, and 1544 by deleting "2L2.3, 2L2.4" and inserting in lieu thereof "2L2.1, 2L2.2";
in the line referenced to 18 U.S.C. 1704 by deleting "2B5.2,";
in the line referenced to 18 U.S.C. 1708 by deleting ", 2B1.2";
in the line referenced to 18 U.S.C. 1716C by deleting "2B5.2" and inserting in lieu thereof "2F1.1";
in the lines referenced to 18 U.S.C. 1852 and 1854 by deleting ", 2B1.2";
in the line referenced to 18 U.S.C. 1951 by deleting "2E1.5" and inserting in lieu thereof "2B3.1, 2B3.2, 2B3.3, 2C1.1";
in the line referenced to 18 U.S.C. 1953 by deleting "2E3.3" and inserting in lieu thereof "2E3.1";
in the line referenced to 18 U.S.C. 2113(a) by deleting "2B2.2" and inserting in lieu thereof "2B2.1";
in the line referenced to 18 U.S.C. 2113(c) by deleting ", 2B1.2";
in the lines referenced to 18 U.S.C. 2115, 2116, 2117, and 2118(b) by deleting "2B2.2" and inserting in lieu thereof "2B2.1";
in the line referenced to 20 U.S.C. 1097(a) by deleting "2B5.2,";
by deleting:

"21 U.S.C. § 842(a)(2)	2D3.3
21 U.S.C. § 842(a)(9), (10)	2D3.5",

and inserting in lieu thereof:

21 U.S.C. § 842(a)(2), (9), (10),	2D3.2;

in the line referenced to 21 U.S.C. 846 by deleting ", 2D3.3, 2D3.4, 2D3.5";
in the lines referenced to 21 U.S.C. 954 and 961 by deleting "2D3.4" and inserting in lieu thereof "2D3.2";
in the line referenced to 21 U.S.C. 963 by deleting ", 2D3.3, 2D3.4, 2D3.5";
in the line referenced to 22 U.S.C. 4221 by deleting "2B5.2" and inserting in lieu thereof "2F1.1";
in the line referenced to 29 U.S.C. 186 by deleting "2E5.6" and inserting in lieu thereof "2E5.1";
in the lines referenced to 29 U.S.C. 431, 432, 433, 439, and 461 by deleting "2E5.5" and inserting in lieu thereof "2E5.3";
in the line referenced to 29 U.S.C. 501(c) by deleting "2E5.4" and inserting in lieu thereof "2B1.1";
by inserting at the appropriate place by title and section:

"29 U.S.C. 530	2B3.2
29 U.S.C. 1131	2E5.3";

in the lines referenced to 49 U.S.C. 3718(b), 1472(h)(2), and 1809(b) by deleting "2K3.1" and inserting in lieu thereof "2Q1.2";

and by deleting:

"50 U.S.C. 783(b)	2M3.7
"50 U.S.C. 783(c)	2M3.8",

and inserting in lieu thereof:

"50 U.S.C. 783(b), (c)	2M3.3".

Sections 2B1.2, 2B2.2, 2B5.2, 2B5.4, 2D3.3, 2D3.4, 2D3.5, 2E1.5, 2E3.2, 2E3.3, 2E5.2, 2E5.4, 2E5.5, 2E5.6, 2J1.8, 2K1.2, 2K1.7, 2K3.1, 2L2.3, 2L2.4, 2M2.2, 2M2.4, 2M3.6, 2M3.7, and 2M3.8, including accompanying commentary, are deleted in their entirety.

Reason for Amendment: This amendment deletes 25 offense guidelines by consolidating them with other offense guidelines that cover similar offense conduct and have either identical or very similar characteristics. Consolidation of offense guidelines in this manner has a number of practical advantages: it shortens and simplifies the Guidelines Manual; it reduces the likelihood of inconsistency in phraseology and definitions from section to section; it reduces possible confusion and litigation as to which guideline applies to particular conduct; it reduces the number of conforming amendments required whenever similar sections are amended; and it will aid the development of case law because cases involving similar or identical concepts and definitions can be referenced under one guideline rather than different guidelines.

9. Amendment: The Commentary to Section 2B1.1 captioned "Application Notes" is amended in Note 2 by inserting the following additional sentence as the fourth sentence of the first paragraph:

"Loss does not include the interest that could have been earned had the funds not been stolen.";

and by inserting the following additional paragraphs as the second and third paragraphs:

"Where the offense involved making a fraudulent loan or credit card application, or other unlawful conduct involving a loan or credit card, the loss is to be determined under the principles set forth in the Commentary to Section 2F1.1 (Fraud and Deceit).

In certain cases, an offense may involve a series of transactions without a corresponding increase in loss. For example, a defendant may embezzle $5,000 from a bank and conceal this embezzlement by shifting this amount from one account to another in a series of nine transactions over a six-month period. In this example, the loss is $5,000 (the amount taken), not $45,000 (the sum of the nine transactions), because the additional transactions did not increase the actual or potential loss.".

The Commentary to Section 2B1.1 captioned "Application Notes" is amended by deleting Note 3 as follows:

"3. The loss need not be determined with precision, and may be inferred from any reasonably reliable information available, including the scope of the operation.",

and inserting in lieu thereof:

"3. For the purposes of subsection (b)(1), the loss need not be determined with precision. The court need only make a reasonable estimate of the loss, given the available information. This estimate, for example, may be based upon the approximate number of victims and the average loss to each victim, or on more general factors such as the scope and duration of the offense.".

The Commentary to Section 2B5.3 is amended by inserting the following immediately before "Background":

"Application Note:

1. 'Infringing items' means the items that violate the copyright or trademark laws (not the legitimate items that are infringed upon).".

The Commentary to § 2B6.1 captioned "Application Note" is amended in the caption by deleting "Note" and inserting in lieu thereof "Notes"; and by inserting the following additional Note:

"2. The 'corresponding number of levels from the table in § 2F1.1 (Fraud and Deceit),' as used in subsection (b)(1), refers to the number of levels corresponding to the retail value of the motor vehicles or parts involved.".

Section 2F1.1(b)(3) is amended by inserting "not addressed elsewhere in

the guidelines" immediately following "process".

The Commentary to Section 2F1.1 captioned "Application Notes" is amended in Note 5 by inserting the following additional sentence at the end:

"This subsection does not apply to conduct addressed elsewhere in the guidelines; e.g., a violation of a condition of release (addressed in Section 2J1.7 (Offense Committed While on Release)) or a violation of probation (addressed in § 4A1.1 (Criminal History Category)).".

The Commentary to Section 2F1.1 captioned "Application Notes" is amended in Note 7(b) in the second paragraph by inserting the following additional sentence at the end:

"Where the loss determined above significantly understates or overstates the seriousness of the defendant's conduct, an upward or downward departure may be warranted.".

The Commentary to Section 2F1.1 captioned "Application Notes" is amended in Note 10 by deleting "the" immediately before "primary" and inserting in lieu thereof "a"; by inserting "; or the fraud caused or risked reasonably foreseeable, substantial non-monetary harm" immediately following "non-monetary"; by deleting "physical or psychological harm" and inserting in lieu thereof "reasonably foreseeable, physical or psychological harm or severe emotional trauma"; by deleting the period immediately following "institution" and inserting in lieu thereof a semicolon; by inserting a new subdivision, immediately following subdivision (e), as follows:

"(f) the offense involved the knowing endangerment of the solvency of one or more victims.";

and by inserting the following at the end of the last paragraph:

"In such cases, a downward departure may be warranted.".

The Commentary to section 2F1.1 captioned "Application Notes" is amended in Note 11 by deleting the last two sentences as follows:

"The statutes provide for increased maximum terms of imprisonment for the use or possession of device-making equipment and the production or transfer of more than five identification documents or fifteen access devices. The court may find it appropriate to enhance the sentence for violations of these statutes in a manner similar to the treatment of analogous counterfeiting offenses under Part B of this Chapter.",

and inserting in lieu thereof:

"Where the primary purpose of the offense involved the unlawful production, transfer, possession, or use of identification documents for the purpose of violating, or assisting another to violate, the laws relating to naturalization, citizenship, or legal resident status, apply section 2L2.1 or section 2L2.2, as appropriate, rather than section 2F1.1. In the case of an offense involving false identification documents or access devices, an upward departure may be warranted where the actual loss does not adequately reflect the seriousness of the conduct.".

Reason for Amendment: This amendment makes the definition of loss in sections 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft) and 2F1.1 (Fraud and Deceit) more consistent. Although the term "reasonably reliable information" is deleted from section 2B1.1 (there is no corresponding term in section 2F1.1), no substantive change results because the reliability of the information considered in respect to all cases is already addressed in section 6A1.3 (Resolution of Disputed Factors).

In addition, this amendment provides additional guidance for the determination of loss for cases that are referenced to section 2B1.1 but have loss characteristics closely resembling offenses referenced to section 2F1.1 and for cases in which simply adding the amounts from a series of transactions does not reflect the amount taken or put at risk.

This amendment also clarifies the meaning of the term "infringing items" in section 2B5.3; and expressly provides that the reference in section 2B6.1 to the table in section 2F1.1 is to be applied using the retail value of the stolen parts.

In addition, this amendment clarifies the operation of section 2F1.1(b)(3), which currently can be read to authorize counting conduct that is also addressed by other guideline sections. This amendment addresses this issue in a manner consistent with the Commission's general principle on double counting.

Finally, this amendment revises the Commentary to section 2F1.1 by expanding Application Note 10 to provide guidance in cases in which the monetary loss does not adequately reflect the seriousness of the offense; and by clarifying Application Note 11 and conforming the phraseology of this note to that used elsewhere in the guidelines.

10. Amendment: Section 2B3.1(b)(1) is amended by inserting "(A)" immediately following "If"; and by inserting "or (B) the offense involved carjacking," immediately before "increase".

The Commentary to section 2B3.1 captioned "Statutory Provisions" is amended by inserting ", 2119" immediately following "2118(a)".

The Commentary to § 2B3.1 captioned "Application Notes" is amended in Note 1 by inserting the following additional paragraph at the end:

" 'Carjacking' means the taking or attempted taking of a motor vehicle from the person or presence of another by force and violence or by intimidation.".

Appendix A (Statutory Index) is amended by inserting, at the appropriate place, the following:

"18 U.S.C. 2119 2B3.1".

Reason for Amendment: This amendment references offenses prosecuted under 18 U.S.C. 2119 (carjacking) to the robbery guideline at section 2B3.1 and provides a specific offense characteristic for carjacking. It is to be noted that any defendant convicted under 18 U.S.C. 2119 will receive a minimum additional 5-level increase for possession of a firearm. Such defendants also are subject to prosecution under 18 U.S.C. 924(c) for possession of a firearm during and in relation to a crime of violence, an offense that carries a mandatory consecutive sentence of at least five years' imprisonment.

11. Amendment: The Commentary to section 2D1.1 captioned "Application Notes" is amended by inserting the following additional note:

"16. Where (A) the amount of the controlled substance for which the defendant is accountable under 1B1.3 (Relevant Conduct) results in a base offense level greater than 36, (B) the court finds that this offense level overrepresents the defendant's culpability in the criminal activity, and (C) the defendant qualifies for a mitigating role adjustment under 3B1.2 (Mitigating Role), a downward departure may be warranted. The court may depart to a sentence no lower than the guideline range that would have resulted if the defendant's Chapter Two offense level had been offense level 36. Provided, that a defendant is not eligible for a downward departure under this provision if the defendant:

(a) Has one or more prior felony convictions for a crime of violence or a controlled substance offense as defined in section 4B1.2;

(b) Qualifies for an adjustment under § 3B1.3 (Abuse of Position of Trust or Use of Special Skill);

(c) Possessed or induced another participant to use or possess a firearm in the offense;

(d) Had decision-making authority;

(e) Owned the drugs or financed any part of the offense; or

(f) Sold the controlled substance or played a substantial part in negotiating the terms of the sale.".

Reason for Amendment: In a case in which a defendant's base offense level is greater than level 36 and the defendant had a minimal or minor role in the offense (and meets certain other qualifications), the quantity of the controlled substance for which the defendant is held accountable under § 1B1.3 (Relevant Conduct) may overrepresent the defendant's culpability in the criminal activity. To address this issue, this amendment adds an application note that authorizes a downward departure in the specific circumstances described and sets forth the authorized extent of any departure on this basis.

12. Amendment: The Commentary to Section 2D1.1 captioned "Application Notes" is amended in Note 1 by deleting the period at the end of the first sentence and inserting in lieu thereof:

", except as expressly provided. Mixture or substance does not include materials that must be separated from the controlled substance before the controlled substance can be used. Examples of such materials include the fiberglass in a cocaine/fiberglass bonded suitcase, beeswax in a cocaine/beeswax statue, and waste water from an illicit laboratory used to manufacture a controlled substance. If such material cannot readily be separated from the mixture or substance that appropriately is counted in the Drug Quantity Table, the court may use any reasonable method to approximate the weight of the mixture or substance to be counted.

An upward departure nonetheless may be warranted when the mixture or substance counted in the Drug Quantity Table is combined with other, non-countable material in an unusually sophisticated manner in order to avoid detection.".

Reason for Amendment: This amendment is designed to resolve an inter-circuit conflict regarding the meaning of the term "mixture or substance," as used in Section 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking; Attempt or Conspiracy) by expressly providing that this term does not include portions of a drug mixture that have to be separated from the controlled substance before the controlled substance can be used. This issue has arisen, subsequent to the United States Supreme Court decision in *Chapman* v. *United States*, 111 S. Ct. 1919 (1991), in two types of cases. The first type of case involves a controlled substance bonded to, or suspended in, another substance (e.g., cocaine mixed with beeswax); however, the controlled substance is not usable until it is separated from the other substance. See, e.g., *United States* v. *Mahecha-Onofre*, 936 F.2d 623 (1st Cir.), cert. denied, 112 S. Ct. 648 (1991); *United States* v. *Restrepo-Contreras*, 942 F.2d 96 (1st Cir. 1991), cert. denied, 112 S. Ct. 955 (1992). The second type of case involves the waste produced from an illicit laboratory used to manufacture a controlled substance, or chemicals confiscated before the chemical processing of the controlled substance is completed. The waste product is typically water or chemicals used to either remove impurities or form a precipitate (the precipitate, in some cases, being the controlled substance). Typically, a small amount of controlled substance remains in the waste water; often this amount is too small to quantify and is listed as a trace amount (no weight given) in DEA reports. In these types of cases, the waste product is not consumable. The chemicals seized before the end of processing are also not usable in that form because further processing must take place before they can be used. See, e.g., *United States* v. *Sherrod*, 964 F.2d 1501 (5th Cir.), cert. denied sub nom. *Cooper* v. *United States*, 113 S. Ct. 832 (1992) (White and Blackmun, JJ., dissenting from denial of cert.), and cert. denied sub nom. *United States* v. *Sewell*, 113 S. Ct. 1367 (1993) (White and Blackmun, JJ., opinion dissenting from denial of cert.).

13. Amendment: The Commentary to Section 2D1.1 captioned "Application Notes" is amended by inserting the following additional note:

"17. If, in a reverse sting (an operation in which a government agent sells or negotiates to sell a controlled substance to a defendant), the court finds that the government agent set a price for the controlled substance that was substantially below the market value of the controlled substance, thereby leading to the defendant's purchase of a significantly greater quantity of the controlled substance than his available resources would have allowed him to purchase except for the artificially low price set by the government agent, a downward departure may be warranted.".

Reason for Amendment: This amendment adds an application note to the commentary of this section authorizing a downward departure if, in a reverse sting operation, the court finds that the government agent set a price for the controlled substance that was substantially below market value and thereby significantly inflated the quantity of controlled substance purchased by the defendant beyond the amount the defendant otherwise could have afforded.

14. Section 2D1.1(c) is amended in the notes following the Drug Quantity Table by inserting the following additional paragraph at the end:

"In the case of LSD on a carrier medium (e.g., a sheet of blotter paper), do not use the weight of the LSD/carrier medium. Instead, treat each dose of LSD on the carrier medium as equal to 0.4 mg of LSD for the purposes of the Drug Quantity Table.".

The Commentary to Section 2D1.1 captioned "Application Notes" is amended by inserting the following additional note:

"18. LSD on a blotter paper carrier medium typically is marked so that the number of doses ("hits") per sheet readily can be determined. When this is not the case, it is to be presumed that each 1/4 inch by 1/4 inch section of the blotter paper is equal to one dose.

In the case of liquid LSD (LSD that has not been placed onto a carrier medium), using the weight of the LSD alone to calculate the offense level may not adequately reflect the seriousness of the offense. In such a case, an upward departure may be warranted.".

The Commentary to section 2D1.1 captioned "Background" is amended by inserting the following paragraphs at the end:

"Because the weights of LSD carrier media vary widely and typically far exceed the weight of the controlled substance itself, the Commission has determined that basing offense levels on the entire weight of the LSD and carrier medium would produce unwarranted disparity among offenses involving the same quantity of actual LSD (but different carrier weights), as well as sentences disproportionate to those for other, more dangerous controlled substances, such as PCP. Consequently, in cases involving LSD contained in a carrier medium, the Commission has established a weight per dose of 0.4 milligram for purposes of determining the base offense level.

The dosage weight of LSD selected exceeds the Drug Enforcement Administration's standard dosage unit for LSD of 0.05 milligram (i.e., the quantity of actual LSD per dose) in order to assign some weight to the carrier medium. Because LSD typically is marketed and consumed orally on a carrier medium, the inclusion of some weight attributable to the carrier medium recognizes (A) that offense levels for most other controlled substances are based upon the weight of the mixture containing the controlled substance without regard to purity, and (B) the decision in *Chapman* v. *United States*, 111 S. Ct. 1919 (1991) (holding that the term "mixture or substance" in 21 U.S.C. 841(b)(1) includes the carrier medium in which LSD is absorbed). At the same time, the weight per dose selected is less than the weight per dose that would equate the offense level for LSD on a carrier medium with that for the same number of doses of PCP, a controlled substance that comparative assessments indicate is more likely to induce violent acts and ancillary crime than is LSD.

(Treating LSD on a carrier medium as weighing 0.5 milligram per dose would produce offense levels equivalent to those for PCP.) Thus, the approach decided upon by the Commission will harmonize offense levels for LSD offenses with those for other controlled substances and avoid an undue influence of varied carrier weight on the applicable offense level. Nonetheless, this approach does not override the applicability of "mixture or substance" for the purpose of applying any mandatory minimum sentence (see Chapman; section 5G1.1(b)).".

Reason for Amendment: The Commission has found that the weights of LSD carrier media vary widely and typically far exceed the weight of the controlled substance itself (e.g., LSD is typically placed on blotter paper which generally weighs from 5 to 10 milligrams per dose; the weight of the LSD itself per dose is generally from 0.02 to 0.08 milligram; the Drug Enforcement Administration describes a standard dose of LSD as containing 0.05 milligram of LSD). As a result, basing the offense level on the entire weight of the LSD and carrier medium produces unwarranted disparity among offenses involving the same quantity of actual LSD but different carrier weights, as well as sentences that are disproportionate to those for other, more dangerous controlled substances, such as PCP, heroin, and cocaine. Under the guidelines prior to the amendment, for example, 100 grams of heroin or 500 grams of cocaine (weights that correspond to several thousand doses, the number depending upon the purity) result in the same offense level as 125 doses of LSD on blotter paper (which has an average weight of 8 milligrams per dose) or 1 dose of LSD on a sugar cube (2000 milligrams per dose).

Consequently, in cases involving LSD contained in a carrier medium, this amendment establishes a weight per dose of 0.4 milligram to be used for purposes of determining the base offense level. The dosage weight of LSD selected by the Commission exceeds the Drug Enforcement Administration's standard dosage unit for LSD of 0.05 milligram (i.e., the quantity of actual LSD per dose) in order to assign some weight to the carrier medium. Because LSD typically is marketed and consumed orally on a carrier medium, the inclusion of some weight attributable to the carrier medium recognizes (A) that offense levels for most other controlled substances are based upon the weight of the mixture containing the controlled substance without regard to purity, and (B) the decision in *Chapman* v. *United States*, 111 S. Ct. 1919 (1991) (holding that the term "mixture or substance" in 21 U.S.C. 841(b)(1) includes the carrier medium in which LSD is absorbed). At the same time, the weight per dose selected is less than the weight per dose that would equate the offense level for LSD on a carrier medium with that for the same number of doses of PCP, a controlled substance that comparative assessments indicate is more likely to induce violent acts and ancillary crime than is LSD. Treating LSD on a carrier medium as weighing 0.5 milligram per dose would produce offense levels equivalent to those for PCP (for example, 2000 doses of LSD at 0.5 milligram per dose equals 1 gram of LSD—corresponding to the lower limit of offense level 26; similarly, 2000 doses of PCP at 5 milligrams per dose, the standard amount of actual PCP in a dose, equals 10 grams of actual PCP—corresponding to the lower limit of offense level 26). Thus, the approach decided upon by the Commission will harmonize offense levels for LSD offenses with those for other controlled substances and avoid an undue influence of varied carrier weight on the applicable offense level. Nonetheless, this approach does not override the definition of mixture or substance for purposes of applying any mandatory minimum sentence (see Chapman; Section 5G1.1(b)).

15. Amendment: Section 2D1.1(c) is amended in the notes following the Drug Quantity Table by inserting the following additional paragraph at the end:

" 'Cocaine base,' for the purposes of this guideline, means 'crack.' 'Crack' is the street name for a form of cocaine base, usually prepared by processing cocaine hydrochloride and sodium bicarbonate, and usually appearing in a lumpy, rocklike form.".

Reason for Amendment: This amendment provides that, for purposes of the guidelines, 'cocaine base' means 'crack.' The amendment addresses an inter-circuit conflict. Compare, e.g., *United States* v. *Shaw*, 936 F. 2d 412 (9th Cir. 1991) (cocaine base means crack) with *United States* v. *Jackson*, 936 F.2d 158 (2d Cir), cert. denied, 113 S. Ct. 664 (1992) (cocaine base has a scientific, chemical definition that is more inclusive than crack). Under this amendment, forms of cocaine base other than crack (e.g., coca paste, an intermediate step in the processing of coca leaves into cocaine hydrochloride scientifically is a base form of cocaine, but it is not crack) will be treated as cocaine.

16. Amendment: The Commentary to section 2K2.4 captioned "Application Notes" is amended in Note 2 by deleting:

"Provided, that where the maximum of the guideline range from Chapter Five, Part A (Sentencing Table) determined by an offense level adjusted under the procedure described in the preceding paragraph, plus the term of imprisonment required under 18 U.S.C. 924(c) or 929(a), is less than the maximum of the guideline range that would apply to the underlying offense absent such adjustment, the procedure described in the preceding paragraph does not apply. Instead, the guideline range applicable to the underlying offense absent such adjustment is to be used after subtracting the term of imprisonment imposed under 18 U.S.C. 924(c) or 929(a) from both the minimum and maximum of such range.

Example: A defendant, is to be sentenced under the robbery guideline; his unadjusted offense level from section 2B3.1 is 30, including a 7-level enhancement for discharging a firearm; no Chapter Three adjustments are applicable; and his criminal history category is Category IV. His unadjusted guideline range from Chapter Five, Part A (Sentencing Table) is 135–168 months. This defendant has also been convicted under 18 U.S.C. 924(c) arising from the possession of a weapon during the robbery, and therefore must be sentenced to an additional consecutive five-year term of imprisonment. The defendant's adjusted guideline range, which takes into account the conviction under 18 U.S.C. 924(c) by eliminating the 7-level weapon enhancement, is 70–87 months. Because the maximum of the defendant's adjusted guideline range plus the five year consecutive sentence (87 months+60 months=147 months) is less than the maximum of the defendant's unadjusted guideline range (168 months), the defendant is to be sentenced using the unadjusted guideline range after subtracting the 60 month sentence to be imposed under 18 U.S.C. 924(c) from both the minimum and maximum of the unadjusted range (e.g., 135 months − 60 months=75 months; 168 months − 60 months=108 months). A sentence imposed for the underlying offense using the guideline range determined in this manner (75–108 months) when combined with the consecutive sentence imposed under 18 U.S.C. 924(c) or 929(a), will produce the appropriate total term of imprisonment.",

and inserting in lieu thereof:

"In a few cases, the offense level for the underlying offense determined under the preceding paragraph may result in a guideline range that, when combined with the mandatory consecutive sentence under 18 U.S.C. 844(h), 924(c), or 929(a), produces a total maximum penalty that is less than the maximum of the guideline range that would have resulted had there not been a count of conviction under 18 U.S.C. 844(h), 924(c), or 929(a) (i.e., the guideline range that would have resulted if the enhancements for possession, use, or discharge of a firearm had been applied). In such a case, an upward departure may be warranted so that the conviction under

18 U.S.C. 844(h), 924(c), or 929(a) does not result in a decrease in the total punishment. An upward departure under this paragraph shall not exceed the maximum of the guideline range that would have resulted had there not been a count of conviction under 18 U.S.C. 844(h), 924(c), or 929(a).".

Reason for Amendment: This amendment simplifies the operation of this section in order to reduce erroneous application by deleting the proviso in Application Note 2 and, in lieu thereof, authorizing an upward departure in the unusual case in which the combined sentence for an underlying offense and a firearms or explosives offense (under 18 U.S.C. 844(h), 924(c), or 929(a)) is less than the maximum of the guideline range that would have resulted if there had been no additional conviction for the firearms or explosives offense.

17. Amendment: Sections 2S1.3 and 2S1.4, and accompanying commentary, are deleted in their entirety and the following new section is inserted in lieu thereof:

"Section 2S1.3. Structuring Transactions to Evade Reporting Requirements; Failure to Report Cash or Monetary Transactions; Failure to File Currency and Monetary Instrument Report; Knowingly Filing False Reports

(a) Base Offense Level:

6 plus the number of offense levels from the table in section 2F1.1 (Fraud or Deceit) corresponding to the value of the funds.

(b) Specific Offense Characteristics:

(1) If the defendant knew or believed that the funds were proceeds of unlawful activity, or were intended to promote unlawful activity, increase by 2 levels.

(2) If (A) subsection (b)(1) does not apply; (B) the defendant did not act with reckless disregard of the source of the funds; (C) the funds were the proceeds of lawful activity; and (D) the funds were to be used for a lawful purpose, decrease the offense level to level 6.

(c) Cross Reference

(1) If the offense was committed for the purposes of violating the Internal Revenue laws, apply the most appropriate guideline from Chapter Two, Part T (Offenses Involving Taxation) if the resulting offense level is greater than that determined above.

Commentary

Statutory Provisions: 26 U.S.C. 7203 (if a violation based upon 26 U.S.C. 6050I), 7206 (if a violation based upon 26 U.S.C. 6050I); 31 U.S.C. § 5313, 5314, 5316, 5324. For additional statutory provision(s), see Appendix A (Statutory Index).

Application Note:

1. For purposes of this guideline, "value of the funds" means the amount of the funds involved in the structuring or reporting conduct. The relevant statutes require monetary reporting without regard to whether the funds were lawfully or unlawfully obtained.

Background: The offenses covered by this guideline relate to records and reports of certain transactions involving currency and monetary instruments. These reports include Currency Transaction Reports, Currency and Monetary Instrument Reports, Reports of Foreign Bank and Financial Accounts, and Reports of Cash Payments Over $10,000 Received in a Trade or Business.".

Appendix A (Statutory Index) is amended in the line beginning "31 U.S.C. 5316" by deleting "2S1.4" and inserting in lieu thereof "2S1.3", and in the line beginning "31 U.S.C. § 5322" by deleting ", 2S1.4.

Reason for Amendment: This amendment consolidates existing sections 2S1.3 and 2S1.4 and modifies these guidelines to assure greater consistency of punishment for similar offenses and greater sensitivity to indicia of offense seriousness. The amendment links base offense levels for the reporting violations covered by these guidelines to the defendant's state of mind with respect to the source of the funds, and, in instances where the defendant knew, believed or acted with reckless disregard of the fact that the funds were the proceeds of unlawful activity, to the value of the funds involved.

18. Amendment: Chapter Two, Part T, Subpart 1 is amended in the title by inserting ", Employment Taxes, Estate Taxes, Gift Taxes, and Excise Taxes (Other Than Alcohol, Tobacco, and Customs Taxes)" at the end thereof.

Section 2T1.1 is amended in the title by inserting "; Willful Failure to File Return, Supply Information, or Pay Tax; Fraudulent or False Returns, Statements, or Other Documents" at the end thereof.

Section 2T1.1(a) is amended by deleting:

"Base Offense Level: Level from Section 2T4.1 (Tax Table) corresponding to the tax loss.

For purposes of this guideline, the "tax loss" is the greater of: (A) The total amount of tax that the taxpayer evaded or attempted to evade; and (B) the "tax loss" defined in section 2T1.3.",

and inserting in lieu thereof:

"(a) Base Offense Level:

(1) Level from § 2T4.1 (Tax Table) corresponding to the tax loss; or

(2) 6, if there is no tax loss.".

Section 2T1.1(b)(2) is amended by deleting "nature" and inserting in lieu there of "existence".

Section 2T1.1 is amended by inserting the following additional subsection:

(c) Special Instructions

For the purposes of this guideline—

(1) If the offense involved tax evasion or a fraudulent or false return, statement, or other document, the tax loss is the total amount of loss that was the object of the offense (i.e., the loss that would have resulted had the offense been successfully completed).

Notes

(A) If the offense involved filing a tax return in which gross income was underreported, the tax loss shall be treated as equal to 28% of the unreported gross income (34% if the taxpayer is a corporation) plus 100% of any false credits claimed against tax, unless a more accurate determination of the tax loss can be made.

(B) If the offense involved improperly claiming a deduction or an exemption, the tax loss shall be treated as equal to 28% of the amount of the improperly claimed deduction or exemption (34% if the taxpayer is a corporation) plus 100% of any false credits claimed against tax, unless a more accurate determination of the tax loss can be made.

(C) If the offense involved improperly claiming a deduction to provide a basis for tax evasion in the future, the tax loss shall be treated as equal to 28% of the amount of the improperly claimed deduction (34% if the taxpayer is a corporation) plus 100% of any false credits claimed against tax, unless a more accurate determination of the tax loss can be made.

(2) If the offense involved failure to file a tax return, the tax loss is the amount of tax that the taxpayer owed and did not pay.

Note: If the offense involved failure to file a tax return, the tax loss shall be treated as equal to 20% of the gross income (25% if the taxpayer is a corporation) less any tax withheld or otherwise paid, unless a more accurate determination of the tax loss can be made.

(3) If the offense involved willful failure to pay tax, the tax loss is the amount of tax that the taxpayer owed and did not pay.

(4) If the offense involved improperly claiming a refund to which the claimant was not entitled, the tax loss is the amount of the claimed refund to which the claimant was not entitled.

(5) The tax loss is not reduced by any payment of the tax subsequent to the commission of the offense.".

The Commentary to section 2T1.1 captioned "Statutory Provision" is amended by deleting "Provision: 26 U.S.C. 7201" and inserting in lieu thereof "Provisions: 26 U.S.C. 7201, 7203 (other than a violation based upon 26 U.S.C. 6050I), 7206 (other than a violation based upon 26 U.S.C. 6050I or 7206(2)), and 7207".

The Commentary to section 2T1.1 captioned "Application Notes" is amended by deleting Notes 1 and 4; and by renumbering the remaining notes accordingly.

The Commentary to section 2T1.1 captioned "Application Notes" is amended in Note 1 (formerly Note 2) by deleting "For purposes of the guideline, the tax loss is the amount of tax that the taxpayer evaded or attempted to evade" and inserting in lieu thereof " 'Tax loss' is defined in subsection (c)"; by deleting "deficiency" and inserting in lieu thereof "figures"; and by inserting the following additional paragraphs at the end:

"Notes under subsections (c)(1) and (c)(2) address certain situations in income tax cases in which the tax loss may not be reasonably ascertainable. In these situations, the "presumptions" set forth are to be used unless the government or defense provides sufficient information for a more accurate assessment of the tax loss (as defined in subsection (c)). In cases involving other types of taxes, the presumptions in the notes under subsections (c)(1) and (c)(2) do not apply.

Example 1: A defendant files a tax return reporting income of $40,000 when his income was actually $90,000. Under Note (A) to subsection (c)(1), the tax loss is treated as $14,000 ($90,000 of actual gross income minus $40,000 of reported gross income = $50,000×28%) unless sufficient information is available to make a more accurate assessment of the tax loss (as defined in subsection (c)).

Example 2: A defendant files a tax return reporting income of $60,000 when his income was actually $130,000. In addition, the defendant claims $10,000 in false tax credits. Under Note (A) to subsection (c)(1), the tax loss is treated as $29,600 ($130,000 of actual gross income minus $60,000 of reported gross income = $70,000×28% = $19,600, plus $10,000 of false tax credits) unless sufficient information is available to make a more accurate assessment of the tax loss (as defined in subsection (c)).

Example 3: A defendant fails to file a tax return for a year in which his salary was $24,000, and $2,600 in income tax was withheld by his employer. Under the note to subsection (c)(2), the tax loss is treated as $2,200 ($24,000 of gross income × 20%=$4,800, minus $2,600 of tax withheld) unless sufficient information is available to make a more accurate assessment of the tax loss (as defined in subsection (c)).

In determining the tax loss attributable to the offense, the court should use as many methods set forth in subsection (c) and this commentary as are necessary given the circumstances of the particular case. If none of the methods of determining the tax loss set forth fit the circumstances of the particular case, the court should use any method of determining the tax loss that appears appropriate to reasonably calculate the loss that would have resulted had the offense been successfully completed.".

The Commentary to section 2T1.1 captioned "Application Notes" is amended in Note 3 (formerly Note 5) by deleting "or local" and inserting in lieu thereof "local, or foreign".

The Commentary to section 2T1.1 captioned "Application Notes" is amended in Note 4 (formerly Note 6) by deleting "section 2T1.1" and inserting in lieu thereof "subsection"; by deleting "applied" and inserting in lieu thereof "applied,"; and by inserting "or fictitious entities" immediately following "shells".

The Commentary to section 2T1.1 captioned "Application Notes" is amended by inserting the following additional notes:

"5. A 'credit claimed against tax' is an item that reduces the amount of tax directly, in contrast to a 'deduction' that reduces the amount of taxable income.

6. 'Gross income,' for the purposes of this section, has the same meaning as it has in 26 U.S.C. 61 and 26 CFR 1.61.

7. If the offense involves both individual and corporate tax returns, the tax loss is the aggregate tax loss from the offenses taken together.".

The Commentary to section 2T1.1 captioned "Background" is amended in the first paragraph by deleting "tax evaded because the chief interest protected by the statute is the collection of taxes. A greater evasion" and by inserting in lieu thereof "loss that was the object of the offense. Tax offenses, in and of themselves, are serious offenses; however a greater tax loss"; and by deleting "tax evasion" and inserting in lieu thereof "the offense".

The Commentary to section 2T1.1 captioned "Background" is amended by deleting the second paragraph.

The Commentary to § 2T1.1 captioned "Background" is amended in the second (formerly third) paragraph by deleting "evasion" wherever it appears and inserting in lieu thereof in each instance "offenses".

The Commentary to section 2T1.1 captioned "Background" is amended in the third (formerly fourth) paragraph by deleting the first two sentences.

The Commentary to section 2T1.1 captioned "Background" is amended in the fourth (formerly fifth) paragraph by deleting the last sentence.

The Commentary to section 2T1.1 captioned "Background" is amended in the fifth (formerly sixth) paragraph by deleting "tax evasion" and inserting in lieu thereof "tax offenses"; by deleting "the evasion" and inserting in lieu thereof "the offense"; and by deleting the last sentence.

Sections 2T1.2, 2T1.3, and 2T1.5, including accompanying commentary, are deleted in their entirety.

Section 2T1.4(a)(1) is amended by deleting "resulting tax loss, if any" and inserting in lieu thereof "tax loss".

Section 2T1.4(a)(2) is amended by deleting "otherwise" and inserting in lieu thereof "if there is no tax loss".

Section 2T1.4(a) is amended by deleting "section 2T1.3" and inserting in lieu thereof "section 2T1.1".

Section 2T1.4(b)(1) is amended by inserting "(A)" immediately following "If"; and by inserting "; or (B) the defendant was in the business of preparing or assisting in the preparation of tax returns" immediately before ", increase".

Section 2T1.4(b)(2) is amended by deleting "nature" and inserting in lieu thereof "existence".

Section 2T1.4(b) is amended by deleting:

"(3) If the defendant was in the business of preparing or assisting in the preparation of tax returns, increase by 2 levels.".

The Commentary to section 2T1.4 captioned "Statutory Provision" is amended by inserting "(other than a violation based upon 26 U.S.C. 6050I)" immediately following "7206(2)".

The Commentary to Section 2T1.4 captioned "Application Notes" is amended by deleting Notes 3 and 4; by renumbering Notes 1 and 2 as Notes 2 and 3, respectively; and by inserting the following as Note 1:

"1. For the general principles underlying the determination of tax loss, see Section 2T1.1(c) and Application Note 1 of the Commentary to Section 2T1.1 (Tax Evasion; Willful Failure to File Return, Supply Information, or Pay Tax; Fraudulent or False Returns, Statements, or Other Documents). In certain instances, such as promotion of a tax shelter scheme, the defendant may advise other persons to violate their tax obligations through

filing returns that find no support in the tax laws. If this type of conduct can be shown to have resulted in the filing of false returns (regardless of whether the principals were aware of their falsity), the misstatements in all such returns will contribute to one aggregate 'tax loss.'".

The Commentary to Section 2T1.4 captioned "Application Notes" is amended in Note 2 (formerly Note 1) by deleting:

"1. Subsection (b)(1) applies to persons who derive a substantial portion of their income through the promotion of tax fraud or tax evasion, e.g., through promoting fraudulent tax shelters.", and inserting in lieu thereof:

"2. Subsection (b)(1) has two prongs. The first prong applies to persons who derive a substantial portion of their income through the promotion of tax schemes, e.g., through promoting fraudulent tax shelters. The second prong applies to persons who regularly prepare or assist in the preparation of tax returns for profit. If an enhancement from this subsection applies, do not apply Section 3B1.3 (Abuse of Position of Trust or Use of Special Skill).".

The Commentary to Section 2T1.4 captioned "Application Notes" is amended in Note 3 (formerly Note 2) by inserting "or fictitious entities" immediately following "corporate shells".

The Commentary to Section 2T1.4 captioned "Background" is amended by deleting "tax preparers and advisers" and inserting in lieu thereof "those in the business of preparing or assisting in the preparation of tax returns and those who make a business of promoting tax fraud"; and by deleting "§ 2T1.3" and inserting in lieu thereof "2T1.1".

Section 2T1.9 is amended in the title by deleting "Impair, Impede" and inserting in lieu thereof "Impede, Impair, Obstruct,".

Section 2T1.9(a)(1) is amended by deleting "Section 2T1.3, as applicable" and inserting in lieu thereof "Section 2T1.4, as appropriate".

Section 2T1.9(b)(1) is amended by inserting "to impede, impair, obstruct, or defeat the ascertainment, computation, assessment, or collection of revenue" immediately following "violence".

Section 2T1.9(b)(2) is amended by deleting "impede or impair the Internal Revenue Service in the assessment and" and inserting in lieu thereof "impede, impair, obstruct, or defeat the ascertainment, computation, assessment, or"; and by inserting the following additional sentence at the end:

"Do not, however, apply this adjustment if an adjustment from Section 2T1.4(b)(1) is applied.".

The Commentary to Section 2T1.9 captioned "Application Notes" is amended in Note 2 by deleting "Section 2T1.3 (whichever is applicable to the underlying conduct)" and inserting in lieu thereof "Section 2T1.4 (whichever guideline most closely addresses the harm that would have resulted had the conspirators succeeded in impeding, impairing, obstructing or defeating the Internal Revenue Service)".

The Commentary to Section 2T1.9 captioned "Application Notes" is amended by inserting the following additional note:

"4. Subsection (b)(2) provides an enhancement where the conduct was intended to encourage persons, other than the participants directly involved in the offense, to violate the tax laws (e.g., an offense involving a "tax protest" group that encourages persons to violate the tax laws, or an offense involving the marketing of fraudulent tax shelters or schemes).".

Section 2T4.1 is amended by deleting:

"Tax loss (apply the greatest)	Offense level
(A) $2,000 or less	6
(B) More than $2,000	7
(C) More than $5,000	8
(D) More than $10,000	9
(E) More than $20,000	10
(F) More than $40,000	11
(G) More than $70,000	12
(H) More than $120,000	13
(I) More than $200,000	14
(J) More than $350,000	15
(K) More than $500,000	16
(L) More than $800,000	17
(M) More than $1,500,000	18
(N) More than $2,500,000	19
(O) More than $5,000,000	20
(P) More than $10,000,000	21
(Q) More than $20,000,000	22
(R) More than $40,000,000	23
(S) More than $80,000,000	24.",

and inserting in lieu thereof:

(A) $1,700 or less	6
(B) More than $1,700	7
(C) More than $3,000	8
(D) More than $5,000	9
(E) More than $8,000	10
(F) More than $13,500	11
(G) More than $23,500	12
(H) More than $40,000	13
(I) More than $70,000	14
(J) More than $120,000	15
(K) More than $200,000	16
(L) More than $325,000	17
(M) More than $550,000	18
(N) More than $950,000	19
(O) More than $1,500,000	20
(P) More than $2,500,000	21
(Q) More than $5,000,000	22
(R) More than $10,000,000	23
(S) More than $20,000,000	24
(T) More than $40,000,000	25
(U) More than $80,000,000	26.".

The Commentary to section 2X1.1 captioned "Application Notes" is amended in Note 1 in the third paragraph by deleting "Impair, Impede" and inserting in lieu thereof "Impede, Impair, Obstruct,".

Section 3D1.2(d) is amended in the second paragraph by deleting "2T1.2, 2T1.3," immediately following "sections 2T1.1,".

Appendix A (Statutory Index) is amended in the line beginning "26 U.S.C. 7203" by deleting "2T1.2" and inserting in lieu thereof "2T1.1"; in the line beginning "26 U.S.C. 7206(1), (3), (4), (5)" by deleting "2T1.3" and inserting in lieu thereof "2S1.3, 2T1.1"; in the line beginning "26 U.S.C. 7206(2)" by inserting "2S1.3," immediately before "2T1.4"; and in the line beginning "26 U.S.C. 7207" by deleting "2T1.5" and inserting in lieu thereof "2T1.1".

Appendix A (Statutory Index) is amended by inserting, at the appropriate place by title and section, the following:

"26 U.S.C. 7208 2F1.1";
"26 U.S.C. 7212(a) (omnibus clause) 2J1.2";
"26 U.S.C. 7232 2F1.1".

Reason for Amendment: This amendment consolidates sections 2T1.1, 2T1.2, 2T1.3, and 2T1.5, thereby eliminating the confusion that has arisen in some cases regarding which guideline applies. In addition, by adopting a uniform definition of tax loss, this amendment eliminates the anomaly of using actual tax loss in some cases and an amount that differs from actual tax loss in others. Furthermore, this amendment consolidates sections 2T1.4(b)(1) and (b)(3) to reflect the substantial overlap between these subsections. Finally, this amendment adopts a revised "tax loss" table to provide increased deterrence for tax offenses.

19. Amendment: The Commentary to sections 3B1.3 captioned "Application Notes" is amended by deleting Note 1 as follows:

"1. The position of trust must have contributed in some substantial way to facilitating the crime and not merely have provided an opportunity that could as easily have been afforded to other persons. This adjustment, for example, would not apply to an embezzlement by an ordinary bank teller.",

and inserting in lieu thereof:

"1. 'Public or private trust' refers to a position of public or private trust characterized by professional or managerial discretion (i.e., substantial discretionary judgment that is ordinarily given considerable deference). Persons holding such positions ordinarily are subject to significantly less supervision than employees

whose responsibilities are primarily non-discretionary in nature. For this enhancement to apply, the position of trust must have contributed in some significant way to facilitating the commission or concealment of the offense (e.g., by making the detection of the offense or the defendant's responsibility for the offense more difficult). This adjustment, for example, would apply in the case of an embezzlement of a client's funds by an attorney serving as a guardian, a bank executive's fraudulent loan scheme, or the criminal sexual abuse of a patient by a physician under the guise of an examination. This adjustment would not apply in the case of an embezzlement or theft by an ordinary bank teller or hotel clerk because such positions are not characterized by the above-described factors.

Notwithstanding the preceding paragraph, because of the special nature of the United States mail an adjustment for an abuse of a position of trust will apply to any employee of the U.S. Postal Service who engages in the theft or destruction of undelivered United States mail.".

Reason for Amendment: This amendment reformulates the definition of an abuse of position of trust to better distinguish cases warranting this enhancement.

20. Amendment: The Commentary to section 4A1.2 captioned "Application Notes" is amended in Note 1 by inserting the following additional sentence at the end:

"Conduct that is part of the instant offense means conduct that is relevant to the instant offense under the provisions of section 1B1.3 (Relevant Conduct).".

The Commentary to section 4A1.2 captioned "Application Notes" is amended in Note 6 in the first sentence of the first paragraph by inserting "(A)" immediately before "have been reversed"; by deleting the comma following "law"; and by inserting "or (B) have been ruled constitutionally invalid in a prior case" immediately before "are not to be counted";

The Commentary to section 4A1.2 captioned "Application Notes" is amended in Note 6 by deleting the second sentence of the first paragraph as follows:

"Also, sentences resulting from convictions that a defendant shows to have been previously ruled constitutionally invalid are not to be counted.";

and by inserting the following additional paragraph as the second paragraph:

"With respect to the current sentencing proceeding, this guideline or commentary does not confer upon the defendant any right to attack collaterally a prior conviction or sentence beyond any such rights otherwise recognized in law (e.g., 21 U.S.C. 851 expressly provides that a defendant may collaterally attack certain prior convictions).".

The Commentary to section 4A1.2 captioned "Background" is amended by deleting the second paragraph as follows:

"The Commission leaves for court determination the issue of whether a defendant may collaterally attack at sentencing a prior conviction.".

Reason for Amendment: This amendment expressly provides that the term "part of the instant offense" in subsection (a)(1) of section 4A1.2 means "relevant conduct" as defined in section 1B1.3 (Relevant Conduct) to avoid double counting and ensure consistency with other guideline provisions.

This amendment also clarifies the Commission's intent with respect to whether section 4A1.2 (Definitions and Instructions for Computing Criminal History) confers on defendants a right to attack prior convictions collaterally at sentencing, an issue on which the appellate courts have differed. Compare, e.g., *United States* v. *Canales*, 960 F.2d 1311, 1316 (5th Cir. 1992) (Section 4A1.2 commentary indicates Commission intended to grant sentencing courts discretion to entertain initial defendant challenges to prior convictions); *United States* v. *Jacobetz*, 955 F.2d 786, 805 (2d Cir.) (similar), cert. denied, 113 S. Ct. 104 (1992); *United States* v. *Cornog*, 945 F.2d 1504, 1511 (11th Cir. 1991) (similar) with *United States* v. *Hewitt*, 942 F.2d 1270, 1276 (8th Cir. 1991) (commentary indicates defendants may only challenge use of prior convictions at sentencing by showing such conviction previously ruled invalid). This amendment addresses this inter-circuit conflict in interpreting the commentary by stating more clearly that the Commission does not intend to enlarge a defendant's right to attack collaterally a prior conviction at the current sentencing proceeding beyond any right otherwise recognized in law.

21. Amendment: The Commentary to section 5G1.3 captioned "Application Notes" is amended by inserting the following additional note:

"4. If the defendant was on federal or state probation, parole, or supervised release at the time of the instant offense, and has had such probation, parole, or supervised release revoked, the sentence for the instant offense should be imposed to be served consecutively to the term imposed for the violation of probation, parole, or supervised release in order to provide an incremental penalty for the violation of probation, parole, or supervised release (in accord with the policy expressed in sections 7B1.3 and 7B1.4).".

Reason for Amendment: This amendment adds an application note to the commentary of this section to provide guidance in the case of a defendant who was on federal or state probation, parole, or supervised release at the time of the instant federal offense and has had such term of supervision revoked prior to sentencing on the instant federal offense.

22. Amendment: The Commentary to section 6B1.2 is amended by inserting the following additional paragraph at the end:

"The Commission encourages the prosecuting attorney prior to the entry of a guilty plea or nolo contendere plea under Rule 11 of the Federal Rules of Criminal Procedure to disclose to the defendant the facts and circumstances of the offense and offender characteristics, then known to the prosecuting attorney, that are relevant to the application of the sentencing guidelines. This recommendation, however, shall not be construed to confer upon the defendant any right not otherwise recognized in law.".

Reason for Amendment: This amendment adds commentary to this policy statement recommending that the prosecuting attorney disclose to the defendant the facts and circumstances of the offense and offender characteristics then known to the prosecuting attorney that are relevant to the application of the guidelines in order to encourage plea negotiations that realistically reflect probable outcomes.

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federal register

Thursday
May 6, 1993

Part VI

Department of the Interior

Bureau of Indian Affairs

Proposed Finding for Federal Acknowledgment of the Snoqualmie Indian Tribe; Notice of Proposed Finding

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Finding for Federal Acknowledgment of the Snoqualmie Indian Tribe

April 26, 1993.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed finding.

SUMMARY: Pursuant to 25 CFR 83.9(f), notice is hereby given that the Assistant Secretary proposes to acknowledge that the Snoqualmie Indian Tribe, c/o Mr. Ronald Lauzon, 18525 Novelty Hill Road, Redmond, Washington 98052, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the tribe meets the seven mandatory criteria set forth in 25 CFR 83.7. Therefore, the Snoqualmie Indian Tribe meets the requirements necessary for a government-to-government relationship with the United States.

DATES: As provided by 25 CFR 83.9(g), any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 calendar days from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Holly Reckord, (202) 208–3592.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Snoqualmie Indian Tribe is based in King County, Washington, on or near land that was traditionally and aboriginally Snoqualmie. The tribe's first sustained contact with Euro-Americans began in 1833. Extensive settlement by non-Indians in the Puget Sound area began in the late 1840's, leading to the 1855 Treaty of Point Elliott between the Snoqualmie and other neighboring tribes and the United States. From that time until the present, the petitioner has been identified repeatedly as being American Indian by Federal authorities, State and local governments, civil, religious, and recreational organizations, scholars and other writers, newspapers and books, federally recognized Indian tribes, and national and regional Indian organizations. The petitioner has also been viewed historically as being distinct from other Indian tribes in western Washington, as well as from other populations in that area.

The Snoqualmie are classified culturally and linguistically as Southern Coast Salish, a subdivision of the Coast Salish of the Puget Sound region. At the time of the treaty, and for several decades before, the Snoqualmie consisted of at least 18 winter villages located along the Snoqualmie River. These villages were centered on one or several multi-family longhouses.

The Snoqualmie tribe was a single, distinct social unit, united by kinship and other ties. The tribe shared a common name and territory and was somewhat distinct from neighboring Coast Salish tribes in culture and language. Until the mid-1840's the Snoqualmie may not have been a single political unit in the sense of having an overall leader. Within the tribe, a distinction was made between the Upper Snoqualmie in the villages on the prairie above Snoqualmie Falls, and the Lower Snoqualmie in the villages below the Falls.

Marriage outside the village and tribe was the norm for the Snoqualmie and other Coast Salish. Puget Sound tribes traditionally were cohesive groupings within a broader network of kinship, social, and economic relationships.The social organization of these tribes has retained much of this character up to the present. The acknowledgment criteria regarding community and political influence have in this case been evaluated in terms of this particular Coast Salish social organization and culture.

After traditional settlements were disrupted by white settlers in the 1860's, the Snoqualmie reestablished three distinct settlement areas: on the Upper Snoqualmie prairie, including a settlement called Meadowbrook; in the Lower Snoqualmie area near the aboriginal villages at Tolt and Fall City; and at Lake Sammamish, outside but adjacent to traditional Snoqualmie territory. Community longhouses were maintained in each of these areas and much of the traditional culture was retained, including language, religion, and social organization and marriage patterns. There were few marriages with non-Indians.

Some Snoqualmie moved to the Tulalip Reservation after 1860, but most did not because of its limited land and the fact that it was outside of Snoqualmie territory. Those tribal members who moved to the reservation maintained social and political ties with those in the off-reservation settlements and the Snoqualmie remained a distinct social community.

By 1914, when the tribe began a political reorganization under Jerry Kanim, the distinct tribal settlement areas had largely dispersed and more tribal members and moved to reservations. After the turn of the century the geographically distinct Snoqualmie settlements began to break up. Dispersion of the Snoqualmie continued over the next 50 years (1914–1956), although most members remained within or adjacent to traditional Snoqualmie territory. The membership narrowed in the 1940's and 1950's as many reservation residents affiliated with the Snoqualmie shifted allegiance to the reservations, which were becoming distinct social and political units. There continued to be an off-reservation centered social and political body of Snoqualmie.

Although they no longer had separate settlements, there is strong evidence that the tribe maintained a distinct social community during this period. This evidence includes continued intermarriage with Snoqualmie or other Puget Sound Indians, closeness of kinship ties linking major family groupings, maintenance of a distinct culture, including language and religion, and the existence of strong internal political processes under the leadership of Jerry Kanim. Additional evidence of long-term social relationships and interaction is the regular tribal social gatherings held at certain holidays. Supporting evidence is the observations of knowledgeable contemporary observers, such as Charles Roblin and other Indian agents, that the Snoqualmie were a distinct social community.

There is less detailed and extensive evidence for social community for the period between 1956 and 1981 than there is for the time periods before and after. However, the available evidence is sufficient to demonstrate that a significant level of social community was maintained. The Snoqualmie did not become more widely dispersed geographically during this period, remaining within an area close enough to allow maintenance of community social relations.

There continued to be a considerable degree of close kinship ties within the tribe and kin and social linkages with other Puget Sound Indians, since marriage within the Snoqualmie was common until the 1920's and within Puget Sound Indian society until the 1950's. However, the degree of social interaction and social ties was somewhat diminished from previous eras. A significant, though diminishing amount of distinct culture was also maintained. The clearest evidence of this was Snoqualmie participation in the Indian Shaker Church, the Indian Smokehouse religion, and some

continued traditional religious beliefs among the older generation. Membership in the tribe required demonstration of ⅛ or more Snoqualmie blood degree, and the average blood degree in practice was higher. This demonstrates that the Snoqualmie were more than merely a group of distantly related descendants of Indians.

There was more evidence for continuing political processes for the period between 1956 and 1981 than there was concerning social community. This evidence establishes that significant, noncoercive political processes continued. These provide evidence for community because they required and were based on the existence of social ties and communication in order to operate. The evidence for community from political processes was less strong between 1956 and 1970, in part because this was a low point in political activity following the death of Chief Jerry Kanim in 1956.

Considerably more detailed evidence was found for the modern Snoqualmie community, defined for the purpose of this evaluation as being from approximately 1981 to the present. There is strong evidence that significant social relationships have been maintained in the modern community. The geographical distribution of the tribe has not changed substantially from that of previous decades. About 70 percent of the membership lives within a 50-mile radius, which is close enough to allow significant social interaction. The continued existence of cultural differences among a substantial minority of the membership provides evidence that there is more than a minimal distinction between the Snoqualmie and non-Indians. The tribe has maintained a clear membership boundary, socially distinguishing it from non-members, reinforcing evidence from other sources that this is more than a formal organization of Snoqualmie descendants. There is limited direct evidence that informal, though not necessarily intense, social contact is maintained broadly among the membership. Snoqualmie kinship relationships are still close enough to provide supporting evidence that significant social relations exist. Family line groupings are socially defined and there is a significant degree of social knowledge and involvement among Snoqualmie members. This is partly expressed in their awareness of the history, character, and actions of the major family lines, which is evidence of continuing social ties as well as social contact. The available data regarding family groups and their social significance is particularly strong concerning how they manifest themselves in political contexts. Conflicts between family groups are considered a prominent political element.

The evidence of Snoqualmie political processes in the modern community, which is more clearly and extensively documented than is direct evidence of social community, demonstrates that significant social relationships and a significant degree of social contact exist.

At the time of first sustained contact with Euro-Americans in the 1830's, leadership and other political processes within the Snoqualmie were exercised at the village level and/or within nonlocalized kinship groups. The Snoqualmie tribe probably did not constitute a single political unit in the sense of having an overall leader until the early or mid-1940's, when Pat Kanim became chief of the entire tribe. Kanim's authority was recognized by non-Indian governmental authorities and by the Snoqualmie themselves. Kanim was second signer of the 1855 Treaty of Point Elliott, a reflection of his importance.

After Pat Kanim's death in 1858 until 1914, the Snoqualmie were led by a variety of local leaders. Most prominent of these was Sanawa, chief of the Upper Snoqualmie under Pat Kanim. Sanawa's authority was recognized by the Federal government. He lived until 1875 and was succeeded by his son John Senaa. Political influence was also exercised through informal leaders, community meetings and the cooperative effort necessary to construct and maintain community longhouses and communal religious ceremonies. The existence and maintenance of culturally and territorially distinct communities throughout this period is further evidence that political influence through either formal or informal leaders and group decision-making processes was maintained throughout the latter part of the 19th century and the first decade of the 20th century.

Between 1914 and 1916, a political reorganization of the political system of the Snoqualmie took place. A strong chief of the entire tribe, named Jerry Kanim, was put into office and under his leadership a council and general council of the entire membership were instituted to help govern the Snoqualmie. The process by which the political reorganization took place is itself strong evidence of the exercise of political influence because it resulted from the mobilization of community opinion, involving influential informal leaders, over an extended period of time, and reflected shared community values concerning leadership.

Kanim was a strongly influential figure within the Snoqualmie throughout his tenure from 1914 until his death in 1956. He was a strong speaker, enjoyed high prestige throughout the group, and was known for his ability to influence community opinion on political and social issues.

Two critical issues that Kanim addressed throughout his tenure were seeking land for the Snoqualmie to settle upon and maintenance of fishing and hunting rights under the treaties. Land was of critical importance for the Snoqualmie because they had lost their lands during the first decade of the 20th century, and there was insufficient reservation land to allot to them. Hunting and fishing rights were of great importance because the Snoqualmie hunted and fished extensively for subsistence purposes but access to traditional hunting and fishing grounds was becoming limited because of competition with non-Indians and increasingly restrictive game and fish laws. Kanim pursued these issues with Federal, state, and local authorities throughout his tenure. Political influence is thus demonstrated because he and the Snoqualmie councils dealt with issues which were clearly of significance and concern to the Snoqualmie as a whole.

Additional strong evidence of political influence among the Snoqualmie between 1914 and 1956 is that knowledgeable governmental authorities external to the group consistently recognized Jerry Kanim's political influence and dealt with him as a leader who represented the interests and concern of the Snoqualmie.

The level of exercise of political influence during Jerry Kanim's tenure very substantially exceeds the minimal requirements of the Acknowledgment regulations.

Although Jerry Kanim was not replaced as chief in the decades after his death in 1956, there continued to be leaders among the Snoqualmie who had been active during Kanim's tenure. The tribal chairman, an existing position, became the main leader of the Snoqualmie, and the tribal council and general council took a more important role. Although a Snoqualmie chief was appointed in 1986, it was not demonstrated that this individual has a significant political role.

There is clear evidence that community opinion on a variety of matters has existed and been expressed through various political processes throughout the period from 1956 up until and including the present. There is

good evidence, consistent over a long period of time (1960's to the present), that opinion and concern over the actions of the Snoqualmie leadership and the form of that leadership have existed at large among the membership. This has been evidenced from time to time by generational differences concerning the Snoqualmie leadership and the form of government. Major family lines function within the political system to a limited degree, playing a role in formation of opinion and being one dimension along which conflicts take place. A strong example of internal political influence occurred in 1980 when community opinion was mobilized to oust the tribal chairman, whose behavior in this role violated community norms. These processes illustrate the existence of the flow of political opinion within the Snoqualmie and between leaders and members, and thus a bilateral political relationship, a requirement of criterion (c).

Political influence and a bilateral political relationship is also demonstrated by the major role played by the general council, a meeting of the general membership which is the final arbiter of political issues and conflicts within the Snoqualmie. The general council is a decisionmaking body which connects the tribal council and chairman to the Snoqualmie members, by electing these officers and by reviewing actions and issues which are considered critical or controversial.

Hunting and fishing rights have continued to be a concern addressed by the Snoqualmie council and leadership, throughout the period from 1956 to the present. It is likely that fishing remained an important part of Snoqualmie subsistence until World War II, and for some time later for some Snoqualmie. There is good evidence that fishing rights is a political issue of substantial significance and concern among a wide portion of the Snoqualmie because the effective loss of access to these rights is recent and there is continued widespread interest among the members.

There exists substantial evidence between 1956 and 1968 and strong evidence from 1968 through the present that political influence has been exercised within the Snoqualmie, that the leaders and council have a significant political connection with the membership, i.e., a bilateral political relationship, and that political issues of significance to a broad portion of the membership have been addressed.

The petitioner's governing document describes how membership is determined and how the tribe governs its affairs and its members. Present members of this organization are predominantly lineal descendants of the Snoqualmie Indians whose ancestors have inhabited Western Washington since first sustained contact with Euro-Americans. Ninety-six percent of the petitioner's 313 members have established or can be expected to establish descent from an ancestor identified as Snoqualmie in historical records. The remaining 4 percent of the membership consists of 11 members who have not satisfactorily established Snoqualmie descent, and 3 members who are non-Indians adopted by the tribe. Eighty-two percent of the members possess the one-eighth or more Snoqualmie blood required by the petitioner's membership criteria. Members who possess less than one-eighth Indian blood have been adopted by the petitioner.

Twenty percent of the membership (63 members) is currently enrolled in a federally recognized tribe, leaving a substantial majority (80 percent) of the membership who are not enrolled in a federally recognized tribe. Because concurrent membership in more than one tribe or group is prohibited by the petitioner's governing documents, these members technically do not meet the criteria for membership in the Snoqualmie Indian Tribe. The membership of the 20 percent who are enrolled in a federally recognized tribe is dispersed among seven tribes serviced by the BIA's Puget Sound Agency, and the majority are based primarily on the member's descent in another line from a non-Snoqualmie Indian ancestor who was affiliated with the tribe. There is no evidence that suggests that these 63 individuals represent a faction or factions who are attempting to break away from their tribes in order to establish another tribe.

No evidence was found to show that the Snoqualmie Indian Tribe has been the subject Federal legislation which has expressly terminated or forbidden a Federal relationship with the United States Government.

Based on this preliminary factual determination, we conclude that the Snoqualmie Indian Tribe meets all the criteria in 25 CFR 83.7. We therefore conclude that the tribe should be granted Federal acknowledgment under 25 CFR part 83.

As provided by 25 CFR 83.9(f), a report summarizing the evidence for the proposed decision will be provided to the petitioner and other interested parties, and is available to other parties upon written request. Comments on the proposed finding and/or requests for a copy of the report of evidence should be addressed to the Office of the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 2611–MIB.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after the expiration of the 120-day response period described above, the Assistant Secretary—Indian Affairs will publish the final determination of the petitioner's status in the Federal Register as provided in 25 CFR 83.9(h).

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

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Part VII

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Notice of the FY 1993 Competitive Discretionary Assistance Program and the Availability of the FY 1993 Discretionary Program Announcement Application Kit

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Fiscal Year 1993 Competitive Discretionary Assistance Programs and the Availability of the Fiscal Year 1993 Discretionary Program Announcement Application Kit

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Department of Justice.

ACTION: Public announcement of the Office of Juvenile Justice and Delinquency Prevention's Fiscal Year 1993 Competitive Discretionary Assistance Programs and the availability of the Fiscal Year 1993 Discretionary Program Announcement Application Kit (hereinafter OJJDP Application Kit) for Title II, Juvenile Justice and Delinquency Prevention, and Title IV, Missing Children's Assistance Act, of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) publishes this Notice of Competitive Discretionary Assistance Programs and announces the availability of the Juvenile Justice and Delinquency Prevention and Missing Children's Assistance Act Discretionary Program Announcement Application Kit for Fiscal Year 1993 (a separate publication available from the OJJDP's Juvenile Justice Clearinghouse).

The OJJDP Application Kit contains the discretionary program announcements, general application and administrative requirements, an application form (Standard Form 424), the OJJDP Peer Review Guideline, OJJDP Competition and Peer Review Procedures, and other supplemental information relevant to the application process. To order an OJJDP Application Kit, please call the Juvenile Justice Clearinghouse, toll-free, 24 hours a day, (800) 638–8736.

DATES: Applicants are requested to submit the original, signed application (Standard Form 424) and four copies to OJJDP. Application forms and supplementary information will be provided upon request in the OJJDP Application Kit. Potential applicants should review the OJJDP Peer Review Guideline and the OJJDP Competition and Peer Review Procedures. These documents are provided in the OJJDP Application Kit. Applications must be received by mail or delivered to OJJDP by 5 p.m. e.d.t., on or before the date indicated in the program announcement. Those applications sent by mail should be addressed to the specific OJJDP grant manager for the program to which the applicant is applying. Applications may be hand delivered between the hours of 8 a.m. and 5 p.m., except Saturdays, Sundays, and Federal holidays. A receipt will be provided for hand-delivered applications.

ADDRESSES: Applications must be postmarked or hand delivered by 5 p.m. prior to or on the due date specified for the particular program. Applications may be mailed or hand delivered to: Office of Juvenile Justice and Delinquency Prevention, room 742, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Program inquiries are to be addressed to the attention of the OJJDP staff contact person identified in each specific program announcement. For general information, contact Marilyn Silver, Management Analyst, Information Dissemination Unit, (202) 307–0751. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In accordance with section 204(b)(5)(A) of Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP Act), as amended, 42 U.S.C. 5614(b)(5)(A), OJJDP issued a Final Comprehensive Plan describing the Juvenile Justice and Delinquency Prevention Programs which OJJDP intends to fund during Fiscal Year 1993. Published January 22, 1993, at 58 FR 5860, the final plan includes activities authorized in parts C and D of title II of the JJDP Act (42 U.S.C. 5651–5665b).

The 1984 Amendments to the JJDP Act established Title IV, the Missing Children's Assistance Act. In accordance with Section 406(a) of Title IV of the JJDP Act, 42 U.S.C. 5776(a), OJJDP announced Final Program Priorities for grants and contracts under section 405, 42 U.S.C. 5775, of the Missing Children's Assistance Act on March 1, 1993, at 58 FR 11944. The competitive programs identified among the Fiscal Year 1993 Final Program Priorities for section 405 are included in this Notice and in the OJJDP Application Kit.

In order to increase competition and participation in section 405 programs, the National Center for Missing and Exploited Children (NCMEC) and other direct assistance recipients under section 404, 42 U.S.C. 5773, of the JJDP Act will not be eligible to compete for section 405 funds.

Application Requirements

All applications must be submitted in accordance with the requirements set forth in the OJJDP Application Kit. Two program announcements, Innovative Approaches in Law-Related Education and Missing Children Field-Initiated Program, require the submission of concept papers. See these Announcements for details.

Eligibility Requirements

Applications are invited from eligible public and private agencies, organizations, educational institutions, individuals, or combinations thereof. Eligibility differs from program to program. Please consult individual program announcements for specific eligibility requirements. Where eligible for an assistance award, private for-profit organizations must agree to waive any profit or fee. Joint applications by two or more eligible applicants are welcome, as long as one organization is designated as the primary applicant and the other(s) as co-applicant(s). Applicants must demonstrate that they have experience in the design and implementation of the type of program or program activity for which they are an applicant.

Selection Criteria

All applicants will be evaluated and rated by a peer review panel according to general selection criteria. Peer review will be conducted in accordance with the OJJDP Competition and Peer Review Policy, 28 CFR part 34, subpart B. Selection criteria for each competitive program will determine applicants' responsiveness to minimum program application requirements, organizational capability, and thoroughness and innovativeness in responding to strategic issues related to project implementation. Each competitive program announcement will indicate additional program-specific review criteria and/or changes in points assigned to criteria used in the peer review for that particular program.

Peer reviews will use the following criteria to rate applications unless the program announcement contains separate, program-specific selection criteria:

1. *Statement of the problem.* (20 points) The applicant includes a clear, concise statement of the problem addressed in this program.

2. *Definition of Objectives.* (20 points) The goals and objectives are clearly defined and the objectives are clear, measurable, and attainable.

3. *Project Design.* (20 points) The project design is sound and constitutes

an effective approach to meet the goals and objectives of this program.

The design provides a detailed implementation plan with a timeline which indicates significant milestones in the project, due dates for products, and the nature of the products to be submitted. The design contains program elements directly linked to the achievement of the project.

4. *Management Structure.* (15 points) The project's management structure and staffing is adequate to successfully implement and complete the project. The management structure for the project is consistent with the project goals and tasks described in the application.

Applicant explains how the management structure and staffing assignments are consistent with the needs of the program.

5. *Organizational Capability.* (15 points) The applicant organization's potential to conduct the project successfully must be documented.

Applicant demonstrates knowledge of and experience in the juvenile justice field, particularly in the area of study the project addresses.

Applicant demonstrates that staff members have sufficient substantive expertise and technical experience. The applications will be judged on the appropriateness of the position descriptions, required qualifications, and staff selection criteria.

6. *Reasonableness of Costs.* (10 points) Budgeted costs are reasonable, allowable, and cost effective for the activities proposed, and are directly related to the achievement of the program objectives. All costs are justified in a budget narrative that explains how costs are determined.

OJJDP has made the following changes to the Final Comprehensive Program Plan and the Missing and Exploited Children's Program for Fiscal Year 1993.

Prevention of Delinquency Through Child-Centered Community-Based Policing

The OJJDP Final Comprehensive Plan for Fiscal Year 1993 indicated that OJJDP proposed to support a competitive program to prepare training and technical assistance materials to replicate the Yale/New Haven Child-Centered Community-Based Policing Program. Fiscal Year 1993 funding was projected at $50,000.

However, OJJDP has concluded that competition at this stage of the program's development is not practical. The Child-Centered Community-Based Policing model must be documented before possible replication. This initial documentation will be completed by the Yale Child Development Center and the New Haven Police Department on a noncompetitive basis because the staff of these two entities, as the creators and sole practitioners of this program, are uniquely qualified to perform this task at this funding level.

Please direct any questions regarding this program to Peter Freivalds, Training and Technical Assistance Division, (202) 307–5940.

Second National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART II)

A competitive program announcement for the Second National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART II) will be postponed until the latter part of Fiscal Year 1993. OJJDP is currently funding two other programs that are directly related to NISMART II.

A 16-month planning grant was awarded to the Research Triangle Institute in August 1992 for the purposes of conducting a thorough assessment of NISMART I, determining information needs and priorities for NISMART II, exploring additional data sources and methodologies that may improve NISMART I, and making recommendations for the design of NISMART II. Draft reports are due in August 1993 and a final report is due in November 1993.

A second program operating concurrently with the planning grant is entitled Additional Analysis and Dissemination of NISMART. Two cooperative agreements were awarded in July and September 1992 to the National Network of Runaway and Youth Services and the Family Research Laboratory of the University of New Hampshire, respectively, for the purpose of conducting additional analyses of NISMART I data files regarding runaways, thrownaways, abductions, and otherwise missing or displaced children. Draft reports are due in July and September 1993. A final report, inclusive of findings from both cooperative agreements, is due in November 1993.

The findings and recommendations from these two programs are essential to developing the detailed solicitation for NISMART II applications. A separate Competitive Program Announcement for NISMART II will be published in the **Federal Register** later in Fiscal Year 1993.

Multi-Jurisdictional, Interagency Model for Investigating and Prosecuting Cases of Child Sexual Exploitation

The Office for Victims of Crime (OVC) is implementing the Multi-Jurisdictional, Interagency Model for Investigating and Prosecuting Cases of Child Sexual Exploitation Program as stated in the Final Comprehensive Plan for Fiscal Year 1993. This is a joint program between OJJDP and OVC. The purpose of this project is to develop a multi-jurisdictional task force model to combat child pornography and juvenile prostitution. The task force will implement centrally coordinated and managed investigations involving Federal, State, and local investigative agencies. OVC is currently requiring applications to be received prior to their March 23, 1993, deadline.

Announcements for OJJDP's Title II and Title IV competitive assistance programs are provided below.

FISCAL YEAR 1993 COMPETITIVE PROGRAM LISTING

Title II Programs:	
Serious, Violent, and Chronic Offender Program Development	$300,000
Accountability-Based Community (ABC) Intervention Program	300,000
Law-Related Education in Juvenile Justice Settings	440,000
Innovative Approaches in Law-Related Education	200,000
Hate Crime Study	100,000
Prevention of Hate Crimes	50,000
Due Process Advocacy Program Development	100,000
Title IV Programs:	
Investigative Case Management for Missing Children Homicides	150,000
A Study of the Effectiveness of Private Investigators in Locating and Recovering Parentally Abducted Children	100,000
Issues in Resolving Cases of International Parental Abductions of Children	200,000
Criminal Justice Response to Parental Child Abduction Cases	450,000
Missing Children's Field-Initiated Program	300,000

Serious, Violent, and Chronic Offender Program Development

Purpose

To develop a comprehensive program model design that can be implemented in State and local jurisdictions to address the problem of Serious, Violent, and Chronic Juvenile Offenders (SVCJOs).

Background

The violent crime rate among juveniles has increased sharply in the past few years. Juveniles account for an increasing share of all violent crimes in the United States. A small portion of juvenile offenders account for the bulk of all serious and violent juvenile crime. At the same time, the number of juveniles taken into custody has increased, as has the number of juveniles waived or transferred to the criminal justice system. Admissions to juvenile facilities reached an all-time high in 1990 (Howell, 1992).

The juvenile justice system does not have adequate programmatic resources to identify SVCJOs and to intervene effectively with them. Targeting this group of juvenile offenders will require a comprehensively systematic approach that includes family strengthening and support, community involvement, and delinquency prevention focused on at-risk juveniles. Rehabilitative approaches for delinquent juveniles must use a system of graduated sanctions that combine accountability for delinquent behavior with intensive treatment services.

Research has documented primary causes of juvenile delinquency: (1) Individual characteristics, (2) family influences, (3) school experiences, (4) peer group influences, and (5) neighborhood and community characteristics (Weis and Hawkins, 1981). Effective delinquency prevention efforts must be comprehensive, cover all five factors, and correspond to the social development process (Hawkins and Catalano, 1992). Other research has shown that more structured treatments that use behavioral techniques and teaching skills result in the largest delinquency reductions (Lipsey, 1992). In addition, there is growing evidence that small, secure facilities are more effective than training schools, cost less, and are a more humane approach to controlling and rehabilitating the SVCJO (Krisberg, 1992).

OJJDP has made it a priority to identify and provide effective programmatic responses to juveniles at risk of delinquency. OJJDP has considered a variety of approaches to prevent the development of and intervene with SVCJOs. The OJJDP-funded study, "Program of Research on the Causes and Correlates of Delinquency," (Huizinga, Loeber, and Thornberry, 1992) has identified developmental pathways to delinquency. This information, coupled with risk and needs assessments, will provide the juvenile justice system with valuable, but currently missing data on juveniles who are moving toward serious, violent, or chronic offending.

OJJDP has also developed several effective approaches to this target group. In the early 1980's, OJJDP's Violent Juvenile Offender Program developed and tested a comprehensive approach to violent juvenile crime that emphasized treatment and reintegration of violent offenders (Fagan, 1990). The Intensive Supervision Program (ISP) is a program model that is being implemented in several sites as an alternative to incarceration for serious juvenile offenders (Krisberg, et al., 1989, 1990). OJJDP has also developed the Intensive Aftercare Program (IAP) for high-risk juvenile parolees (Altschuler and Armstrong, 1992).

These programs were instrumental in developing the framework for OJJDP's "Comprehensive System Approach to Serious, Violent and Chronic Offenders" (Wilson, 1992). While the framework has been established for a comprehensive program model design, many specific aspects need to be assessed and refined.

The project will research and examine other relevant data and studies, program development efforts, and existing effective programs. Two major components provide the framework for this project: (1) Family strengthening and support, community involvement, and delinquency prevention; and (2) graduated sanctions for delinquent offenders. The first component will be designed to address: (1) Individual characteristics; (2) family influences; (3) school experiences; (4) peer group influences; and (5) neighborhood and community characteristics.

The graduated sanctions component will integrate sanctions with treatment programs. Each major graduated sanction will consist of sub-levels, or gradations, that take the characteristics and influences of the first component into account, while providing a continuum of care through a network of community services. At each level in the continuum, the family will be involved in treatment and rehabilitation efforts. Programs will need to use risk and needs assessment instruments that incorporate such factors as age, severity of offense, and offender history. Aftercare will be included for all residential placements, and actively involve the family and the community in supporting the juvenile and reintegrating him/her into the family and community.

A system of graduated sanctions requires a broad continuum of options. The types of programs to be identified include: (1) Immediate interventions for first-time non-serious offenders and non-serious repeat offenders; (2) intermediate sanctions for first-time serious and violent offenders and reoffenders; and (3) secure confinement for those who are likely to be amenable to treatment, but require a secure setting, including juveniles who constitute an ongoing threat to community safety.

Goal

To develop a comprehensive program model design that addresses the problem of SVCJOs by supporting family-strengthening community involvement and prevention programs for juveniles identified at risk of becoming serious, violent, and chronic juvenile offenders and by offering the option of graduated sanctions for juveniles who have committed delinquent acts.

Objectives

- To provide a review of the literature for inclusion in the comprehensive program model design on effective, promising, and/or innovative prevention and intervention programs for SVCJOs and those at risk of becoming SVCJOs;
- To provide a compendium of programs based on the literature review;
- To review and modify risk and needs assessment instruments appropriate for each level of intervention; and
- To develop a comprehensive program model design for SVCJOs and those at risk of becoming SVCJOs based on what works and is consistent with underlying theoretical constructs.

Program Strategy

The grantee will thoroughly review the literature and synthesize from it the most effective, promising, and/or innovative prevention and intervention programs and strategies for SVCJOs and those juveniles at risk of becoming SVCJOs. The following programs will be included in the comprehensive program design: (1) Support and assistance to families and core community institutions; (2) delinquency prevention programs and services for at-risk juveniles; (3) immediate interventions; (4) intermediate sanctions; (5) community-based correctional facilities; (6) and training schools and other correctional institutions. The grantee will review ongoing OJJDP and other Federal agency projects related to these areas.

A compendium of programs will be developed from the literature review on prevention and intervention programs that have been demonstrably effective at each stage of prevention and

intervention for SVCJOs and those at risk of becoming SVCJOs. Within the compendium, the program summaries will describe the programs' clientele, the program components the theoretical models on which they are based, and the type of evaluation done, etc. The grantee will further analyze these programs to determine the common components that are critical for success. In addition, this compendium will identify promising and/or innovative programs that need more research and evaluation to determine their effectiveness.

The grantee will review risk and needs assessment instruments for different intervention levels and assess their applicability to prevention programs. These instruments will need to be developmentally targeted and culturally sensitive.

From the above analysis of effective, promising, and/or innovative programs, the grantee will develop a comprehensive program design that covers all the prevention and intervention strategies and underlying theory of social development and that can be implemented in any local jurisdiction. For each of the prevention and intervention strategies, the design will include a target group, descriptive program elements, components that are key to effectiveness, and examples of existing programs on which the models were based. Also, the design should include strategies to obtain input from juveniles and families who have been or will be affected by these programs.

The grantee will establish and convene an advisory board for this project. This board should consist of juvenile court judges, juvenile justice practitioners, social service practitioners, researchers, officials from relevant State agencies, representing relevant foundations and other funding sources, and others who can contribute to the overall quality of the project. The board will (1) review the overall project design; (2) further define the types of prevention and intervention strategies to be studied; (3) help identify effective, promising, and/or innovative programs at each level of prevention and intervention; and (4) review drafts of the grantee's various products.

Products

- A comprehensive review of the literature that synthesizes the effective (evaluated), promising, and/or innovative programs for each stage of prevention and intervention for SVCJOs and those at risk of becoming SVCJOs.
- A compendium of programs, based on the above literature review, that documents programs demonstrated to be effective at each stage of prevention and intervention, including their clientele, the program's components, theoretical models on which they are based, and the type of evaluation done. In addition, this compendium will identify promising and innovative programs and strategies that need more research and evaluation to determine their effectiveness.
- The risk and needs assessment instruments for each juvenile justice system decision, e.g., court intake, adjudication, etc. Also, an accompanying narrative should discuss the most appropriate individual(s) to make the intervention assessment, e.g., parent, teacher, counselor, judge, parole officer, police, social worker, etc.
- A comprehensive program model design for each of the prevention and intervention strategies for SVCJOs and those at-risk of becoming SVCJOs that contains key components from effective, promising and/or innovative programs. The design should also include strategies to obtain input into the development of such programs from youths and families who will be affected by these programs.
- A comprehensive final report will include all of the above items. A separate executive summary should also be provided.

References

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- Howell, James C., "Program Implications of Research on Chronic Juvenile Delinquency," paper presented at the annual meeting of the American Society of Criminology, New Orleans, November 6, 1992.
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- Krisberg, Barry, et al., "Demonstration of Post-Adjudication Non-Residential Intensive Supervision Program Assessment Report," OJJDP Grant 87–JS–CX–K101, November 1989.
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- Lipsey, Mark W., "Juvenile Delinquency Treatment: A Meta-Analytic Inquiry Into the Variability of Effects," T.D. Cook, et al. (eds.), Meta-Analysis for Explanation: A Case Book (New York: Russell Sage Foundation, 1992).*
- Weis, Joseph G. and David J. Hawkins, "Preventing Delinquency," Washington DC, OJJDP, Washington DC, 1981.
- Wilson, John J., "OJJDP's Comprehensive System Approach for Serious, Violent and Chronic Juvenile Offenders," paper presented at the annual meeting of the American Society of Criminology, New Orleans, November 6, 1992.

Eligibility Requirements

This work will build upon existing research, evaluation, and program development efforts in both prevention and intervention strategies with at-risk youths and SVCJOs. OJJDP invites applications from public or private nonprofit agencies or institutions that have had prior research and program development experience with these types of strategies for at-risk youths and serious, violent and chronic offenders. In addition, eligible applicants must meet the requirements stipulated in the **SUPPLEMENTARY INFORMATION** section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the **SUPPLEMENTARY INFORMATION** section of this Notice.

Award Period

The project period will be 12 months.

Award Amount

Up to $300,000 has been allocated for this project.

Due Date

Applications must be received by mail or delivered to OJJDP by June 21, 1993.

Contact

For further information contact Jonathan Budd, Research and Program Development Division, (202) 307–5929.

* References will be available through the Juvenile Justice Clearinghouse, (800) 638–8736.

Accountability-Based Community (ABC) Intervention Program

Purpose

To develop a plan for a systemwide strategy of intervention, treatment, and rehabilitation for juvenile offenders that combines accountability and sanctions with increasingly intensive community-based intervention, treatment, and rehabilitation services as the juvenile's level of offending increases.

Background

This program implements section 261(a)(1) of the JJDP Act of 1974, as amended, 42 U.S.C. 5665(a)(1).

An effective juvenile justice system strategy for turning delinquent juveniles around combines accountability and sanctions with increasingly intensive intervention, treatment, and rehabilitation services. These sanctions, emphasizing discipline and responsibility, must include a spectrum of intervention from community-based day treatment to secure corrections components.

An effective system for supervising juvenile offenders incorporates the following:

- Community protection and public safety;
- Recognition of victims' rights;
- Accountability;
- Competency development;
- Individualized intervention, treatment, and rehabilitation plans;
- Integral involvement of the family in intervention, treatment, and rehabilitation efforts;
- Incorporation of private, nonprofit community-based organization resources, including the community's social institutions, as essential strategy elements;
- Use of risk and needs assessments that combine such factors as age, severity of offense, and offender history to determine the appropriate sanction for each offender, the potential risk for reoffending, and the requirements of a comprehensive intervention and treatment strategy; and
- A broad continuum of options, integrating community-based resources with sanctions.

A system of sanctions would require a design that incorporates the following:

- A day treatment or other correctional service program(s);
- A residential placement program(s);
- A residential assignment program(s) that provides a small, secure community-based treatment facility;
- An aftercare program(s); and
- An implementation plan that integrates public resources with a core of private, nonprofit community-based organizations into the entire spectrum of intervention, treatment, and rehabilitation services for juvenile offenders.

OJJDP proposes to provide funding for strategy planning to a maximum of three selected jurisdictions that are developing and/or strengthening a comprehensive, integrated juvenile justice system strategy that combines accountability and sanctions with a full spectrum of intensive community-based, public, and private services.

Goal

To plan an effective juvenile justice system strategy for intervention, treatment, and rehabilitation of delinquent juveniles that combines accountability and sanctions with increasingly intensive community-based, public and private intervention, treatment, and rehabilitation services.

Objectives

- To assess the existing continuum of intervention, treatment, and rehabilitation services in the applicant's jurisdiction;
- To define the juvenile offender population;
- To develop a program strategy and implementation plan;
- To develop an evaluation design and implementation plan;
- To integrate private nonprofit community-based organizations into the intervention, treatment, and rehabilitation services for juvenile offenders;
- To develop an aftercare program that is a formal component of all residential placements;
- To develop a resource plan to enlist the financial and/or technical support of other Federal, State, and local agencies, private foundations, or other funding sources; and
- To develop a victim assistance component and integrate it with local victim assistance organizations.

Program Strategy

This solicitation invites applications from jurisdictions that are developing and/or strengthening a comprehensive juvenile justice system strategy that combines accountability and sanctions with a wide spectrum of intensive community-based, public, and private services.

OJJDP recommends that the plan reflect a two-year time frame for implementing the strategy.

Applicants are asked to develop comprehensive strategies that feature public and private collaboration and reflect recent research on the effectiveness of juvenile corrections programs. Applicants must provide concrete evidence that they are developing and/or strengthening a juvenile justice system strategy that incorporates the strategies described in this solicitation.

Each successful applicant will be required to include the following tasks in their plan:

- Assessment of the applicant's existing continuum of intervention, treatment, and rehabilitation services. The applicant will be required to complete a draft and final assessment report that:

(1) Describes the juvenile offender population;

(2) Describes gaps, weaknesses, or needs in the existing jurisdiction's program;

(3) Recommends developing and implementing program components and services that will expand the capability of the existing program; and

(4) Recommends an evaluation design.

- Identification of the population of juvenile offenders who require intervention, treatment, and rehabilitation. The applicant will be required to:

(1) Present the risk and needs assessment tool(s) utilized; and

(2) Present a plan specifying how the assessments have been or will be conducted.

- Development of a program strategy. The applicant will be required to:

(1) Produce a report that identifies training and technical assistance needs for developing and implementing the program. The report must include an estimate of training costs.

(2) Produce a final program design that:

—Identifies the target population;
—Describes the process and risk assessment to be used to assign juvenile offenders to the appropriate service(s);
—Identifies and assesses existing services that enable the juvenile justice system to identify gaps in services and develop a process for incorporating services where needed;
—Describes the process for developing public and private partnerships that will garner resources from private nonprofit community-based organizations and integrate them into the process;
—Incorporates a plan for involving families in the continuum of services;
—Incorporates a plan for implementing an after-care program as a formal component of all residential placements;
—Incorporate a plan that ensures that victim impact statements are prepared

and presented at each stage when sanctions are determined;
—Incorporates a plan for notifying victims of all important decisions or changes in the status of cases;
—Describes specific sanctions and services for enhancing offender accountability, such as restitution, education about the impact of crime; and
—Incorporates a plan for evaluating the program.

(3) Produce a draft and final program operation manual.

(4) Produce a draft and final plan for implementing the program and supporting the evaluation.

Applicants must be specific about the tasks they can accomplish within 12 months with a $100,000 budget. The applicant must list and explain activities and products completed in the first year and provide an overview of the tasks to be accomplished and the products to be developed for years two and three.

Eligibility Requirements

Applications are invited from public agencies (such as local courts, probation, parole, or corrections) currently involved in planning a community-based juvenile justice system strategy of intervention, treatment, and rehabilitation for juvenile offenders. Applicant organizations may submit joint proposals with another eligible organization as long as one organization is designated as the primary applicant.

The applicant must be involved in a juvenile justice system that is located in and serves: (1) A Metropolitan Statistical Area (MSA) of 350,000 to 500,000 population; (2) counties of 350,000 to 500,000; or (3) states certifying a county or MSA with a population of 350,000 to 500,000. The jurisdiction must have documented risk factors.

The applicant must have a data collection system capable of accommodating components of the initiative and document a functioning coordination infrastructure (such as a task force) that incorporates public and private sector involvement for the project. In addition, eligible applicants must meet the requirements stipulated in the **SUPPLEMENTARY INFORMATION** section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the Supplementary Information section of this Notice.

Award Period

The budget period will be 12 months.

Award Amount

Up to $300,000 has been allocated for this program; a maximum of $100,000 each for up to three urban communities with subsequent funding to be determined by OJJDP based on the availability of funds and OJJDP's priorities.

Due Date

Applications must be received by mail or delivered to OJJDP by June 21, 1993.

Contact

For further information contact Douglas C. Dodge, Special Emphasis Division, (202) 307–5914.

Law-Related Education in Juvenile Justice Settings

Purpose

To promote the use of law-related education in juvenile justice settings.

Background

Law-related education (LRE), as a specific curricula for elementary and secondary schools, has been found in schools throughout the country since 1975. OJJDP funded LRE since 1984 in response to congressional "earmarks." LRE teaches students about the foundations of our democracy and their responsibilities and rights as citizens. Through LRE, students develop social responsibility, an understanding of the fundamental values of right and wrong, and a commitment to good citizenship. LRE has helped students develop the knowledge, skills, and attitudes necessary to function effectively in our pluralistic, democratic society based upon the rule of law.

LRE is particularly successful as a teaching tool when non-traditional, interactive approaches to learning are used. It encourages students to deal with issues for which there may be no right or wrong answers through discussion, exploration, reflection, role playing or participation in mock trials or courts. Additionally, resource persons from the community are invited into the classroom to share their experiences in the law and to demonstrate how issues can be resolved. These individuals serve as positive role models for students.

In 1990, OJJDP began experimenting with LRE for at-risk youths in a variety of juvenile justice settings through the consortium of grantees implementing the national LRE program in schools. LRE was used in diversion, detention, community-based correctional programs, training schools, and group homes. Interim assessments of this effort suggest positive effects on youths.

Timothy Buzzell, Ph.D., of the Center for Law-Related Education at Drake University, has reported on the findings of his 1991 study of LRE at the Iowa State Training School at El Dora, a secure facility for males between 12 and 18 years of age who have been adjudicated as delinquent. The study examined the effect LRE had on residents of the facility after a period of time. The residents showed an increased attachment to staff, improved attitudes toward pro-social behavior, improved self-concept, improved attitudes towards the law, and greater tolerance of others.

Similarly, a 1991 report conducted by James Giese, Ph.D., of the Social Science Education Consortium of Boulder, Colorado, also found overwhelming evidence of positive contributions of LRE on youths subject to the jurisdiction of the juvenile court. Some of the strong indicators included fewer discipline problems; greater understanding of the rationale for laws; greater empathy; improved attitudes about the legal system; and the ability to see police officers, judges, court workers, and attorneys as "real people." In general, juvenile court judges, administrators, and staff of facilities and programs using LRE with this target population have been extremely supportive of the effort.

Goals: To increase the capability of the juvenile justice system to implement LRE programs for their clientele.

Objectives

- To make the juvenile justice community aware of LRE;
- To develop, adapt, and disseminate LRE curricula and lesson plans specifically designed for youths under the supervision of the juvenile court or juvenile correctional authorities;
- To develop and address "crime victim rights and the impact of crime on individual crime victims and the community;
- To establish one or more demonstration sites using LRE with the target population and to conduct an assessment of its use;
- To provide training and technical assistance to teachers and others in the juvenile justice system on LRE techniques and curricula; and
- To develop an implementation model that can be adapted to the future evaluation of the effect of LRE on targeted youths that is transferable to States or local sites.

Program Strategy

OJJDP is soliciting innovative proposals for this competitive program. It is OJJDP's intention to fund up to two projects that complement one another and that together address the objectives noted above. A mandated program strategy is therefore not stated. However, certain elements of the proposal's project design are necessary to meet the objectives of this solicitation. These mandatory elements are listed below:

- The inclusion of one or more traditional juvenile justice agencies which can be used as a demonstration site or to field-test curricula;
- The inclusion of teaching methods and practices that research has shown to be necessary to a successful LRE program;
- The development and/or inclusion of written curricula that take into account the various reading levels of youths held in juvenile correctional facilities;
- A written statement to cooperatively work with other successful LRE grantees in this program including the OJJDP grantees that comprise the National Training and Dissemination Program; and
- An agreement to work with other successful grantees to design and conduct a conference for interested juvenile justice agencies on the results of this effort near the end of the first project period.

Products

Depending upon which objectives the grantee pursues, written products will include the following:

- LRE curricula developed for or adapted from other curricula and focused on clients of the juvenile justice system;
- Assessment reports of demonstration sites;
- Training, technical assistance, and marketing materials developed during the course of the project period and used for the LRE Conference;
- A detailed description of an implementation model of LRE for juvenile justice settings that can be adapted to formally evaluate LRE with these targeted youths; and
- Quarterly progress reports regarding project activities.

Reference

A manual, Law-Related Education for Juvenile Justice Settings, funded by OJJDP and developed under the National Training and Dissemination Program for Law-Related Education, is available to applicants upon request.

Eligibility Requirements

Applications are invited from public agencies and private organizations that can demonstrate experience in juvenile justice and law-related education and the capability to undertake activities related to at least three of the above objectives. Private-for-profit organizations must agree to waive any profit or fees to be eligible. Pursuant to section 299(e) of the Juvenile Justice and Delinquency Prevention Act Amendments of 1992, the five grantees currently awarded OJJDP funds for LRE are ineligible for these funds.

Selection Criteria

Applications will be rated by a peer review panel on the extent to which they meet the following criteria:

1. The Problem to Be Addressed. (15 Points)

The application clearly identifies the nature and scope of the intervention proposed in this announcement, including skill levels of the target population and the characteristics commonly associated with effective LRE programs.

2. Goals and Objectives. (15 Points)

The applicant provides succinct statements demonstrating an understanding of the objectives and tasks associated with the program. Applicants must address, in detail, a minimum of three of the objectives noted above.

3. Project Design. (25 Points)

The project design is sound and meets the goals and objectives of this program. The design includes a detailed workplan with timelines for each significant project goal.

4. Project Management. (10 Points)

The project's management structure and staffing is adequate to implement and complete the project successfully. The management plan describes a system to handle logistical activities efficiently and economically. Relationships with juvenile justice agencies are formally established in writing.

5. Organizational Capability. (20 Points)

The applicant organization's potential to conduct the project successfully is documented. Organization experience with youths in the juvenile justice system and LRE is highly recommended. Key project staff has significant experience in the subject areas addressed in this announcement.

6. Budget. (15 Points)

The proposed budget is reasonable, allowable, and cost-effective vis-à-vis the activities undertaken.

Award Period

The grantees selected for award will be funded for 12 months.

Award Amount

A total of $420,000 is available for an anticipated two projects to be selected from this solicitation. Individual applications should not exceed $210,000. Additional funding at the end of the award period is dependent upon performance of the grantee, availability of funds, and OJJDP priorities.

Due Date

Applications must be received by mail or delivered to OJJDP by July 6, 1993.

Contact

For further information contact Frank M. Porpotage II, Assistant Director, Training and Technical Assistance Division, (202) 307–5940.

Innovative Approaches in Law-Related Education

Purpose

To develop promising, innovative ideas for the delivery of law-related education.

Background

Law-related education (LRE) was originally designed as a specific curriculum for elementary and secondary schools and has been found throughout the country's schools in various forms since 1975. It has been funded by OJJDP since 1984 in response to congressional "earmarks." LRE teaches students about the foundations of our democracy and their responsibilities and rights as citizens. Through LRE, students develop insights which promote social responsibility, reaffirm the fundamental values of right and wrong, and inspire a commitment to good citizenship. LRE has helped students develop the knowledge, skills, understanding, and attitudes necessary to function effectively in our pluralistic, democratic society based upon the rule of law.

Although substantial federal assistance to LRE has been provided by OJJDP and the U.S. Department of Education, many imaginative and innovative approaches of researchers and practitioners are not always known to OJJDP. Through this program, OJJDP welcomes innovative proposals which address such approaches for efforts that specifically address delinquency prevention.

Goal

To support applications that will advance the practices of law-related

education and which support the prevention of delinquency within or outside the classroom.

Objectives

- To promote and support innovative research, development, demonstration or training programs in the field of law-related education;
- To encourage new methods of directing LRE into delinquency prevention either within or outside the traditional classroom setting; and
- To develop knowledge that will lead to new techniques, approaches, or methods to deliver LRE for purposes of preventing delinquency.

Program Strategy

OJJDP is soliciting concept papers addressing the goals and objectives of this competitive program. OJJDP will select the most promising concept papers submitted and invite full applications of ideas relevant to the delivery of LRE in support of delinquency prevention practices. It is OJJDP's intention to fund one or two projects. A mandated program strategy is not stated. However, certain elements of the proposal's project design are necessary to meet the objectives of this solicitation. These mandatory elements are listed below:

- The inclusion of teaching methods and practices that research has shown are necessary to a successful LRE program:

(1) Extensive interaction among students;

(2) Realistic content that includes balanced treatment of case studies and issues;

(3) Use of outside resource persons;

(4) Strong support from educators;

(5) The inclusion or development of curricula that take into account the comprehension levels of the youths involved, including a range of innovative teaching aids; for example, the curriculum may be presented entirely in video format or may use computer technology; and

- A written statement that the grantee will work cooperatively with other LRE grantees in this program including the OJJDP grantees that comprise the National Training and Dissemination Program.

Products

Grantees will be required to submit written products of their activity to OJJDP. Depending upon the project activity, these products could include:

- LRE curricula developed under this project;
- Research findings or assessment reports of demonstrations;
- Training, technical assistance, and marketing materials developed during the course of the project; and
- Quarterly progress reports regarding project activities.

Concept Papers

Interested, eligible parties in this solicitation should submit a concept paper of no more than five double-spaced, type-written pages. The concept paper must address the goals and objectives of this program. OJJDP will select the most promising ideas submitted and invite full applications. Concept papers will be judged by the relevancy of the proposed approach to delinquency prevention practices; a determination of its uniqueness, i.e., an approach differing from those used by current or planned OJJDP projects; and the proposed project design. Those parties not selected will be notified in writing.

Eligibility Requirements

Concept papers are invited from public and private nonprofit agencies, organizations, institutions, and individuals that can demonstrate experience in LRE and the capability to undertake activities related to this solicitation. Private for-profit organizations must waive their profit or fees to be eligible. Pursuant to section 299(e) of the JJDP Act, the five grantees currently awarded OJJDP funds for LRE are ineligible for these funds.

Selection Criteria for Applications

As noted above, OJJDP will invite full applications from the most promising concept papers submitted. Full applications will be rated by a peer review panel on the extent to which they meet the following criteria:

1. Conceptualization of the problem. (15 Points)

The problem addressed by the project is clearly stated and is based upon issues that are relevant to current LRE practices and OJJDP priorities in delinquency prevention.

2. Goals and Objectives. (15 Points)

The applicant provides succinct statements that demonstrate an understanding of the objectives and tasks associated with the project. Objectives are clear and measurable.

3. Project Design. (25 Points)

The project design is sound and constitutes an effective approach to meet the goals and objectives of this program. The design includes a detailed workplan with timelines for each significant goal. The design contains program elements directly linked to the achievement of the project.

4. Project Management. (10 Points)

The project's management structure and staffing is adequate to successfully implement and complete the project. The management plan describes a system whereby logistical activities are handled efficiently and economically. Relationships with cooperating organizations are formally established in writing.

5. Organizational Capability. (20 Points)

The applicant organization's potential to conduct the project successfully is documented. Organizational experience with LRE is highly recommended. Key project staff has significant experience in the subject areas in their proposal.

6. Budget. (15 Points)

The proposed budget is reasonable, allowable, and cost-effective vis-a-vis the activities undertaken.

Award Period

The grantees selected for award will be funded for 12 months.

Award Amount

A total of $200,000 is available for an anticipated two projects selected from this solicitation. Individual applications should not exceed $100,000. Additional funding at the end of the award period is dependent upon performance of the grantee, availability of funds, and OJJDP priorities.

Due Date

Concept papers must be received by mail or delivered to OJJDP by June 7, 1993. OJJDP will review these concept papers and invite selected applicants to submit full applications for competition. OJJDP will notify applicants within fifteen (15) days after the concept paper submission closing date in the **Federal Register**. Full applications must be received by mail or delivered to OJJDP by July 20, 1993.

Contact

For further information contact Frank M. Porpotage II, Assistant Director, Training and Technical Assistance Division, (202) 307–5940.

Hate Crime Study

Purpose

To further knowledge of juvenile hate crimes, including the characteristics of juveniles who commit hate crimes, the characteristics of hate crimes committed by juveniles, and the characteristics of the victims of juvenile hate crimes.

Background

In the United States of America all people, regardless of their race, religion, gender, ethnicity or sexual preference, share equal rights and equal protection

of the law. The number of hate crimes—defined as offenses committed against a person or people because of their ethnicity, gender, race, religion, or sexual orientation with the intention of demeaning, degrading, terrorizing, hurting, or even killing the individual(s)—appear to have increased over the past several years.

The Civil Rights Act of 1964 created the Community Relations Service (CRS) agency within the Department of Justice. CRS provides "assistance to communities and persons therein resolving disputes, disagreements, or difficulties related to discriminatory practices based on race, color, or national origin." From 1989 to 1990, CRS reported that the number of interracial conflict alerts rose from 400 to 546, an increase of 37 percent, while community disorder alerts increased by 17 percent.

Other sources indicate an increase in hate crimes. The National Institute Against Prejudice and Violence in Baltimore, Maryland, reported that ethno-violence on college and university campuses increased each year from 1987 to 1989. In 1987, 42 campuses reported incidents of ethno-violence. That number went up dramatically in 1989 to 103, and to 113 in 1989. The National Gay and Lesbian Task Force Policy Institute has also reported an increase in anti-gay incidents between 1990 to 1992. In Chicago, reports were up six percent; in San Francisco, 11 percent; in New York, 17 percent; in Boston, 42 percent; and in Minneapolis-St. Paul, 202 percent.

In response to growing concern over hate crimes, Congress enacted the Hate Crime Statistics Act, Public Law 101–275, 104 Stat. 140 (28 U.S.C. 534), in 1990. Through this Act, the Department of Justice was directed to "establish guidelines for the collection of such data" relating to hate crimes. In 1991 the Federal Bureau of Investigation began collecting hate crime arrest data as part of the Uniform Crime Reports. This 1991 data reported a total of 4,558 hate crime incidents that involved 4,755 offenses. Of the incidents reported, intimidation accounted for one of three offenses reported. Twelve murders were attributed to hate motivation.

Congress required OJJDP in the 1992 Amendments to the JJDP Act, section 248(b)(7), to conduct a Hate Crime Study and submit a report of the results to the Chairman of the House Committee on Education and Labor and the Chairman of the Senate Committee on the Judiciary concerning the involvement of children and youths in hate crimes.

Goal

The long-term goal of this project is to better understand hate crimes in order to develop education aimed at preventing or reducing these offenses. The immediate goals of this research are (1) to assess information currently available regarding juveniles who commit hate crimes, the nature of the crimes they commit, and the nature of their victims; and (2) to assist OJJDP in developing a research strategy to collect efficiently information required by the JJDP Act that is not currently available.

Objectives

Some of the information required by the 1992 Amendments to the JJDP Act is not currently available. From the information that is available, a detailed report will be prepared which will address the characteristics of juveniles who commit hate crimes, the characteristics of hate crimes committed by juveniles, and the characteristics of the victims of hate crimes committed by juveniles.

To produce the remainder of the required information, OJJDP has established the following objectives:

- To identify and analyze the existing Federal, State and independent data sets and research projects that provide information regarding juveniles involved in hate crimes.
- To develop a research design, including the design of a survey instrument(s), to collect the data respond required by Congress.
- To make recommendations to OJJDP on how best to implement the developed research design and data collection strategy.

Program Strategy

OJJDP will select an organization to conduct an assessment of the current knowledge of the criminal justice and juvenile justice fields concerning hate crimes involving juveniles. The grantee must accomplish four major tasks to complete this project:

- TASK I—Definition. Completion of this task will require the development of a working definition of hate crimes and related incidents. This definition should reflect the legislative definitions being developed as well as previous research definitions. These definitions will be known as "operational definitions" for this project. The definition should clarify differences between criminal acts motivated by hate and noncriminal incidents that are intimidating or threatening. The definitions developed should be suitable for designing the following data collection strategies. For other variables regarding perpetrators and victims, standard or common definitions can be used or modified.
- TASK II—Review of the Literature. This will include a review of the current literature available on hate crimes and related incidents. The project should also include a review of all pertinent data and statistics. Sources covered should, at a minimum, include all State and Federal data sources. In addition to these data sources, private organization's databases should be reviewed and critiqued. In analyzing the literature, data, and statistics gathered, the selected organization should answer as many of the following questions concerning juveniles' involvement with hate crimes as possible:

(1) What are the characteristics of juveniles who commit hate crimes? This should include a profile of such juveniles based on their motives for committing hate crimes.

(2) What is the age, sex, race, ethnicity, education level, locality, and family income of such juveniles?

(3) Are juveniles who commit hate crimes familiar with organized groups, or their publications, that encourage the commission of hate crimes, i.e., the Knights of the Klu Klux Klan, Skinheads, etc.?

(4) What are the characteristics of the hate crimes committed by juveniles? Responses to this question should include the following:

(a) The types of hate crimes committed. Are the crimes typically property crimes (vandalism, destruction of property, theft, arson), nonviolent crimes (harassment, telephone misuse, cross burnings), or violent crimes (robbery, assault, murder, or rape)?

(b) The frequency with which institutions and natural persons, separately determined, are the targets of hate crimes;

(c) The number of persons who participated with juveniles in committing such crimes, including both adults and other juveniles;

(d) The types of law enforcement investigations conducted with respect to hate crimes that were committed by or against juveniles;

(e) The law enforcement proceedings commenced against juveniles for committing hate crimes; and

(f) The penalties imposed on juveniles as a result of these proceedings;

(g) What are the characteristics of the victims of hate crimes committed by juveniles? This should include, but not be limited to, common characteristics such as age, sex, race, ethnicity, locality of the victims, and their familiarity with the offender.

(h) What, if any, was the underlying motivation behind the attack? Was the

attack planned or spontaneous? Was it a spur-of-the-moment crime done for "thrills"? Gang-related activities should also be included.

(i) To what extent are hate crimes gang-related?

• TASK III—Research Design and Data Collection Strategy. After completing the review of the literature, the grantee should prepare a report on the state of hate crime research. The report should review the current state of data collection projects and the overall quality of the data collected through these efforts. Additionally, the current research should be assessed to determine its goals and objectives and whether it addresses the above questions. A thorough assessment should include a critique of existing or recently completed projects. The methodology and research design of the projects should be reviewed, identifying strengths and weaknesses.

• TASK IV—Research Design and Data Collection Strategy for other Issues. The grantee should make recommendations on how to best obtain the statutorily-required answers to the questions not addressed in current research or in the data and statistics previously gathered. These recommendations should include a research design and data collection strategy. The project's research design and strategy must be developed to address the remaining issues noted above. The design effort must develop an approach that efficiently utilizes existing data collection systems and the strengths and weaknesses of previous projects. Recommendations must address the potential use of the Federal Bureau of Investigation's Hate Crime Statistics and National Incidence Based Reporting System (NIBRS). These data collection systems presently exist without juvenile-specific data on hate crimes. The research design and strategy should use the operational definitions of hate crimes.

The grantee should assemble an advisory board with experts in survey methodology, juvenile justice information systems, hate crime data collection and statistics. These experts should have knowledge regarding database users and suppliers. The advisory board should be integrally involved in each of the project's tasks.

Products

The project will produce two reports:

• An interim report which includes preliminary findings and a literature review. This interim report will provide the findings of the database and data source assessments. The operational definitions developed for the project should be included here as well.

• A final report should be prepared after the completion of the project. This report will incorporate the first and provide the basis for OJJDP's required report to Congress. This report should address the goals and objectives of the project, and the Congressional issues presented in the background section of this solicitation. A detailed response should be given for each objective and question. Furthermore, the results of TASK III (The Research Design and Data Collection Strategy) should be provided in complete detail. The final report should be accompanied by a separate executive summary.

Eligibility Requirements

Applications are invited from public and private nonprofit agencies, organizations, educational institutions, or combinations thereof. In order to expand the pool of eligible candidates, applications will be accepted from for-profit organizations, provided they agree to waive any profit or fee and accept only allowable costs. Applicants must demonstrate knowledge of the civil, criminal, and juvenile justice issues relating to hate crimes and related incidents, as well as knowledge and experience in research methods, design, data collection, and implementation of this type of project. In addition, eligible applicants must meet the requirements stipulated in the Supplementary Information section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the Supplementary Information section of this Notice.

Award Period

The budget period will be 12 months.

Award Amount

Up to $100,000 has been allocated for this award. One grant will be awarded competitively with a budget period of twelve (12) months for the completion of this project.

Due Date

Applications must be received by mail or delivered to OJJDP by June 21, 1993.

Contact

Jeffrey Slowikowski, Research and Program Development Division, (202) 307–0586.

Hate Crime Prevention: A Juvenile Justice Approach

Purpose

To support programs and efforts to prevent and reduce the incidence of hate crimes by juveniles.

Background

According to a 1992 report by the National Institute Against Prejudice and Violence (NIAPV), attacks against people because of their religion, sexual orientation, race, or ethnicity leave deep fractures in the fragile surface of our social structure. Violence and intimidation debilitates the lives of its victims and disrupts the stability of communities. Physical assaults and murder are the most brutal of crimes which include vandalism, arson, verbal harassment, and other aggressive acts.

Alarmingly, studies find the spread of ethno-violence or hate crimes is epidemic. In 1992, it was estimated that over one million college students suffered hate crime attacks. NIAPV estimates that at least ten percent of the U.S. population, or more than 25 million people, are annually victimized by some form of ethno-violence.

A 1987 report by the National Criminal Justice Association also reported that the number of crimes committed each year is unknown because many incidents go unreported, and many others are misclassified. What is obvious, however, is that at least half the people arrested for hate crimes are juveniles or young adults between the ages of 16 and 25. For example, arrest records indicate that 70 percent of hate crimes in New York City during a seven-year period have been charged to youths under 20 years of age.

Verbal intimidation, assault, and vandalism are the most commonly reported forms of hate violence. The data indicate that victims of reported offenses most often are blacks, Hispanics, Southeast Asians, gays and lesbians, and Jews.

A study by NIAPV reported that youth problems are often magnified by the fact that we live in a violent society. Violence as a response to stress, fear, insult, or even the need for recreation seems to become more acceptable with each generation. Educators, social services, and correction workers agree that there is a need to provide education and basic conflict mediation skills for youths as a way of prevention and treatment for offenders. Surveys suggest that criminal justice agencies have not recognized the seriousness of hate crimes among juveniles. Some say that these incidents are seen as juvenile pranks, harmless vandalism, or private

matters between the involved parties. In some instances, criminal justice personnel ignore the hate component of an incident because they feel that a crime is a crime, regardless of motivation.

OJJDP recognizes the need to provide assistance in addressing the prevention and treatment of hate crimes committed by juveniles. This effort will seek to document current educational and treatment efforts and to make this information available to the field in the form of a curriculum that can be used by practitioners.

Goals

- To assist the field in the implementation of programs to prevent hate crimes; and
- To assist the field in the development of effective treatment sanctions as an alternative to incarceration for perpetrators of hate crimes.

Objectives

- To identify and assess existing training and educational curriculum materials;
- To develop a multipurpose curriculum that is appropriate for general educational, institutional, or other placement settings; and
- To develop sentencing options as alternatives to incarceration for perpetrators of juvenile hate crimes.

Program Strategy

OJJDP solicits proposals from applicants to assist in the development of an educational curriculum designed to prevent and offer guidance to youths who commit hate crimes. Applicants should be creative in their implementation approach. The project will cover a one-year budget period. However, the program could expand and develop into a demonstration initiative. OJJDP will base their decision to expand on the results of the "Hate Crime Study" funded under a separate OJJDP initiative. Up to $50,000 is available for this award.

Applicants are to develop their own strategy and budget for achieving the objectives identified in this initiative. The strategy and implementation plan must not exceed one year and must include at a minimum the following tasks:

- The successful applicant will perform a survey to identify and assess the educational programs and curriculum used in the field to educate youths about the events of bias related crimes;
- The successful applicant must prepare a detailed report on the survey and assessment with specific reference to program models which may offer dispositional alternatives for judges who adjudicate juveniles who commit hate crimes; and
- The successful applicant will produce a multipurpose curriculum that is appropriate for educational, institutional, or other placement settings.

OJJDP encourages applicants to identify any other tasks that they can perform which will improve the overall effort and that can be performed during the allowed timeframe with the available funds. The applicant must list and explain activities and the products that will be produced during this initiative.

Eligibility Requirements

Eligible applicants must meet the requirements stipulated in the Supplementary Information section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the Supplementary Information section of this Notice.

Products

- The report on the survey and assessment; and
- The multipurpose curriculum.

Eligibility Requirements

Eligible applicants must meet the requirements stipulated in the Supplementary Information section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the Supplementary Information section of this Notice.

Award Period

The program period for this cooperative agreement is one year.

Award Amount

A grant of up to $50,000 will be allocated to the successful applicant.

Due Date

All applications must be received by mail or delivered to OJJDP by June 21, 1993.

Contact

For further information contact Ms. Travis Cain, Program Manager, Special Emphasis Division, (202) 307–5914.

Due Process Advocacy Program Development

Purpose

To develop approaches for improving due process and the quality of representation for juvenile delinquents in the juvenile justice system.

Background

Section 261(a)(3) of the JJDP Act, as amended, states that the Administrator shall make grants for "establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles." For several years, OJJDP has supported a successful program to provide court-appointed special advocates for abused and neglected children. However, OJJDP has not funded a program designed to ensure due process and improve the quality of legal representation to alleged or adjudicated noncriminal or criminal-type offenders.

Although the Supreme Court's decisions of In Re Gault, 387 U.S. 1 (1967), and other cases, have established a series of due process rights guaranteed to juvenile offenders, including the right to counsel, these rights are not always made available. For example, studies show that in a majority of cases, juveniles are not represented by counsel at the adjudicatory hearing (Feld, 1988 and 1991). "Moreover, many juveniles who receive out-of-home placement and even secure confinement were adjudicated delinquent and sentenced without the assistance of counsel" (Feld, 1988). In sum, there are major problems with access to and availability of counsel, and even when juveniles are represented, substantial questions are raised about the quality of that representation.

While studies indicate that represented youths fare worse in the system when the ultimate outcome of a case is considered (Feld 1988), these studies do not examine in any detail the quality of the representation received or such factors as the qualifications of the lawyers or whether the lawyers are trained to represent these youths in the juvenile court.

OJJDP believes that strategies to increase access and availability of counsel, the development of effective training for juvenile advocacy, increased emphasis on juvenile law and advocacy courses in law schools, and other strategies will make a difference in the due process protections that juvenile offenders receive. These developments would positively affect the ultimate

dispositions for juvenile offenders that are involved in juvenile misbehavior or criminal activity.

This effort will establish a base for a multiyear program that will improve juvenile offenders' access to legal services and will improve the quality of those services at the preadjudication and adjudicatory points in juvenile justice system proceedings.

OJJDP, through this request for applications, seeks an organization or agency to cooperate with OJJDP to develop a strategy to meet the goals and objectives of this effort. OJJDP will make $100,000 available for the first year and at least that sum for each of two additional years. The task of the applicant(s) is to develop the most cost-effective and comprehensive plan to increase access to legal services and improve the quality of legal services for juvenile offenders. The applicant must detail how it would implement this program, what resources would be used, key staff responsible for the development, and the timeframes for accomplishing the key tasks.

Goals

- To increase juvenile offenders' access to legal services; and
- To improve the quality of preadjudicated, adjudicated, and dispositional advocacy for juvenile offenders.

Objectives

- To develop strategies for a program that can be made available to State and local bar associations and other relevant organizations so they can develop approaches to increase availability of defense counsel;
- To develop comprehensive training materials and a training program that can be delivered through State or local bar associations and other relevant organizations to train lawyers, judges, and others who may assist defense lawyers;
- To test this program in several States and make appropriate adjustments in the materials and training program;
- To develop a marketing or distribution process so that the program can be transferred to State and local bar associations and other relevant organizations; and
- To finalize the training materials and training program and distribute it to State and local bar associations and other relevant organizations.

Program Strategy

OJJDP expects that the program period will be up to three years with initial funding of $100,000 for the first year. Applicants must provide a comprehensive discussion of the first year's activities that are designed to achieve the goals and objectives of this program and then outline a plan for the succeeding year(s).

Applicants should address how they will develop strategies for increasing availability of defense counsel. Applicants must also discuss how they will creatively address enhancing the quality of representation for juveniles in States and localities.

Applicants must be specific about the tasks they can accomplish in the first year with the available funds. The applicant must list and explain the activities to be accomplished and products to be produced in the first year and provide an overview of the tasks to be accomplished and the products developed for the subsequent year(s).

Applicants must establish an advisory committee which will provide comments and recommendations regarding the strategies, activities, and products for this program.

Products

Applicants should describe what they believe are the most appropriate products to be developed under this initiative to achieve the goals and objectives. Applicants should describe the nature of the products and how they will be used to transfer knowledge to State and local levels and other relevant organizations.

References

- Feld, Barry, "In Re Gualt Revisited: A Cross State Comparison of the Right to Counsel in Juvenile Court," Crime and Delinquency, Vol. 34 No. 4, 1988, pp. 393–424.
- Feld, Barry, "Justice by Geography: Urban, Suburban, and Rural Variations in Juvenile Justice Administration," The Journal of Criminal Law and Criminology, Vol. 82, No. 1, Spring 1991, pp. 156–210.

Eligibility Requirements

Applications are invited from public and private non-profit organizations that can demonstrate knowledge of and experience with survey research, training and technical assistance and legal services for juvenile offenders in this country. Joint proposals by two applicants are welcome, provided one organization is designated as the primary applicant and the other as co-applicant. The primary applicant must serve as the fiscal agent for the grant. In addition, eligible applicants must meet the requirements stipulated in the Supplementary Information section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the Supplementary Information section of this Notice.

Award Period

The program period for the Due Process Advocacy Development program is three years. One cooperative agreement will be awarded with an initial 12-month budget period.

Award Amount

Up to $100,000 has been allocated for the initial award budget period. Support for the remaining two project budget periods will be determined by the performance of the grantee, the program development needs as determined by OJJDP, and the availability of funds.

Due Date

Applications must be received by mail or delivered to OJJDP by July 6, 1993.

Contact

For further information contact Douglas C. Dodge, Special Emphasis Division, (202) 307–1150.

Investigative Case Management for Missing Children Homicides

Purpose

The purpose of this project is to improve the investigative procedures in cases of homicides of abducted children.

Background

Approximately 150 murders of abducted, missing children are investigated in the U.S. each year. The investigative procedures for missing child homicides are unique because these children are special, vulnerable, and often targeted victims who have been abducted and killed by unusually dangerous and frequently repeated rapists or killers. The case of a missing child causes the community to put uncommon pressure on law enforcement for a quick, sure solution—especially if the missing incident has suspicious overtones, or the child's body is found. These circumstances, coupled with family and community pressure, can often lead to the use of hasty, unproductive investigative procedures that may hamper, delay, and possibly prevent a successful investigation to find the child or to apprehend the abductor or killer.

Over the past two years the National Center for Missing and Exploited Children (NCMEC), Case Management and Information Analysis Unit, has

received more than 200 child homicide case summaries from local law enforcement agencies on investigations in which missing children have been murdered and a subsequent arrest and conviction has resulted. These 200 cases span ten years, and in most of these cases, NCMEC assisted local authorities and parents to locate the missing child. Local law enforcement authorities have also offered NCMEC information on the investigative techniques of other cases that have not been analyzed. It is anticipated that these two groups of cases will be the ones that are initially analyzed in this effort. There is a recognized need in the field for a tested instructional guide for the investigation of missing children homicides.

The product of this investigative analysis of missing child homicides will be a useful additional tool to the NCMEC's "Investigator's Guide to Missing Child Cases."

Goal

To improve investigative procedures in the murders of abducted children to manage, conduct, and solve individual and serial child murder investigations more effectively and quickly and thereby increase the probability of apprehending the abductor and/or murderer.

Objectives

- To identify and assess the organization of investigative resources, the gathering and examination of evidence, and the use of helpful forensic techniques that will aid the productive investigative procedures of local law enforcement officials;
- To develop an investigative process to determine if two or more children were murdered by the same person(s) in order to enhance the coordination of murder investigations among law enforcement agencies;
- To create a resource management guide for missing child homicide investigations;
- To assist the OJJDP training activities through the National Law Enforcement Training Program (NCMEC) and the Missing and Exploited Children Comprehensive Action Program (M/CAP) to implement a training and technical assistance program for missing child homicide investigations for State and local law enforcement; and
- To develop a national volunteer technical assistance program for local investigations through the NCMEC's Project ALERT (America's Law Enforcement Retiree Team). This program will provide the on-site technical assistance of volunteer veterans to local jurisdictions in child murder investigations. Project ALERT is comprised of a retired veteran law enforcement investigators. NCMEC provides specialized training, travel, and subsistence allowances for these investigators, where their assistance has been requested, to furnish on-site investigative technical assistance in missing children cases, especially where foul play and a homicide may be involved.

Program Strategy

The applicant's initial work task priority over the three-year project period will be to seek out and work with law enforcement and criminal justice organizations throughout the United States to secure their cooperation and investigative case file information on successful abducted and missing child murder investigations.

(1) The first year's activity will be to gather the relevant cases; assemble the case file information into formats for survey and analysis; and, where possible, interview the investigators of the selected cases.

(2) The second major work task will be to analyze the collected information and investigator interviews of approximately 400 case files of successful murder investigations of missing children. The applicant will examine the characteristics of these single or serial child murder investigations that may have contributed to a notable conclusion to the investigative process and determine if two or more murders were committed by the same person(s). These data and their analyses will provide the first rigorous investigative field examination to determine the critical factors that help solve singular and/or serial child or mixed age murder cases and have led to the apprehension, prosecution, and conviction of missing child abductor murderers. The second task (during the second year of the project) will be to develop an investigative information base for subsequent modeling of the investigative techniques. This will be translated into a working draft of the investigative guide.

(3) The third and fourth tasks of the project will start and take place during the latter part of the second year of the project and continue into the third year of the project. These tasks are:

(a) To field test the draft investigative guide through monitoring of selected abduction homicide cases;

(b) With the assistance of OJJDP, through the National Law Enforcement Training Program, NCMEC, M/CAP, and Project ALERT personnel, to replicate the training and use of the investigative techniques developed by the project at a national level.

Products

1. A missing child homicide investigation guide that will include information on how an investigator organizes the vital first steps of an investigation, including the following:

a. An investigator ascertains what information sources should be employed, contacted, requested to assist, when, and in what order;

b. An investigator eliminates clues and evidence that have little chance of providing fruitful investigative results;

c. An investigator best uses and deploys resources assigned to the investigation; and

d. An investigator identifies the most relevant evidence that case experience has shown to be most useful in solving crime.

2. The applicant, after analyzing the cases involved in this investigative analysis project, will develop and provide documented instructional material that will be reviewed, edited, and published by OJJDP through NCMEC for national training and technical assistance purposes.

3. The investigative manual will enable trainers to train Federal, State, and local law enforcement on improved technique for the investigation of missing children homicides.

Eligibility Requirements

Eligible applicants must meet the requirements stipulated in the Supplementary Information section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the Supplementary Information section of this Notice.

Award Period

The program period for the cooperative agreement supporting the Investigative Case Management for Missing Children Homicides program is three (3) years. One cooperative agreement will be awarded with an initial budget period of 12 months.

Award Amount

Up to $150,000 has been allocated for the first budget period of twelve months. Commensurate financial support for the remaining two project budget periods will be determined by the performance of the grantee and program development needs as determined by the Administrator of OJJDP and/or the availability of funds.

Due Date

Applications must be received by mail or delivered to OJJDP by July 6, 1993.

Contact

For further information contact Robert O. Heck, Special Emphasis Division, (202) 307–5914.

A Study of the Effectiveness of Private Investigators in Locating and Recovering Parentally Abducted Children

Purpose

To study the factors related to employing a private investigator by the searching parent in cases of parentally abducted children.

Background

According to the recent study, "Obstacles to the Recovery and Return of Parentally Abducted Children," sponsored by the OJJDP, a private investigator was employed in less than 30 percent of parental abduction cases. In most cases, a combination of factors motivated the parent to hire a private investigator. First, the parent overwhelmingly desired to do everything possible to recover the missing child. Second, the parent felt dissatisfaction with the local law enforcement efforts. For the searching parent who used a private investigator, the level of satisfaction with this decision varied.

The majority of parents who hired private investigators reported little or no satisfaction with the efforts of the investigators. However, one-third of the parents reported being very satisfied with the investigator's efforts. The study did not reveal the factors that distinguished those satisfied from those not satisfied. Also, the factors that led parents to select one private investigator over another were unclear. Previous research did not report on particular case factors that would have influenced parental decisions to employ a private investigator.

Goals

To provide information on cases of parental abduction in which the searching parent seeks the assistance of a private investigator in locating the missing child.

Objectives

- To identify from a random sample of parental abductions those cases where parents had employed a private investigator to search for the missing child or children;
- To survey missing children clearinghouses, agencies, and related organizations to determine their policies, guidelines, and/or views on the use of private investigators;
- To list the factors parents use in selecting private investigators;
- To identify the characteristics of the parents who have employed private investigators and compare them to those searching parents who have not;
- To identify the circumstances around abduction cases in which a private investigator was employed and those in which one was not; and
- To describe the factors that led the parents to feel satisfaction or dissatisfaction with the performance of private investigators.

Program Strategy

- TASK I. The grantee should review pertinent literature concerning the issue of missing children who were parentally abducted. The grantee should identify missing children agencies or organizations, both private and public at State and Federal levels, that provide services or information in the search for missing children. The literature and advice they provide searching parents should be reviewed to identify recommendations, if any, concerning the use of private investigators. When no such statement exists regarding the use of private investigators, further inquiries should be made to the specific organization to ascertain why.
- TASK II. Task II will require the grantee to draw a sample of missing children cases that involved parental abductions. The sample should be large enough to allow for the study of cases that used private investigators. The demographic information should concentrate on the searching parents. Case information should detail particular events, evidence, and leads in the search for the missing child as well as pertinent characteristics of the abducting parent. Also, parents' data should be collected on the factors that lead to their satisfaction or dissatisfaction with their decision to employ a private investigator.

Products

- An interim report for OJJDP to determine the quality and volume of information available on this issue.
- A final report at the project's end detailing the findings of the project. The final report should include the following:

(1) The review of literature from Task I, including material concerning private investigators that the various missing children agencies distribute;

(2) The factors that influence the use of private investigators and satisfaction or dissatisfaction with them as required in Task II;

(3) The factors, presented in a hierarchy from least to most important with an accompanying narrative explanation, that affect parental satisfaction or dissatisfaction in the employment of private investigators;

(4) The conclusions and recommendations based on the data collected and ensuing analysis concerning the use of private investigators in cases of parentally abducted children;

(5) Other pertinent information not anticipated; and

(6) A separate executive summary.

Reference

- Girdner, L. and Hoff, P. (eds.), "Obstacles to the Recovery and Return of Parentally Abducted Children," draft final report, OJJDP Grant 90–MC–CX–K001, 1992.

Eligibility Requirements

Eligible applicants must meet the requirements stipulated in the Supplementary Information section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the Supplementary Information section of this Notice.

Award Period

The budget period will be 12 months.

Award Amount

Up to $100,000 will be awarded for the completion of the project in the 12-month budget period.

Due Date

Applications must be received by mail or delivered to OJJDP by June 21, 1993.

Contact

Jeffrey Slowikowski, Research and Program Development Division, (202) 307–0586.

Issues in Resolving Cases of International Parental Abductions of Children

Purpose

To examine the issues and processes, institutional and cultural, encountered by searching parents in international parental child abductions.

Background

Our society has become more mobile and the number of Americans married to people born in other countries has increased in recent years. The problems

encountered by searching parents whose children have been abducted by the children's other parent are compounded by the difficulties of dealing with the multiple legal systems and cultural issues when the abduction is extended to a foreign country. As of this date, 26 countries have adopted the treaty, The Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention), a treaty designed to deter these abductions by assisting with the return of the children and the securing of visitation rights. In 1992, the State Department's Child Custody Division, the United States' central authority under the Hague Convention, handled 664 cases of children taken from the United States to Hague Convention countries. Of these 664 cases, 40 percent resulted in a favorable resolution, i.e., either voluntary or court-ordered return or access; 34 percent remained in process; and 20 percent resulted in no action, either because the child could not be located, the application was withdrawn, or it was determined that the Convention did not apply. Only five percent of the cases resulted in a denial of the request for return or access. The Child Custody Division estimates that when abductions are to non-Convention countries, the success rate is from 20 to 25 percent.

Goal

To provide OJJDP and others with information on the problems encountered by parents residing in the U.S. who seek the recovery of children taken or retained by the other parent across an international border in breach of rights of custody or of access (visitation rights). This information will help OJJDP and others develop approaches and programs to overcome those problems.

Objectives

- To examine the issues and obstacles encountered in the recovery of children when the foreign country is party to the Hague Convention compared to those encountered when the country is not a party to the Convention;
- To assess the effectiveness of the Hague Convention in obtaining the return of parentally abducted children; and
- To assess the problems, the origins of which are not legal, that occur when children are parentally abducted across international borders.

Program Strategy

Through surveys and interviews with families who have had a child abducted to another country, the project will explore: (1) the nature of these cases, (2) the processes by which parents attempt to locate and recover their children, and (3) the difficulties of negotiating with the various systems in both the United States and the country to which the child has been taken. Although legal issues will be examined, the focus of this project will not be limited to legal issues. The study sample should involve a variety of cases, including cases resolved under the Hague Convention, and cases involving non-Hague Convention countries.

An advisory group should be established to provide expert advice on potentially productive lines of investigation and on methodological and practical problems which may be encountered in collecting and analyzing data. The advisory group should be kept small (approximately three) and should be composed of individuals who have demonstrated expertise in the area of international child abductions.

Products

This project will produce a final report which describes the research strategies and methods employed, presents issues and obstacles identified from the data collected, and makes recommendations to solve these problems. A separate executive summary should be included with the final report.

Eligibility Requirements

Eligible applicants must meet the requirements stipulated in the Supplementary Information section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the Supplementary Information section of this Notice.

Award Period

The budget period will be 12 months.

Award Amount

Up to $200,000 has been allocated for the copy of this project in the 12-month budget period.

Due Date

Applications must be received by mail or delivered to OJJDP by June 21, 1993.

Contact

Eric Peterson, Research and Program Development Division, (202) 307–5929.

Criminal Justice Response to Parental Abduction Cases

Purpose

This study will assess parental abduction case processing and decision making in the justice system.

Background

Section 404(b)(3) of the JJDP Act, as amended, 42 U.S.C. 5773(b)(3), requires OJJDP to conduct periodic national incidence studies to determine for a given year the actual number of children who are victims of parental kidnapping. In response, the National Incidence Studies of Missing, Abducted, Runaway & Thrownaway Children (NISMART I) estimated that there were 354,100 family abduction cases in 1988 (Finklehor, Hotaling & Sedlak, 1990). Of these cases, 46 percent were serious in that they involved: (1) An attempt to conceal the child or to prevent contact with the child, (2) transportation of the child out of State, or (3) an attempt to keep the child indefinitely or to permanently alter custodial privileges. In one out of ten cases the child was removed from the State. In about one-third of the cases, there was an attempt to conceal the child's whereabouts. The researchers also found that in one-half of family abductions, the caretakers did know where the children were most of the time. Returning the child to proper custody was a greater problem than not knowing the whereabouts of the child.

A recent OJJDP study discusses the significant trauma and long-term distress experienced by the families, left-behind siblings, and children of parental abductions (Center for the Study of Trauma, Families of Missing Children: Psychological Consequences, 1992). Over 57.6 percent of the recovered children experienced symptoms of anxiety, 51.5 percent changes in eating habits, and 42.7 percent experienced nightmares. Another OJJDP study interviewed parents and/or caretakers and found 58 children who were victims of parental abductions, many of which appeared to be serious cases. In 55 percent of the cases, the abducting parent concealed the child; in 42 percent, threatened or demanded something of the complainant parent; and in 21 percent, took the child out of State (Research Triangle Institute, 1992). Interviews with caretakers also revealed that officers took a report nine out of ten times. Seventy-one percent (71%) of the caretakers rated the length of time it took for an officer's initial response as very good or excellent. Fifty-eight percent (58%) of the caretakers rated

police efforts to recover their child as very good or excellent.

Parental abductions frequently happen in the context of custody disputes or visitation proceedings and are generally handled by civil courts. However, every State and the District of Columbia has implemented some form of criminal custodial interference statute. Many States have re-classified parental abduction crimes as felonies, and Federal laws mandate a role for law enforcement in the reporting of missing children, including parentally abducted children. Complicating factors, however, may prevent the pursuit of criminal parental abduction charges.

Prior OJJDP funded research identifies several obstacles to the recovery and return of parentally abducted children (Girdner & Hoff, 1992). First, many law enforcement officers are hesitant to "pick up" the child or to accompany a parent to recover a child without clear statutory authority or an order from a court of their State. Second, State laws vary as to whether parental kidnapping is considered a felony or a misdemeanor. In many States, parental abduction becomes a felony only after the child is transported across State lines. Third, in several States, it appears that law enforcement officers allocate a low priority to parental abduction investigations. Finally, training and experience in the location and recovery of parentally abducted children is limited.

The researchers also identify several obstacles to the prosecution of such cases. For instance, the prosecution of parental abduction cases received a low priority within the criminal justice system, and the lack of knowledge of applicable laws and lack of experience on the part of many attorneys and judges emerged as major obstacles.

Current OJJDP efforts regarding parental abduction cases are aimed at developing publications; disseminating informational and training materials to the criminal justice field; providing training for investigators and prosecutors; providing ongoing technical assistance to investigators and prosecutors on specific cases; and developing model sentencing guidelines to inform judges of potentially harmful factors in abduction cases, such as the motivation for the abduction, changing a child's name, keeping a child out of school, and telling a child that the other parent does not want them or is dead.

Even with these cumulative studies and research efforts, there appears to be a lack of knowledge regarding actual case processing and court dispositions. Are parental abductors being arrested? Which parental abduction cases get referred to the district attorney's office? Which cases get prosecuted? And what are the court dispositions of these cases?

This project will track parental abduction cases from their official point of entry into the justice system to disposition and will examine the variations in dispositions of parental abduction cases. Case studies will track cases and perpetrators through initial investigation to case disposition.

Goals

- To provide an examination and description of the justice system processing of parental abduction cases; and
- To identify promising approaches in dealing with parental abduction cases in the justice system.

Objectives

- To provide a synthesis of the most recent research relevant to parental abduction case processing in the justice system;
- To develop a detailed design for conducting a multi-site study of justice system case processing;
- To develop a data collection plan and field-tested instrument;
- To conduct a multi-site study of parental abduction case decision making and processing in the justice system, using the data collection instrument and conducting other data collection activities; and
- To prepare a comprehensive report including results, implications, and descriptions of policies and organizational approaches to handling parental abduction cases.

Program Strategy

Applicants should familiarize themselves with recent OJJDP studies and programs. The applicant should provide the design for the study and detailed criteria for site selection. Applicants must ensure adequate representation of parental abduction cases in their proposed study. The project should be conducted in more than one site and the size of the jurisdictions should vary. The detailed design and site selection will be among the first tasks of the project.

Applicants should provide a discussion of research questions which will serve as a basis for the data collection instrument. Issues to consider include a comparison of cases in the criminal justice system with cases handled in the civil justice system; the proportion and characteristics of cases referred to the district attorney's office; the proportion and characteristics of cases receiving sentences; the proportion of cases mediated and/or diverted from the justice system; and the proportion of cases involving physical and/or sexual abuse.

Parental abduction cases will be tracked during the 30-month project to gain an understanding of the processes, decisions, dispositions of cases, and the factors in cases that affect these decisions, including the length of the abduction, primary motivation for the abduction, and allegations of child abuse, and organizational structure and resources for handling these cases. Interviews will be conducted with justice system professionals to understand and describe each site's policies and programs.

The project should investigate the various stages of the process, including initial contact, police screening, referrals for prosecution, diversion, court proceedings, court dismissals, pleas, trials, acquittals, sentencing and final disposition. The project should address issues such as the relationship between local and Federal law enforcement, the amount of information lost in case processing, and the degree of agreement on a case between police and prosecutor. The project should emphasize both felony and misdemeanor parental abduction cases, and should also identify promising approaches to handling parental abduction cases.

The project also calls for a project advisory board comprised of at least three outside experts in the field of parental abductions. Members of the advisory board will provide both substantive and technical advice in the areas of parental abductions and research methodology. The selection of advisory board members will be coordinated with and approved by OJJDP.

Products

- Summary of recent research and literature. The grantee will provide a synthesis of the most recent research and literature relevant to parental abduction case processing in the justice system.
- Revised workplan. Initially, a detailed workplan should be submitted in the application, describing the project's methodology, activities, timetable for completion of tasks and activities, milestones, and products. As a product of the grant award, the grantee must submit a revised workplan which addresses all program objectives and activities and which reflects the input of OJJDP and the advisory board members. Included in the revised workplan should be a publication and dissemination strategy, outlining the

products to be published and their respective audience.

• Data collection plan and instrument.

• Case studies. Case studies from each site will include an analysis of case processing and decision making, conclusions, and recommendations for processing parental abduction cases.

• Article for publication. The grantee will provide an article-length summary of the project's results, suitable for OJJDP publication, that informs policymakers, professionals, and researchers.

• Draft final report. The report will contain an the synthesis of literature, a detailed summary of the work undertaken during the course of the project, and a separate executive summary.

• Final report. In the final report, the grantee will incorporate modifications recommended by OJJDP and the project advisors, as appropriate.

References

• Center for the Study of Trauma, University of California, San Francisco, "Families of Missing Children: Psychological Consequences," draft final report, OJJDP Grant 87–MC–CX–0027, 1992.

• Center for the Study of Trauma, University of California, San Francisco, "Reunification of Missing Children," draft final report, OJJDP Grant 88–MC–CX–K002, 1992.

• Research Triangle Institute, Research Triangle Park, NC, "The Police and Missing Children: Findings From a National Survey," OJJDP Grant 86–MC–CX–K036, 1992.

• Finklehor, D., Hotaling, G., and Sedlak, A., "Missing, Abducted, Runaway & Thrownaway Children in America, First Report: Numbers & Characteristics, National Incidence Studies," OJJDP, Washington, DC, 1990.

• Girdner, L., and Hoff, P. (eds.), "Obstacles to the Recovery & Return of Parentally Abducted Children," draft final report, OJJDP Grant 90–MC–CX–K001, 1992.

* References will be available from the Juvenile Justice Clearinghouse, (800) 638–8736.

Eligibility Requirements

Eligible applicants must meet the requirements stipulated in the **SUPPLEMENTARY INFORMATION** section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the **SUPPLEMENTARY INFORMATION** section of this Notice.

Award Period

The project will be funded for a 24-month project period.

Award Amount

The award amount will not exceed $450,000 for the entire project period (24 months).

Due Date

Applications must be received by mail or delivered to OJJDP by June 21, 1993.

Contact

Pam Cammarata, Research and Program Development Division, (202) 307–5929.

Missing Children's Field-Initiated Program

Purpose

Through the Field-Initiated Program, OJJDP encourages eligible parties to develop promising, new ideas relevant to the mission of OJJDP's Missing and Exploited Children's Program. These ideas may include either a research, a demonstration, or training programs.

Background

Customarily, the Missing Children's Program has sponsored initiatives that were either mandated by Congress or by agency priorities. In both cases, applicants were limited to proposals which responded to specific requests by OJJDP. Thus, other imaginative and innovative approaches of researchers and practitioners were not presented to OJJDP. Through the Field-Initiated Program, OJJDP welcomes concept papers which address but are not limited to the Missing and Exploited Children's Program priority areas authorized in section 405(a) of the JJDP Act, as amended, 42 U.S.C. 5775(a). Eligible projects in these areas may include either a research, a demonstration, or a training program designed with the following goals:

• To determine what impact family violence has on custody decisions and noncustodial parental abductions;

• To address the needs of missing children taken into protective custody by social service agencies, including options for the successful resolution of these cases;

• To increase knowledge and develop effective intervention and investigation practices with respect to allegations of child abuse in parental abduction cases;

• To study the methodology and typology of parents who abduct their children as well as the family members and friends who assist them;

• To increase knowledge and develop public service announcements for media aimed at public education and awareness of the psychological and legal consequences of parental abduction;

• To support secondary analyses of existing missing children databases; and

• Any other issues within the scope of section 405(a) of the JJDP Act.

Goal

To seek innovative concept papers from researchers and practitioners relevant to, and not already required by, the current Missing and Exploited Children's Program plan.

Objectives

• To promote and support either a research, a demonstration, or a training program which address innovative approaches toward improving existing practices and policies related to activities identified in Section 405(a) of the Missing Children's Act;

• To encourage new methods for dealing with the current priority problems; and

• To develop knowledge that will lead to new techniques, approaches, and methods addressing the problems of missing and exploited children, and the prevention and deterrence of abduction and sexual exploitation.

Program Strategy

The Field-Initiated Program solicits innovative concept papers that define the needs and/or problems of missing children, and describe the objectives, strategy, and methodology to be employed. OJJDP will select the most promising concept papers submitted and invite full applications for competition.

Applicants should submit a concept paper of no more than ten (10) double-spaced, typed pages.

Products

The applicant must provide detailed information on the specific products which will result from the research, the demonstration, or the training program described in their concept paper.

Eligibility Requirements

Eligible applicants must meet the requirements stipulated in the Supplementary Information section of this Notice.

Selection Criteria

Applicants will be evaluated according to the selection criteria outlined in the Supplementary Information section of this Notice.

Award Period

The grant period will be up to 18 months.

Award Amount

The total amount available is $300,000. Application budgets should not exceed $100,000. Award amounts will be subject to negotiation.

Due Date

Concept papers must be received by mail or delivered to OJJDP by June 7, 1993. OJJDP will notify selected applicants within fifteen (15) days of the receipt of the concept paper. OJJDP will invite only these selected applicants to submit full applications for competition. The full application must be received by mail or delivered to OJJDP by July 20, 1993.

Contact

For further information contact Marilyn Landon, Research and Program Development Division, (202) 307–0586.

John J. Wilson,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

I certify that the foregoing is a true and correct copy of the original document.

Olga R. Trujillo,

Acting General Counsel, Office of Justice Programs.

[FR Doc. 93–10728 Filed 5–5–93; 8:45 am]

BILLING CODE 4410–18–P

federal register

Thursday
May 6, 1993

Part VIII

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Muckleshoot Indian Tribe; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming; Muckleshoot Indian Tribe

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 Muckleshoot Indian Tribe and the State of Washington, enacted on February 19, 1993.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4068.

Dated: April 23, 1993.

Thomas Thompson,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 93–10693 Filed 5–5–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Thursday
May 6, 1993

Part IX

Department of Commerce

Economic Development Administration

Economic Adjustment Assistance Programs, Availability of Funds; Notice

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No. 930495–3095]

Economic Adjustment Assistance as Described in Public Law 102–484, Section 4305 of Division D—National Defense Authorization Act for Fiscal Year 1993; Availability of Funds

AGENCY: Economic Development Administration (EDA), Department of Commerce (DOC).

ACTION: Supplementary notice.

SUMMARY: The Economic Development Administration (EDA) announces the policies and application procedures for funds available beginning in FY 1993 to support economic adjustment assistance programs and projects designed to assist substantially and seriously affected communities to facilitate their orderly transition from economic reliance on Department of Defense (DOD) spending to economic reliance on other sources of business, employment and revenue.

FOR FURTHER INFORMATION CONTACT: The appropriate EDA Regional Office or the Director, Economic Adjustment Division, Economic Adjustment Division, Economic Development Administration, room 7327, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 482–2659.

SUPPLEMENTARY INFORMATION:

Funding Availability

Funds in the amount of $80.0 million are available for this program and shall remain available until September 30, 1994.

Note: EDA announced in the **Federal Register** of March 10, 1992 (57 FR 8544), the availability of $50.0 million for defense adjustment, such funds to remain available until obligated and expended. The Application Procedures in this notice supersede the Special Application Procedures set forth in the Notice of March 10, 1992, and apply to the unobligated balance of those original funds as well as the additional $80.0 million covered herein.

Funding Instrument

Funds will be awarded through grants under the Sudden and Severe Economic Dislocation (SSED) program under title IX of the Public Works and Economic Development Act of 1965, as amended (Pub. L. 89–136). Application procedures, competitive selection criteria and post approval project implementation information for the SSED program are applicable to the awards of this supplemental defense adjustment assistance and are described in Part IV, of the **Federal Register** of January 11, 1993 (58 FR 3800), notice of Availability of Funds for FY 1993.

Eligible Applicants

Eligible applicants include a redevelopment area or economic development district established under title IV of the Public Works and Economic Development Act, 42 U.S.C. 3161; an Indian tribe, state, city or other political subdivision of a state or a consortium of such political subdivisions; a Community Development Corporation defined in the Community Economic Development Act, 42 U.S.C. 9801; a nonprofit organization determined by EDA to be the representative of a redevelopment area; the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Guam, Puerto Rico, the Republic of the Marshall Islands, and the Virgin Islands.

All applications for the defense adjustment funds described in this Supplemental Notice must respond to a defense-related economic dislocation satisfying the criteria of A or B as follows:

A. DOD Criteria

(1) In the case of a proposed or actual establishment, realignment, or closure of a military installation, where the Secretary of Defense determines that such action is likely to have a direct and significantly adverse consequence on the affected community.

(2) In the case of a publicly announced planned reduction in DOD spending, the cancellation or termination of a DOD contract, or the failure to proceed with a previously approved major defense acquisition program, assistance may be provided only if the reduction, cancellation, termination, or failure will have a direct and significant adverse impact on a community and will result in the loss of the lesser of:

(A) 2,500 or more employee positions, in the case of a Metropolitan Statistical Area (MSA) or similar area (as defined by the Director of the Office of Management and Budget);

(B) 1,000 or more employee positions, in the case of a labor market area outside of an MSA; or

(C) One percent of the total number of civilian jobs in that area.

B. EDA Sudden and Severe Economic Dislocation Criteria

The dislocation must satisfy one of the following criteria provided that in exceptional circumstances, the criteria may be partially waived by the Assistant Secretary for Economic Development:

1. For areas not in MSAs:

(a) If the unemployment rate of the Labor Market Area exceeds the national average, the dislocation must amount to the lesser of two (2.0) percent of the employed population, or 500 direct jobs.

(b) If the unemployment rate of the Labor Market Area is equal to or less than the national average, the dislocation must amount to the lesser of four (4.0) percent of the employed population, or 1,000 direct jobs.

2. For areas within MSAs:

(a) If the unemployment rate of the MSA exceeds the national average, the dislocation must amount to the lesser of one-half (0.5) percent of the employed population, or 4,000 direct jobs.

(b) If the unemployment rate of the MSA is equal to or less than the national average, the dislocation must amount to the lesser of one (1.0) percent of the employed population, or 8,000 direct jobs.

In addition, fifty (50) percent of the job loss threshold must result from the action of a single employer, or eighty (80) percent of the job loss threshold must occur in a single standard industry classification (i.e., two digit SIC code). Actual dislocations must have occurred within one year and threatened dislocations must be anticipated to occur within two years of the data EDA is contacted.

Selection Criteria

See Part IV of the January 11, 1993 **Federal Register** Notice of Availability of Funds (58 FR 3800, 3808).

Application Procedures

Proposals for economic adjustment assistance authorized under section 4103(b) of Division D of Public Law 101–510 ($50 million), or section 4305 of Division D of Public Law 102–484 ($80 million), will be submitted to EDA. Interested parties should contact the Economic Development Representative for the area or the appropriate EDA regional office [see Section X of Part IV, of the January 11, 1993, **Federal Register** notice, 58 FR 3800] for a proposal package. Following a review of project proposals, EDA will invite those projects selected for funding consideration to submit applications. It should be noted that an invitation to apply does not assure funding. All awards are subject to the availability of funds. The application will include an ED–540, as approved by the Office of Management and Budget Control No. 0610–0058.

Dated: April 30, 1993.

Craig M. Smith,

Acting Assistant Secretary for Economic Development.

[FR Doc. 93–10738 Filed 5–5–93; 8:45 am]

BILLING CODE 3510–24–M

federal register

Thursday
May 6, 1993

Part X

Office of Management and Budget

Budget Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To The Congress of The United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one proposed rescission in budget authority, totaling $180.0 million, and one revised deferral of budget authority, totaling $7.3 million.

The proposed rescission affects the Board for International Broadcasting. The deferral affects the Department of Health and Human Services. The details of the proposed rescission and the revised deferral are contained in the attached reports.

William J. Clinton

The White House,
April 20, 1993.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

RESCISSION NO.	ITEM	BUDGET AUTHORITY
	Independent Agencies:	
	Board for International Broadcasting:	
R93-1	Israel relay station.....	180,000
	Total, rescission.....	180,000

DEFERRAL NO.	ITEM	BUDGET AUTHORITY
	Department of Health and Human Services:	
	Social Security Administration:	
	Limitation on administrative	
D93-6A	expenses.....	7,317
	Total, deferral.....	7,317

R93-1

Independent Agencies

Board for International Broadcasting

Israel Relay Station

Of the available funds under this heading, $180,000,000 are rescinded.

Rescission Proposal No. R93–1

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93–344

AGENCY: Board for International Broadcasting	**New budget authority.....** $ _____
BUREAU:	**Other budgetary resources..** $ 193,400,000
Appropriation title and symbol: Israel Relay Station 95X1146	**Total budgetary resources...** $ 193,400,000 **Amount proposed for rescission.....** $ 180,000,000
OMB identification code: 95–1146–0–1–154	**Legal authority (in addition to sec. 1012):** ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multi–year: _____ (expiration date) ☒ No–Year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: Funds in this account were provided for the construction of a new radio relay station in Israel. This proposal reflects the cancellation of the joint Board for International Broadcasting and Voice of America transmitter project in Israel. Funding in FY 1993 for a less costly, substitute project in Kuwait is requested in the FY 1994 Budget. The amount proposed for rescission is net of estimated termination costs.

ESTIMATED PROGRAM EFFECT: None

OUTLAY EFFECT: (in thousands of dollars):

1993 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
32,742	14,772	–17,970	–59,671	–58,667	–43,692	---	---

Deferral No. D93-6A

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D93-6, which was transmitted to Congress on October 1, 1992.

This revision increases by $49,543 the previous deferral of $7,267,051 in the Department of Health and Human Services, resulting in a total deferral of $7,316,594. The increase reflects recoveries of prior year obligations.

Deferral No. 93–6A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93–344

AGENCY: Department of Health and Human Services	New budget authority.....
BUREAU: Social Security Administration	Other budgetary resources..... *$ 16,265,761
Appropriation title and symbol: Limitation on administrative expenses 1/ 75X8704	Total budgetary resources..... *$ 16,265,761
	Amount to be deferred: Part of year.....
	Entire year..... *$ 7,316,594
OMB identification code: 20–8007–0–7–651	**Legal authority (in addition to sec. 1013):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multi–year: (expiration date)	[ ] Contract authority
[X] No–Year	[ ] Other

JUSTIFICATION: This account contains the no–year funds appropriated to the Social Security Administration (SSA) for construction and renovation of SSA facilities, and for Information Technology Systems (ITS). It has been determined that obligational authority for construction projects in the amount of this deferral is not currently needed. Should new requirements arise, subsequent apportionments will reduce this deferral. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in FY 1992 (D92–5).

* Revised from the previous report.

[FR Doc. 93–10616 Filed 5–5–93; 8:45 am]
BILLING CODE 3110–01–C

Reader Aids

Federal Register

Vol. 58, No. 86

Thursday, May 6, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

ELECTRONIC BULLETIN BOARD

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

FEDERAL REGISTER PAGES AND DATES, MAY

26225–26498.....3
26499–26678.....4
26679–26910.....5
26911–27196.....6

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.

3 CFR

Proclamations:
6553.....26499
6554.....26501
6555.....26503
6556.....26505
6557.....26908

5 CFR

Proposed Rules:
591.....26694

7 CFR

2.....26679
58.....26911
1924.....26679
1941.....26679
1943.....26679
1945.....26679
1965.....26679

Proposed Rules:
1220.....26933

10 CFR

Proposed Rules:
20.....26257
30.....26938
35.....26938

12 CFR

215.....26507
265.....26508

Proposed Rules:
7.....26695
34.....26695
303.....26259
325.....26701
337.....26705

14 CFR

23.....27060
39.....26682, 26913
73.....26225
97.....26225, 26227

Proposed Rules:
Ch. I.....26709
21.....26710
25.....26710
33.....26262
39.....26264
71.....26265, 26266, 26267, 26268, 26269

16 CFR

305.....26684

Proposed Rules:
305.....26715

17 CFR

1.....26229
200.....26383
201.....26383
228.....26383, 26509
230.....26509
232.....26383
239.....26509
240.....26383, 26509
249.....26509

Proposed Rules:
1.....26270
229.....26442
230.....26442
239.....26442
249.....26442

18 CFR

260.....26915
381.....26522

20 CFR

Proposed Rules:
416.....26383

21 CFR

178.....26684
430.....26652, 26655, 26658, 26662, 26665
436.....26652, 26655, 26658, 26665
441.....26669
442.....26658
443.....26665
444.....26671
450.....26662
452.....26652, 26655
510.....26523
520.....26523
1020.....26386

Proposed Rules:
357.....26886
1020.....26407

24 CFR

889.....26836
890.....26816

Proposed Rules:
888.....27062

26 CFR

1.....26524
5c.....26524

29 CFR

1926.....26590

33 CFR

100.....26428

Proposed Rules:
117.....26280

34 CFR

222.....26524

612.....27140
630.....27144
668.....26674
Proposed Rules:
361.....26281
363.....26281
365.....26281
366.....26281
367.....26281
369.....26281
370.....26281
371.....26281
373.....26281
374.....26281
375.....26281
376.....26281
377.....26281
378.....26281
379.....26281
380.....26281
381.....26890
385.....26281
386.....26281
387.....26281
388.....26281
389.....26281
390.....26281
396.....26281

36 CFR

Proposed Rules:
251.....26940
261.....26940

38 CFR

21.....26239
Proposed Rules:
36.....26282
44.....26282

40 CFR

63.....26916
180.....26687
186.....26687
261.....26420
264.....26420
265.....26420
271.....26242, 26420, 26689
721.....26690, 26691
279.....26420
Proposed Rules:
Ch. I.....26946
165.....26856
180.....26725
185.....26725
721.....26727

43 CFR

Public Land Orders:
5245 (Revoked by PLO 6969).....26917
6964.....27060
6968.....26251
6969.....26917
6971.....26251
6972.....26252

45 CFR

1301.....26918

47 CFR

68.....26692
73.....26252, 26524, 26525, 26918, 26919
Proposed Rules:
73.....26528, 26947
74.....26728

48 CFR

509.....26919
2012.....26253
2015.....26253
2030.....26253
2052.....26253
Proposed Rules:
509.....26948

49 CFR

571.....26526
1023.....26693

50 CFR

222.....26920
285.....26921
661.....26922
683.....26255
Proposed Rules:
17.....26949

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

S. 326/P.L. 103–25

To revise the boundaries of the George Washington Birthplace National Monument, and for other purposes. (May 3, 1993; 107 Stat. 68; 2 pages)

S. 328/P.L. 103–26

To provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes. (May 3, 1993; 107 Stat. 70; 2 pages)

S.J. Res. 30/P.L. 103–27

To designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week". (May 3, 1993; 107 Stat. 72; 2 pages)

Last List April 29, 1993



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